

RELEASE IN
PART B6

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Thursday, February 16, 2012 10:20 AM
To: H
Subject: FW: Constitution, Presidential elections, Shura Council, Advisory Council

Importance: High

FYI

From: Miller, Andrew P (Cairo)
Sent: Thursday, February 16, 2012 2:21 AM
To: Sullivan, Jacob J
Subject: Fw: Constitution, Presidential elections, Shura Council, Advisory Council
Importance: High

This is the list of cabinet nominations the FJP has been floating. Notice that a certain someone is not listed as Minister of Int'l Cooperation. They're all FJP except for Culture Minister.

From: [REDACTED]
Sent: Monday, February 13, 2012 09:51 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

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FJP and IG proposals for Cabinet Positions:

According to Al Masry Al Yom print paper of today, the FJP has almost finalized naming their proposals for Cabinet positions in what they call "a new coalition government". The MB or FJP party are waiting for the SCAF to issue a decree abolishing Ganzoury's Cabinet and naming a new coalition government or to have the PA withdraw confidence from Ganzoury's Cabinet, which is more likely to happen.

Here are some of the MB and FJP suggested Cabinet Ministers:

Khairat El Shatar, Prime Minister
 Hassan Malek, Minister of Finance
 Amr Derag, Minister of Higher Education
 Youssry Bayoumy, Minister of Manpower
Dr. Ahmed Soliman, Minister of Planning and International Cooperation
 Mohamed El Sawy, Minister of Culture
 Mohsen Rady or Salah Abdel Maksoud for the Ministry of Information

In a related note, the Islamic Group (IG) announced its support to form a coalition government even if they do not get any of the ministerial positions. On the other hand, they also confirmed that they are seriously thinking about taking over **the Minister of Interior and the Minister of Education positions** in the new Cabinet.

(AMAY Arabic Print Paper)

From: [REDACTED]
Sent: Sunday, February 12, 2012 1:25 PM

B6

To: Cairo ECPO Internal POL

Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

More on the FJP meetings to discuss forming a coalition government:

The Muslim Brotherhood's Guidance Bureau held a meeting Saturday to discuss the possibility of forming a coalition government led by the Brotherhood's Deputy Supreme Guide, Khairat al-Shater, Al-Masry Al-Youm has reported.

Mohsen Rady, a senior FJP member, said the party will allow other parties to have ministers in the proposed coalition government, just as it allowed them to head some of the People's Assembly committees.

Rady told Al-Masry Al-Youm that the Ministry of Information will not be abolished or merged with another ministry at this point, but will be abolished at a later stage because the party does not wish to have a ministry impose its guardianship over the media.

Waheed Abdel Maguid, general coordinator for the Brotherhood-led Democratic Alliance, said the ruling Supreme Council of the Armed Forces is not ready to change Prime Minister Kamal al-Ganzouri's cabinet, and is indeed not aware of the "catastrophe" Egypt is facing. *(pls note that on Friday an official military source refuted media reports about resignation of the Ganzoury's Cabinet, and assured that Ganzoury's government will continue to work until the transfer of power.)*

The Brotherhood is trying to provide a solution through the formation of a coalition government but the SCAF is rejecting help, he said.

Ahmed Khalil Khairallah, spokesperson for the Salafi-led Nour Party's parliamentary bloc, said his party supports calls for the formation of a coalition government, provided it is a technocratic government that has popular support.

The FJP is communicating with the Nour Party to form a coalition government, he said, adding that Nour does not want to take charge of particular ministries.

(AMAY)

This email is UNCLASSIFIED.

From: [REDACTED]

Sent: Thursday, February 09, 2012 3:57 PM

To: Cairo ECPO Internal POL

Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

MBs ready to form a new government:

The Muslim Brotherhood is ready to form a coalition government and rejects the current government headed by Prime Minister Kamal al-Ganzouri, said a senior Muslim Brotherhood leader Wednesday.

Although the Brotherhood has no power to appoint a new cabinet while the military is in power, and has also vowed not to field a presidential candidate who would have the power to do so, Deputy Supreme Guide Khairat

al-Shater said in an interview with Al Jazeera that his group is ready to form a new government. "We won't be the only ones who form it, but instead there should be an alliance to form it," he said.

An electoral alliance headed by the Brotherhood's Freedom and Justice Party holds more than 46 percent of the seats in the People's Assembly, while the Salafi-oriented Nour Party holds around 23 percent.

State institutions are being poorly managed, said Shater, adding that forming a new government will not be enough to reform them. He said there is an urgent need for the formation of municipal councils and gubernatorial elections.

Shater denied rumors that his group has agreed with the ruling Supreme Council of the Armed Forces on a presidential candidate, and said the group will support a civilian candidate who is not a Brotherhood member or affiliated with the Mubarak regime.

Regarding the drafting of a new constitution, Shater said, "We, as the Muslim Brotherhood, are mulling a balanced wording based on the experiences of other countries. However, the constituent assembly is the entity that will write [the constitution], not the Muslim Brotherhood."

Shater also said the authors of the new constitution should not accede to the military's desire to be shielded from civilian oversight. However, Shater does support giving the military enough privacy to protect national security, but in a way that does not violate principles of public transparency.

"We completely refused [former Deputy Prime Minister Ali] al-Selmy's document that granted the SCAF complete privacy in the constitution. No one is above the law."

Selmy proposed a supra-constitutional principles last December that would have granted the military a privileged status in the new constitution. Islamists vehemently opposed the document on the grounds that it violated the constituent assembly's autonomy in writing the new constitution

This email is UNCLASSIFIED.

From:
Sent: Wednesday, February 08, 2012 11:49 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

More political parties reactions:

Political powers had varied opinions re the announcement to advance the opening of the candidacy door for the Presidential Elections to March 10, but most agreed that the most important step is to set up an actual date for the elections:

Social Democratic Party, Mohamed Aboul Ghar: He said it was a good decision but missing other important details related to the actual date of the presidential elections and the constitutional declaration. He also said that he insists to see the constitution prepared before the elections by keeping the first four chapters of the 1971 constitution without any changes and to focus only on chapter 5 which stipulates the authorities of the

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president. "If everyone reaches consensus on this idea, then we will end up having a good constitution in a short time", he said.

El Wafd, Hossam El Khouly, Assistant Secretary General of the Party: He said it is a good decision and allows time for the people to study in-depth the programs of each presidential candidate and also helps in shorting the transition period. "It is in line with the Wafd party initiative", he added.

El Tagamoia Party, Nabil Zaki, Official Spokesperson: He said that this decision is meaningless as it did not set a date for the elections. What was accelerated is only the candidacy door opening but not the actual elections date. He added that the people want to see an actual shortening of the transition period.

The Egyptian Citizen, Dr. Salah Hassabalh, Party Chairman: this decision is an attempt to calm the public opinion but in practical terms it did not change anything and the old timetable is still in place," it just reduces the pain but does not treat the actual disease," he added.

El Wasat, Tarek El Malt, Official Spokesperson: He said that this decision is not enough, and it needs to be completed by setting a date for the elections. He also said that the presidential elections law should be discussed and approved by the PA. he questioned why SCAF did not respond to the Advisory Council recommendation to open the candidacy door on Feb. 23?

El Gabha, El Saaed Kamel, Chairman: he said it is a good step but added that item no. 28 of the constitutional declaration regarding the immunity provided to the judicial commission that will supervise the elections has to be amended. He added that the power should be transferred to the PA Speaker until the presidential elections are completed so that SCAF does not have any influence on the elections process.

(AMAY Arabic)

This email is UNCLASSIFIED.

From:
Sent: Tuesday, February 07, 2012 2:07 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

Presidential Elections, FJP's Reaction:

Dr. Essam El-Erian, Vice Chairman of the Freedom and Justice Party (FJP) and Chairman of the Committee on Foreign Relations at the People's Assembly (PA), asserted that transfer of power from (SCAF) to civilians is one of the most important ways to support the democratic transition in Egypt.

Earlier, the High Judicial Presidential Elections Commission, headed by Councilor Farouk Sultan, President of the Supreme Constitutional Court, declared that the start of presidential nomination will be on 10 March 2012, and that the general rules necessary for candidates are already set.

In a statement to Ikhwanweb, Dr. El-Erian said, "The very presence of an elected president, an elected parliament and elected local councils will undoubtedly reinforce the process of democratization and the country's stability".

Dr. El-Erian expressed hope that the upcoming presidential elections in Egypt will be held in an atmosphere of calm.

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Tuesday, February 07, 2012 8:38 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council
Importance: High

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More on presidential elections:

Candidates can register to run in presidential elections beginning on 10 March, Counselor Abdel Moaz Ibrahim, high elections commission chief, has said. "The military council asked Monday to open the door for candidacy for the presidential elections as soon as possible. There wasn't any suitable date except 10 March, after the completion of Shura Council elections," Ibrahim told state owned Al-Ahram after a meeting with Field Marshal Hussein Tantawi, Egypt's military ruler. Earlier on Monday, Egypt's state news agency reported that Tantawi urged that preparations for the country's presidential election be completed quickly, a sign that the transition to civilian rule could be accelerated. Tantawi's remarks came during his meeting with some of Egypt's senior judges, including the head of the Constitutional Court, the vice president of the State Council and the vice president of the Court of Cassation, along with Ibrahim, who heads of the Court of Appeal. Ibrahim added that high elections commission members will meet on Tuesday or Wednesday to discuss preparations for the presidential vote. The move was an attempt to ease the country's political crisis, which escalated after last week's violence, in which 74 people were killed following a football match in Port Said. (AMAY)

Also, Counselor Ahmed Khafagy, First Deputy to the Head of the State Council stated to Al Sherouk newspaper that the elections date is not set yet but that it would be before June 10th which would mean an earlier transfer of power than what was originally announced by SCAF. (El Sherouk)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, February 06, 2012 1:41 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

SCAF's Member Sami Anan's Statement:

- General Sami Anan, the chief of staff of the Egyptian armed forces and member of (SCAF) held telephone interviews last night with the media where he stated that the Egyptian people should expect "good news" very soon.

- Rumors spread Sunday night that General Anan had a heart attack, which he denied himself in phone calls to three television channels: Al Youm TV, Modern Horreya and Egyptian National TV on channel one.
- **The good news, says Anan, is that the SCAF is currently looking into restructuring the ministry of interior as well as the possibility of opening registration for candidates to pitch their bid early for president (on 23 February). He said this was in response to suggestions by their advisory council, which is made up of popular, high-profile people appointed by the SCAF themselves.**
- The chief of staff mentioned that military units are securing the ministry of interior and the people's assembly building in cooperation with the police force. Protests are ongoing at both sites, with state forces occasionally attacking demonstrators. (Aharam online and Al Yom Saba)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, February 06, 2012 12:03 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

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Free Egyptians Party (FEP) position re transition period:

Ahmed Khairy, member of the FEP and official spokesperson, confirmed that sticking to the SCAF road map re transfer of power is "expired talk" and could not be implemented given the current situation. He added that the country needs a President confirming that SCAF failed to manage the transition period and thus presidential elections should be expedited. Khairy said that he agrees with the Advisory Council's recommendation to open the door for presidential candidacy on Feb. 23 and to hold the elections before drafting the constitution as stipulated in the March referendum.

(Al Yom Saba)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, February 06, 2012 8:21 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

FJP Position re expediting presidential elections:

Mohamed Morsy, president of the Muslim Brotherhood's Freedom and Justice Party (FJP), has rejected calls for expediting presidential elections and the power handover, saying his party adheres to the ruling military council's timeline for the transition period. (*Note contradiction with statements made Sunday by Essam El Erian, another FJP leader, to the media, in which he said he supports early transition of power at least for one month.*)

"We adhere to it because the people voted for it in the March referendum of last year," Morsy told the state-run Middle East News Agency on Sunday.

"According to the map, the People's Assembly and the Shura Council will hold a joint meeting on 4 March to select the members of the constituent assembly that will write the Constitution," he added.

"The assembly spends between two and three months drafting a document, and then the new constitution will be put to a referendum," he explained. "At the same time, the presidential elections will be held and a new president elected on 30 June."

"The FJP is developing a draft constitution to help the assembly with its mission," Morsy said, adding that the military council was granted legitimacy by the people the day Mubarak resigned on 11 February 2011, and that the old constitution, regime and Parliament were disbanded.

"Our party is against any attempt to shake this legitimacy and create chaos," he added.

"What difference does it make if the presidential elections are held on 23 February or 15 April?" Morsy said, emphasizing his rejection of a new constitutional declaration.

"We also reject any kind of guardianship over the people by putting conditions or criteria on the selection of the constituent assembly members."

(Al Masry Al Yom)

This email is UNCLASSIFIED.

From:
Sent: Sunday, February 05, 2012 9:34 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

Transition of Power Recommendations:

SCAF faced pressure on Saturday to speed up its transfer of power to civilians, as top public figures demanded a faster transition and street protests against army rule disrupted the heart of Cairo for a third day.

The Advisory Council recommended they bring forward preparations for presidential elections.

"In view of the seriousness of the events (commenting on the Port Said crisis), the carnage that happened, we cannot be silent, we cannot wait," said Mona Makram Ebeid, a member of the advisory council that made its recommendation at a meeting on Saturday.

"Its a revolutionary plea," she told Reuters.

"The advisory council will consider halting its meetings if the military council does not respond," Sherif Zahran, another member of the body, told Reuters.

Formal nominations for the presidency should be accepted starting February 23, according to the recommendation, nearly two months sooner than the April 15 date previously announced.

That could lead to an election as soon as April or May. The existing timetable drawn up by the generals states they will hand power to a president by the end of June. Officials had indicated the election would happen just before then.

While not binding, the recommendation raised pressure on the army council. It has presented itself as the guardian of the "January 25 revolution" but has been criticized by reformists as a disguised prolongation of Mubaraks rule.

Facing protests in November, the military council accelerated a previous transition timetable by six months but has not said whether it could do so again.

A senior figure in the Muslim Brotherhood, which has mainly been supportive of the army's transition plans, also proposed a vote before June. "The procedures can start in March and end in May instead of June," Essam el-Erian, deputy leader of the groups Freedom and Justice Party, told Reuters.

Also, according to Al Yom Saba, members of the FJP stated that both the MB group and the Party are about to study suggestions submitted by MPs to draft a law shortening the transition period and transferring power before June 30. Sources within the FJP confirmed to Al Yom Saba that there is a strong intention within the party to endorse the youth's demands re transition of power. It is expected that the FJP MPs will present their suggestions to the PA Legislation and Constitution Committee within the coming two weeks.. One of the suggestions would be to hold the elections on May 15 and the new President would swear in on May 30 which would shorten the transition period by one month. (Al Yom Saba)

The newly-elected parliament must pick a 100-member body to draft the new constitution.

But far from encouraging the military to cede power sooner, this week's violence could convince it to stay in power until mid-year in an attempt to "restore order," said Mustapha Kamel Al-Sayyid, professor of political science at Cairo University.

"It will try to stick to the timetable," he said.

In a statement on Friday, the SCAF said Egypt was going through "the most important and dangerous period" in its history and called for Egyptians to "confront attempts at escalation from foreign and domestic parties."

Protests sparked by the Port Said deaths continued. The death toll from unrest in Cairo climbed to seven, the state news agency reported. Another five people have been killed in protests in Suez, east of Cairo. (Reuters)

This email is UNCLASSIFIED.

From:
Sent: Wednesday, February 01, 2012 12:10 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

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Advisory Council Update:

The ruling Supreme Council of the Armed Forces will not shorten Egypt's transitional period, sources from the Advisory Council have told BBC.

After the Advisory Council presented a set of proposals to the ruling military council on Monday, the council decided not to hold a second meeting that was scheduled for Tuesday, the sources said.

The Advisory Council proposed that SCAF open up nominations for the presidential election in March and that final elections results be announced by the beginning of June so the new president can assume his or her post by the end of the month.

That proposal would follow the same time frame for the transfer of power previously announced by SCAF head Field Marshal Hussein Tantawi.

Advisory Council members had previously said SCAF would consider holding presidential elections before June.

Major General Mohsen al-Fangary said earlier this month that nominations for the presidential election will begin on 15 April. Various news outlets have reported that Tantawi met with People's Assembly Speaker Saad al-Katatny and Prime Minister Kamal al-Ganzouri on Monday to discuss the presidential election.

Egyptian state TV on Monday quoted Farouq Sultan, president of the Supreme Constitutional Court and head of the presidential election committee, as saying that the committee will begin arrangements for the presidential contest next week.

Note: this last bullet does not indicate that the presidential elections will be expedited. The way to interpret that, is that the Presidential elections committee will only start the preparations for the presidential contest, this means, procedures, logistics, etc. but does not reflect any actual change in the original transfer of power schedule.

Almasry Alyoum

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Tuesday, January 31, 2012 11:06 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

MP Amr Hamzawy proposes draft law to hold Presidential Elections on April 15

Al Yom Saba reports that Amr Hamzawy will present an urgent draft law to the PA suggesting an early opening of the presidential candidacy door on March 1, 2012 and to hold the elections on April 15. Hamzawy requested quick review and discussion of his draft law stressing that the law aims at accelerating the transfer of power from SCAF to an elected President without messing with the regulations stipulated by the constitutional declaration.

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, January 30, 2012 11:21 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council
Importance: High

B6

Advisory Council and transfer of power update:

Local media reports that SCAF has asked the advisory council to consider the handover of power to a civilian authority ahead of schedule (June, 2012).

While the military has repeatedly vowed to relinquish executive authority following presidential elections in June, revolutionary groups are demanding the immediate transfer of power to the speaker of Egypt's newly elected parliament or an interim civilian president.

The advisory council is expected to present its proposal within 48 hours.

It is worth noting that the military council made the request on Saturday at a meeting with members of the advisory council. The meeting was convened to discuss recent escalations that have coincided with the revolution's first anniversary on 25 January, which featured calls by a number of revolutionary groups for an immediate end to military rule.

Reactions:

Sameh Ashour, deputy leader of the advisory council and head of the Nasserist Party, has proposed that the military council hand over power ahead of schedule following a constitutional referendum aimed at granting parliament the right to appoint the constituent assembly – tasked with drawing up a new constitution – without waiting for the results of elections for the Shura Council. This, said Ashour, would allow the military council to step down sooner than originally proposed.

According to the terms of a constitutional referendum held in March of last year, in the event that a new constitution has not been written before scheduled presidential polls, the elected president would hold power for one year while a new national charter is drawn up, before fresh elections are held, Ashour told Al-Ahram.

In a related development, the ruling council declared that judicial authorities would take over investigations of recent violence between revolutionary activists and security forces that have left at least 50 protesters dead.

Freedom and Justice Party Secretary-General Mohamed El-Beltagy: pledged the party's support for the scheduled transfer of power in June following presidential polls.

“The Muslim Brotherhood has already departed Tahrir Square and only young people remain there,” El-Beltagy told Ahram, referring to this weekend's protests against military rule.

Presidential candidate Selim El-Awa, has called for presidential elections to take place in April.

Twenty-seven revolutionary groups and parties have called for the military council to step down, saying that they oppose holding parliamentary polls and drafting a new constitution under military rule.

The Revolutionary Youth Coalition, meanwhile, is calling for another round of protests against military rule on Tuesday, 31 January.

(Al Ahram, State TV, El Hayat TV)

This email is UNCLASSIFIED.

Sent on Sunday, January 29

Calls for immediate handover of power:

- Several political groups have declared at a press conference Saturday that they will be filing a list of demands to the new People's Assembly Tuesday.
- The organizers are calling for a march to head to parliament Tuesday holding up the demands that they want to see fulfilled before 11 February, the anniversary of the stepping down of ousted president Hosni Mubarak.
- In a press statement, political groups announced a set of demands to regulate the process of an immediate handover of power from the ruling Supreme Council of the Armed Forces to a civilian authority, through holding early presidential elections.
- **The political group demanded the newly elected People's Assembly form a commission composed of current MPs to handle the necessary procedures concerning presidential elections, where nominations should be allowed by 11 February and elections be held within 60 days of this date.**
- **Another demand announced in the statement is that the People's Assembly forms a judicial committee to investigate all incidents of the killing peaceful protesters from January 2011 up until the latest crackdown on the Cabinet sit-in in December which left at least 19 dead. The committee, according to the statement, should then summon those responsible for the killings, whether they are military or police members, no matter how high in rank.**
- **Signatories to the statements, along with the Coalition of Revolutionary Forces, include April 6 Movement (Democratic Front), the Revolution Youth Coalition, the Revolution Youth Union, the Kazaboon (Liars) Campaign, the Maspero Youth Union, a Coptic activist group, the Popular Movement for Supporting Al-Azhar, Maspero Media Revolutionaries and the Revolutionary Socialists.**
- **Political parties who signed the statement include the liberal Egypt Freedom Party founded by MP Amr Hamzawy, the moderate Islamist Al-Wasat Party, the Socialist Popular Alliance Party, and the Egyptian Current Party. (Ahram online)**

From:

Sent: Monday, January 30, 2012 10:33 AM

To: Cairo ECPO Internal POL

Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

Salafi Nour party mulls fielding presidential candidate

Mohamed Nour, spokesperson for the Salafi Nour Party, has said the party is considering nominating a candidate for the presidential elections. "He must be someone who preserves the Islamic identity of society," he said.

Nour also said his party would not grant special powers to the armed forces in the new constitution. "We only recognize the legislative, the judicial and the executive powers," he said.

(Al-Masry Al-Youm)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Tuesday, January 24, 2012 2:49 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

Advisory Council update:

Mohamed Nour Farahat, Legal and Constitutional expert submitted his resignation this morning from the Advisory Council. Farahat justified his resignation saying that the Advisory Council was established mainly to propose to SCAF the criteria for the selection of members of the Constitutional Assembly, yet SCAF has put this whole issue on hold until *all political parties reach consensus*. He added that this consensus is impossible given the intended absence of the FJP representatives from the Council's meetings and their initial refusals to become members of the Council. Thus, proceeding with the discussions that are led by Dr. Hassan Nafea to reach consensus among different parties becomes useless and a wasted effort especially with the lack of any response from SCAF.

(Al Yom Saba)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, January 23, 2012 9:59 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

Political Parties Update:

The Egyptian Social Democratic Party announced its withdrawal from the political negotiations with the FJP, El Nour, Construction and Development and El Karama. The Party confirmed in an official statement issued last night that it is not committed to any agreements reached by these parties including the selection of Dr. Saad El Katatny as the Speaker of the Parliament. The Party said that the "selective criteria" was the reason beyond the failure to reach consensus that reflects all political parties represented in the Parliament. (Al Yom Saba)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, January 23, 2012 9:41 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

Constitutional Assembly update:

The Egyptian Coalition Party called in a statement issued yesterday all political parties to support Dr. Mohamed El Baradei as a Chairman of the Constitutional Assembly that will draft the new constitution that should reflect the dreams of the people and the principles of the revolution; freedom, democracy and social justice. The statement added that El Baradei is a courageous man who stood by his people to rescue them from poverty, slavery, ignorance and diseases. The presence of Dr. El Baradei is the only guarantee for a fair and just constitution, said the statement. The statement called for people not to miss this opportunity that would avoid fragmentation and respond to the needs of the people. (Al Yom Saba)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Sunday, January 22, 2012 1:23 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

Presidential elections update:

MP and Al-Adl Party member Mostafa El-Naggar announced an initiative Sunday adopted by several parliamentarians calling for earlier than scheduled presidential elections, directly following parliamentary polls due to end in February.

The initiative, according to El-Naggar, calls for April presidential elections with the nomination window opening late February. The ruling military council announced late last year that the nominations process would begin mid-April following Shura Council (parliament's upper house) elections.

The campaign comes as part of a broader movement calling for an end to military rule and a quick handover of power to a civil government. Other activists are proposing that power immediately transferred to the recently elected People's Assembly (parliament's lower house) on 25 January until presidential elections. (Ahram online)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Sunday, January 22, 2012 11:26 AM

B6

To: Cairo ECPO Internal POL

Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

Advisory Council Update:

The National Consensus Committee formed recently by the Advisory Council to communicate with Political Parties re Egypt's transition, met yesterday. The meeting was chaired by Hassan Nafaa, Head of the Committee. FJP, El Nour, El Wafd did not attend the meeting. The committee issued its first statement after the meeting stating the following:-

The committee agreed on the formation of two branch committees. The first will be responsible for studying the mechanism of the formation of the Constitutional Assembly that will draft the Constitution, while the second will be responsible for presenting a preliminary vision of the Constitution.

Hassan Nafaa stated after the meeting that there were some logistical reasons that prevented other parties from attending and he confirmed that the FJP agreed on the statement.

On the other hand he said that the FJP knows well that a constitution should not be written by a majority but through consensus. (Al Masry Al Yom Arabic)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Sunday, January 22, 2012 10:35 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

Political Parties Update:

- The Supreme Body of the Karama Party accepted the resignation of all members of the Political office of the Party. They resigned as the Party received only 6 seats in the PA elections. (AMAY)
- El Wasat Party Chairman, Essam Sultan, announced that he will compete on the Speaker of the Parliament position to be held on Jan. 23. He will be running a tough competition with Saad El Katatny. According to preliminary information, Sultan stood for the Presidency of the PA for 3 reasons, first, it cannot be the first Parliament of the revolution witnessing a single candidate for the Speaker of the Parliament, also, it cannot be just standard parliamentary majority but also efficiency, and finally there is a need for some younger people to hold these key PA posts. (Al Yom Saba)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Sunday, January 22, 2012 9:23 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

More on the Constitution debate:

The debate over the constitution is resurfacing, with parliament set to kick off its sessions on 23 January. Political parties and groups are preparing drafts through which they are attempting to configure the future of post-revolution Egypt.

According to the constitutional declaration of March 2011, the constitution is to be drafted by a constituent assembly consisting of at least 100 members representing all segments of society. The assembly is to be chosen by parliament and may contain members of parliament itself.

The varied propositions reflect contentious issues surrounding the constitution, such as power sharing, the state's identity and sources of legislation.

According to press statements made by Wahid Abdel-Meguid, head of the parliamentary committee of the Muslim Brotherhood's Freedom and Justice Party (FJP)-dominated Democratic Alliance, work has already begun on a document regarding the elements of the new constitution that will be submitted to the constituent assembly. Chief among them is a change in Egypt's political structure by making it a mixed presidential/parliamentary system and dividing current presidential powers with the prime minister. The president will be charged with foreign policy and national security, and the prime minister will govern the country's internal affairs.

Essam al-Erian deputy head of the FJP, told Al Jazeera television network that he didn't believe the constitution would be prepared before the presidential elections slated for June. He said that eventually the country should have a parliamentary system to avoid another "Pharaoh," but currently, Egypt needs an elected president, one which has equal authority with parliament.

The Salafi-oriented Nour Party is also preparing a draft for the constitution. Like the FJP, it wants to change the political system to a parliamentary one, and avoid the hegemony of one-man rule over the country.

Meanwhile, the constitutional drafts address the military's position in the political system, hence raising the question of whether the military will maintain special powers within the state. Abdel Meguid previously told Al-Masry Al-Youm that the budget of the armed forces, technical information pertaining to armament and training, and management of the army are being considered in the draft. He added that the ruling Supreme Council of the Armed Forces may be consulted over these provisions, but that doesn't mean it needs to agree to them.

The question of Islamic Sharia law and the civil state is also resurfacing in the constitutional drafts. The desire by some to form a civil state, combined with Islamist domination of parliament, has been a source of anxiety for many.

The Nour Party wants to introduce an amendment to Article 2 from the 1971 Constitution which was abrogated in March 2011. Article 2 states that the principles of Islamic jurisprudence, Sharia Law, are the basis of legislation. The Nour Party would like to replace the word "principles" with "rulings," a move it believes would make the article more binding.

Spokesman Yousri Hamad said that its proposed constitution aims to implement Sharia in a gradual manner, so as not to destabilize the state with a drastic change.

According to the FJP draft, Article 1 of the 1971 Constitution that defines the state would contain the words "Egypt is a civil state with an Islamic reference." The article would go on to declare a popularly-elected parliament as the basis of government.

Yehia al-Gammal, founder of Gomhorreya Gedida, an organization putting forward its own proposals, believes it is vital to define the state as civil in the new constitution and include a document that enshrining certain rights as inalienable.

"I think it's very important to have the [definition of the] civil state in the constitution to differentiate it from a religious or military state, which are the two main political forces in the country. Other political forces are disregarded at the moment. However, you can't just say it's a civil state and empty that statement of its content in the other articles," he says.

However, Atef al-Banna, professor of constitutional law at Cairo University, disagrees that the state must be defined as a civil one in the constitution.

"This argument of the civil state is not applicable here at all and is just the talk of secularists and liberals," he says.

"In Islam, the state is a civil one, because there is no authority that can claim to represent God on earth nor issue laws and decrees as if they came from the divine. A lot of secularists are making this a debate between a religious and civil state but secularism has no place in Egypt. Its time is gone. It was initially formed to separate the state from the Church as a result of state intervention by the Church. We do not have that in Islam."

Other constitutional initiatives are less concerned with identity and more with how social and economic rights can be enshrined in the upcoming constitution.

An initiative entitled "Workers and farmers write the constitution," spearheaded by the Egyptian Center for Economic and Social Rights (ECESR) in conjunction with other NGOs and movements, is holding nationwide meetings with workers and farmers to create a document to be presented to the constituent assembly.

"The aim is to release a document with a set of principles beforehand, which will be sent to the constituent assembly and the parliament. The principles ensure the rights of workers and farmers and those living in poverty and we hope to have them included in the rights section of the constitution," said ECESR head Khaled Ali.

Others have conceived provisions that help protect Egypt's revolutionary spirit. Mohamed Noor Farahat, secretary general of the Advisory Council, a body created by the ruling military council, said in a television interview earlier this month that the council might recommend an article legalizing citizens' right to protest against injustice. This provision can arguably add legitimacy to Tahrir Square protests, and prevent majority parties from monopolizing legitimacy.

A group of scholars known as "Bait al-Hekma" (House of Wisdom) is preparing a constitutional draft to address the threat the power being monopolized.

The draft is based on five fundamental principles. The first principle is that every authority has an opposing power. The second is that every authority has oversight on it from another authority with powers to monitor. Third is the prevention of abuses of power by officials, and fourth is to energize the Shura Council as an administrative body. The last principle is the placement of mechanisms in the constitution to protect human rights and civil liberties.

Meanwhile, many are debating the use of the 1971 Constitution as a template document.

"A new constitution doesn't mean that all the articles will be new," said Banna. "The 1971 Constitution is good in many things, such as freedoms and the rule of law. So some can be taken as they are and others

can be amended and others will be totally new, such as the powers of the president and the relationship among branches of power. The totally new articles will not be many but will be relevant. Therefore it shouldn't take long, and it will be presented as a new constitution." (AMAY)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Thursday, January 19, 2012 3:32 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

Advisory Council update:

Dr. Hassan Nafa'a member of the Advisory Council and Chairman of the National Consensus Committee of the Council (responsible for reaching out to political parties) said that there is general consensus among all political forces that the Constitutional Assembly that will prepare the new Constitution should represent all trends in the society confirming that there has already been an agreement on basic principles regarding the Assembly but that the details are still being worked out. Dr. Nafa'a added that the Advisory Council has extended an official invitation to all political forces that have won seats at the PA to attend the first introductory session of the National Consensus Conference that will be held at the Council's headquarters on Saturday afternoon.

On the other hand, Osama Bourhan, member of the Advisory Council said that SCAF has approved an initiative proposed by the Council to be implemented before January 25th mainly demanding general pardon for all those detained by the military court from among the revolutionary youth.

(Al Masry Al Yom, Al Destour)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Thursday, January 19, 2012 1:56 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

Some calls to hold the Presidential Elections Law until the new PA convenes:

Some government officials are confused about the implications of a Supreme Constitutional Court ruling challenging the legitimacy presidential elections law issued in December by Egypt's military rulers and approved by the cabinet earlier this month. The court on Wednesday ruled the draft law is at odds with the interim constitution, which was issued in March to manage Egypt's transition to a civilian government. The court also said the new draft refers to Law 174/2005 of the abolished 1971 constitution.

The cabinet's legislative commission will review the draft law again to amend the articles in question, a senior government official told Al-Masry Al-Youm, but the review will delay the law, which was scheduled to be issued Sunday.

Local Development Minister Mohamed Ahmed Attiya, who is also a member of the legislative commission, said the

commission has not been officially informed of the court decision. Attiya told Al-Masry Al-Youm Wednesday that the draft law was not meant to be an amendment to the existing presidential elections law (Law 174/2005), but rather a new law consisting of 15 articles.

Some constitutional experts have recommended that the draft law be held until the new parliament convenes.

"The new law should have been compatible with the interim constitution; the violating articles have to be changed," said Atef al-Banna, a constitutional jurist.

But Hamdy Omar, a constitutional law professor at Zagazig University, said the Supreme Council of the Armed Forces' decision to submit the draft to the constitutional court was wise. He, too, recommended that the parliament's legislative committee be responsible for issuing the new law.

(Al-Masry Al-Youm)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Thursday, January 19, 2012 8:38 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

More on the Presidential Elections Law Update:

Please note the following item that was included in the ECPO press summary. It is an update for what I sent earlier yesterday about a source within the government telling local media on Tuesday that the SCAF referred its draft law to the Supreme Constitutional Court to review. The source expected a SCAF decree announcing the law on Sunday, Jan. 22, to precede the first session of the parliament on 23 January. This new update indicates that it would take some time for the Presidential Law to be finalized and would not probably be ready before Jan. 23. It is worth noting that the Cabinet has approved the proposed law on January 4 according to AMAY.

The Supreme Constitutional Court on Wednesday declared the draft law submitted by the ruling Supreme Council of the Armed Forces (SCAF) on the upcoming presidential elections unconstitutional. The law was to regulate the upcoming elections and set the requirements candidates must fulfill. According to Egyptian media reports, the SCAF's proposed law includes articles from the controversial Law 174/2005 on the amendment of Article 76 of the 1971 Constitution, which concerns the election of the country's president.

The Egyptian constitution underwent historic amendments in 2005 and 34 articles were put up for a national referendum in 2007. The amendments aimed to ensure that power remained in the grip of the now dissolved National Democratic Party.

According to the state-owned Middle East News Agency on Wednesday, the court said a number of articles from Law 174/2005 on presidential elections did not conform with the provisions of the Interim Constitution issued on 30 March 2011. The court said the new draft law includes a reference to Law 174/2005 on the amendments made to the 1971 Constitution but the Interim Constitution had disabled the 1971 Constitution.

The court called for the draft law to be reviewed and for any articles that contradict with the Constitutional Declaration or any contradictions within the draft law itself to be removed.

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Wednesday, January 18, 2012 11:53 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

Presidential Law:

According to Al Sherouk:

- The Supreme Constitutional Court headed by Counselor Farouk Sultan confirmed that they are currently reviewing the draft Presidential Elections law as forwarded to them by the Cabinet's legal committee end of last week.
- A Higher Commission for the Presidential Elections will be formed headed by the Chairman of the Supreme Constitutional Court
- According the Maher Samy, Vice Chairman of the Constitutional Court, the draft law will be ready by the end of this week and it does not include a timetable for the opening of the candidacy for the Presidential Elections as this falls under the authority of the Higher Commission only, he added.
- All decisions that will be taken by the Higher Commission are "immune" and cannot be appealed. Its decision will even supersede any decisions by SCAF or the Parliament.
- He added that the draft law will include specific articles related to presidential elections, nomination requirements as well as details about the specific roles of the Higher Commission for the Presidential Elections.

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Wednesday, January 18, 2012 8:33 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

More on the Presidential Race:

The Freedom and Justice Party, the political arm of the Muslim Brotherhood, **plans to support Advisory Council head Mansour Hassan as Egypt's next president, sources within the group told Al-Masry Al-Youm on Tuesday.** Hassan, who served as an information minister during the rule of former President Anwar al-Sadat, has not shown any desire to run in the presidential election. The sources, who spoke on condition of anonymity, added that the party chose Hassan due to his wide acceptance among different political factions. The party is still discussing the matter with different political forces, said the sources. A campaign, led by an FJP member of parliament and other political forces, to support Hassan will be launched online in ten days, the sources added. In December, the group announced it is looking for a candidate to support in the presidential election scheduled for June. The Brotherhood is looking to back a strong figure, but not someone whose name has already been floated as a potential candidate, the group's spokesperson Mahmoud Ghazlan said in a statement to London-based Al-Sharq Al-Awsat newspaper.

Several months ago, the Brotherhood banned members from running in the election and announced that it did not intend to nominate a candidate. The group expelled Abdel Moneim Abouel Fotouh after he announced his intention to run in violation of the decision. Other likely presidential candidates include former Arab League chief Amr Moussa, founder of the Karama Party Hamdeen Sabbahi, Salafi sheikh Hazem Abu Ismail and Islamic thinker Mohamed Selim al-Awa. (Al Masry Al Yom)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Wednesday, January 11, 2012 8:33 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

More on the Free Egyptians boycotting Shura Council elections and reactions of other Egyptian Bloc members:

The Free Egyptians Party's decision to boycott Shura Council elections has caused a rift among members of the Egyptian Bloc, which includes the Tagammu Party and the Social Democratic Party. The Shura Council is Egypt's upper house of parliament. Despite the decision, **Tagammu has pledged to compete in the elections, while the Social Democrats remain undecided.**

Tagammu Party spokesperson, Nabil Zaki, told al-Masry al-Youm on Tuesday that his party would continue supporting its candidates for the coming elections

"The decision made by one party does not necessarily represent all parties in the Egyptian Bloc," Zaki added.

Tagammu has decided not to boycott because it hopes to be represented in the constituent assembly, which the parliament will task to draft the new constitution.

Ehab al-Kharatt, a member of the political office of the Egyptian Social Democratic Party, said his party will make a final decision at a later date on whether to participate.

(Extracted from Al Masry Al Yom article posted Tuesday, 21:48)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Tuesday, January 10, 2012 8:20 AM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

More on the Free Egyptians boycotting Shura Council elections from Reuters (please note bolded sections below):

A liberal Egyptian party co-founded by telecom tycoon Naguib Sawiris said on Monday it would boycott upper house elections later this month in protest against what it says were violations committed by Islamist parties in earlier voting rounds.

A strong showing by the Muslim Brotherhood and the ultra-conservative Salafis pushed liberal groups, including Sawiris Free Egyptians Party (FEP), into third and fourth place in three rounds of voting for the lower house, with run-offs set to complete voting for the main part of the assembly this week.

The FEPs withdrawal could be a major blow to the Egyptian Bloc, an alliance of liberal and leftist groups of which it is a key member. The Egyptian Bloc is expected to win at least nine percent of seats in the lower house, where Islamists so far claim at least 60 percent.

The FEP called on other parties to join it in boycotting the Shura Council election and it was not immediately clear whether the Egyptian Bloc would run without one of its main parties.

"The process turned into a religious competition rather than an electoral one..." the FEP said in a statement, adding that the results did not accurately express the will of Egyptians.

"We filed more than 500 complaints but no legal action was taken to resist it... which will exacerbate violations during the Shura Council election as violators are awarded with electoral gains and those abiding by the laws are punished."

Local monitors have said Egypt's first free parliamentary vote since army officers overthrew the monarchy in 1952 was marred by minor violations that could cast doubt on some constituencies results, but that these would not undermine the legitimacy of the ballot as a whole.

The violations include party publicity outside voting stations, using religious slogans and isolated reports of judges and employees directing voters to vote for Islamist parties, the monitors said.

The Brotherhoods Freedom and Justice Party has accused Sawiris, a Coptic Christian, of using his media empire to mount a disinformation campaign against them and distort the campaign.

The success of Islamist parties has alarmed Egyptian liberals and some Western governments. Egyptian President Hosni Mubarak, overthrown by a popular uprising in February, had - like some other Arab leaders - presented himself as a bulwark against Islamist groups.

"I think the election for the Peoples Assembly (lower house) does reflect the basic trends of public opinion," said Mostafa al-Sayid, politics professor at Cairo University. "This is something the liberals should take seriously into account, otherwise they will not succeed in the coming elections."

Egypt's staggered three-stage parliamentary election began on November 28 and drew an unprecedented voter turnout. The lower house is set to hold its first session on January 23.

Its first task is to appoint a 100-strong constituent assembly to draft a new constitution. Both chambers will have a popular mandate, but the Shura Council tends to have a consultative, advisory role and many politicians have demanded it be scrapped.

"The Shura Council is not seen as a very useful chamber of the parliament and it would have been better to drop this consultative assembly and to save the cost of the election," al-Sayid said.

The FEP also called on the generals who have ruled Egypt since Mubaraks overthrow to cancel the Shura Council election in order to speed up the process of handing power to civilians.

Reuters

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, January 09, 2012 4:02 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

The Free Egyptians Party announced that they will boycott the upcoming Shura Council elections in objection to what they called "lack of seriousness dealing with violations during the three phases of the PA elections". In a press conference held this afternoon, Dr. Ahmed Said, Party Chairman said that although the Party has submitted more than 500 complaints and appeals regarding violations, yet the appropriate legal action was not taken towards the violators. He added that the violations included the use of religious slogans and breaking the silence period as well as campaigning inside the polling stations. He also said violations included transporting voters to the stations and directing them to vote for religious parties. Said added that boycotting the Shura elections does not mean that the party will withdraw from the Egyptian Bloc and it also does not mean that other Bloc parties will boycott the Shura elections. He called on SCAF to cancel the Shura elections all together which would then expedite the formation of the constitutional assembly that will prepare the constitution and then hold the presidential elections. He also called on SCAF to issue a constitutional amendment that allows any political party to nominate a presidential candidate without any conditions such as the need to receive a minimum number of seats in the parliament. (Al Masry Al Yom)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, January 09, 2012 1:00 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

A group of 56 parties and movements from various revolutionary coalitions have issued a statement on Sunday regarding the continuation of the revolution and the transfer of power from the ruling Supreme Council of the Armed Forces (SCAF) to a civilian-elected government, parliament and president. (pls refer to Ahmed's earlier message for full details on this). Among the 56 parties who signed the statement include Al-Wasat Party, The Egyptian Current Party, the Maspero Youth Union, the Democratic Front Party and Al-Hadara Party. The 56 parties and movements put forward ten suggested actions necessary to achieving their joint revolutionary goals.

Please note the following two goals which were included among the ten goals mentioned in their statement:

- **Holding presidential elections by April 2012 and announcing the presidential elections' schedule before 25 January, 2012. As soon as the president is elected, all the executive powers of the SCAF must be transferred to the president.**
- **Organizing a meeting, independent from the ruling military council, where all political and social movements are represented in order to discuss the specifications of the provisional assembly that will draft the constitution.**

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, January 09, 2012 12:41 PM
To: Cairo ECPO Internal POL
Subject: RE: Constitution, Presidential elections, Shura Council, Advisory Council

B6

A source within the Advisory Council revealed that the Council has formed a committee from among its members to hold a dialogue with various political powers around current political issues and to reach a consensus around these issues. The anonymous source added that the committee's role would be to unify different views and to present solutions to all current political problems. The members of the committee would be; Dr. Ahmed Kamal Aboul Magd, Islamic and Legal expert; Mansour Hassan, Chairman of the Council, Sameh Ashour, Deputy Council Chairman and it is also expected that Dr. Hassan Nafaa will be heading the committee. The Assistant Secretary General of the Council said that the next meeting of the council will discuss the establishment of this committee and how it would start a dialogue with all political powers including the MBs. **Osama Borhan, Council member stated that the main goal of the committee is to discuss the selection mechanism of the Constitutional Assembly members that would work on the constitution.**

In a related note, Presidential Hopeful, Hazem Abou Ismail warned against putting together the constitution under the SCAF rule saying that if this happens, it would have a dangerous impact on Egypt. (Al Masry Al Yom Arabic)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Wednesday, January 04, 2012 3:13 PM
To: Cairo ECPO Internal POL
Subject: RE: timing of Constitution, Presidential elections and Shura Council

B6

Background:

There is an ongoing debate and confusion among political powers in Egypt about the sequence of the political reform steps and where the presidential elections fit in that sequence. There is also an obvious confusion among political experts and in the local media about interpreting the constitutional declaration article related to the timing of the presidential elections.

In February 2011, the SCAF had tasked an 11-member committee of constitutional law experts headed by Justice Tarek El-Bishri to draft amendments to the constitution with a view to ensuring a credible transition to an elected civilian authority. On Feb. 25th the Committee announced its proposed amendments, which were being voted on in popular referendum on March 19.

Proposed amendment (as posted by Egypt's official State Information Services (SIS) site):

The committee proposed that the president or at least half the members of the People's Assembly and the Shura Council may request the drafting of a new constitution. The committee proposed that within 6 months of their election the elected members of the People's Assembly and the Shura Council must appoint, by majority vote, a 100-member constituent assembly to draft a new constitution. The constituent assembly would have to complete the draft within 6 months of its creation, **and within 15 days of the completion of the draft constitution the president must call for a referendum on it.**

Local media also claimed that even though this was the language of the amendment as suggested by the committee and that was approved by the Public, On March 30, the SCAF announced the Constitutional Declaration 2011 which ignored the above language and included article 60 which stipulates that:

Final language (as posted by Egypt's official government website):

The members of the first People's Assembly and Shura Council (except the appointed members) will meet in a joint session following an invitation from the Supreme Council of the Armed Forces within 6 months of their election to elect a provisional assembly composed of 100 members which will prepare a new draft constitution for the country to be completed within 6 months of the formation of this assembly. The draft constitution will be presented within 15 days of its preparation to the people who will vote in a referendum on the matter. The constitution will take effect from the date on which the people approve the referendum.

Reactions up-to-date:

- **Judge Tarek El-Beshry, has condemned the decision in several interviews, insisting that such a decision does not follow the sequence specified in the nine amendments that millions voted for last spring. According to El-Beshry, the presidential elections should take place before the new constitution is drafted.**
- **According to Judge Ahmed Meki, the deputy head of Cairo's Appeals Court said that the SCAF's final legal package on 30 March included article 60 which states that the SCAF is to call for the first meeting between the lower and upper houses of parliament – whereas the 19 March amendments did not include this provision.**
- **Instead, the 19 March agreed-upon scenario, Meki points out, specified that the president together with half of the parliament will demand the drafting of a new constitution, after which the lower and upper houses will assemble to choose the constituent assembly which will draft the new constitution. Meki explains that replacing "President" with "SCAF" in the constitutional declaration announced on 30 March, revealed an undeclared change of plans on the SCAF's part.**
- **Meki points out the original amendments approved on 19 March envisage the presidential elections coming before the constitution – shown by the fact that the referendum articles specify the rules guiding presidential elections.**
- **"If the presidential elections were meant to take place after the drafting of the new constitution then there would have been no need to amend the articles related to presidential elections on 19 March; they [rules for presidential elections] would have simply been dictated by the new constitution instead," explains Meki.**
- **"Now that the new constitution will be drafted first, there will be much confusion as to which criteria and rules will guide the presidential elections if those included in the new constitution come out to be different from those dictated by the articles approved by the March referendum." (Ahram online)**

Sources: State Information Services website, Egyptian Government website, Ahram, MENA

SBU

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Wednesday, January 04, 2012 9:51 AM
To: Cairo ECPO Internal POL
Subject: RE: timing of Constitution, Presidential elections and Shura Council

B6

- Egypt's Minister of Parliamentary Affairs Mohamed Attia declared on Sunday that the presidential elections will be held only after a new constitution is drafted and approved. While Attia's statements clarified the confusion over what steps will follow the parliament's formation, it has left many wondering to what degree such a decision is in harmony with the results of the constitutional referendum held on 19 March, which left many assuming presidential elections will be held before the constitution is finalised.
- A member of the committee which drafted the amendments approved in March, **Judge Tarek El-Beshry**, has condemned the decision in several interviews, **insisting that such a decision does not follow the sequence specified in the nine amendments that millions voted for last spring. According to El-Beshry, the presidential elections should take place before the new constitution is drafted.**
- On 19 March, 77 per cent of voting Egyptians voted in favour of the amendments detailing the criteria for presidential candidacy, the voting process by which a president should be chosen, the maximum length of a presidential term and the criteria for parliamentary candidacy.
- **The amendments also dictated that the president, together with half of the parliament, is to demand the drafting of a new constitution by a constituent assembly which will be composed of 100 members chosen by the elected parliament members.**
- However, the constitutional declaration announced by the SCAF on 30 March contained a total of 63 articles, not just the nine amended and approved by the referendum.
- **According to Judge Ahmed Meky, the deputy head of Cairo's Appeals Court said that the SCAF's final legal package on 30 March included article 60 which states that the SCAF is to call for the first meeting between the lower and upper houses of parliament – whereas the 19 March amendments did not include this provision.**
- **Instead, the 19 March agreed-upon scenario, Meky points out, specified that the president together with half of the parliament will demand the drafting of a new constitution, after which the lower and upper houses will assemble to choose the constituent assembly which will draft the new constitution. Meky explains that replacing "President" with "SCAF" in the constitutional declaration announced on 30 March, revealed an undeclared change of plans on the SCAF's part.**
- Meky points out the original amendments approved on 19 March envisage the presidential elections coming before the constitution – shown by the fact that the referendum articles specify the rules guiding presidential elections.
- **"If the presidential elections were meant to take place after the drafting of the new constitution then there would have been no need to amend the articles related to presidential elections on 19 March; they [rules for presidential elections] would have simply been dictated by the new constitution instead," explains Meky.**
- **"Now that the new constitution will be drafted first, there will be much confusion as to which criteria and rules will guide the presidential elections if those included in the new constitution come out to be different from those dictated by the articles approved by the March referendum."**

- The decision that a new constitution is to be drafted before a president is chosen to take over the authorities of the SCAF also implies that military rule will be prolonged, a consequence which conflicts with the demand of many activists for an immediate handover of power to a civilian administration.

Ahram online

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Tuesday, January 03, 2012 8:45 AM
To: [REDACTED] Cairo ECPO Internal POL
Subject: RE: timing of Constitution, Presidential elections and Shura Council

B6

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- The law on the presidential candidacy has not changed, said Mohamed Farahat, secretary general of the military-backed Advisory Council.
- **“We discussed it and sent it as it is to the military council, which has sent it in turn to the cabinet’s legislative committee,” Farahat explained, adding that nomination requirements have not changed either.**
- **“We cannot change articles that the people agreed to in a referendum,” he said, adding that only the constituent assembly to write the constitution has the right to change the requirements.**
- **The constituent assembly to be elected by parliament will draft the country’s new constitution before subjecting it to a public referendum, Attia said in statements quoted by the state-run Al-Ahram. (Al Ahram, AMAY, Mon. Jan. 2 PM)**
- On the other hand, all papers also publish this morning that the Advisory Council will discuss today the political and constitutional powers to be enjoyed by the new president as provided for in a draft bill submitted by SCAF. In past sessions the Council has discussed the institution of the presidency focusing on turning the post of president from that of an individual into a partnership with the legislative and executive authorities, so final decisions will be institutional ones, said the Council spokesperson. He added that the Council has concluded that potential presidential candidates must hold a proper university degree and they have also agreed to outlaw the use of foreign funds to fund presidential campaigns, said El Kholi. (MENA, all papers, Tuesday, Jan. 3 AM)

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, January 02, 2012 1:23 PM
To: Cairo ECPO Internal POL
Subject: RE: timing of Constitution, Presidential elections and Shura Council

B6

According to the SCAF decree, the first stage of the Shura Council’s elections will be held on 29-30 January in Cairo, Alexandria, Gharbiya, Daqahaliya, Menoufiya, Damietta, North Sinai, South Sinai, Fayoum, Assiut, Qena, the Red Sea and New Valley (Al-Wadi Al-Gedid) governorates. The run-offs for these governorates will be held on 7 February.

A week later, on 14-15 February, elections will be held in Giza, Qalioubiya, Sharqiya, Beheira, Kafr El-Sheikh, Ismailiya, Port Said, Suez, Marsa Matrouh, Beni Suef, Minya, Sohag, Luxor and Aswan. Again the run-offs will be held the following week on 22 Febaury.

Tantawi, Egypt's de facto ruler, went on to "invite" the newly-elected Shura Council to convene formally at 11am on 28 February.

The Shura Council is comprised of 270 members, 180 of whom are elected with the remaining 90 appointed by the head of state.

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, January 02, 2012 11:01 AM
To: Cairo ECPO Internal POL
Subject: RE: timing of Constitution, Presidential elections and Shura Council

B6

- Nominations for Egypt's presidency will open in April, Egypt's newly-appointed Minister of State for Parliamentary Affairs, Mohamed Attia, has revealed.
- The constituent assembly that will be elected by the parliament will draft the country's new constitution within a month, before subjecting it to a public referendum, Attia said in statements quoted by state-run **Al-Ahram** on Sunday.
- Presidential elections will be organized following the constitutional referendum, the minister said. A constitutional declaration issued by (SCAF) in March stipulates that the new parliament will elect a 100-strong assembly to draft the constitution. Attia explained that the constituent assembly will be formed in a joint meeting by both houses of parliament after the end of the parliamentary polls.
- In an interview with satellite channel **Al-Arabiya**, aired on Thursday, the head of the advisory council, Mansour Hassan, said Egypt has experts who can draft a constitution within one week. Hassan told the channel that if the constitution is not concluded on time, presidential elections will be held as scheduled, and the SCAF will hand over power on the first of July. (AMAY)
- All local media also announced today that SCAF has officially issued a decree to hold the Shura Council elections on two phases only instead of three. Phase one will be held on Jan. 29 and 30 and phase two on Feb. 14 and 15.

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, December 26, 2011 2:55 PM
To: [REDACTED] Cairo ECPO Internal POL
Subject: RE: Political Powers opinions re timing of Constitution, Presidential elections and Shura Council

B6

B6

Presidential elections will not be moved forward because there needs to be ample time to write the new constitution, said Mansour Hassan, the head of the civilian advisory council to the Supreme Council of the Armed Forces (SCAF).

Hassan told state news agency MENA on Sunday that the advisory council has suggested that Shura Council elections be held in two phases and end on 22 February instead of 12 March.

He added that this idea is intended to give parliament and the constituent assembly a better chance of writing the constitution before the presidential elections and the transfer of power on 1 July.

"If the constituent assembly fails to finish writing the constitution before the proposed date for presidential elections, the elections will be held at the proposed date and constitution writing will be resumed under a civilian authority," he said.

Political parties welcomed the plans in the belief that they will cut the transition period by a whole month. However, the advisory council said the schedule for handing over power will remain untouched, with the transition ending on 30 June as previously announced.

Meanwhile, the Muslim Brotherhood also rejected the idea of moving forward the presidential elections, as well as a suggestion to hand presidential powers to the elected parliamentary speaker. However, it welcomed shortening the duration of Shura Council elections after the advisory council made reassurances that power will be handed over at the scheduled date.

Ahmed Abou Baraka, legal advisor to the Freedom and Justice Party, praised the move to shorten the transition period and told Al-Masry Al-Youm that the party has no problem with reducing the duration of the Shura Council elections. (Posted 12:30 Monday, Dec. 26 by AMAY)

This email is UNCLASSIFIED.

From:
Sent: Monday, December 26, 2011 10:56 AM
To: Cairo ECPO Internal POL
Subject: RE: Political Powers opinions re timing of Constitution, Presidential elections and Shura Council

B6

Selim Al Awa: El-Awa says SCAF has to finish interim tenure in Egypt as planned
 Potential presidential candidate Mohamed Selim El-Awa thinks Egypt's military rulers cannot abruptly leave power as revolutionary political forces have been demanding

Presidential hopeful Mohamed Selim El-Awa believes the Supreme Council of the Armed Forces (SCAF) will step back from its role as a ruling body on time as per the planned timeframe. During a conference he attended with professors and students of Port Said University, El-Awa underlined that implementation of the roadmap set by military rulers is of the utmost importance.

"The order of the roadmap's steps is elections of for People's Assembly (the lower house of the parliament), then elections for the Shura Council [the upper legislative house], then the announcement of the committee responsible for drafting the constitution, and finally presidential elections," he said.

"We need to stick to that plan within the proposed timeframe. I am convinced SCAF will stick to its end of the deal."

The ruling military council has said it will hand over power to a civilian administration by the end of June 2012.

El-Awa's statements came in the wake of widespread calls to bring forward the presidential elections to 25 January, when a new wave of the popular uprising is expected to be triggered. (Ahram online, Posted Saturday PM)

This email is UNCLASSIFIED.

From:
Sent: Monday, December 26, 2011 10:16 AM
To: Cairo ECPO Internal POL
Subject: Political Powers opinions re timing of Constitution, Presidential elections and Shura Council
Importance: High

B6

Please find below a compilation of statements made by various political powers including MPs, Parties and Presidential Hopefuls re advancing the timing of Constitution and the Presidential elections as well as few other statements on the Shura Council elections.

The military council has agreed to study the option of shortening the election time for the Shura by two weeks, to end on February 22," Sherif Zahran, a member of a council advising the military on the transition to civilian rule told (Reuters).

Sherif Zahran said the judiciary had agreed to the idea of squeezing Shura elections into two stages instead of three and that a plan to shorten the vote tallying process was being studied also.

"This would allow for both the (lower house of) parliament and Shura to convene in a joint meeting by the end of February," Zahran told Reuters.

Once parliament convenes, Egypt will draw up a constitution and a presidential vote is planned before the end of June.

A source close to the army said the military council, including leader Field Marshal Mohamed Hussein Tantawi, was meeting to decide on what was needed to speed up the Shura vote.

"Other changes will have to take place if this plan passes, such as how long the constitutional committee will take to draft the constitution," the source said, adding that Tantawi would first have to ratify any new voting timetable.

Analysts say a speedy transfer could play into the hands of military by boosting the chances of presidential candidates with close ties to the army, including Amr Moussa.

Moussa, a former foreign minister and ex-head of the Arab League, said an earlier presidential was also being studied.

"Field Marshal Tantawi said presidential elections will be held no later than June 30. This means there is room for presidential elections to come sooner," Moussa, who is also a member of the advisory council, told (Reuters) Sunday.

Counselor Tarek El Beshary, Legal Expert says that there is nothing that would preclude advancing the Presidential elections. He stated that there is a possibility to hold the Shura Council elections within a month followed by the Presidential elections. It is also possible to shorten the presidential campaign

from two months to one month given that all the Presidential candidates are well known and have already started their campaigns. He stressed that advancing the presidential elections does not contradict with the Constitutional Declaration and that SCAF will not object if this would serve the country's interests. (Al Ahram)

Mohamed Nour Farahat, Secretary General of the Advisory Council welcomed the initiatives taken to advance the presidential elections and form the constitution. He confirmed the need to implement these initiatives within the framework of the constitutional declaration or by suggesting amendments to it. He added that all those initiatives are open for discussion especially any initiative related to shorting the transitional period while respecting Constitutional declaration. He added that these initiatives should be implemented in agreement with all political powers. (Ahram)

Dr. Mohamed Aboul Ghar, Head of the Egyptian Social Democratic Party said that four weeks will not make a huge difference in the future of Egypt from the practical side but will leave good psychological impact on the people as it will reflect the seriousness of the ruling powers and that they are moving in the right direction. (Ahram)

MP Amr Hamzawy stated he met Saturday with a number of elected officials to advance the date of presidential elections to take place in the beginning of April 2012. He added MPs Ziad Bahaa el-Din and Mostafa al-Naggar agreed on the initiative. He said 'compressing' the time of the Shura Council elections is one procedure that would shorten the transition, in addition to drafting the Presidential Elections law by the first half of February, to give presidential candidates a chance to campaign for presidency for one and a half months, whereas the Parliament would negotiate with the SCAF during this period as a popularly-legitimate elected body till a president is seated. (Youm 7, Al Ahram, Reuters)

The Supreme Council of Armed Forces (SCAF) approved a proposal by the Advisory Council Saturday to push up the Shoura Council election with the aim to finalize it by Feb. 22 instead of mid-March.

(Al-Masry Al-Youm) newspaper quoted Mohammad Al-Kholi, spokesman of the recently-appointed Advisory Council as saying, "Amending the date of the elections for the Upper House of Parliament is meant to shorten the transitional period by a full month."

Al-Kholi said that the complete parliament of both houses will be seated by the end of February instead of late March.

"There is a public demand to shorten the transitional period to reach stability, we support any decision that would achieve that," said Emad Abdel Ghaffour, member of the advisory council and head of the Salafi Al-Nour Party, adding that SCAF should have considered calls by political powers to cancel the Shoura Council altogether.

"There is no need for an Upper House. It was formed under late president Sadat for two reasons, to satisfy the members of Sadat's ruling party who did not make it into the People's Assembly (PA) and to control the national press [through the Supreme Press Council]," said Nabil Zaki, spokesman of the leftist Al-Tagammu Party.

He said that since the constitutional declaration shrinks the authorities of the Shoura Council, there is no reason to keep it.

However, not all political powers believe that cancelling the Shoura Council is the best scenario.

"Candidates have already filed their candidacy applications and started campaigning. The elections can be delayed instead," said Mohamed Bayoumi of Al-Karama Party, which is part of the Democratic Alliance spearheaded by the Muslim Brotherhood's Freedom and Justice Party (FJP).

He added that it can be agreed that the PA would choose the Constituent Assembly to draft the constitution then elect the new president and then hold the Shoura Council elections.

"If the new constitution says that the Shoura Council should be canceled, so be it," Bayoumi said.

Meanwhile, representatives of political parties expressed their concern regarding the lack of discussion over the yet-to-be drafted constitution.

"The criteria and mechanism for drafting the constitution and those of choosing the constituent assembly are totally neglected while we are discussing peripheral matters," Zaki said, wondering how people would elect a new parliament or president without knowing its powers.

"We still did not reach an agreement on the shape of the Egyptian state and its political system," said Essam Sheha, member of the high committee of Al-Wafd Party, pointing out that this is to be decided by the constitution.

To draft a suitable constitution, Sheha said, Egyptians should have the patience and discipline to commit to the road map agreed upon from the beginning.

"The timeframe is already too short for the constitution but we can make use of the former constitutions and amend a few articles," said the legal expert.

For Ahmed Emam, of the National Front for Justice and Democracy, there are a number of alternatives for the constitution but ending military rule is the most pressing priority.

"We can even accept a new constitutional declaration in exchange for the generals to hand over power to a civilian authority," he said.

This, Emam believed, would expose SCAF's real intentions of whether or not they want to remain in power.

Other suggestions

The Supreme Electoral Commission (SEC) has proposed holding the Shoura elections over two rounds instead of three.

"This proposal is yet to be studied. We will hold a joint meeting with SCAF to discuss this option as it may require a legislative amendment," Yousri Abdel Kerim, head of the technical committee at the SEC, told Daily News Egypt.

Bayoumi also suggested that SCAF open the door for presidential candidacy to a week before Jan. 25, 2012, and still hold elections on time.

"This would allow Egyptians to celebrate the first anniversary of the revolution content that power will be handed over to a civil authority without obstacles," he said. **(Daily News Egypt).**

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