

**Draft**  
**Declaration of the Fundamental Principles**  
**for the New Egyptian State**

We take pride in our ancient historical struggle for freedom, justice, equality, national sovereignty and peace. We are inspired by what we have presented to human civilization given the challenges that we faced while building a state of law and its new democratic and civil elements. We are convinced that the people are the source of legitimacy, that its will should never be circumvented through the establishment of irrevocable supra-constitutional principles, that there is no need to issue a constitutional declaration on supra-constitutional principles or other such principles, as the people's will is sufficient.

We seek to guarantee the satisfaction of the objectives of the 25 January 2011 Egyptian revolution in freedom, human dignity, and social justice. We are inspired by the revolution's spirit, which all Egyptians are united by, and we respect the spirit of the martyrs and the sacrifices of our great people in its successive revolutions.

We therefore declare the Fundamental Principles of the New Egyptian State, which are as follows:

**First: The Fundamental Principles**

- (1) The Arab Republic of Egypt is a democratic civil state which is based on citizenship and on the rule of law. It respects pluralism and guarantees freedom, justice equality and equal opportunity to all citizens without exception. The Egyptian people are a part of the Arab people, and will work to secure their full unity.
- (2) Islam is the religion of state, and the Arab language is the official language of state. Islamic jurisprudence (shari3a) is the principle source of legislation. For non-muslims, personal status and other religious matters are to be determined according to their own rules.
- (3) Sovereignty belongs to the people only, who are the source of all power. The people exercise sovereignty through referendums and fair elections, which are to be held under judicial supervision and in accordance with an electoral law that guarantees a just representation for the people without exception or exclusion.
- (4) The state's political system is to be republican and democratic and is to be based on a balance between the powers of the state, on the peaceful transfer of power, and on a multi-party system on the condition that such parties are not based on religion, race, a specific religious denomination, class or on any type of principle that does not conform with the fundamental freedoms that are set out in this declaration.
- (5) The rule of law is the state's basis of government. All state authorities, public and private legal bodies, and all citizens are subject to all of its laws without distinction. Judicial independence is an essential guarantee that the state and its institutions will be subject to the law and that all citizens will achieve justice.

The higher judicial councils will be responsible for considering all judicial matters. Their approval must be sought for all bills that relate to its work before they come into effect.

- (6) The national economy is based on overall and sustainable development which must have as its objective social wellbeing, the satisfaction of citizens' essential needs, to encourage investment, to protect free competition, to prevent harmful monopolies, to protect consumers and to ensure the just distribution of the benefits of development to citizens. The state is committed to protect public ownership of national facilities and other resources as well as natural resources, lands, and its national heritage, whether material or moral.
- (7) The Nile is a lifeline for Egypt. The state is committed to improve its administration and its protection from pollution and other violations, to maximize its use and to protect Egypt's historical rights to the Nile.
- (8) Egypt is part of the African continent. It works in favor of its renaissance and in favor of cooperation between its peoples and the integration of its interests. Egypt is part of the Islamic world; it defends its causes and it works in favor of the joint interests of its peoples. Egypt is proud of the role that it has played from the beginning in human civilization and its positive contribution to promoting world peace and the principles of justice, human rights and increased cooperation between nations and peoples.
- (9) The state alone shall establish armed forces, which are the property of the people, and which have as their mission to protect the country, the integrity, security and unity of its land, and to defend constitutional legitimacy. It is not permissible for any body, organisation or party to form military or paramilitary bodies.

The Supreme Council for the Armed Forces is solely responsible for all matters concerning the armed forces, and for discussing its budget, which should be incorporated as a single figure in the annual state budget. The Supreme Council for the Armed Forces is also exclusively competent to approve all bills relating to the armed forces before they come into effect.

The President of the Republic is the highest authority of the armed forces and the minister of defense is the general authority of the armed forces. The President of the Republic declares war after the approval of the Supreme Council for the Armed Forces and of the People's Assembly has been obtained.

- (10) A "national defence council" is established and is presided over by the President of the Republic. It is responsible for examining all matters relating to the country's security and safety. Its other responsibilities will be determined by law. The defense of the nation and its territory is a sacred obligation. The military draft is obligatory in accordance with the law. General mobilization is also organized in accordance with the law.

## **Second: General rights and freedoms**

- (11) Human dignity is an inherent right for all persons, and all Egyptian civilians are free and equal before the law and in terms of their general rights, their freedoms and their obligations. It is not permissible to discriminate against Egyptian civilians on the basis of sex, origin, language, religion, belief, wealth, social status, political belief, on the basis of a disability, etc. It is permissible to discriminate positively in favor of groups that are in need of protection.
- (12) The state guarantees freedom of belief, ensures freedom of worship and religious rites and protects places of worship.
- (13) Egyptian nationality is an inherent right for all citizens, and it is not permissible to revoke nationality or to expel any citizen from the country or to prevent him from returning to it without a reasoned court order.
- (14) Freedom of opinion and expression and the freedom of the press and other forms of media are guaranteed. Private life, the rights of others and of the various components that make up Egyptian society are inviolable. It is not permissible to censor the media or to monitor its sources without a reasoned court order that is limited in time.
- (15) All people have the right to knowledge, to the exchange of information, to its publication, to participate in cultural and artistic life in its various forms and in all its activities. The state guarantees academic freedom, the freedom to carry out scientific research and the freedom to engage in creativity and innovation. The state guarantees the independence of universities and of scientific research centers.
- (16) All people have the right to enjoy the sanctity of their private lives, including their communications, their telephonic, electronic conversations as well as all other forms of communications. It is prohibited to violate, restrict or confiscate such sanctity without a reasoned court decision that is limited in time.
- (17) All citizens have the freedom of residence and of movement. No citizen can be arrested, searched, detained or imprisoned or to restrict his personal freedom without a prior court decision. There can be no crime or punishment except by law. The accused is innocent until his guilt is established in a just judicial process before a judge.
- (18) Private property is protected. It cannot be interfered with in the absence of a court order and without just compensation. Private and public property, as well as cooperatives, contribute to the national economic development.
- (19) The right to work is guaranteed. The state works to provide the opportunity to work to all citizens in just conditions and without discrimination. The state is committed to providing a minimum wage that guarantees to citizens a decent and dignified standard of living. All citizens are guaranteed the right to hold public office, assuming they meet whatever conditions must be satisfied.

- (20) All citizens have the right to life safely, to a clean environment free from pollution, to adequate nutrition, to housing, to health care and to carry out exercise. All citizens have the right to insurance against unemployment, disease, disability and old age in accordance with the requirements of justice and social solidarity.
- (21) Every citizen has the right to education. The State is committed to providing free educational opportunities in its educational institutions, and works to ensure that such educational opportunities are of a good quality in order to maximize the investment in human capital. Basic education is compulsory. The State oversees all state and private educational institutions. It ensures that the sense of belonging, national identity and culture are guaranteed.
- (22) Citizens have the right to form trade unions and federations, associations and NGOs. They have the right to peaceful assembly and demonstration, without prejudice to the rights of others or to the fundamental principles and rights that are set out in this Declaration.

#### **Criteria for the formation of the Constituent Assembly to develop a new constitution for the country**

- (1) A Constituent Assembly that will be charged with drafting the Constitution of Egypt will be formed as follows:
- Eighty members, who are not members of the People's Assembly and of the Shura Council, and who represent all segments of Egyptian society including political forces, political parties, trade unions, professional and religious groups will be selected as follows:
    - (15) members will be selected from amongst judicial bodies (4 from the Constitutional Court, 4 from the Court of Cassation, 3 from the Council of State, 2 from the State Litigation Authority, and 2 from Administrative Prosecutor's Office), all of whom are to be nominated by public associations.
    - (15) members will be university professors, of which at least (5) will be constitutional law professors. All such members will be nominated by the Supreme Council of Universities.
    - (15) members will represent professional trade unions. All such members will be chosen in a joint meeting of these unions' councils.
    - (5) members will represent labour unions, who are to be nominated by the trade unions.
    - (5) members will represent farmers, and will be nominated by their unions.
    - (5) members will represent the Federation of NGOs (who should include a representative of people with special needs).
    - (1) member will represent the Union of Chambers of Commerce.

- (1) member will represent the Federation of Industries.
  - (1) member will represent business associations.
  - (1) member will represent the National Council for Human Rights.
  - (1) member will represent the armed forces.
  - (1) member will represent the police.
  - (1) member will represent the sports federations.
  - (1) member will represent the federations of university students.
  - (1) member will represent the Al-Azhar.
  - (1) member will represent the Egyptian churches.
  - (1) member will be a public figure nominated by the Council of Ministers.
  - The authorities referred to above will nominate twice as many candidates as the numbers indicated above, in order to choose from among them.
- The remaining members will be chosen from among the representatives of parties and independents, according to the proportion represented by the People's Assembly and Shura Council. A maximum of five members and a minimum of at least one member will be chosen on this basis.
  - The members of the Constituent Assembly must include at least ten women as well as five members at least not exceeding thirty-five age.
- (2) If the draft constitution prepared by the Constituent Assembly includes one or more provisions that are contrary to the basic tenets of the state and of Egyptian society, to the rights and public freedoms which have been provided for in successive Egyptian constitutions, including the constitutional declaration issued on 30 March 2011 and the constitutional declarations that were issued since, the Supreme Council of the Armed Forces, given that it holds the powers of President of the Republic during the transitional phase, will require the Constituent Assembly to reconsider such provisions within a maximum period of fifteen days. If the Assembly does not accept to do so, the Council will present the matter to the Supreme Constitutional Court which will issue a decision on the matter within seven days from the date of submission thereto. The decision issued by the Supreme Constitutional Court shall be binding on all parties and on all state authorities.
- (3) If the Constituent Assembly does not complete the draft constitution during the six months stipulated in the Constitutional Declaration for whatever reason, the Supreme Council of the Armed Forces – given that it holds the powers of the President of the Republic – will form a new Constituent Assembly, in accordance with the standards that have been agreed upon to

prepare a new draft constitution within three months of its formation. It will present the draft to the people with a view to carrying out a referendum within fifteen days from the date on which this draft is completed.

\* \* \*