

Statement from the MB on the Encroachment on the Constituent Body in Charge of Drafting the New Constitution



The Constitution is the supreme law of the country; it is the document which determines the form of the State and its political and economic setting. It is the base for building State institutions, authorities and defining the nature of relationships between them. The Constitution is the balancing reference between the powers of the presidency, the government, the parliament and the judiciary, as well as the duties of each of these bodies along with the rights of the people. It also states how to regulate the relationships between the people and the institutions of governance.

Given the gravity of this document (the Constitution), it is elementary to note that there is a specific method for its formulation and drafting. This process is prescribed as there should be a constituent body that shall be elected, and this body shall listen to the various groups representing the people in line with the notion that the Constitution comes from the people and by the people.

This constituent body should thus formulate a Constitutional draft, then the drafted Constitution is presented for a referendum by the people who have the right to vote on it, and so it is the people who make the Constitution by themselves.

Article (60) of the 'Constitutional Declaration' states the identified procedures for this in a clear text. This process was detailed after the referendum voted by the people on the constitutional amendments, which obtained the approval of 77% of voters, and thus, the Constitutional Declaration was issued by the Supreme Council of the Armed Forces at the will of the people.

Now many attempts are being made to circumvent the results of this referendum; there is, thus, an encroachment taking place and an attempt to confiscate the right of the founding committee (the constituent body) that is in charge of drafting the constitution, even before this body is composed and before the People's Assembly and the

Shura Council (that are mandated to elect this body) are elected. This approach is totally mistaken because it is unconstitutional in addition to the fact that such attitude does not respect the democratic will of the vast majority of the people who agreed to the constitutional amendments.

If these attempts to circumvent the will of the people are rejected and if they come from some people who do not understand the law and do not revere the will of the people, they are utterly rejected if they are made by the Deputy Prime Minister who is a professor of constitutional law, especially as he was in office as Deputy Prime Minister at the time of the referendum on the constitutional amendments. It is strange that the Deputy Prime Minister and others seek to form a committee for a dialogue about drafting a Constitution. At the same time, laws are being issued – such as the Law of Political Parties and the Political Rights Law – without any dialogue, despite the need for a wide social dialogue before issuing them.

The events in Tahrir Square yesterday showed the rejection of the masses to the attempt to bypass the will of the people and disrespecting the constitutional provisions in this regard. Yesterday, the people voiced their demands for the dismissal of Dr. Yahya Al-Gamal who is taking the lead in the attempt to violate and bypass the Constitution.

This shows the vigilance of the masses for their rights and their call for adherence to their own will. They also voiced their rejection of the signs of tyranny and dictatorship that the Egyptian people suffered in the past.

We also reject the calls to postpone the procedures for transferring political power to the Egyptian people, which is specified according to a timetable set by the Constitutional Declaration. These calls are made by some strange voices that insist on imposing their own views on others, even though the majority of the people rejected such viewpoints in the latest referendum. We call on those people to show full commitment to democracy, which they call for day and night, in order to make political dealings committed to democratic values and principles.

The Muslim Brotherhood
Cairo – May 14, 2011