

**CRISIS ON THE NILE: NEW EGYPT CONSTITUTION EMBOLDENS
MILITARY, BROTHERS' DECLINE— SISI TURNS AWAY FROM
U.S., SEEKS ALLIES IN GULF & ISRAEL**

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[New Egyptian Constitution: A Slap at the Brotherhood:](#) Joseph Klein, *Frontpage*, Dec. 3, 2013— Egyptians have a new draft constitution to vote upon in a referendum to be held either later this month or in January 2014. It is meant to replace, with amendment language and new provisions, the more Islamist-oriented constitution rammed through by former Muslim Brotherhood-backed President Mohammed Morsi..

[The Brotherhood Waves the White Flag:](#) Jonathan S. Tobin, *Commentary*, Nov. 18, 2013— A few weeks ago I wrote about the capture of a Muslim Brotherhood leader by Egypt's military government and observed that the bloodbath and popular revolution that many observers expected after last summer's coup hadn't materialized.

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ISRAEL, EGYPT, GULF FEAR U.S. BETRAYAL

Ben Caspit

[Al-Monitor](#), Nov. 19, 2013

The deadly terrorist attack that took place near the Iranian Embassy in Beirut on Nov. 19 could not have happened at a more sensitive juncture. Taking place a day before the resumption of the talks between Iran and the major powers in Geneva and ahead of a possible signing of an agreement, it also coincided with the visit of French President François Hollande to Israel, which, for its part, scared and alarmed the whole world with its apocalyptic prophecies about the "surrender agreement" with Iran. It occurred while the Middle East was seething and more volatile than it has ever been...

Not far from this arena, events are also taking place in what was once called the "moderate axis" in the Middle East. What holds this axis together is being referred to as the "doctrine of American betrayal." By abandoning, betraying or neglecting its long-standing allies in the region, the United States has brought these countries closer together. "This is a funny paradox," a well-versed senior Israeli minister told me about two weeks ago. "Take the relationship with Egypt, for example. They — the Egyptians — have realized that the Americans simply don't get the Middle East. The Americans will invariably do the least right thing at any

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given point in time. On the other hand, all the regional players know full well that Israel understands the Middle East inside out. This paradox — the waning standing of the United States — brings the neighboring countries closer to us, Israel, including the ones with which we do not maintain diplomatic ties.

“The most striking manifestation of this phenomenon is the relationship with Egypt,” the minister went on to explain. “Yet it applies to relationships with many other important elements in the region. They now understand the Israeli doctrine, knowing that, unlike others, Israel will not simply back away from previous policies or agreements.” The “organization of countries damaged by American Middle Eastern policy” consists today of Egypt, Israel, Saudi Arabia, Kuwait, the United Arab Emirates and to a lesser extent Jordan. Turkey has also been damaged, albeit for other reasons (because it is a member of the Muslim Brotherhood camp.) That’s why Ankara is not an active participant, but more of an external observer, similar to the status of the Palestinians in the United Nations. Qatar remains on the sidelines, trying to stir every pot.

The edifying story of this bizarre alliance is the American betrayal of Egypt’s former president, Hosni Mubarak. While the story has been widely covered, the exact details have yet to be published. The chain of events is relayed at discreet meetings that are constantly taking place between various elements in the region, including Israel. Saudis, Kuwaitis, Jordanians, Egyptians and others get together to reconstruct that fateful week in Egyptian history. And this is how the story unfolds. When the demonstrations in Egypt broke out, Mubarak quickly understood that this was it; the story was over. His son Gamal (Jimmy) would not become the next president. The dynasty had been nipped in the bud. He even explained it to his wife, Suzanne, who found it hard to come to terms with this state of affairs. At the same time, Mubarak appointed Ahmed Shafik Zaki as prime minister while starting to negotiate with the opposition and the demonstrators.

At that stage, the Americans should have understood that that was the right way to go about it, namely having an orderly transition of power in Egypt ahead of a general election. Mubarak should be allowed to step down with dignity, his head held high. They should not have thrown out the baby with the bath water. But ever since US President Barack Obama took office, the Americans no longer viewed Mubarak as the asset he used to be — the regional “rock,” as Israel’s President Shimon Peres once called him. On two occasions — once in Cairo and once Ankara — Obama delivered speeches “over” Mubarak’s head, humiliating him and letting

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the masses in Egypt and the leaders across the Middle East understand that as-fall/
as they — the Americans — were concerned, he was a spent force.

The anti-Mubarak protests in Tahrir Square confirmed that the people had indeed been fed up with him. But the Muslim Brotherhood did not raid Tahrir Square, but stayed put in its mosques. What Tahrir Square saw were the young and educated who had come of age only to realize they had no money to pay for dowry, leaving them unable to get married. They realized they could not leave their parents' home because they could not afford to get their own place. Understanding that it was all over, Mubarak, as noted earlier, appointed Shafik, who, in turn, embarked on negotiations. The public atmosphere started stabilizing. The masses began to understand that Mubarak was phasing out. At some point, the Muslim Brotherhood started realizing that too, joining the negotiations with Shafik. And then, three days after the Muslim Brotherhood joined the talks, the Americans made their habitual, stupid mistake, giving Mubarak an ultimatum: Leave, and do so summarily. It was Gen. Mohamed Tantawi who received the order from Washington, over the phone, putting the gun on the desk of the betrayed president. Recognizing that his head had been lopped off and thrown to the dogs, Mubarak resigned and took off to Sharm el-Sheikh. The rest is history...

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EGYPT TO CURB ISLAMISTS, BOOST MILITARY

Tamer El-Ghobashy & Reem Abdellatif

[Wall Street Journal](#), Dec. 2, 2013

Egypt's amended constitution, set to be presented to the president on Tuesday, would scale back the influence of Islamic law, enshrine the privileged status of the military and do little to check the resurgent power of police. The major changes in the document appear intended to prevent another Islamist surge in politics and to grant the military and security forces powers to temper civilian rule. Experts said it essentially reverts back to the old order, adding some updated language with vague assurances on political freedoms such as protesting.

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The rewriting of the constitution has been at the center of Egypt's political struggles since the ouster of longtime authoritarian leader Hosni Mubarak nearly three years ago. President Mohammed Morsi, whose fundamentalist Muslim Brotherhood dominated elections that followed the uprising, appointed an Islamist-controlled committee to draft a 2012 amended constitution that gave Islamic law greater prominence. However Mr. Morsi and his group were accused of monopolizing power and the military pushed him from power on July 3 after massive street protests. He was succeeded by an interim government appointed by the military, which then cracked down on Islamists.

The new constitution, amended over five months behind closed doors, bans political parties based on religious identity—a clear blow to Islamists. It is seen largely as a retread of the 1971 version of the constitution, which served as the foundation for political repression during decades of autocracy. The document isn't expected to chart the course for revolutionary change in Egypt or guide it toward a radically different future. Still it is an improvement over the 2012 version, albeit with some problems, said Nabil Abdelfattah, a senior legal adviser at the Ahram Center for Political and Strategic Studies, a Cairo think tank. "This new constitutional project is still faulty," he said, noting the military's role is of particular concern. Civilians can still be tried in military courts for a broad range of crimes against the military. And the constitution stipulates that the minister of defense be a member of the armed forces and that his nomination or dismissal by a president must be approved by the military's top echelon. "This means the prime minister and the president don't have the power to change the minister of defense," Mr. Abdelfattah said. "The government changes, the president and prime minister can change, but not the defense minister. We are now presented with a sacred minister of defense who has complete immunity."

Egypt's military controls vast business interests in the country and its budget has long been shielded from civilian oversight. Some pro-democracy activists over the past few years pushed unsuccessfully for the military and its budget to come fully under government oversight. The amended constitution offers few remedies to confront resurgent police power, analysts said. Hatred of a brutal police force that abused its broad powers under Mr. Mubarak was a driving force behind the first Egyptian uprising and the upheaval left the police in disarray. Interim President Adly Mansour, who was appointed by the military after Mr. Morsi's ouster, is expected to approve the charter and put it to a national referendum this month or in January. The vote will be a test of whether opposition groups can muster the momentum to stop ratification at a time when Egyptians are showing increasing

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[apathy toward politics, less tolerant of protests and eager to ret](https://www.isranet.org/daily-briefing/crisis-nile-new-egypt-constitution-emboldens-military-brothers-decline-sisi-turns-)

[away you seek](https://www.isranet.org/daily-briefing/crisis-nile-new-egypt-constitution-emboldens-military-brothers-decline-sisi-turns-)

Secular-minded groups such as university students and pro-democracy activists behind the 2011 revolt have remained largely silent since the coup against Mr. Morsi. But recently they have voiced opposition toward the military as details of the constitution, coupled with the passing of a new law tightly regulating protests, have emerged. The draft constitution, written by a 50-member committee, does include new provisions aimed at improving women's rights and access to education. Fundamental freedoms, including those guaranteeing speech and the right to assemble, have been added. But it retains a caveat that they can be practiced only "according to the law," leaving room for legislation to severely curb such rights, experts said. The language is a holdover from the 1971 constitution. "The major problem is this reference to law," said Zaid Al-Ali, a constitutional expert with the International Institute for Democracy and Electoral Assistance. "We've had a similar provision for decades and under Mubarak, it didn't stop laws from canceling out the freedoms promised."

The law regulating protests enacted last week is seen as an indicator of how the military government intends to treat fundamental freedoms. The law gives police broad discretion to ban protests and formalizes their right to use force to break them up. It also requires state permission for demonstrations of 10 people or more. It has been criticized by the United Nations, Western governments and rights groups in Egypt. Police have used force and mass arrests to deter groups testing the law, tactics that have renewed protests by secular-minded activists after a period of quiet. Authorities responded to resurgent unrest by arresting popular leaders Alaa Abdel Fattah and Ahmed Maher and charging them with protesting illegally and other crimes. Both men deny the charges. But the general public has grown weary of disruptive demonstrations after almost three years of constant unrest. Citizens have actively cheered police as they violently arrested protesters from both Islamist and secular groups.

On Sunday night, as police lobbed volleys of tear gas at a small student led protest in downtown Cairo, dozens of men rallied behind the security forces, pledging support to help disperse demonstrators. News of Messrs. Abdel Fattah and Maher's arrests enraged civil-rights groups but was met with glee on several popular news talk shows on private satellite stations—a striking change from 2011 when the men were celebrated for helping spark the revolt that unseated Mr. Mubarak. Established political parties aligned with the military-backed "road map"

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[calling for an amended constitution followed by parliamentary and presidential alli/](#)
[elections next year said they anticipate little resistance in the referendum. "The](#)
[new constitution is a source of pride for this country and even if there is an article](#)
[or two that we don't like, we should vote 'yes' still because it is impossible to come](#)
[up with a constitution that pleases everyone," said Ahmed Said, chairman of the](#)
[Free Egypt party.](#)

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NEW EGYPTIAN CONSTITUTION: A SLAP AT THE BROTHERHOOD

Joseph Klein

[Frontpage](#), Dec. 3, 2013

Egyptians have a new draft constitution to vote upon in a referendum to be held either later this month or in January 2014. It is meant to replace, with amendment language and new provisions, the more Islamist-oriented constitution rammed through by former Muslim Brotherhood-backed President Mohammed Morsi. "It is now the right of every Egyptian to declare that this is their constitution," said Bishop Bola, the representative of the Coptic Orthodox Church on the panel that was responsible for drafting the new constitution.

The big loser will be the Muslim Brotherhood, eclipsed by representatives from a more conservative Islamist party and from Al-Azhar University, the seat of Sunni learning, who spoke for Islamists on the drafting panel and have backed the new constitution. The drafting panel also consisted of activists from Tamarod, the secular youth movement that rallied millions of Egyptians who demanded that Morsi step aside, leading to his ouster and replacement by an interim government under the rule of the defense minister, General Abdul-Fattah el-Sisi.

The constitution drafters and the interim government leaders hope that there will be a significantly larger turnout of voters to approve this constitution than showed

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up to approve Morsi's constitution. A larger turnout and vote in ~~support of the~~ draft constitution would serve to legitimize the current interim government's self-proclaimed move towards a more inclusive, democratic regime - at least, that is what the interim government leaders are claiming. Whether presidential or parliamentary elections would be held first following the constitution's ratification remains an open question, possibly to provide the opportunity for Sisi to run for president and consolidate his influence in advance of more contentious, drawn-out parliamentary elections.

On paper, the new constitution would grant new important rights to Egyptian citizens, including protection against torture, human trafficking and persecution for religious belief. It bans parties founded on religion or sect and mandates equality between men and women, both slaps in the face of the Muslim Brotherhood which tried to remake the country in its own image of an Islamist state. In practice, however, the new constitution is but another in a series of constitutional documents, more honored in their breach than their observance. While the new draft pays lip service to human rights and is more secular in nature than its predecessor, the draft keeps Sharia law as the basis for legislation. Repression of dissent, limitations on freedom to practice one's own religion, and violence and discrimination against women are likely to remain the grim reality on the streets of Egypt. State institutions such as the military and the police will retain their privileged status. Not surprisingly, the Muslim Brotherhood has already denounced the new draft constitution. It said that "abusive coupists" were trying to "distort Egypt's legitimate constitution," by which they mean the Islamist-oriented constitution foisted on the Egyptian people last year by a far less inclusive drafting process. Liberals, secularists and the Coptic Church were on the outside looking in, in contrast to their inclusion in the current drafting process.

The Obama administration appears to be taking a wait-and-see attitude towards the new draft constitution. But, in the meantime, the administration continues to punish the interim regime by cutting off vital military aid, including the delivery of F-16s, M1A1 tank kits, Harpoon missiles and Apache helicopters. It does so on the pretext that the regime's forcible suppression of dissent and lack of inclusiveness forced the administration to the point that "we could not continue business as usual with respect to our assistance."

Why not begin resuming at least some deliveries now that the interim government has taken at least a preliminary step on its roadmap towards a more inclusive civil democracy? The excuse appears to be a recently passed law placing restrictions on protest demonstrations, which was aimed at curbing the incessant protests by

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Islamists supporting Morsi before violence could erupt but has ~~also announced~~ ~~disaffected secularist activists.~~ In a press statement issued on November 25, 2013, Jen Psaki, State Department Spokesperson, said that “this law, which imposes restrictions on Egyptians’ ability to assemble peacefully and express their views, does not meet international standards and will not move Egypt’s democratic transition forward.”...

Recall that as millions of anti-Morsi protesters filled the streets of Egypt last June in peaceful demonstrations, Anne Patterson, the U.S. Ambassador to Egypt at the time, said that she and “my government” were “deeply skeptical” about the effectiveness of “street action.” In a little-noticed statement before the House Foreign Affairs Committee on October 29, 2013, A. Elizabeth Jones, Acting Assistant Secretary, Bureau of Near Eastern Affairs, said the “decision to remove Morsi” was “troubling.” President Obama still appears to view the Muslim Brotherhood, whose representatives he invited to his June 2009 speech in Cairo, as the preferred, legitimate rulers in Egypt. It is part of a dramatic pivot that has placed Obama on the side of Islamist authoritarian regimes against more secular, military-supported authoritarian regimes in the region...

The new draft Egyptian constitution, as imperfect as it is, represents an improvement over the Muslim Brotherhood-backed constitution. It was also drafted with more inclusive participation. Egypt will not be a Jeffersonian democracy, no matter who rules. Therefore, given the choice between a nominally more inclusive but authoritarian secular regime committed to fighting terrorism and standing by international treaties, versus an authoritarian jihadist regime that at best turned a blind eye to Islamist violence against Christians and other “infidels” and questioned its existing treaty obligations, the correct choice should be clear. Sadly, the Obama administration appears committed to choosing the wrong side.

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THE BROTHERHOOD WAVES THE WHITE FLAG

Jonathan S. Tobin

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[Commentary](#), Nov. 18, 2013

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A few weeks ago I wrote about the capture of a Muslim Brotherhood leader by Egypt's military government and observed that the bloodbath and popular revolution that many observers expected after last summer's coup hadn't materialized. Today comes news that seems to make plain what was just an informed guess in October: the Brotherhood knows it is beaten. As *Ha'aretz* reports, A Muslim Brotherhood-led coalition of organizations in Egypt announced Saturday that it wants to engage in dialogue with the interim government in order to put an end to the current political impasse. The call by the National Alliance to Support Legitimacy is the first formal proposition by Morsi supporters, who have organized near-daily protests demanding his return to office since he was removed in a popularly supported military coup on July 3. It also marks the first time the group has not demanded Morsi's return to power.

In other words, the organization is conceding that ousted Brotherhood leader Mohamed Morsi is never going to be president of Egypt again and that if they want any say in their country's future it will have to be on the military's terms. This is big news for Egyptians, since it signals that a repeat of Algeria's decade-long bloody civil war after that country's army ousted an Islamist government is now off the table. This puts to rest the argument often heard in this country calling for a stern U.S. response to the coup since it was thought in some quarters to not only a guarantee a long terrorist war but suppression of a legitimate point of view that could count on the support of a critical mass of Egyptians. But if the Brotherhood is waving the white flag and appealing for the tolerance of the government, if not peace with it, it is as strong an indication as we are likely to get that the group knows it's licked...

Tens of millions of Egyptians took to the streets of Egyptian cities in the last days of the Morsi government calling for it to cease its drive for total power and to allow the people a vote on whether it should hold onto power. But if the military had not stepped in, there is little doubt that Morsi not only would have stayed in office but that he would have continued his efforts to ensure that he could never be defeated by fair means or foul. Though it had been able to call on the support of many Egyptians in the wake of Mubarak's ouster and won an election, the year of Brotherhood rule that followed convinced many of those who voted for them they had made a mistake. Though some Western journalists were fooled into thinking the Brotherhood had no intentions of transforming the country into an

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It is in this context that the Obama administration's aid cutoffs to Egypt should be viewed. While it is proper for the U.S. to encourage a turn to democracy in Egypt, it must be on terms that will make it impossible for a totalitarian movement like the Brotherhood to win back power. The Obama administration has foolishly downgraded ties with Egypt and even acted as if it wished for a return of the Morsi government that it had for a time embraced. This shortsighted policy has left an opening for Russia to seek to revive an alliance with Egypt that was ended by Anwar Sadat. But the moral of this story remains clear: while some in the West seemed to accept the Brotherhood's claim that Islamism was the wave of the future in the Middle East and that they could not be defeated, the military and people of Egypt have proved the contrary to be true. Islamists can be beaten. That's something the U.S. should be celebrating, not condemning.

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On Topic

[Tensions Between John Kerry and Susan Rice May be at Core of 'Muddled' U.S. Policy on Egypt: Michael Higgins, *National Post*, Nov. 22, 2013](#) — John Kerry, the U.S. secretary of state, said this week the Muslim Brotherhood “stole” the Egyptian election, a forthright comment but one that adds to conflicting messages about Egypt coming from the U.S. government.

[Egypt's New Government Repeats Its Predecessor's Mistakes: Wael Nawara, *Al-Monitor*, Nov. 27, 2013](#) — In one week, Egypt's government issued a demonstration law which many see as repressive; approved a decision which allows police on university campuses, angering students; cracked down on demonstrators who were demonstrating against the demonstration law..

[Egypt: Why Not Us?: Michael Armanious , *Gatestone Institute*, Nov. 25, 2013](#) — Two

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and half years after the January 25, 2011 revolution, Egyptians ~~are seeking~~ are seeking about their dream of building a modern Egypt. They look around, see the economic successes of China, South Korea and Israel and ask "Why not us?"

[Egypt & Russia: a New Beginning: Samir Karam, *Al-Monitor*, Nov. 22, 2013](#) — It seems that relations between Egypt and Russia have been heading toward a new beginning in recent days, as the Russian ministers of defense and foreign affairs paid Egypt a rare visit.

[The Lost Promise of Turkey-Egypt Relations: Wael Nawara, *Al-Monitor*, Nov. 22, 2013](#) — On Nov. 23, Egypt's Foreign Ministry ordered the Turkish ambassador to Cairo to leave the country and decided to lower the country's diplomatic representation.

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