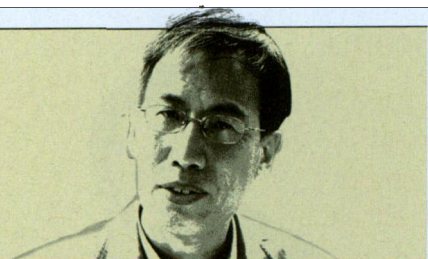


Seeking Balance



Zhang Zhongxiang

The “constitutional declaration” and the “constitutional referendum” proposed by Egyptian President Mohamed Morsi have both led to the greatest political crisis in Egypt since the new president’s election. In an article for *ChinAfrica*, **Zhang Zhongxiang**, Deputy Director of African Studies Center of Shanghai Normal University, espouses the belief that the crisis indicates a sharp religious-secular conflict in the country, and that the democratization of the Middle East will be a long process. Excerpts of his writing follow:

THE turmoil in West Asia and North Africa that started in early 2011 is continuing. The conflict in Syria has lasted nearly two years, and has moved from Aleppo to Damascus; rebels in Libya toppled Gaddafi’s administration in August 2011, but the country still hasn’t elected a president due to the chaos between different factions. Even in Tunis, the

origin of the “Arab Spring” movement, people are not satisfied, as their lives have remained unchanged since the revolution.

This all shows that it is easy to destroy an old world, but much more difficult to construct a new one. High unemployment rates and poor economic conditions are the challenges facing these countries. However, it is not easy to develop a nation’s economy and improve people’s livelihood.

The changes seen in Egypt are a part of the events that have happened in West Asia and North Africa. But when compared with those in countries like Libya and Syria, the change that has happened in Egypt has been comparatively peaceful, as various political factions pursue their interests through peaceful demonstrations. Tahrir Square in Cairo has become a major venue for the public to express their political views. Egypt also has numerous problems, especially the sharp contradictions between religious and secular interests. Its democratization will be a long process and cannot be achieved overnight.

In fact, after being sworn in as president in June 2012, Morsi has made great efforts to stabilize the country’s domestic situation and develop the economy, and has won a good reputation through mediating the conflict between Palestine and Israel. But at the same time, he has also adopted a series of measures to consolidate his ruling position, including adjusting military leadership to smooth his relations with the military.

But he encountered challenges in dealing with the country’s judiciary system. On November 22, Morsi announced a constitutional declaration, decreeing that no laws or declarations passed by the President from the time of his inauguration until a new parliament is elected can be overturned by any authority, including the Judiciary. He replaced Prosecutor General Abdel-Meguid Mahmoud with Talaat Ibrahim for

a four-year term. He also declared that there would be a referendum on a draft of the new constitution.

Morsi’s move to expand his power has aroused wide protests. Under pressure, Morsi first made a concession by nullifying his power-expansion declaration on December 8. One week later, the first round of referendums on the new constitution was held on December 15.

But actually, the referendum and the new constitution will not eliminate religious-secular conflicts as both factions have greatly divergent views on the future of Egypt’s political development and they both want to exert more influence on the country’s future political trends.

No doubt, this divergence and the conflicts in the country have exerted a negative impact on its vulnerable democratization process. Many observers believe that Egypt is now on the brink of civil war.

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Zhang Zhongxiang, Deputy Director of African Studies Center of Shanghai Normal University

Constitutional Authority Relies on Implementation

No matter what the results of the referendum will be, the turmoil will further tear Egyptian society. Morsi's constitutional declaration and his other measures have led to conflicts between his supporters and his opponents. These conflicts further sharpen Egypt's religious-secular divide. If the situation in Egypt continues to be this unstable or deteriorate further, it is possible that the army will interfere.

More importantly, the country's economy has been greatly influenced. Depressed economies and low employment are important reasons for the chaos in these Middle Eastern countries, and Egypt is no exception. An ancient civilization, Egypt boasts abundant tourism resources. But this long-lasting turmoil has been a blow to its tourism industry. The conflicts after the constitutional crisis have further hurt the country's economy. On November 25, its stock market tumbled 9.59 percent, with 30 billion Egyptian pounds vanishing in one day. Egypt is now heavily in debt.

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In fact, the constitutional declaration and the constitutional referendum only lit the fuse of religious-secular conflicts, which had existed even during the Mubarak era. It will be a long time before the divide can be bridged. In addition, politicians' wisdom and tolerance, and consultations among different parties are also important. In the process of promoting democracy in Egypt, it is good for political leaders to consider the interests of different organizations and religious groups so as to avoid negative repercussions for the country's future development. **CA**

December 4, 2012 marked the 30th anniversary of China's current Constitution. Xi Jinping, General Secretary of the 18th Central Committee of the Communist Party of China (CPC) pledged to promote the authority of the Constitution and the rule of law.

"The Constitution adapts to national conditions and realities, and also meets the requirements of the times," Xi said. "No organization or individual is privileged to be beyond the Constitution or the law, and any violation of the Constitution and the law must be investigated," he stressed.

Professor Han Dayuan, President of the Research Center for Constitutional Studies under the Chinese Law Society and Dean of the Law School at Renmin University of China, was recently interviewed by Legaldaily.com.cn. His views are as follows:

REMARKABLE progress has been seen in China's legislation over the three decades since the Constitution was adopted and promulgated for implementation in 1982. Governed by its Constitution, China has formed a legal system, laying a solid foundation to ensure that people "act in accordance with the law" and that "the Party conducts its activities within the limits permitted by the Constitution and other laws of the state."

The Legislation Law, adopted in 2000, provides a legal guarantee for establishing the authority of the Constitution and the law.

The Constitution highlights the core values of "respect for and protection of human rights." During the fourth revision of the Constitution in 2004, a provision that "the state respects and guarantees human rights" was added to the Constitution. The "human rights provision" is now an important yardstick for evaluating the capacity for public rights, and a modern concept of constitution based on human dignity and value, rights and freedom has been established.

According to the Constitution, the primary responsibility of state organs is to safeguard citizens' rights. Putting human rights into the Constitution has injected vigor into China's modernization drive and profoundly changed the values of Chinese society.

Over the past 30 years, achievements have been made in the following areas. First, the Constitution has been kept updated with the changes of the times. Four revisions have included into the Constitution the ideas of "non-public sector of the economy," "market economy," "rule of law" and "human rights." Second, the text of the Constitution is more methodical and well-structured. Third, the Constitution's authority is clear. The principle of "a unified legal system" set by the Constitution has become the most important legal basis for implementing the rule of law in China.

To truly understand constitutional implementation, some concepts should be distinguished. For example, constitution implementation and supervising the constitution implementation are two different concepts. Constitution implementation mainly depends on state organs, social organizations and individual citizens to meet their constitutional obligations.

Yet, an important part of constitution implementation lies in how to respond to legal subjects that don't or are unwilling to fulfill their constitutional obligations. Therefore, state organs at all levels should conscientiously fulfill their constitutional duties. Looking ahead, another important task is to improve the efficiency of constitutional implementation through institutionalization. **CA**