

# **THE TERM OF REFERENCE OF THE VICE PRESIDENT OF EGYPTIAN CONSTITUTIONAL SYSTEM (ANALYTICAL, CRITICAL & COMPARATIVE STUDY)**

Prof. Mohamed Ahmed Abd-Naem

## **AN INTRODUCTION**

The state is the political entity of the nation, and the concept of the state, according to the jurisprudence consists of the political systems of the three pillars: the people, and the territory, and the authority.

Our study focuses on the executive Authority - as one of the three powers of the State next to the legislative and judicial branches -This authority consists of, according to the Egyptian constitutional system, from the President of the Republic and the Prime Minister.

The President of the Republic is an effective axis in the executive authority in Egypt, where the Egyptian constitutions gave him, as of the Constitution of 1956, a many important functions both in normal or exceptional circumstances.

Due to the importance for this position, and enjoyed by the clear impact on political life, the president could face a certain conditions permanently or temporarily prevent him from carrying out its multiple references which affect the conduct the state's affairs.

So it has been keen for the many of the other political systems like the Republican system, including the Egyptian regime, to take over this important position must be organized by the constitution, as well as the approval for a position of a Vice President is to meet the conditions and circumstances that prevent or hinder his constitutional duties for the president, such as his charge of treason case, or disease case, or travel ..... Etc.

The position of the Vice President raises many problems, both in terms and conditions of selection mechanism, whether appointment or election and the extent of the president authority, in this regard, between the absolute and implementation according to its terms of references and governing rules.

Because Egypt is undergoing now a critical phase in its contemporary history and, in following January 25 revolution 2011, The preparation ordered for a new constitution to the country is very accuracy.

From one side, it is important that we imagine or see for this position commensurate with its greatness. From the other side, the precise circumstances which the country undergoing

## **FIRST SECTION**

### **THE CONSTITUTIONAL ORGANIZATION FOR POST OF THE VICE**

### **PRESIDENT ON THE COMPARATIVE AND LOCAL LEVEL**

## **PREFACE**

The Legislator usually keen in political systems which recognize the principle of existence, the position of vice president, which lays a basic of organizing regulations for this position. and one of the application of this, that the legislator in the Egyptian Constitution

1958 expressed this direction, and continued on this way in subsequent constitutions and even the current constitutional Declaration of 2011.

Therefore, in that matter, it has not been left for the general legislator, In order to adjust the relationship between the president and vice president as possible.

In this context we will divide our study for this section to following two topics:

### **First: The Constitutional organization in pre revolution of January 2011.**

1- The constitutional organisation for the position of vice president under the Constitution of 1958

The Constitution of 1958 - the Constitution of the United Arab Republic at the stage of unity between Egypt and Syria - the first Egyptian Constitution addresses the regulatory for the position of vice president.

Under article 46 of the Constitution: "The President of the Republic to appoint a deputy to the President of the Republic or more and relieve them of their posts" otherwise the French Constitution (Constitution of the Fifth Republic, issued in 1958) did not mention for the position of vice president.

In this regard the French legislator addressed the problem of the interim and final vacuum for president, Where Article VII of this Constitution:

In the event of the Presidency of the Republic falling vacant for any cause whatsoever, or of an impediment being formally recorded by the Constitutional Council upon referral to it by the Government and ruling by an absolute majority of its members, the functions of the President of the Republic, with the exception of those laid down in Articles 11 and 12 below, shall be temporarily exercised by the President of the Senate, or, if the latter is in his turn impeded from exercising these functions, by the Government. In the event of a vacancy, or when the impediment is declared permanent by the Constitutional Council, polling for the election of a new President shall take place, except in cases of force majeure formally recognized by the Constitutional Council, not less than twenty days and not more than thirty-five days after the beginning of the vacancy or the declaration of the permanence of the impediment. If one of the persons who publicly announced their decision to stand for election less than thirty days before the final date for lodging the presentations of candidature dies or is otherwise prevented within seven days prior to that date, the Constitutional Council may decide to postpone the election.

2- The situation in the light of the Constitution of 1964 (provisional):

The legislator added the structured more favorable for the job in several aspects. Where allowed Article 109 of the Constitution of 1964, the President of the Republic may depute Vice President in the case of temporary inhibitor, such as travel and simple disease.

Moreover

Article 110 confirmed the principle of temporary replacement to the Vice President of the Republic in case of President resignation or permanent disability,

And that while the choice of a new President within sixty days from the date of the vacancy of the presidency and in accordance with the regulations approved by the Constitution.

3- Third: the constitutional organisation for the position of vice president under the constitution 1971.

a- About appointing authority

Article 139 of the 1971 constitution mentioned "The President may appoint one or more vice-presidents, define their mandates and relieve them of their posts."

It seems that this followed by Syrian legislator in the Constitution of 1970, article ninety-fifth:

The President of the Republic shall nominate one or more deputy and delegated some of his functions....,,

And we have a question asked in this regard why does not the legislator in both countries to set conditions or controls to set or choice the vice President? Does this reflect the approval of the principle of absolute power of the President?!

b- about the limits of powers of the vice president: -

Article 82 of the 1971 constitution If on account of any temporary obstacle, the President is rendered unable to carry out his functions, he shall delegate his powers to the vice-president or the Prime Minister if there is no vice-president or, if available, he is unable to act in such capacity. The one who shall act on behalf of the President may not request any amendment to the Constitution or dissolve the People's Assembly or the Shura Council or to relieve the cabinet.

c- The temporary replacement to the Vice President Republic:

The article 85 of the 1971 of the Egyptian constitution "The vice-president or, if there is no vice-president or, if available, he is unable to act in such capacity, the Prime Minister shall temporarily assume the Presidency, until a decision has been made on the impeachment, subject to abidance by the ban stipulated in paragraph 2 of Article 82 the ban stipulated in paragraph 2 of Article 82 . The President of the Republic shall be tried before an ad-hoc court, the composition, prosecution procedure and penalty of which shall be regulated by the law. Should he be convicted, the president shall be relieved of his post, without prejudice to other penalties".

## **Second: The Constitutional organization during and post revolution of January 2011.**

1- A basic overview:

As a resulting in the revolution of January 25, 2011 fall of the 1971 Constitution

So keen Armed Forces, which were tasked with managing the affairs of the country at that time to issue a number of constitutional declarations to adjust the political and economic situation and social development while preparing a new constitution for the country.

2- The Constitutional Declaration that regulates the position of Vice President of the Republic  
Article 31 of the Constitutional Declaration

The President shall, within at most 60 days of exercising his powers, appoint one or more vice presidents, the responsibilities of whom the President shall determine. In the case that a vice-president is dismissed from office, the president shall appoint a replacement..

The same qualifications and rules of accountability applicable to the President shall apply to the vice presidents

3- How Constitutional Declaration contributed to establish regulations controls of vice president position?

It Shows through this text submitted that the Egyptian legislator turned for the first time of the launch of the president's power in selecting his deputy to the relative restriction of this power.

This transformation appears through the establishment of constitutional legislator to a range of restrictions contributed to some degree to restrict the authority of the President of the Republic in selecting vice, and these constraints were as follows:

a - Temporal limitation

Stipulated that the text of Article 31 of the Constitutional Declaration that the President of the Republic need to appoint a deputy within sixty days at the most, is no longer the domain never before President as was the case under the previous constitutions.

b -The commitment of the President of the Republic determine the terms of reference of his deputy: the constitutional Declaration committed the president of the republic following its decision to appoint his deputy to determine the terms of reference of this deputy.

The question raised in this context:

Is it requires to include the appointment decision to determine the terms of reference of the Vice President?

Do not believe in the necessity of coupling the president's decision to appoint Vice President specify terms of reference. it is acceptable that the President shall defer the decision to determine the terms of reference of the Deputy to later according to the circumstances and conditions.

The controls of the selection Vice President: c-

Not adopted the Constitutional Declaration of the absolute power principle of the President in the appointment of his deputy, therefore, committed the president the need to apply the conditions to be fulfilled in the President of the Republic, as contained in Article 26 of the Constitutional Declaration.

that must to be an Egyptian of Egyptian parents and enjoying their civil and political rights And should not have to carry or any of his parents nationality of another State , And not be married to a non-Egyptian, and be at least forty years of age AD.

## **THE SECOND SECTION**

### **TERMS OF REFERENCE OF THE VICE PRESIDENT OF THE REPUBLIC THROUGH CONSTITUTIONAL AND POLITICAL DEVELOPMENT**

#### **Introduction**

In this section, we present several basic aspects of the position of vice president and perhaps the most important discussion of the legal nature of the Vice President of the Republic Is he just the Assistant to the President of the Republic or have all the powers of the president, the other hand, it is important to show the mechanism and conditions of the selection of this deputy in comparative constitutional vision, And by the third we should shed light on the terms of reference of the Vice President and the evolution of this specialty at the political and constitutional , In light of the foregoing We'll go over the progress in the following two requirements:

The first requirement: mechanism and conditions for selection of the Vice-President.

The second requirement: the evolution of the terms of reference of the Vice President.

#### **Mechanism and conditions for selection of the Vice-President**

Egyptian legislator settled on the mechanism of appointment in the selection of the Vice President but he did not care to determine the conditions of appointment only in the Constitution of 1971 and in the current constitutional declaration for the year 2011.

The president issued the decision to appoint his deputy in the light of the conditions required by the Constitution and can tailor the above are as follows:

**First: the legal nature of the position of vice president.**

The constitutional legislator did not specify explicitly legal nature of the position of vice president; this determination requires answering the following question, Is Vice President just assistant to the president, who assigned certain tasks?

To answer this question we have to determine two points as following:

1- Vice President is Assistant with specific terms of reference

The Evolution towards constitutional legislator in Egypt  
About how much power available to the President in the selection or appointment of his vice president, In light of this dimension we can determine the legal nature of the vice president. In light of the analysis of some of the texts of the Egyptian Constitution issued in 1971. We can see that the president's authority in the selection of his vice president is a semi absolute authority, both in terms of the appointment decision, or in terms of the validity of the president or in determining the terms of reference of his vice president.

**Article 139** of the Egyptian constitution 1971, "the President may appoint one or more vice-presidents, define their mandates and relieve them of their posts".

It seems that the Syrian legislator was in line to a large extent with the Egyptian constitution, where the text in Article 95 of the Syrian Constitution of 1970 which amended in 1973 and decided: "The President of the Republic appoints one or more Vice Presidents and delegates some of his duties to them. The President also appoints the Prime Minister and his deputies and the ministers and their deputies, accepts their resignations, and dismisses them from their posts".

In this context, we can said that the vice president is merely assistant to the President the Republic with specific terms, and then the president has limited or the add flexibility, and thus, the President also has appointment the position exemption or removal, there is no restriction of the timing of the appointment decision, or the exemption.

With the January 25 revolution in 2011 fell Constitution of 1971, the current constitutional declaration was issued and came relatively restricted to the validity of the President in the appointment of the Vice president from few aspects.

We can explain that through article 31 from the constitutional declaration in 2012 as following

"The President shall, within at most 60 days of exercising his powers, appoint one or more vice presidents, the responsibilities of whom the President shall determine. In the case that a vice-president is dismissed from office, the president shall appoint a replacement.

The same qualifications and rules of accountability applicable to the President shall apply to the vice presidents".

And highlights the features of this constitutional restriction on the validity of the president appoints his deputy in the following aspects:

A - timing of the issuance of the appointment decision, not exceeding sixty days from the date of the performance of his tasks.

B - President's commitment to appoint another Vice if required the order of exemption decision.

C-The president is restricted in selection of vice president by conditions existed to be met by the President of the Republic

In light of the above, we can say that the Vice President is in fact assistant to the president his powers is determined by decision of the President of the Republic, Perhaps what affect this interpretation is provided by the constitutional texts , and recently released on Sept. 19 from Presidential Decree defines the powers of the vice president, what'll show in detailed.

2- The vice president has a right for a temporary assume the presidency

We introduced previously that Article 85/2 of the Constitution of 1971, was mentioned " he President shall cease to exercise his function as soon as an impeachment decision has been issued. The vice-president or, if there is no vice-president or, if available, he is unable to act in such capacity, the Prime Minister shall temporarily assume the Presidency, until a decision has been made on the impeachment, subject to abidance by the ban stipulated in paragraph 2 of Article 82 the ban stipulated in paragraph 2 of Article 82 . The President of the Republic shall be tried before an ad-hoc court, the composition, prosecution procedure and penalty of which shall be regulated by the law. Should he be convicted, the president shall be relieved of his post, without prejudice to other penalties".

In this context a modern view was in Jurisprudence: Vice President is not only just an aide to the President in the performance of his duties only, but it is replaced in the event that occurred on vice president leading cause of it, And thus he put Vice president makes it participates in the conduct of vice president rule in the country in the ordinary or do full in temporary conditions.

This command is different from the case of temporary inhibitor which addressed by Organization the Article 82 of the constitution of 1971 Previous as limited to the terms of reference of the vice in this case in the conduct of the affairs of state, and banned upon request to amend the constitution or dissolve the People's Assembly or the Shura Council, or the removal of the ministry.

While did not specify the Constitutional Declaration the cases or reasons vacancy of the position of President of the Republic, It is conceivable that this vacancy will be achieved when death, resignation or relieved from his post, and appends it also the case of the President missed one of the conditions of his presidency, and if it turns out that one of his parents is not Egyptian or lose eligibility civil, political, or his Egyptian nationality. (1)

It is hoped that seeks constitutional legislator to pay more attention by organizing the position of President and determine his powers in the case of interim or final inhibitor.

## **Second: The mechanism for the selection of the vice president.**

The position of vice president a valuable, and so legal systems vary in how he took his post, there are those who make it by the election as is the case for the President of the Republic such as the American system, and make his choice by appointment such as the Egyptian system. (1)

Apart from the evaluation of the election or appointment mechanism for the selection of the

Vice-President, the study requires that we offer some points as follow:

## **1 - Election as a mechanism for the selection of vice president.**

The vice president is selected, according to the U.S. Constitution in a manner election for four years. Article 2/1 of this Constitution:

" The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President chosen for the same Term, be elected"

The Indian Constitution provides in Article 63 and 64

There shall be a Vice-President of India.

The Vice-President shall be ex officio Chairman of the Council of States and shall not hold any other office of profit: Provided that during any period when the Vice- President acts as President or discharges the functions of the President under article 65, he shall not perform the duties of the office of Chairman of the Council of States and shall not be entitled to any salary or allowance payable to the Chairman of the Council of States under article 97.

And article 67 "The Vice-President shall hold office for a term of five years from the date on which he enters upon his office: Provided that— (a) a Vice-President may, by writing under his hand addressed to the President, resign his office;

## **2- The appointment as a mechanism for the selection of vice president.**

Legislator settled in Egypt the adoption appointment mechanism for the selection of vice president, and assigned this legislator as of the 1958 Constitution to the President the power to appoint the vice president, and the frequency of the situation on the trend in the constitutions of 1964, 1971 and up to the current constitutional declaration for the year 2011.

However, the limits of the authority of the President in the appointment of Vice President has undergone a significant transformation with the current constitutional Declaration in terms of the timing of the decision, and the president's commitment to issuing, the conditions which controlled this appointment, as we made clear that the foundations of the constitutional declaration added relatively restrictive on this power compared to previously constitutions as quoted above.

In one hand, we believe in preference the election in the choice of the vice president in terms of democracy

On the other hand, the election mechanism gives value and constitutional process for the position of the vice president.

**Third: The terms of appointment of the vice president.**

The evolution toward the Egyptian constitutional legislator to launch the all the authorities of the President in the appointment of his vice president and restrict this authority by requiring the President certain disciplines,

1- That required to distinguish between two phases in this regard:

**The first phase:** The launch of the authority of the President in the appointment of his vice president:

Following the July Revolution of 1952 the legislator influenced by the political situation, the predominance of the totalitarian regime singles, could not surprising that maximizes constitutional legislator of the powers of the President. In this context the legislator granted to the President of the Republic over the constitutions of 1958 and 1964 and 1971 an absolute power to appoint a vice president.

In response to this trend the legislator committed in organizing this power formulation (with some minor differences) and saying, President has the right to appoint a vice president or more and relieve them of their posts.

In the Constitution of 1971 added a clause stipulating legislator, to apply the accountability rules which controlling the president on the Vice President of the Republic too.

The second phase: the restriction of the president's authority in the appointment of the vice president

We have provided the Constitutional Declaration issued in 2011 which limit the powers of the President in the appointment of the vice president, and we interested in this regard to point out an important point, namely:

The validity of the conditions that must be met in the President of the Republic to the rules organizing the accountability to vice president.

When we reviewed the article No.26 of the Egyptian constitutional declaration 2012

"It is required for whoever is elected president of the republic to be an Egyptian who has never held another citizenship, born of two Egyptian parents who have never held another citizenship, enjoying his/her political and civil rights, not married to a non-Egyptian, and not falling under the age of 40 years"

It is understood from this text that the terms of the selection of Vice President concludes as follows:

- 1 - must be an Egyptian from Egyptian parents.
- 2 - Must enjoy his civil and political rights.
- 3 - Should not have to carry or any of his parents nationality of another State.
- 4 - It should not be married to a non-Egyptian.
- 5 - Not under the age of forty years of age.



These conditions indicate to support the President's vision to test his vice and up to the objectivity and abstraction, and attention belonging to the homeland, the legal authority for the exercise of the rights and duties and finally, the emphasis on the mental maturity from a third side.

Indian legislator like the Egyptian one in this regard, where requests the same conditions for nomination for the position of the vice president and to be the candidate from India and not less than 35 years of age, and to be in possession of the nomination conditions for membership in the Indian Parliamentary, and moreover. It requires the candidate for Vice President of the Republic to be in possession of the nomination conditions for membership in the Indian Parliamentary

The legislator was largely successful adoption of these conditions in the Constitutional Declaration Without referring the matter to the normal legislature given the seriousness and the value of the position of president and vice president.

2- Does the President's decision subject to appoint his vice for a specific type of censorship?

We have provided that the appointment of the Vice-President of the Republic in the Egyptian constitutional system by the decision of the President, while the selection of Vice president is one of the estimated power for the president which are restricted by certain disciplines.

But the prospects of inadequate selection or lack of commitment to the source of the decision by disciplines of selection that will raise important problem, namely:

"The president's decision to appoint his vice president is under a judicial control or another kind of control."

A - Egyptian State Council excludes the regulatory competence in the president's decision to appoint his vice; the administrative Court addressed this matter and ruled as follows:, The President of the Republic is the Head of State, who shall confirm the sovereignty of the people and maintain the boundaries between authorities is the chief executive,

And that he has the power to appoint one or more vice, and that if any temporary obstacle the President of the Republic in his powers delegated by the Vice President, As the Vice President of the Republic shall state presidency temporarily until the accusation to the President of the Republic If a decision accusing him in accordance to Article 85 of the Constitution, As the terms of reference which empowers the vice president make him President shall participate in the conduct of governance in the country, under normal circumstances, or do a full interim in the cases referred to it, which makes the appointment to this position a political act on matters of governance, which enters the scope of sovereignty that distance him from judicial review, and then the decision of the President of the Republic appoints Vice President of the Republic or to refrain from appointment.

B- Control of public opinion are superior to the work of the higher authorities:

If the judiciary has served as the decision of the President of the Republic of sovereignty, and then excluded from its mandate of the work, the The hard decisions of political power does not move away from popular control, .the people are the source of authority, and thus have a through monitoring tools various public opinion such, media, and questionnaires, and the press to speak at the error of this view .

If we look at the former president's decision to appoint his first vice president after thirty years in the 29/1/2011 to find that this decision was driven by public pressure with the outbreak of the revolution of January 25 2011.

## **THE EVOLUTION OF THE TERMS OF REFERENCE FOR THE VICE PRESIDENT IN THE EGYPTIAN CONSTITUTION**

The Egyptian legislator determine the terms of reference for vice president made of president powers, where it settled on this situation since Constitution 1958 and even current constitutional declaration.

In this regard it can be seen the evolution of vision legislator since the Constitution of 1964, then under constitutional amendments in 2007 of the Constitution 1971, falling under the proclamation year 2011, and separate what progress through the distinction between the three stages as follows:

### **1- The terms of reference for the Vice President at the stage of 1958 Constitution:**

-

The Constitution of 1958 did not disclose the reference to terms of reference for the vice president or the authority to determine the terms , Article 46 of the Constitution stipulates that (the president to appoint a vice president or more and relieve them ). However, understood implicitly that terms of reference for the Vice President Republic is the heart of powers President Republic on the basis of fundamentalist rule that decides that appointing authority is determined by terms and authority of the exemption at the same time.

### **2- The terms of reference for the Vice President at the stage of the Constitution 1964:**

-

The Constitutional legislator position differed at this stage, Not only approval the principle of the eligibility of President Republic in the appointment of his vice president but beyond this, where interested favoring this position and determine its features.

Article 109 of this Constitution allowed the president to assign his vice to exercise woks In this hypothesis attributed to President of the Republic in terms of both duration and prosecution fields.

Article 110 also confirmed to First Vice President for taking over all terms of reference for President temporary basis until the selection of President Republic within sixty days from the date of vacancy presidency.

And guided to the above we can said that the terms of reference for Vice President under this Constitution is with terms of reference for President Republic, or at least to the extent specified by decision President Republic according to the circumstances inhibitor temporary or permanent. (1)

### **3- The terms of reference for Vice President of the Republic at the stage of 1971 Constitution and its amendment .**

The legislator continued to look in the Constitution of 1964, in terms of adoption the principle of temporary assume of vice president replaces in case temporary obstacle.

**Article 82 mentioned** If on account of any temporary obstacle, the President is rendered unable to carry out his functions, he shall delegate his powers to the vice-president or the Prime Minister if there is no vice-president or, if available, he is unable to act in such capacity. The one who shall act on behalf of the President may not request any amendment to the Constitution or dissolve the People's Assembly or the Shura Council or to relieve the cabinet.

This means that the constitutional legislator influenced by political situation by the desire to develop terms of reference for Vice President Republic, and therefore the Vice President of the Republic under deputation his constitutional may be exercised all terms of reference for the president except as follows: (1)  
1 - Amendment the Constitution. 2 – the resolving right to People and Shura Council. 3 - To dismiss ministry.  
This can explain the course view of seriousness and accuracy these tasks by given the fact prosecutor in this case of a temporary nature not likely exercise one of these tasks.

4- The terms of reference for the vice president in the light Constitutional Declaration issued in 2011:

The legislator emphasized in this declaration to the authority of President to appoint his vice president and define his job and due to temporary nature of the declaration, it did not highlight details of this jurisdiction, and particular with pursuit forward to the issuance of a new constitution comprehensive overview of all aspects.

The merit of this meaning, the first paragraph of Article 31 of this declaration , Appointed by the president, the vice or more and define their job . ,,,

In application of the President issued on September 19, 2012 decree determine terms of reference for Vice President are as follows:

A- To Make decisions and take actions which necessary, in case of any temporary obstacle the President of the Republic to its , does not include request amend constitution, or resolve the People or Shura Council, or dismissal ministry.

B- The validity of making decisions and take action as authorized by the President in the event of out of country, and also look at the decisions and decisions proposed by the competent authorities, and studied to President.

C- Legislative reform project leadership, to ensure independence judiciary and establishing principle separation of powers in order to achieve the objectives of revolution January 25, and found to build modern state.

D- The Supervision of democratic dialogue between spectra nation and political forces and oversees the care constitutional rights and freedoms, and monitor the respect of all over the state.

E- Assist the President in the management and direction and follow work assistants and Adviser President, and the representation of President in the tasks that his deputy.

F- request the central state and local regulatory and testified with any data or information or statistics requested them, also has right to be assigned to these authorities or others give opinions verbally or in writing submitted to the sovereignty

### Third Section: Vice President of the Republic Between regulation and non regulation "Future Vision"

Organizing position of vice president is raised a considerable attention in legal and constitutional circles, and even at the level of the average citizen.

With the approach of establishing a new constitution for the country It will be necessary after work to announce the current constitutional That includes the new constitution basic axes and sections as the State, and the system of government, and the authorities, rights and freedoms. This constitution should include carefully structured and comprehensive for the job which has not been given sufficient attention over the Egyptian constitutional history.

The question imposes itself that:"Does the job leave it to the will of the President of the Republic with esteem and determines its aspects and its validity, or it is essential that included in the constitution, due to its importance in the management of the affairs of the country especially with the vacancy of the office of President of whether any temporary or permanent. "

The answer to this question requires that we offer the following aspects: -

#### **First: the obligatory extent of constitutional regulation to the position of vice president:**

We can distinguish between two views in this regard, where to view to express preference, no provision for to post to vice president in the constitution and to keep the power of the president to appoint a vice or more and give to what he wants of the terms of reference given that this inherent right to the President. While another view believe that the most widely accepted that to lack to text on to powers to the vice president in the Constitution makes to useless and becomes just secretarial work to president.

We hope that the recent Constituent Assembly to prepare a draft in next constitution, not to cancel the position of Vice President in it In order to establish to integrated enterprise of the governing body in Egypt. not to release powers of the President in this regard unconditionally.

#### **Second: In terms to the best mechanism in choosing Vice President of the Republic:**

We can say it is better to be elected Vice President completely, Such as the American system and the presidential candidate has a right to post him with his election by people together

Perhaps what supports this view that to constitutional experience in Egypt since 1958, Give to power to choose the Vice President and enjoys the President in this regard to absolute authority. Thus it is necessary to be now and in the future also in front of the authorities and clear the vice president and be specific to the Constitution and that the choice by election, as in the American system and the Indian.

#### **Third: The necessity of the constitutional limitation of the terms the of the Vice President:**

We believe that it is necessary to determine in the new constitution about Vice-President. Perhaps what supports this necessary, The former Egyptian constitutions did not take this selection appropriate attention for political reasons.

The announcement came with the current constitutional free, also to identify any specific powers to Vice President, Hence the President has the right to grant or withdraw powers,

There is no doubt that this foretells serious question the credibility and transparency of the existing institutions of governance to manage the affairs the country.

**Fourth: The need for the remedy of the constitutional vacuum which resulting from the face the case of death of the President**

It's clear that the current constitutional declaration Came free of any text Shows no indication of the state of the country in the event of death of President before the adoption of the new constitution, and therefore the real trouble will only answer it the next constitution.

it would be acceptable or expected that the current president imposes the Vice , in the case of replaced despite the will the people and thus society will the severe power struggle, (1)

**Fifth: the outlines of the constitutional project excluded the position of vice president.**

Indicate the current draft Egypt's new constitution to the lack of interest in the organization as Vice President, It seems that the competent Committee Constituent Assembly charged with preparing this project radar screens, the distinction between the cases of temporary inhibitor, and lasting inhibitor.

For the case of temporary inhibitor replace prime minister replaces the president.

In the case of permanent inhibitor, The Chairman of the House of Representatives and then the President of the Senate to take over the work of the presidency in the absence, and provided that any of them is running for the presidency, and elect a new president within a period not exceeding ninety days from the date of the vacancy.

The project was under the powers of acting President, where the prohibition amendment to the Constitution or dissolve the House of Representatives or the dismissal of the government.

With full appreciation for the direction of constitutional legislator in the constitutional project but it could be argued, any failure to organize a position of vice president represents an unacceptable decline, it is indispensable for the job, provided organized in the process at the heart of institutional Constitution both in terms of the mechanism chosen by election, or to determine the terms of reference.

**Sixth:** A new constitution that would give President delegating authority in the terms of reference to the Prime Minister or his vices, ministers or governors, as regulated by law, we estimate that authorization mechanism may contribute to easing the burden on the President of the Republic, and then supports the conduct of the principle of decentralization in political management as an essential step toward democracy.

## **CONCLUSION**

Egypt is one of the leading countries in the Arab region, which established a constitutional system since 1882, throughout history, contemporary political history witnessed in Egypt several constitutions reflect the entire evolution of democracy.

The constitutional legislator became interested in Egypt as Vice President of the Republic since the Constitution of 1958, the Constitution reverse the organization for the job democratic space witnessed by the political transition in Egypt, noted that the authority of the President of the Republic has remained absolute in choosing his vice, both in terms of timing or powers.

It began profiles shift towards controls in the selection of vice president with the glorious revolution of January 25, it appeared nominally with the current constitutional declaration issued at the end of March 2011.

These controls are crystallized in restrict the authority of the President of the Republic in the need to appoint a vice within sixty days from the date of his appointment, as well as its commitment to determine its terms of reference as well as to restrict the President in choice of vice conditions to be met by the President of the Republic.

There is no doubt that this shift, represents an important step in establishing the character of the founder of the position of vice president,

In order to stabilize the political situation in the country, in the case of check any temporary or permanent preclude the exercise of his duties by the President, Vice President misplaced.

The Egypt is currently undergoing a prominent efforts to prepare the new draft constitution, and raise the outlines of this project and conservative debate about the feasibility of continuing position of vice president, and to what extent can rely on other positions Replace the President of the Republic in his absence as vice president of the House of Representatives or Senate, or the Prime Minister.

Despite what is being said among the Constituent Assembly, about the inclusion of the post of Vice President of the Republic within the draft constitution, we note, however, of history, the importance of the constitutional for the job, and the vice are chosen by election in order to establish an institutional nature of the presidency, and deepen the concept of democracy on the other hand.