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## **POST ARAB SPRING CONSTITUTIONS**

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Constitution is a fundamental document for any country. Though the causes of the Arab Spring are mainly connected with political and economic phenomena of countries according to the scholars, but this paper aims to show that constitutions also had their impact on Arab revolutions in Arab Spring countries, especially in terms of minorities' rights. In this paper I will compare Arab Spring countries' constitutions (Tunisian and Syrian). Only in Tunisia and Egypt the transition of power happened in a modern way. In other countries such as Libya and Yemen there is still a civil war, therefore, there are no new constitutions adopted after the revolution. The Syrian new Constitution of 2012 is a special case.

#### **Tunisian Old Constitution of 1959**

After Tunisia got its independence from France in 1956, the Tunisian Constitution adopted on 1 June 1959 gave lots of authority to the President and less to the legislature, executive and judiciary. This Constitution gave power to one ruling party; the executive branch was President himself. This limitation of exercising political power by those three branches in the country led Tunisia to living under dictatorship because there was no check and balance or dividing power between them. This unlimited power of president in Tunisia can be seen in Article 39 which paralyzed the parliament, government and judicial branch in the country. This most important article shows the paradox between authority and liberal understanding of democracy. For example, in 1975 according to Article 39 in the Tunisian Constitution, President Habib Bourgeba considered himself a president for Tunisia forever. But in 1988 when new President Zain al-Abidin bin Ali came to power this article was changed “limiting the Presidency to no more than two terms”. It is worth noting that in 2002 when President Bin Ali was about to finish his second presidential term, he held a referendum so as to change this article again to extend his presidential powers for the third term. The participation rate was 99.53 % and all of them voted for the extension. From a liberal perspective, this step is a viola-

tion of democracy and is unacceptable. Article 44 states that President is the supreme commander of the military forces and is the only one who can move the military inside or outside the country. According to Article 51 the President is also Prime Minister. Articles 58 and 59 give the right to the President to control the government and guide it according to his instructions and orders.

### **Tunisian new Constitution of 2014**

Unlike new democratic states such as Spain or Chile where the constitutions were adopted by people through referendums, the new Tunisian Constitution of 2014 was adopted by the temporary national committee of Tunisia. For example, in 1977 Spanish people voted for the new constitution at the democratic referendum to give legitimacy to the new constitution after General Franco's death. In Chile, after the collapse of the military government in 1988, the new constitution was adopted after the Chilean citizen participated in a referendum.

The new Tunisian Constitution refers to the Constitution of the Second Tunisian Republic. The contemporary Tunisia is not centralized which means that the city governments can also take decisions according to the law stipulated in Article 134. The separation of powers (legislative which belongs to the Parliament, executive which is exercised by the President and the Government of Tunisia and judiciary which is exercised by the Court) is very clear which is stated in Articles 50 to 124. This system helps the country provide more democracy and stability in rule. However, the power of the judiciary over the President and Prime Minister is not that much, which is one of the disadvantages of the new Tunisian Constitution.

Article 1 says that the religion of Tunisia is Islam but Article 6 makes it clear that Islam is not the source of law which gives the opportunity for other religions like Christianity to participate in law making. The new system of government in Tunisia is republican, democratic and participatory.

One of the advantages of the new Tunisian Constitution is that for first time in a Muslim country it allows woman to be a candidate for presidential position of Tunisia on condition that she is a Muslim and aged over 35 which is stipulated in Article 74. However, this obvious achievement brings up a question: what about women of other religions? Under Article 78 the President of Tunisia does not have the right to appoint, or to dismiss any official from his post by himself. He should negotiate with the Prime Minister and together decide on any case related to political, military and diplomatic positions. Article 80 explains that in a state of emergency the President cannot announce or take any decision alone. This decision should be taken through negotiation of the President, Prime Minister, Head of the Parliament, and Head of the Constitutional Court.

### **Syrian Constitution of 1973**

Article 1 of chapter 1 of the Syrian Constitution explains that Syria is an Arabic country, which means the Constitution ignores other minorities such as

Kurds, Christians, Druze and others. Article 3 refers to Islam as the main source of law which implies that the Constitution deprives other religions of their rights. The same article states that the religion of the President must be Islam, thus preventing other religious minorities from running for the Presidency.

Article 4 establishes the Arabic language as an official language for the country denying any rights to other languages such as Kurdish for example.

Article 8 imposes Ba'ath party' concept on Syrian people making Ba'ath party the main and only party that can rule Syria without any chance for other parties to participate in Syrian political life. Under the same article the candidate for Syrian president can only be from the Ba'ath party, which means that the right to presidency is only reserved for the Ba'ath party members. The members of the Parliament should also be from the Ba'ath party which ensures the Ba'ath party's control over legislature and allows no opposition within this governing body. Article 11 makes the Syrian army responsible for protecting the aim of the Ba'ath party and its principles; it also gives the authority to the President to use it to suppress any opposition inside Syria.

Syrian President has absolute authority which is above the powers of the legislative, executive and judiciary branches. The President can announce any new order or cancel it without asking legislature's opinion. Thus, the president has the upper hand over of the judiciary council. Article 154 sets up presidential term of seven years but there is no limitation as to how many times he can run for this post, which means he can stay in the office as long as he lives. In a democratic country such as France for instance, president can be elected for seven years and can be reelected only once. Under no condition there will be extension for the third term.

Before the amendment in 2000, according to Articles 83 and 84 the President of Syria must be 40 years old, but because Bashar al-Assad was 34 years old when his father Hafez al-Assad died, the Syrian Parliament was forced to change this article and reduce the age to 34 on 11/6/2000, the day that President Hafez al-Assad died. Article 101 grants the authority to the President to declare and repeal state of emergency, but there is no article in the Constitution, limiting the power of the President in this respect by the parliament, government or Judiciary. Article 114 refers that the President has the right to appoint all members in cities' governments and issue the law for all. Article 131 refers that the President is the supreme head of the Court and he has the right to appoint all the members, and any order which comes out from judiciary council will not work until the President signs it. In democratic countries, for example such as Republic of South Korea, according to Article 111 of their Constitution the judiciary has power over the president. Therefore, any decision of the judiciary is obligatory for the president to obey and follow. Article 139 of the Syrian Constitution states that the Constitutional Court consists of 5 members and the

President is one of them, which means any change of any article inside the Syrian Constitution should be approved by the President's signature.

### **Syrian Constitution in 2012**

After Arab Spring in Syria, in July 2011 President Bashar Al Assad promised that Syria would get a new constitution and in view of the above Bashar al-Assad set up a committee to elaborate a new constitution which was adopted later without nation-wide discussion or any international organization observation such as the United Nations. In the new Constitution like the old Constitution of 1973, the religion of the president should be Islam; the source of the law is Islam which means that other religions are not accounted of again. Article 1 declares centralized rule and government in Syria implying there is no chance for other ethnic groups such as Kurds to ask for federalism in Syria. Another point can be seen in the same article which states that Syria is a part of Arab Homeland which means other ethnic minorities do not have the right to their own territory. In Article 3 identity rights are only reserved for Muslims which means that the rights of other ethnic groups are not recognized. Therefore in Syria until now Kurds do not have Syrian Passport or Syrian Identity.

The only slight liberalization is seen in Article 8a: for first time the government system allows of multiparty participation which means that Baath's Party may not be the only party in the country. In the same Article 8c for first time in Syria there is a special law for creating a new political party. Yet, point 8d cancels the advancements of points 8a,c stating that the constitution will not allow to create any political party based on ethnicity, religion, tribalism or geographical area which is clear manipulation, making practicing political life for other ethnicities as Kurds or Druze impossible. The analysis of this article proves that Ba'ath Party will not encourage multiparty political life because it is oriented to Arab Nationalism and Pan-Arabism which is unacceptable for all people of Syria.

Article 86 refers the President should be elected directly by people, which means that Syria is a presidential system and people can choose and vote for the one they want. Article 88 limits the Presidency to no more than two seven-year terms. But there is a contradiction here, Bashar al-Assad has been ruling Syria for 17 years. Under the new Constitution he should have stepped down 3 years ago, but he does not mention his previous time in office which means he can stay for another 14 years in power and rule.

In Articles 132, 133 about the Judiciary, it is made clear that the Judiciary is an independent branch and the President will guarantee that, but the head of the Judiciary is President himself. Article 136 allows the President of Syria to choose members of the Court. Article 148 says that if the President asks for Syrian people's opinion regarding any of his decisions, in that case the result

cannot be overruled by the Constitutional Court, which absolutely paralyzes functioning of this body.

In conclusion, only in the Tunisian new Constitution of 2014, we can see some articles close to liberal perspective, in Syrian new Constitution of 2012, there is no tangible change between the old one and the new one. In reality, Arab Spring aggravated Arabs' life with terror and instability. Furthermore, the changes of political system never came out of a liberal constitution, thus, Arab Spring showed us that changes never result from overthrowing regimes or leaders, changes occur when people's mentality changes and they start to understand the meaning of democracy.

## **ANALYSIS OF THE PERCEPTION OF CONFLICTS THROUGH THE MEDIA**

**В. С. Шавкало**

«More than 80 people have been killed in a suspected chemical attack on the rebel-held town of Khan Sheikhoun in north-western Syria». [2]

The main version, considered in the world press, is the bombardment with chemical ammunition in the village of Khan Sheikhun in the province of Idlib, which was arranged by the aviation of government troops Bashar Assad.

Syria has been in a state of grave and bloody civil war for several years now, and it is very difficult to obtain reliable operational information from the war zone. Nevertheless, the testimonies of eyewitnesses came to the press. «Mohammed Rasoul, the head of a charity ambulance service in Idlib, told the BBC that he heard about the attack at about 06:45 and that when his medics arrived 20 minutes later they found people, many of them children, choking in the street». [2]

A Syrian military statement, published by state media, expressly denied the use of «any chemical or toxic substance» in Khan Sheikhoun on Tuesday, adding that the military «has never used them, anytime, anywhere, and will not do so in the future».

Russia, which has carried out air strikes in support of President Assad since 2015, meanwhile said the Syrian air force had struck Khan Sheikhoun "between 11:30am and 12:30pm local time" on Tuesday, but that the target had been "a large terrorist ammunition depot" on its eastern outskirts.

«On the territory of the depot, there were workshops which produced chemical warfare munitions,» claims Russia, without providing any evidence. «Terrorists had been transporting chemical munitions from this largest arsenal to the territory of Iraq». [3] It was also not clear why there was five hours' difference between the time of the strike reported by multiple witnesses and that stated by Russia.