The Constitutional feats in the Arab Spring countries

The political impotence of the North Africa states that faced revolution movements rise in the 2010-2011 period doesn't come as much from political instability as from the absence of any adequate legal regulations. The authorities there tend to abuse power even despite the fact that most of them have a limited term in offices, while their citizens have no conception of their authorities’ plans and no confidence in their own future whatsoever. All this provides fertile ground for the radical groups and parties rise to power. For instance, the supporters of “Muslim Brotherhood” party that was originally banned back in 1954 are preparing to contest yet another dissolution of their party that was signed by the Egyptian Minister of Social Solidarity Ahmed Borai on October 9, the next day the Libyan prime-minister Ali Zeidan was abducted only to be released a couple of hours later. The world prepares for a change of power in Libya once again.

But what are the reasons for the continuous instability?

Any revolution is succeeded by legislation steps that are taken by the new government to establish its power. A new Constitution is to be written that will govern all the aspects of the day-to-day life for the years to come. The “Arab spring” period was perceived by many as the awakening of the national identity of the people, the strive for improvement in the economical, social and political shperes that have to be secured by the new legislative initiatives. Yet the actual outcome can hardly satisfy the people of the “Arab spring” countries.

It's a sad fact that the people of the countries that saw revolutional movements in 2010-2011 are living without the primary source of law - a Constitution that should have established the founding principles of the new regimes, that should have granted people rights and freedoms, that should have established a set of rules for the new legislative initiatives to be accepted.

The revolutional movement started in Tunisia back in 2010 and over a couple of years it managed to reach Syria. In the course of political struggle a new set of regimes have replaced the old even though the legitimacy of those was provided by the existing Constitutions. A Constitution was widely regarded as a universal good in the middle of the 20th century for any of the North African countries that had been suffering from colonial oppression before it was adopted. But today we witness such countries like Tunisia, Libya and Egypt living without one. The existing Constitutions were suspended in all of these countries, as for the new ones they are being “under development” for quite a while now.

The new authorities of these countries state that it's unacceptable to obey the old laws, since the old Constitutions were suspended, but at the same time for already two years now the citizens of the “Arab spring” countries are forced to obey the old laws since the new ones can only be drafted when a Constitution is in place.

The Tunisia's Constitution of 1959 was suspended in the course of 2010-2011 revolutionary movement. In order to draft a new one a Constituent Assembly was summoned on October 23 2011. While the new Constitution is being drafted Tunisia obeys the so-called “small constitution” - the Constitutional law of December 2011 that regulates different aspect of the political life but at the same time doesn't go as far as touching upon the rights of citizens.

As for the Provisional Constitution of the Arab Republic of Egypt that was adopted after the referendum of December 15 2012. Next year it was suspended by the Egyptian military on July 3 2013 after they toppled the sitting president
Mohamed Morsi. So Egypt has found itself with no Constitution once again at the times it needs it the most, since it could be of great help in settling the domestic conflict that rages on.

In Libya, after the bloody assault on the Qaddafi regime, the National Interim Council has signed on August 3 2011 a constitutional declaration that should have replaced the Constitution for the time a new one is drafted and approved by the forthcoming referendum. But until the present day there's no Constitution in Libya, as well as there's no accord on who should be presented in the Constituent Assembly that should be drafting one.

And in the meantime the National identity of the Arab spring countries is being gradually deformed. The fruits of a long fight against the colonial oppression are now all but lost. Now the old beliefs and norms have been broken, the once allowed the “Arab spring“ citizens to live a decent life. The citizens of these countries, leading by the U.S. and the Persian gulf propaganda assume that they fight for their political believes, but they are being masterfully manipulated.

But one shouldn't forget that in the absence of a Constitution there's no creating new laws that would reflect the latest experience of these countries. In the absence of those you cannot settle any political or financial crisis.

And all those striving for power in the “Arab Spring” countries should remember that a Constitution is the main source of legitimacy, especially when the human rights are a major concern. And any government that is "legit" in the eyes of its own people will be constantly facing all sorts of oppositions.

_Ekaterina Ryzhkova, Cand. Sc. (Law), is an Associate Professor at the Moscow State Institute of International Relations (University) of Russia’s Ministry of Foreign Affairs. This article was written expressly for New Eastern Outlook._