SYRIA TRANSITION ROADMAP

SYRIAN CENTER FOR POLITICAL AND STRATEGIC STUDIES

SYRIAN EXPERT HOUSE
DEDICATED TO
All the victims of the Syrian revolution
With their sacrifice, the revolution began from nothing. And with their blood, the revolution was sustained, despite the pain. For them, we must achieve the goal of a state built on freedom, dignity, and democracy

AND TO
Qasim al-Deiry, Idlib
Mohammed Amin Abdellatif, Aleppo
Ahmed Khaled Shehadeh, Darayya

These colleagues were all killed after participating in the meetings of the Syrian Expert House. May their sacrifice serve as an unquenchable light, illuminating our path to a new and better future.
THE SYRIAN CENTER FOR POLITICAL AND STRATEGIC STUDIES (SCPSS) is an independent, nongovernmental studies center. The SCPSS mission is to educate readers and activists about the Syrian Arab Republic from political, economic, social and strategic perspectives. SCPSS sponsors programs that tackle theoretical, applied, and social science research through studies, conferences, publications, symposiums, and seminars. SCPSS aims to translate major books and research papers that analyze the Syrian case in the various fields of economics, political and social science, and cultural studies. For more information visit www.scpss.org

THE SYRIAN EXPERT HOUSE is an initiative launched by the Syrian Center for Political and Strategic Studies to analyze and study the transitional period in Syria. The Syrian Expert House is a combined group of approximately three hundred human rights activists, academics, judges, lawyers, doctors, opposition politicians, defected government officials, defected military officers, members of local revolutionary councils, and commanders of the armed opposition who are committed to holding periodic meetings to build a final vision of the transitional period and produce considered, deliberate recommendations for the political, social, economic, military, and security aspects of the future of Syria. For more information visit www.syrianexperthouse.org
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Haitham al-Maleh is a democracy activist and former judge. He earned a degree in law and public international law diploma and began work as a lawyer in 1957 before becoming a judge in 1958. He returned to the practice of law after being dismissed from the Syrian judiciary for his vocal criticism of the 1963 Emergency Law, which suspended constitutional rights and codified martial law.

He began his political activity in 1951, during the military rule of President Adib al-Shishakli, and was imprisoned for six years, from 1980 to 1986, due to his demands for constitutional reforms.

In July 2001, he and other human rights activists in Syria founded the Human Rights Association, of which he was elected president, a position he held until 2006. He has been active in Amnesty International since 1989. He was arrested on October 14, 2009, and sentenced to three years in prison for spreading false and misleading information that would “affect the morale of the nation.” He was released in 2011 and joined the opposition abroad. He is a former member of the Syrian National Council and is currently the head of the Legal Committee of the National Coalition of Syrian Revolution and Opposition Forces.

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He is a member of the legal committee of the Syrian National Council and was a key author of its bylaws. Currently, he is the president of the Kurdish Center for Legal and Political Development. He has published many political, legal, and constitutional studies and articles.
Ambassador Farouk Taha holds a diploma from the Diplomatic Academy of the Ministry of Foreign Affairs of the Russian Federation and a master’s of mass media and a Ph.D. in literature from the Lomonosov Moscow State University. He worked at the Ministry of Foreign Affairs as associate director of the Administrative and Financial Affairs Department from 1994 to 1997.

He was appointed as the Syrian ambassador to the Republic of Yemen from 2002 to 2004. Then he was appointed as a director of the Department of Management and Finance from 2004 to 2006, and he worked as the assistant of the minister of foreign affairs from 2004 to 2007. He was then appointed Syrian ambassador to the republics of Belarus, Lithuania, Estonia, and Latvia. He announced his defection from the Syrian regime on July 27, 2012. He is currently secretary of the Free National Assembly of the Employees of Syrian State Institutions.

Dr. Mohamad Hosam Hafez is currently a visiting professor in the College of Law at Qatar University. Previously, he worked as a diplomat and legal adviser for the Syrian Ministry of Foreign Affairs from 1998 to 2012, serving in Damascus, Tehran, London, and Yerevan. He received a B.A. and diplomas in criminal law and public law from the University of Damascus. He completed an L.L.M. in human rights law at the University of Nottingham in 2000. He also earned a Ph.D in international human rights law from the University of Damascus in 2006. He brings with him vast experience in the fields of teaching and research from the University of Nottingham, the University of Damascus, the Fatih Institute, the Syrian Virtual University, and the Syrian Academy for Development.
**Electoral Reform and Political Parties**

**George Sabra**

Team Leader

George Sabra graduated with a geography degree from Damascus University in 1971 and a degree in educational technology systems from Indiana University in 1978. He has been politically active in the Syrian opposition movement since the 1970s. He joined the Syrian Communist Party (Political Bureau) in 1970 and was elected to its Central Committee in 1985. He was arrested in 1987 during one of many government crackdowns on the party and imprisoned for eight years. A few years after his release, in 2000, he was assigned to represent the party at the National Democratic Gathering, a coalition of leftist parties that was originally formed in 1979, and he was subsequently elected to the gathering’s Central Committee.

Currently a member of the Syrian Democratic People’s Party, he previously served as president of the Syrian National Council and was acting president of the National Coalition for Syrian Revolutionary and Opposition Forces from April 22 to July 6, 2013.

**Dr. Marwan J. Kabalan**

Senior Researcher

Dr. Marwan J. Kabalan is a Syrian academic and writer. He holds a Ph.D. in international relations. He was the dean of the Faculty of International Relations and Diplomacy at Kalamoon University in Damascus until November 2012. He did research on international political theory at the University of Manchester and at the Faculty of Political Sciences of Damascus University. He is an expert on foreign policy and a regular contributor to several Arab and English newspapers. He was a member of the board of directors at the Damascus University Center for Strategic Studies and Research and is the author of several books and numerous articles on Syria and the Middle East.
Major General Mohamed Hussein al-Hajj Ali graduated with the rank of lieutenant general from the Military Academy in 1978. In 1981, he was transferred to the Supreme Military Academy, where he was appointed as a trainer. Between 1984 and 1985, he earned a diploma in political guidance from the Lenin Academy in the former Soviet Union. In 1986, he attended a chief battalion commander course at the College of Infantry in Aleppo, in addition to a Command Staff course at the Supreme Military Academy between 1989 and 1991. He attended Nasser Higher Military Academy in Egypt from 1993 to 1994.

He aided in the establishment of the National Defense College of the Supreme Military Academy in Damascus in 2000 and served as a trainer there until 2005, when he was appointed commander of the Mechanized Brigade. He then served as director of the National Defense College from 2008 until his defection from the Syrian Army on August 2, 2012. He received a diploma in public administration from the University of Damascus and a Ph.D. in national defense from Nasser Higher Military Academy in Egypt.

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Economic Reform

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He was one of the major players in the “Damascus Spring,” a period of intense debate about politics, social issues, and calls for reform in Syria after the death of President Hafez al-Asad in 2000. Since the Syrian uprising started in March 15, 2011 he has worked to document human rights violations and twice testified at the United Nations Human Rights Council in Geneva.

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<td>Damascus Declaration for Democratic National Change, National Coalition for Syrian Revolutionary and Opposition Forces, Syrian National Council</td>
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<tr>
<td>Anas Alwan</td>
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<tr>
<td>Anas Kayali</td>
<td>political activist</td>
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<tr>
<td>Anwar al-Bunni</td>
<td>lawyer, human rights activist; National Coalition for Syrian Revolutionary and Opposition Forces, Syrian National Council</td>
</tr>
<tr>
<td>Asaad Mustafa</td>
<td>former minister of agriculture</td>
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<tr>
<td>Assem Abdelaziz</td>
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<td>Awad Ahmed Ali</td>
<td>defected general, Supreme Military Council, Free Syrian Army</td>
</tr>
<tr>
<td>Ayman al-Sayed al-Dughaim</td>
<td>Idlib Revolutionary Council</td>
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<tr>
<td>Azad Maaou</td>
<td>political activist</td>
</tr>
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<td>Badr al-Deen Bilal</td>
<td>defected judge, Independent Judicial Council</td>
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<td>Badr Jamous</td>
<td>Syrian National Council, National Coalition for Syrian Revolutionary and Opposition Forces</td>
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<tr>
<td>Bahaa al-Khatib</td>
<td>human rights activist, former political prisoner</td>
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<tr>
<td>Basem Amer</td>
<td>Political Office, Farouk Brigades, Free Syrian Army</td>
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<tr>
<td>Bashir Isaac</td>
<td>Assyrian Democratic Organization</td>
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<tr>
<td>Bashir Zine el-Abidine</td>
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<tr>
<td>Basil Kouevi</td>
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<td>Bassam Al-Abdullah</td>
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</tr>
<tr>
<td>Bassam Al-Ahmad</td>
<td>human rights activist, Violations Documentation Centre in Syria</td>
</tr>
<tr>
<td>Bassam Al-Aloulu</td>
<td>defected general, Free Syrian Army</td>
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<tr>
<td>Bassam Ishak</td>
<td>Syrian National Council</td>
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<tr>
<td>Bayan Fathi</td>
<td>Syrian Women’s Association</td>
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<tr>
<td>Burhan G哈利oun</td>
<td>former president, Syrian National Council; National Coalition for Syrian Revolutionary and Opposition Forces</td>
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<tr>
<td>Daad Mousa</td>
<td>lawyer and human rights activist; National Preparatory Committee for Transitional Justice</td>
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<tr>
<td>Daham al-Sattam</td>
<td>political activist</td>
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<tr>
<td>Daoud Ahmed al-Selmy</td>
<td>political activist</td>
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<tr>
<td>Dara Bashar</td>
<td>political activist</td>
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<tr>
<td>Dawod al-Sulyman</td>
<td>Idlib Revolutionary Council, Syrian National Council, National Coalition for Syrian Revolutionary and Opposition Forces</td>
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<tr>
<td>Delber Ali Ahmad</td>
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<td>Diab al-Barho</td>
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<tr>
<td>Fadel al-Salim</td>
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<tr>
<td>Fadel Al-shakfeh</td>
<td>Syrian Network for Human Rights</td>
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<td>Fadi Ahmad</td>
<td>political activist</td>
</tr>
</tbody>
</table>
Fadi al-Salman activist (two brothers killed by Syrian security forces)
Fadi Sabbagh lawyer, activist
Fahad al-Basha Al-Ayam newspaper
Faisal Youssef former president, Kurdish National Council
Fares al-Shoufi political activist
Fares Mashaal Tammo lawyer, Association for the Defense of the Rights of the Victims of the Syrian Revolution
Farouk Ismail political activist
Farouk Taha former Syrian Ambassador to Belarus
Farouq Habib Abou Salim Homs Revolutionary Council
Fateh Hassoun defected colonel, Supreme Military Council, Free Syrian Army
Fawaz Al Awwad Liberation & Building Bloc
Fayez Sara National Coalition for Syrian Revolutionary and Opposition Forces
Fida Majthoub Syrian National Movement, Syrian National Council
Fida Nasri lawyer and activist
Gabriel Koreah Assyrian Democratic Organization
George Sabra Damascus Declaration for Democratic National Change, National Coalition for Syrian Revolutionary and Opposition Forces, Syrian National Council
Ghanem Hassan political activist
Ghassan al-Najjar Syrian Reform Trend
Ghassan Hitto former prime minister, Interim Government, National Coalition for Syrian Revolutionary and Opposition Forces
Ghassan Ibrahim media activist
Ghassan Mufleh political activist
Ghayath Bilal Revolution Leadership Council in Damascus
Ghazi al-Bakri Idlib Revolutionary Council
Habib Issa lawyer, political activist; National Preparatory Committee for Transitional Justice
Hafiz Abdulrahman human rights activist
Haitham Abdul Aziz al-Tammo political activist
Haitham al-Maleh National Coalition for Syrian Revolutionary and Opposition Forces
Hammam Youssef Syrian National Council
Hamzeh Ghadban political and media activist
Hanadi Duraq al-Sibaey Association for the Defense of the Rights of the Victims of the Syrian Revolution (brother killed by Syrian security forces)
Hanan al-Balkhi Syrian National Council
Hani Darkanzaly political activist
Hasan Jobran professor; Syrian Center for Political and Strategic Studies
Hassan al-Safadi Sham Scholars Committee
Hassan Alsawad Syrian Commission for Justice and Accountability
Hassan Saleh deputy secretary, Yakty Party
Hassan Sayed Khan Barakohany political activist
<table>
<thead>
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<th>Name</th>
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<tr>
<td>Hawass Hassan Osso</td>
<td>Kurdish Political Activist</td>
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<td>Hazar Ibrahim</td>
<td>political activist</td>
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<td>Hazem Adnan Araour</td>
<td>political and media activist</td>
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<tr>
<td>Hazem Nahar</td>
<td>political and human rights activist; National Preparatory Committee for Transitional Justice</td>
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<tr>
<td>Hind Kabawat</td>
<td>human rights activist</td>
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<td>Hisham Marwa</td>
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<tr>
<td>Hooshang Darwish</td>
<td>independent kurdish activist</td>
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<td>Hossam al-Qtalaby</td>
<td>Syria Justice and Accountability Centre</td>
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<tr>
<td>Hossam al-Sabbagh</td>
<td>defected captain, Supreme Military Council, Free Syrian Army</td>
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<tr>
<td>Hossam al-Shuhneh</td>
<td>defected judge</td>
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<tr>
<td>Hossam Hafez</td>
<td>defected diplomat</td>
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<td>Hussein al-Sayed</td>
<td>Syrian National Council, National Coalition for Syrian Revolutionary and Opposition Forces</td>
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<tr>
<td>Hussein Ammash</td>
<td>economist; former head, Commission of Planning</td>
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<tr>
<td>Ibrahim al-Haj Ali</td>
<td>political activist</td>
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<td>Ibrahim Miro</td>
<td>Syrian National Council</td>
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<td>Iklas Badawi</td>
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<td>Imad al-Din Rashid</td>
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<td>Iman Shahoud</td>
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<td>Ismail Haji Bakri</td>
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<tr>
<td>Ismail Hamey</td>
<td>secretary, Yakty Party</td>
</tr>
<tr>
<td>Izzat al-Baghdadi</td>
<td>Center for the Study of the Syrian Revolution</td>
</tr>
<tr>
<td>Jaber Zein</td>
<td>Local Coordination Committees, National Coalition for Syrian Revolutionary and Opposition Forces</td>
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<tr>
<td>Jabr al-Shoufi</td>
<td>Damascus Declaration for National Democratic Change, Syrian National Council</td>
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<tr>
<td>Jalal Khanji</td>
<td>Aleppo Local Council, National Coalition for Syrian Revolutionary and Opposition Forces</td>
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<tr>
<td>Jamal al-Shoufi</td>
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<td>Jamal al-Ward</td>
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<tr>
<td>Jamal Asaad</td>
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</tr>
<tr>
<td>Jamal Suleiman</td>
<td>actor, prominent social figure; National Preparatory Committee for Transitional Justice</td>
</tr>
<tr>
<td>Jameel Deyarbakrley</td>
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<tr>
<td>Jean Antar</td>
<td>political activist</td>
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<tr>
<td>Kamal al-Labwani</td>
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<tr>
<td>Kamal al-Rifai</td>
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<tr>
<td>Kameran Peakas</td>
<td>Unity Party</td>
</tr>
<tr>
<td>Karima Reshko</td>
<td>Kurdish human rights activist</td>
</tr>
<tr>
<td>Kenan al-Rifai al-Jandaly</td>
<td>political activist</td>
</tr>
</tbody>
</table>
Khaled Abu Salah  political and media activist
Khaled al-Dughaim  political activist
Khaled al-Haj Mahmoud  political activist
Khaled al-Ramla  political activist
Khaled al-Tahan al-Nuaimi  political activist
Khaled Saleh  National Coalition for Syrian Revolutionary and Opposition Forces
Khaled Shahab al-Deen  defected judge, Independent Judicial Council
Khuloud Helmy  human rights activist
Louay Safi  Syrian National Council, National Coalition for Syrian Revolutionary and Opposition Forces
Maaz Ahmad al-Sarraj  political activist (Deir ez-Zor)
Mahmoud Abu Zeid  Damascus Center for Human Rights Studies
Mahmoud al-Mouslet  Syrian National Council
Mahmoud Attour  lawyer, activist
Mahmoud Marei  lawyer, National Coordination Committee for Democratic Change
Mahmoud Suleiman  Union of Syrians Abroad
Malak Qasim  lawyer, Kurdish human rights activist
Malaz al-Atassi  political activist
Mamdouh Jumaa  Association for the Defense of the Rights of the Victims of the Syrian Revolution (brother killed by Syrian security forces)
Mamdouh Kayali  political activist
Marcel Shahwar  human rights activist
Marwan Kabalan  Arab Center for Research and Policy Studies
Marwan Kuayed  judge, United Judicial Council
Massoud Akko  Syrian Journalists Association
Mays al-Kuraidy  political activist
Mazen Hashem  Syrian Center for Political and Strategic Studies
Mazen Jouneh  Free Aleppo Lawyers Union
Mazen Sawaf  businessman, Syrian National Council
Media Mahmoud  political activist
Michel Kilo  National Coalition for Syrian Revolutionary and Opposition Forces
Moataz Osama al-Rifai  political activist
Moaz Sibai  Watan Committee
Mohamed Farouk Tayfur  Syrian Muslim Brotherhood, National Coalition for Syrian Revolution and Opposition Forces, Syrian National Council
Mohamed Khalifa  Syrian Revolution General Commission
Mohamed Said Soliman  businessman
Mohamed Sheikh Shuaeby  political activist
Mohammad Ashraf al-Sino  lawyer, political activist
Mohammed Abdullah Al-Sheikh  defected member, Ba’ath Party
Mohammed Abu al-Khair  National Coalition for Syrian Revolutionary and Opposition Forces
Shukri
Mohammed Al-Abdullah | Syria Justice and Accountability Centre  
Mohammed Al-Abdullah | Free Aleppo Lawyers Union  
Mohammed al-Haj Ali | defected major general, Free Syrian Army  
Mohammed Aldgam | Idlib Revolutionary Council, Syrian National Council  
Mohammed Amin Abdel Latif | Founder of the United Judicial Council, killed by the regime  
Mohammed Awad | defected colonel, Supreme Military Council, Free Syrian Army  
Mohammed Bassam Al Emadi | former Syrian Ambassador to Sweden  
Mohammed Bassam Talbeleh | lawyer and political activist  
Mohammed Faraj | political activist  
Mohammed Fares Barakat | defected major general, Supreme Military Council, Free Syrian Army  
Mohammed Ghanem | Syrian American Council  
Mohammed Haji Abdullah | political activist  
Mohammed Ibrahim al-Ali | political activist  
Mohammed Khuneifis al-Sharey | Association for the Defense of the Rights of the Victims of the Syrian Revolution (14-year-old son was killed by Syrian security forces)  
Mohammed Mulla Rashid | political activist  
Mohammed Mustafa | Kurdish Political Activist  
Mohammed Obaid | legal adviser, National Coalition for Syrian Revolutionary and Opposition Forces; Syrian National Council  
Mohammed Osei | political activist  
Mohammed Sabra | Legal Adviser to the Interim Government, National Coalition for Syrian Revolutionary and Opposition Forces  
Mohammed Saeed Nahaas | businessman  
Mohammed Saleh Ali | political activist  
Mohammed Sayer | defected judge, Independent Judicial Council  
Mohammed Suleiman Khalil | political activist  
Mousa al-Kurdi | physician and civil society activist  
Mousa al-Nabhan | political activist  
Mousa Amhan | Free Syrian Lawyers Union  
Mousa Mousa | Kurdish political activist, Syrian National Council  
Moutee al-Bateen | Syrian National Council  
Muhammad Anwar Majney | defected judge, Independent Judicial Council  
Muhammad al-Hassani | lawyer; president, Syrian Organization for Human Rights (SAWASIAH); National Preparatory Committee for Transitional Justice  
Muhammad Talaa | defected lieutenant, Supreme Military Council, Free Syrian Army  
Mulham al-Jundy | political activist; Syrian National Council  
Mulham Durubi | Syrian Muslim Brotherhood, National Coalition for Syrian Revolutionary and Opposition Forces, Syrian National Council  
Muna Mostafa | Syrian National Council, National Coalition for Syrian Revolutionary and Opposition Forces  
Muntaser al-Sinou | political activist
<table>
<thead>
<tr>
<th>Name</th>
<th>Current Position</th>
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<tbody>
<tr>
<td>Munzer Makous</td>
<td>Special Representative to France, National Coalition for Syrian Revolutionary</td>
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<tr>
<td></td>
<td>and Opposition Forces</td>
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<tr>
<td>Musab al-Jazaery</td>
<td>political activist</td>
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<tr>
<td>Musab al-Tahan</td>
<td>Syrian National Council</td>
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<tr>
<td>Mustafa al-Sheikh</td>
<td>defected brigadier general, Supreme Military Council, Free Syrian Army</td>
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<tr>
<td>Mustafa Hadyed</td>
<td>human rights activist, Dawlaty Organization</td>
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<td>Mustafa Jomeh</td>
<td>Syrian National Council</td>
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<td>Mustafa Mohammed</td>
<td>Syrian National Council</td>
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<tr>
<td>Mustafa Osso</td>
<td>President, Azadi Party in Syria, Kurdish National Council</td>
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<td>Mutea Alwan</td>
<td>political activist</td>
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<td>Nael Gerges</td>
<td>lawyer and human rights activist</td>
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<td>Nael Turkmany</td>
<td>independent activist</td>
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<tr>
<td>Nagham al-Ghadry</td>
<td>Syrian Revolution General Commission, National Coalition for Syrian Revolutionary</td>
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<td>Najaty Tayarah</td>
<td>Syrian National Council</td>
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<tr>
<td>Nasr al-Haj Ahmed</td>
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<td>Nael Turk</td>
<td>many independent activist</td>
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<td>Nagham al-Ghadry</td>
<td>Syrian Revolution General Commission, National Coalition for Syrian Revolutionary</td>
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<td>Numair Nasser</td>
<td>political activist</td>
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<td>Syrian National Council</td>
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<tr>
<td>Omar Alsayed Yousef</td>
<td>political activist</td>
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<td>Omar Kush</td>
<td>political writer, researcher</td>
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<tr>
<td>Omar Lattouf</td>
<td>defected police officer</td>
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<td>Omar Mushaweh</td>
<td>Syrian Muslim Brotherhood, National Coalition for Syrian Revolutionary and</td>
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<td>Opposition Forces, Syrian National Council</td>
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<td>Omar Obeid Tarrad</td>
<td>Defected officer, Supreme Military Council, Free Syrian Army</td>
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<tr>
<td>Omar Owsi</td>
<td>political activist</td>
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<tr>
<td>Osama al-Atrash</td>
<td>businessman, political activist</td>
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<td>Osama al-Rifai</td>
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<td>Osama Edward</td>
<td>Assyrian Network for Human Rights</td>
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<td>Othman Meshaall</td>
<td>political activist</td>
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<tr>
<td>Oukab Yahya</td>
<td>Democratic National Bloc</td>
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<tr>
<td>Qasim al-Dairi</td>
<td>Human Rights Activist, Idlib; killed by regime while traveling to attend Managing</td>
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<tr>
<td></td>
<td>the Transition in Syria Conference</td>
</tr>
<tr>
<td>Qasem Saad Eddin</td>
<td>defected colonel, Homs Military Council, Free Syrian Army</td>
</tr>
<tr>
<td>Radeef Mustafa</td>
<td>lawyer and activist; National Preparatory Committee for Transitional Justice</td>
</tr>
</tbody>
</table>
Raed Safadi economist, World Bank
Rafat Mustafa political activist
Rajaa al-Taly human rights activist; National Preparatory Committee for Transitional Justice
Rami al-Dallaty political activist
Rami Hamdo Free Syrian Lawyers Committee
Rami Kara Ali political activist
Rasha Joumeh Letouf Association for the Defense of the Rights of the Victims of the Syrian Revolution (three brothers killed by Syrian security forces)
Rashid al-Kufri Syrian National Council
Rawya al-Aswad political activist
Raymon Majoun Syrian National Council
Riad Al-Asaad defected colonel, Commander of the Free Syrian Army
Rima Falihan Local Coordination Committees, National Coalition for Syrian Revolutionary and Opposition Forces
Risan Sheikhmousa head of Public Relations Office, Future Movement
Saad Eddin Hassan Bek political activist
Sabd al-Hamwi political activist
Sabri Mirza Political Committee, Yakty Party
Saed Malikey political activist
Saeed al-Masri defected police officer
Saffan Hussein political activist
Safi Jadaan Syrian Center for Human Rights
Sahban Mushaweh political activist
Salah al-Deen al-Hamwi National Coalition for Syrian Revolutionary and Opposition Forces
Salah Badr al-Deen political activist
Salah Hasson political activist
Salahuddin al-Rihawi Idlib Revolutionary Council
Salem Abdulaziz al-Mouslet Council of the Syrian Arab Tribes, National Coalition for Syrian Revolutionary and Opposition Forces, Syrian National Council
Salim Idriss defected general, Chief of Staff of Supreme Military Council, Free Syrian Army
Samer al-Homsi political activist
Samir Nashar Damascus Declaration for Democratic National Change, National Coalition for Syrian Revolutionary and Opposition Forces, Syrian National Council
Sara Sheikh Kurdish activist
Sema Nasser Syrian Network for Human Rights
Shafkar Huvak Kurdish activist
Shirvan Ibrahim independent Kurdish activist
Suhail Abdulbaqi defected judge, Independent Judicial Council
Suhail Hamdan businessman
Suhair Atassi National Coalition for Syrian Revolutionary and Opposition Forces
Sultan Hashim | Syrian Secular Coalition
---|---
Talal Fayyad Houshan | defected judge, Independent Judicial Council
Talal Subaey | political activist
Talal Sunbulli | Syrian American Council
Tamam Baroudi | Syrian Economic Forum
Tarek al-Sayed | political activist
Tariq al-Shathly | political activist
Tayseer Darwish | defected lieutenant, Supreme Military Council, Free Syrian Army
Thabit Abbarah | Union of Syrians Abroad
Wael Kuwaity | political activist
Wajd al-Sibaey | independent activist
Walid al-Bunni | National Coalition for Syrian Revolutionary and Opposition Forces
Walid Safour | Special Representative to the United Kingdom, National Coalition for Syrian Revolutionary and Opposition Forces; National Preparatory Committee for Transitional Justice
Walid Shekhu | political activist
Wasim al-Muhzem | activist and brother-in-law to Mahmoud Al-Jawabrah (killed by Syrian security forces)
Wassem Bitar | defected police officer
Yahya Beitar | defected general, Supreme Military Council, Free Syrian Army
Yaroub al-Shara | defected colonel, Free Syrian Army
Yassar Barish | political activist
Yasser al-Najjar | Syrian National Council
Yassin al-Hamwi | political activist
Yousef Hussein | professor
Youssef Hourani | political activist
Zaher Shehab | Association for the Defense of the Rights of the Victims of the Syrian Revolution (seven family members killed by Syrian security forces)
Zaradasht Mohammed | Kurdish political activist
Ziad al-Qasim | political activist
Ziad Basha | defected judge, Independent Judicial Council
Ziad Haj Khalil | political activist
Ziad Hassan | political activist
Ziad Talas | defected colonel, Free Syrian Army
The birth of the Syrian Revolution was a miracle in itself, in light of the severity of the Assad regime and its savagery. In particular, what happened in the 1980s is still clear and apparent in the minds of Syrians. The Syrian revolution has astonished the entire world by its sheer occurrence. It was even more astonishing for the Syrians themselves, who, in witnessing the scenes of peaceful demonstrations condemning the regime's oppression and corruption, suddenly discovered their power, spearheaded by the political opposition. The peaceful demonstrations that called for the change of a regime that had destroyed the state's political, social, cultural, and economic foundations in nearly all provinces was a matter that the Syrian people initially had difficulty wrapping their heads around.

In the initial months of the revolution, no one thought seriously about the postrevolution transition, with the exception of the regime and its leaders, who decided that there was no chance for any change, and that it would adopt any possible means of violence to confront and end the peaceful movement. The Assad regime knew that serious change would result in the permanent end of the regime and thus of its control.

However, the Syrian people—who were daily demanding peaceful change in the fields and squares and in all cities and villages of Syria, first in dozens and then in the hundreds—did not really think about the future. In these days, there were many different types of Syrian revolutionaries. They ranged from the optimist, who believed in the quick speed of the regime's fall, to the pessimist, who insisted that Bashar al-Assad would stay for many years to come. There were also those who supported the regime and objected to any movement against it, in addition to those who saw no use in changing the regime but called for its gradual reform. This probably explains the delay in political, diplomatic, and military defections from the regime, just as they happened in the Libyan and Yemeni revolutions. This point underlines the importance of the role of a strong political opposition that could chart the course for the Syrian future and lay down plans for comprehensive change.

Six months after the outbreak of mass demonstrations, which coincided with the appearance of the Free Syrian Army—consisting of defectors from the regime's army and a number of civilians who volunteered to protect their neighborhoods, cities, and villages—the first group of the political opposition forces met in Istanbul. An alliance emerged that was meant to be a political umbrella for the Syrian revolution. It was only natural that all the opposition leaders were outside Syria, in light of the internal security situation. This alliance's name became the Syrian National Council, named after the Libyan National Transition Council, which, with the help of the international community, led the Libyan revolution to a

INTRODUCTION

Syria Transition Roadmap . . . Why?
historic military victory against Muammar Gaddafi and his militias.

Nevertheless, predicting Syria’s future was no easy or simple task. The fragmentation within the Syrian opposition appeared both inside and outside Syria. After forty years of single-family rule, the political vacuum inside Syria was so vast that the divided Syrian opposition found it difficult to reach a consensus on matters concerning representation, leadership, and building a common vision, in addition to future planning for building a new Syria. This was in spite of the fact that the various opposition groups, such as the Syrian National Council and the National Coalition of Syrian Revolutionary and Opposition Forces, were holding several conferences. The conferences discussed government reform and the demand for putting an end to the Assad regime—however, no group succeeded in including and representing all the ethnic, religious, cultural, and political groups; nor did any group succeed in proposing a detailed plan for Syria’s future.

The Syrian National Council presented its vision for the transition phase of the new Syria, as it called it, in April 2012. It was completely general, focusing only on the political and economic aspects and the revolution’s main demand, which was President Bashar al-Assad’s departure, but it did develop a number of basic principles for the transition phase, with which the Syrian Expert House’s recommendations somewhat intersect.

Thereafter, in July 2012 the political opposition in Cairo agreed on what it called “The Joint Political Vision for the Features of the Transition Phase,” as approved by the Syrian Opposition Conference held under the patronage of the Arab League. All conference participants agreed upon this document. However, the document included several highly general and theoretical visions that faded into history after the changes and transformations the Syrian revolution witnessed on the ground.

The Day After Organization worked on a broader project that presented a detailed vision for a post-Assad Syria in the areas of law, transition justice, and security-sector reform, and that outlined possible foundations for the electoral and constitutional systems. In spite of the generality, as compared with the Syrian National Council’s vision, nevertheless, and by virtue of the limitation of Syrian participants in its workshops, the final report was more like recommendations submitted from other countries that had undergone transition periods similar to Syria’s, without acknowledging the deep differences in the historical, social, and political context.

Afterward, a group of Syrians spearheaded by the former Syrian deputy prime minister Abdullah al-Dardari, through the United Nations’ Economic and Social Commission for Western Asia in Beirut, developed what they called the “national plan for Syria’s future.” However, it focused primarily on reconstruction and economic reform for the period after the crisis, as al-Dardari called it, and barely mentioned the major political issues for which the Syrian revolution began.

The need to find a unified and inclusive vision that would be representative of all Syrians after Assad became a clear priority. Previous projects had played a role in building up this vision. In addition, some of the political parties, local councils, and revolutionary forces presented their own ideas and initiatives. However, there would need to be practical plans, through which the Syrian people could better express their point of view vis-à-vis building a free Syria, without benefiting any one tribal, sectarian, or political affiliation at the expense of another. There would need to be a realistic visualization that could convince all Syrians that the transition phase, despite its long duration, would finally lead them to the freedom, dignity, and democracy for which they strive. The internal transformations, which overtook the countries of the Arab Spring after the revolutions, especially in Egypt, clearly indicate the necessity of a common vision among all political currents on the democratic transition plan, without which the country is vulnerable to chaos and subject to co-optation on the part of extremist or antidemocratic forces.

Starting from this reality, in the summer of 2012 the Syrian Center for Political and Strategic Studies (SCPSS) began work with the goal of putting forth an inclusive project, with a vision to develop the work of the Syrian opposition in its confrontation with the
Assad regime, and thereafter of presenting a comprehensive report for how to administer the transition phase, starting with the overthrow of the Assad regime and arriving at presenting clear frameworks for building a modern country that included all points of view on the Syrian spectrum, and in which each citizen was entitled to all his or her rights, freedoms, and political participation without unjust limitations. SCPSS marched forward with this project through various steps, such as launching the idea of an interim government through the conference “Managing the Transition Phase in Syria,” which met in Istanbul in 2012. At this conference, SCPSS founded the Syria Expert House. Later, through other meetings, SCPSS confirmed the importance of transitional justice during the transition phase in Syria. Finally, the Syrian Expert House is launching its all-inclusive vision suggested for the transition phase in Syria with this report, *Syria Transition Roadmap*.

ENDNOTES


On October 29–31, 2012, the Syrian Center for Political and Strategic Studies (SCPSS) held its first conference for building a vision of the Syrian transition in Istanbul. There were mixed feelings at the conference. Despite the clear excitement about potential results, there was pain and sadness over the loss of one of the conference participants, the activist Qasim al-Diri, who had been killed a few days before in Idlib. The conference carried the name of Qasim al-Diri in commemoration.

More than 250 participants attended the meeting, representing more than 18 political groups in Syria, including the Syrian National Council, the Kurdish National Council, the Assyrian Democratic Organization, the Turkmen Democratic Movement, the Kurdish Future Movement in Syria, the Free Syrian Judicial Council, the Damascus Declaration, the Syrian Revolution General Commission, Local Coordinating Committees, the Sham Scholar Association, the Syrian Reform Assembly, the National Change Movement, and the Arab Tribal Council. Syrians representing political, revolutionary, and military forces from Aleppo, Homs, Idlib, Deir al-Zour, and the Damascus suburbs also attended, in addition to defected ministers, diplomats, ambassadors, members of Parliament, and independent members of the political opposition. A top priority for the conference was to address the often-repeated criticism of the exclusivity of the external opposition. Half the conference attendees came from inside Syria, representing city and town councils, the Local Coordinating Committees, revolutionary councils, the Free Syrian Army, and military councils. The “Managing the Transition in Syria” conference was the most inclusive gathering of the Syrian opposition to date.

SCPSS announced the formation of the Syrian Expert House, which consists of six thematic working groups: constitutional and legal reform, political and administrative reform, electoral reform, security-sector reform, and transitional justice and national reconciliation.

In the constitutional reform workshop, participants discussed points of reference and mechanisms for writing a new democratic constitution for Syria. The political and administrative reform workshop divided into two groups. The first discussed mechanisms for the political development of the Syrian opposition and reforming the Syrian National Council. In the meantime, the second group debated possible forms that a pluralistic democratic system in Syria could take in the future. The electoral reform workshop focused primarily on the mechanisms for stimulating and organizing political, public, and civil participation. And participants of the security-sector reform workshops discussed methods of dismantling the security apparatus and the challenges of building a national army.

However, it quickly became clear to both conference organizers and attendees that for each topic of reform, there was an ever-expanding list of items that...
needed addressing. For example, in the constitutional reform workshop, although participants agreed that the 1950 Syrian constitution was the most appropriate existing document upon which a new government could be based, the issue of approving, applying, and amending this document required much more consideration than time allowed. All the workshop topics would need to be considered carefully and revisited in more detail in the future.

But the most important result of this conference was a call for the formation of an opposition Syrian government inside Syria to try to put pressure on the international community to give this government the necessary support and fully delegitimize the Assad regime. It was suggested that a national assembly should be held, in which the Syrian National Council would participate alongside the other revolutionary factions, the Free Syrian Army leadership, and the other opposition and national blocs. This assembly would be held inside Syrian territory, if possible, à la the Syrian Conference of 1920, the gathering at which the modern Syrian state was founded. This would give legitimacy to the assembly, and the attendees would agree to form a national government inside Syria. However, not long after SCPSS recommended holding this National Assembly inside Syria, successive opposition meetings were held in November and December 2012 in Doha under broad Arab and international supervision for the formation of an inclusive opposition umbrella group. The recommendations of the conference were presented, and it was agreed to form an interim government following the establishment of the National Coalition of Syrian Revolutionary and Opposition Forces as a framework that would include all the political, revolutionary and opposition forces, whereby it could become a national reference for the formation of an interim government.

Although months passed following its formation, the Coalition of Syrian Revolutionary and Opposition Forces failed to overcome the ubiquitous differences of the political opposition, and it became clear that the coalition was in fact another political opposition group plagued with bickering resulting from regional and international political interference. The formation of the interim government was disrupted several times, even though the conditions for its formation were more suitable than ever before. The opportunity for the existence of the government within Syria rather than in exile became more probable, and the Syrian people appeared to be supportive of the idea, hoping that it would offer something different from previous entities. However, the formation of the government was obstructed by regional and international pressure, and internal disagreements between the coalition members and the various opposition forces, thereby postponing the formation of the government on more than one occasion.

THE SYRIAN EXPERT HOUSE WORKSHOPS
From May 1 to May 10, 2013, the Syrian Expert House reconvened to once again discuss the post-Assad political transition. Each of its thematic working groups met for a full two days of discussions. The goal was to conclude the workshops on each thematic topic with authentically Syrian, detailed recommendations for the political transition, which led to this final exhaustive report under the title *Syrian Transition Roadmap*.

Constitutional Reform and the Rule of Law
The participants in the Constitutional Reform and the Rule of Law Working Group discussed how to attain constitutional legitimacy after the fall of the Assad regime. The working group unanimously decided that a return to the Constitution of 1950, without modification, would be the ideal solution for achieving this legitimacy. The 1950 constitution is the only constitution in Syrian history that was drafted and approved by a Constitutional Assembly. It also has received popular support, despite the presence of some controversial articles regarding minorities and freedom of expression. However, in the absence of an entity with the legal authority to amend the constitution, the Syrian Expert House recommended that the 1950 constitution be accepted wholesale initially, with the expectation that amendments to the document would be the first order of business of a future Constitutional Assembly, along with a
constitutional declaration that would outline the transition government’s mandate, validity, age, and official appointments. A draft of this proposed constitutional declaration is given in this report’s appendices and outlines how the transitional government will supervise popular elections of the members of a Constituent Assembly, which will be responsible for drafting a new Syrian constitution.

The Syrian Expert House also identified steps for ensuring the independence of the judiciary through mechanisms and precise standards to protect the judiciary from executive interference in its decisions and in its structure. The “Judicial Authority Law,” which grants excessive power to the Syrian judiciary, was also discussed, and it was unanimously agreed that this portion of the Syrian legal code is not conducive to an independent and sound legal environment in Syria.

The participants also discussed the most important laws that should be repealed or amended in the future transitional phase, and at the same time warned judges about the pitfalls of interfering in the legislative process. The participants also discussed the importance of transitional justice in Syria and studied the mechanisms put forth by the National Preparatory Committee for Transitional Justice.

**Political and Administrative Reform**

The stepping down of the head of the existing regime, President Bashar al-Assad, will mark the beginning of the transition in Syria. Thus, the Political and Administrative Reform Working Group discussed several scenarios for the end of the crisis, after which an interim government would be formed on the basis of a political agreement based on the conflict’s resolution. Therefore, work on two main aspects needs to be done. The first is the management of the transition phase, for the participants recommended the establishment of constitutional and legal foundations that would organize this phase, recommending that the transition government suspend the 2012 constitution and return to the 1950 constitution, and issuing a constitutional declaration defining the form of the transitional government, its privileges and objectives, and election dates.

The participants also recommended that a Constituent Assembly be elected that will be charged with formulating a permanent constitution for the country by a popular vote, not by appointment. The Syrian Expert House also recommended that a popular referendum be conducted on the constitution upon its completion in order to confirm or deny the Syrian people’s support of it.

The second aspect was to put forth a vision for the future political system for Syria. The agreement was that it would be a parliamentary system, whereby the government is formed when one political party gains a parliament majority, and this government would be given all executive powers. It would also be subject to the direct control of Parliament, which has the right to hold accountable its members, question its head, and withdraw the vote of confidence from it. The Syrian Expert House believes that this option will encourage raising the standard of political action in Syria, ensure the participation of all political forces in managing the country, and prevent any one party from dominating. This system will also transfer the political differences from the street to inside Parliament, which would ease the tension between the segments of society and put political rivals side by side in one chamber. Furthermore, work must be done to activate the role of party activity and reform the state’s institutions, because the ouster of the regime alone would not guarantee their reform or the ending of the corruption that has spread within them.

**Electoral Law Reform**

The discussion by the Electoral Law Reform Working Group focused on the system of political parties and the need to establish a system that will ensure party plurality, giving parties a chance to actively participate in rule, alongside the setting of standards for any forthcoming electoral activity. This would guarantee true representation of all sections of society and ensure fair participation for all Syrian provinces and cities, whereby the elections would produce a Parliament that truly represents the Syrian people.

A number of standards were specified for a modern elections law in Syria, whereby this law would nullify current limitations that preclude the formation of
parties. These new restrictions and criteria for party formation would be confined to the parties’ not going outside the Syrian constitution, would not call for discrimination between citizens or partition of the country, and would advocate that these parties would not digress from the national interest of the Syrian people and the Syrian country.

In exchange, a new elections system was designed to elect a Constituent Assembly, whose number was estimated at 290 representatives from all Syrian regions, upon the condition that the elections law coincides with the party law. The new elections law provides for a proportional system, as opposed to the majority system currently practiced by the existing Assad regime. It allows the participation of all parties and political components in governing, in accordance with their true size on the street, instead of granting the winning party all authority. The proportional system also provides true representation for all minorities. In addition, this system relies on electoral lists, preferably party-affiliated ones, and recommends that the electoral lists be open, whereby the voter chooses his or her preferred list and from it chooses his or her favorite candidate.

The new system also would create thirty-two constituencies instead of the fifteen currently specified by the Assad regime and the Ba’ath Party. In this case, the smaller districts create more opportunity for local parties with limited financial capabilities, and offer a better representation to the small cities and rural areas. The electoral districts were drawn on two bases. The administrative division of the Syrian country, which divides the country’s provinces into sixty-four administrative districts, creates the smallest electoral districts possible, based upon the condition that the number of seats in an electoral district is not less than four, in order to ensure the success of implementing the proportional system.

The new system proposed by the Syrian Expert House also ensures the active participation for both genders in the Constituent Assembly, whereby this system ensures through various specific mechanisms the representation of women, commensurate with their role in society. The new system also urges all parties and currents participating in the elections to offer part of their lists to persons with special needs, thus giving them the chance for political participation in making Syria’s future.

**Restructuring the Security Services**

Syrians know the large impact the present Syrian security apparatus makes on their political, social, and economic life. Therefore, the dismantling and rebuilding of this apparatus is considered, without exception, a vital priority for all Syrians. Therefore, the Restructuring the Security Services Working Group formulated a vision for the future security system, so that it will be coordinated with the new reality resulting from the revolution. The Syrian Expert House recognizes the necessity of forming a national security council, under the leadership of the ministers of defense and the interior, and the heads of the army and internal security forces. These security apparatuses must be dissolved, and some of them should merge with a new civilian security apparatus. The internal security forces apparatus should be restructured, with a focus on its professionalism, alongside the formation of cleansing committees, in order to rid the security apparatus of guilty, corrupt, and incompetent staff members.

Regarding the challenges of building a new national army in Syria, there were extensive discussions about its composition and the structuring of the general staff. The various leaders and representatives of military units in the Free Syrian Army gave a briefing to the Syrian Expert House of the situation in the field in their fronts, which included a full explanation of the liberated and nonliberated areas, alongside a description of the fighting formations from the numbers, capabilities, and the formations’ standpoints. There was an extensive discussion about the reality on the ground in the various fronts, the role of the general staff, and the possibility of raising the standard of military work and increasing coordination between the fighting formations and the fronts. In addition, some of the high-ranking officers who have defected from the regime made comments about the formation of the general staff and its framework. They demanded that all the battalions and brigades that are active on the ground coordinate with them.
in order to form the nucleus of a modern national army in the future. Clear basics for the building a modern army would be established, including practical mechanisms for disarmament upon completion of the armed struggle and the beginning of transitional operations. In addition, modern and advanced training programs must be put in place for the military cadres belonging to the Syrian armed forces after the fall of the regime. This would guarantee a high level of professionalism and a sound belief in the protection of the country and its citizens, with noninfringement on rights and freedoms seen to be the true duty of these apparatuses and forces.

**Transitional Justice and National Reconciliation**

On January 26–27, 2013, SCPSS held a conference in Istanbul with the name “Transitional Justice in Syria: Accountability and Reconciliation.” More than 120 Syrian and international participants attended the two days of panels and discussions on possible transitional justice and reconciliation programs to be conducted in postconflict Syria. Representatives from a number of families who had lost their sons during the revolution attended. In addition, representatives of the Syrian political opposition included those from the National Coalition, the Syrian National Council, the Kurdish National Council, and other opposition groups. A large number of human rights activists, defected judges, and attorneys also attended, as did a group of experts in the field of transitional justice from international organizations and various academic institutions, who presented their personal and professional experiences with postconflict transitional justice programs in various countries.

On the last day of the conference, SCPSS announced the establishment of two new entities. The National Preparatory Committee for Transitional Justice was formed to build programs and future plans for transitional justice in Syria. Committee members include judges, lawyers, former political prisoners, and Syrian human rights activists. An international advisory board, made up of panelists from the Transitional Justice in Syria Conference, will consult and work with the Syrian members of the committee. The other entity, the Association for the Defense of the Rights of the Families of the Victims of the Revolution, will be made up of family members of the most prominent victims of the Syrian revolution—such as Hamza al-Khateeb, the first victim of the Syrian revolution; Muhammad al-Jawabrah; Ghayyath Matar; and Tamir al-Shar‘i—and will work with the National Preparatory Committee for Transitional Justice in its truth and reconciliation efforts.

**Economic Reform**

The doubling of unemployment rates, together with the ongoing decline and impending collapse of the Syrian pound, are considered the most prominent priorities that Syrians will face during the transition phase. In addition, Syria will need to respond to the security requirements in the economy within the shadow of the country’s entry into a large humanitarian crisis and disaster that it has never experienced before in its history. Therefore, specific steps were suggested by the Economic Reform Working Group to directly and gradually shift the Syrian economy toward liberalization, reduce the burden of taxation on citizens, create more job opportunities, and open the gate for investors through the implementation of investor-friendly policies. In addition, it is also necessary to put forth a specific timetable for the restructuring of the public sector, which is characterized by a severe and deep bureaucracy that obstructs any economic progress and fast and serious action to restore frozen assets abroad, and to lift economic sanctions against Syria.

The summaries and reports of these various conferences, which have had more than three hundred participants—experts, political opposition, and Free Army leaders—formed in total the basis for this *Syria Transition Roadmap* report, which includes a detailed plan for the transition phase both for today and after Assad, in accordance with different scenarios. In other words, whether settlement is achieved through the so-called Geneva Conference, and an interim government is formed, the suggestions in this report remain definitively valid. If another scenario were put together proposing the downfall of Assad militarily—whether through foreign intervention or
the growing force of the Free Syrian Army, going over the recommendations presented in this report will be necessary. It is because they will remain valid for crossing the transition phase in the direction of building a democratic system that forms the Syrian people’s ambition and the hope with which the Syrian revolution began.
Syria lies in the eastern part of the Mediterranean Sea region, and specifically in the Middle East. With an area of 185,000 square kilometers, it has a population of nearly 24 million. Syria is home to a variety of ethnic groups, consisting primarily of an Arab majority, which makes up 85 percent of its population, and a Kurdish minority of 9 percent. Other minorities—including Armenians, Assyrians, Circassians, and Turkmen—constitute about 6 percent of the population. The Syrian constitution states that Arabic is the official language of the country, but minorities also speak a number of other languages, such as Kurdish, Armenian, Turcoman, Circassian, Aramaic, and Syriac.1

Syria was under Turkish Ottoman rule for four centuries, followed by a French colonial presence at the beginning of the twentieth century. It obtained its independence in 1946, and was subject thereafter to several different governments. Syria is currently governed by the Arab Socialist Ba’ath Party, which took over power following a military coup on March 3, 1963. In 1970, Hafez al-Assad assumed power following a military coup, which became known as the “Corrective Movement.” Assad stayed in power until his death in 2000, and was succeeded by his thirty-four-year-old son, Bashar al-Assad. The constitution had to be amended to accommodate for the president’s son’s younger age. With the issuing of Decree No. 9 of June 6, 2000, which amended Article 83 and changed the minimum age limit of the presidency from forty to thirty-four years, Bashar al-Assad, Syria’s current president, was able to run in elections and inherit control of the Syrian government from his father.

In March 2011, a popular revolution erupted across nearly all of the country, marking the effective end of Assad family rule over Syria. This chapter very briefly reviews the most prominent stages of the Syrian revolution, explaining the changes in the internal dynamics of the popular revolution from purely peaceful to violent. It also explains the failure of the international community to answer the call to protect civilians and support the Syrian people in achieving their legitimate aspirations for dignity, liberty, and democracy. The ambivalence of the international community has resulted in a profound humanitarian crisis, particularly in light of the numbers of the dead, injured, and displaced and the unprecedented number of refugees who are fleeing to Syria’s neighboring countries.
REVOLUTIONS OF THE ARAB SPRING

The Arab Spring revolutions began in Tunisia in December 2010. With the subsequent departure of President Ben Ali in February of 2011 and the beginning of a democratic transformation, Tunisia was the first Arab country to open a wave of democratic transformations in the Middle East.

A revolution for freedom also erupted in Egypt, leading to the departure of the Egyptian president, Hosni Mubarak. What occurred in Egypt and Tunisia, and then in Yemen and Libya, and is now occurring in Syria, is, without debate, the most important event in the Arab world in the second decade of the twenty-first century. Tunisia, Egypt, Yemen, Libya, and Syria are going through what many countries in Eastern Europe and Latin America experienced in the last decade of the previous century. The controlling regimes, based on the rule of a single person supported by the security forces and the secret police—represented by the ministries of the interior in the Tunisian and Egyptian cases, and via the security forces in both the Syrian and Libyan cases—have suddenly declined. Consequently, the regimes broke down through popular revolt, which was followed by the collapse of all the institutions of the regime, albeit to varying degrees, depending on the personality of the outgoing president and attitudes toward the former government.

But the toppling of the president does not guarantee the building of a democratic system. There is always the fear that former elites could regroup and restore the previous regime, with new faces or minor modifications. This could open the door once again to new military coups, just as the Middle East witnessed in the 1950s and 1960s. All political actors in the new, revolutionary state should be wary of this possibility and should have a forward-looking, strategic vision for building and preserving democratic institutions and mechanisms, allowing for the maintenance of a strong, dynamic political opposition and a politically involved national elite.

It is possible to say that what happened in Tunisia, Egypt, Libya, Yemen, and Syria neutralized a number of traditional theories in Western studies related to the Arab exception when it comes to democracy—or to the so-called cultural factor, upon which many researchers have based their analyses accounting for the absence of democracy in several non-Western societies. One of the constituting elements in this approach in the Western literature concentrated on a collection of traits and epithets for the Arab people. Some of these are hypocrisy, irrationality, and the mores of honor—all of which contradict democracy. Others link this absence of democracy to Islam, considering it a religion that does not align itself with democracy, because it does not separate the spiritual from the temporal.

The Arab Spring revolutions totally neutralized these presumptions and confirmed that one must not view either culture or values in a static manner. They are closely related to the prevalent political climate, which has the potential to impose a form of respect for law or the regime but could also encourage the spread of corruption and cronyism. On one hand, the political climate can enhance accountability and its associated values of integrity and responsibility. On the other hand, it could possibly be a breeding ground of waste and irresponsibility.

In any case, it is certain that the success of the Arab Spring revolutions can be judged by the extent of the success of each respective country’s democratic
Democratic transformations undergo three stages: the weakening and breakdown of the regime; the transition phase, which is safer when conducted by democratic means; and democratic stability, which materializes when new democratic structures become stable, cohesive, and in tune with the collective consciousness of society.

THE BIRTH OF THE SYRIAN REVOLUTION

In an interview in the Wall Street Journal on January 31, 2011, Syrian president Bashar al-Assad declared that he considered Syria immune to the revolutions that other countries had witnessed in the region, such as Tunisia and Egypt, “because of the close proximity of the Syrian government to the people and their interests.” Several Arab regimes argued that the protests would never reach them because their countries presented different or special circumstances. However, these regimes have much more in common with each other than they have differences; they have similar controlling rule systems in various degrees, and they share in insulting human dignity through torture, extrajudicial killings, and discrimination.

The effect of the revolution that started in Tunisia, succeeded in Egypt and Yemen, then infected the most repressive regime in the Arab world, Libya, did not spare Syria. It is true that the repression of the Syrian security apparatus was more severe in comparison with Egypt, Tunisia, or Yemen, but this was an additional instigator of unrest and protests. Syria was an ideal case for revolution. It had ongoing political and economic failures, providing the people with “neither bread nor freedom,” as it was put by the British journalist Alan George. In Syria, the corrupt conditions, the huge disparity between the rich and the poor, and the 30 percent of people living below the poverty line made the predisposing factors of anger in the country quite similar to what happened in Tunisia.

There is a misunderstanding among many Arab regimes, Syria included, that what started in Tunisia, Egypt, Libya, and Yemen and later escalated was only a result of the deterioration of economic conditions, the increase in unemployment, and the loss of job opportunities. These conditions prompted the regimes to take certain temporary measures, including increased subsidies of basic foodstuffs, granting limited increases in income for public-sector employees, and the like. The regimes believed that by doing this, they would bring a permanent end to the popular protests. In fact, what happened was simply a revolution of human dignity.

Dignity is of special value in the Arab world. The Tunisians, Egyptians, Syrians, and Libyans were exposed to long decades of insults from the various security branches, death under torture in police and criminal security precincts,flagrant discrimination against the right to education, the impossibility of promotion in government positions without party allegiance, and exposure to theft via corruption and nontransparency—and all these are related directly or indirectly to the denigration of human dignity. The totalitarian regimes neither fathom the value of human dignity nor discover its strength until after they have already been overthrown by popular revolt.

The delay in the emergence of protests in Syria can be primarily attributed to fear of the security apparatus, which to this day boasts that it does not refrain from using violence against demonstrators. The memory of fear embedded among Syrians after the events of the 1980s, which left behind more than 30,000 dead, 125,000 political prisoners, and 17,000 missing—whose whereabouts are still unknown to their families—contributed to this fear and formed a psychological deterrent, reining in political movements.

However, with the success of the young people in the southern town of Deraa in breaking through the barrier of fear, first hundreds and then thousands began to join demonstrations whose sole purpose was to demand freedom. The continuation and spread of these demonstrations to other cities—such as Banyas, Der ez-Zor, Homs, Damascus, Aleppo, and other cities in the Damascus countryside, such as Zabadani, Duma, and Daraya—point to the determination of Syrian youth to push on with their revolution with the necessary steadfastness to achieve success. It is not possible to repress this hope, in spite of the spread
of arrests in more than one city and the death of protesters, including children, because of the use of excessive violence and live ammunition in dispersing the demonstrations. As has been clearly shown in the revolutions in Egypt, Tunisia, and Yemen, murder with live bullets does not usually deter as much as it fuels and incites others to break the wall of fear and silence when they witness others giving up their lives for the sake of their freedom.

With the spread of demonstrations to all Syrian cities, the regime increased its use of armed violence, heavy weapons, and tanks against civilians, all of which inspired many officers to disobey orders, defect, and form the so-called Free Syrian Army. The liberation of Syria from the Assad regime became the explicit goal of the Free Syrian Army after the regime refused any political initiative to step down and begin a political transition. Thereafter, Syria entered a phase of liberation via armed rebellion, represented by the Free Syrian Army, exactly as had occurred in Libya.

Thus, the Syrian revolution entered a new phase, the so-called point of no return, in which the revolution would only end via a military resolution. This most certainly increases the difficulty of the post-Assad transition. But Syrians are full of confidence that, even if today they pay a great price in order to liberate their country, they nonetheless can administer the postconflict transition with full confidence and ability.

It is true that the Assad regime succeeded in transforming the appearance of the revolution from a battle for dignity and liberty to an armed struggle between rivals by continuing to commit daily massacres and crimes against the Syrian people. The continuous murder naturally drove soldiers in the army to defect and civilians to take up arms in self-defense. Nevertheless, the Assad regime was not satisfied with this. It continued to commit atrocities and massacres, including mass murder, executions, murder by torture in prison basements, rape, and other crimes, which led the Syrians to defend their dignity and their right to life and liberty. Therefore, little by little, matters developed, and Syria is now in the midst of an armed struggle. Thus, the image of the Syrian revolution, which started peacefully in hope of building a democratic state based on the principles of civil society, changed into an armed struggle whose casualties fall on either side. Therefore, this armed struggle must be stopped by all possible diplomatic means.

It has become clear today not only for all Syrians but also for Arabs and the world in general that the Assad regime has become more akin to a gang ruling with violence and murder, and that it is not concerned with Syria’s interests, stability, or growth. Assad and his family’s goal is to remain in power, even at the cost of thousands of Syrian lives. History shows several examples of these types of leaders, who do not hesitate to drown their countries in seas of blood so they can personally enjoy the resources and fortunes of their countries. These rulers become dangerous when their positions are endangered or if their people rebel. This means that the international community must intervene quickly in order to protect civilians and prevent the regimes from committing additional crimes against their peoples, as this would lead to a long-lasting lack of stability and unprecedented human tragedies.

THE INTERNAL DYNAMICS OF THE REVOLUTION

With the advent of the Arab Spring revolutions, talk spread among Syrians about the possibility of holding demonstrations in Syria, especially by those active on social media who were following the revolutions in Tunisia, Egypt, Libya, and Yemen. Activists in Damascus organized small sit-ins on February 3, 2011, in support of the Egyptian revolution. One was held in in front of the Egyptian Embassy, and another, a candlelight vigil, at Bab Touma in the city’s old section. Human Rights Watch reported that the Syrian authorities did not interfere when fifteen people were assaulted by plainclothesmen at the Bab Touma vigil. Despite this, scores of Syrians held a sit-in before the Libyan Embassy in Damascus on February 22 and 23 in solidarity with the victims of a massacre that Gaddafi’s forces had carried out in Libya against protesters.

On Thursday, February 17, 2011, a demonstration erupted after the police beat the son of one of the shopowners in the Hāriqah district in central
Damascus. The people started chanting the sentence “The Syrian people shall not be humiliated.” This prompted the arrival of the Syrian interior minister, who made a commitment to the protesters to carry out an investigation regarding what had happened to the young man.⁴

The First Calls for Demonstrations

One of the first public calls to protest the Assad regime was a Facebook-coordinated call on the World Wide Web for a “Day of Rage” in Syria on February 5, 2011. However, fears of security reprisals prevented the protest from occurring. Later, in March, activists on Facebook called for another Day of Rage in order to demand the dissolution of the infamous security apparatus, the freeing of all political prisoners, the dismissal of the government, the cancellation of the state of emergency, and the formation of a new transitional government. Scores of young men came out on March 15 to demonstrate in the Hamidiyah and Hariqah markets in the heart of Damascus, carrying banners reading “The Syrian People Shall Not Be Humiliated.” Security operatives who arrived on the scene tried to dispel the demonstrators peacefully, trying to convince the protesters to go home using phrases such as, “You are family. . . . Do you want the same thing to happen to us as in Libya?” On the following day, another demonstration was held in front of the Ministry of the Interior in Marjah Square, where nearly 150 people demanded the release of their relatives and friends who were political prisoners, and to meet with the minister of the interior to lodge their complaints.

The First Spark of the Revolution: “Friday of Dignity”

On February 27, 2011, Syrian security forces in Deraa arrested a number of children, along with their teachers, under the charge of writing anti-Assad slogans on the walls of their school. The parents of the children and a group of influential town residents went to the security branch and the city governor asking for the release of the children. Their demand was turned down several times, in addition to their being subjected to insults and humiliations by the security officials. The townspeople decided to stage a demonstration on March 18, 2011, in a so-called Friday of Dignity, to demand the release of the children, the overthrow of the regime, the resignation of the governor, and the removal of the chief of the political intelligence branch in the city, Atif Najeeb, a cousin of president Bashar al-Assad. The security forces met the demonstrators with live bullets, resulting in the deaths of the first two victims of the Syrian revolution: Mahmoud al-Jawabrah and Husam Ayyash.⁵

On the following day, hundreds attended the funeral of these victims. The security forces responded by firing more into the people in the procession. The protests spread on March 21 to the towns of Jasim, Nawa, and Shaykh Maskin in the suburbs of Deraa. In the meantime, the army had dispatched columns of armored vehicles and tanks to lay siege to the towns of the district. Most communications were suspended from Deraa. The protesters in Deraa burned the headquarters of the Ba’ath Party and other government buildings.⁶ Protests escalated so that by March 24 close to 20,000 people participated in the funeral procession to the South City Cemetery, and were met with gunfire from the security forces. The tempo of the regime’s repression escalated; legal activists and eyewitnesses reported that more than 150 people had been killed in the week following the Friday of Dignity.⁷

Alongside the policy of repression that the regime had adopted in dealing with protests, it issued decrees showing that it was amenable to reform. The governor of Deraa was dismissed on March 21. On March 25, Assad’s political adviser, Buthaynah Shaban, declared new measures to calm the situation in Deraa, solve the country’s economic situation, address political demands, and fight corruption. Shaban also declared the formation of a working committee with the city’s people to investigate what had happened and deal with those responsible for the crisis.⁸

The Spread of the Revolution in Syria: “Friday of Glory”

On Friday, March 25, the demonstrations spread to several parts of Syria, after news of the scores of dead
in Deraa reached the rest of the country. Thousands participated in the funerals of additional victims killed in skirmishes with security forces in Deraa. Demonstrators tore up Bashar al-Assad’s pictures and tried to remove his statue before security forces opened fire. Demonstrations followed—in Madamiyah, Zabadani, Tall, Darayya, and Duma in the Damascus countryside; at the Omayyad Mosque in the heart of Damascus; and in the provinces of Hama, Latakia, Aleppo, and Homs. The security forces fired on the protesters in Madamiyah and Latakia, which led to the deaths of several people.9

On March 31, 2011, Bashar al-Assad gave a speech before Parliament in his first appearance since the beginning of the protests. In the speech, Assad declared that the people of Deraa “bear no responsibility for what happened, but they are responsible with us in ending the distress.” He also said that “Syria is being subjected to a large conspiracy, the threads of which spread from countries faraway and nearby, and which have some threads within the nation.” This act of blatantly ignoring the true sources of Syrian unrest exacerbated the protests and escalated the demands of the Syrians. Talk of the overthrow of the regime emerged loud and clear. On April 14, 2011, Assad ordered the former agriculture minister, Adel Safar, to form a new government.10 On Thursday, April 21, Assad issued decrees that ended the state of emergency, canceled the Supreme State Court of Emergency, and confirmed the right of peaceful demonstration for citizens, as it is “one of the basic human rights set forth in the constitution,” upon obtaining government permission.11

The Army Begins Suppressing the Revolution

On Monday, April 25, troops from the army, backed by tanks and armored vehicles, stormed Deraa. The Syrian Army began indiscriminately firing the 500-millimeter machine guns mounted on its tanks at homes and neighborhoods, and it cut off electricity and telephone communications completely. On May 9, 2011, army tanks stormed three major neighborhoods in Homs and surrounded the city of Rastan, where the sounds of automatic weapons and shelling were heard for the first time in the residential neighborhoods in the city.12

On July 3, the Assad regime’s forces distributed tanks at the entrances of Hama, a few days after the largest demonstrations thus far in the revolution were mounted. Regime forces arrested scores of people on the city’s periphery and dispatched about a hundred tanks and personnel carriers in the direction of Kafar Ruma in the Idlib countryside.13 On July 4, troops entered Hama in thirty buses and stormed residents’ houses, firing indiscriminately and conducting a campaign of arbitrary arrests.

Assad decided to use all the capabilities of the Syrian Army to suppress the revolution and began bombing civilians starting in July 2011, initially using various types of tanks, mortars, and armored personnel carrier before eventually resorting to the use of long-range Scud missiles, helicopters, and fighters jets to bombard Syrian cities on a daily basis.

The Escalation of Peaceful Protests—and of Bloody Repression

Peaceful demonstrations spread in major population centers like Hama, Latakia, Deraa, and Homs, and to the cities in the Damascus countryside, such as Duma, Daraya, and Harasta, with the largest protests occurring on Fridays. At the same time, the campaign of arbitrary arrests spread, which meant that thousands of detainees were placed in collective detention camps. In addition to the security apparatus’s firing live ammunition at demonstrations, it was responsible for more and more deaths from torture. The most infamous story was that of a thirteen-year-old child, Hamza al-Khateeb, who became one of the symbols of the revolution. Security forces had arrested al-Khateeb on April 29, 2011. When his body was finally returned to his parents, it clearly showed the effects of the torture he had undergone. He had received one bullet in his right arm, another in his left arm, and a third in his chest; his neck was broken; and his body was mutilated and dismembered.14

Al-Khateeb’s death resulted in local and international protests against the Assad regime. U.S.
secretary of state Hillary Clinton said: “All I can say is that his death was not in vain.” UNICEF spokesperson Patrick McCormick said that the pictures "are shocking. They have gone all over the world. And no one could see that without being deeply moved and ashamed about what happened,” calling for the perpetrators to be brought to justice.15

The First Peaceful Strikes in the Revolution

Hama witnessed a citywide strike on June 4, 2011, in protest against the victims of demonstrations who fell after Friday prayers on the previous day. Movement in the city ceased, and only a few pharmacies opened, while all security forces were absent—even traffic police.16

Because peaceful demonstrations had clearly become a social force through which Syrian society had discovered its power and effect, its insistence on escalating these demonstrations increased, in spite of the high human cost. But the security apparatus continued to target the protests, and many were killed without any responsibility or accountability. Rather, instructions continuously came that the demonstrations must be suppressed “by all possible means.”17 But the demonstrations eventually spread to cover the entire Syrian nation, and the number of participants increased. On April 4, 2011, fifty thousand Syrians in Duma attended the funeral of eight citizens. And more than one hundred thousand took part in a demonstration on April 9 for the funeral of the previous day’s martyrs at the Omari Mosque in Deraa, and they called out slogans for freedom. The security forces opened fire at them.18

On July 1, 2011, more than 1 million demonstrators in Hama participated in one of the largest demonstrations in the revolution. The U.S. ambassador in Damascus, Robert Ford, visited Hama on July 9, following a demonstration of 450,000 people there.19 Likewise, 100,000 took part in demonstrations in several quarters in Homs, and on the same day, about 60,000 demonstrators came out in Der ez-Zor.20

The Opposition Organizes

The political opposition—which, like the regime, was completely taken by surprise by the revolution—started organizing its ranks after decades of absence, whether in prisons or in exile. The unification of its ranks took a long and arduous route and often did not succeed. The opposition held its first conference on June 1, 2011, in Antakya, Turkey, under the title “Syrian Conference for Change,” in which three hundred Syrian opposition members participated. The goal was to find ways to support the Syrian revolution internally and to ensure its continuation. The conference demanded the resignation of the president and recommended temporarily handing over authority to the Syrian vice president, Farooq al-Sharei, while a new Parliament was elected. At the conclusion of the conference, the Syrian flag of the “second independence” was flown.21 On October 2, 2011, members of the opposition declared from Istanbul the formation of the Syrian National Council as a “unified framework for the Syrian opposition,” including all political currents; liberals, members of the Muslim Brotherhood, local coordination committees, Kurds, and Assyrians.22 The National Council became the external representative of the political opposition, which brought about an internal struggle between the National Council and the Coordination Committee on which was the legitimate representation of the revolution.

The United Nations Human Rights Council

The first international reaction to the events in Syria was the United Nations Human Rights Council’s adoption, on April 29, 2011, of a resolution condemning the Syrian authorities for using lethal
violence against peaceful protesters and obstructing access to medical treatment. The resolution called on the Syrian government to curb human rights violations, allow Internet and communications network access, and lift censorship of the media. It also called on the Syrian government to release its arbitrarily detained prisoners of conscience. The resolution called on the Syrian government to abstain from taking any vengeful actions against participants in peaceful demonstration and to allow help to be given to those who need it, and it emphasized the necessity of the Syrian authorities carrying out a credible and fair investigation, in accordance with international standards. On August 22, 2011, the council adopted a resolution condemning the gross and systematic violations of human rights perpetrated by the Syrian authorities, and it welcomed the assigning of a fact-finding mission that the United Nations High Commissioner for Human Rights dispatched.

Thereafter, the United Nations Human Rights Council formed the Independent International Commission of Inquiry to investigate the human rights violations that have occurred in Syria since March 2011. The commission’s first report was issued on November 23, 2011. After that, on December 2, 2011, the United Nations Human Rights Council adopted a resolution expressing its strong concern regarding the commission’s conclusions. The November report showed that the Syrian authorities and the armed and security forces had committed grave and systematic human rights violations in several locations in the Syrian Arab Republic since March 2011, and that these violations amounted to crimes against humanity. It also condemned the Syrian authorities’ continued systematic and gross violations of human and political freedoms, attacks targeting civilians in cities and villages all over the country, repeating these attacks, and the excessive standards of force that the armed and security forces use in a coordinated fashion. In addition to these, it condemned the violations of children’s rights, including the murder of children; the continuation of arbitrary detention, torture, and maltreatment; the sexual violence to which civilians—especially male children—are subjected; and obstruction of medical aid and preventing its access to the wounded and patients. The resolution also mandated establishing a special rapporteur concerning the condition of human rights in Syria to observe human rights and carry out the recommendations given to the Syrian authorities.

After that, the United Nations Human Rights Council adopted another resolution on March 1, 2012, which severely condemned the continuation of the widespread and systematic violations of human rights and of basic political freedoms at the hands of the Syrian authorities. On March 23, 2012, it issued a fifth resolution confirming the importance of holding accountable those responsible for human rights violations. The council expressed its concern at the spread of total impunity from punishment for human rights violations. It also related, with much concern, the conclusions of the High Commission for Human Rights—that there is a documented list of evidence providing a reasonable basis for believing that high-ranking individuals, including military commanders and public officials, were directly responsible for crimes against humanity and other gross human rights violations.

Successive resolutions by the United Nations Human Rights Council followed with the escalation of the size of massacres in Syria. On June 1, 2012, the Council issued a resolution, which, in the strongest of terms, denounced the excessive use of force against civilians. Likewise, it denounced in the strongest of terms the murder of forty-nine children who were less than ten years old. It also pointed to the recent murders in Houla, which took place within a series of repeated human rights violations in Syria, confirming the Syrian authorities’ continued failure to protect and support the rights of the Syrian people.

The United Nations Human Rights Council’s resolutions followed thereafter, on April 28, 2012, denouncing the noncooperation of the Syrian government with the Commission of Inquiry and all acts of violence, including terrorist acts, irrespective of who the perpetrators were. It further denounced the continuation of the Syrian authorities and the progovernment al-Shabiha militias in their violations of human rights and basic freedoms in an alarming and systematic fashion, from the standpoint of the
use of heavy weapons and force against civilians. It condemned, in the strongest terms, the massacre in Houla village near Homs, where it became evident to the Commission of Inquiry that the Syrian government and al-Shabiha individuals committed outrageous and heinous crimes, and it emphasized the necessity of dealing with those responsible.29

The Independent International Commission of Inquiry issued reports in February 2012, and in August 2012, that carried grave accusations that the government’s forces (and the militias acting in support of the government) had committed crimes against humanity.30 These crimes were manifested in willful murder, torture, rape, forcible disappearance, and other inhuman deeds. They also committed crimes of war and serious violations of the international law of human rights, and the international human law’s prohibitions, which included arbitrary arrests and internment, unlawful attacks on protected objects, and the looting and destruction of belongings. The Syrian government did not go through the effort of responding to these reports or opening an investigation regarding all these charges. Furthermore, the reports started talking about the antigovernment armed groups’ committing of war crimes, including willful murder, torture, and hostage taking.31

These international reports reflect the dangerous orientation that the Syrian revolution had adopted; it was a turn in a decidedly sectarian direction, the result of a series of regime-perpetrated bloody massacres, which Syria heretofore had not seen in its history. These started with the Houla massacre on May 25, 2012, when both the Missiles Brigade, based in Badouriya village on the Homs–Houla Highway, and the Artillery Brigade, based near the War College to the west of Homs, shelled Houla with hundreds of missiles and rockets. After that, the al-Shabiha militias stormed the city (supported by fighters from the neighboring Alawite villages, whom they paid money), carried out field executions against the people, and slaughtered women and children. The final tally of victims was no less than 700 persons, including at least 50 children and more than 550 wounded.32

Then there was Karm al-Zeitoun, where the pro-Assad regime militias, the al-Shabiha, committed a horrific massacre on the evening of March 11, 2012, killing more than 53 children and women with knives, and then throwing their bodies in the street. Some of the bodies showed signs of mutilations resulting from knives that the al-Shabiha had used to hack sectarian slogans into the bodies. Most of the women and young female children, some of whom were no older than eight, were raped before being killed with knives.33

There followed the Darayya massacre, when the Assad regime’s forces shelled the city of Darayya in the Damascus countryside for three consecutive days, then stormed the city on August 26, 2012, and carried out one of the largest massacres since the beginning of the revolution. More than 360 were killed in Darayya, due to the shelling continuing before and after the massacre. The activists reported that most of the victims were shot with bullets, after the security forces and the al-Shabiha stormed the town. Bodies were discovered in houses and building cellars, along with 122 bodies inside a mosque to which the elderly, women, and children had tried to escape. It was besieged by Assad’s forces before they bombed it, killing everybody inside in one hour.34

New massacres followed this one, over an interval of six days, beginning on April 16, 2013, and ending on April 23. The massacre left behind 191 killed, including 17 from the armed opposition and 174 civilians, including 9 children and 8 women, in addition to scores of missing. The people of Saraya al-Sira, who were Alawite, who systematically attacked and assaulted the city Jdeidet Artouz, leaving behind this large number of victims, committed this massacre. After that, there was the Bayda (in Banyas) massacre, which lasted three days. It started on May 2, 2013, and ended May 4. The preliminary numbers reached 459 civilians, among them 92 children and 71 women, some of whom were members of entire families that were liquidated by the al-Shabiha who lived in the neighboring villages.35
REGIONAL POLITICS AND THE ARAB LEAGUE

The Arab League started holding meetings to discuss the Syrian crisis in August 2011. It demanded that the Syrian government end the violence, then formed a committee charged with following up with the Syrian file. In September, the committee appointed a delegation that visited Assad and started talks with him. Then it charted, in a meeting, an Arab work plan, which it submitted to the Syrian government on October 26. The Syrian regime signed the work plan on October 30. The committee stipulated, first, ceasing all acts of violence by anyone, releasing all detainees resulting from the current events, the evacuation of all armed elements from cities and residential areas, and opening the way for all the relevant Arab League organizations and the Arab and international media to move freely throughout Syria. Second, with the tangible progress that the Syrian government made in carrying out its commitments, the Arab Ministerial Committee would conduct the necessary contacts and consultations with the government and the various Syrian opposition parties to prepare for a national dialogue conference within two weeks.

On November 12, the Ministerial Committee held a meeting to discuss Syria’s total ignoring of this work plan agreement. Consequently, it was decided to suspend Syria’s membership in the Arab League and to threaten imposing economic sanctions on the regime if the violence did not stop. On November 16, the committee implemented economic sanctions on the Syrian government and banned the travel of some individuals in the Syrian regime who were connected to crimes against civilians. It decided to send a team to investigate the regime’s compliance with the Arab work plan. It offered Syria 24 hours to sign the observers’ protocol. On November 18, Syria sent a proposal to amend the protocol, which the committee refused because the proposal violated the core of the committee’s mission. On November 24, it offered the Syrian government another time limit so the regime could sign the protocol. Upon receiving political pressure from Russia, the regime signed it on December 19, which allowed the mission of the Arab observers to start their duties. The first members of the committee arrived on December 24, and they started working until they reached Homs.

The Arab League met on January 8, 2012, to evaluate the performance of the Ministerial Committee and review its preliminary report. The Syrian Parliament and some of the human rights organizations had called for the withdrawal of the observers because of their inability to perform their mission in the wake of the continuation of violence perpetrated by the Syrian government. The league decided to continue the observers’ mission, doubling the number of observers, and it demanded that the Syrian government stop impeding their efforts. On January 10, the observers’ committee was attacked in Latakia. The Arab League immediately denounced the attack. and on January 22, the league’s ministers held a meeting to review the observers’ mission’s final report. It issued a decision, including an Arab initiative to resolve the crisis, which called for the withdrawal of the observers because of their inability to perform their mission in the wake of the continuation of violence perpetrated by the Syrian government. The league decided to continue the observers’ mission, doubling the number of observers, and it demanded that the Syrian government stop impeding their efforts. On January 10, the observers’ committee was attacked in Latakia. The Arab League immediately denounced the attack. and on January 22, the league’s ministers held a meeting to review the observers’ mission’s final report. It issued a decision, including an Arab initiative to resolve the crisis, which called for handing over power to the vice president, forming a national unity government, extending the observers’ mission, and referring the initiative to the UN Security Council to assist in its execution and enforcement.

On January 28, 2012, the Arab League announced the suspension of the observers’ delegation because of the escalation of the violence and the occurrence of massacres. On January 31, the UN Security Council had its first meeting to hear a presentation on its
project, offered by Morocco, in order to give the Arab League’s initiative executive legitimacy. On February 4, Russia and China used their veto right on a UN Security Council draft to approve the Arab initiative, which gave an indication of the magnitude of international division at the Security Council and the difficulty of issuing any resolution that would lead to the protection of civilians.

A CHANGE IN THE INTERNATIONAL DISCOURSE

On Thursday August 18, 2011, the U.S. president, Barack Obama, declared that the time had come for Assad to leave his post, because “the future of Syria should be determined by its people, but Assad stands in its way.” He added: “His calls for dialogue and reform are hollow, while he imprisons, tortures, and massacres his people.” Obama praised the endeavor of the Syrian people behind the peaceful transition of power and their courageous confrontation of the Syrian government’s violence, and he stressed that the Syrian regime had violated its people’s rights. These statements emphasized to Syria, the region, and the world the Assad government’s “scandalous” disrespect for the dignity of the Syrian people. The U.S. secretary of state, Hillary Clinton, declared that the process of transforming Syria into a democracy had begun, and that it was time for Assad to get out of the way and abdicate. She drew attention to the fact that her country was willing take steps to alleviate the severity of punishments on the Syrian people, and that she would work with the international community to increase the pressure on the Syrian regime and help the people attain their objectives.

Also, British prime minister David Cameron, French president Nicolas Sarkozy, and German chancellor Angela Merkel, said, in a joint statement, that the Syrian authorities had ignored the urgent calls in the recent days from the UN Security Council, several countries in the region, the Gulf Cooperation Council, the general secretaries of the Arab League, and the Organization of Islamic Cooperation. In their statement, the three leaders accused the Syrian authorities of continuing to harshly and violently repress the Syrian people and refusing to recognize the legitimacy of their demands. Catherine Ashton, high representative for foreign affairs and security policy for the European Union, said in a statement that the EU condemns in the severest of terms the savage campaign that Assad and his regime have waged against his people. Canadian prime minister Steven Harper said that the Syrian people have the right to decide the ensuing steps for Syria’s future. He also renewed Canada’s strong condemnation of the ongoing violent military aggression by the Assad regime against the Syrian people and stressed the need to stop the campaign of intimidation against the people.36

On October 4, 2011, the United Nations Security Council voted on a proposed resolution severely condemning the ongoing human rights violations in Syria, such as arbitrary executions, the excessive use of force, and the killing of protesters and human rights advocates. It demanded the immediate halt of all acts of violence and the holding accountable of those responsible for committing all acts of violence and human rights violations. It also called for an inclusive political process led by Syria in an environment free from violence, fear, and intimidation. And it asked that the UN secretary-general urge the Syrian government to stop its violence and human rights violations. Both Russia and China used their veto again against the Security Council resolution, while nine members voted for it and four abstained—India, South Africa, Lebanon, and Brazil.37

KOFI ANNAN’S MISSION

On February 23, 2012, the United Nations and the Arab League announced in a joint statement the appointment of the former UN secretary-general, Kofi Annan, as an envoy to Syria.38 On March 16, Annan presented his six-point peace plan: (1) the commitment to cooperate with the envoy in a political process that included all Syrian factions to meet the legitimate aspirations of the Syrian people; (2) compliance with ceasing of hostilities, urgently arriving at an effective end to armed violence in all its forms by all parties under the United Nations’ supervision; (3) ensuring the offering of humanitarian
aid at the appropriate time to all areas affected by
the fighting; (4) acceptance of and implementing a
daily cease-fire for humanitarian purposes and the
intensification of the pace and volume of release of
arbitrarily detained individuals; (5) ensuring the
movement of journalists all over the country and
adopting a nondiscriminatory policy regarding the
issuance of entry visas for them; and (6) respect for
freedom of association and the right to demonstrate
peacefully, as legally guaranteed. On August 3,
2012, Annan submitted his resignation from his
position, attributing his resignation to not receiving
sufficient support from the warring factions or from
the international community.

**UN SECURITY COUNCIL RESOLUTION 2042**

The United Nations Security Council issued Resolution
2042 on April 14, 2012. In this resolution, it affirmed
its support for the joint special envoy of the United
Nations and the Arab League, Annan. It affirmed its
strong adherence to the sovereignty, independence,
unity, and safety of Syrian territories. It condemned
the widespread violations of human rights by the
Syrian authorities, in addition to the human rights
violations at the hands of the armed groups. It also
demanded holding those responsible for human rights
violations accountable, and it expressed its deep regret
for the killing of several thousand citizens in Syria.

It also emphasized the necessity of the Syrian gov-
ernment’s commitment on March 25, 2012, to imple-
ment the six-point plan offered by the joint interna-
tional envoy from the United Nations and the Arab
League. It called for a quick and clear way to put this
plan into effect, in accordance with the Syrian gov-
ernment’s commitment, as mentioned in its letter to
the international envoy of April 1, 2012. This letter
stated that there will be a cessation of mobilization of
forces in the direction of population centers, a cessa-
tion of the use of all types of heavy weapons in these
centers, the start of withdrawal from the military
groupings in and around the population centers, and
the complete implementation of these commitments
before April 10, 2012.

The letter also noted the commitment of the
Syrian opposition and its respect for ending the vio-
ence, and likewise a cessation by the Syrian govern-
ment. It expressed its determination to bring a lasting
halt of armed violence in all its forms from all sides,
and it immediately formed a UN observation mission
in Syria, for observing the halt of armed violence of
all types and from all related parties. It decided to
allow a team of observers composed of up to thirty
unarmed military men to coordinate between the two
parties and to start reporting on the implementation
of the complete halt of all types of armed violence
from all parties while the mission was deployed. It
called upon both parties to ensure the safety of the
observer team without interfering with its freedom
of transportation and access to the intended places,
stressing that in this case the responsibility rests on
the shoulders of the Syrian authorities. It repeated
its call to the Syrian authorities to allow instant and
complete access without any obstacles for those work-
ning on humanitarian efforts, to all the people who are
in need of help, in accordance with international law
and the basic principles for humanitarian work.

**UN SECURITY COUNCIL RESOLUTION 2043**

On April 21, 2012, the UN Security Council adopted
Resolution 2043, which reiterated its total support for
all the elements of the six-point plan that the joint
United Nations and Arab League proposed. It called
for the plan’s urgent, comprehensive, and prompt
implementation, with the objective of the immediate
end of all armed violence and human rights violations
and the arrival of humanitarian aid. It had also called
for facilitation of the process of political transfer under
the leadership of the Syrian government, aimed at the
establishment of a pluralistic and inclusive political
system. It also called upon the Syrian government
to implement all the commitments to which it had
agreed, in accordance with Resolution 2042; and
called upon all Syrian parties to immediately cease
all acts of armed violence and upon the armed Syrian
opposition groups and the relevant elements to respect
the related clauses of the first agreement.
The resolution decided to establish a preliminary period of ninety days a United Nations observer team under the leadership of a chief of the military observers, provided it included an initial deployment of three hundred unarmed military observers, in addition to an appropriate civilian element, as needed by the mission. It was also decided that the mission would be entrusted with observing the cessation of armed violence of all types and by all parties. Furthermore, the secretary general and the Syrian government would be asked to reach an agreement immediately regarding the headquarters of the mission, provided that the model for the agreement that determined the center of the forces of October 9, 1990, is used, until such time that an agreement is reached regarding the mission’s center. It called upon the Syrian government to effectively guarantee the work of the mission, and that all parties ensure the safety of its individuals, without compromising their freedom of movement and while enabling them to reach their destinations. It emphasized that the responsibility in this case lies on the shoulders of the Syrian authorities.42

THE INTERNATIONAL OBSERVERS’ MISSION

The United Nations Observation Mission in Syria was established following the adoption of UN Resolution 2043 on April 21, 2012, as part of the joint international envoy Kofi Annan’s plan to end the struggle. The mission included an advanced team of unarmed observers sent by the UN Security Council, three hundred unarmed military observers, and an appropriate civilian element to monitor the cessation of the armed struggle “in all its forms from all parties,” and the complete implementation of the six-point plan. The mission started its work on May 30. By June 30, the mission had 278 military observers in its headquarters in Damascus, 8 field locations in Aleppo, Der Ez-Zor, Hama, Homs, Idlib, Deraa, and Tartus; 121 civilian employees to administer political, civilian, and human rights issues; the administration and support in the mission’s headquarters, with varied military and civilian groups in the five locations. It concentrated its work in the civilian locations and their surroundings on military and civilian activities.

Having seen YouTube, the mission’s work was obstructed because of several factors. The mission was late in arriving to the combat zones because of warnings by the government, opposition, or civilians. Some civilians in opposition-controlled areas complained about acts of revenge committed by the government following the mission’s visit, which led to a state of fear among civilians when receiving the mission members. More important than this, the ongoing repressive acts by the government’s forces led to the weakness in civilians’ trust in the effectiveness of the mission, after expecting that violent acts would cease upon the arrival of the mission in the country. In spite of this, the pace of violence dropped from April 16 until the beginning of May.

However, in mid-May, the violence rose to a much higher level than in early April, when the Syrian government initiated large operations to retake territory under opposition control, using helicopters, armored vehicles, and ground troops supported by the al-Shabiha militias. The pace of the opposition’s operation also increased through increasing attacks on government forces, including assassinations and the use of explosives, which resulted in the deaths of both military members and civilians. Members of the mission were subjected to indirect fire and also direct harm. On June 12, a vehicle carrying mission members to Latakia was intercepted outside Hifah in the city and sustained gunfire from unknown people. Finally, the increase in the pace of the violence resulted in the impossibility of sending in the observers’ mission. On June 15, the mission announced the suspension of its usual operations in the light of acts of violence and obstacles against the observers’ movement. The members stayed in their positions, in addition to monitoring visits related to humanitarian issues vis-à-vis the medical and educational facilities. The mission decided to keep its teams in four locations—Aleppo, Der Ez-Zor, Homs, and the Damascus countryside—in addition to maintaining its presence all over the country.

On July 6, the UN secretary-general advised the Security Council about the implementation of
Resolution 2043. He said that the deteriorating situation in Syria reflects negatively on the political efforts to resolve the crisis. He presented options for working with the condition of the observer that included withdrawal of the mission, adding armed elements to the mission or expanding its military capability, or keeping the mission as is and transferring its work to civilian tasks and to Damascus. On July 20, the UN Security Council extended the mission’s work to a finite period of thirty days. It affirmed that the council would not look into expanding the mission of the observers unless reports came in confirming the cessation of heavy weapon use and a reduction in the level of violence from all parties, which would allow the mission to function. The secretary-general announced on August 10 that there had been no response to the council’s condition. The observers’ mission ended at midnight on August 19, 2012. A day after the United Nation’s suspension of the work of the observers’ mission in Syria, on August 17, 2012, the secretary-general of the United Nations, Ban Ki-moon, announced the appointment of Lakhdar Brahimi as a joint international envoy for the United Nations and the Arab League for peace in Syria. On September 13, Brahimi visited Damascus for the first time, where he met Assad and informed him that the UN was establishing an office in Damascus for follow up.

**POLITICAL AND DIPLOMATIC DEFECTIONS**

The use of violence in its most extreme forms, with the concentrated use of the air force and Scud missiles, was reflected in the social fabric and in the state institutions as a whole, which started seeing large, albeit late, defections. On July 11, 2012, the Syrian ambassador to Iraq, Nawwaf al-Faris, announced his defection from the regime. After that, a series of defections in the diplomatic and political corps started, such as the Syrian ambassador to Cyprus, Lamia al-Hareerii, and the Syrian ambassador to the United Arab Emirates, Abd al-Lateef al-Dabbagh. A member of the new Syrian Parliament, Ikhas Badawi, followed suit, after escaping to Turkey. On July 28, the Syrian ambassador to Belarus and the Baltic states, Fârouk Taha, also resigned. On August 6, 2012, Prime Minister Riad Hijab announced his defection from the regime and his departure with his family to Jordan, in a forceful strike at the Assad regime, where the highest-ranking official on the political pyramid had announced his defection and joining of the ranks of the Syrian opposition.

**THE APPEARANCE OF THE AL-NUSRA FRONT**

The al-Nusra Front (its full name is al-Nusra Front for the Defense of the People of the Levant) was formed toward the end of 2011, in the midst of heavy clashes between the Syrian regime and the rebels. In its first statement, on January 24, 2012, it called upon the Syrian people to rise up in “jihad” and take up arms against the Syrian regime. The Front had undertaken a number of attacks, the most prominent of which was blowing up the General Staff Building in Damascus at the beginning of October 2012, an explosion in the air force intelligence building in Harasta, and bombing the Officers Club building in Aleppo.

On December 11, 2012, the United States added the al-Nusra Front to its list of foreign terrorists. On the basis of this categorization, the U.S. State Department’s decision classifies the al-Nusra Front as an offshoot of al-Qaeda in Iraq. Furthermore, the U.S. Treasury Department announced that it had imposed sanctions on two of the al-Nusra Front’s leaders. And on May 31, 2013, the UN Security Council added the al-Nusra Front to its list of terrorist organizations, due to its affiliation with al-Qaeda in Iraq.

**ESTABLISHMENT OF THE NATIONAL COALITION FOR SYRIAN REVOLUTIONARY AND OPPOSITION FORCES**

On November 11, 2012, a final agreement was declared in Doha to unify all the ranks of the Syrian opposition under the banner of the National Coalition for Syrian Revolutionary and Opposition Forces. The coalition’s goals were to lead the revolution, establish a transitional government, and gain international legitimacy as a substitute for the regime. More than 120 participating countries in the Friends of
There is persistence from the Syrian people to continue the revolution—whatever the cost—until they achieve their goals of freedom, dignity, and democracy.

Syria Conference, in Marrakesh, had recognized the coalition as the “sole representative of the Syrian people.” The coalition also received Syria’s seat at the twenty-fourth summit of the Arab League in Doha.

HEZBOLLAH’S INTERVENTION

Hezbollah is known to be a strong ally of the Assad government in Syria. The U.S. State Department added it in 1997 to its list of terrorist organizations. On August 19, 2012, the United States warned about the intervention of Hezbollah and its support for Assad in Syria, and added it to the list of organizations being sanctioned for having relations with Syria. Hezbollah secretary-general Hasan Nasrallah announced in a speech on October 12, 2012, that his party was not fighting in Syria “until this moment, and the regime (the Assad regime) did not ask us to do so.” However, he referred in the same speech to Hezbollah fighters as having helped the Syrian government in “regaining control of 23 strategic villages inhabited by Shiite Lebanese.”

On February 16, 2013, Hezbollah fighters attacked three villages in Qusayr in the middle of Syria. Hezbollah then announced the deaths of three Shiite fighters in Syria, with no reference to their relationship to the attack. In a declaration of the same date, the Syrian National Council accused Hezbollah of interfering militarily and attacking the Qusayr region, holding the Lebanese government responsible politically and morally for failing to thwart this breach of sovereignty. On February 25, officials condemned, in addition to the Progressive Socialist Party chair Walid Junblat, the involvement of Hezbollah in Syria. The previous secretary of the party, Subhi al-Tufayli, affirmed that “Hezbollah should not defend a criminal regime which kills its people.”

On May 25, 2013, Hasan Nasrallah admitted that Hezbollah had participated in the fighting in Qusayr in Syria, and he vowed to achieve “victory” in the current struggle in Syria, between his ally Assad and the Syrian Opposition. He declared that Hezbollah could not take the side of the opposition, which he considered supported by the United States and Israel. On June 16, 2013, Egyptian president Muhammad Morsi stated in a speech that Egyptians “today stand against Hezbollah for its aggression on Syria.”

These, in brief, are the most prominent highlights of the Syrian revolution, which has entered a steep decline based on the worsening humanitarian crisis and the failure of the international community to put an end to the ongoing violence since March 2011. At the same time, there is a persistence from the Syrian people to complete its revolution—whatever the cost—until they achieve their goals of freedom, dignity, and democracy.

ENDNOTES

1. The sectarian distribution of the population is as follows according to different estimates, as there is no modern official census: Sunnis, 76.1 percent; Alawites, 11.5 percent; Druzes, 3 percent; Ismailis, 1 percent; Shiites, 0.4 percent; and Christians, 8 percent.


20. Agence France-Press, “‘11 die as half a million call for Syria’s Assad to go,” July 1, 2011, http://www.google.com/hostednews/ap/article/ALeqM5jUGsvP0K4o8nEkjT2XeWC8MgLhA/docid=CGN bda64c40eef12db1c43bd405f20e9b1.81


63. CNN Arabic, “Morsi Severs Egypt’s Relations with Syria and Attacks Hezbollah” (Mursi Yaqt'a ‘Alaqat Misr bi-Suriya wa-Yuhajim Hizb Allah),
Political reform is linked to the development of political performance, and it is tied to the political legitimacy of a country’s ruler. Political change or reform can occur as the result of a massive revolution, as seen in Syria. The term “forward-looking vision” reflects political aspirations for the political future, shaped by a break with the past authoritarian regime in Syria, more than it represents a slow, gradual process of reform in the traditional sense.

It must be noted that a forward-looking vision for Syria’s political future is tied to a number of components of reform, which must all work in parallel. Both constitutional reform and reform of the party system are completely tied to such a vision; it is impossible to study one of them, or to try to achieve a comprehensive framework for just one of them, without building on what the rest of the components have achieved. In this sense, both a vision of the political future and political reform are completely tied to the constitution and the party system that will be designed. For example, the political system would become a presidential one (or closer to a presidential one) if the constitution granted the president greater powers; whereas if greater powers were granted to Parliament and the political parties that had won a majority of the votes, it would become a parliamentary system, a semiparliamentary system, or a half-president/half-parliamentary system. However, it is not possible to predict what type of political regime will come next without knowing the leanings of the constitution.

One can consider that the transitional period will start as soon as the regime has fallen, and last until general parliamentary elections. The second period will begin with the announcement of the general parliamentary election results, and will continue from that moment. Each one of these stages will include a number of steps that will proceed logically. However, here we focus on the second period, given that the meaning of the vision for Syria’s new political system lies in its future—a vision of the future whose hopes sparked the revolution. The following sections deal with administrative reform in Syria, a topic no less important than political and economic reform.

**THE FIRST PHASE: THE TRANSITIONAL PERIOD**

**The Fall of the Regime**

Syria’s transitional period will begin as soon as the regime has fallen, yet there are naturally great differences among the Syrian opposition forces as
to what this will mean in practice. The one point of consensus is that all the symbols and pillars of the old regime must fall; in particular, the regime’s head, Bashar al-Assad, must leave. Although the transitional period should begin as soon as the regime has fallen, the “liberation” of large areas within Syria have sparked major discussions among the Syrian opposition about the start of the transitional period and the rise of so-called liberated areas that are now free of the Assad regime’s control.

Many people think that the actual transitional period will begin after the formation of a transitional government or a transitional body, as laid out in the First Geneva Convention. This would take place through the isolation of Syrian president Bashar al-Assad, who will hand over his full powers to this transitional body, according to the text of the Convention. The United States and Russia met in May 2013 and formally agreed on the principles of the First Geneva Convention. As a result of this agreement, the Second Geneva Conference would be convened and attended by representatives from both the Syrian regime and the opposition, thus ensuring a smooth political transition of power and the beginning of the transitional period. Yet due to the constantly changing situation on the ground, this outcome seems unlikely. Hezbollah has officially intervened in the ongoing battles in Al-Qusayr and the Rif Dimashq Governorate, and it has announced its readiness to participate in battles in northern Syria, specifically Aleppo, has played a large part in changing the balance of power on the ground, and has led to the delay of the political solution represented by the Second Geneva Convention. In what appears to have been a show of power, the Syrian regime has refused to make significant concessions, like Assad stepping down or handing over power. Indeed, the regime enjoys significant support from superpowers like Russia and regional states like Iran and Iraq, in addition to the support of Hezbollah and its combatants. It has put forward a military resolution to the crisis—the solution sought and pursued by the regime itself since the Syrian revolution first began more than two years ago. This proposal represents a serious scenario: that perhaps the Syrian regime will not fall, and that Assad may remain in power until the end of his term next year, or perhaps longer.

In contrast, the European Union has lifted a ban on the sale of arms to Syrians, which will compel Britain and France to work on the creation of internal, legal mechanisms to provide support to the Syrian opposition. There has also been a noticeable change in the White House’s response—the Obama administration has confirmed that the Syrian regime is using chemical weapons, an act the United States supposedly considers intolerable. This has given rise to a new possibility: actual American or Western intervention—armed intervention, or a no-fly zone in Southern Syria, or aerial bombardment of areas critical to the regime. In addition to this idea, the Gulf Cooperation Council has issued a declaration attacking Lebanon’s Hezbollah, and perhaps restoring a degree of equality to the military position—that is, unless the situation progresses further and the regime is forced to make real concessions.

The fall of the entire regime is not necessary, even though there are those among the opposition and the revolutionaries who are convinced that many
organizations within the state are still essential to the current, ongoing conflict. But these organizations—led by the security services and large parts of the army—will represent a great danger to Syria’s future if they are left intact. As long as the conflict goes on, it is no longer possible for Assad to stay in power, because he must ultimately face the consequences of killing more than 100,000 Syrians, displacing millions more, and destroying much of the infrastructure in many Syrian governorates.

Among the scenarios presented today is a military solution, which would end with a political solution that would tend to benefit the militarily advanced side in the conflict—particularly if the regime can maintain its military advantage by waiting for elections in the summer of 2014 and negotiating al-Assad’s participation in the presidential elections. Another scenario is for the revolutionaries to achieve significant victories, which would place difficult choices before Assad, forcing him to step down or be removed from power one way or another. This would result in the political transition being more or less shaped by the opposition or revolutionaries’ vision. Alternatively, it could mean that the Geneva Conventions would be applied; however, there are currently no clear indicators that this outcome is possible, particularly in the light of current information.

CONSTITUTIONAL CHALLENGES

It is important to emphasize that the starting point of Syria’s transitional period is not related to the total fall of its current regime, including all the state’s organizations. This would inevitably also mean the fall of the state, although it is important to acknowledge that the members of a number of factions believe that truly overthrowing the regime means overthrowing the state and its institutions. They believe this will be the only way to establish a new kind of state, such as a religious one.

There was a long discussion in the Syrian Expert House regarding the nature of overthrowing the state in Syria’s history. Some believe that overthrowing the regime is tied to overthrowing the entire military security system, and that the regime cannot be regarded as overthrown or ended until the departure of the last officers and noncommissioned officers in the army and the security services who are linked to the regime ideologically, whether by religious or partisan ideology. The Syrian Expert House believes that the fall of the regime must be defined by a context that determines the beginning of the transitional process. The fall of the military-security system must entail the actual removal of Bashar al-Assad, as well as his inner circle of military and security decisionmakers. In addition, the real transitional period begins with Bashar al-Assad stepping down or being removed from his position as president of state. Then the power to command the Syrian Army (including all its types weapons, members, officers, and noncommissioned officers, as well as the full power to command the officers, noncommissioned officers, and

The fall of the military-security system must entail the actual removal of Bashar al-Assad, as well as his inner circle of military and security decisionmakers.
period. Yet some think this should be accompanied by decrees that would legally and constitutionally define the framework for these powers. They believe that the composition of the transitional entity and its form of government, its term, and its powers should be determined, and that a date for popular elections should be set, which would thus empower people to restore their sense of authority and sovereignty.

THE INTERIM CONSTITUTIONAL DECLARATION

The historic moment that will serve as the dividing point between Syria’s current regime and its transitional period needs to be established constitutionally. Of course, these constitutional mechanisms must be based on popular legitimacy, and this requires research into mechanisms that will guarantee this legitimacy and that will be translated constitutionally into the transitional period.

This particular point was discussed at length in the Syrian Expert House’s workshops, where participants concluded that the Constitution of 1950 should have limited powers if applied during the transitional phase. This is due to the fact that it would not be viable to apply the constitution’s procedural articles, given that they are linked to Parliament, the cabinet it created, and the president. In addition, the president is elected by Parliament, which means that no mechanisms could be used before parliamentary elections are held. All parties naturally agree that the Constitution of 1950 cannot be Syria’s permanent constitution, because it will not last for long and it would require numerous amendments to reflect today’s concerns and the spirit of the revolution. However, this opens the door to amending the constitution, which would certainly be detrimental to its viability as an immediate foundational legal and legislative reference at this crucial historical moment following the fall of the regime. Amending the interim Constitution of 1950 would require a popular referendum, which would force the country as a whole to deal with a problem that instead should be tackled in detail through an elected Constituent Assembly.

Yet, conversely, others believe that the Constitution of 1950 does not contain sufficient instruments for managing the transitional period, because it contains only the necessary symbolic powers. Nevertheless, a real break with the past will only come by no longer operating under the Constitution of 2012 (which was developed by a committee tasked by Bashar al-Assad, and passed during the revolution), and instead resorting to the only constitution developed and passed by an elected constitutional assembly in an atmosphere of democracy. The texts related to general freedoms and rights will guarantee the principles of human rights during the transitional period, which is expected to be a difficult stage.

There is nearly a full consensus, however, with regard to the fact that it is exceptionally important for the Constitution of 1950 to become the interim constitution, and we must invest in this consensus. This constitution will govern the country during the period that will begin the moment the Constitution of 2012 falls and will end the moment the new constitution—which will be created by the Constitutional Constituent Assembly and approved by the people in a general referendum—is implemented. The Constitution of 1950 thus will be used to prevent a constitutional vacuum, before a new constitution is adopted, issued, and implemented.

The next section explains the importance and symbolism of the Constitution of 1950. This is followed by an explanation of a series of appropriate steps to take regarding the constitution, according to the Syrian Expert House.

THE CONSTITUTION OF 1950 AS AN INTERIM CONSTITUTION: ITS IMPORTANCE AND SYMBOLISM

The Constitution of 1950 is considered one of the most acceptable constitutions by the Syrian public because it was drafted by an elected Constituent Assembly. This Constituent Assembly was elected by electoral bodies on November 5, 1950, the first election in which Syrian women participated. In turn, the Constituent Assembly formed a committee that represented various political and nonpolitical
powers in Syria to draft the constitution. In its report to the Constituent Assembly, the committee pointed out that it had examined more than fifteen European and Asian constitutions.

After this, the Constituent Assembly began a discussion of the draft constitution, came to an agreement on 11 articles, and released the final version of the constitution, composed of 166 articles. The most heated topic of debate was whether Islam should be declared the religion of the state or the religion of the head of state, and, after a long discussion, the issue was resolved by preserving the structure of the Constitution of 1930, wherein Islam is the religion of the state.

The second issue that caused intense debate was that of putting an end to agricultural property ownership in the state, to reduce the influence of feudal families that had controlled large tracts of land in a number of rural areas. This issue was resolved by leaving the maximum amount of property ownership undefined. The third issue concerned the inclusion of an article stipulating the army’s neutrality, and not permitting it to intervene in Syrian political life, an issue that had not been approved. The Constitution of 1950 preserved the parliamentary character of the system of government, reducing the powers of the president, removing his right to veto laws and decrees, and allowing him only ten days to sign them. However, it preserved his power to ratify international treaties, appoint diplomatic missions abroad, approve of foreign missions in Syria, and grant special pardons, as well as his position as representative of the state and his power to convene the Council of Ministers under his chairmanship.

Conversely, the constitution increased the powers of Parliament, and prevented it from waiving its legislative powers, even if only temporarily. It also increased Parliament’s powers within the government, obligating the government to resign at the beginning of each legislative round, and it also increased the power of the judiciary to establish the Supreme Constitutional Court. The articles in the Constitution of 1950 dealing with basic rights were expanded, and include twenty-eight articles alone dealing with basic rights and freedoms, including the inviolability of homes, freedom of opinion, freedom of the press, freedom of assembly, the freedom to demonstrate, and the right to a fair trial. The Constitution of 1950 also forbade arbitrary arrest and detention without trial for long periods of time, protected property rights and the participation in economic life, defined the state as owned by the public, and protected the rights of farmers and workers in particular. It established the right of every citizen to work, decreed that this work must be provided, and ensured the care of all sick, elderly, and disabled citizens. These articles also addressed the right of religious denominations to follow their own canons and educational systems. The constitution established education as a right for all citizens, proclaimed that it should be both compulsory and free, and tasked the state with eradicating illiteracy within ten years.

The following points summarize some of the most important characteristics of the Constitution of 1950. These points illustrate its viability to serve as a guarantee for the democratic transition during the transitional period, and as a foundational resource for the next constitution:

- It mandates the adoption of a republican parliamentary system.
- The president’s term of office is determined to be five years.
- It distinguishes between the three branches of government; the legislative branch is primary in terms of powers, and it limits the executive’s powers.
- It guarantees an independent judiciary, and includes the development of a High Court to monitor the constitutionality of laws and regulations.
- It is characterized by a consensus between the following three aspects:
  - Arab nationalism, wherein the first article stipulates: “The Syrian people are part of the Arab nation.”
• Islam, wherein the constitution stipulates: “The religion of the President of the Republic is Islam” and “Islamic jurisprudence is the fundamental source of legislation.”
• Reformist socialism, which begins with giving “the law” an upper limit for land acquisition, supports small and medium-sized property ownership, and confirms the state’s support for establishing cooperatives.

CONSTITUTIONAL STEPS FOR THE TRANSITIONAL PERIOD

There are currently at least three viable scenarios for the moment the regime falls—that is, the moment of transition from the current political regime to the transitional period. One possible scenario is that Bashar al-Assad and his inner circle are removed through decisive military action by the armed opposition, the Free Syrian Army. Alternatively, Bashar al-Assad makes full political concessions and leaves the country. As a result, the entire regime is overthrown all at once. This preferred scenario—which replicates the scenarios of the Arab Spring in Tunisia, Egypt, and Libya—has become much less likely given the current state of Syria.

The most important considerations to be taken into account in this scenario are fear of a constitutional vacuum, a smooth transition of power through proper constitutional mechanisms, laying the foundations for a new legitimacy, and establishing a clear constitutional break with the dictatorial past. When the regime falls, it will be a given for most Syrians that the Constitution of 2012 is no longer in effect, for the reasons noted above. Most important among these reasons is the way the Constitution of 2012 came into existence and the conditions surrounding its creation. However, ceasing to operate under the current constitution, without having prepared an alternative, inevitably means that the country will immediately descend into a constitutional vacuum. Therefore, here lies the role of the Constitution of 1950. There will be an announcement stating that the 1950 constitution has been adopted as an interim constitution, to serve as the country’s general legal and legislative source of legitimacy.

At the same time, the transitional government will announce a constitutional declaration, including granting the government the powers of the executive branch. This declaration will also establish the foundational branches of government and the relationships between them, will detail the mechanisms of governance, and will delineate the powers of the transitional government, whose task shall not exceed managing the country’s affairs and ensuring proper preparation for the elections of the Constituent Assembly.

A number of ideas have been circulated on the structure and contents of the constitutional declaration. Without a doubt, the contents will be compatible with the planned constitutional steps and consistent with the fundamental legal articles in the Constitution of 1950. One of the most important aims of the constitutional declaration will be to raise the legitimacy of the executive branch, as represented by the president, the government, and the leaders of the military and security services. The goal will also be to increase the legitimacy of the current legislative branch, as represented by the members of Parliament. The constitutional declaration will also annul Syria’s emergency laws, particularly those that violate general freedoms, such as the law creating the court presiding over cases of terrorism, Article 16 of Law 14 of 1969 on security personnel’s judicial immunity, and Declaration No. 6 of 1966 against the goals of the revolution and hindering the implementation of socialism.

The constitutional declaration should also describe the structure and powers of the transitional government; the number of members of which the government will be composed, as well as their powers; and the political and penal responsibilities of the government and its members.

The constitutional declaration must be issued at the same time as the regime falls and the Constitution of 1950 becomes the constitutional reference for the country, in order to be compatible with the steps for drafting the constitution. The declaration will adopt the Constitution of 1950 in some areas, and in other sections it will describe the form and powers of the new government. However, the Syrian
Expert House believes that it may be more effective to separate the announcement of the adoption of the constitution from the constitutional declaration itself, in an effort to issue a document that will reassure the members of the public and increase their confidence that a constitution with political and legal weight exists, serving as a legal and constitutional source of law for the country. Thus, the constitutional declaration can be complementary to this process. In order to make the planned constitutional steps compatible with the constitutional declaration, the declaration does not necessarily need to grant the government the powers to form or appoint a committee to issue a draft of the constitution. Similarly, it does not need to grant the government powers to appoint an executive council or call for an unelected national popular assembly. These steps will be reserved completely for the elected Constituent Assembly, for which the constitutional declaration must include general details as to the number of members, its electoral mechanisms, and election laws.

In this context, there are two essential questions. The first one is: How will the elections for the Constituent Assembly proceed, and according to what law? It is likely that the country will not be ready for any alterations related to electoral law; therefore, it would be more effective to, first, cross the threshold of democracy, and then, second, authorize the transitional government (in consultation with the political forces) to adopt an electoral law in the constitutional declaration. It would be possible to use the Law of 1950, the same law under which the Constituent Assembly that produced the Constitution of 1950 was elected.

The second question that emerges in this context is: Which branch of government has the jurisdiction to issue a constitutional decree that includes the three issues of great importance: ceasing to operate under the Constitution of 2012 and adopting the Constitution of 1950; announcing the transitional government, including its members and tasks; and determining the electoral law for the Constituent Assembly? Here we must consider more than the minimum standard for elected democracy, and rely instead on what can be called revolutionary legitimacy, which is narrower in scope. This highlights the role of the National Coalition for Syrian Revolutionary and Opposition Forces, which will without a doubt be the only power authorized for this work—especially if it includes all active opposition powers, including the military.

The second scenario can be summarized as the interim government first gaining the trust of the National Coalition’s General Authority and starting its work, particularly in the service sector, and its subsequently gaining the trust of Syrians in general. In this case, the interim government could transform into the transitional government, which has limited tasks, as outlined in the previous paragraph. The advantages offered by this choice include reduced dependence on choices made before the holding of elections. This means that choosing the interim executive branch will be the responsibility of the revolution itself, or the National Coalition (as a revolutionary force), to select the members of the interim government. However, it will be the National Coalition’s responsibility to determine the government’s powers anew, according to the nature of their tasks. Its work will be temporary and central to the “Liberated” Areas, while seeking to gain the recognition and legitimacy that the Assad government currently still holds.

The third scenario concerns the success of the Geneva Conventions’ second option, and the formation of a transitional government—or any other executive body—that includes both members of the revolutionary and opposition powers and also members from the regime. The fundamental change in this scenario is that the nascent government will adopt a hybrid legitimacy (international-national) through a referendum process sponsored by the world’s superpowers. The other important change is that the hybrid transitional government will have wide-ranging powers; however, it will be impossible to properly study this option until the shape of the government or executive body and the details of its powers are made clear.

In any case, whatever the nature of the agreed-upon scenario, the transitional government will be faced with the test of the constitutional declaration and its challenges in organizing elections for a Constituent Assembly to draft the constitution, according to the new electoral law.
A NEW LAW FOR THE TRANSITIONAL PERIOD

There is also a proposal for electing a Constitutional Assembly, to be composed of 290 members and divided into 32 constituencies through proportional representation, each containing 20 to 30 candidates competing for approximately 12 seats in each constituency. The borders of the constituencies have been developed according to the 64 administrative units currently in Syria. The voting process will be according to the open list system, so that voters have the right both to vote for the party list they deem appropriate, and also to choose their preferred representative from that list. A political party wins a given number of seats in the constituency in accordance with the number of votes its obtains, as well as the votes made for its candidates.

Individuals who have won the highest percentage of votes within one party will assume that party’s seats in the Constitutional Assembly. Individuals who have won the highest percentage of votes within one party will assume that party’s seats in the Constitutional Assembly.

The 290-seat composition of the Constitutional Assembly is calculated and determined by an internationally recognized rule using the cube root of the population. Given that the population of Syria is estimated at 24.5 million, there will be one seat in the Constitutional Assembly for approximately every 84,500 citizens. Elections will be held for all 290 seats in the assembly, and the Syrian Expert House believes that this electoral system will result in broad democratic representation for all groups and sectors of society.

THE POLITICAL FUTURE OF SYRIA: POLITICAL REFORM AND THE TYPE OF RULE

The Syrian Constitution of 1973 and the recent Constitution of 2012 presided over a hybrid system of government. On one hand, the system is closest to a presidential system, granting the president very broad powers. On the other hand, the executive body of the government is considered relatively strong. It was not a half-parliamentary/half-presidential system, as is the case in France, because it does not depend on the results of the parliamentary elections to shape successive governments—in fact, it is quite far from this in reality. Of course, it is not a pure parliamentary system, where the president or king has an honorary position without any real powers, as opposed to the winner of parliamentary elections, who are given powers of governance, as in the British or Indian systems. In contrast, the system governed by the Constitution of 1973 (which has provided the theoretical basis for governance since the military coup carried out by Hafez al-Assad in 1970, called the Corrective Movement) was a system built on contradictions:

- Despite the fact that the system of government in Syria is theoretically a mixed party–civil system, it gives the Ba’ath Party great powers and status under the Constitution of 1973—for example, through its state and societal leadership, according to Article 8 of the Constitution, and in that the president is nominated by the party’s national leadership.

- In practice, there are a number of multifaceted contradictions between Syria’s system of governance and the constitution that has been applied in the country in the past period. In practice and
in reality, a security system has been the prevailing order in Syria since March 8, 1963, wherein the security services have assumed the role of civil government agencies in a number of aspects of citizens’ lives, in terms of both politics and civil services.

The second level to these contradictions between the system of governance and the structure of the constitution lies in the fact that the constitution itself has not been developed for Syria; it has focused on the president’s family’s solutions, that is, the president’s close confidants instead of the known instruments of the state, as stipulated by the constitution. As a result, the constitution does not represent any real anchor of power in Syria; rather, it represents the vague semblance of a few aspects of governance in the country, such as the adoption of the Ba’ath Party’s leadership of the state and society. The importance of the constitution has diminished under the rule of Hafez al-Assad and his son Bashar. In the periods that preceded Ba’ath Party rule, Syria saw violent disagreements that centered on those sections of the constitution related to the religion of the state, the religion of the president, and the source of legislation. However, this vibrant debate about the political and constitutional system in Syria has all but disappeared, as have debates like it; by the end of the 1970s, they were replaced by violent oppression, supported by the power of the security services and party loyalty. Yet even party loyalty has disappeared, with the focus on the security system having taken the place of relationships with the country’s politics. As evidence of how much the role of the constitution has diminished in Syria—to the point of disappearing completely under Hafez al-Assad—one can cite the role of the High Constitutional Court in Syria. In the beginning, the High Constitutional Court retained its important ceremonial role in the folklore of Hafez al-Assad’s rule; yet by the end of his life, this was no longer sufficient. By the end of the 1990s, the High Constitutional Court had no effective presence, and for a number of years it went without a source of funding for its basic monthly expenditures.³

SYRIA’S FUTURE: A PARLIAMENTARY OR PRESIDENTIAL SYSTEM?

Every democratic political regime has characteristics that lead to its success, just as social environment and demographic factors also play a prominent role in the success of a particular political system in a given country. The most prominent three forms of a democratic political system are the presidential system, the parliamentary system, and the semipresidential, semiparliamentary system.

The Presidential System

The presidential system is a common political system, which puts executive powers completely in the hand of the head of state, who is elected directly by the people. The executive powers grant the president a high capacity to make the decisions he sees fit for achieving the platform he was elected to pursue. The best aspect of the presidential system is the complete separation between the branches of government. Parliament does not have the right to overthrow the president, hold him accountable to political decisions he has made, or even to impeach him; members of Parliament do not participate in the government headed by the president. The president also does not have the right to dissolve Parliament by executive decision, or to interfere or participate in its sessions.

In a presidential system, the president is accountable first and foremost to the people, and is authorized to appoint ministers who are responsible for implementing the president’s vision and programs. Meanwhile, neither the political opposition nor electoral minorities play a front-and-center role in the executive branch, lending it greater stability.

However, a presidential democratic system can only succeed in a mature, stable, and democratic society with a high degree of political awareness, so that the decisions of the elected president will be accepted. If agreement and cooperation between the legislative and executive branches are lacking, this may
complicate the president’s tasks, paralyzing the state. Additionally, this kind of system does not allow for much political accountability; the only way for people to hold the president and his party accountable is in the next round of elections.

The Parliamentary System

The parliamentary system is characterized by a considerable level of overlap between the executive and legislative branches. In this system, the government is usually formed by a bloc winning a majority of seats, because the government must gain the majority's trust in order to carry out its work. Ministers are also members of Parliament, although Parliament maintains the right to appoint ministers from outside Parliament. The government is accountable to Parliament—both the government as a whole, represented by the president, and the ministers as individuals. Parliament has the right to withdraw its confidence from the government, just as the government has the right to dissolve Parliament; however, this would automatically mean the fall of the government.

In a parliamentary system, the head of state has symbolic or honorary powers, and may be granted some powers under special circumstances. In this system, the president is usually elected by Parliament, so that he does not enjoy much popular support, as this would afford him a degree of popular legitimacy approaching that gained by Parliament as a whole, and greater legitimacy than that enjoyed by any individual member of Parliament by vote.

Under this system, the ministers are granted greater powers than in the presidential system; the minister manages his or her ministry more freely, because he or she is personally accountable to Parliament. Similarly, decisions within the cabinet must be made by consensus. The prime minister is not able to impose his or her decisions on the other cabinet members, unless approved by a specific percentage of ministers.

The greatest advantages of the parliamentary system are that it encourages dialogue and serious discussion among all political forces on the major issues facing the country, and thus raises the level of politics in the state and society, increasing both trust and communication between the political forces. This system also allows small political forces and minorities to play an important role in power.

However, there is no separation between the three branches of government in the parliamentary system, and the consolidation of the three branches could lead to the abuse of power and tyranny—particularly in developing countries, which lack strong democratic institutions. The date of elections in this system is not fixed, and the prime minister has the right to stay in office as long as he or she has the confidence of a majority of Parliament. This means that the prime minister has the right to call for new, early elections at his or her will, and can do so when he or she feels that his or her policies have the support of the people. One of the disadvantages of this system may be that the president and the prime minister are not chosen by the people, which may make it difficult for people to hold them accountable through their representatives alone. Small parties can often play major roles within this system—roles that are disproportionate to their actual popularity—and thus make decisions on sensitive subjects, including the formation of the government and whether to adopt various policies.

The Semipresidential, Semiparliamentary System

The semipresidential, semiparliamentary political system combines both previous systems, wherein both the prime minister (who either has the faith of Parliament or has been elected by it) and the popularly elected head of state share the executive branch, and its powers are divided between both presidents. However, Parliament can hold the prime minister accountable and can replace him if it sees fit.

This system is characterized by a certain degree of cooperation between the head of state and the head of government. The lawmaking process and decision-making process are both smooth and flexible, and there is a large degree of stability in the state administration. Additionally, in certain cases the president has the right to dissolve Parliament and call early parliamentary elections.

However, the greatest disadvantage of the semipresidential, semiparliamentary system lies in the
Syria will need to make radical changes in governance, adopting a policy of administrative decentralization.

possibility of the president and the prime minister being at odds with one another, which could lead to the paralysis in the state, especially if the prime minister belongs to a party that opposes the head of state’s policies. In this system, it is possible for the president to resort to abusing his or her power to dissolve Parliament. He or she may also be forced to resort to a popular referendum when there is conflict between the legislative and executive branches.

There will certainly be a broad debate in Syria’s future between political and social forces over the kind of system of government in the new Syria. Some may prefer a presidential system, which they believe will help support the difficult decisions Syria will face in its near future. They believe that this is the best option from a practical standpoint, because Syria does not currently have strong parties or an adequate political culture. However, Syria’s historical experience—a long period of authoritarian rule during the Assad family’s reign—encourages the opinion that a revised parliamentary system, which will give rise to a fully democratic government, will be able to control the initiative and truly express voters’ desires. Thus, the Syrian Expert House recommends adopting this system in the future.

Syria will need to make radical changes in governance, adopting a policy of administrative decentralization. It must also strive to improve its administrative culture, whereby citizens of the governorates and rural areas run their own areas, seeking to reflect an important part of locally available resources for developing local areas, which will be an important factor in creating political and economic stability during the next period.

ESTABLISHING POLITICAL REFORM IN SYRIA

It is necessary to develop a set of basic ideas that constitute the foundation for political reform in Syria. These basic ideas for reform can be summarized as follows.

Possible Political Reform in the Eye of the Storm

The term “political reform” may not be entirely accurate at this stage, particularly after nearly two years of the Syrian revolution, which continues to demand radical change in the constitutional and practical foundations of rule in Syria. Yet at the same time, reform does not usually take place in a vacuum; nor does it occur as a result of unorganized, spontaneous demands for reform—even if the regime’s mistakes have multiplied, and the country has reached a point where the status quo could not continue. Therefore, reform “in the eye of the storm,” or during an ongoing crisis, is the scenario one sees most often today. The process of political reform cannot be brought about in a vacuum; it requires a number of objective conditions on a number of levels, the most important being the psychological state of the public and elites alike. The Syrian revolution constitutes a rare platform for achieving a new form of government in Syria, representing a break with the country’s recent past, which was filled with injustice and was inconsistent with establishing a modern state based on the grounds of citizenship.

Political Reform Does Not Necessarily Represent Ideological Reform

Political reform may be achieved as the result of a comprehensive theoretical or ideological doctrine, and it can at times be described as administrative reform, whether as a result of revolution or not. Yet it can also be achieved as the result of open-minded and developing thought, not necessarily as a result
of a doctrine of inclusiveness (e.g., the political reforms of the last century, associated with socialist and nationalist thought). Political reform can also be the result of a constantly changing process, one not limited to a single, rigid model. Each case is measured against its own conditions; it would be wrong to assume that if a particular element or circumstance present in one case of reform is lacking in another, that the process of reform will not occur or will not be successful in these cases.

**Political Reform is an Integrated Process, One Representing All Classes and Sectors of Society**

Political reform is an integrated process that involves all strata of the political pyramid (see figure 9.1 and chapter 9). If political reform is confined to the ruling elite, the elites of the ruling class, or the intellectual or political elites (e.g., including political parties), it will not bring about real change in the long term, or a modern state with stability, power, and respect for the rule of law and citizens’ rights. It is necessary to expand the grassroots base of those who will benefit from political reform; in other words, there is no way around establishing a front for reform, because the broader the base of participation in the reform process, the greater the legitimacy the reforms will have. Reforms implemented for the sake of people’s freedoms, their interests, and their future will no doubt motivate people to stand by these reforms and protect them from those who may seek to obstruct or abuse them. Therefore, reform must lead to social mobilization and create communal will. Otherwise, in the absence of public stakeholders, there will be no one to defend these reforms, and they will only lead to simple and ineffective changes.

**Ensuring the Participation of Minorities during the Transition**

One of the most important initial steps to be taken during the transitional period will be to open negotiations with all portions of Syrian society that have a stake in the transition, including the country’s ethnic and religious minorities—particularly Christians, Kurds, Alawites, Turkmen, and Druze—as well as those who wish to participate in the interim and permanent governments. These negotiations are usually based on the framework of the transition process itself, but they can also include negotiations on the interim and permanent constitutions. Only the inclusion of all minorities will ensure the success of the Syrian transition.

The future integration of Syrian minorities will rely mainly on implementing administrative reforms that will give minorities proper representation and an ability to participate effectively in the constitution drafting process. Additional integration can be achieved through future legislation, in addition to constitutional amendments and minorities’ participation in the makeup of the representative institutions and other advisory commissions. One of the ways to ensure minority representation is through quota systems for cabinets and ministries. Another method may be to redistribute political authority in a decentralized way in order to place greater emphasis on local governance. This, in a general sense, is a primary demand of the Kurdish minority in Syria.

The Kurds in Syria also demand that the next constitution specifically confirm Kurdish ethnicity as one of the major components of the Syrian people. Discriminatory laws and projects, such as the Arab Belt Project (which relocated Arab families to undermine Kurdish population centers), will need to be repealed and ended, and all victims of state-sponsored discrimination will need to be compensated. All those who lost their Syrian citizenship should be reinstated in the civil registry; the Kurdish language should be considered an official language in the Kurdish regions, along with Arabic; and Kurdish and minority folklore and culture should be supported, encouraged, developed, and enriched nationally as a main part of Syrian folklore.

**Political Reform Is Variable and Develops According to Needs**

Political reform is determined by a number of factors, including the amount, type, and speed of reform demanded. Although the revolution has demanded vast, radical, and immediate political reform, and those involved in it hope that this will come about
quickly, reality tells us that rapid revolutions—no matter how well intentioned—may not yield positive results in the lives of citizens, both politically and nonpolitically. Rapid revolutions may not build nations in the modern sense of the term. In many cases, revolutions aspiring to rapid political change are a recipe for ruin, chaos, and regression. We are not saying that the change the Syrian Revolution strives for is not required or necessary; on the contrary, we believe that people are demanding change urgently. However, the current and quickly growing desire for rapid change represents a risk, even in a context of increasing violence perpetrated by the Syrian regime, which has forced Syrians to protect themselves from direct physical harm, and after suffering through the scourge of Assad’s rule through the past decades. The process of implementing random and improvised political reforms is highly risky, and would once again steer Syria down a road of instability, leading to injustice and social and political inequality. There are a number of understudied political transformations in Algeria and several African countries, where reform and a sincere desire for reform became transformed into long civil wars. Therefore, comprehensive political reforms are instead required—reforms that are both deep and long term, and that are simultaneously deliberate and systematic, so as to reflect the desires of people aspiring to freedom, without the country descending into chaos.

**Barriers and Obstacles to Political Reform**

It is important to identify and define the barriers to reform on a political level; in every process of reform, there are those who stand in its way, just as in any process of change. The process of political reform represents a challenge for many within the political and social elite.

*The power of elements hindering reform.* Some think that in general, the small number of those opposing reform makes them marginal in their ability to stop it or ward it off. However, their tools and high level of organization enable them to play an extremely negative role, stopping the process of political reform and sometimes even reversing it. The obstacles to reform will never be few in Syria; there are many among the political elite and social classes who are lying in wait for the process of political change. It would be naive to think that Syria will witness a smooth process of political change, even if the revolution achieves a decisive victory. It is not about who stood against the revolution, supporting Assad’s regime, or who stood silently on the sidelines; it is about large sections of society, living on the margins of political and economic life in Syria. The longer the revolution lasts, the greater the obstacles to the political change people hope for in a new Syria, given the numbers of people who have been affected negatively by the delay of the revolution’s resolution and victory. They cannot be expected to endure a real political reform process that takes a long time to bear fruit. Nevertheless, it has recently been proven that there is a high level of political consciousness in Syria about the revolution and the necessity of change. Particularly among young people, this understanding has not been reflected in either organized political mobilization or results on the level of political opposition, whether its older, traditional forms, or new ones which have emerged from the revolution. Yet we must never forget the opponents of political reform in Syria—people of influence, whose business and economic interests would have been affected, and who would have opposed reform with or without the revolution. It is quite unlikely that this group would give up their gains either easily or willingly.

*A multitude of disruptive factors.* A number of factors hinder political reform, and these factors are not limited to a group of people with certain interests. First and foremost are political factors, including the lack of political will on the part of the new ruling elite who have emerged from the revolution, and those expressing the ideology of the remnants of the collapsed regime.

*Chaos after the revolution.* The lack of political and social stability, or the spread of exclusionary religious extremism and terrorism, are factors that will result in the loss of a suitable climate for reformist political action. Various external factors will also have negative effects on political reform during the coming period in Syria, in more ways than one. First, foreign interests conflict with a number of visions of
political reform, which will produce a political vision that is more powerful and feared internationally. Second, the ruling class (whether elected or not) may distance itself from appearing to agree with international factors, including foreign opinions, pressure toward political reform, or particular forms for the next Syrian state. Of course, this is not much different from how the Syrian regime has acted, nor from other regimes that often invoke and reject the idea of “foreign pressure for reform,” exploiting popular opinion that usually opposes foreign interference, even if it appears to be coming to their aid.

Syrian political society lacks basic political tools, such as political parties and professional political groups.

The lack of basic political tools. In the context of the factors impeding political reform in Syria after the revolution, it is no secret that Syrian political society is underdeveloped. Syrian political society lacks basic political tools, such as political parties and professional political groups. In addition, it will face new challenges to the process of building a modern state, the final product of the political reform process. Syrian society also lacks a culture of political participation—especially with regard to women and the members of other vulnerable groups, who rarely appear in civil society, such as trade unions and associations and forums. This points to the fact that society is not prepared to undertake real and meaningful reform.

Cultural factors. In addition to these factors impeding reform, cultural factors—such as the composition of communities and institutions, as well as values and prevailing patterns of behavior—represent highly important elements for the formation of political awareness. One also cannot ignore the detrimental effect of Syria’s cultural structure, which has a tendency to exacerbate sectarianism. At times, this is a result of mistaken cultural prejudice; yet in most cases, it is a result of the regime itself, which Syrians see as embroiled in sectarianism. This stance toward the regime has only doubled during the revolution, and has led to waves of sectarianism and countersectarianism that have overcome the situation in Syria. The principle of automatic loyalty to a particular tribe or sect on national loyalty—or even general party loyalty—is the greatest challenge to building both a mindset for constitutional citizenship as well as democratic mentalities and practices.

The economic factor. It is no secret that economic factors, such as weak capacity and the lack of resources, are among the elements that negatively affect Syria’s ability to find the right tools for political reform and employ them to make the required reforms. In general, financial hardship, underdevelopment, poverty, and weak economic efficiency have never been an obstacle to the state’s intentions and ability to implement appropriate political reforms, build democratic institutions, and foster a culture of citizenship and human rights. The best proof of this is India, the largest democracy in the world, whose poverty did not prevent it from institutionalizing democracy and adopting an effective constitutional parliamentary system. In Syria, economic potential will play a key role in the formation of democracy after the current regime. There is no doubt that a sectarian or tribal mentality is prevalent in some areas and levels of society, that this has increased during the revolution, and that in the future this mentality will be exacerbated by political financing during the construction of Syrian democracy. These factors can only be overcome by establishing legal mechanisms to monitor and limit political spending, through legitimate administrative and judicial channels, that is, it must prevent money from corrupting constitutional values in Syria.

Mechanisms to overcome obstacles to reform

In many cases, historically, those seeking to implement political reform have resorted to buying approval to processes of change from opposing groups, including...
those with influence, religious leaders, and tribal leaders. However, it is most effective to form broad popular fronts, in order to mobilize public opinion to confront counterrevolutionary groups.

At some point after their victory, the winning parties in the revolution may resort to imposing their politically revolutionary social and economic visions through the power of their victory, achieved by monopolizing the centers of power, including the armed forces, the media, and perhaps even religious platforms. The final scenario is one that would be appropriate for Syria after the regime has been toppled. We hope that the elites who are considered part of the revolution transform their political activities into a party within an organized framework, enabling them to engage in political activity that is more organized, effective, and generally of a higher level, both responding to the demands of the public and the political demands of the next period.

**Consequences of the Political Reform Process**

It is inevitable that, in general, the political reform process in Syria after the revolution will be both a long-term and ongoing process, as well as an incremental one. Just as the goals of the reform process vary according to the circumstances and capabilities of a given state, the results of these reforms also vary from one country to another—and this very much applies to Syria. The scenario of political reform in Syria's future, including the limitations and consequences of reform, stems from an unpredictable set of circumstances that one will only be able to understand after the fact. The fall of the regime, and the degree of resulting destruction to the state, are factors that cannot be predicted or known. This is particularly true after two years of revolution, after it was assumed when the revolution began that it would only continue for a few months. Yet certain circumstances influencing the consequences of the political reform process are known. For example, there is the possibility—or at least, the hope—that many segments of Syrian society, particularly its youth, will respond positively to the political reform process, in order to stop sectarianism and tribalism from developing in the Syrian consciousness.

However, the main factor necessary to engender effective political reform in Syria after the revolution is linking reform and its results to broad groups of the people. There are groups campaigning for reform to succeed and for its effects to be reinforced, and ensuring the survival of these groups and their future within Syrian society is essential in determining Syria's future. This is also linked to success in promoting civil society, both in culture and in practice, and in building political institutions capable of developing and adopting a democratic approach in their domestic and international dealings.

**ENDNOTES**

Recommendations

With regard to the transitional phase after the fall of the Syrian regime, the Syrian Expert House proposes a number of recommendations for the mechanisms of managing the transition, as well as the recommendations for the form of the Syrian state in the future.

First: The Period after the Fall of the Regime

The participants in the Syrian Expert House agree that as soon as the president of the current regime steps down from power and a new executive body takes over, a transitional government will be running the country. This moment marks the beginning of the transition process, in order to build a modern Syrian state that meets the aspirations of the Syrian people. To manage this period systematically and according to proper constitutional and legal principles, and in order to lay a solid foundation for building the state’s political structure, the Syrian Expert House proposes the following recommendations:

1. Form a national, transitional government, which shall not favor or be affiliated with one party or another. The task of this government will be to lay the groundwork for popular elections, and to select a Constituent Assembly representing real popular legitimacy. The task of this Constituent Assembly shall be to draft a permanent constitution for the country and manage the next stage, until the Constitution is issued and parliamentary elections are conducted.

2. Announce the transitional government in a decree after its formation, suspend the Constitution of 2012, and return to the Constitution of 1950. The decree should explain the transitional government’s tasks and powers, including issuing constitutional declarations which supplement the Constitution of 1950.

3. Immediately after the previously mentioned decree, the transitional government should issue a constitutional declaration that explains the path of the transition process and determines the date of elections for the Constituent Assembly, which should not exceed a time period of fifteen months.

4. The transitional government should immediately make an announcement, repealing all laws inconsistent with the Constitution of 1950, most important, laws concerning public freedoms and human rights.

5. Alongside these tasks, the transitional government will manage the Syrian state and organize the affairs of its citizens, preparing and completing the electoral process including all the laws and decrees this requires, and will also form an Independent High Authority for the Elections (as explained in chapter 5).

6. The transitional government should issue a temporary law for parties, within a period ranging from three to six months at most (as explained in chapter 6).

Second: The Constituent Period

This stage begins as soon as the process of electing a Constituent Assembly has been completed. This council will assume the management of the country, as the sole legal entity that has gained popular support. The Syrian Expert House proposes that the Constituent Assembly’s work be structured as follows:

1. Limiting the Constituent Assembly’s period of duration so that it does not exceed a maximum of two years, the amount of time needed to complete its main task: drafting the constitution and putting it to a referendum by the people.
2 Forming an inclusive new government, preferably one that includes all the major political groups, and which has the faith of a majority of the members of the Constituent Assembly (half the members +1).

3 Discuss and pass the legislation and laws proposed by the government, and monitor its performance during this period.

4 Issue a law defining a mechanism whereby to draft and discuss the proposed articles of the constitution, as well as a mechanism for voting.

5 The first draft of the constitution should be completed within a period not to exceed one year from the establishment of the Constituent Assembly.

6 Present the first draft of the constitution (including proposed amendments) for public discussion for a period not to exceed three months. The Syrian Expert House suggests conducting extensive consultations on the draft with professional syndicates, trade unions, and civil society organizations, and it further suggests that the Syrian media also play a role in this discussion.

7 As soon as public discussion has ended, immediately refer the final draft of the constitution to a popular referendum.

8 If the new constitution is adopted, the Constituent Assembly should continue to conduct its legislative duties until parliamentary elections, after which the Constituent Assembly will be dissolved and the transitional government will resign.

9 If the Constitution is not adopted in the popular referendum, those of its articles that have been rejected by the people should be reviewed and put to a referendum within a period not to exceed three months. If the Constitution is not adopted a second time, the Constituent Assembly should be dissolved and the people should call for new elections for the Constituent Assembly.

Third: Forming a State System for Syria’s Future

The Syrian Expert House believes that the best kind of political system for the state of Syria is a parliamentary system in which Parliament has broad powers and takes it upon itself to select the executive branch of government, hold it accountable, and monitor its performance. A parliamentary system will advance political life in Syria, raising the bar for politicians, and encouraging a larger proportion of Syrians to participate in state building and decisionmaking. A parliamentary system will allow people of different political views to voice their opinions and have them be heard in Parliament, as Parliament will contain representatives from all political groups in Syria that reflect the pulse of the street. This will particularly be the case if the electoral law ensures the broadest social and political representation possible, which is what the Syrian Expert House suggests in chapter 5 below.
Fifteen different constitutions have been issued in Syria since the foundation of the modern Syrian state in 1920. These include permanent, temporary, and amended constitutions as well as reversions back to previous constitutions. The volatility of the constitution for the Syrian state stems from the country’s frequent military coups and political transformations, each of which instituted radical changes in an attempt to give the appearance of political legitimacy. The first constitution, the Constitution of the Arab Kingdom of Syria, which was drafted in 1920, proclaimed Syria to be a civil representative monarchy. It specified the powers of the king and the prime minister, who was subject to the confidence of the General Conference, which was made up of two chambers: the popularly elected People’s Assembly; and the Council of Sheikhs, half of whose members were appointed by the king and the other half of whom were elected by members of the People’s Assembly. The constitution also approved the existence of the Supreme Constitutional Court.

In 1928, the popularly elected Constitutional Assembly selected a committee to draft a new constitution for Syria. This constitution proclaimed Syria to be a representative republic whose capital was Damascus and whose religion was Islam. This constitution gave significant powers to the president, but it also limited his term to five years and prohibited his reelection until five years had passed after the end of his first term. In 1930, the constitution was amended at the order of the French high commissioner of the Levant.

After the Syrian people obtained independence in 1946 and the final French soldier withdrew from Syrian soil in 1947, the first head of the independent Syrian state, President Shukri al-Kuwatli, amended the constitution and changed the electoral system from two rounds to one round. Al-Kuwatli then amended the constitution again in 1949 to allow the president to be reelected directly after the completion of his first term. However, Husni al-Zaim deposed him in a coup d’état on March 30, 1949, and suspended the constitution.

In August 1949, Sami al-Hinnawi led another military coup and then called for the election of a constitutional assembly to draft a new constitution. A new law was issued for the election of this assembly, and Syrian women participated in the voting for the first time. The Constitution of 1950, also known as the Constitution of Independence, is a significant democratic development in Syria. It proclaimed Syria
to be a representative state, granted broad powers to the prime minister, and at the same time limited the powers of the president. The constitution also strengthened judicial authority, as well as the state's democracy and institutions, by modernizing the Supreme Constitutional Court. The Constitution of 1950 was advanced with respect to rights and public freedoms based upon the Universal Declaration of Human Rights issued in 1948.

In 1952, Adib al-Shishakli led his second coup d’état and suspended the constitution until a new constitution was issued in 1953. This constitution has been characterized as the first presidential constitution. It removed the position of prime minister from the government and gave wide executive powers to the president in a system that resembled that of the United States of America. This government was removed in 1954 in a countercoup against al-Shishakli, after which the constitution of 1950 was reinstated.

In 1958, the constitution was suspended when Syria was unified with the Republic of Egypt to form the United Arab Republic; the 1950 constitution was replaced with a temporary constitution drafted by Gamel Abdul Nasser, but this constitution was canceled after the two countries were separated in 1962. In 1963, the Ba’ath Party staged a coup, which effectively suspended the constitution, and imposed a state of emergency (that was not lifted until after the outbreak of the Syrian revolution in March 2011). The National Council for Revolutionary Command issued a temporary constitution for the country in 1964, another constitution in 1969, and a yet another constitution after Hafez al-Assad assumed power in 1971.

In 1973, Hafez al-Assad formed a committee to draft a permanent constitution for the country. This constitution, which was adopted via popular referendum, imposed the Ba’ath Party’s ideas and principles upon Syrian society, proclaimed that the Ba’ath Party was the leading party of the state and society, and declared that the Ba’ath Party’s National Council for Revolutionary Command was the sole party authorized to nominate the republic’s president, whose confirmation was subject to a popular referendum. This constitution also gave the president of the republic broad powers, whereby he is not only the head of state but also the general secretary of the Ba’ath Party, the supreme commander of the army and the armed forces (Article 103), and the head of the Central Command of the National Developmental Front. Moreover, the president’s powers are both executive and legislative, because he has the right to dissolve the People’s Assembly (Article 107), assume legislative authority when the council is not in session (Article 111), and create laws (Article 108). He also has the right to appoint and dismiss vice presidents and delegates and to specify their duties; to appoint and dismiss the prime minister, his deputies, and ministers (Article 95); to declare war (Article 100); and to declare and cancel a state of emergency (Article 101).

In 2013, this constitution was amended under the pressure of the spreading peaceful demonstrations that emerged out of the beginning of the Syrian Revolution in March 2011. Although the new constitution (the Constitution of 2012) nullified Article 8, which stated that the Ba’ath Party was the leading party of the state and society, the powers of the president remained unchanged. Moreover, the constitution was written in a Ba’athist manner. Bashar al-Assad formed a committee to rewrite the constitution within part of a package of “reforms” for the political and administrative regime. Then, the interior minister in Bashar al-Assad’s government announced that 89.4 percent of voters in the referendum had approved the new draft of the country’s constitution, and thus the constitution took effect. The interior minister added that 9 percent of voters in the referendum voted against the new constitution and that the number of nullified votes was 1.8 percent.

All these numbers are certainly questionable. All aspects of the country’s opposition boycotted the drafting of the constitution, and media outlets issued a number of reports about the weak turnout and low voter participation rate.

In any case, although the new constitution nullified Article 8, which stated that the Ba’ath Party was the leader of the state and society, it still preserved most articles and clauses from the previous constitution. It also increased the powers of the president of the republic and centralized his powers to an even greater
extent. Article 113 gave the president of the republic broader legislative powers than those afforded to the People’s Assembly—powers that are rare in most of the world’s constitutions except in exceptional emergency situations, when it is impossible to seat parliament. The People’s Assembly in Syria only meets for a limited amount of time each year. (According to Article 64, the People’s Assembly is called for three sessions a year, whose total must exceed six months). This gives the president of the republic legislative powers when the People’s Assembly is not in session, which is what continuously happens. Many of the laws are issued by decree during People’s Assembly recesses and on a nonemergency basis. As a result, the task of the legislative authority becomes one of approving the decrees of the president of the republic after they have been issued and come into effect.

Article 114 gives the president of the republic the power to prevent state institutions from carrying out their functions in case of grave danger or threat to national unity or the integrity and independence of national territory, allowing him to take rapid measures necessary to address the danger. The elastic language contained in this article gives the president of the republic significant capabilities to misuse his powers—which is largely what has happened in the past—without setting legislative controls and specific procedures for returning to the normal state of affairs.

Article 97 states that the president of the republic appoints the prime minister, his deputies, and the ministers and their deputies. The president also accepts their resignations, and dismisses them from their posts. This means that the president of the republic has actually become directly responsible for the work of each ministry, and his powers make him directly responsible for the work of the government. Though the president is theoretically subject to the accountability of the People’s Assembly, in actuality the actions of the president are beyond question except in the case of high treason.3

**CONSTITUTIONAL LEGITIMACY IN THE TRANSITIONAL PERIOD**

With the outbreak of the Syrian revolution in March 2011 and the rising opposition to the Ba’ath regime (and the president specifically), the severity and scope of popular demands increased in an unprecedented manner. This presented the Syrian opposition and people with the challenge of reformulating the national contract embodied in the constitution and rebuilding the country’s administrative, legal, and political system. The Syrian revolution is truly a historic opportunity to build a democratic state that exists in harmony with both the popular will that refuses the legal, political, and social reality imposed by the regime and the requirements of the age that reject authoritarianism, monopolization of power, suppression of liberties, and closed political and economic conditions.

On this basis, the Syrian Expert House’s Working Group for Constitutional and Legal Reform studied the most important ideas of those that have been proposed for realizing constitutional legitimacy after the fall of the Syrian regime. The Syrian revolution at its core rejects the current regime, because it is authoritarian and an impediment to realizing the ambitions of the Syrian people, and it also rejects the constitutional legitimacy grounded in the Constitution of 1973, because it reduced the state and society to a tool in the hands of a group, party, or person. As such, any researcher or politician must account for the fact that the Constitution of 1973 and the Constitution of 2012 cannot in any case reflect the temperament of the Syrian people, especially after the revolution of March 2011.

The Constitution of 1973 is one of the instruments that laid the foundation for and imposed the legitimacy of the Ba’ath regime embodied by presidents Hafiz al-Assad and Bashar al-Assad for nearly four decades. As noted above, the constitution stated that the Ba’ath Party was the leading party of the state and
society and that the National Council of the Ba’ath Party was the sole party authorized to nominate a presidential candidate. This constitution, which proclaimed Syria to be a socialist Arab-national state, is also considered a model for limiting public freedoms.

Even though the Constitution of 2012 is the most important reform that Bashar al-Assad has undertaken since becoming president, it is in reality still a tool in the hands of the president to monopolize power and infringe upon the judicial and legislative authorities. The recent constitution, an advanced version of the Constitution of 1973, grants the president the power to infringe upon the state’s judicial and legislative institutions by reducing the legislative term of the People’s Assembly as well as the opportunity to issue legislation without parliamentary review, as indicated in Articles 114 and 116. Moreover, the president also appoints the prime minister and is the chairman of the High Judicial Council—the highest judicial authority in Syria. Additionally, the Judicial Council is composed of seven persons, four of whom serve at the behest of the executive authority.

In this respect, it is necessary to search for an alternative for these two constitutions—even if it is temporary. Several proposals were studied for solving the problem related to the legitimacy whereby the country will be governed after the fall of the existing regime. The following three scenarios and choices were proposed.

The First Scenario

The first scenario entails suspending the Constitution of 2012 and reinstating the Constitution of 1950 without any amendments. This constitution is an important reference point in Syrian legislation, a historical event in of itself as the Constitution of Independence (the first constitution issued after Syria gained its independence from France), and the most recent reliable constitution because the Constitutional Assembly was popularly elected and thus enjoys genuine popular legitimacy. Moreover, given the time of its issuance, this constitution is more developed than the other constitutions regarding rights and public liberties. Most members of the Syrian Expert House support this option. In fact, it has become a point of near consensus among the Syrian opposition (especially in light of the nostalgia for the time of independence, the most notable example of which has been the adoption of the independence flag as the flag of the current revolution).

This proposal, however, is not without shortcomings. The Constitution of 1950 does not contain any formula for a transitional government or transitional executive body, for the scope of the transitional government’s executive and legislative powers, or for the timelines for constitutional deadlines in the event of a constitutional or governmental vacuum, as is anticipated with the fall of the regime. Moreover, reinstating the Constitution of 1950 after suspending the Constitution of 2012 will not have significant value or a positive practical effect upon governance during the transitional period. Instead, it will merely be a cosmetic step that does not address the dilemma of actual constitutional legitimacy.

The Constitution of 1950 was also drafted sixty-three years ago amid a sociopolitical situation that was extremely different from that of today. Today, people demand genuine change that affects their economic, political, and social life and that satisfies their aspirations for more of the rights and liberties that have been guaranteed by the international conventions and treaties signed by Syria since the Constitution of 1950 was issued—especially the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights that Syria ratified in 1968.
The Second Scenario

The second scenario entails suspending the Constitution of 2012 and reinstating the Constitution of 1950 with the necessary amendments. This idea offers a solution to the problem raised by the first scenario and choice by creating a constitutional formula that organizes the management of the transitional period. The articles of the Constitution of 1950 that cause controversy between groups of the Syrian people will be amended or nullified temporarily until a new permanent constitution can be drafted.

The shortcoming of this idea is the lack of a constitutional or legitimate mechanisms for instituting these amendments. The drafters of the Constitution of 1950 were elected; it will be nearly impossible to create an elected committee to amend this constitution directly after the fall of the regime. Moreover, no Syrian political party has the power to choose a certain committee to amend this constitution during the transitional period. It will not be possible to amend the Constitution of 1950 at the beginning of the transitional period in a manner that satisfies Syrians’ ambitions for a state that respects constitutional and legal legitimacy. This situation illustrates the importance of expediting the process of drafting a new and permanent constitution for Syria by agreeing upon a mechanism to draft this constitution—as proposed in the following paragraph.

The Third Scenario

Under the third scenario, which is the recommendation of the Syrian Expert House, following the fall of the Assad regime, the transitional government will issue a constitutional declaration of limited power and duration. The declaration will clarify the government’s powers, tasks, administrative nature, time frame, and mechanisms and method for organizing the election of the constitutional assembly charged with drafting a permanent constitution that will be later put to a referendum.

MECHANISMS FOR DRAFTING THE CONSTITUTION OF THE NEW SYRIA

The Syrian people as a whole must ratify the constitution, and it must express their true and legitimate aspirations and ambitions. The constitution is the overarching framework for the relationship between the citizen and the three branches of the government, the guarantor of rights and individual liberties to all ethnic and religious factions of the people, and the regulator of the government and its apparatuses. The constitution must defend the independence and integrity of the judiciary, ensure the effectiveness and vitality of Parliament, and be the ultimate expression of the people's and state's identity.

Therefore, the constitution must be completed through a modern and clear process that builds confidence between the citizen and the state, giving Syrians a sense of pride in this contract. The major problem in any democratic transition in this era—especially when transitioning from an authoritarian, dictatorial state to a modern, democratic state resembling the rest of the world’s democracies—is first the transition to the modern conception of a state whose legal basis is the constitution. Herein lies the problem: How can states suffering from a tremendous amount of political and legal chaos adopt a new constitution that represents a clear break from the previous extended period?

One of the established constitutional concepts in the modern era is that people are sovereign in any state. Sovereignty passed from the ruler to the nation—the people—once the people had been transformed from a group of subjects into citizens living according to a clearly defined social contract. As part of the process of exercising their sovereignty, the people must enjoy a monopoly on the exercise of their inherent constituent authority, whereby they alone have the authority to draft a constitution that they deem appropriate without intervention from rulers—and in return the people and rulers both agree to abide by its rules.

There is no doubt that devising a mechanism for drafting the new constitution for the country as soon as possible is one of the most pressing priorities
incumbent on the party authorized to govern Syria during the transition period. The mechanism must be clear, it must be organized, and it must express the Syrian people’s aspirations and ambitions for building a great and democratic state.

There are two mechanisms for drafting a constitution. The constitution can either be drafted by a popularly elected body, called the constitutional assembly (or the constituent assembly); or a draft of the constitution can be offered up to a public referendum in a process called the constituent referendum (or the popular constituent referendum).

We first briefly outline these methods, and then we consider which one is best for the Syrian situation. We acknowledge that the mechanisms for drafting a constitution from first draft to adoption are of no less critical importance than the text of the constitution itself.

The Constituent Assembly

The constituent assembly is one of the democratic methods followed to draft and establish constitutions. In this section, we review the content and scope of this method, the ideological bases upon which it depends, and the types of constituent assemblies—and we also evaluate this method as a whole.

The origins of the constituent assembly stem from the principle of national sovereignty, whereby the nation, or the people, is the sole sovereign entity in the state. In its essence, this idea is a genuine application of the system of representative democracy after direct democracy has become an impossibility.

In this method for drafting constitutions, the nation—the sovereign source of all authority—authorizes its representatives to exercise sovereignty on a one-time basis to draft the constitution. The nation’s representatives form a body—called the constituent council, the constituent assembly, or the constitutional conference—that drafts the regulations for ruling the country in the name and on the behalf of the nation. The constitution this body issues can be considered as if it were issued from all members of the nation. In this situation, it is not necessary to submit the new constitution to the people once again. Instead, this document comes into effect as soon as the authorized body adopts it, without being subject to a second approval by any other party. The constituent assembly is a direct application of the social contract that establishes the political community and makes the rules for its public authority. Hence, the constitution must be drafted by the community’s members, or the people as a whole, and not by a certain faction.

The constituent assembly method spread to a number of the world’s states at various historical stages. The American colonies revolting against British imperialism used this method to draft their constitutions after gaining their independence from the British Crown in 1776. From the United States of America, the method moved to France after the French Revolution in 1789 upon the drafting of the first of the revolution’s constitutions in 1791. France used this method to draft the constitutions of 1848 and 1875 as well.

The constituent assembly method was also used in other states during the last century, especially during the interwar period and after World War II, when many countries declared their independence or entered into new stages of their history. For example, this method was followed in writing the German Constitution of 1919, the Austrian Constitution of 1920, the Spanish Constitution of 1931, the Italian Constitution of 1947, the Indian Constitution of 1949, and the Syrian Republic Constitution of 1950.

There are several types of constituent assemblies. There are limited objective constituent assemblies, like the American constituent assemblies, whose purpose does not extend beyond drafting the country’s constitution. There are also constituent assemblies with a legislative role, whose purview extends to contain functions like legislative authority in addition to drafting the constitution.

We might find this type of assembly primarily in the wake of revolutionary movements. In these cases, the constituent assembly is not only entrusted with drafting the constitution but also exercising the jurisdictions of the legislative and executive authorities. The constituent assembly plays this role until the state’s various institutions are formed after the drafting and passing of a new constitution. As such, assemblies like these, whose ranks include the French
constituent assemblies, are described as “general constituent assemblies.” There is no doubt that the limited objective constituent assembly is the preferred method for preventing authorities from overlapping and confining them to specific responsibilities.

The election of the constituent assembly, however, does not lack flaws and shortcomings regardless of the widespread popularity that it may enjoy. The transitional government needs a long time to be able to carry out a fair electoral process, given complicated social and security conditions. Instability will become a serious problem after the fall of the regime due to the spread of armed groups and the large number of refugees. Internally displaced persons will complicate any electoral process and will need to be returned to their cities and villages, before they can exercise their electoral right.

The Syrian voter may not cast his or her vote based upon competency and constitutional or legal experience, or his or her conviction of a candidate’s plan and vision. Doctrinal, political, and sectarian conflicts may affect the process of electing the constituent committee and may produce a constituent assembly that is not sufficient for the ambitions of the Syrian people and the principles of their historic revolution. It will be difficult to convince all the Syrian voters that they are selecting a constituent assembly whose highly complicated technical task requires persons possessing experience and vision at a time when many of them are going to the ballot box to select those who will represent their political beliefs, sect, ethnicity, or clan. The role of the people in drafting a constitution will be limited to electing the members of the constituent assembly. From there, they will retire and become passive rather than active actors, because their destiny will lie in the hands of the members of the elected representative assembly in a kind of absolute mandate.

Given these realities, is this method sufficient to translate popular momentum into a popular desire for a new, modern constitution based upon the people’s needs? It might not be adequate, especially because this event will take place after a period of long popular resistance during which the people sacrificed greatly and after which each person will feel a sense of desire and entitlement to be part of the new constitutional process. Therefore, this method needs to be linked with a popular referendum once society has been given sufficient time to circulate and debate the constitution on all platforms.

The Constitutional Referendum

In general, the popular referendum method is not only associated with drafting constitutions but also with representative democracy, through which democratic regimes request the people’s opinions and make them active participants in the exercise of authority. Originally, these regimes were built upon the system of representative democracy or rule by an elected Parliament. However, for some important issues they return authority to the people to have them exercise it themselves via a popular referendum. Thus, on one hand, the elected representative bodies rule in the name of the people; but on the other hand, they leave room for some of the styles of direct democracy that were once prevalent in ancient Athens whereby the people ruled themselves by themselves. This system is a compromise between representative democracy and direct democracy, and as such it is called semidirect democracy.

In the context of drafting constitutions, the constituent constitutional referendum aims to draft a new constitution for the country and may also take the form of a corrective referendum that causes some changes in the existing constitution. When drafting the constitution according to this method, a certain specialized committee drafts the constitution and a general referendum surveys the people’s opinion from there. However, even though this method is widespread in today’s world, it is still one of the most contentious methods for drafting a constitution. This method may be effective in times of civil peace and stability, especially when amending an existing constitution. But during times of revolution, disorder, and a dearth of public confidence, the mere drafting of a constitution by a committee—even a specialized committee—becomes a cause for doubt.
a popular revolution whose basic demand was for democracy. The government charged with managing the transition period will be chosen consensually and have limited powers. Subsequently, giving it the right to appoint the members of the constitutional committee exceeds many of the powers of an unelected temporary caretaker government. Appointing the members of the constitutional committee is also an issue that may sooner or later spark conflict or political disagreement between the factions of the Syrian people, because the appointment mechanism itself is a matter of long-term, continuous contention regardless of the type of people appointed or the motives of the transitional government in selecting them.

The situation in Syria is one in which the Syrian people lack almost all confidence in any committee appointed to draft the country’s constitution. Practically and theoretically speaking, coming up with criteria for recruiting committee members is no easy task. We have already seen that the people rejected the mere thought of Bashar al-Assad charging a committee to draft the constitution in 2011, which only led to increased popular rejection of the regime and its ruling style. Conversely, carrying out a constitutional referendum in a situation of unstable security would be exceedingly difficult.

Given the flaws of each method, there is another choice: a mixed method that combines the general constituent assembly and the constitutional referendum. This is the method that the Syrian Expert House recommends. In this situation, the process of preparing the constitution passes through two stages. The first stage is that of drafting the constitution, in which a popularly elected constituent assembly takes up the task of drafting the constitution and presents the resulting constitution to the people via a general referendum. This constitution is not legitimate and does not come into effect unless it is presented to a referendum and receives the majority of votes. The second stage, transforming the constitution into an object of popular consent, begins with coupling the constitution to popular approval after it has been subject to a general referendum. In all cases, the constitutional referendum is the most democratic means of drafting a constitution because it is the most sincere method for expressing the people’s actual opinion. It is preferred to the constituent assembly method because of the chance that the assembly’s members could substitute their desire for that of the people.

Regarding the constitutional legal framework in Syria, the mixed method needs to be followed after the end of the conflict. With this method, an elected constituent assembly produces a constitutional draft that is submitted to general referendum. A number of hurdles emerge in this framework:

- Guarantees for the constitution drafting process
- The temporary constitution under whose purview the state will continue to exist until a new constitution is drafted.
- The law according to which the constituent assembly will be carried out.

**GUARANTEES IN THE ELECTION OF CONSTITUTIONAL ASSEMBLY MEMBERS AND REFERENDUM STAGES**

The basis for differentiating between a constitution based upon the will of the people and one drafted in an undemocratic manner lies in the general conditions that surround the referendum. Sectarian, confessional, or regional mobilization will certainly limit the people’s freedom to choose suitable ruling principles. Likewise, the existence of armed groups, on one hand, and the remains of the repressive security apparatus, on the other hand, will have an extremely detrimental effect on reaching the desired goal of a constitution that truly expresses the will of the people.

As a result, during the election of the members of the constituent assembly, the following guarantees and parameters need to be present in order to guarantee that the mechanism for creating a constitution expresses the will of the people:

- Selecting the members of the constituent assembly electorally and refraining from appointing them through the transitional government or any other military, political, or revolutionary party;
Carrying out democratic elections according to a direct secret ballot under local and international judicial supervision;

Giving all parties and currents in the Syrian political arena the opportunity to participate in the election of the constituent assembly;

Carrying out the elections in a free and tolerant atmosphere, because elections carried out in a repressive political environment will certainly not express the will of the people;

Leaving space for the elected assembly to work in total freedom without political and nonpolitical pressure so that it produces the text that best reflects the people’s desire.

During the process, efforts will need to be made to seek to provide the basic guarantees to ensure democracy and the production of an appropriate constitutional text. The most important of these guarantees are the following:

1. Seeking to raise the level of political consciousness and political participation.
2. Guaranteeing the appropriate distance from sectarian and regional incitement in Syria.
3. Ensuring that sufficient time exists for public discussion in order to give all groups of the people the opportunity to express their points of view that may be simultaneously different and useful.
4. Leaving sufficient time between submitting the constitution to a referendum and the referendum process itself.
5. Ensuring that an actual atmosphere of democracy and freedom exists before and during the referendum.
6. Ensuring that free and independent media outlets covering the discussion exist before the referendum and cover it in a transparent manner.
7. Taking all the necessary logistical, judicial, and legal measures to guarantee the integrity of the referendum.

CONCLUSIONS REGARDING THE SEQUENCE OF CONSTITUTIONAL STEPS

As mentioned in chapter 3, which explored the structure of the future political system in Syria, the transitional government that will be charged with organizing constituent assembly elections for the writing of the constitution must issue a constitutional declaration that specifies its tasks, its powers, and its method for organizing the elections. It has been indicated that it is possible to revert back to the Constitution of 1950 as a starting point for the discussion. However, even though the Constitution of 1950 is more advanced than the constitutional window dressings that have covered the Syrian state since its foundation, and though it may play a temporary role in organizing the transition period in Syria, this constitution does contain many points of contention among the various constituencies in Syrian society. Additionally, the 1950 constitution needs to be modernized in order to keep pace with the international conventions that uphold public liberties and human rights. The system of the Syrian state proclaimed by the Constitution of 1950 is a representative democratic system. This system will be need to be thoroughly reviewed by the constituent assembly in order to meet the need for a national consensus.

The Constitutional Reform Working Group of the Syrian Expert House studied a number of the articles in the Constitution of 1950. These articles pertain to the identity of the Syrian state, rights, and public freedoms, as well as the structure of the future political system in Syria. The working group hopes to spark a debate of these articles. The following conclusions are the results of discussions within the Syrian Expert House’s working group on the articles of the Constitution of 1950.

The Identity of the Syrian State

The Syrian Expert House’s Constitutional Reform Working Group expects that the 1950 constitution’s Article 1, on the identity of the state, will spark a sharp sociopolitical debate—specifically the first and third clauses, which state that Syria is a representative
democratic Arab republic with full sovereignty and that the Syrian people are part of the Arab nation.

The national identity mentioned in Article 1 of the constitution is a sensitive subject for Syria’s ethnic minorities—especially the Kurds. This may raise questions about the possibility of mentioning all of Syria’s ethnic groups in this article or refraining from mentioning any one of them, based upon the idea that mentioning ethnic groups is not an essential task in the national social contract that is a Syrian constitution. A large segment of the Syrian people, however, believe that it is necessary to mention the Arab ethnic group in the constitution because Pan-Arabism is a fundamental component of the Syrian culture and conscience. Mentioning this ethnic group also demonstrates the extent of the connection that exists between the Syrian state and people and the Arab nation extending into the Arabian Peninsula and North Africa.

This point is one of significant controversy in Syrian society. Even though Syrian society is majority Arab, the rest of the Syrian ethnicities have demonstrated a high degree of patriotism, sacrificed much in combating the injustice of the former regime, and backed the Syrian revolution. As such, Syrian law must act with great wisdom and balance in mediating between the values and culture of the primary component of society, the Arabs, and the rights of the significant minorities of the Syrian people, the Kurds, the Turkmen, the Assyrians, and others. It must do this while also accounting for the country’s political reality, given the weakness of the state, and striking a balance among the various components of Syrian society.

Article 3 of the Constitution of 1950 may be subject to a long discussion by the members of the constituent assembly and segments of the Syrian people—especially the first two clauses, which state that “religion of the president of the republic is Islam” and that “Islamic jurisprudence is the primary source of legislation.”

The controversy here, in truth, is between two groups of people. The first believe that this article does not sufficiently express the Islamic identity of the state and so must state more clearly that Islam is the state religion. The second group, however, believes that it is not necessary to deprive a large group of Syrians from the opportunity to reach the top of the executive hierarchy just because they are not Muslim, which may in fact violate the principles of equal rights and opportunity.

Another debate may be sparked around the second clause regarding whether the phrase “Islamic jurisprudence” is most appropriate or whether it should be replaced with “Islamic law” or “the principles of Islamic law.” This debate will require polling the opinions of the Islamic law scholars and the Islamic jurists. Conversely, a disagreement may also be sparked around the phrase “the primary source” for legislation, because some will demand that it be replaced with the phrase “the only source” or “one of the sources.”

Therefore, the Syrian Expert House’s Constitutional Reform Working Group believes that it is important that these disagreements be studied in a practical and inclusive manner. However, the group also believes that the formula mentioned in the Constitution of 1950 is moderate and close to the ideal. As such, the group advises that it and Articles 4, 5, and 6 remain as they are.

Fundamental Freedoms and Public Freedoms

Given the period when it was written, the Constitution of 1950 is very advanced regarding the freedoms and human rights it enshrines. However, even though there is much good material in the constitution, in general it needs to be reformulated. Specifically, Articles 10, 11, 13, 14, and 15 need to be reformulated in order to be compatible with the international conventions that Syria has signed. These include the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, both of which Syria signed in 1968. Moreover, in general the formulation of the constitution—especially in this section—needs further review and clarification regarding public and private property and the freedoms to own property, work, and invest that are enumerated in Articles 21 through 26.

In general, the Syrian Expert House’s Constitutional Reform Working Group recommends
the country’s affairs, according to an agreement made between the opposition and the existing authority or according to an individual decision by the opposition, whose legitimacy stems from its firm grasp of the people’s demands for the downfall of the regime once the president has relinquished power.

Immediately following the formation of the transitional government or the transitional executive body (which will be established following a national agreement and authorized to manage the temporary transitional period under the supervision of major world powers and other regional states), this government will issue a decree that suspends the Constitution of 2012 and reinstates the Constitution of 1950. The decree will also specify the form, tasks, working mechanisms, and powers of the executive authority, including the right to issue supplementary constitutional declarations to the Constitution of 1950 specifying the official dates for constituent assembly elections and the life span of the transitional government, in addition to the authority to issue the necessary laws of limited scope to manage the transitional period.

The transitional government shall announce the formation of the Independent Supreme Commission for Elections no more than three months after issuing the above-mentioned decree. This commission will present the detailed election law to the government for approval no more than six months after its establishment. It is assumed that the elections in Syria will take place no more than fifteen months after the decree is issued. Chapter 5 of this report contains the details of the time frames for the election of the constituent assembly (or constituent council), and it is assumed that this assembly will be entrusted with three essential tasks: drafting a permanent constitution for the country, legislation, and granting the government confidence and monitoring its performance.

enriching the debate on the Constitution of 1950 and radically developing its articles. The group notes that relying upon this constitution provides a semblance of constitutional legitimacy when reference is made to it, as we have mentioned.

**TIMETABLE**

The transitional period begins at the moment when the existing regime falls, as marked by the head of the regime, Bashar al-Assad, stepping down from power. In this period, it has been agreed that power will be transferred to a transitional government that manages

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**ENDNOTES**

1 For more information about Syria’s Constitutions review, see *Syrian Constitutional History*, edited by Mazin Yousif Sabbagh (Damascus: Dar Al Sharq, 2010). The book contains the texts of all the Syrian constitutions from 1920 to 1973.


3 For more information, see “The National Plan for the Future of Syria,” December 2012.
Proceeding from the importance of the transitional period and its impact on the future of the modern Syrian state—because the most important of the Syrian revolution’s demands were for a democratic state that spreads freedom and social security and is ruled by fair law under the framework of a constitution that represents all Syrians, because the Syrians who have demanded and called for freedom and transparency will not accept being ruled by the same systems and constitutional frameworks through which the Ba’ath regime managed the state, and because it is not possible for a constitutional vacuum to exist in a great, civilized country that seeks to be a role model—the Constitutional and Legal Reform Working Group within the Syrian Expert House recommends the following:

1. The transitional government or administrative body entrusted with managing the transitional period should issue a decree that suspends the Constitution of 2012 and temporarily reinstates the Constitution of 1950 without amendment until the new constitution is issued.

2. The government charged with managing the transitional period must issue a supplemental constitutional declaration to this decree that clarifies the powers of this government, especially those regarding decrees and laws, the government’s tasks, working mechanisms, formation criteria, and life span, and the legal time frame for carrying out elections.

3. The Syrian Expert House’s Constitutional Reform Working Group believes that electing a constituent assembly is the ideal constitutional-drafting mechanism, despite its drawbacks. The participation by the people in the drafting of their constitution by electing the members of this assembly is an essential step toward adopting the principle of democracy. Therefore, the group believes that the government charged with managing the transitional period must create an atmosphere for transparent and fair elections for selecting the members of the constituent assembly and help as much as possible to educate the voters of the importance of this assembly’s role and function.

4. The working group also believes that the national forces—parties, political currents, and civil society organizations—must play their role in educating Syrian citizens about the importance of both these elections and the constituent assembly’s role. The political forces will also express their care for the nation, the Syrian state, its unity, and its long-term and short-term future by selecting candidates who possess the ability and competence to carry the national responsibility that has been placed upon their shoulders.

5. The Syrian Expert House also recommends that an appropriate body studies the articles and clauses of the Constitution of 1950, taking into consideration all the different points of view held by national components—especially those relating to the rights and representation of the Kurds, Turkmen, Assyrians, and other minorities—and place these studies before the constituent assembly.
Electoral Law Reform in Syria

THE HISTORY OF ELECTIONS IN SYRIA

Syria was among the first countries in the Arab world to implement democracy by conducting popular elections. Yet these elections, which were held for the purpose of increasing popular representation within the government, were not always politically stable or truly democratic. Syria’s first elections were held in 1919, a particularly early date when compared with other countries in the region. The elections were conducted by the Syrian National Congress, which announced the formation of a new Syrian state under a system of parliamentary monarchy. The country’s first popular elections were held to select the members of the Syrian Constituent Assembly, which was tasked with drafting the country’s constitution via an elections law that required elections to be conducted in two phases. The first phase stipulated that citizens elect representatives within small local districts, such as neighborhoods and villages, who would then go on to elect higher-ranking representatives to operate within the country’s governorates. This system also put quotas in place for tribes and religious/sectarian minorities. However, the assembly, which was then characterized by its independent and revolutionary nature, was eventually dissolved by order of the French Mandate authorities.

Further elections were held in 1932, 1936, and 1943, and those in 1932 were marked by widespread populist outrage over alleged rigging by the French authorities. Therefore, the subsequent elections were free and fair—the French would not dare risk the drawing ire of the entire Syrian populace again. However, the new, pro-independence members of Parliament who consequently came to power would ultimately be the French Mandate’s undoing. In fact, the results of the 1943 elections are largely held to be one of the primary factors that contributed to Syria gaining its independence from France in 1946.

The first legislative elections held in Syria after independence were conducted in 1947, and were different from previous elections in that they were conducted as direct popular elections. In March 1949, Syria witnessed its first modern military coup, which was led by Husni al-Za’im. After this coup, a popular referendum was held on al-Za’im’s appointment as president of Syria. He was the only nominated candidate, and won 99 percent of the vote.

Syria witnessed its first real democratic transition later in 1949, when a second military coup was launched against al-Za’im by Colonel Sami al-Hinnawi. After this coup, Hinnawi began to implement modern election laws, which would be used to elect a new Constituent Assembly. During this time, suffrage was granted to women and legal voting ages.
were reduced, while seats in Parliament that had been reserved for sectarian and religious minorities were dissolved. Further developments included the establishment of new electoral districts based on civil society records (i.e., according to the number of persons per district). In 1950, the country’s new Constituent Assembly put in place Syria’s first modern constitution (at least in comparison with those that came before it), in which the new regime described itself as a parliamentary republic.

In 1953, a popular referendum was held on the constitution after two successive military coups were launched by Adib Shishakli in 1950 and 1951, amid a sense that political openness and democracy had ceased. The constitution was changed, as was the state of Syria itself, which changed from a parliamentary republic into a presidential regime, with Shishakli appointed president with more than 90 percent approval. This was followed by parliamentary elections, in which Shishakli’s party won. A year later, following Shishakli’s second coup, democratic elections were held under an election law that allowed women to run as candidates for the first time in Syrian history. In 1957, full legislative elections were held in a number of Syrian governorates under a new elections law that held that representation would be based on a majoritarian system. The law that preceded it stipulated that a candidate must win 40 percent of all total votes in order to secure a seat, even if it was thus required that elections be rescheduled and conducted more than once. Elections were conducted again in 1961 under the same law, with an increased amount of seats being allocated for tribes.

Syria’s political environment would once again become radically more democratic after it was announced that the country’s emergency law would be lifted and that widespread reforms would be implemented within the country’s electoral and political systems, with early elections being scheduled for July 1963. However, in March 1963 another coup was launched, effectively killing the democratic dream of political openness for the next forty years.

Emergency law was reinstated following the March 1963 coup, with independent newspapers and political parties effectively being shut down and dissolved. Shortly afterward, in 1971, a referendum was held to select Syria’s president, and a second referendum on the constitution was held in 1973. During this time, Hafez al-Assad was elected Syria’s president, winning 99 percent of the vote. Additionally, the 1973 constitution was made permanent, which essentially granted indefinite control of the state to the president and his party.

Syria has not witnessed free democratic elections since the Ba’ath Party’s rise to power during the March 1963 coup. Whenever elections were conducted—whether on the presidential, parliamentary, or local level—the goal was simply to promote a sense of celebration for the results, which were always predetermined, given that the laws and framework controlling the elections could lead only to Ba’ath Party candidates winning. Presidential elections, meanwhile, were not deemed necessary according to Article 8 of the 1973 constitution, which gave the Ba’ath Party a monopoly on power as the only party capable of leading the state and society. That being said, the Ba’ath Party’s national leadership would take to simply choosing a presidential candidate, later holding a popular referendum on his appointment. Over the next thirty years, Hafez al-Assad was never elected president by anything less than 99 percent of the vote in any particular referendum. With regard to parliamentary elections, the Ba’ath Party was determined to organize the results in a way that would allow it to maintain full legislative power, alongside its hold on the executive branch, by way of allotting half of all seats in Parliament to candidates from within its ranks, under the banner of “seats reserved for laborers and peasants.” The same technique was applied to the election lists for local councils, and even for industrial and commercial chambers of commerce, whose makeup was supposedly determined based on the specific activities performed within each chamber. Businessmen friendly to the Ba’ath Party would be placed on lists to take part in elections for local industrial and commercial chambers of commerce in order to ensure the regime’s control over the chambers’ activities, and prevent the rise of any group that might be deemed disloyal to the state.
The mere existence of competing political parties was forbidden, let alone allowing any such parties to participate in elections, with the exception of a number of small parties that were connected to the larger Ba’ath infrastructure, known officially as the “National Progressive Front,” or, as ordinary Syrians often referred to them, “the microbus parties.” The latter phrase was a moniker derived from the parties’ small size—all their members could fit on a microbus—and lack of influence within the system. That being said, during this time Syria did not enjoy a competitive political environment where power was traded and exchanged, as did other pluralistic societies.

The country’s Ministry of the Interior was charged with monitoring and overseeing elections, all the while remaining eager to ensure that the results were in line with the authority that it represented. In this way, the authorities were able to restrict political life and to clamp down on all competing parties in a way that made it impossible to conduct free, fair, and multiparty elections, which would guarantee that representation was made available to the widest swaths of society possible.

This system helps to partially illustrate what eventually led to the outbreak of the current Syrian revolution, which seeks to pursue and bring about a transition from the country’s current totalitarian, family-run regime to the creation of a multiparty and democratic system—and the consequent need to rewrite the country’s laws in their entirety and restructure the institutions that have been responsible for promoting the hegemony of one political party throughout Syria.

Syria’s current election laws, as passed in 1973, are distinguished as follows:

1. The law stipulates that candidates be separated into two categories, “A” and “B” (with category A being reserved for peasants and laborers, and category B meaning the rest of society), a rule that undermines the primary principle of a free democracy, whereby candidates compete openly, with equality for all those nominated. Legislative Decree No. 24, which was released on February 10, 1981, removed the electoral regulations that had been applied in all previous laws, some clauses from which had been included in the law’s first draft when it was written in 1973. This change coincided with increased calls for democracy within society, led primarily by the country’s trade unions, and therefore may have been implemented as an attempt to make clear that the door of change would be closed in their face forever. This change was implemented “legally,” with the process itself considered credible, allowing for mobile and immobile ballot boxes to be used in a referendum to legally rule on the results.

2. Legislative Decree No. 4, which was released on April 12, 1990, limited the number of parliamentarians in the People’s Assembly to 250 members. Under this decree, the number of candidates competing in each district would not be determined by the number of people living within each district. Instead, a fixed number of candidates would be determined for each province, with the ratio of candidates coming from either the “A” or “B” categories within each province being determined each round via special decree.

3. Contrary to most laws that existed during the French Mandate period, the election law allowed for ministers and military officials to run campaigns while they were still employed as civil servants. This also applied to governors and officers within the police forces, whose conditions for campaigning were relatively loose and nonstringent. Only low-ranking army officers and police cadets were prevented from running in campaigns. In the law, there were no other references to any other security forces or organizations of a military nature.

4. The law treated governorates as single districts, with the exception of Aleppo, which was split into two districts, one for Aleppo and one for its countryside. In a free political environment, a larger and more extended district could be viewed as a benefit and triumph for democracy, with elections conducted via lists, as opposed to electing individual candidates. Such a system could essentially shut the door and effectively end
the propagation of “service deputies”—the term used by Syrians for their milquetoast apparatchik representatives—acting within Parliament. However, in an environment characterized by oppression and tyranny, operating under a majoritarian system, this would create additional difficulties for intellectual political forces.

5. Usually, elections are accompanied by executive dictates that increase the amount of security restraints present during the election process. However, this law does not possess even a shadow of the guarantees supposedly provided to candidates with regard to campaign freedoms. Campaign freedoms are usually limited to candidates placing posters carrying simple slogans on walls—slogans that usually have little meaning or significance.

6. Despite the fact that the country’s judiciary falls under the authority of its executive branch, the role of legal experts and judges in following and monitoring the election process, which had been spelled out in previous laws, has been reduced.

ELECTIONS LAW: WHY A NEW ELECTORAL LAW?

By the end of 2011, with the increase of both foreign and domestic pressure being placed on Syria to solve its internal crisis, Bashar al-Assad released a new elections law as part of a “reform” package, which included the release of a law governing the activity of political parties in addition to the proposal for a new constitution. The goal of this package was to give the impression that the regime was heading down the path to reform. However, the changes that were introduced to these laws, and in particular to the country’s elections law, continued to enforce the same state of mental captivity that had been endured by the Syrian people over the previous half century.

Despite the fact that the new elections law granted the judiciary increased powers to monitor the election process, it still left open a number of critical points of contention, whose solution still remained in the hands of the country’s executive branch. The new law, for example, called for the creation of “nominating committees” charged with vetting requests for nominations within each electoral district based on suggestions made by governors. The law also created similar election committees led by civil state workers who would be present at each polling station and be granted law enforcement status for the duration of the voting process. Both committees thus essentially fell under the jurisdiction of the country’s executive branch. The law states that nominees seeking to become members of the People’s Assembly (Parliament) must submit a written request to the governor, who would then have 24 hours to submit the request to the nomination committee. This process grants the governor more powers than are necessary. The law further stipulates that the Ministry of the Interior, or those police units under its jurisdiction and authority, must be informed within 24 hours before any form of electoral meeting is held by any political forces, a process that would not be necessary for registered political parties operating within true democratic societies.

The new law further states that each governorate is to serve as one electoral district, under a majoritarian electoral system, in which the ruling party and its allies in the National Progressive Front, in association with the country’s businessmen who are loyal to the regime, seek to prevent new parties from catering to Syria’s demographically diverse religious and sectarian groups—and potential constituencies—in essence hampering their ability to reap the fruits of their past
sacrifices that have helped the country achieve positive socioeconomic change.

The law also reapproved those parts of the previous law that separate nominees into two categories, A and B, as described above. The Ba'ath Party has long exploited this division in order to ensure the triumph of its nominees on the peasant and laborer lists, granting it a de facto monopoly on power and total representation within the country’s legislature. The law also allows for ministers to nominate themselves for membership within the People’s Assembly while still being employed in their current positions—a situation that allows such ministers to use public funds and the resources available through their positions in government to fund their election campaigns. For these reasons, it is necessary to put in place a new elections law that seeks to ride the wave of change and sacrifice that has been brought about by Syria’s current revolution. By implementing this new law, Syria’s citizens will be empowered to achieve a transition within the country to a political system whereby members of public authorities and institutions are elected directly by citizens in free and fair elections, based on the principles of political pluralism and of multiparty democracy that can promote equitable competition between all sectors of society.

DEMOCRACY AND THE ELECTORAL SYSTEM

Democracy, in its pure form, is a means for running and administering a state and its institutions that considers the will of the people the foundation upon which decisions are made. Democracy, in short, means rule by the people—the opposite of a dictatorship or totalitarian state, which is ruled by a single individual. As societies and nations all throughout the world continue to develop—with new political platforms and schools of thought being created for discussing prominent social and economic issues and foreign policy—in order to promote and ensure stability and prevent the spread of chaos, it becomes increasingly necessary to identify the primary principles and means whereby the democratic process functions.

Elections are often considered one of the pillars and most important aspects of any modern democracy, because they are how citizens choose their representatives in both the legislative and executive branches, and, in the case of a number of advanced democracies, even the judicial branch. The existence of elections best reflects the idea of citizens being represented within administrative institutions and being charged with the responsibility for making decisions related to the state. However, elections are not by themselves guarantees of a true democracy that will protect public freedoms and implement the will of the people—and this reality forces the election process to be continually modernized and developed in a way that is compatible with the state’s popular and demographic realities.

ELECTORAL SYSTEMS

Electoral systems differ from country to country, according to each nation’s experience and history of democracy, in addition to its demographic makeup and the diversity of its population. No perfect system exists for implementing democracy in any given context. Each system has its own downfalls and benefits, and thus may need continual improvement, taking into account developments in democratic life, the political process itself, and the state’s conduct of elections.

There are a number of pluralistic multiparty electoral systems. The two most popular and widespread ones are what are often referred to as the majoritarian system, or the first-past-the-post (FPTP) system; and the proportional representation (PR) system. There are also mixed versions that combine the FPTP and PR systems.

1. The Majoritarian / First-Past-the-Post System

The majoritarian or FPTP system is the oldest, best known, and most often used of the two systems, particularly in presidential elections held in nations throughout the world. Many countries also employ this system in parliamentary elections, particularly those that have been living under a democratic system for long periods. What distinguishes the FPTP system is
that the ultimate winner is the candidate who obtains the highest percentage of votes, regardless as to how high that percentage happens to be. This process can take place in two stages or more, in order to guarantee that the winner did in fact obtain a specific number of votes. In the case of presidential elections in France, Iran, and Egypt, for example, a candidate must win at least 50 percent of the vote. In all these countries, if no candidate is able to obtain 50 percent in the first round, then there is a second round, in which the two candidates who received the most votes in the first round take part in a runoff.

However, in parliamentary elections—in Italy, for example—only one representative is elected in each district (districts in Italy are relatively small), with the winning candidate obtaining the highest percentage of votes. Other countries, such as Jordan and Lebanon, have larger electoral districts, where upward of two or three or more candidates are elected per district, and where the winning candidates are also those who have obtained the highest percentage of votes, with the law arbitrating cases of a tie vote between two or more candidates.

The majoritarian or FPTP system is the simplest of all multiparty systems when used within single-member constituencies. It is a system that centers on two individual candidates, with voters allowed to choose one from among those listed on the ballot. In addition to the United Kingdom, Canada, India, and the United States of America are among the most prominent examples of countries that use this system. However, among the biggest downsides of the FPTP system is the fact that it prevents small political parties and minorities from obtaining equitable representation, in addition to the fact that such a system provides parties with the opportunity to organize themselves along tribal, racial, or regional lines—tailoring their campaigns and political platforms based on theses or ideologies that are attractive only to those living in specific regions or districts. In such circumstances, members of such parties often become hostile to those whom they see as “the other,” often seeking to oust or remove them from the political system. Such systems have created ongoing dilemmas for a number of African countries, such as Malawi and Kenya, that are home to a high number of large tribes concentrated in specific geographical regions. Because of this situation, these countries become divided between parties created on the basis of tribal, ethnic, or sectarian identity. In such scenarios, parties often possess a strong power base in specific regions within their country, providing them with a strong incentive to ignore the problems and crises plaguing regions outside their own sphere of influence, where they may have few supporters. This fosters and encourages division within nations.5

However, what distinguishes the FPTP system is that in cases where there are small electoral districts (where each district is granted one seat in parliament), popular representation improves, because those who win elections usually represent the largest possible slice of the population within their district. This grants the winning nominee wide popular power and support. However, the negative aspects of such a system, as shown particularly in countries with a small registered population, manifest themselves in that electoral districts can often become polarized and split, with the nation’s Parliament (which is responsible for drafting state policies, passing legislation, and monitoring the performance of the executive branch) turning into a sort of local council, with members of Parliament seeking only to appease and pursue the interests of their specific electoral district, as opposed to helping to put in place a unified vision and comprehensive framework for the nation as a whole. Such a system helps to weaken the role of political parties in political life, particularly in countries that are relatively new to democracy.

The FPTP system is usually considered more appropriate for countries that have a long history and experience working with democracy and a strong sense of national identity. But under this system, those countries that lack such a history and have relatively little experience practicing democracy—particularly those that suffer from sectarian, tribal, and ethnic divisions—often see their common sense of national identity further erode. This system is considered particularly incompatible with countries that have recently come out of a civil conflict, where it often leads to acts of political exclusion that put obstacles in the path toward national reconciliation.
It is important to note that the FPTP system is currently being employed within Syria, with each governorate serving as an electoral district. This system as it exists within Syria today has so far done nothing except create an environment where only one political party, one group of businessmen, and the residents of the nation’s major cities who possess large financial resources have the ability to successfully compete in elections held within large districts. Only a large and organized party, or an individual who possesses large amounts of experience working within this system, will have the ability to truly compete—and in Syria, this means only the Ba’ath Party and its allies.

2. The Proportional Representation System

The PR system is most common among states that are newly transitioning to democracy. This system is distinguished by the fact that the number of parliamentary seats provided to political parties is proportional to the percentage of votes they are able to obtain during the election process. The PR system guarantees increased participation in the political life of all the country’s various political powers, in addition to racial/social-religious groups. This system requires that electoral districts be large, and that each district possess no less than four seats that can be contested by candidates. In this system, PR increases and improves as districts get larger and more citizens are able to participate and take part in political life. This system is ideal for emerging democracies, especially states that suffer from sharp internal divisions, whether they be religious or racial, because it provides all sectors of society with appropriate numbers of parliamentary seats that are proportional to each group’s performance during elections, without excluding any groups from the decisionmaking or legislative process.

The primary goal of the PR system is to decrease the proportional gap between how many votes a party obtains in elections and the number of seats it obtains within the state’s legislative authority (Parliament). The FPTP system does not achieve or seek to pursue this goal. The PR system allows for representation on a wider and more proportional basis. If, for example, a party obtains 40 percent of the votes in any given election, the party must then receive a nearly equal percentage of seats within Parliament. The same logic may apply for a small party that obtains only 10 percent of the votes in any given election. The PR system works to strengthen the confidence of parties taking part in the electoral system, thereby increasing their support for it. To implement the PR system on the ground means that each district would need to contain within it multiple seats, given that one seat per district cannot be distributed proportionally among various parties.

The PR system is also distinguished by the fact that it guarantees participation for religious and racial minorities, in addition to small and emerging political parties. This system also provides incentives for various parties with similar ideological outlooks to form coalitions, which can help to better clarify and identify where intellectual and ideological fault lines may lie within society. This system also works to weaken the influence of regionalism within a country by pushing parties to cater to all voters and seek support in various regions, thus spreading their vision and political platform to as many parts of the country as possible. Perhaps what stands out most about this system is that it forces new democracies to agree upon and embrace the notion of partnership within governance, raising the political standing of both the country and its society.
The PR system, however, is plagued by the fact that it creates weak governments by bringing together a number of incompatible and contradictory views within Parliament. This can undermine the decision-making process and the effective passing of laws and legislation. This is especially the case within countries undergoing popular revolutions such as Syria, where citizens expect their government to effect change quickly. This system is also burdened by the fact that it allows small parties to blackmail larger parties, pushing the latter to make large concessions to the former for the purpose of forming coalitions. This makes the role of small parties essential when seeking to create a political balance of power within states, despite the fact that such parties do not enjoy large amounts of popular support.

For these reasons, the PR system can often lead to the creation of weak governments that pursue narrow policies that are not in harmony with mainstream views held within society. Governments are therefore caught between a rock and a hard place. On the one hand, government can be all-inclusive yet weak, unable to make strong decisions or implement substantive policy. On the other hand, governments can be more decisive, while running the risk of being exclusive, failing to achieve a consensus among various sectors of society.

What theoretically burdens the PR system is that it allows for radical, fundamentalist parties to participate in government, whether they are on the far left or the right wing. This system often renders large and mid-sized parties powerless within Parliament regardless of their performance in elections. The dilemma plays out as follows. As long as they continue to campaign, such large and mid-sized parties will always remain in power, due to the nature of the PR system. However, the fact that such parties are likely to remain in power for long periods—combined with their inability to effect real change, as described above—will likely cause voters to lose confidence in their Parliament and its ability to hold its members truly accountable, causing them to eventually vote out those parties dominating its ranks. What plagues the PR system most is the difficulty faced in applying it, and clarifying its operating procedures, both to candidates and citizens. Rectifying these issues will require extensive efforts on the part of the government.

Within the PR system itself, there are several subsystems, mostly having to do with the calculation of results, in addition to the way in which electoral lists are created. There are two primary ways of formulating electoral lists within the PR system—the first is the closed list, whereby a party or political bloc, either one that is itself made up of political parties or one of individual candidates, prepares a list whose number of seats does not exceed the specified amount within each given district. Citizens then cast their vote for the list, without specifying individual candidates, and the winners are chosen based on the arrangement of the bloc candidates as they appear on the list, from top to bottom. In this system, the first winner will be the person whose name appears first on the list, followed by the one whose name appears second, and so on. Closed lists, however, are burdened by the fact that they do not present voters with the opportunity to choose which individual candidates they want to represent them, while at the same time granting increased power to political parties and coalition blocs.

The second subsystem within the PR system for formulating electoral lists is the open list system, whereby electoral lists are created by granting voters the ability to choose individual candidates from within each list. In such a system, the winners are determined by the number of votes obtained by each individual candidate. For example, if a particular list of candidates has won three seats during an election, then the three candidates from on that list who have obtained the most votes will be granted seats. This system is plagued, however, by the fact that it creates competition between candidates from within the same party or list, while at the same time presenting voters with a wider selection of choices and more opportunities to choose candidates whom they want to represent them.

3. The Mixed System

There also exists a system that combines both the FPTP and PR systems, where elections are conducted
in specific districts within a country based on the majoritarian system, while other districts within the same country do so using the PR system. The mixed system could also be applied within individual districts themselves, usually in large districts where a certain number of representatives are chosen using the PR system, with the district itself then being broken into a host of smaller districts, within which citizens could then choose their representatives using a majoritarian system.

Such a mixed system has the potential to combine the benefits of both the PR and FPTP systems, although this system’s downfalls can also become extremely complicated. Such a system, for example, may deprive candidates of the choice of which district in which to campaign, in addition to which system (PR or FPTP) within which they will be running. This mixed system may also create problems constitutionally—which is what happened during Egypt’s parliamentary elections in 2011—because it does not always provide equal opportunities to nominees. Independent candidates face reduced chances of winning in such a system, especially if political parties are allowed to run in elections under a majoritarian system.

Of all the three systems described here, the Syrian Expert House recommends adopting the PR system, because it encourages competition among parties, on the one hand, while granting the most opportunities possible to individual candidates who seek to obtain the largest amount of possible support within party lists, on the other hand. The desired result could be achieved by employing the single-transferable-vote system, in which voters operating within electoral districts with multiple seats organize candidates on a ballot sequentially based on their own preferences.

Despite the many advantages of the PR system—that it is better equipped to represent wider swaths of society than others, while simultaneously achieving a high rate of national consensus, particularly during the drafting of a country’s constitution, in addition to helping to promote and bring about a national consensus in the period following a conflict—it is still not without its downsides. These can include periods of legislative deadlock and associated difficulties faced when trying to pass and implement decisions. This comes as the result of the existence of a large numbers of parties, whose interests may often trump their desire to reach settlements and compromise, as has been seen before.6 This can be avoided by imposing an electoral threshold (often set to 2 percent) of the minimum amount of total votes required to obtain before parties can be granted seats within the Parliament. Imposing such a threshold will prevent a large-scale fragmentation and dispersal of votes and will facilitate the creation of political coalitions within government.

The proposed Syrian electoral law suggests that primary elections be conducted during the country’s transitional stage in order to better achieve freedom and justice for the Syrian people, a fact that will allow for the drafting of a new constitution. Such elections must ensure that the country’s Constitutional Assembly represents wide swaths of society, in order to effectively monitor and oversee the implementation of Syria’s future constitution, while also serving as a temporary legislative authority during the transitional period.

Any new constitution agreed upon by the Syrian people must include articles and clauses explaining how the country’s temporary electoral system will change, in addition to explaining the methods by which all future elections will be conducted.

The constitution must also take into account proposals related to prevailing international laws and regulations regarding electoral systems, in addition to identifying which applied methods work best during democratic elections. Among such methods are those referenced in documents released by the United Nations, such as the International Covenant on Civil and Religious Rights passed in 1966, and in particular paragraph 25, which emphasizes a citizen’s right to participate in public affairs and elections, in addition to the right to obtain public services.

**SYRIAN ELECTION LAW**

The Syrian election law currently suggested would build upon a foundation with the following five elements: the census, the proportional representation system and the open list, the number of special seats in
the Constituent Assembly, guarantees for women and minority rights and representation under the quota system, and electoral districts. Here we examine each of these elements.

1. The Census

The election law currently being suggested for Syria is built upon the most recent statistics released from within Syria’s civil status records, which were made available on January 1, 2011, as displayed in table 5.1. The electoral system is built on the most recent administrative divisions as decided upon by the state, which split Syria into fourteen provinces and sixty-four administrative districts.

Table 5.1. Syria’s Civil Status Records, January 2011

<table>
<thead>
<tr>
<th>Governorate</th>
<th>Census Population Figures (in thousands)</th>
<th>Percentage of the Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Damascus</td>
<td>1,780</td>
<td>7.3</td>
</tr>
<tr>
<td>Aleppo</td>
<td>5,927</td>
<td>24.2</td>
</tr>
<tr>
<td>Rif Dimashq (Damascus countryside)</td>
<td>1,877</td>
<td>7.7</td>
</tr>
<tr>
<td>Homs</td>
<td>2,147</td>
<td>8.7</td>
</tr>
<tr>
<td>Hama</td>
<td>2,113</td>
<td>8.6</td>
</tr>
<tr>
<td>Latakia</td>
<td>1,229</td>
<td>5.0</td>
</tr>
<tr>
<td>Idlib</td>
<td>2,072</td>
<td>8.5</td>
</tr>
<tr>
<td>Al-Hasakah</td>
<td>1,604</td>
<td>6.5</td>
</tr>
<tr>
<td>Deir Ez-Zor</td>
<td>1,692</td>
<td>6.9</td>
</tr>
<tr>
<td>Tartus</td>
<td>954</td>
<td>3.9</td>
</tr>
<tr>
<td>Ar-Raqqa</td>
<td>1,008</td>
<td>4.1</td>
</tr>
<tr>
<td>Daraa</td>
<td>1,126</td>
<td>4.6</td>
</tr>
<tr>
<td>As-Suwayda</td>
<td>486</td>
<td>2.0</td>
</tr>
<tr>
<td>Quneitra</td>
<td>489</td>
<td>2.0</td>
</tr>
<tr>
<td>Total</td>
<td>24,504</td>
<td>100</td>
</tr>
</tbody>
</table>

2. The Proportional Representation System and the Open List

There can be no doubt that the PR system best guarantees that the widest possible swaths of society take part in helping to formulate and create Syria’s Constituent Assembly. By virtue of the nature of the system, specific groups are represented based on the percentage of votes they win during elections, regardless of how small that number of votes may be. This is particularly the case with regard to Syria’s revolution, which has drawn large support from all sectors of society.

To be implemented, the PR system requires the existence of a democratic environment in which a diverse array of political parties may take part, a reality not currently seen within Syria. However, despite this, these elections can still be considered a real opportunity to build a strong democracy, which will continue to evolve with the accumulation of democratic entitlements, in addition to serving as a preliminary map for party entities operating within Syria.

The PR system prevents any one party or movement from exerting its control over the Constituent Assembly, whose activities are set so that all can take part in them. Some may view this as negative, given that diversity within the assembly may also lead to protracted gridlock, preventing members from reaching a consensus on important decisions. However, this in itself may also be viewed as a positive, because this reality forces society’s various cleavages and fault lines to be worked out and discussed within the confines of government institutions as opposed to on the street. Differences within the Constituent Assembly may also help to foster the development of political life within the country, with the exchange of differing points of view taking place within an official, governmental sphere.

The law proposes using open lists as opposed to closed lists, to allow voters to choose specific candidates and nominees from these lists. This form is most appropriate in the case of Syria, due to the country’s multiparty nature, which may make it difficult for citizens to commit to voting for entire closed lists. Citizens in this case may prefer to vote for
individual candidates for whom they feel confidence, a fact that may provide independent candidates with improved opportunities to compete in elections, in addition to granting citizens more choices for their representatives.

3. The Number of Special Seats in the Constituent Assembly

The proposed new election law will determine the number of members set to serve in the Constituent Assembly based on the cube root of Syria’s population—a system that is also used by a majority of elected assemblies in most democracies around the world, and that is recommended by the International Foundation for Electoral Systems. The cube root of Syria’s population—which, according to the most recent statistics, totals 24,504,000—is 290.44, making the number of representatives serving in the Constituent Assembly 290, or one representative for every 84,500 people.

4. Guarantees for Women and Minority Rights and Representation under the Quota System

The PR system does not call for a specific number of seats to be reserved for various religious sects or racial groups, the purpose of this being to promote equality and do away with the religious and sectarian divisions that have largely come to characterize Syrian politics. However, this system does include a quota for the number of seats set to be reserved for both sexes within the Constituent Assembly, the purpose being to achieve true representation for both men and women. The true purpose behind this is to guarantee the representation of Syrian women in political life, as their inclusion will help provide new insight and vision on a number of issues of concern, a fact that will help improve the means by which political decisions are made within the country. Quotas for men and women as stipulated within the PR system are as follows:

- Each electoral list will consist of a certain number of nominees from both genders, with the minimum requirement of the amount of seats granted to members of each gender not falling below 25 percent of the total number of nominees.

- Members from each gender will be seen represented within at least every three seats granted to particular districts. This means that in a district with four seats, at least one seat must be allotted to both a male and female candidate, while districts containing five seats should reserve at least a minimum of one seat for representatives of each gender. Districts containing six seats should provide a minimum of at least two seats for representatives from each gender.

As for the suggested electoral system proposed by the Syrian Expert House, which calls for the creation of 32 electoral districts within Syria, and seeks to implement the two above-stated mechanisms when creating electoral lists and selecting winners during elections, the minimum required number of seats allotted to representatives from each gender should be no fewer than 85.

The temporary electoral law as proposed by the Syrian Expert House makes clear reference to the fact that it encourages political parties to select and nominate candidates who have been diagnosed with special needs, whose presence is noticeable within the top list of candidates. In other words, any temporary constitutional document must contain a paragraph calling for the addition of between two to three seats to the Constituent Assembly, whose members total 290, which should be reserved for candidates who have been diagnosed with special needs. Electing such members should be conducted according to mechanisms put in place by the Independent High Elections Authority, in cooperation with civil society organizations.

5. Electoral Districts

The number of electoral seats distributed throughout Syria’s 32 districts should not fall below four seats per district, with the minimum number of people required to be living within each district being
338,000 in order for results to be calculated under the PR system. Borders for each district should be determined based on the geographic distribution of a region’s population, and not be drawn along religious or racial lines. It is hoped that under this electoral system, elections would be conducted within the smallest-sized districts possible, in order to best be able to achieve true and just representation for all the Syrian people. Having entire governorates serve as individual districts may cause minorities to get absorbed and overlooked by the majority, who may obtain a larger share of representation than otherwise expected. This in turn may enable particular candidates running with larger parties (and that have increased financial reserves) to be better able to run effective campaigns in other provinces located throughout the country. However, the number of seats located in each district should not be allowed to fall below 4, in order to best be able to implement and apply the PR system. If one district possesses only one, two, or even three seats, it will be not only difficult but also impossible to distribute such a limited amount of seats proportionally among the country’s various parties. The suggested electoral districts should be divided as follows:

**DAMASCUS GOVERNORATE:**

A. The Damascus governorate is to be considered one administrative region.

B. According to the most recent statistics gathered from civil status recordings, the governorate’s total population is 1,780,000.

C. The governorate will possess a total of 21 representatives within the country’s Constituent Assembly.

D. Representatives from the governorate will represent one district.

**ALEPPO GOVERNORATE:**

A. The Aleppo governorate consists of ten administrative districts: the Aleppo Governorate Center (Mount Simeon), Ayn al-Arab, Atarib, Afrin, Al-Bab, Dir al-Hafar, Jarablus, Azaz, Manbij, and Al-Safira.

B. According to the most recent statistics gathered from civil status recordings, the governorate’s total population is 5,972,700.

C. The governorate will possess a total of 70 representatives within the country’s Constituent Assembly.

D. Representatives from the governorate will represent five districts:

- **FIRST DISTRICT:** Includes the regions of Afrin and Atarib, with a total of five seats.
- **SECOND DISTRICT:** Includes the region of Azaz, with a total of five seats.
- **THIRD DISTRICT:** Consists of the Jarablus, Afrin, and Atarib regions, represented within the Constituent Assembly with seven seats.
- **FOURTH DISTRICT:** Includes the Qudaydah, Ayn al-Arab, and Manbij regions, represented within the Constituent Assembly with ten seats.

**RIF DIMASHQ GOVERNORATE:**

A. The Rif Dimashq Governorate consists of nine administrative regions: Qatna, Darayya, Al-Zabadani, Al-Tall, Al-Qutayfah, Yabrud, An-Nabk, Qudsaya, and Duma.

B. According to the most recent available statistics, the population of Rif Dimashq Governorate is 1,877,000.

C. The governorate will possess a total of 22 representatives within the Constituent Assembly.

D. Representatives from Rif Dimashq will be distributed among three districts; they are:

- **FIRST DISTRICT:** Includes the regions of Qatna, Darayya, and Qudsaya, represented within the Constituent Assembly with eight seats.
- **SECOND DISTRICT:** Includes the regions of Al-Qutayfah, An-Nabk, Yabrud, and Al-Tall, represented within the Constituent Assembly with ten seats.
and Al-Zabadani, represented in the Constituent Assembly with seven representatives.

- **THIRD DISTRICT**: Includes the region of Duma, represented in the Constituent Assembly with seven seats.

**HOMS GOVERNORATE:**

A. The Homs governorate consists of six administrative regions: the Homs Governorate Center, Al-Mukharram, Al-Rastan, Talkalakh, Al-Qusayr, and Palmyra.

B. According to the most recent available statistics, the population of the Homs Governorate is 2,147,000.

C. The governorate will possess a total of 25 representatives within the Constituent Assembly.

D. Representatives from the governorate will be split into two districts:
   - **FIRST DISTRICT**: Includes the Homs Governorate Center, represented within the Constituent Assembly with 17 seats.
   - **SECOND DISTRICT**: Includes the regions of Talkalakh, Al-Qusayr, Al-Rastan, Al-Mukharram, and Palmyra, represented within the Constituent Assembly with eight seats.

**HAMA GOVERNORATE:**

A. The governorate consists of five regions: Al-Suqaylabiah, Masyaf, Mhardeh, Al-Salamiyah, and the Hama Governorate center.

B. According to the most recent available statistics, the population of the Hama Governorate is 2,113,200.

C. The Hama Governorate will possess 25 representatives within the Constituent Assembly.

D. Hama Governorate representatives within the Constituent Assembly will be distributed among three districts:
   - **FIRST DISTRICT**: Includes the Hama Governorate Center, represented within the Constituent Assembly with 11 seats.
   - **SECOND DISTRICT**: Includes the regions of Al-Salamiyah, represented within the Constitutional Assembly with four seats.
   - **THIRD DISTRICT**: Includes the regions of al-Suqaylabiah, Masyaf, and Mhardeh, represented within the Constitutional Assembly with 10 seats.

**TARTUS GOVERNORATE:**

A. The Governorate consists of five administrative regions: the Tartus Governorate Center, Baniyas, Duraykish, Sheikh Badr, and Safita.

B. According to the most recent available statistics, the governorate’s population totals 954,000.

C. The governorate will possess 11 representatives within the Constituent Assembly.

D. These representatives will be split among two districts:
   - **FIRST DISTRICT**: Includes the Tartus Governorate Center, Safita, represented within the Constituent Assembly with seven seats.
   - **SECOND DISTRICT**: Includes the regions of Baniyas, Duraykish, and Sheikh Badr, represented within the Constituent Assembly with four seats.

**LATAKIA GOVERNORATE:**

A. The governorate consists of four administrative regions: the Latakia Governorate Center, Qardaha, Jableh, and Al-Haffah.

B. According to the most recent available statistics, the governorate population totals 1,229,000.

C. The governorate will possess 15 representatives within the Constituent Assembly.

D. Representatives within the governorate will be split among two districts:
• FIRST DISTRICT: Latakia Governorate Center, represented within the Constituent Assembly with nine seats.
• SECOND DISTRICT: Includes the regions of Al-Haffah, Qardaha, and Jableh, represented within the Constituent Assembly with six seats.

**IDLIB GOVERNORATE:**

A. The governorate consists of five administrative regions: Idlib Governorate Center, Ariha, Harem, Jisr al-Shughur, and Maarat al-Nu’man.
B. According to the most available recent statistics, the governorate’s population totals 2,072,000 citizens.
C. The governorate will possess 25 representatives within the Constituent Assembly.
D. Representatives of the governorate within the assembly will be split between three districts:
   • FIRST DISTRICT: Includes the Idlib Governorate Center, represented within the Constituent Assembly with eight seats.
   • SECOND DISTRICT: Includes the regions of Jisr al-Shughur, Harem, and Ariha, represented within the Constituent Assembly with 10 seats.
   • THIRD DISTRICT: Includes the region of Maarat al-Nu’man, represented within the Constituent Assembly with seven seats.

**DARA’A GOVERNORATE:**

A. The governorate consists of three administrative regions: Daraa Governorate Center, Izra, and al-Sanamayn.
B. According to the most recent available statistics, the governorate’s total population is 1,126,000.
C. The governorate will possess 13 representatives within the Constituent Assembly
D. Representation within the Constituent Assembly will be split among two districts:
   • FIRST DISTRICT: Includes the Daraa Governorate Center, represented within the Constituent Assembly with seven seats.
   • SECOND DISTRICT: Includes the regions of Izra and al-Sanamayn, represented within the Constituent Assembly with six seats.

**DEIR EZ-ZOR GOVERNORATE:**

A. The governorate consists of three administrative regions: the Deir ez-Zor Governorate center, Al Mayadin, and Abu Kamal.
B. According to the most recent available statistics, the governorate’s population totals 1,692,000.
C. The governorate will possess 20 representatives in the Constituent Assembly
D. Representation within the governorate will be distributed among three districts:
   • FIRST DISTRICT: Includes the Deir ez-Zor Governorate Center, represented within the Constituent Assembly with 10 seats.
   • SECOND DISTRICT: Includes the regions of al-Mayadin, represented within the Constituent Assembly with five seats.
   • THIRD DISTRICT: Includes the regions of Abu Kamal, represented within the Constituent Assembly with five seats.

**AL-HASakah GOVERNORATE:**

A. The governorate consists of four administrative regions: the Al-Hasakah Governorate Center, Qamishli, Al-Malikiyah, and Ras al-Ayn.
B. According to the most recent statistics, the governorate’s total population is 1,604,000.
C. The governorate will possess 19 representatives within the Constituent Assembly.
D. Representation within the governorate will be split among two districts:
• FIRST DISTRICT: Includes the Al-Hasakah Governorate Center, Ras al-Ayn, represented within the Constituent Assembly with 10 seats.

• SECOND DISTRICT: Includes the regions of Qamishli and al-Malikiyah, represented within the Constituent Assembly with nine seats.

AR-RAQA GOVERNORATE:

A. The governorate consist of three administrative regions: the Ar-Raqqa Governorate Center, Al-Thawrah, and Tell Abyad.

B. According to the most recent statistics, the governorate’s total population is 1,008,000.

C. The governorate will possess 12 representatives within the Constituent Assembly.

D. Representation for the governorate within the Constituent Assembly will be split among two districts:
   • FIRST DISTRICT: Includes the Ar-Raqqa Governorate Center, represented within the Constituent Assembly with eight seats.
   • SECOND DISTRICT: Includes the regions of al-Thawra and Tall Abyad, represented within the Constituent Assembly with four seats.

AS-SUWAYDA GOVERNORATE:

A. The governorate consists of three administrative regions: Shahba, Salkhad, and the As-Suwayda Governorate Center.

B. According to the most recent available statistics, the governorate’s total population is 486,000.

C. The governorate possesses six representatives in the Constituent Assembly.

D. Representation within the governorate will be consolidated within one district.

AL-QUNEITRA GOVERNORATE:

A. The governorate consists of three administrative regions: the Quneitra Governorate Center, Fiq, and Majdal Shams (currently occupied by Israel).

B. According to the most recent statistics, the governorate’s total population is 489,000, which includes land currently under occupation.

C. The governorate will possess six representatives within the Constituent Assembly.

D. Representation within the governorate will be consolidated within one district.

Table 5.2 gives the population percentages and the number of representative seats within the Constituent Assembly granted to each district.
Table 5.2. The Population Percentages and the Number of Representative Seats within the Constituent Assembly Granted to Each District

<table>
<thead>
<tr>
<th>District</th>
<th>Percentage of Governorate’s Population within District</th>
<th>Number of Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Damascus Governorate: One District</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>Aleppo Governorate</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>First: Aleppo Governorate Center (Mount Simeon)</td>
<td>59.50</td>
<td>43</td>
</tr>
<tr>
<td>Second: Regions of Afrin and Atarib</td>
<td>7.47</td>
<td>5</td>
</tr>
<tr>
<td>Third: Azaz</td>
<td>7.47</td>
<td>5</td>
</tr>
<tr>
<td>Four: Regions of Bab, Dir Hafir, and Al Safira</td>
<td>9.88</td>
<td>7</td>
</tr>
<tr>
<td>Fifth: Regions of Ayn al Arab, Jarablus, and Manbij</td>
<td>15.50</td>
<td>10</td>
</tr>
<tr>
<td>Rif Dimashq Governorate</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>First: Regions of Qatna, Darayya, and Qudsaya</td>
<td>37.10</td>
<td>8</td>
</tr>
<tr>
<td>Second: Regions of Al Qutaybah, An Nabk, Al Tall, Yabraud, and Al Zabadani</td>
<td>32.60</td>
<td>7</td>
</tr>
<tr>
<td>Third: Region of Duma</td>
<td>30.30</td>
<td>7</td>
</tr>
<tr>
<td>Homs Governorate</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>First: Homs Governorate Center</td>
<td>67.70</td>
<td>17</td>
</tr>
<tr>
<td>Second: Regions of Talkalakh, Al Mukharram, al Rastan, Al Qusayr, and Palmyra</td>
<td>32.30</td>
<td>8</td>
</tr>
<tr>
<td>Hama Governorate</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>First: Hama Governorate Center</td>
<td>46.60</td>
<td>11</td>
</tr>
<tr>
<td>Second: Region of Al Salmiya</td>
<td>13.90</td>
<td>4</td>
</tr>
<tr>
<td>Third: Regions of al Suqalaybiah, Masyaf, and Mhardeh</td>
<td>40.50</td>
<td>10</td>
</tr>
<tr>
<td>Tartus Governorate</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>First: Tartus Governorate Center and region of Safita</td>
<td>58.70</td>
<td>7</td>
</tr>
<tr>
<td>Second: Regions of Baniyas, Sheikh Badr, and Duraykish</td>
<td>41.30</td>
<td>4</td>
</tr>
<tr>
<td>Latakia Province</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>First: Latakia Governorate Center</td>
<td>60</td>
<td>9</td>
</tr>
<tr>
<td>Second: Regions of Al Haffah, Qardaha, and Jableh</td>
<td>40</td>
<td>6</td>
</tr>
<tr>
<td>Idlib Governorate</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>First: Idlib Governorate Center</td>
<td>31</td>
<td>8</td>
</tr>
<tr>
<td>Second: Region of Marrat Nu’man</td>
<td>29</td>
<td>7</td>
</tr>
<tr>
<td>Third: Regions of Ariha, Jisr al Shughur, and Harem</td>
<td>40</td>
<td>10</td>
</tr>
</tbody>
</table>
The proportional representation system is the most appropriate for Syria. Although the types of electoral systems in use in countries throughout the world are numerous and varied (and are applied according to which is most appropriate for a country based on its political reality and societal diversity), countries can sometimes change and alter their electoral systems as a result of developments within their societies, or after a particular regime has failed to meet the needs of its people with regard to their desired forms of representation. Electoral systems usually attempt to translate the number of votes received by various parties in elections into the number of seats these parties receive within Parliament. The issue of selecting a particular electoral system within a country is among one of the most important decisions that can be made by a democratic nation. The reasons for choosing any particular system are usually linked to the expected framework set to be seen with regard to political life in the future of any given country. Any selected system will almost always stir debate on a number of issues, such as voting methods (whether majoritarian, proportional, mixed, or other, and what mathematical equation will be used to calculate the number of seats provided to winners), the organization of ballots (will citizens vote for individual candidates or party lists, and will they be limited to making just one decision during the election process, or a series of decisions?). Other issues may include the size of electoral districts (here, the issue is not only related to the number of voters living within the borders of an electoral district but also the number of representatives elected in each district).7

Despite the fact that specific types of electoral systems do not cover administrative aspects of the election process (e.g., the location and distribution of polling stations, naming candidates, registering voters, identifying which agency will oversee elections), these issues are of great importance, and their

### Table 5.2. The Population Percentages and the Number of Representative Seats within the Constituent Assembly Granted to Each District (Continued)

<table>
<thead>
<tr>
<th>District</th>
<th>Percentage of Governorate’s Population within District</th>
<th>Number of Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deir ez-Zor Governorate</td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>First: Deir ez-Zor Governorate Center</td>
<td>49</td>
<td>10</td>
</tr>
<tr>
<td>Second: Region of al Miyadan</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>Third: Region of Abu Kamal</td>
<td>26</td>
<td>5</td>
</tr>
<tr>
<td>Al Hasakah Governorate</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>First: Al Hasakah Governorate Center and Ras al Ayn region</td>
<td>50.90</td>
<td>10</td>
</tr>
<tr>
<td>Second: Regions of Qamishli and Al Malikiya</td>
<td>49.10</td>
<td>9</td>
</tr>
<tr>
<td>Ar Raqqah Governorate</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>First: Ar Raqqah Governorate Center</td>
<td>63.60</td>
<td>8</td>
</tr>
<tr>
<td>Second: Regions of Al Thawra and Tell Abyad</td>
<td>36.40</td>
<td>4</td>
</tr>
<tr>
<td>Daraa Governorate</td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>First: Daraa Governorate Center</td>
<td>50.80</td>
<td>7</td>
</tr>
<tr>
<td>Second: Regions of Izra and Al Sanamayn</td>
<td>49.20</td>
<td>6</td>
</tr>
<tr>
<td>As Suwayda Governorate: One District</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Quneitra Governorate: One District</td>
<td></td>
<td>6</td>
</tr>
</tbody>
</table>
lack of clear implementation may undermine the benefits of any given system chosen by a particular country. The development of an electoral system will also inevitably have an effect on other election laws, such as the effect of choosing a particular electoral system on how electoral districts are determined, how voters are registered, and how ballots are drafted and votes are counted—along with a host of other issues involved in the election process.

Three factors that almost always play a role in helping to shape decisions made regarding the selection of a particular election system within a country are political forces themselves lacking sufficient knowledge regarding various electoral systems, the effects each system can have on society, and the true amount of system options available before making a selection. Or, on the contrary, specific parties can exploit their knowledge of the details of various electoral systems in order to implement those that best serve their specific interest.

In addition to these factors, the process of choosing an electoral system may also have consequences that were not previously taken into account during the decisionmaking process. That being said, the final decisions made about which system to choose may not always be best for fostering the creation of a healthy political life in the long term; on the contrary, such decisions can often lead to the outbreak of disaster within the democratic process in any concerned country. Given these concerns, that which goes into the decisionmaking process may be just as important as which system is eventually chosen in the end.

Choosing an electoral system is not merely an issue of logistics that can be sorted out and fixed by a team of independent experts; rather, it is a purely political issue of the highest importance. Most often, specific political interests form the core of various powers’ considerations in choosing a system, a fact that may lead to short-term political calculations taking precedence over grander interests related to the political system as a whole.

In almost all cases, and until one is able to pursue and successfully implement society’s best interests, it is best to choose an electoral system that achieves the highest rate of popular representation, provides incentives to pursue and achieve national reconciliation, provides governments with the ability to enjoy stability and efficiency, promotes accountability for those elected to represent the people, and encourages the participation of political parties within the system—all the while taking into account international standards for achieving these goals.

**THE ELECTORAL INSTITUTION AND THE LEGAL FRAMEWORK**

The details of conducting electoral processes during the transitional period must be determined by a provisional constitutional document put in place by the constitutional assembly that serves to represent the Syrian people as a temporary legislative authority. Any temporary document, as authenticated by the assembly, should define general regulations regarding the conducting of elections and the holding of a referendum on the constitution. Such regulations must tackle essential issues—such as the nature of the suggested electoral system; the creation of a high independent authority for elections, in addition to mechanisms and techniques to settle electoral disputes and review complaints; how to ensure efficiency standards for political parties along with candidates and voters; and essential democratic rights for Syrians.

The creation of a temporary high independent authority to oversee elections in Syria is critical during the country’s current transitional stage, with the powers and responsibilities of such an authority stipulated as follows:

1. Providing consultation to the Constituent Assembly during its forging of a draft temporary elections law, in addition to that of a temporary law regulating political parties and referendums.
2. Putting in place instructions and procedures that define and interpret temporary election laws and those regulating political parties.
3. Overseeing all aspects of the electoral process, ensuring its freedom and transparency, and guaranteeing that representation is provided to the widest swaths of society as possible. In order for this to happen, the following must occur:
• creation of a registrar for the names of voters;
• registration of all parties taking part in elections;
• raising awareness among voters regarding the new electoral system;
• ensuring the proper functioning of the electoral process; and
• gathering statistics, counting votes, preparing time frames, and announcing the results of elections.

Any high independent elections authority must possess at least between seven and eleven independent members who cannot claim to be members of any particular political persuasion. Such members must be given responsibility and flexibility and enjoy the highest levels of respect possible from other members. Members of the authority must represent all ethnic, racial, national, and religious groups within Syria and must be equally split between the sexes. Members of the authority must possess a wide range of competencies and skills, with experience working within judiciaries or with arbitration (e.g., as a judge) and as academics. Members should also be drawn from within the ranks of civil society organizations and marginalized groups (e.g., those with special needs), and should possess additional experience working within information technology and executive management. An international expert (observer)—who possesses no voting power within the committee—could also be contracted to work with the authority, providing counsel and advice to members while drawing comparisons with the experiences of other international and regional democracies.

An independent and transparent committee could also be tasked with overseeing the formation an independent high elections authority, which in turn could appoint further election committees to serve at polling stations. Such a hierarchical construction would need to have stringent rules and operate on the basis of strict procedure, to ensure that all election committees would enjoy the highest level of independence and representation and would operate in an impartial as opposed to biased way.

The independent high elections authority must be supported and funded by an efficient government agency, and must possess wide-ranging technical capabilities. Such an agency would be given a name like the Office of the Independent High Elections Authority Secretary, and would be headed by a senior officer with large numbers of staff and field officers at his or her disposal, on both the regional and national levels.

In addition to the above considerations, any temporary elections law must also do the following:

1. Clearly identify the role of the independent high elections authority, in addition to all committees and agencies funded by the authority and serving under its jurisdiction, such as all judiciary and security authorities that are responsible for implementing the electoral cycle.

2. Put in place organized and comprehensive means by which to register voters and political parties, conduct polling (particularly during elections that take place over the course of one day), and count votes, in addition to reviewing and announcing election results.

3. Devise procedures to guarantee the credibility of the elections process, in addition to ways to detect manipulation and fraud.

4. Facilitate and allow for the existence of both local and international monitors during the election process.

5. Determine the responsibilities of the independent high elections authority, in addition to raising awareness among citizens and cooperating closely with both political parties and civil society organizations regarding this subject.

6. Put in place a specific time frame for end dates of all aspects of the election process.

7. Put in place specific guidelines as to how to settle disputes and file complaints, in addition to modifying and implementing their results.

8. Create a panel of experts from among the local population for the purpose of collecting specific data regarding the population of various administrative regions, in order to better be able to draw
borders between different districts (whether this means combining or dividing certain regions based on the number of citizens living in a given district and their geographic distribution). An independent authority can be appointed by the temporary constitutional assembly for the purpose of drawing borders between various electoral districts. This authority’s only task should be to determine the borders of the country’s various electoral districts, based on the newest and most updated databases available, particularly with regard to population and determining the appropriate number of seats to be allotted to each district.

9. Specify a PR rather than FPTP voting system. The Syrian Expert House does not believe that using the majoritarian/FPTP voting system within specific districts is a realistic option, because doing so would strengthen the influence of large political powers, itself a controversial subject. The current district system (which divides Syria into fourteen electoral districts, based on the number of governorates within the country) will eventually need to be dissolved, not only because it is a remnant of the Ba’ath system but, more important, because the reality of single governorates serving as large, individual districts creates a form of communication between local communities and their representatives in Parliament. Conversely, however, a PR system that employs open lists in small electoral districts allows for voters to elect candidates whom they know, in whom they have confidence, and whom they are easily able to hold accountable.

10. Guarantee that the electoral system puts in place a quota granting acceptable representation to both sexes within the constitutional assembly.

11. Encourage the nomination of candidates with special needs. The Syrian Expert House proposes that the provisional election law include a clear reference to the need to encourage political parties to nominate candidates who have been diagnosed with special needs. Their presence must be noticeable and at the top of the list of candidates.

In other words, the temporary constitutional document must contain a paragraph guaranteeing that either two or three additional seats will be reserved within the Constitutional Assembly, set to be made up of 290 members, for individuals with special needs. Their election should be conducted according to methods put in place by the independent high elections authority, in conjunction with representatives from civil society organizations.

12. Guarantee freedom and justice for the Syrian people, and allow them to draft a new constitution, by having the proposed law suggest conducting initial elections during the transitional period. These elections should guarantee that the constitutional assembly enjoys widespread popular support, in order for it to oversee the implementation of the future Syrian constitution, while serving as a temporary legislative authority during the coming transitional period. The elected constitutional assembly should further form an impartial committee representing all sectors of Syrian society tasked with creating the blueprint draft of the constitution, a process that should be supported by a panel of constitutional experts. Once the draft constitution is approved within the constitutional assembly, a popular referendum should be held among the Syrian people, paving the way for its adoption (which will serve as the second electoral stage).

13. Ensure that the new constitution, as approved by the Syrian people, contains clauses detailing how change within the temporary electoral system can take place. The constitution should further identify how to undergo the transition to the third electoral stage—which consists of conducting parliamentary elections—in addition to all future elections.

14. Take into account suggestions having to do with the electoral system that are related to prevailing international standards and practices for democratic systems. These include, in particular, a number of documents released by the United Nations, such as the International Covenant on
Civil and Political Rights, released in 1966, and specifically paragraph 25, which guarantees citizens the right to participate in public affairs, in addition to the right to take part in elections and receive government services.

15. Make certain that any temporary constitutional document includes in its text the general rules for the electoral system, whereas more detailed matters are dealt with in the temporary elections law.

**TIMEFRAME**

Society’s desire to obtain an elected government and new constitution during Syria’s transitional period will inevitably put much pressure on officials when coming up with a suggested time frame for conducting elections in their various forms. Despite this pressure, it is necessary to allow a reasonable time frame for conducting elections based on realistic standards. Thus, there should be a period of no less than three months between the adoption of constitutional texts related to the establishment of an independent high elections authority and the actual creation of the authority itself. The selection process for members of the authority should be accurate and efficient, with listening sessions held within the constitutional assembly in order to authenticate and vet those being selected for membership.

After the creation of the independent high elections authority, six months will be needed to draft and adopt temporary election and political party laws. During this period, the authority will organize itself and create subcommittees on both the national and local levels. After the adoption of these two laws, an additional six months will be needed to conduct elections. During this time, borders between districts will be drawn up and finalized, a process that will no doubt be complicated due to its controversial and contentious nature.

Implementation of these three separate stages described here will require a minimum of fifteen months before real parliamentary elections can be conducted. The constitutional assembly will require a full year to establish itself, write a draft proposed constitution, and present it as part of a general referendum. Granting a full year for the drafting process for the proposed constitution will ensure that the process is comprehensive and transparent, and allow for all sectors of society to participate in this necessary foundational work.

**ENDNOTES**

1 See the Constitution of the Syrian Arab Republic and its amendments at http://www.servat.unibe.ch/icl/sy00000_.html


3 On June 5, 2011, Syrian prime minister Adel Safar issued a decree forming a committee to undertake “the task of creating a draft for a new political parties law containing the vision, bases and organizational mechanisms for creating national and political parties in Syria.” “Committee to Prepare and Write Draft Parties Law During the Month,” *Al-Thawra* newspaper (Syria), June 6, 2011.


However, the elections law was promulgated in final form on July 26, 2011, and transferred the power to oversee the elections from the administrative authority to the judicial authority. “Completing the Reform Steps . . . Government Issues Draft General Elections Law,” *Al-Thawra* newspaper (Syria), July 27, 2011.

Regarding the new constitution, Assad announced his intention to amend the constitution or create a new constitution for the country on June 20, but did not act on it until February 27, 2012. “Syrians Enact Their New Constitution . . .” 8,376,477 participating at a rate of 57.4 percent . . . 7,490,319 for at a rate of 89.4 percent . . . 753,208 against at a rate of 9 percent . . . 132,920 invalidated ballots for a rate of 1.6 percent,” *Al-Thawra* newspaper (Syria), February 28, 2013.

4 The full text in Arabic of the electoral law of 2011 is available at the official website of the Syrian Arab News Agency at http://sana.sy/ara/360/2011/08/06/362170.htm

5 Ibid., 53–57.

6 Ibid., 83–88.


8 Ibid., 27–29.
To ensure the election of a Constituent Assembly that truly represents all sectors of Syrian society—and that is in accord with the political process proposed for the transitional period, as discussed in chapters 3 and 4 above—the Syrian Expert Houses suggests the following:

1. That the transitional government create an authority responsible for overseeing elections, after the government and the country’s various political powers agree during a period lasting no more than three months to issue a decree announcing the creation of a government. This authority will help to review electoral laws and define electoral district borders.

2. The transitional government will create, over a period not exceeding six months, a general elections authority via the release of a provisional decree-law regulating political parties, in addition to a law governing the election of an authorized Constituent Assembly, which will be tasked with implementing the constitution agreed upon by the authority. The release of the constitution will be announced via official media outlets, with the government conducting awareness campaigns among citizens regarding the law’s release.

3. The transitional government will be responsible, as part of its above-mentioned formation decree, for determining the date of elections for the Constituent Assembly, responsible for putting in place Syria’s constitution (one of the supplementary clauses of the Constitutional Declaration for the 1950 constitution). This date will be set to occur no more than six months after the announcement of the country’s laws regulating political parties and provisional elections.

4. The transitional government will do all that is necessary to ensure that such elections take place on their scheduled date.

5. Political powers can agree for the government to release a law regulating the work undertaken within the Constituent Assembly. Such a law will organize the assembly’s agenda, and the means whereby certain clauses were discussed and implemented, or whether or not the assembly will have such powers.

6. The Syrian Expert House recommends that the Syrian government and the independent high elections authority adopt an elections law developed by the Syrian Expert House after studying and reviewing all electoral systems and societal circumstances within Syria, which can be summarized as follows:

   A. Adopt Syria’s most recent population census, issued in early 2011, in addition to the country’s previous district divisions, which divide governorates between their centers and several neighboring regions.

   B. The Constituent Assembly should consist of 290 seats, the result of the cube root of Syria’s total population.

   C. Use of the PR system to determine the winners of parliamentary seats, in addition to the adoption of the open list system.

   D. Ensure agreeable representation for both sexes, with a minimum of 85 seats reserved for women and minorities.

   E. Create the highest amount of electoral districts possible, with the minimum number of seats in each district not falling below 4, in order to best apply the PR system when calculating results. According to the proposed law, 32 electoral districts should be created.
Chapter 6

Building Party Pluralism in Syria

In a free society, a group of people with similar political views can form a political party with the aim of bringing together the largest possible popular bloc in order to support the views and ideas adopted by their party. Such a group of people is then able to try to gain power or share power in order to implement these views and realize their party’s goals.

Simply put, a political party is a political organization that seeks to attain power through elections. Usually, a party adopts a particular ideological, political, economic, or social program. It aspires to rise to power so that it can implement this program to the greatest extent possible. As with any organization, political parties have a presiding head elected by its members, along with various bodies, committees, and other leaders, who are usually elected democratically.

Often, the party on its own is unable to obtain power, form a government, or achieve a majority so that it has the votes to issue laws or make particular decisions in the parliamentary system. Instead, parties form political alliances or coalitions in order to attain the necessary majority. Political alliances may not be built on a consensus of ideas and intellectual programs, but they may be based on a certain vision for the coming constitutional period with specific conditions and thorough agreement on basic shared principles for a temporary parliamentary coalition.

Many of those involved in planning for Syria’s transition feel that the law, and perhaps the constitution, must stipulate specific regulations for forming and building up political parties. According to these people, certain types of parties should not be permitted within the state’s political system—for example, those that call for the country to be divided or for part of it to break off; and those that violate the constitution or that have a bigoted character (racial or sectarian) and discriminate between segments of society.

Others, however, believe that the freedom to form political parties should be absolute and without regulations. They further believe that the people’s awareness and ability to distinguish and choose real democratic values are what protects society’s higher principles and values from extremism and racism, and upholds the constitution.

The History of Political Parties in Syria

Party plurality is no novelty or oddity in Syria. Political parties have existed since the end of the Ottoman era, when Syrians established a number of parties at the end of the nineteenth and the beginning of the twentieth centuries. The goals of these political parties varied from independence...
from the Ottoman state to the decentralization of the
Ottoman administration, giving Arabs—including
Syrians—more autonomy in administering their own
internal affairs.

Among the most prominent of these political parties
were the Committee of Union and Progress; the
Freedom and Coalition Party in Damascus; the Students’
Association in Damascus; the “Ten Brothers,”
alluding to the ten promised paradises in Islam; the
True Reformation Party in Damascus; the Constitu-
tion Association; the Arab Fraternity Association in
Aleppo; the Mohammedan Association’s Damascus
branch (“the Mohammedan Party”); the National
Arab Association in Damascus; and the Arab Nation
Association (“the Arab Nation Union”), founded
in 1904 in Paris, whose aim was to unite the Catholic
churches under the name of the Arab Catholic Church.

The Syrian Association, which was established in
Paris in 1908, called for the administrative indepen-
dence of Syria. The goal of the Friends of the East,
which was founded by a group of Syrians residing in
France, was to consolidate links with the proponents
of the new era in Turkey, the Federalist group. The
Speakers of the Language of the Dhad was formed
in 1909 with the goal of working against the Otto-
man state and lifting up the Arab nation, ending in
1911, when it started to become known as Al-Fatat
in Paris. It then moved to Beirut in 1913, and then
to Damascus in 1914, leading to an increase in its
number of members. Among those who took part in
it were Shukri al-Quwatli, Prince Faisal I, Ibrahim
Hanano, Riad al-Sohl, Mohammed al-Mohimsani,
and Rida Ali al-Rikabi. It opened branches in several
Syrian cities, and after World War I it participated in
the Arab governments established by Prince Faisal in
Damascus. It played a central role in the governments
formed in Syria until Faisal’s rule collapsed.

At the end of World War I, and with the formation
of the Arab government led by King Faisal, a number
of other political parties and associations were formed
and licensed, including the above-mentioned Al-Fatat,
a secret group that founded its own public parties
and institutions: the Syrian Covenant Party and the
Progress Party (the parliamentary front for Al-Fatat),
which was able to control Parliament during King
Faisal’s rule. There was also the Arab Club, which
served as a public front for the literary and social
activities of Al-Fatat. The organization was supported
by King Faisal I as one of its members. This relation-
ship did not last, however, due to a dispute regarding
the king’s treaty with France, which was rejected by
the group and the opposition. This drove King Faisal
I to establish the National Party, to whose leadership
he appointed notable elites. Al-Fatat and its parties
disappeared after the Battle of Maysalun, when many
of its members emigrated abroad and others joined
other parties.

The political parties and committees established
from 1920 to 1949 belonged to several main con-
ventional, national, Islamist, Marxist, and regional
currents. The most prominent was the Iron Party,
established in 1922, which was a secret party at the
heart of the local government in Syria that pursued
resistance to the French Mandate by force, terror-
izing and hunting down collaborators. The French,
however, were able to arrest most of its leaders. The
People’s Party, established in 1925, was the first polit-
ical party recognized the mandate, and was led by
Abderrahman al-Shahbindar in Damascus; however,
it was quickly dissolved. The Unity Party, founded
in 1925 in Damascus, was in favor of reaching an under-
standing with the French in order to improve circum-
stances and to lead Syria toward a single independent
government. The National Bloc Party was founded in
1925, and it is considered the most important politi-
cal party of the French Mandate period and the years
following independence, due to divergent visions over
whether to confront the occupation peacefully or mil-
itarily, including the National Youth group, which
was founded in 1936 and was considered one of faces
of the National Bloc. The Iron Shirts was a subsidiary
group of the National Youth, as were the Ghouta and
Maysalun groups (the Arab scouts).

The Syrian Social Nationalist Party was founded in
1932 in Beirut, led by Antoine Saada, and the Syrian
Lebanese Communist Party at its founding in 1924
was called the Lebanese People’s Party. The Muslim
Brotherhood in Syria was established in 1935, and
it embarked on its first elections in 1947 after being
unified under one leadership in 1945 under Mustafa
al-Sibai as the first leader of the group, in the name of the comptroller general of the Brotherhood in Syria and Lebanon, as it had been working under different names with similar goals and won three parliamentary seats.

The National Association, led by Suleiman al-At Rash, was established on Jebel al-Druze in 1925. The Charterists, the Youth Party, the Freemen’s Party, the Syrian Al-Fatat, and the Association of Scholars were all established in Damascus in 1938. The Arab Socialist Ba’ath Party was established in 1943, and the Syrian Freemen’s Party in 1944. The General Union Party was founded in 1949 and the Cooperative Socialist Party in 1940, while the General National Party was founded in 1947 and the General People’s Party in 1948. The Damascus branch of the Arab Union Committee was founded in June 1949.

**ELIMINATING PARTY PLURALISM IN SYRIA**

Political life in Syria went through difficult times during the period of the French Mandate. The mandate fought against liberation, revolutionary, and independence parties. The mandate authorities also manipulated the parliamentary and local election results. The end of the French Mandate in Syria in 1945, however, did not mean a guarantee that an open and democratic political environment would coalesce. Husni al-Zaim’s coup in 1949 was the first blow to democratic political life in Syria, despite the brevity of Zaim’s rule, and was followed by Adib al-Shishakli’s coup in 1951 and 1954, which abolished party pluralism. The March 8 coup in 1963 dealt the fatal blow to democratic political life in Syria, for after that coup a state of emergency was declared along with a ban on political parties.

In 1973, the new constitution was ratified, with its eighth article stipulating that the Arab Socialist Ba’ath Party was the leader of the state and society, effectively doing away with all free political activity in Syria. In reality, the Ba’ath Party attempted to show that there was still party pluralism, however superficial, by making a ruling coalition led by the Ba’ath Party and formed from eight other parties under the name of the National Progressive Front, which was founded under the presidency of President Hafez al-Assad in 1972. The political parties that constituted this coalition were:

- The Arab Socialist Ba’ath Party
- The Democratic Arab Union
- The Socialist Arab Union
- The Arab Socialist Party
- The Communist Party—Bakdash
- The Communist Party—Yusuf Faisal
- The Syrian Social Nationalist Party
- The Democratic Socialist Unionist Party

Until 2011, political party activity in Syria was not allowed or legal, until the Political Parties Law was issued in 2011 under President Bashar al-Assad.

**THE 2011 POLITICAL PARTIES LAW**

In 2011, Assad issued Legislative Decree No. 100, which included the text of the Political Parties Law drafted by the dedicated committee. This law is composed of six chapters and thirty-eight articles. The first chapter deals with the definitions of terms found in the text, in addition to the “basic principles”
on which the legislation of the political parties law
rests. The second chapter deals with establishment
procedures, the third chapter regulates financial
matters for political parties and their resources, and
the fourth chapter specifies the rights and duties of
political parties. The fifth chapter focuses on general
regulations for founding parties, and the sixth chapter
concludes by indicating the procedures for publication
and implementation of the decree.

The law gives Syrian citizens the right to “establish
and join political parties,” as stipulated in Article 2.
Article 1 defines a political party as “a political orga-
nization founded according to the provisions of this
law with the goal of participating in political life and
utilizing peaceful and democratic means toward this
end.” The law limits the duties of political parties to
“participation in organizing citizens and representing
them politically,” and “thereby working to develop
political awareness in order to activate political life
and the participation of citizens therein, as well as to
form leaders capable of bearing public responsibili-
ties,” as stipulated in Article 3.

The law confirms that “parties practice their activ-
ity by peaceful and democratic means to achieve spe-
cific public platforms relating to political, economic,
social, and cultural affairs, with the aim of partici-
pating in political life in accordance with the general
elections law,” according to Article 4.

Article 5 of the law requires parties to abide by
all principles, including “the provisions of the con-
stitution, democratic principles, the rule of law, and
respect for general rights and freedoms and the global
declaration of human rights, treaties, and agreements
ratified by the Syrian Arab Republic.” Additionally,
it provides for “the preservation of the unity of the
country and cementing national unity”; “the openness
of a party’s principles, goals, means, and sources of
funding”; and “that it is not permissible for parties to
be created on a religious, sectarian, tribal or regional
basis or to discriminate on the basis of race, sex or
color”—with a commitment that “the party’s for-
mations, the selection of its leadership, and conduct
of its activity will take place on a democratic basis,”
and that “the party’s activity will not involve the for-
mation of any military or semi-military formations
neither openly nor secretly. This activity shall also not
use, threaten, or incite violence in any forms.” Finally,
“the party shall not be a branch or affiliate of any
non-Syrian party or political organization.”

The law dictates that “not just any organization
will be granted the classification of party, nor are
organizations entitled to practice any political activ-
ity before they complete the conditions and estab-
ishment procedures according to this law,” as stated
in Article 6. It stipulates the formation of a “Party
Affairs Committee” chaired by the minister of the
interior and including as members “a judge named by
the President of the Court of Cassation, and three
independent public personalities named by the Pres-
ident of the Republic for a period of three years,” as
stipulated in Article 7.

The law gives the above-mentioned committee the
power to decide “requests to establish parties or to
amend their by-laws in addition to other specializa-
tions specified in this law,” meaning that the commit-
tee is entitled to complete oversight over the forma-
tion of parties in Syria and their affairs.

The law stipulates that political parties submit an
establishment application to the committee “signed
by fifty of its founding members provided that they
meet certain criteria, most prominently being that the
founding member has held Syrian citizenship for at
least ten years, is at least twenty-five years of age on
the date the establishment application is submitted,
that he be a resident of Syria, and possesses full polit-
cal and civil rights.”

The law further states: “The by-laws of the party,
its goals and principles, its rules for political, organi-
zational, financial, and administrative affairs insofar
as they do not contravene the provisions of this law
shall be attached to the application.”

Articles 10, 11, and 12 of the law include the stages
between the application decision by the committee
and its publication in the state’s official gazette. Arti-
cle 12 clearly stipulates that “the minimum number
of members in a party is 1,000. Members must be
registered in civil status registries of at least half of
the governorates of the Syrian Arab Republic and the
percentage of members from each governorate must
be at least 5%.”
The law clarifies the conditions for membership in political parties. The member must “have had Syrian nationality for at least five years, except for those included in the provisions of the Legislative Decree No. 49 of 2011,” which reinstated the citizenship that had been revoked from “foreigners of Al-Hasakah,” referring to Kurds, that they be “at least eighteen years of age on the day that the membership application is submitted,” and that they “enjoy all political and civil rights,” and that they have not been convicted of “a crime or heinous misdemeanor” or belong to another party.

The Political Parties Law precisely specifies financial resources, coming from member subscriptions, aid allocated by the state, revenue from investments in noncommercial fields specified by the by-laws, gifts, and donations. It exempts from this “any donation, gift, advantages, or benefits from non-Syrians or non-Syrian entities or from any legal person,” with special conditions set forth for how to accept monetary amounts given or donated.

The law stipulates the rights of political parties, particularly exemptions of movable or immovable assets from all taxes and fees, in accordance with Article 24. Its headquarters, documentation, correspondence, and means of communication are safeguarded by virtue of Article 25. It stipulates the right to issue a single paper that speaks on behalf of the party and a single Web site “without restrictions on obtaining the licenses stipulated by the laws in force,” as set forth in Article 26. It also gives parties the right to use public spaces to carry out their political activity with prior coordination with concerned bodies according to Article 29.

According to Article 27, the law obliges all media outlets to “enable all parties to use them equally in order to communicate their points of view to citizens through electoral campaigns,” and it sets forth the related regulatory rules.

The law obliges parties to “notify the chairman of the Party Affairs Committee by registered letter of any resolution it has issued related to changing its president or secretary-general, or its dissolution, incorporation or merger, or if it voluntarily ceases any of its activity or amends its by-laws within ten days of the issuance of the resolution,” as set forth in Article 28.

Article 30 of the law clarifies cases of a party’s dissolution—whether by choice, through merger with a new party, by joining another existing party, or through the dissolution of the party and the liquidation of its financial assets by virtue of a court order based on a justifiable request submitted by the Party Affairs Committee to the Civil Appeals Court—“if the party fails to abide by any of the principles stipulated in Article 5 of this law or if it violates any of its provisions,” according to Article 31. The committee shall send a warning to the party to cease any violation of the regulations of this law during a period it specifies, and it may impose a fine on the party “of no less than 100,000 Syrian Lira and no more than 1,000,000 Syrian Lira” as a penalty for each violation until the cessation thereof, as set forth in Article 33.

By virtue of the law, the decision falls to the First Civil Appeals Court in Damascus for disputes resulting from this law (between the committee and the parties), and its decision in this regard is binding, as stipulated in Article 34.

Finally, the law affirms that “parties from the National Progressive Front are considered legally licensed and their documents are archived within six months with the committee in compliance with the provisions of this law,” specifically Article 35.

Even though the regime drafted a new political party law in the framework of its “reform package” to circumvent the demands of the revolution in 2011, the law contains several gaps. This requires that many of its articles be reconsidered, most prominently the restrictions that appear throughout the new law:

1. The definition of parties and their mission: The existing law limits the mission of political parties to “contributing to political life,” without explaining precisely what this vague expression means. For example, it does not indicate that this “requires participation in the responsibilities of governance,” as stipulated in Egyptian law. In addition to this, the law completely ignores the issue of the peaceful exchange of power, despite the fact that the logic and justification for having
political parties is to reach power in order to apply their political, economic, and social platforms.

2. The formation of the Party Affairs Committee: The law has enshrined the executive branch’s control over the work of the committee, which according to Article 7, is composed of the minister of the interior, a judge, and three “independent” figures appointed by the president of the republic. This turns it into a tool for repressing political life rather than for developing it. Instead of this, in Egypt the law has provided, for example, that “the formation of the political parties committee be made up of the First Deputy of the Chairman of the Court of Cassation as Chairman and including as members two representatives of the Chairman of the Cassation Court, two representatives of the Appeals Courts chosen by the Supreme Judicial Council and two representatives of the President of the State Council chosen by the special assembly.” The “Court of Cassation shall be the committee’s authority.” Conversely, the Syrian law has given the committee the task of overseeing party affairs, which violates the principles upheld in a democratic state, which entrusts the task of party oversight to the judicial branch as represented by the Constitutional Court, the Court of Cassation, or even the State Council.

3. Judicial oversight: The law entrusts certain tasks to the judiciary related to monitoring the activities of political parties. However, it assigns the initial execution of these duties to the Party Affairs Committee. It tasks the First Appeals Court in Damascus with following up on the judicial oversight, in terms of hearing objections raised by party founders if the committee rejects their establishment application, of deciding calls submitted by the committee to dissolve a party and liquidate its funds, and of deciding disputes that have arisen between the committee and political parties. This means that it is of a purely legal nature, not to mention that it possesses a political character as well. Furthermore, the court’s decision is binding and ineligible for appeal.

4. In the conditions for applicants: The law specifies conditions that the applicants must meet to establish a political party and be members thereof. It does not exempt, however, those working in the security and army sectors, leaving the door open for them to take part in political and public life through political parties. Conversely, it leaves the door open for parties to engage in activities in the security and military institution, which is one of the most pressing warning signs that must kept in mind when reading the law, so that the experience with the Ba’ath Party is not repeated in terms of its domination of these institutions and their activity.

PARTY PLURALISM IN POSTREVOLUTIONARY SYRIA

In tandem with the effort to put in place an electoral system guaranteeing that the best possible popular representation will be achieved in the various representative councils (Parliament and local assemblies), a political parties law must be set out that allows for an actual transition to a pluralistic system that ensures the peaceful transfer of power, given that democratic practices have been absent for half a century, while the Ba’ath Party has held a monopoly over power and the claim to represent Syrian society.

The Syrian Expert House anticipates that political parties will appear and become active quickly during the transitional period, and that their impact will be weak and limited in the initial stages of the democratic process. Thus, it is necessary that a political parties law be issued that regulates and legislates their establishment and the mechanisms for their work and activity. In addition to drafting an electoral law for the transitional period, the interim Constituent Assembly must issue a political parties law that includes the following:

1. Clear provisions for establishing political parties, their structure, and their membership.
2. Compulsory provisions for parties to establish public platforms to present themselves to the public.
3. Provisions regarding political campaigns and financing (both for parties and independent candidates), including their entry, potential state financing for political parties, and regulations on electoral campaign spending.

4. Specifying the rights and duties of electoral campaigns.

5. Laying out foundations to facilitate the national reconciliation process, prevent civil polarization, and ban platforms and rhetoric that are divisive for society.

It is also necessary to establish a set of general rules that, while allowing any citizen to establish a political party, must uphold the following:

1. Prevent the formation of parties and movements that violate the constitution and the law or that aim to do away with the state’s democratic foundations.

2. Prevent the formation of parties and movements that aim to monopolize power and prevent it from being peacefully transferred.

3. Prevent the formation of parties and movements whose platforms and activities threaten the country’s morals, its public safety, its civil peace, and the rights and liberties of citizens.

4. Prevent the formation of parties or movements whose electoral platforms, slogans, or campaigns include anything that might threaten the unity of the Syrian people and the land.

It is important for the new law to encourage the establishment and foundation of political parties by rationalizing the conditions that allow for this, so long as these parties are left the task of proving themselves in party competition through the platforms they put forth and their ability to win the trust of the public.

Issuing a modern political parties law is no less important than issuing a fair electoral law, because encouraging the emergence of political parties will help to build an inclusive national identity and lessen the impact of subidentities. It will also contribute to the national reconciliation process by encouraging the formation of political entities for sects, tribes, and ethnicities.

There is no doubt that bolstering the democratic system—especially in a nascent democracy—will require incentives for parties based on ideological leanings with specific political platforms, as opposed to parties that are founded upon tribal, sectarian, or ethnic bases. In addition to working to curb the risks of social and civil conflict, inclusive national parties are the ones most capable of popular representation and preserving the unity and stability of the country. Thus, they must be encouraged to persevere and compete, whether by way of the political parties law or the proposed electoral law.

In this regard, it is noteworthy that political systems characterized by a relatively high degree of central governance and that use the proportional list system based on open lists (see chapter 5) are considered to be those systems that most strongly motivate the formation of powerful and cohesive parties. This is the opposite of what is achieved by the “winner-takes-all” system, for example. Some emerging democracies, like Indonesia, have tried to influence the formation of its lackluster party system by offering incentives to establish national rather than local parties. Other countries have resorted to various means to achieve this, such as by specifying conditions for registering and financing political parties. The question of empowering political parties by obtaining funding for them through the public or private sector is a pivotal issue related to all aspects of designing electoral systems. In many cases, it turns into the biggest challenge for establishing viable political parties.

The choice of electoral system influences the development of political parties and the way they work, and likewise the existing party system influences the choice of electoral system. Different electoral systems lead to different relations between individual candidates and their electorate. In general, systems that are based on single representation constituencies, such as most pluralistic/majoritarian systems, work to strengthen this relation by encouraging individual candidates to work as representatives for a specific geographic region, where their basic role consists of
representing their electoral constituency. Conversely, systems that involve large and multirepresentational constituencies, such as most proportional systems, produce representatives who mainly work according to party loyalties vis-à-vis general national issues. Both orientations have their benefits, which is the reason that mixed systems are so popular, given that they bring together aspects of both types of representation on both the national and local levels. Often, disputes surface around accountability when talking about the relationship between party systems and electoral systems, especially in terms of the responsibility of individual elected representatives. The relationship between the electorate, the elected representatives, and political parties is not only affected by electoral system. It is also affected by other aspects of the political system’s legal framework, such as the number of times an individual is allowed to be a member in elected bodies and the provisions related to specifying the nature of the relationship between a political party and its members who are elected to representative positions. Other aspects have to do with banning elected members from changing their party affiliation without having to resign from the elected assembly.5

The freedom of the members of the electorate to express their choices in favor of individual candidates instead of limiting them to choosing between political parties is another aspect of accountability. Thus, to offer this possibility to the electorate, many countries have recently brought new elements into their electoral systems, such as employing open lists in a proportional list system.

This further strengthens what has been put forth by the Syrian Expert House in its preference for the open proportional list system, because it adopts the best features from several electoral systems. On the one hand, it encourages the establishment of political parties with nationalist agendas; on the other hand, it allows the best people on electoral lists to be elected for these parties.

This confirms, finally, the solid link between the proposed electoral and party laws and the need for them to be drafted in a way that not only achieves the desired democratic transition but will also mobilize the energies of the overall Syrian community and incorporate its factions into the reconstruction process following the current destructive communitarian conflict.

When Syrians went out into the streets to express themselves, they were united by the desire to achieve many ends, the most important of which were freedom, dignity, the aspiration for better representation, and breaking the monopoly of power by any faction, group, family, or party. These ends will only be achieved through the electoral and political parties law, whereby fair representation will be achieved with regard to the first and an inclusive national project with regard to the second. The fall of the tyrannical regime does not mean that a democratic system will take its place automatically or directly. Thus, the Syrian Expert House believes that the political future of Syria and its ability to contain the implications of transitioning from one system to another will depend to a great extent on the ability of the Syrian elite to draft laws that achieve these characteristics. Agreement on this issue will constitute one of the large challenges that this elite will face in the coming period. It may be wise to begin working now to draft these laws and to agree upon them, rather than waiting for the fall of the regime. The first is in preparation for the transitional period, for Syrians wish to minimize as much as possible the repercussions of this regime collapse for the state and society.

**TIMEFRAME**

The transitional government must prioritize reforming the environment and system of political activity in Syrian society. According to the Syrian Expert House project on managing the transitional period in Syria, the government must issue a temporary political parties law within six months of the government’s foundation. In accordance with the new proposed law, the process of registering new political parties and proceeding with their political work must begin as soon as this new law is passed, especially in participating in constituent elections that will be held within a maximum of nine months from the time the law is issued.
ENDNOTES

1 For the text of the Political Parties Law issued in 2011, see http://sana.sy/ara/360/2011/08/06/362169.htm.


3 See Article 8 of the Egyptian Political Parties Law at http://www.giza.gov.eg/Clock/Law.aspx


5 Ibid., 183–88. The Syrian Expert House recommends that:
The transitional government hasten to issue a modern and contemporary political parties law of a temporary character until a Constituent Assembly is elected that holds an official and popular mandate to draft a new constitution for the country and legislate a new political parties law. The temporary political parties law is of the utmost importance because this Constituent Assembly will draft a permanent constitution for the country and administer a vital period in the history of the Syrian state.

The proposed law should help spread a culture of political parties and party activity in Syrian society and be an essential factor in facilitating the formation of political parties due to the important role that parties will play in the future of democracy in Syria. This will be accomplished by eliminating all illogical hindrances and difficult conditions that might prevent political parties from participating in the country's political life.

General provisions should be put in place for the formation of political parties, along with other provisions for the work and identity of these parties. The most prominent of these provisions should be that the system of the political parties not violate the state’s constitution or laws and that it preserve the unity of Syria’s land and people. Parties must not be founded on a religious, racial, or doctrinal basis.

Provisions must be put in place to regulate and monitor the funding of these political parties and their activities, without restricting their work or infringing on their privacy.
Establishing the Rule of Law and the Independence of the Judiciary

The judiciary is a basic branch of the modern state, alongside the legislative and executive branches. The raison d’être of the judiciary is to provide justice and equality before the law to all citizens, to decide on their conflicts accordingly, and to administer the proper penalties when laws are broken. Thus, any deflection in its basic principles of independence, impartiality, and integrity will necessarily mean that the judiciary is unable to fulfill its purpose. Hence, it is plausible that a fair, independent, and impartial judicial authority is integral to the very existence of a state, and by extension to its people and to full respect for the rule of law.

Syria has remained under a state of emergency for almost half a century, the longest continuous period of emergency in history. This state of emergency has destroyed the foundations of the Syrian judiciary, reducing it to a tool in the hands of the executive authority. According to Legislative Decree No. 51 passed on December 22, 1962 (Syrian Emergency Law), a state of emergency and martial law was to be carried out in Syria. This was announced according to the military order issued by the National Council of the Revolutionary Command No. 2 on March 8, 1963. The order declared that the prime minister would be appointed as military ruler, with the minister of the interior as his deputy. The state of emergency remained in force until 2012. When the peaceful demonstrations that demanded the fall of the Assad regime began in 2011, as an attempt to defuse popular unrest, the Syrian government brought the state of emergency to an end (among other procedures). However, even after the rhetorical end to emergency law in Syria, the executive authority and the security forces continued to kill peaceful protesters, stripping this gesture of any perceived sincerity.

The 1973 constitution proclaims Syria as a democratic, popular, socialist, and sovereign state. Despite the fact that the constitution explicitly recognizes the principle of the separation of powers, the unconstitutional, extended state of emergency and emergency law gives a wide range of powers to the executive authorities, the military governor, and various security services delegated by the military governor and restricts a wide range of human rights, including serious infringements of the independence of the judiciary. This law, and its implications, reduce the Syrian judiciary to a tool for the executive branch, and deprive the Syrian justice system of the basic tenets of judicial integrity: independence, integrity,
and impartiality. Emergency law has thus hindered the judiciary from performing its main task: providing justice to all Syrian citizens.

The International Covenant on Civil and Political Rights—which was released in 1966, was ratified by Syria in 1968, and came into force in 1979—determines the rights whose violation necessitates the intervention of a judicial, administrative, or legislative authority and ensures that the designated authority shall implement the issued verdicts on behalf of the interests of the aggrieved. Although this covenant allows the state party to take measures derogating from their obligations in certain cases, it is expressly stipulated in Article IV, to take these measures in cases of emergency that “threaten the nation and the existence of which is officially proclaimed . . . and strictly required by the exigencies of the situation . . . and that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin.”

The Basic Principles on the Independence of the Judiciary were released in Montreal in 1983, and endorsed by the UN General Assembly in 1985. The articles of the declaration regulate several matters pertaining to the judiciary, so as to ensure that it will fulfill its purpose. The declaration stipulates these regulations:

1. The independence of the judiciary shall be guaranteed by the state and enshrined in the constitution or the law of the country. It is the duty of all governmental and nongovernmental institutions to respect and observe the independence of the judiciary.
2. The members of the judiciary shall decide matters brought before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.
3. The judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence, as defined by the law.
4. There shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law.
5. Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals.
6. The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.
7. It is the duty of each member state to provide adequate resources to enable the judiciary to properly perform its functions.
8. In accordance with the United Nations’ Universal Declaration of Human Rights, the members of the judiciary are, like other citizens, entitled to freedom of expression, belief, association, and assembly—provided, however, that in exercising such rights, judges shall always conduct themselves in such a manner as to preserve the dignity of public office and shall refrain from any act of personal vilification or use of undue influence in office for gain or for the purpose of impressing the public with their official prestige.
of their office and the impartiality and independence of the judiciary.5

9. Judges shall be free to form and join associations of judges or other organizations to represent their interests, to promote their professional training, and to protect their judicial independence.

10. Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. Any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges, there shall be no discrimination against a person on the grounds of race, color, sex, religion, political or other opinion, national or social origin, property, birth, or status. Only the requirement that a candidate for judicial office must be a national of the country concerned shall not be considered discriminatory.

11. The terms of office of judges—including their independence, security, adequate remuneration, conditions of service, pensions, and age of retirement—shall be adequately secured by law.

12. Judges, whether appointed or elected, shall have guaranteed tenure until a mandatory retirement age or the expiration of their term of office, where such exists.

13. Promotion of judges, wherever such a system exists, should be based on objective factors, in particular ability, integrity, and experience.

14. The assignment of cases to judges within the court to which they belong is an internal matter of judicial administration.

15. The judiciary shall be bound by professional secrecy with regard to their deliberations and to confidential information acquired in the course of their duties other than in public proceedings, and shall not be compelled to testify on such matters.

16. Without prejudice to any disciplinary procedure or to any right of appeal or to compensation from the state, in accordance with national law, judges should enjoy personal immunity from civil suits for monetary damages for improper acts or omissions in the exercise of their judicial functions.

17. A charge or complaint made against a judge in his or her judicial and professional capacity shall be processed expeditiously and fairly under an appropriate procedure. The judge shall have the right to a fair hearing. The examination of the matter at its initial stage shall be kept confidential, unless otherwise requested by the judge.

18. Judges shall be subject to suspension or removal only for reasons of incapacity or behavior that renders them unfit to perform their duties.

19. All disciplinary, suspension, or removal proceedings shall be determined in accordance with established standards of judicial conduct.

20. Decisions in disciplinary, suspension, or removal proceedings should be subject to an independent review. This principle may not apply to the decisions of the highest court and those of the legislature in impeachment or similar proceedings.6

JUDICIAL AUTHORITY IN SYRIA DURING THE RULE OF AL-ASSAD

The Theoretical Basis for Judicial Authority

The Permanent Constitution of the Arab Republic of Syria was adopted on March 13, 1973, and remained in force until 2012, when Bashar al-Assad passed a new constitution. The 2012 constitution does not differ greatly from the previous one, particularly with regard to the role of the judiciary and the ruling political system. Article 25 of the Constitution of 1973 states that the “rule of law is a fundamental principle in the society and the State.” Article 50 of the 2012 constitution declares that “all citizens are equal before the law in rights and duties and the rule of law is the basis of governance in the state.” Furthermore, the “right to litigate and conduct remedies and defense before the judiciary is safeguarded by the law” (Article 28 of the 1973 Constitution and Article 51 of the Constitution of 2012).
The third chapters of the 1973 and 2012 constitutions are virtually identical. Articles 131 through 148 of the 1973 constitution (articles 132–149 of the 2012 constitution) divide the judiciary into two sections.

1. Public prosecution: According to articles 131 through 138, the judicial authority is independent. The president of the republic guarantees this independence with the assistance of the Supreme Judicial Council, which is headed by the president. The law defines its composition, powers, and its internal operating procedures.

The judges are independent and subject to no authority except that of the law. The honor, conscience, and impartiality of judges are guarantees of public rights and freedoms. Sentences are issued in the name of the Arab People of Syria. The law organizes the judicial system, along with its categories, types, and grades of judges. It also defines the regulations pertaining to the jurisdiction of different courts, as well as the terms of appointment, promotion, transfer, discipline, and removal of judges. As for the Public Prosecution, it is a singular juridical institution headed by the minister of justice. The law organizes its functions and powers.

Alongside these judicial institutions, The Council of State exercises administrative jurisdiction. The law defines the terms of appointment, promotion, discipline, and removal of its judges.

2. The Supreme Constitutional Court: Described in articles 139–48, it is comprised five members, of whom one will be the president, and all of whom are appointed by the president of the republic by decree (under the 2012 constitution, the number of members of the constitutional court was expanded to seven). It is not permissible to combine the membership of the Supreme Constitutional Court with a ministerial post or membership in the People’s Assembly. The law also defines other functions that cannot be combined with court membership.

The term of membership of the Supreme Constitutional Court is four years, subject to renewal. Further, members of the Supreme Constitutional Court cannot be removed from court membership except in accordance with the provisions of the law.

Before assuming their duty, the president and members of the Supreme Constitutional Court take an oath before the president of the republic in the presence of the speaker of the People’s Assembly.

The Supreme Constitutional Court determines the validity of the special appeals regarding the election of the members of the People’s Assembly, to which it submits a report on its findings. The Supreme Constitutional Court looks into and decides on the constitutionality of laws, in accordance with the following:

1. If the president of the republic or a quarter of the People’s Assembly members decide to challenge the constitutionality of a law before its promulgation, the promulgation of such law is suspended until the court makes a decision on it within fifteen days from the date the appeal was filed with it. If the law is of an urgent nature, the Supreme Constitutional Court must make a decision within seven days.

2. If a quarter of the members of the People’s Assembly object to the constitutionality of a legislative decree within fifteen days of the date of the assembly session, the Supreme Constitutional Court must decide on it within fifteen days from the date the objection was filed with it.

3. If the Supreme Constitutional Court decide that a law or a decree is contrary to the Constitution, whatever is contrary to the text of the Constitution is considered null and void with retroactive effect and has no consequence.

The Supreme Constitutional Court has no right to look into laws that the president of the republic submits to a public referendum and are approved by the people. At the request of the president of the republic, it gives its opinion on the constitutionality of bills and legislative decrees and the legality of draft decrees. The law determines the procedure for hearing and adjudicating on matters coming under the jurisdiction of the Supreme Constitutional Court. It also defines the court staff and the qualifications of its members, and it prescribes their salaries, immunities, privileges, and responsibilities.
Official Bodies of the Judiciary

**Constitutional prosecution.** Represented by the Supreme Constitutional Court, described above in this chapter.

**Public prosecution.** Judicial Authority Law was issued based on Article 135 of the constitution: “The law organizes the judicial system along with its categories, types, and grades of judges. It also defines the regulations pertaining to the jurisdiction in the different courts” to regulate the functions of the justice system and its relation to the Ministry of Justice. According to this law, the Ministry of Justice oversees the judiciary, as is illustrated throughout this chapter.

Ministry of Justice: Headed by the minister of justice, who holds the powers pertaining to the ministry and is the highest authority for matters of administration, supervision, and overseeing judicial functions.

Audit Department: Its function is to audit judges and prosecutors and other judicial departments. It is composed of a president (chairman of chamber) and six counselors. They are appointed by the minister of justice according to the Supreme Judicial Counsel’s recommendation. The minister of justice is in charge of the judicial audit district charter, after consultation with the Supreme Judicial Council. Judges are directly informed of findings pertaining to their work, and audit judges report to the minister of justice and the president of the Supreme Judicial Council.

Article 15 of the Judicial Authority Law delineates the powers of the auditors, listed hereunder because of its direct involvement with judges, and shows the level of interference of executive authorities (e.g., the Ministry of Justice) in judicial matters.

1. Entering judicial departments.
2. Accessing records and files of cases before the courts.
3. Deliberating with judges and law clerks on matters under audit pertaining to their work, and questioning them in writing on these matters to which they must respond.
4. Accepting complaints and investigating them and calling involved persons for testimony when applicable.
5. Recommending suspension of judges and their referral to the Supreme Judicial Council.
6. Suspending law clerks in cases deemed severe by the audit judge, withstanding that the audit judge must inform their hiring authority of the aforementioned suspension.
7. The suspension is void if no written confirmation was issued by the hiring authority within fifteen days.

Supreme Judicial Council: Article 65 describes the organization of the Supreme Judicial Council. The council is appointed by the president of the republic, delegating the minister of justice to head the council. The members are the president of the Court of Cassation and his two senior deputies, along with the deputy minister of justice, the general attorney, and the head of the judicial audit district. The council’s sessions are closed, and a majority vote is required to pass decisions. A decree by the minister of justice (Article 66, 1, 2) implements decisions pertaining to appointing, promoting, transferring, reprimanding, suspending, retiring, and accepting resignations of judges. According to Article 67, the Supreme Judicial Council has the following powers:

1. Appointing, promoting, reprimanding, and dismissing judges by recommendation of the minister of justice or the chairman of the Supreme Judicial Council or three of its members.
2. Retiring judges and accepting their resignations.
3. Safeguarding the independence of the judiciary.
4. Recommending draft laws pertaining to the judiciary, the immunity of judges, and the basis for their appointment, promotion, transfer, reprimanding, and retiring.
5. Approve vacations longer than one month for judges.
6. The head of the council approves leaves of a duration less than one month.

*Exceptional judicial systems.* Despite the absence of a clear constitutional text allowing for establishing exceptional tribunals, their number is equal to, if not
greater than, the number of regular courts in Syria. Constitutional legislation authorities have categorically censured military jurisdiction and dubbed it an abnormal body inconsistent with the existence of a judicial authority. Exceptional tribunals are inconsistent with democratic principles that separate military and civilian rule, and consequently separate civilian and military jurisdiction, which clearly does not allow for trying civilians before military tribunals. Article 135 of the constitution states: “The law organizes the judicial system along with its categories, types, and grades of judges. It also defines the regulations pertaining to the jurisdiction in the different courts.” Exceptional tribunals detract from the judicial authority that should have complete jurisdiction over all legal matters. Exceptional judicial entities were established by legislative decrees, illustrated as follows:

Military jurisdiction is one of the forms of exceptional judicial systems in Syria and is affiliated with the ministry of defense, as opposed to a constitutional judicial authority. This clearly violates the principle of equality before a sole judicial authority. Military jurisdiction was established by the penal code and fundamentals of military courts, which was issued in 1950 by Legislative Decree No. 61.

The Supreme Court of State Security was established by Legislative Decree No. 109 in 1968, Article 1 of which states that one or several courts are established under the name “military field courts,” with jurisdiction over offenses pertaining to the military committed during war, military operations, or in affiliation with the enemy. The court’s jurisdiction has been in effect since June 1967. Article 5 allows for this court to bypass standing laws, and, according to Article 6, its decisions are final and not subject to challenge or appeal. Death sentences must be approved by the president of the republic. Other sentences are approved by the minister of defense. These courts played a major role in the conflict between the government and the Muslim Brotherhood in the 1980s. Several trials were held in the cities of Hama, Idlib, Jsr Ash-Shugur, and Palmyra’s infamous prison, Tadmour. In these examples, death sentences were issued collectively and carried out immediately with the approval of neither the president nor the minister of defense.

Military tribunals: Other than the above-mentioned exceptional courts, Legislative Decree 87, passed on October 1, 1972, regulates the establishment of military tribunals in special circumstances. Accordingly, the deputy commander in chief, branch commanders, brigade commanders, and commanders of besieged units may form military tribunals with jurisdiction over crimes pertaining to the military both inside and outside Syria. Such a tribunal comprises three officers, one of whom serves as head of the court. These courts do not require general prosecution or investigation. The military personnel are referred to said court by a military order from the entity that established the court. This court is not bound by the military penal code or standing laws. Its sentences are issued independently and are implemented after approval of the establishing military body.

The Economic Security Court was established with jurisdiction over crimes and misdemeanors stipulated in Economic Penal Code No. 66/37 and its
amendments. This court was annulled by Legislative Decree No. 16, dated 2004-2-14, and its cases were transferred to the competent legal authority.

Judicial committees may be formed for specific cases or subjects, like the committee for specifying agricultural workers' wages in Damascus, the committee of layoffs, the disambiguation committee, and the realty committee.

THE INDEPENDENCE OF THE JUDICIARY UNDER THE RULE OF AL-ASSAD

On the Separation of Powers

Several Syrian constitutions endorsed the principle of the separation of powers, including the constitutions of 1928, 1950, 1953, 1962, and 1964. However, the 1958 constitution did not recognize the judiciary as a separate power, unlike the legislative and executive branches. As for the 1969 constitution, it termed all the branches of the state “governing institutions.”

The first section of this chapter stipulated that the 1973 and 2012 constitutions divided the state's powers between legislative, executive, and judicial authorities. Articles 131–38 regulated judicial authority. Article 131 stated that “the judicial authority is independent. The President of the Republic guarantees this independence with the assistance of the Supreme Judicial Council.” Article 133 stated that “(1) the Judges are independent. They are subject to no authority except that of the law. The honor, conscience, and impartiality of judges are guarantees of public rights and freedoms.” To regulate the functioning of the judiciary, the Judicial Authority Law was issued by Legislative Decree 98 in 1961.

However, there is a clear discrepancy in the constitution inconsistent with the principle of the separation of powers. The constitution has allowed for the legislative and executive branches' powers to detract from the judiciary, which is contradictory to the principle of the separation of powers. Some of the executive powers detracting from the judiciary include:

1. Article 91, which states: “The President cannot be held responsible for actions pertaining directly to his duties, except in the case of high treason. A request for his indictment requires a proposal of at least one-third of the members of the People's Assembly and an Assembly decision adopted by a two-thirds majority in an open vote at a special secret session. His trial takes place only before the Supreme Constitutional Court.” This clause is contradictory to the separation of powers principle, given that Article 139 of the constitution states: “The Supreme Constitutional Court is composed of five members, of whom one will be the Head of the Court, and all of whom are appointed by the President of the Republic by decree.” Because the head of the executive branch (i.e., the president) is the one who appoints the Supreme Constitutional Court's members (a judicial authority), the president of the republic and his administration are constitutionally protected from legal responsibility, which is a clear breach of the right to litigation and accountability.

2. Article 131 of the constitution states: “The judicial authority is independent. The President of the Republic guarantees this independence with the assistance of the Supreme Judicial Council,” which contradicts the text of Article 132: “The President of the Republic presides over the Supreme Judicial Council. The law defines the method of its formulation, its powers, as well as its internal operating procedures,” which calls into question the mechanism by which the separation of powers is kept intact if the head of the executive branch is also the head of the Supreme Judicial Council.
3. Article 111 of the constitution gives the president of the republic the right to assume legislative authority whether the People’s Assembly is in session or not. Despite this, clause 3 of this article allows the People’s Assembly to abolish said legislation or amend it, but without retroactive effect. What would be the case if the above-mentioned laws have violated other articles of the constitution and caused damage, for which the executive authority must take responsibility? This constitutes a clear breach of the judiciary function by both the executive and the legislative authorities. Clause 4 of the same article allows the president to assume absolute legislative powers in interim periods between assemblies. This legislation is not referred to the People’s Assembly, and its validity in terms of amendment or abolishment is the same as that of existing laws.18

4. Article 144 states that “the Supreme Constitutional Court determines the validity of the special appeals regarding the election of the members of the People’s Assembly and submits to it a report on its findings.” Yet Article 62 has transferred this right to the legislative authority, because it states: “The People’s Assembly rules on the validity of the membership of its members if it is challenged in light of investigations undertaken by the Supreme Constitutional Court within one month of the Assembly’s notification of the Court’s verdict. A member’s membership in the Assembly is invalidated only by a majority vote of its members.” This renders the Supreme Constitutional Court’s findings useless, and allows for the legislative authority whose members are challenged for validity, to determine its own validity of membership.19

5. Article 145 states that the Supreme Constitutional Court investigates and determines the constitutionality of laws in accordance with the following:
a. If the president of the republic or a quarter of the People’s Assembly members challenge the constitutionality of a law before its promulgation, the promulgation of such law is suspended until the court makes a decision on it.
b. If a quarter of the People’s Assembly members object to the constitutionality of a legislative decree, within fifteen days of the date of the assembly session, the Supreme Constitutional Court must decide on it within fifteen days from the date the objection was filed with it.

But Article 135 states that the members of the Supreme Constitutional Court are appointed by the President of the Republic, who is also the head of the executive authority, which means that the authority that issues laws and decrees is the same authority that—in effect—decides its constitutionality.

6. Article 153 states: “Legislation in effect and issued before the proclamation of this Constitution remains in effect until it is amended so as to be compatible with its provisions,” which allows for the concurrent existence of two contradictory legal texts until one is amended, and without a clear definition of a bounding time table of amendment. Furthermore, the contradictory legislation could be unconstitutional according to the constitution in effect, which was precisely the case with the Emergency Law. The state of emergency was declared by Decree 2 of the Revolutionary Command Council on March 8, 1963, which was an incompetent authority. The state of emergency was declared in a manner inconsistent with the Emergency Law itself, which states: “

a. A state of emergency can be declared by a council of minister’s decree in a session presided over by the President, with a 2/3 majority vote, and this decree is referred to the People’s Assembly on its first session.
b. The decree decides the rules and measures allowed for the martial governor stipulated in Article 4, notwithstanding provisions of Article 5. This contradicts the provisions of the 1973 constitution currently in force, and in particular Article 101, which states: “The
President of the Republic can declare and terminate a state of emergency in the manner stated in the law.”

The state of emergency was never referred to the People’s Assembly, which rendered its continuation unconstitutional, and was inconsistent with international human rights—in particular the International Covenant of Civil and Political Rights ratified by Syria on April 21, 1969. The state of emergency allowed the executive authority and security services to control, hinder, and interfere with the judicial authority. A clear example of this was the establishment of a Supreme Court of State Security by Decree 47 of 1968, which was issued by the martial governor in power because of the state of emergency, which rendered his decisions null and void constitutionally. Another example is Law 49 of 1980, which allows for the execution of any member of the Muslim Brotherhood in retroaction, which is contradictory to the constitution of 1973, and contradictory to all national laws and international conventions.

On Equality Before the Law

Contradicting the principle of the unity of jurisdiction. This principle mandates litigation before a unified court system, with no special or exceptional courts for certain individuals, groups, or social classes. The Syrian constitution of 1973 specified three types of jurisdiction: regular jurisdiction, including religious courts; administrative jurisdiction, represented in the Council of the State; and constitutional jurisdiction, represented in the Supreme Constitutional Court. Although Article 135 of the constitution states: “The law organizes the judicial system along with its categories, types, and grades of judges. It also defines the regulations pertaining to the jurisdiction in the different courts,” it did not explicitly allow for any exceptional courts. Despite this, the executive authorities have established several exceptional courts listed above in this chapter. Hence, the establishment of such courts is a clear breach of the constitution, which declares the judicial authority the sole entity responsible for establishing justice independent of other authorities, which was abundantly clear in Article 135. Establishing such courts detracts from the judicial authorities’ jurisdiction. Further, detracting from this jurisdiction is a clear breach of Article 14 of the International Covenant on Civil and Political Rights, as well as Article 3 of the Basic Principles on the Independence of the Judiciary.

Violations of the Law of the Principle of Unity

The Law of the Principle of Unity means that, in a specific legal conflict, the applicable law should be presented before the court system in terms of penalties or litigation procedures. The Supreme Court of State Security is the clearest example of the breaching of this principle. According to this court’s law, it has jurisdiction over offenses stipulated in Article 3 of its predecessor, the Exceptional Military Tribunal Law. These offenses are referred to the court by a decree from the military governor or his deputy, and this referral is not obligatory, hence the case may still be reviewed under regular jurisdiction. This leads to:

1. The investigating authorities in regular jurisdiction are investigation judges and, while under jurisdiction of the Supreme Court of State Security, the authority is the general prosecutor, who is a charging authority.
2. The decisions of judicial authorities are subject to challenge by means of appeal to investigation and referral judges’ decisions, while the Supreme Court of State Security’s decisions are final.
3. Courts’ decisions can be challenged according to the Law of Basic Penal Trials, while decisions of the Supreme Court of State Security cannot be challenged. Breaching the principle of the unity of the law exists in other texts besides the law of the Supreme Court of State Security.

The preceding paragraphs have demonstrated that the legislator has made a clear distinction between offenses committed by civilians, military, and judiciary workers, breaching the principle of unity before the law. This constitutes an unconstitutional right not applied to other public servants, because these laws are applied to offenses related to the post, while other texts include all offenses regardless of the official
post. Furthermore, prosecution must be enacted with permission, while for a normal public servant just a legal motion is enough for prosecution.\textsuperscript{24}

\textbf{On the Independence of the Judicial Authority}

\textit{Independence from the legislative authority.} As stated above, Article 135 of the constitution dictates that the law regulates the functioning of the judicial authority, which means organization and assigning responsibilities to different courts, the entirety of which constitute full jurisdiction to the judiciary. This means that the legislator (1) cannot deny the judicial authorities a part of their rights and transfer it to a nonjudicial authority in the process of regulating their functions. Such a transfer would be unconstitutional. (2) The legislator cannot deny anyone the right to litigation.\textsuperscript{25} The reality is that legislative authority has detracted from the judicial powers in several laws, which caused the judicial authority to lose its independence, and, consequently, the following situations come into play.

Denying the right to litigation: The 1973 constitution stated in Article 25 that “the supremacy of law is a fundamental principle in the society and the state.” Article 28-4 stated that “the right of litigation, contest, and defense before the judiciary is safeguarded by the law.” This means that the right of litigation is a constitutional right, not a legislative one. Thus the legislative authority cannot constrain or deny it via legislation. Some examples of laws that denied the right of litigation—and are thus unconstitutional—are as follows.

\textbullet Legislative Decree 64, of 2008, which excludes offenses committed by police, political security, and customs’ officials, from the normal judiciary’s jurisdiction. The decree gives them immunity by making their offenses under military jurisdiction, and limiting the right of requesting legal motion to the minister of defense, which contradicts Articles 28 and 131 of the constitution.

\textbullet Article 53 of the Military Penal Code does not allow prosecuting anyone under military jurisdiction without prosecution orders issued by the “competent entity” (which is the military administration in this case), according to the rank and post of the military person being prosecuted.

\textbullet Article 114 of the Judicial Authority Law, which states:

\begin{itemize}
  \item Offenses committed by judges can only be prosecuted by the general prosecutor with the permission of a committee composed of the president of the Court of Cassation and two of its senior counselors, or upon the request of the Council when a disciplinary proceeding concludes that there is a legal offenses.
  \item The general prosecutor may refer the case to the above-mentioned committee or to the audit district. A judge accused in a penalizing offense is referred to the Court of Cassation for trial according to the law.
\end{itemize}

\textbullet Article 8 of the Supreme Constitutional Court law, which states “the president and members of the court are prosecuted according to the regulations of prosecuting judges.”

\textit{Derogating judicial immunity.} Above, this chapter stipulated the legal regulations for judicial immunity. In reality, there are several violations that derogate this immunity and render it meaningless. Several legislative decrees have been issued that are inconsistent with the Syrian constitution and the Judicial Authority Law; for example: “Transfer immunity is suspended in the case of promoting judges, and in the case of judges who have spent three years or more in their posts when necessary.” This means that transfer immunity is theoretical because it is transient and impermanent. Previous legislations of judicial authority did not allow transfer of judges with their written consent, even in the case of promotion (Article 79 of Decree 80, 1947). The current legislation allows for transferring trial judges to prosecution and vice versa by a decree from the minister of justice with the approval of the Supreme Judicial Council of State without the judges’ consent (Article 83).\textsuperscript{26} Thus, judicial immunity is devalued and retractable. Further examples include:
Legislative Decree No. 40, May 29, 1966, which allows the council of ministers to recess for 24 hours, and for undisclosed reasons, to retire judges from service or transfer them without justification. These decisions were not eligible for any kind of appeal or legal challenge, and were not subject to the jurisdiction of the Council of State or the Court of Cassation or any other legal or administrative entity. According to this decree, the prime minister retired twenty-four judges from their posts without divulging the reasons, including Abdul-kader Al-Aswad, Haitham Al-Maleh, and Aly Al-Tantawy.27

Legislative Decree No. 32, dated February 6, 1968, allowed the executive authority to retire any employee that was either older than fifty-five years or had completed thirty years of service, at the behest of the minister concerned.

Decree 95, dated October 3, 2005, revoked dismissal immunity for 24 hours, according to which eighty-one judges were dismissed by the cabinet without divulging the reasons, and without any right to appeal or legal challenge, in clear contradiction to the Syrian constitution and the Judicial Authority Law; both of which clearly state the range of penalties applicable to judges—starting with reprimanding, and increasing to the suspension of salary, the delay of promotion, and, finally, dismissal. Further, the judges should have been referred to a legal entity if the reasons for dismissal had a legal foundation.28

Article 64 of the Council of State law, which is in charge of administrative jurisdiction, states:29 “Members of the council with the degree of an assistant counselor and above are protected from dismissal. Deputies are protected from dismissal once they have completed three consecutive years in their post or a similar post with the same immunities. They further enjoy all privileges and immunities of judges. Said deputies can be dismissed by a presidential decree if they lost the credibility for the post, with the consultation of the committee of discipline and plaints. Other members of the council may be dismissed from their posts by a presidential decree with the consultation of the aforementioned committee of discipline and plaints.”

Annulling and delaying the enforcement of sentences. Here are some examples of annulling and delaying the enforcement of sentences, notwithstanding other cases that could not be described in detail. These cases are examples of the violation of judicial independence by the executive authority and security services.

The case of Beirut Declaration detainees, which is briefly illustrated here, emphasizes the subject of the report represented in the legal situation of Michel Kilo. The events transpired after the arrest of the Syrian writer Michel Kilo, president of the Horreyat Center for Defending Journalists’ Rights, and a member of the Civil Society Revival Committee in Syria. He was arrested on April 14, 2006, by internal security forces along with nine other individuals: Mahmoud Marey, Ghaleb Amer, Safwan Tayfour, Nedal Darwish, Mahmoud Eissa, Mohamed Mahfouz, Soleiman Alshamr, Khalil Al-Hussein, and Anwar Al-Bunni. This was due to their signing of the Beirut-Damascus Declaration, signed by 134 Syrian intellectuals, which called for mending Syrian-Lebanese relations, defining the Syrian-Lebanese borders, and exchanging diplomatic representation.

On October 19, 2006, a Damascus referral judge ordered the release of Kilo, after previously having released Eissa, Mahfouz, Al-Shamr, and Al-Hussein. The general attorney denied receiving the release document, despite the receipt confirming it was issued, and despite the fact that Kilo was notified in prison of his release. After the general attorney denied the release, an investigation judge issued a decision on October 21, 2006 (a day off), referring the case to the referral judge who had previously released Kilo. Consequently, on October 22, the referral judge accused Kilo of “demoralizing national sentiments,” along with other infractions, and annulled the previous release of Eissa, Mahfouz, Al-Shamr, and Al-Hussein, which had been issued a month earlier. They were consequently rearrested; and Eissa was arrested even before the decision of arrest was issued. Decree 58 of 2006, which included amnesty for offenses
committed before December 28, 2006, was applicable to two of the offenses for which Kilo was charged. He was tried according to the provisions of articles 285 and 307 of the Penal Code.

On May 13, 2007, the Second Criminal Court of Damascus sentenced Kilo to three years in prison for “weakening the national sentiment," according to Article 285 of the Syrian Penal Code, and to three months' imprisonment for provoking sectarian intolerance according to Article 307 of the Syrian Penal Code. The higher sentence was applied. The court further sentenced the political activist Eissa to three years' imprisonment for “weakening the national sentiment," and found him not guilty of provoking sectarian strife and subjecting Syria to hostile activities, according to Article 278 of the Syrian Penal Code.

On November 2, 2008, the Criminal Chamber in the Court of Cassation issued a decision granting Kilo and Eissa amnesty and ordering their immediate release. However, the board of the Court of Cassation accepted the appeal of the general prosecutor on November 4, 2008, and annulled the decision issued by the criminal chamber, in a clear breach of the law. This is because the general prosecutor is not competent to initiate legal motion of appeal according to Article 11 of Criminal Trials' Basic Law. Article 490-a of civilian trials law states: “Cases filed against general prosecution representatives and Court of Cassation judges are referred to the board of Court of Cassation,” meaning that the general prosecution is accused before the board and not a plaintiff.

Another example of annulling and delaying the enforcement of sentences is the case of Aly Al-Shahaby. The president of the republic issued Legislative Decree 58 in 2006, which included amnesty for several offenses committed before December 28, 2006, and included most offenses stipulated in articles 287 and 288 of the Penal Code. Article 436 of the Criminal Trials Law states that “public right of litigation is annulled by general amnesty, and the same court of competence has jurisdiction of reparation motion.” Shahaby was prosecuted according to articles 287 and 288. On January 7, 2007, a fourth investigation judge in Damascus issued a decision concluding that Shahaby’s offenses were included in the above-mentioned general amnesty. He consequently sent a notification of this amnesty to the Damascus Central Prison, yet this decision was not enforced.

A third example of annulling and delaying the enforcement of sentences is the trial of two former members of Parliament, Riad Seif, and Ma’moun Al-Himsy. The board of defense requested motion documents, but the request was delayed for several sessions. When the documents were provided, the defense presented its case, which was rejected by the court. This convinced the defense that the court was not impartial, and consequently it withdrew from the trial. Despite this, the court sentenced Al-Himsy to a penalty without defense or legal representation. A new defense joined the trial and appealed to the Court of Cassation, which confirmed the sentence of the criminal court. After the defendants had served three-fourths of their sentences, a plea was submitted to relieve the remaining time according to Article 172 of the Penal Code, but it was rejected by the court on the grounds that good conduct was not proven.

Still another example of an executive authority interfering with judicial sentences—especially when the state is a party of the case—is Official Letter No. 1/5687, dated June 24, 2004, sent by the prime minister to the Syrian Commercial Bank’s General Administration Department:

We were informed by the Military Housing Organization by letter (6095) dated 6/24/2004 that the Syrian Commercial Bank, Aleppo branch froze two amounts in the organization’s account upon executive requests to enforce legal sentences. Because the subject is under the central organization for supervision and audit’s consideration, we request that you order the aforementioned branch and other branches to suspend freezing the organizations’ asset for issues still under investigation by the central organization of supervision and audit.

The prime minister has also formed a committee to decide the validity of final decisions submitted to executive districts before enforcement upon state organizations. Further, the legislative district of the minister of justice decided that a minister abstaining from complying to a sentence is accountable only to the president of the republic.
Article 66-2 of the Judicial Authority Law, currently in action pertaining to decisions taken by the Supreme Judicial Council, states that “decisions pertaining to the appointment, promotion, transfer, discipline, dismissal, retiring, and accepting resignations of judges are implemented by a decree issued by the Minister of Justice.” This decree must be signed by the minister of justice, the prime minister, and the president of the republic. A refusal to sign by any of the three will block the implementation of the Supreme Judicial Council’s decision.

**Independence from Executive Authorities**

Constitutional and legal texts regulate the judicial authority. However, the administrative and fiscal dependencies between the executive and judicial authorities clearly show that the independence of the judiciary from executive authorities is practically impossible, thus allowing for interference and control by the executive authority by the minister of justice in the functions of the judicial authority, particularly in appointing, promoting, dismissing, reprimanding, retiring, and accepting judges’ resignations, which breaches the Syrian constitution.

The previous Judicial Authority Law No. 56 of 1956 preserved the independence of the judiciary in Syria by mandating the Supreme Judicial Council to all decisions pertaining to judges. The council was previously composed only of seven judges, consisting of the president of the Court of Cassation, who served as chairman; his three deputies, who served as members; the secretary general of the Ministry of Justice; the president of Damascus Court of Appeals; and the most senior counselor of the Court of Cassation. The minister of justice was only notified of the decisions to implement them. Conversely, the new Judicial Authority Law No. 98 of 1961, and its amendments, have allowed the minister of justice to directly interfere with the judges and the judiciary. This is clear through the judicial authority law itself and through several decrees:

Legislative Decree No. 120, dated September 11, 1962, established a special Council for Public Prosecution headed by the minister of justice, with the membership of the Ministry of Justice as secretary general, general prosecutor, general attorney, and the head of the Legislation Department. This decree granted the Council of Public Prosecution all the powers of the Supreme Judicial Council in terms of promoting, dismissing, reprimanding, retiring, or accepting the resignations of only prosecution judges. Court judges remained under the jurisdiction of the Supreme Judicial Council. On February 14, 1966, Decree 24 was issued, abolishing the Council of Public Prosecution and transferring its powers back to the Supreme Judicial Council after amending the structure of its members. According to Article 65 of the Judicial Authority Law, the council comprises the president, delegating the minister of justice as a chairman, and the membership of the president of the Court of Cassation and his two senior deputies, the deputy minister of justice, the general attorney, and the head of the judicial audit district. Of the seven members, three directly report to the minister of justice: his deputy, the general attorney, and the head of the judicial audit district. Thus, the majority in the council fall under the control of the minister of justice, giving the executive authority the upper hand in the council’s matters (see the discussion above in this chapter of the powers of the Supreme Judicial Council).

Consequently, the judiciary cannot be an independent authority when the head of the executive branch (the president of the republic) also heads the Supreme Judicial Council. Further, Article 131 of the constitution is thus rendered meaningless, because the independence of the judiciary is provided for by the constitution and does not need safeguarding by the president. This text is thus used as a pretext for interfering with the judiciary and controlling it through interference with the composition of the Supreme Judicial Council.

Decree 23, dated February 14, 1966, gives the minister of justice the power to appoint and transfer court and prosecution judges of all ranks and degrees, and appoint members of government legal districts, for a duration of six months. This breaches Article 70-5 and Articles 72, 93, and 94 of the Judicial Authority Law.

The Judicial Authority Law, in Article 14-1, mandates to district audit judges—who report to the
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minister of justice, according to Article 12—the task of safeguarding the independence of the judiciary from any external influence. This mandate is within the jurisdiction of the Supreme Judicial Council, according to Article 67-3. This allows the executive branch to intimidate judges if the executive authorities are displeased with them. The executive authorities are in effect the only entity that has control over the judges' affairs in terms of accountability, appointment, promotion, and dismissal, making judicial decisions biased and enforced.

Legislative Decree No. 50, dated October 25, 1961, attached the Council of State (administrative jurisdiction by Article 138 of the constitution) to the Council of Ministers by Article 1 of the Council of State law. Thus the prime minister, who has executive and administrative powers according to Article 115-1 of the constitution, also has power over this judicial authority and its members in terms of appointment, promotion, reprimanding, and dismissal. Further, the salaries of Council of State judges and workers are paid from the Council of Ministers' budget. This entails subjecting judges to the unified labor law and treating them in the same way as all public servants in terms of salary and official post.

On the Impartiality of the Judiciary

Article 81 of the Judicial Authority Law states: “Judges are not permitted to express political opinions or be involved in politics.” The Military Penal Code prohibits military personnel joining political parties or involvement in politics. In Articles 147 through 150, penalties ranging from six months' to ten years' imprisonment are applicable to breaking this law, including military judges.

This text contradicts Articles 8 and 9 of the basic principles on the independence of the judicial authority, which states:

Article 8: According to the Universal Declaration on Human Rights, members of the judicial authority have the freedom of opinion, expression, assembly, and association, withstanding the proper conduct that is consistent with the honor, integrity, and independence of the judiciary.

Article 9: Judges are free to form and join judges' associations and other organizations to represent their interests and further their training and protect their judicial independence.

The preceding clauses show that not having political inclinations is a necessity for impartiality and integrity. Yet that does not mean depriving judges from expressing their opinions on general matters like any other citizen.

The facts are completely different. Although none of these laws have been abolished, the authority has been implementing a policy of maintaining an “ideological army,” whose officers and soldiers solely follow the Ba'ath Party. Since 1965, this policy has caused a great tragedy in the military courts, which have been headed by Ba'ath Party loyalist officers. These courts have issued death sentences, life sentences, and imprisonment sentences without any regard to legal procedures. Further, all legal sources in Syria confirm that no non-Ba'athist judge has been appointed in Syria in the last twenty years. There is a deliberate policy of having complete party domination over judges and prosecution attorneys; thus, it can be said that it is a “jurisdiction of instructions.” Further, Ba'athist judges hold their Ba'ath Party meetings in the Justice Palace in Damascus; a chamber is reserved for their party activities, as well as a hall for party celebrations.

The Competence of Judges and Their Selection Process

Despite the establishment of a Judicial Institute for training judges for two years before their becoming magistrate judges (Legislative Decree No. 42 in 2000), the level of competence and qualification of judges has remained unaffected. Applicants to the institute are accepted based solely on their grades, which is not the only qualifier of academic and legal competence. Further, this institute is run by the Ministry of Justice and not the Supreme Judicial Council, which in turn leads to interference in the acceptance process by the executive authorities and security services. Observations on this situation include:
1. The large number of lawsuits presented to a judge in a single day. A legal assistant stated that “over two hundred lawsuits are considered daily, some of them submitted over five years ago without conclusion. The same applies to the Supreme Administrative Court, which is headed by the chairman of the Council of State and counselors from the Council of State. This court alone is responsible for over fifteen thousand lawsuits per year. When the court is in session and the chamber is full of lawyers and claimants, you can see over four hundred files on the bench, and many lawsuits are postponed for over three months.”

2. It is worth noting that the judges often arrive at court very late. Further, the judge may not take the bench until 12:00 p.m., plus time spent socializing with colleagues. This means that the judge serves for less than half the time required by the post, which consequently causes delays in holding sessions.

3. Article 119 of the Judicial Authority Law states: “Judges are required in legal proceedings and official occasions to wear the uniforms and badges described by the Minister of Justice’s decree with the Supreme Judicial Council’s consultation.” It is obvious that most judges do not comply with this legal text, which causes confusion in sessions. A party of the case may mistake the legal assistant for the judge, which leads to bribery in many cases, especially when the assistant impersonates the judge if he is absent for a while. The judge cannot be distinguished in a crowded court room that detracts from the judges’ prestige.

4. Bribery is a known and dangerous phenomenon within the judicial institution and is a result of paltry salaries and the low socioeconomic status of judges. This corruption has supported the layman’s belief that a lawyer is unnecessary because they can spare the legal fees and pay the judge directly. This has led to the existence of middlemen in the courthouse. A legislative decree was issued to raise the cost of legal stamps (which are attached to any legal document submitted to judges) from 50 to 100 Syrian liras with the pretext of combating corruption and improving the status of judges. This is a new insult to the judiciary because it requires claimant citizens, seek their rights, to improve the financial status of the judiciary, relieving the government of this basic duty.

5. The unnecessary transfer of judges from one court to another, and from civil courts to criminal courts and vice versa, has led to the lack of experience and knowledge of certain specialties among judges, especially in first-instance courts. This has led to several mistakes in sentencing, which forces wronged claimants to rely on the Court of Appeals or the Court of Cassation, and drags out the litigation process, increasing legal fees for the claimants.

The State of the Syrian Judiciary during the Revolution

Since the start of the Syrian uprising in March 2011, the Syrian judiciary has utterly failed to maintain even a minimum of independence and impartiality. Thus the judicial authority, within its existing framework and structure, remains, from the standpoint of the Syrian people, an institution affiliated with the authority of the executive branch and its figures. In 2012, the Syrian government lifted the state of emergency, which was a cover used by the authorities to facilitate circumvention of the constitution and laws. Yet the judicial branch has still failed to hold the executive branch, the security forces, and the militias supported by the Syrian government, al-Shabiha, accountable for their crimes. The judiciary has also neglected to release political prisoners and prisoners of conscience and has failed to hold even one individual accountable for the serious violations that have occurred in Syria, many of which have been deemed war crimes and crimes against humanity, according to the reports of the Independent International Commission of Inquiry on Syria.

This sums up the status of the Syrian justice system in the eyes of many of the Syrian people. Nevertheless, hundreds of judges have made an effort to achieve justice by exercising their limited authority to assist
many of those who have been wrongfully accused and detained in Syrian prisons. Also, hundreds of Syrian lawyers have crossed the Syrian regime’s red lines in order to defend thousands of the accused.

With the continued escalation of the armed conflict in Syria, and the growth of areas where state-run institutions are no longer functioning, the presence of a judicial system that could implement some form of security and accountability in these areas has become an absolute necessity. However, the growing chaos, the absence of an organized political authority, the regime’s constant bombardment of liberated areas, and the resulting mass exodus of defected members of the judiciary have become considerable obstacles to establishing a judicial structure in the liberated areas. Nevertheless, lawyers, judges, notable figures, university professors, and religious scholars have managed to make some organized efforts to fill the judicial void, despite a complete lack of resources.

The most notable flaw in the fledgling judicial systems established in the liberated areas is that they often perform a legislative function. Additionally, many inexperienced volunteers are taking up critical judicial duties in passing judgments. Some rumors have suggested that new judges have received only a week of training before being seated at the head of a court. Another flaw in these judicial systems is that the judges sometimes insist on ignoring current Syrian law, despite the dangerous impact this could have on the judicial system.

The Sharia Commissions

Sharia Commissions were initially established in various towns and cities across liberated Syria to settle disputes between armed battalions. The commissions’ members generally consist of religious scholars and social figures trusted by the local community. These commissions were formed because of the urgent need to find some form of a judicial system that could gain the trust and support of both local civilians and members of the armed opposition. However, with time, these commissions began to interfere in civilian, personal status, and criminal cases. Despite this, many judges and lawyers joined the Sharia Commissions to support their credibility. Additionally, many rebel battalions, particularly Islamist battalions (including extremist groups, such as Jabhat al-Nusra), served these commissions to enforce their rulings. This contributed to the perceived legitimacy of the commissions in the areas where they operated.

Nevertheless, the greatest flaw in the Sharia Commissions is the absence of a legal basis for passing judgments. The Sharia Commissions ignore Syrian law for two reasons: first, because of the public’s rejection of any symbol of the Syrian regime; and second, and more prominently, because this is the desire of the armed parties that support these commissions. The main and only “legal” reference for the Sharia Commissions remains Sharia law. However, the primary problem with implementing Sharia law lies in its nature. Sharia law is not based on specific and detailed rules made by specialists and scholars. Rather, it consists of general legal jurisprudential frameworks that differ from one jurisprudential sect to another. This opens the door for personal views in passing sentences and judgments, which can create doubt regarding the professionalism of the judicial system and the possibility of taking over the legislative branch.

Recently, these commissions resorted to depending on the United Arabic Law Code, which was a legal system project that came into existence in 1996 whose main source was Sharia law. The Arab League tried to use this project to unify the criminal law code in member states, but it was unsuccessful due to the rejection of the law code by some of its members.

The United Judicial Council

In some of the liberated areas of the countryside of Aleppo, defected judges convinced select Free Syrian Army groups to cooperate with them in order to enable a limited judiciary—known as the United Judicial Council—to function, using the same judicial procedures practiced by the Syrian regime’s judicial authority. This council has managed to fill much of the judicial void. It has also played a significant social role because it draws on religious scholars who have become popular with the increasing numbers of fighters, arms, battles, and casualties, which have caused a big social shift toward religiosity. The
council uses the United Arabic Law Code as its legal basis due to the Syrian people’s rejection of the Syrian regime’s laws.

Additionally, the United Judicial Council has successfully established a Judicial Inspection Department, is currently attempting to establish a Court of Cassation, has activated the role of notaries, has created an office to register the death and birth cases, has formed a media center, and maintains separate prisons for civilians, armed combatants, women, and minors. The council is also trying to prepare a 100-member police force; currently, the council has 30 to 40 people guarding the court building.

The United Judicial Council’s jurisdiction includes the liberated areas in Aleppo city, most of Aleppo’s suburbs, Al-Bab suburb, Jabal Al-Turkman, and some parts of Idlib’s suburbs. The council has 138 judges, including 12 former regime judges. The rest are experienced lawyers or religious scholars who graduated from Sharia universities with some legal background. However, these lawyers and religious scholars do not serve as judges and play only an advisory role in the council.

The council uses its personal relationships with trusted social figures for carrying out judicial sentences. Many of the members of the council who are not judges claim that their presence on the council is temporary—they will only remain until a qualified individual can replace them. Nevertheless, the biggest challenge for the council are the Sharia Commissions, which have the backing of Jabhat al-Nusra and a number of other militias. And, despite the Sharia Commissions’ extreme sentences, the United Judicial Council has made every attempt to cooperate with the Sharia Commissions to avoid a direct confrontation between the two groups.

**The Independent Judicial Council**

The Independent Judicial Council is currently being established. It will consist of twenty-seven defected judges. This council has a seven-member board, with each member playing a specific function. The council is trying to operate in the form of courts in the liberated areas and is currently preparing to start operating in Rankoush, Idlib. The council previously conducted a competition for choosing a local brigade to serve as a judicial police force; several brigades showed interest in serving an enforcement role for the council. The council is currently trying to establish a number of courts in Idlib’s suburbs. However, it still needs financial support and legal professionals. Most of the council’s current members have fled Syria, leaving the council with very limited influence and capabilities inside the country.

**The People’s Houses**

The People’s Houses are social councils that play a judicial role in liberated areas dominated by Kurds. These councils were established following the regime’s withdrawal from Kurdish areas, including Ifreen, Qamishli, and Tal Abyad. A group of lawyers and jurists established the People’s Houses to fill the judicial vacuum without replacing the judicial branch. These houses have played a positive role in managing those areas and minimizing chaos. The People’s Houses are affiliated with the Kurdistan Democratic Party of Syria.

**ENDNOTES**


18 Ibid., 126, 127.

19 Ibid., 130.


22 Ibid., 11, 12.

23 Ibid., 19.

24 Ibid., 17.

25 Ibid., 13.


27 Al-Maleh, “Judicial System.”


32 Al-Maleh, “Judicial System.”


34 Ibid.


36 Al-Maleh, “Judicial System.”


39 For the reports mentioned here, see the Web sites of the Office of the UN High Commissioner for Human Rights (http://www.ohchr.org/EN/Pages/WelcomePage.aspx) and the UN Human Rights Council (http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCindex.aspx).
The Syrian Expert House (SEH) recommends the immediate holding of an inclusive judicial conference that would assist in uniting and coordinating the judges’ (and affiliated actors’) efforts in the liberated areas during the transitional period. This can be achieved by drafting a unified criminal law code and encouraging exiled or displaced judges to return to their posts. This unity conference will focus discussions about judicial challenges in the liberated areas and should be held before the complete collapse of the regime in order to minimize chaos and preempt non-Nationalist actors from gaining a foothold in the liberated areas.

Defected Syrian judges should be supported in their attempts to establish civil committees similar to “judges clubs” formed in Egypt and Tunisia.

Following the collapse of the Syrian regime and after the formation of a transitional government, the transitional government must immediately suspend the 2012 constitution and activate the 1950 constitution, in addition to adopting a constitutional declaration based on the 1950 constitution. This constitutional declaration would outline the limits of the transitional government’s powers and define a timeline for the holding of Constituent Assembly elections. The constitutional declaration will necessitate the suspension of all the laws that conflict with the 1950 constitution, requiring the formation of a committee to study which laws will need to be repealed.

During the period after the fall of the regime but before the election of the Constituent Assembly, Syria will need several legal workshops, which should be conducted by legal experts and specialists in various areas of law, along with social figures and politicians to assist the transitional government in adopting legislation that would ensure public order and the rule of law in Syria.

As soon as the Constituent Assembly—which would write the final form of the constitution that would be subject to a referendum—is elected, it will play a key role in the Syrian political scene as the authorized, valid entity to legislate. Likewise, the judicial law must be considered one of the most important laws that should be adapted; however, it must be a modern law that would grant the judiciary its full independence and give the people the impression of confidence and trust in the state’s judicial branch.

As mentioned above, to ensure justice and fairness within the Syrian judiciary, legal and judicial reform must be conducted simultaneously and as early as possible. Therefore, the SEH recommends the following measures.

**Legal Reform**

The future transitional government should adopt a decree to repeal the following laws:

1. Revolution Protection Law
2. Summary Trial Law
3. The General Intelligence Administration Law
4. Law No. 49 of 1980
5. Counter-Terrorism Law
6. State of Emergency Law
7. Judicial Authority Law
8. Procedural Law

Additionally, the SEH recommends the formation of a committee responsible for researching and nominating additional laws that should be repealed.

**Judicial Reform**

The SEH recommends that the judicial councils in the liberated areas adopt a common code of conduct, forbidding the councils from performing any legislative role.
2 The legislators and the Constituent Assembly must ensure the full independence of the judicial branch.

3 The SEH suggests conducting legal workshops to develop a new and modern body of law for the judiciary, in addition to other laws that would ensure the fairness, impartiality, and independence of the judicial branch, thus restoring the faith of the people in the Syrian judiciary.

4 There needs to be a commitment to judicial unity principles and to abolishing the unconstitutional exceptional courts (the Supreme State Security Court, special committees, and field-courts)—and also to repealing any laws that disable the right to litigate, whether the litigated party is an individual, a private company, or a public institution. Additionally, the principle of legal equality must be respected, meaning that the military justice laws should be modified to apply solely to military personnel and military cases, leaving the other cases for the ordinary civilian courts.

5 The separation of powers principle must be respected. The judicial authority law should be modified to include the restructuring of the Supreme Judicial Council in order to limit membership exclusively to judges. Also, judges must select the head and members of the council. The powers granted to the Supreme Judicial Council should be exclusive to the council and not also granted to the Ministry of Justice. The Supreme Judicial Council must be the only entity to handle the affairs of the judiciary. The judicial branch must be completely independent from other state institutions, in addition to overseeing all other judicial agencies (e.g., the State Council, the Supreme Constitutional Court, and Property Courts). This should also apply to the Judicial Inspection Department, which must fall under the authority of the Supreme Judicial Council and should be empowered to actually exercise control over members of the judiciary, ensure accountability, and issue the appropriate legal punishments against violators.

6 The Constitutional Court should be amended so that it can perform its function of determining the constitutionality of laws—and also issue legislation giving ordinary courts the right to address the constitutionality of laws, even by objection. Additionally, unions and organizations should be given the right to challenge the constitutionality of laws.

7 The process of training and selecting judges must be done carefully. The appointment of judges could be conducted through a competitive selection process based on the sound ethics and legal qualifications of the candidates. The final decision in appointing judges must be referred to the Supreme Judicial Council. The Judicial Institute must also be affiliated with the Supreme Judicial Council to ensure the independence of the judiciary. The chairman of the Judicial Institute, instead of the minister of justice, should be the vice president of the Supreme Judicial Council, and any overlap (whether administrative or financial) between the judiciary and the executive branch must be prohibited. The judicial branch should have an independent budget, special attention should be paid to modernizing Syria’s courts, and increasing the number of judges should be a priority.

8 To maintain the impartiality of the judiciary, Article 81 of the Judicial Authority Law—which prohibits judges from expressing any political opinions or views, working in the field of politics, or joining any political party or entity—should be activated.

9 Out-of-date laws and legislation must be amended and modernized to accurately reflect new developments in Syria’s social and legal context. Examples include the Penal Code, the Civil Law, the Code of Civil Procedure, the Code of Criminal Procedure, the Personal Status Law, and the Evidence Act.

10 Final judgments of the judiciary must be respected; the implementation of decisions
must not be disrupted under any pretense, whether political or nonpolitical.

The training and capacity building of judges must be carried out deliberately, with consideration of the standards of scientific competence and legal experience. Whether for joining the Judicial Institute or for a job appointment in the judicial field, the process must be completely under the supervision of the Supreme Judicial Council, without any interference by any third party. Also, the socioeconomic status of judges must be made commensurate with the nature of the profession and the state of the economy—to the point that judges will be capable of maintaining their independence and avoiding resorting to illegal ways to secure their needs. Care should be taken to maintain the cleanliness and presentability of all the Syrian courts.

Transparency must be a high priority, and thus nongovernmental organizations that focus on human rights and official, independent media must be allowed to operate freely without any interference. This must particularly hold true for instances where organizations are reporting rights violations that have occurred within the judicial system.
After war crimes and crimes against humanity were committed in the former Yugoslavia and Rwanda, the General Assembly of the United Nations established an initiative known as the “responsibility to protect” (R2P) in 2005. The concept of R2P departs from traditional principles regarding the protection of the sovereignty of states, stating that sovereignty is not a right—it is a responsibility. R2P argues that when a regime commits war crimes and crimes against humanity, it loses its sovereignty, and the international community then has the right to take necessary measures to protect civilians and prevent further crimes against them.

The international community has abandoned Syrians to die at the hands of their government. Indiscriminate aerial bombardment has taken the lives of more than 20,000 civilians so far, and Bashar al-Assad’s forces have made extensive use of Scud ballistic missiles—which are classified as vehicles of weapons of mass destruction—against areas of Syria that are no longer under the regime’s control with utter disregard for the lives of Syrian civilians or for the amount of destruction done to residential areas and infrastructure.

If one compares the conflict in Syria with other conflicts that have occurred throughout the world and have been labeled “civil wars,” it is clear that the term “civil war” is far from the reality of the situation in Syria. In fact, Syria is in the midst of a popular revolution against an authoritarian regime. If we conduct a simple comparison of the number of victims in Syria with the number of victims in countries in which a civil war has actually occurred—in Peru, for example—we can see that the conflict in Peru, which lasted for twenty years, from 1980 to 2000, and had more than 70,000 victims, is nearly incomparable to the 100,000 victims in Syria during only the past two years. According to the final report of the Truth and Reconciliation Commission, the number of victims has risen from 1,000 per month at the start of the revolution to 5,000 per month today. If Assad is allowed to continue his war against the Syrian people, the number of victims can be expected to exceed 250,000.

It will not be possible to start a genuine process of transitional justice or a process of political transition toward pluralism, democracy, and reconciliation in Syria without a complete cessation of violence. As transitional justice experiences across the world
have taught us, reconciliation is closely linked to the path of political transition, and it depends mainly on the political will and vision of both the actors and the political forces on the ground. The launching of transitional justice processes can let victims feel that those responsible for committing crimes against their children and daughters will be brought to justice and that the time of impunity is over. With the implementation of a transitional justice program, Syrians without exception will feel that there is a path toward national reconciliation that their representatives will take that ensures adequate pluralism and the necessary credibility.

Launching the transitional justice process in Syria is one of the most difficult and complicated processes that the Syrian community will face after the fall of the regime. If we take into account the division of the society that is taking place in Syria today, it will not be possible for the Syrian judicial system to be ready to launch an accountability process. This is because of the position of al-Assad and his militia, and his escalation through intimidation and provoking the Syrians against each other and, most recently, the establishment of the so-called Army of National Defense, which is practically a governmental institutionalization of al-Assad’s semiregular militias (al-Shabiha).

There is the option of resorting to international justice, because the crimes of Assad in the war and his crimes against humanity are certainly within the scope of work of the International Criminal Court. However Russia, with its position in the UN Security Council, may prevent the referral of Syrian criminals to the Court. Any future government formed by the opposition or formed after the fall of the Assad regime should ratify the Rome agreement, which will enable a prosecutor to open an investigation into these crimes. The path of international justice is certainly not an ideal choice; it is too slow, particularly because the Syrian victims need their rights to be guaranteed, and not be ignored in any political compromises. Therefore, it seems that holding hybrid courts is the best option for Syria and Syrians. The tribunals will be held on Syrian territory and will involve the direct participation of Syrian judges supported by international expertise, perhaps under the supervision of the United Nations. The necessity of international experts participating in hybrid courts held in divided societies remains the best option, because it will send the message to all Syrians that revenge is not the goal, as well as reassure them that the toughest standards of justice and international transparency will be guaranteed. The goal is not to target a specific religious group and hold them accountable, but to establish the course of justice that can ensure the establishment of the future Syria on valid grounds.

And at the same time, it gives more confidence to the international community regarding the new system and its commitment to justice and reconciliation and that there is no place for the policies of revenge or retaliation within its program. Syrians will need the international community, which failed them before, to rebuild their country and construct their future institutions in all conditions, and confidence building in it, which is a very important issue. But they should also realize that there are limits to the help that can be provided by the international community and that they must ultimately rely on themselves alone to build their democracy.

In order to prepare transitional justice programs in Syria, the Syrian Center for Political and Strategic Studies hosted a conference attended by a large number of representatives of political forces, associations, civil society organizations, human rights activists, judges and lawyers, and family members of the
victims of the conflict. The conference witnessed the birth of two important initiatives: the Association for the Defense of the Victims of the Syrian Revolution—which will serve as the voice of justice for the victims of the conflict—and the National Preparatory Committee for Transitional Justice, which will develop programs, perceptions, and policies necessary for the future transitional justice phase.

Many societies, particularly in Africa and Latin America, have experienced what Syria experienced in the 1980s and what Syria is experiencing today. But these societies were able to transcend the dark periods in their history by opening a new page based on truth, accountability, justice, and then reconciliation—so-called transitional justice. Transitional justice refers to a field of activity or investigation focusing on communities that have a legacy of human rights violations, genocide, or other forms of violations, including crimes against humanity and war crimes or civil war, and in order to build a more democratic society for a secure future.

The concept of transitional justice can be understood through a number of terms: social reconstruction, national reconciliation, establishment of fact-finding commissions, compensation of victims, and reform of the general institutions of the state often associated with suspicion during civil internal armed conflict like the police, security forces, and the armed forces.4

Transitional justice links two concepts: justice and transition. But the semantically accurate meaning of the concept is achieving justice during a transitional period experienced by a state.5 This process occurred in Chile (1990), Guatemala (1994), South Africa (1994), Poland (1997), Sierra Leone (1999), East Timor (2001), and Morocco (2004). During the political transition after a period of violence or oppression in society, the community often finds itself burdened with the difficult task of addressing human rights violations. Therefore, the state seeks to deal with the crimes of the past in order to promote justice, peace, and reconciliation.6 Thus, government officials and nongovernmental organization (NGO) activists prefer various judicial and nonjudicial avenues to address human rights crimes, using several approaches to achieve a sense of justice that is more comprehensive and far-reaching. For example, transitional justice has been approached in a variety of ways: lawsuits for violations of individuals, as in Kosovo; or establishing fact-finding initiatives to address past abuses, as in Sierra Leone;7 or a process of reconciliation in divided societies, as in East Timor.8

The establishment of a culture of accountability, instead of impunity, gives a sense of security to the victims and sends a warning to those who are thinking of committing violations in the future. It also gives a measure of fairness to the suffering of the victims, and helps to curb the tendency to practice vigilante justice or retribution. And it provides an important opportunity to strengthen the credibility of judicial systems suffering from corruption and destruction, or that did not function properly in the past.

The National Preparatory Committee for Transitional Justice, a committee of highly regarded Syrian judges, lawyers, human rights activists, and academics (formed to conduct exhaustive research on transitional justice and present specific recommendations for a future Syrian transitional justice program) is making great efforts to open a dialogue with civil society representatives in order to make transitional justice a priority after the fall of the regime. Therefore, the Syrian Expert House recommends that the interim government support the National Preparatory Committee by legally transforming it into a formal institution under the name of the “National Commission for Transitional Justice and Reconciliation” and then build its capacity and facilitate its efforts in every possible way. The next section describes in detail how this commission will function.

THE NATIONAL COMMISSION FOR TRANSITIONAL JUSTICE AND RECONCILIATION

The National Commission for Transitional Justice and Reconciliation will focus on achieving four key objectives: fact-finding and commissions of inquiry, filing lawsuits, compensation, and institution building for the future. It is useful to briefly examine each objective.
1. Fact-Finding and Commissions of Inquiry

The National Commission for Transitional Justice and Reconciliation will gather all the databases containing evidence of human rights violations currently maintained by Syrian human rights groups and will form commissions of inquiry for conducting investigations regarding extrajudicial killings, torture cases, prisoners of conscience, and enforced disappearances.

The creation of these various commissions of inquiry would serve to establish capable investigative bodies to reveal all the facts regarding conflict-related violence, whether perpetrated by the state or nonstate actors. But the establishment of such committees must be done after efforts have been made to ensure that there are an expanded national consultation process, appropriate terms of reference for each commission of inquiry, and the presence of a clear political commitment that will allow an independent, effective investigation. In addition, when seeking a lawsuit against the perpetrators of the human rights violations that occurred in the past, strong and serious efforts must be made to institute adequate, fair legal proceedings, including the strengthening of the judiciary and the local court system, and these efforts must be given the same attention and priority as the necessary measures to prevent future violations.

The commissions of inquiry that will be created by the National Commission for Transitional Justice and Reconciliation should not be equated with or considered substitutes for trials. The commissions are nonjudicial organizations; therefore, their terms of reference and powers are less than the powers of the courts. Also, they have no authority related to prisons, or any capability to enforce or to execute their recommendations, and most of them lack the power to compel any person to be present in front of the commissions.

At the same time, the National Commission should encourage civil society to carry out transitional justice initiatives and indirectly support its work. Indeed, many NGOs—such as the Syrian Network for Human Rights, the Local Coordinating Committees, the Damascus Center for Human Rights Studies, and the Syrian Observatory for Human Rights—have documented the violations and abuses perpetrated by the Assad regime, often at great personal risk for the activists. An impressive cross-authentication system has emerged from the work of these groups, resulting in a large number of well-documented violations that have already been used by the United Nations Human Rights Council and can be used by the National Commission in the future.

The powers of the commissions of inquiry established by the National Commission should be as follows:

- The commissions are temporary; their work will last from one to two years.
- The commissions are officially defined as mandated by the Transitional Government, and derive their powers directly from it.
- These commissions are nonjudicial and are legally independent.
- Each commission will conclude its work by publishing a final report containing conclusions and recommendations.
- The commissions will focus on human rights violations and sometimes humanitarian standards.

The National Commission for Transitional Justice and Reconciliation should benefit from the experiences of other countries that have convened transitional justice and truth commissions. Since 1974, more than twenty-six truth committees have been established, under various different names. Argentina, Uganda, and Sri Lanka established “Special Disappearances Committees”; Haiti and Ecuador established “Truth and Justice Committees”; Chile, South Africa, Sierra Leone, and the former Republic of Yugoslavia established “Truth and Reconciliation Committees”; East Timor established a “Commission for Reception, Truth, and Reconciliation”; and, most recently, Morocco established the “Equity and Reconciliation Committee.”

The National Commission for Transitional Justice and Reconciliation should work to achieve the following:
Seek and establish the truth regarding the grave human rights violations perpetrated by the Assad regime against the Syrian people.

Hold accountable the perpetrators of human rights violations by providing evidence to courts and tribunals.

Hold general forums for the victims to encourage a public debate on issues of transitional justice and reconciliation.

Give recommendations regarding compensation for the victims via direct dialogue.

Give recommendations for necessary legal and institutional reforms.

Promote social reconciliation at multiple levels of society, the most important being the grassroots level.

Help strengthen the democratic transition.12

Therefore, the Syrian Expert House recommends that the National Commission for Transitional Justice and Reconciliation organize a number of public hearings, to give the victims a forum to talk about their suffering. These hearings will break the sectarian barrier when they show that the victims belong to various sects. And they will play an important role in social healing, after the intense violence that Syrian society has experienced in the last two years.

2. Filing Lawsuits

The establishment of criminal justice is an essential element of addressing the massive violations of human rights in Syria. Lawsuits must be brought against individual perpetrators, and prosecutions should seek to restore the dignity of the victims and restore Syrian citizens’ confidence in the rule of law.

Trials include criminal investigations and legal proceedings taken against the perpetrators of war crimes and crimes against humanity that took place in Syria during the revolution. These trials should specifically seek to target the upper ranks of the Assad regime: those responsible for both giving orders to commit violations, and those who saw the orders carried out. Even members of the armed opposition must be held accountable, and their trials should be conducted according to international standards to avoid any challenges to these trials’ legitimacy.

There will undoubtedly be some controversy regarding the ability of the domestic Syrian courts to hold perpetrators accountable. If the domestic courts prove incapable of conducting these trials, Syria may have no choice but to conduct judicial proceedings at the international level or via hybrid tribunals.

The post-Assad transitional government can invite the international community to assist in the establishment of hybrid courts presided over by Syrian judges and advised by international judges, all operating under the supervision of the United Nations. This hybrid court system will simultaneously uphold both Syrian and international law, resorting to international law only in the places in which the Syrian law code has gaps. The courts can also rely on the provisions of various international treaties that Syria has signed in order to develop their procedures. Mixed courts ensure that the Syrian population feels a sense of ownership regarding judicial proceedings while at the same time bringing international legitimacy to the court’s rulings.

One of the most important challenges is to bring suits against individuals in an unbiased manner, the reason being that the Syrian public must be convinced that the court is not acting in a selective or vengeful way. Syrians must feel that the age of impunity is over and that a new era of transitional justice and accountability will be capable of building a new, just Syria.

3. Compensation

In light of widespread violations of human rights, it has become incumbent upon governments to not only address the perpetrators of these abuses but also to guarantee the rights of victims. Governments can create the appropriate conditions to preserve the dignity of the victims and to ensure justice using methods of compensation for the damage and the suffering that they experienced. The concept of compensation has several meanings, including direct compensation (for damage or loss of opportunity), restitution (moral and mental support for victims in their daily lives), and recovery (restoring what has
been lost as much as possible). Compensations can be distinguished by their types (physical and moral) and the targeted groups (individual and collective). Physical compensation can be made by giving money or material goods. It can also include the provision of free or preferential services, such as health, education, and housing. Moral compensation can be made by issuing a formal apology, by dedicating a public place (e.g., a museum, park, or monument), or by declaring a national day of remembrance.

Compensation (whether material or moral) has numerous and various objectives, including admitting the grace of victims (groups and individuals), implanting the remembrance of the violations in the collective memory, promoting social solidarity with the victims, giving a concrete response to demands for remedies, and creating the appropriate environment for reconciliation through the restoring of the victims’ confidence in the state. Above all, the principle of compensation has become mandatory under international law. The National Commission for Transitional Justice and Reconciliation will play a key role in identifying the kinds of compensation that are appropriate for all of Syria’s victims through a number of committees that will consider every possible means of reparation.

There is also a need for a Committee for Compensation and Reparation because the compensation of Syria’s victims perhaps presents the greatest moral, legal, and political challenges, particularly for massive government-run programs. A range of considerations and challenges must be considered during the design of material reparation programs. It is necessary to first clearly define the “victims,” or categories of beneficiaries, in order to be able to decide who deserves access to such compensation. Unfortunately, due to the limited nature of any state’s resources, the wider the category, the lower the amount of compensation for each victim. Conversely, if “beneficiary” is narrowly defined, the government could be inadvertently excluding a large number of legitimate victims.

The second consideration for the commission is to decide whether compensation will be distributed directly to individuals or to groups that have been wronged en masse. It is no surprise that structuring compensation in the form of collective grants often involves political gains that could include a larger number of beneficiaries, but the value of restitution is minimal in most cases. Usually, these types of programs are viewed as normal social development efforts, and not necessarily as compensation for damage done to victims. These considerations make this kind of program subject to political and financial excesses. Conversely, this kind of compensation’s advantage is that it provides redress to individuals, although it is less influential and extensive.

The third challenge is to organize compensation in the form of an integrated set of services (e.g., medical aid, education, and housing), or an exchange of payments, or a combination of the two. Conducting compensation via the provision of integrated services may be more expensive and limits the autonomy of individuals to clearly receive a personal form of compensation. Additionally, the quality of provided services depends directly on the ability of the state to invest in public infrastructure and to conduct the programs in an effective manner.

The disbursement of financial compensation would certainly fill the real needs of the beneficiaries, provided that a minimum level of compensation that would have an impact was maintained. Moreover, if the amount of compensation is determined by only the amount of financial damage done to the victim, it will be neither adequate nor appropriate. Convincing the poor of Syria that financial reparations take precedence over social welfare programs will be difficult, but doing so will be vital for showing the government’s commitment to compensating victims. Accordingly, it might be best—as a general rule—to structure compensation programs so they include both the provision of services and financial disbursements.

There are other significant challenges that a reparation program might face, including the need to determine the types of damages for which victims can be compensated. The Committee for Compensation and Reparation will need to decide if compensation will be administered for economic, physical, or psychological damage, and whether compensation levels will be based on the amount of damage, or of need, or both. Another challenge will be how to quantify the
extent of the damage (e.g., determining the amount of appropriate compensation to those who have lost their sight, been raped, or psychologically tortured) and then find the resources to fund compensation programs, particularly in light of the inevitable competition for limited funding for other social programs, not to mention the fact that international grants are not often given in the absence of significant domestic financial contributions.

It also needs to be decided if individuals or groups will receive the same amount of compensation no matter how different their cases, as well as how to distribute compensation (will money be disbursed via single payments, or in the form of regular payments, and what is the entity that carry out either option?). The committee will also need to determine the timetable of the compensation program; the impact of civil rulings, insurance payments, and other independent sources of compensation; and whether or not the receiver of that aid truly benefited from the compensation program or the amount of money given. The possibility of including former human rights violators in compensation programs should also be considered.13

It will also be important for the transitional government to seek to restore victims’ legal ownership of property. Examples include performing procedures to assist residents who were forcibly displaced from towns and villages affected by indiscriminate shelling conducted by the Assad regime’s forces. Other examples could include restoring ownership of stolen land or reintegrating victims into previously held jobs within the Syrian government. Second, it may be important in some contexts to develop special programs for the rehabilitation of victims, including psychological support and physical therapy or medical assistance for the many victims of physical and sexual violence. Third, a wide range of actions could be taken to provide redress for other damages, both for individual victims (e.g., finding final resting places for the dead) and victims in general (e.g., the formal recognition by the transitional government of regime-perpetrated crimes to open a new page, or customize public places and street names or care for special exhibitions, works of art, or building memorials and public monuments and museums—all of which are recommended by the Syrian Expert House).

The advantage of symbolic measures is that they are relatively achievable, can reach all parts of Syrian society, adopt a broad definition of victims, encourage the creation of a collective memory, and promote social solidarity.14

4. Institution Building for the Future

Syria will need to make comprehensive reforms—including of its institutions, laws, and policies—in order to achieve its long-term social, economic, and political objectives, and to avoid any civil or democratic collapse in the future. The general objective of these institutional reforms will be to remove the conditions that gave rise to the conflict or repression. Therefore, the National Commission for Transitional Justice and Reconciliation will ensure institutional reform by:

- Restructuring state institutions that were complicit in acts of violence or abuse.
Removing any long-standing racial, ethnic, or sectarian discrimination, which some feel was perpetrated by the Ba’ath Party in state institutions, especially within the armed forces and security institutions.

Prevent the former perpetrators of human rights violations from continuing to benefit from holding positions in public institutions.

It must be stressed that without reforms in certain areas such as the judicial system, Parliament, and the state security services, any accountability process will be almost certainly incomplete, and thus it will fail to build credibility among the general public. It will be difficult for citizens who have learned to look at the police, army, and government with suspicion to believe in the usefulness of any proceedings, including the accountability of those institutions. If they are expected to do so, they should be confident that the institutional cultures that allowed or fueled violations of human rights have been evaluated and corrected once and for all.

Moreover, the constitutional and legal reforms should accompany police reform. These constitutional and legal reforms aim to promote democracy, human rights, and the rule of law, and they could be relevant and visible in many areas, such as equity in wages; nomination of judges; fair assigning of positions, promotions, and disciplinary actions; election procedures; the independence of the media; freedom of access to information and the media; affirmative action; disarmament; the funding of political parties; and criminal law and penal procedures. Furthermore, the dynamics within the state apparatus do not allow for a diagnosis of simple reforms, because the reform of the state “security services” requires the reform of the army, police, judiciary, customs, immigration control, intelligence services, and many other related sectors. Thus, an attempt to change institutional structures and sensitivities within one institution would affect many others, and all the linkages between these different institutions are not always clear.

There could also be a need for a gradual insertion of a certain type of integrity and professionalism into the institutions of the state—especially in three areas: the reform of the police, institutional reform (comprehensive reform of discrimination and/or the old era’s practices), and clearance policy (the prevention of the former perpetrators of human rights violations from continuing to benefit from holding positions in public institutions).

It is important to note that the institutions of the state do not exist in a vacuum, and the implementation of reforms in a field or an institution will always reflect and affect other areas and institutions. For instance, the reform of the police and the review of their recruitment procedures are both incomplete solutions, whether the goal is to punish violations of human rights or to prevent corruption. Therefore, they can and must necessarily be accompanied by full, comprehensive reforms and other measures capable of achieving prevention, accountability, and reparations.

Reform of the Security Forces and Intelligence Agencies

During the Syrian revolution, the mission of the police to impose order has often been understood as a green light to commit political crimes. The national police officers have often colluded with the intelligence services in the commission of gross violations of human rights, including ignoring rights in relation to inspection, orders of arrest, and detention procedures, leading to beatings, torture, and murder.

Once the Syrian conflict ends, the focus should shift to mental reforms, realizing that the duty of the police officer is to act professionally, to maintain the rule of law, and to respect the human rights of all citizens. However, the recovery of such a mentality is not easy. Even if the complex relations among the systems of the state police and the other security agencies were to be disconnected, it is very likely that the reforms would collide with resistance from within the system itself from officers and officials who fear losing power, resent the consequences of their actions, and reject the need for any control or external intervention.

Therefore, a reconstructed police force is characterized by professional conduct, nondiscrimination, and integrity, which all require following a comprehensive approach to institutional reform (e.g., reform
in the areas of employment, retraining, restructuring, and reform of management/reporting and control measures). The Syrian Expert House recommends the following three goals for police reform (which were successfully met by the international peacekeeping forces in Bosnia):

- Restructuring of the police forces;
- Reform through the application of new procedures for training, selection, and certification; and
- A democratic method for establishing a police force that is not subject to political matters; is fair, accountable, and multiethnic; and believes in the principles of a community police force.

Furthermore, this reform can contain a comprehensive, strategic set of elements, including the adoption of an ethical institutional charter; working on public education and retraining the police based on new political procedures; the application of administrative, communications, and management procedures to promote transparency and control; the application of corrective measures to ensure discipline, providing a means of complaint and evaluation; and reviewing recruitment procedures to encourage participation in the police force so that all communities are represented on the force without discrimination.

The culture of impunity that was institutionalized in Syria during Assad’s rule encouraged the perversion of the intelligence agencies, which must be resisted by encouraging a nondiscriminatory employment policy for all Syrians. In 2000, for example, 88 percent of the police officers in the Northern Ireland Royal Police were Protestants, and only about 8 percent were Catholics. There is no need to even mention that the Catholic population felt that the police in Northern Ireland were not defending their interests. The same applies to the Syrian security services, in that more than 80 percent of its staff belongs to the Alawite sect (it is almost the same percentage in the military), although the proportion of Alawites in Syrian society does not exceed 10 or 12 percent. Therefore, the vast majority of Syrians feel that these forces do not represent them nor seek to ensure their safety. So an adjustment of the proportions of representation within the police forces could have a double benefit: first, to preempt further police abuse perpetrated against citizens; and second, to restore public confidence in the integrity of the police force.

Effective and objective control is a prerequisite for ensuring respect for the new procedures. Therefore, the Syrian Expert House recommends the creation of new institutions to achieve this end, including bodies of civilian control, a national committee for human rights, a Supreme Audit, an office of grievances (to receive complaints against officials of the state and to investigate them), and an office for fighting corruption, which also must develop programs and policies for fighting corruption.

### Restructuring Institutional Reforms

In the context of reforming abusive institutions, as in all other areas of transitional justice, restrictions are posed by the existing political climate, the available resources, and the need to draft a project with realistic targets. Among the lessons learned from past attempts to reform abusive institutions is that the efforts made to achieve reform in quantity and quality should not exceed the local capacity in terms of institutional structure as well as human and financial resources. Making such a mistake could take the reform process backward instead of forward. Another lesson linked to the first, especially in the field of testing, is to pay attention to the risks that could be involved in isolating people from public office (especially former officials of the police force, the army, and the intelligence services, who often become criminals after they are terminated from the state institutions.) Therefore, this challenge should be anticipated by allowing the review and inspection body to think of ways to prepare those officials for a new life. In the transitional periods in particular, where levels of unemployment and crime are high, retraining and teaching civil programs can be considered, as well as other methods for more permanent economic reintegration.

However, such formulated actions should be taken with great caution to ensure that they do not resemble rewards for past abuses and perpetrated violations. Institutional reforms must also be carried out in a
fair and transparent manner, while ensuring broad popular participation, including that of NGOs and the civilian population in the consultation processes as well as the formulation of institutional reforms. Moreover, institutional reforms should come with attached mechanisms that are aimed at reducing the likelihood of recidivism and relapse (e.g., the application of systematic observation and keeping accurate records and analysis of the orientation/model). Monitoring and evaluation are necessary to ensure compliance and may necessitate the establishment of new institutions that are independent of surveillance institutions.

Finally, and perhaps most important, the reform of arbitrary or abusive institutions should be considered a long-term process. It takes many years before the success or failure of new laws and institutions can be discerned; thus it is necessary to work in this area with will power but without haste.

**Cleansing Institutions of Corrupt Officials**

The National Commission for Transitional Justice and Reconciliation should develop the necessary mechanisms to remove corrupt and incompetent staff members, along with those who have violated the law, from among government officials in order to build more effective, trustworthy institutions. It has become widely acknowledged that the investigation of persons to verify their eligibility to work, especially in the sectors of security and justice, is one of the basic measures needed to reform the government. Staff examination or screening means, in general, reviewing the private employment records of individuals in order to determine whether to employ or dismiss him or her from the workplace. The examination is often a central element in the reform of abusive institutions, and it is adopted by new governments as a way to isolate the individuals responsible for serious abuses of their positions in the public sector. The screening process involves an accurate review of the candidate’s or employee’s background, depending on many sources to determine whether a particular official was involved in previous abuses. In addition to that, the examination tends to develop procedures that ensure that the party subject to the investigations understands the allegations and is given an opportunity to respond.

Conversely, there is a difference between screening and “cleansing,” a term that was used extensively in Central and Eastern Europe and used later in Iraq to refer to laws and policies that include the processes of isolation and dismissal, not according to the records of individuals but to their party affiliation, political positions, or continued involvement with a repressive intelligence system. Many of the cleansing laws were subject to criticism for violating essential standards of integrity during certain procedures, such as the imposition of punishment on the basis of collective guilt rather than individual guilt. Moreover, the principle of the presumption of innocence until proven guilty was violated. Also, restrictions were imposed on the positions that were held by election or appointment (in clear violation of the principle of nondiscrimination on the basis of the political attitude or position), and restrictions were placed on the rights to appeal in front of tribunals.

There are many pros to the screening process as one of the mechanisms for achieving transitional justice. Screening, for example, helps reduce the risk of new or continued violations, enhances public confidence in state institutions, contributes to removing barriers among prosecutions, and assists in the rehabilitation of officials who have had their reputations damaged unfairly as a result of their names being listed among those of corrupt officials within their organizations. Therefore, the screening and the cleansing processes can be seen as “bridges” between the old and new institutions, which are characterized by their transparency and accountability.

Screening procedures must be applied to officials in any institution, regardless of the person’s reputation, years of service, or position. It may be prudent to invest resources and energy in the examination of small numbers of individuals holding the highest rank in the organization, and who have been involved in past abuses. In general, it is advised to rely as much as possible on all available legitimate sources of information to examine the person, including confidential government documents, court records / trial documents, internal complaints registered with the organization,
police investigation files, and reports from local and international NGOs that are involved in combating corruption and promoting human rights.

Examination mechanisms must conform to the basic principles of procedural fairness or legal practice. Efforts to prevent corruption or reform institutions must not resort to wrong practices. Therefore, those whom are to be dismissed from office should have the right to be informed of the accusations against them, to protest against these accusations before a screening committee, to appeal the decision before an unbiased body, and to be informed of these rights in a timely manner.

The screening committee should have the authority impose a range of sanctions. Naturally, it should also have the power to order the dismissal of officials and the authority to impose other penalties, such as a temporary ban from the civil service, prohibition from owning and using weapons, a reduction of pensions or limiting of other functional privileges, ordering the confiscation of property, or the payment of a fine to the state. For particularly serious violations, cases can be presented to law enforcement authorities for the taking of further action. The screening committee should also have the power to impose less severe penalties on those who have committed less serious abuses, or to persons who give evidence to alleviate their sentences. These lesser penalties could include mandatory leaves of absence, demotion, relocation, or lower wages. However, the examination committee may want to make the mitigation of sanctions conditional on the achievement of some other demands, such as participating in training programs, returning the property, providing services to the community, or cooperating with law enforcement authorities.

5. Memorialization

Memorialization can be accomplished by way of an event, occurrence, or building being used as a tool of remembrance. Moreover, remembrance can entail formal commemoration (e.g., the establishment of a monument) or informal commemoration (building a wall in a community.) In other words, remembrance can be done in an official way by the state or voluntarily by citizens. People seek to commemorate the events of the past for many reasons, including the desire to evoke the memory of the victims and/or to identify them, to educate people about their past, to increase community awareness, to support or amend a historical narrative, or to encourage the adoption of the commemoration / transitional justice process at the local level.

Understanding the needs of victims and their families, along with the needs of survivors of mass atrocities and brutal violations of human rights, represents one of the key elements of transitional justice. Despite the lack of a single procedure for dealing with the past, the victims and their organized associations often seek a number of the objectives of transitional justice, including the achievement of justice and prosecution, truth-telling, reparations, ensuring that past atrocities are not repeated, and simply remembering. Remembering the past symbolically honors those who died or were sacrificed. However, remembrance can also contribute to the achievement of other objectives of transitional justice, including searching for the truth, guaranteeing nonrepetition in the future, stimulating a dialogue and discussion about the past, establishing an accurate historical record, listening to the voices of victims, and pursuing the objectives associated with reparations for victims.

The struggle over the control of the national memory, or “collective memory,” is located in the heart of the accountability process that will ensue following the end of the conflict or the fall of the regime. Two different narratives for the Syrian conflict will exist in Syrian society. Human rights activists and victims may feel deeply aggrieved by the new government or the old (should it survive) if either seeks to create an official final narrative of the past. Sometimes, certain transitional justice strategies—such as the creation of a truth commission—are seen as a necessary step in the direction of remembrance; but at the same time, this step alone is insufficient. The reason for this is that keeping the memory alive is extremely difficult, but the official truth commissions become a rigid part of the new official narrative of the past, and then the challenge that imposes itself from this perspective is that it not be forgotten.
The requirement to never forget what happened to victims of human rights violations in the past necessitates a discussion about what to teach in schools, how the victims should be remembered, and whether people will continue to listen to the voices of the victims, even after the publication of the report of the truth commission or the successful completion of trials of human rights violators. Even if history books ensure the telling of the stories of victims, remembrance must still make people engage in a dynamic, long-lasting dialogue, not only about the past—and events and their implications—but also about how the present can benefit from the past and how the suffering communities can better prepare for the future. 16

Memorials embody the persons, events, or activities that were part of a particular historical moment. This category is quite broad and includes many artistic forms, including sculptures, memorial gardens, and museums of conscience. Therefore, the Syrian Expert House recommends transforming centers of torture and abuse (e.g., Tadmour and Sednaya) into memorial squares and building memorial walls in public places, such as Umayyad Square in Damascus, Assi Square in Hama, and Jabri Square in Aleppo. All these efforts will commemorate the victims and inspire a lively discussion of the past.

The building of a monument is a process that involves elements of politics, history, and aesthetics. The memorial, in terms of being an element of the process of nation building, is considered a part of a physical and social environment that can help identify and build a common understanding of a nation’s collective experience, imagination, and self-perception. In addition, the memorials interact with all the people who shared in their establishment, the people who do not have any self-authority, and these memorials are thus activated by the people. Above all, the ultimate influential role of memorials and monuments is to commemorate the people who come to visit them.

**TRANSITIONAL JUSTICE AND NATIONAL RECONCILIATION**

Transitional justice alone establishes national reconciliation, and the legacy of reconciliation has roots far back in Arab-Islamic history. 17 The term “national reconciliation” goes back to the historic French leader Charles de Gaulle, and it was later used by Georges Pompidou and François Mitterrand, when the need to take responsibility for erasing debts and past crimes that occurred under occupation during the Algerian war was cemented in their beliefs. 18

Therefore, when de Gaulle returned for the first time to Vichy France and gave his famous speech about the unity and uniqueness of France, he formed the concept of national reconciliation to support his campaign to liberate France. Pompidou did the same when he spoke at a famous seminar about national reconciliation, overcoming divisions, and forgiving Touvier, the Nazi collaborator who betrayed France to the Germans during World War II. The same concept was the subject of Mitterand’s speech when he declared that reconciliation was the guarantor of national unity and refused to accept that France would be responsible for the crimes perpetrated under Vichy rule, which he described as an illegitimate authority and representative only of an extremist minority.

Nelson Mandela used this concept in South Africa when he was still imprisoned. He saw it as his duty to negotiate under the principle of general amnesty, which would grant the return of exiled members of the African National Congress and achieve national reconciliation, without which the country would be vulnerable to further conflagration and bloodshed, which would undoubtedly result in revenge killings. Reconciliation is a form of transitional justice necessary to simultaneously reestablish the nation on the basis of legal, pluralistic, and democratic legitimacy.

There is no way that Syria will be able to escape from its deep social rifts following the end of the conflict unless a historic decision is made to institute a comprehensive national reconciliation program. Reconciliation represents a culmination of all the phases of transitional justice referred to above, and thus it can enable Syrian society to overcome its deep social and sectarian divisions by creating a national partnership for building a new future.
ENDNOTES


8 For more on this, see M. Cherif Bassiouini, ed., Post-Conflict Justice (Ardsley, N.Y.: Transnational Publishers, 2000).


11 Hayner, Unspeakable Truths: Facing the Challenge of Truth Commissions.


15 For more on this, see Radwan Ziadeh, Power and Policy in Syria (I.B. Tauris, 2011).


18 See Jacques Derrida et al., Tolerance and Reconciliation Policies Memory, translated by Urban Hassan (Casablanca: Toubkal, 2005), 7.37. To implement the proposals presented in this chapter, Syria will work to achieve the following goals:
Recommendations

1. The establishment of a documentation and auditing committee whose main purpose will be collecting and verifying the names of the victims and their families.

2. Training documentation staff to gain knowledge about similar experiences from other countries, such as the Truth and Reconciliation Committee in South Africa, the Equity and Reconciliation Committee in Morocco, and similar entities in Chile and Peru.

3. Achieving community dialogue in Syria regarding general human rights issues by focusing on areas such as accountability, justice, enforced disappearances, and prisoners of conscience.

4. Revealing the truth about human rights violations committed in the past, seeking to expose the truth to public opinion, and compensating the victims of enforced disappearances and their families both morally and financially.

5. Adopting and supporting political, social, and cultural development programs based on need.

6. Seeking to adopt constitutional and legislative reforms in human rights, security, and justice and endorsing a national strategy against impunity to hold those who committed human rights violation accountable via active participation from the community, while promoting the principle of separation of powers, and protecting the judicial authority from any interference from the executive authority.

7. Prohibiting the enforced disappearance, arbitrary detention, genocide, any other crimes against humanity, torture, and any other forms of cruel and unusual punishment, racism, insult, or prohibited discrimination, and any incitement of racism, hatred, and violence.

8. Clarifying and disseminating the legal framework and regulatory texts regarding the authority and organization of security forces, limits of intrusion during operations, surveillance systems, and evaluating the performance of security forces, as well as the administrative authorities assigned to maintain order and those who have the authority to use force.

9. Urging civil society, civil organizations, and NGOs to file lawsuits against the perpetrators who committed extrajudicial killings, torture, or enforced disappearances against civilians, while maintaining the privacy of the victims. Such a process should occur according to the active penal law code. In addition, encouraging civil society organizations and NGOs to report the cases of missing individuals to human rights committees and the Committee on Enforced Disappearances of the United Nations, assisting the families of the victims on how to report their cases while fully explaining to them that such procedures will lead to revealing the fate of the missing person. Furthermore, families should realize how essential it is to file these cases despite limited resources to close missing persons’ files.

10. Filling discrimination lawsuits on behalf of victims of torture, prisoners of conscience, and those who were subject to enforced disappearance—especially those who have suffered in the past thirty
years and during the Syrian uprising. Such lawsuits must be based on Syrian law and the international human rights standards that the Syrian government has ratified.

11 Working on acquiring the necessary experience to qualify certain individuals and organizations to assist victims of torture, prisoners of conscience, and the family of the enforcedly disappeared. This process should be based on similar experiences of other countries along with the assistance of the expertise of international organizations.

12 Emphasizing the humanitarian side and the suffering endured by the families of the missing individuals during the process. For example, instead of completely focusing on the documentation process and legal procedures, a Web site can be developed to honor Syria’s victims. Moreover, the families of the victims can connect with other individuals who have had the same experience, whether in Syria or in other postconflict countries.

13 The suffering endured by the families of the victims must be addressed. This includes issuing an apology by the transitional government, providing them with compensation, and establishing a national institution specialized in the field of the psychological and social rehabilitation of victims of torture, prisoners of conscience, those subject to enforced disappearance, and victims of enforced disappearance who were released. Moreover, offering the families of enforced disappearance victims guidance and advice on how to follow the progress of their case at various levels, and printing and disseminating publications specifically for that purpose. In fact, there has not been any guide for dealing with this issue for the families of missing individuals on which they can rely to.

14 Determining the locations of detention facilities and secret prisons so they can be subject to legal observation and control. Also, prohibiting detentions from being conducted by the security intelligence agencies, which are countless and difficult to subject to any form of control. In addition, holding the security agencies accountable if they are proven to have been involved in enforced disappearances.
Syrians will recall that the rise of the country’s security apparatuses and their interference in its political and social life began under Abdel Hamid al-Sarraj, who became head of the apparatuses and later of the Ministry of the Interior in the Syrian region created by the country’s 1958–61 unification with Egypt to form the United Arab Republic. This period saw the expansion of the role of intelligence and security apparatuses and marked the start of their influence on society.

In 1963, as a result of the Ba’ath Party’s coup, the power of the security services increased to a frightening degree. The political security apparatus that was then established was charged with monitoring the opposition parties and their movements. Abdel Kareem al-Jundi assumed the leadership of the security apparatuses as head of the Regional Security Office of the Ba’ath Party. Ali Haydar assumed responsibility for the Special Forces, a military unit used for intelligence missions. These apparatuses, which were protected by a state of emergency and newly formed state security courts, began to carry out their duties with fewer restrictions, and less accountability and oversight.

The rise of the “military committee” was clear inside the party apparatus, as it had taken on a critical role in deciding who would receive power and who would be controlled by it. Thus, the rising role of the military hindered the development of civil institutions and at times paralyzed their work, as witnessed by the consecutive military coups in Syria from 1949 to 1970.

In the wake of his internal coup in 1970, Hafez al-Assad expanded the intelligence apparatuses, and brought their heads into state institutions. Assad established a military and security unit in 1971 called the Defense Companies (Saraya ad-Difa’a), putting their leadership in the hands of his brother, Rifaat al-Assad. The organization was granted a wide remit and began to form a special intelligence branch for itself to protect the regime from potential military coups. At the end of the 1970s, its members numbered more than 10,000. At that time, the Defense Companies were the most feared security units in Syrian society, because of the reputation they had gained for carrying out arrests, torture, and executions.

In 1976, Assad established a new apparatus, under the name of the Presidential Guard, which was led by Adnan Makhlouf, with responsibilities limited to ensuring the president’s direct personal safety and security. This apparatus grew steadily until it numbered 10,000, including within its structure a paramilitary organization.

Hafez al-Assad relied primarily during his rule on friends trained in military combat. Thus, the state’s development was narrowed down to two main factors:
loyalty being critical, along with a military background, which formed an unspoken yet key aspect of the civil state model that Assad tried to build.

In parallel, Assad built institutional structures with the aim of solidifying the state, with the true authority lurking behind the facade of civil institutions. At the same time, it was necessary to rebuild popular organizations such as the workers' and farmers' union and syndicates. Assad built the Ba'ath Party based on complete loyalty by concurrently expanding the government administration, the army, and the security apparatuses. This was made possible by an increase in the financial capacity of the state as a result of the immense amount of Arab aid offered to Syria after the 1973 war, as well as revenues from oil once it was discovered.

The way Hafez al-Assad built up the state’s institutions was reflected in the way he exerted control over them through the drafting and ratifying of the constitution in 1973. The 1973 constitution gave broad powers to the president of the republic. The office of the president also carried with it the role of secretary-general of the Ba'ath Party, and Article 8 made the president the head of state and society. Under the 1973 constitution, the president also serves as chief-of-staff for the army and armed forces according to Article 103, and as the head of the central leadership of the National Progressive Front. The presidency also encompasses legislative powers, including the right to appoint the speaker of the cabinet, his representatives, and his ministers, and also the right to relieve them of their duties (Article 95). The president of the republic may also declare war (Article 100) and states of emergency (Article 101). This was without a doubt the starting point that allowed Assad to build a pyramid state (see figure 9.1), wherein the president of the state would be the top of the pyramid and its three branches would be, first, the government administration; second, the army and security apparatuses (intelligence); and third, the Ba'ath Party.

These three institutions are centralized in the form of a pyramid, starting with the leadership of the regime and proceeding downward to cities, then villages, and then neighborhoods in various, parallel steps. At the governorate level, the president is represented by the governor, since the fourteen governors of Syria carry out orders directly from the president, controlling and overseeing the work of administrations under the auspices of central government ministries and the public sector in the governorate and surrounding villages and regions. The governor is the executive head of the government administration. He is, by virtue of his position, also the chairman of the municipal council in his governorate. During states of emergency, he is also the leader of the police force and army in his governorate. In parallel with the governor, the Ba'ath Party’s branch secretary in the governorate is a representative of the central authority as well. Branch secretaries of the Ba'ath Party in the governorates are carefully chosen and placed by the president as the secretary-general of the party, to whom they report directly. The branches of the party in all fourteen governorates monitor the administrative work and the governmental, educational, university, health, cultural, artistic, and athletic institutions and public-sector institutions through their
representatives or teams present in each institution. The branches’ reports are given to the leaders of the branches. The branch secretary may also assume the position of governor if the governorate does not have one. On a third and final level, the party’s different activities and administration on all administrative levels are monitored on a daily basis by the four security apparatuses in Syria.

These four security apparatuses are General Intelligence (State Security), which falls under the auspices of the National Security Office, which is nominally attached to the Ba’ath Party leadership; Political Security, which is one of the sections of the Interior Ministry; and Military Intelligence and Air Force Intelligence, which belong nominally to the Ministry of Defense. The National Security Office, under the auspices of the Ba’ath Party’s provincial leadership, coordinates these apparatuses. Each has its own duties for local monitoring, with branches in each governorate and central branches in Damascus, with the exception of Air Force Intelligence, which has its own special duties.3

In light of the security competition between these different apparatuses, the role of certain security branches has greatly expanded, even at the expense of the administration of which it is a part. The power of any individual branch is connected to the power of the branch president, which is likely influenced by the strength of his direct relationship with the president. These branches frequently overstep their powers, a result of the legal immunity they receive. Article 16 of the law that created the State Security Administration, issued through Legislative Decree No. 14 on January 15, 1969, protects security employees from judicial process if they were to commit any crimes of torture, in spite of the law that criminalizes torture. The article stipulates that “it is impermissible to pursue any workers in the State Security Administrations for crimes they have committed during the execution of the specified duties they were authorized to carry out, except by virtue of an order to pursue issued by the director.” These laws have remained in effect despite the issuance of a new effective constitution issued on March 3, 1973. These laws have contributed to making the security services the ultimate arbiter in political, economic, and administrative decisionmaking, and have also contributed to their growth in an unsettling way. The number of employees in the different Syrian security apparatuses has reached 65,000 full-time staff members and hundreds of thousands of part-time ones. Accordingly, there is 1 intelligence service member for every 257 Syrian citizens. As 59.5 percent of the Syrian population is above the age of fifteen years, there is 1 intelligence employee for each 153 citizens, giving Syria one of the highest proportions in the world.4

Looking at the numbers to demonstrate the extent of bureaucratic expansion in the different state apparatuses during the Third Republic, the number of employees in the public sector in different governmental administrations in 1965 reached 70,000; however, this number had surpassed 685,000 in 1991,5 and 900,000 in 2004 (see figure 9.2). The numbers of those working in the army and different security apparatuses in 1965 were 65,000; in 1991, 530,000; and in 2004, 700,000.6

The Ba’ath Party grew according to the policy of “Ba’athification” followed by Assad. Lower-level leaders in the party were appointed by regional leaders “from above” by appointment and not through
elections by members of the party, as had previously been the case. From the time of his coup, Assad followed a policy of open Ba’ath Party membership, or “Ba’athification,” in hopes of turning the party into a tool for maintaining security similar to the Soviet communist model. Several weeks after the coup, he declared that “from this day forth, the Ba’ath Party will not be the party of the elite.”7 At the time of the 1963 coup, the number of members in the party did not exceed 400. By 1971, however, its numbers had grown to 65,398 as a result of Assad’s policy of opening membership to a wider swath of society (see figure 9.3). Ten years later, in 1981, the number of members in the party had grown to 374,332; and by the middle of 1992, the ranks had leapt to 1,008,243 members.8

This policy encouraged citizens to join as members of the Ba’ath Party with benefits and simple perks by opening the doors to them to the apparatuses of power. In addition, they also became a mechanism
for military enlistment, mobilizing and pressing for loyalty to the president, who oversaw with all other security agencies the official government workers who required constant party approval for their activities. With the help of party members and intelligence figures, the eyes, ears, and perceptive antennae reached all neighborhoods in every city, large and small. This oversight extended to remote rural areas, where the Secret Police and General Intelligence could not hope to go and effectively monitor.9

The three-sided pyramid of this immense bureaucratic apparatus is what permitted this Orwellian ability (in reference to George Orwell’s novel 1984, describing governmental control over people) to oversee the state, the regime, and the people. In this way, the boundaries for the political opposition and civil society organizations would be greatly limited—if not completely nonexistent. It would be difficult to evade the censorship of the different state apparatuses if even the state itself did not try to penetrate them or turn them into “compliant” or cooperative institutions at a bare minimum.

The following are the most important security apparatuses and their branches in Syria that formed the security system during the rule of both Hafez al-Assad and Bashar al-Assad. The information provided for each branch is for clarification and may not be entirely precise due to the difficulty of verification.

“CIVIL” SECURITY APPARATUSES

The General Intelligence Administration, or “State Security”

The General Intelligence Administration, or “State Security,” was organized under the National Security Office, under the nominal national leadership of the Ba’ath Party, and later became the Homeland Security Office. It is believed that the General Intelligence Administration has eight or nine main branches, the most important of which is Branch No. 251, known as the “Internal Branch,” with independent headquarters in Damascus. It also has its own investigative institutions. It is believed that it is primarily responsible for the security of Damascus, with all its governmental and civil branches. The other general intelligence branches are mostly close to the general headquarters in Kafr Sousa, including the external branch, the information branch, the administrative branch, the investigative branch, the anti-espionage branch, and the assault branch. In addition to its central organization, the administration has other branches throughout the different governorates and regions of Syria.

The Political Security Division

One of the oldest security apparatuses in Syria, the Political Security Division is more an administrative than a field institution. It is the archive of information on the Syrian regime. This apparatus has a squad in every “directorate.” Its role in intelligence administration is large. Its most important branches deal with hotels, clubs, restaurants, students, employees, parties, and commercial and industry licensing. This apparatus is theoretically part of the Interior Ministry, the duty of which is to ensure that there is no organized political activity that seeks to weaken the regime or Assad’s authority. Its activities include monitoring political and diplomatic figures, foreigners living in Syria, and especially their communication with Syrians. It also monitors all printed and audiovisual materials in the media.

The apparatus has a special branch called the Political Parties Department, whose duties and missions tend toward this type of activity. There is another branch specializing in student affairs called the Student Activities Department, and also one for monitoring and pursuing called the Wanted and Monitoring Department, and a branch that covers Damascus called the City Branch. Though the work of the Political Security Division was focused on organized political forces and possible political activities, in recent years it has begun to monitor and oversee the government. The branch that follows up with the performance of this duty is called the Government Institutions Security Department.
MILITARY SECURITY APPARATUSES

The Military Intelligence Department

The Military Intelligence Department is considered one of the largest intelligence branches, and its role increased greatly during the 1980s and with the beginning of the Syrian revolution. Some of the many branches of the Military Intelligence Department have become relatively independent. Among these branches are the ill-reputed Palestine branch and the area branch, which enjoy a relatively great deal of independence and influence. There is the military investigation branch in addition to the department of security and polling in Lebanon, regarded as being responsible for many of the arrests and abductions in Lebanon before the withdrawal of Syria in 2005.

Air Force Intelligence

Air Force Intelligence was led for an extended period by Mohammed al-Kholi, a general who Hafez al-Assad frequently used to arrest his opponents after he took power in 1970. The mission of Air Force Intelligence was to protect Syria’s military weaponry, in addition to the president’s airplane, his safety while abroad, and the security of embassies. As the branch authorized itself with expanded powers, it turned into one of the more important administrations under the chiefs of staff of the Syrian army, becoming a real competitor to Military Security in protecting the regime and reinforcing loyalty to it. Its establishment was overseen by Hafez al-Assad during his leadership of airpower.

The responsibilities of Air Force Intelligence expanded to the point where they went beyond military matters. It played an important hand in arresting the regime’s civilian opponents and also became very effective and influential in secret foreign missions. In addition to the main headquarters for the Air Force Intelligence Administration, it has five other centers in Damascus, as well as its own Investigations Department. It also has three branches in three governorates, including Aleppo, Homs, and Latakia.

THE ROLE OF THE SECURITY APPARATUSES IN THE SYRIAN REVOLUTION

With the outbreak of protest movements in February and March 2011—following the revolutionary wave that swept a number of Arab countries such as Tunisia, Egypt, Libya, and Yemen—the security apparatuses all played a large role in trying to snuff out the protests and silence the peaceful demonstrators. The security apparatuses arrested and investigated dozens of political opposition members, banning them from traveling. Prisons were filled with thousands of activists who were protesting against the policies of the regime, a great number of whom were subjected to torture, which killed some of them, in addition to a number of erroneous and unfounded arrests.

The security apparatuses deployed their personnel among the demonstrators and abducted a number of the leaders of the popular movement, most of whom were youth. They used batons and tear gas before escalating to increasingly bloody means since the first demonstrations in February 2011.

The “al-Shabiha” phenomenon (the name of the militias loyal to the government that receive weapons from the security apparatuses and are funded by members of the Assad family) spread intense terror among civilians, especially in the areas of Damascus, Homs, Daraa, Hama, Idlib, and Aleppo. Al-Shabiha-backed security apparatuses worked to disperse, and prevent demonstrations and protests. But they went further still, invading places of worship that had become a starting point for the massive demonstrations, which, especially on Fridays, were occasions for dozens or hundreds of deaths to occur at the hands of the security apparatuses and al-Shabiha. Extensive operations were carried out where homes and shops were raided in search of wanted people and seeking to terrorize those providing shelter to the protest movements. A number of girls and children were arrested in this campaign, and thousands of stories emerged about the rape and torture of girls, children, and women. Then the image was published in Daraa of a thirteen-year-old boy who had been killed following extensive torture that included extinguishing
cigarettes on his body and cutting off his genitals. This incited waves of rage on the Syrian street and in the international community, even though the regime that represented Assad denied any responsibility for what had happened.

With the Syrian regime’s adoption of the security solution in facing protesters and demonstrators and the spread of the al-Shabiha phenomenon, demonstrators proceeded to form popular committees made up of residents of the region charged with protecting it from criminals and warning demonstrators of any coming security intervention. This prompted the regime to deploy its military forces to face the unarmed people after failing to stop the protest movements against the security apparatuses in Syrian cities.

In reality, this was not the only reason for the army to intervene. The forces from the Fourth Division had gone in to stop massive, enraged demonstrations and protests in Daraa following the arrest of the children who had written antiregime messages on the walls of their schools. The security apparatuses and the governor of Daraa refused to return these children to their families, even after notables from the Daraa tribes intervened. The security apparatuses exhibited the worst of their oppressive tactics in an escalatory, rapid way during the Syrian revolution. This incited popular feelings and prompted a huge reaction from the street.

In addition to its reaction toward the oppressive manner adopted by the Syrian security apparatuses, the Syrian public had long been concealing a large degree of enmity toward these apparatuses that had violated civil rights, making the security branch the worst imaginable place in the minds of Syrians. Several attacks by demonstrators on security centers and checkpoints spread through all of Syria underscored this ill will. It is worth noting the fact that the security apparatuses, especially the military components, are staffed by a large percentage of Alawites, and this added a sectarian element to both sides of the conflict. Sectarian strife intensified as the conflict became military in character, and in the wake of a number of barbaric massacres waged against civilians in regions of Sunni/Alawite strife, especially in western Syria.

The most famous massacres carried out in the past two years for which the security apparatuses and armed forces along with al-Shabiha are accused include:

- The Sanmin massacre in Daraa on March 25, 2011, after a number of popular demonstrations broke out protesting the actions of political intelligence head Atif Najib. According to Syrian opposition sources, 20 people were killed by live bullets in the massacre, along with dozens of injuries.
- Rastan and Talbiseh from April 16 to 19, when a number of peaceful demonstrations broke out, and security forces reacted with gunfire that led to the deaths of about 20. This was nearly a month and a half after an army attack in which more than 40 were killed and hundreds were injured.
- The Friday of Children of Freedom massacre in Hama, on June 3, 2011, when a demonstration took place that was recognized as one of the largest in the Syrian revolution, with about 500,000 participants, according to lower estimates. The demonstration was called the Friday of Children of Freedom in protest of the state’s announcement of a curfew in the city. In spite of this large crowd, the security forces insisted on attacking the demonstrators, carrying out a massacre that resulted in an estimated death toll of 70.
- The Hama Prison massacre, on August 1, 2011, following disobedience by political prisoners after the outbreak of events, when the security apparatuses exterminated dozens of prisoners, according to opposition sources. The number of deaths was estimated at more than fifty, and eyewitnesses claimed that trucks had been transporting the bodies far away from the prison in order to cover up the massacre.
- The Kansafra massacre in Idlib on December 19, 2011, when, following the attempt by regime soldiers to defect, soldiers killed all of them, leaving 72 dead.
- The Kaf Ayoud massacre in the Idlib Governorate, one day after the Kansafra massacre, where
the army forces and al-Shabiha attacked the city of Kafr Ayoud, bombarded the city, closed it off, and pursued those families fleeing the bombardment and state of terror, leaving 160 dead while the National Council claimed that the death toll surpassed 200.

The Khalidiyeh massacre in Homs on February 3, 2012, where the regime orchestrated a large massacre in cooperation with the army, which was shelling the city with mortars and heavy weapons along with the security apparatuses that had raided the region. According to the opposition, the death toll surpassed 300.

The Karam az-Zeitoun massacre in Homs on March 11, 2012, where al-Shabiha carried out a massacre against women and children in Karam az-Zeitoun in Homs following severe shelling of the city by the army. The opposition accuses al-Shabiha and security elements of killing children and women with knives after raping and torturing them. The number of dead is estimated at more than 70, most of whom were women and children. The massacre is regarded as among the worst crimes committed by the Syrian regime in the way it targeted civilians and took on a sectarian aspect. Most of the families were driven out of the region for fear of a similar massacre happening, making some opposition groups describe the massacre as religious cleansing.

The Baba Amer attack in Homs in March 2012, the region that had come under the control of the Free Syrian Army and thus came under intense shelling, leading to the destruction of a large part of the area following the shelling and the entrance of the army and security apparatuses. Eyewitnesses speak of neighborhood sweeps that led to the arrest of hundreds and the execution of dozens. The security apparatuses are accused of burning a number of houses and storehouses that had been raided and searched.

The Houla massacre in Homs on May 25, 2012, when the army and al-Shabiha carried out a horrifying massacre in the city of Houla, where most victims were women and children. According to the head of the international observer delegation, the number of deaths reached at least 92. This massacre is regarded by many as a dangerous turning point toward the increasingly sectarian nature of the Syrian crisis because it happened in a Sunni city and most of the attackers were Alawite.

The Qabeer massacre in June 2012 in the city of Hama, where 100 were killed, many of whom were women and children. It is believed to have had sectarian dimensions.

The Tremseh massacre in Hama on July 12, 2012, which was carried out with the participation of the Air Force, which bombarded the region along with artillery shells. The opposition accused the security apparatuses and al-Shabiha of killing dozens of civilians in cold blood with knives, including women and children. The number of dead was estimated at more than 100, while the opposition claims this number was more than 200.

The Izaz massacre in the Aleppo countryside on August 15, 2012, when Syrian jets randomly shelled the city, leaving a large number dead, estimated at 80, all of whom were civilians, including a number of women and children. The attack also destroyed large parts of the city.

The Darayya massacre in the Damascus countryside on August 26, 2012; the opposition claims that a number of Fourth Division troops had executed and exterminated more than 360 in the city following attacks on their homes. Videos came out depicting the intensity of the massacre and the scale of human losses.

The Jebeileh massacre in Deir ez-Zor in October 2012, when the Syrian opposition accused the regime army of gathering dozens of youth accused of cooperating with the Free Army in a certain place, killing them, and burning their bodies.

The Halfaya Bakery massacre on December 23, 2012, when the Air Force shelled the city of Halfaya a few days after it came under the control of the Free Syrian Army, targeting the long lines of
civilians in front of the city’s bakery, killing more than 90.

- The Telbeesah Bakery massacre, one day following the Halfayah massacre, when Syrian planes shelled the line in front of the Telbeesah bakery and also a field hospital next to the bakery, killing 15.

- The Jdeidit al-Fadal or Jdeidit al-Artouz massacre in the Damascus countryside on April 21, 2013, which was one of the worst massacres of which the Syrian army, security forces, and al-Shabiha had been accused. It occurred following battles between fighters from the regime army and the Free Syrian army. The security forces and the army-backed al-Shabiha raided the area and killed a large number of families and unarmed civilians. The bodies of hundreds of women, children, and the elderly were witnessed and it was said that a large number of the dead were killed while burying their own dead following the battles. Opposition sources estimated the number of dead at more than 500, prompting intense international condemnation.

- The Beida Massacre in Tartous on May 3, 2013, a day after the deaths of a number of security forces and al-Shabiha by the Free Syrian Army. The army and al-Shabiha raided the village of Beida, killing around 70, a large number of whom appeared to be women and children. This massacre appeared to have sectarian motivations.

- The Baniyas massacre on May 6, 2013, in what seemed to be sectarian escalation following the Beida massacre. The security forces and al-Shabiha attacked the neighborhoods of the city of Baniyas, killing dozens of civilians. The opposition estimated there to have been hundreds of deaths. Video clips leaked images of bodies being burned and piled up in one area. The regime saw the operation as targeting terrorists who had been eliminated.

GOALS AND PRINCIPLES FOR REFORMING THE SECURITY APPARATUSES

It is certain that one of the most significant reasons for the rage churning within Syrians that exploded with the outbreak of the Syrian revolution in March 2011 is the current regime’s security structure. It is doubtless that the cruel and violent response by the security apparatuses and Syrian army served to increase anger and incite feelings. As mentioned above, the Syrian regime, like any oppressive regime, has used the security apparatus to protect its position and participated in expanding it in a way that has served its interests but is intolerable to the Syrian people.

It was not enough for the security apparatuses to monopolize a significant portion of the Syrian state budget, either in wages, salaries, equipment and training along with other expenses. They went beyond this, infringing in a terrifying way upon the freedoms, rights, and private property of individuals. There was also no system to effectively monitor the performance of the security apparatuses. It was not possible to hold them accountable; rather, the law gave them permission to violate rights and commit crimes.

Syrians went out in the first days of the revolution chanting for the reformation of the regime, and then for its downfall. The most important institutions of this regime are the security apparatuses, which the revolutionaries regard as having constricted them and instilled terror and fear in them over many long years. They also contributed to dividing society, crushing its willpower and hurting its dignity. Thus, for the people who revolted and sustained the harshest security response, their demands cannot be met except through a radical change in the country’s political, security, and economic regimes.

The Syrian revolution made its first step toward building a new security institution. It freed the Syrian individual from the chains of deep-seated fear. Syrians began to go out in demonstrations, calling out slogans, speaking to television stations, and working to bring down the system. Syrian experts have begun to study how to break down the security apparatuses
Restructuring the Security Services

according to a responsible national vision prepared by a specialized professional team and to rebuild them after the regime falls, turning them from regime apparatuses into national institutions.

Security sector reform is based on the concept of providing security for all citizens so that they can enjoy political, economic, and cultural freedoms. This same concept also provides opportunities to create, innovate, and guarantee freedom of thought and expression. The rebuilding of these apparatuses will also create security institutions under civil administration that work with transparency and accountability to ensure that the regime defends the sovereignty of Syria and the unity of its land while also preserving its social fabric.

The process of reforming the security sector can be defined as “the transformation of the security regime including all active sides and their roles, responsibilities, and procedures in a way that it is administered and utilized to be more in keeping with peaceful democratic standards and principles for the guiding authority, helping to create a well-performing security apparatus.”

The philosophy behind security sector reform is rooted in the concept of human and societal security. The main goal for the security apparatuses and their institutions should be to protect both the security of citizens and their status as citizens, as well as respecting their rights, protecting the general order, and defending the sovereignty of Syria and the unity of its lands and its diverse social fabric. This idea is in stark contrast to the role of the various security apparatuses mentioned above and their uses during the Assad dynasty.

The new Syrian security apparatuses must be built based on the following principles:

- Effectively providing security to all Syrian citizens in a way that they are able to enjoy their political, economic, social, and cultural freedoms, protecting the general order, respecting human rights, and defending the sovereignty of the state and the unity of its lands.
- Building durable relations among the security apparatuses and the people, and civil society, based on principles of democracy. The armed forces, the security apparatuses, and the police forces should work according to the order of elected civil authorities.
- Improving the manner in which security and judicial services are provided to Syrian citizens and providing professional training and development opportunities for all those working in the security sector. This training should include the fields of human rights and citizenship, in addition to technical skills such as criminal investigations, crowd management, and the management of different crises. This also includes laying out a clear legal framework to specify the remit of the security apparatuses in accordance with international human rights agreements and standards.
- Separating the security sector from politics entirely, preventing partisan posturing within this sector. The security sector should concern itself with serving the interests of the people, not any partisan or sectarian interests.
- The establishment of effective administration, oversight, and accountability systems for the security apparatuses, wherein these oversight bodies are entitled to review documents that disclose the professional and national performance of the security institution according to standards of highly professional performance.
Strengthening the culture that the security sector is a basic constituent of the new democratic regime that serves society and its citizens, based on the application of transitional justice, the sovereignty of the law, and strengthening and embodying the idea of citizenship. This culture is a real dividing point between democratic and authoritarian systems.

At the beginning of the building process, the means of legal and societal oversight and accountability must be improved within the Interior Ministry and outside it through parliamentary and judicial oversight. Civil society forces and citizens may also play an important role in strengthening accountability through oversight mechanisms.12

The above-mentioned elements are the pillars for security-sector reform and were essential to the success of a democratic transition in several countries. In Spain, for instance, similar steps were gradually taken after the death of the dictator General Francisco Franco in 1975, leading to the transition into power to the Socialist Party after the historic elections of 1982. In South Africa, the “White Papers” provided a comprehensive reform program for national defense in October 1994, after abolishing the racist apartheid system.13

Today, the Arab Spring nations, including Syria, are witnessing the same reforms toward democratic transitions following their revolutions. In Tunisia, which ignited the flames of the Arab revolutions, the Interior Ministry presented an official report on democratic security during the transition toward democracy and state building, which discussed the transition of the security sector from being based on repression to serving and responding to new challenges from crime. Libya also worked to reform its security and military sectors, bringing together revolutionary elements in security and military institutions. If these processes failed, then the entire democratic transition process would be likely to fail.14

CHALLENGES TO SECURITY-SECTOR REFORM

Even though security service abuses are the most important reason for the revolution and reforming them is the most prominent of the demands made by the revolutionaries; and despite the reality that the security-sector status quo is no longer acceptable politically or logically, the task of reforming them may be difficult for Syrians. This is the case for a number of reasons, the most important of which are:

1. The process of reforming the security apparatuses requires several preconditions, the most important of which is creating powerful political and administrative institutions that possess the genuine will to effect serious change with broad popular support to realize this reform. This does not mean only the executive institutions, given that the reform process requires enacting some laws and amending or nullifying others. Thus, there must be a powerful legislative entity along with the executive authority.

2. The absence of a judicial authority that enjoys the confidence of the people is another issue. The current judicial authority is considered a basic part of the regime whose downfall is desired. Thus, the Syrian people will need a long time to be able to rely on the judicial authority and to deal with it in confidence.

3. The absence of a unified military force that gives the state prestige and enforces security is also a serious problem. Currently, there are two combating military forces, one being the regime army and the other being the militias and the generals who defected from the regime army. The possibility of forming a unified national army that the country’s political administration can rely on is illogical today, in addition to the Free Syrian Army in reality being composed of militias and generals and the central link between them is superficial and fragile.
4. The immense number of security apparatus elements is still another issue; some see it as unreasonable for the security apparatuses to maintain this number, needing to be reduced greatly for reasons related to the economy and the state budget, while others feel that letting go dozens, hundreds, or thousands of security personnel would be dangerous for society and could lead to dangerous consequences.

5. The authoritarian mentality of security personnel is deeply entrenched. The staff members of most security apparatus elements that were the nucleus of the future technocratic security apparatus need to be requalified and trained. Any new blood that might be included in the future security system will need professional and advanced training.

6. The collapse of the Syrian economy is a significant impediment to the reform of any apparatus or institution in the state. The Syrian economy has been compromised to the extent that it has nearly collapsed. Two years of international sanctions, along with the collapse of the Syrian currency, have made leading the coming period and carrying out the desired reforms a matter dependent on priorities and available capabilities.

7. With respect to sectarian division, it is unacceptable to deny the fact that the conflict in Syria has taken a dangerous turn that has affected the entire region. It has transformed the conflict from a political to a sectarian one. Sunnis make up the majority of Syrians, demonstrators, and revolutionaries, and most of the defectors from the military are Sunni. Meanwhile, armed Islamist groups proliferate amid a religious discourse ranging from moderate to extreme. Conversely, most of the security forces and military leaders are from the Alawite sect backed by international forces with affiliations such as Iran, Iraq, and Hezbollah in Lebanon. It must be admitted that the sectarian situation has become a basic part of the conflict, sparking fears that the reform process and cleansing will be directed against the Alawites, possibly complicating the process and exacerbating tensions.

8. Security chaos is a serious issue; and security, stability, and reforming institutions are not possible in an environment fraught with this chaos, especially with the proliferation of weapons among militant groups and individuals. The spread of arms is not only considered dangerous for the idea of reforming and building, but is also seen as the biggest danger to stability and social security.

REFORMING THE SECURITY APPARATUSES

The most important steps for rebuilding the security sector are:

- The rapid intervention of internal security forces and the Free Syrian Army, in cooperation with unarmed local committees in villages and city neighborhoods, immediately after the regime falls to protect people and their property as well as the important centers and institutions of the public sector. These include real estate authorities, banks, civil affairs, heritage, museums, prisons, and mental health institutions.

- Dissolving all security apparatuses from the former regime, with the exception of the internal security forces (the police) by ministerial resolution from the Interior Ministry in the transitional government; the security headquarters are to be shuttered, with guards to watch over them to protect the documents and property inside.

- Cleansing the Interior Ministry and its subsidiary apparatuses of officers who committed crimes of extrajudicial torture and murder, disarming them, and pursuing those who have fled. This is to happen through a ministerial committee that includes reputable police and judiciary leaders, representatives from human rights organizations, and the lawyers’ syndicate, as long as they have gone through intensive and appropriate training. Files and search documents should also be examined and general security cases should be investigated.

- Make an audit of senior leaders from the police or those in retirement to determine who among
them are trustworthy, and appoint these police to leadership roles in the security-sector rebuilding process.

- Establishing a committee issuing from the transitional government to prepare for and oversee the process of reforming the security sector during the transitional period. The committee should comprise national forces specializing in security, the judiciary, syndicate work, and military psychology, working according to the following strategy:
  - Restructuring the Interior Ministry and its administration by a civilian minister, transferring the nonsecurity departments and jobs—such as passport administration, the civil registries, civil defense, and Hajj organizing—to other ministries. The new administrations within it are to be brought up to date, such as the social reform centers, rapid response forces, human rights administration, the societal police administration, and the riot police.
  - Fully reviewing the training systems and methodologies, working to change the study materials to reflect concepts of the security of the people instead of the security of the regime, and to emphasize the police’s duty to serve and not control the community.
  - Changing the standards for promotions within the Interior Ministry and anchoring an integrated system of competency, performance, training, and qualifications, and detail this system in the new police law.
  - Updating the leaders and personnel of the Interior Ministry through what are known as continuing training courses, in accordance with globally recognized training methods with tactics for riots, qualifying them to being able to uphold professional respect for basic human and constitutional rights, and providing them with the equipment needed to protect the public order.
  - Merging Air Force Intelligence with Military Intelligence, with the new body being empowered only to protect the security of military officers, and create a new administration for military intelligence under a different name.
  - Merging political security with the new security apparatus, the responsibility of which will be to protect the security of the Syrian people, and annulling all the political security apparatus’s former duties and establishing a new apparatus for internal intelligence.
  - Establishing a new apparatus for foreign intelligence and joining it with general intelligence; replacing the term “national security” with “homeland security.”
  - Merging some of the fighting elements from the revolution who wish to join the Interior Ministry, for those who meet the conditions necessary for this and qualifying them through the necessary training.
  - Opening the door for work in the security sector for all Syrians, regardless of their ethnic backgrounds or sectarian affiliations.
  - Drafting a new police law to replace the current one to reflect the above-mentioned recommendations.

The structuring of the security sector is regarded as the most precise way of measuring the legitimacy of the new regime, its national credibility, and its commitment to true democracy. In conclusion, the following are necessary:

- Establishing effective outside oversight mechanisms of the security sector, such as a the attorney general’s office, Parliament (the Council of Representatives), the human rights council, and civil society organizations, enabling the internal oversight sector to carry out its professional authority according to the objective standards in the new police law.
- Working to draft a freedom-of-information law, organizing the procedure of publishing parliamentary circulars to ensure the public oversight of government officials, and to guarantee the
professionalism of officers and ensure that the Interior Ministry’s budget is soundly spent.

• Separating the security sector from politics, preventing it from practicing politics and partisan posturing, except under conditions that guarantee its independence and integrity.

In the end, the reintegration programs will facilitate the transition of society from conflict to a natural state of growth. The nominal goal of the reintegration program will be to support former fighters in their aspiration to assimilate into civil society socially, economically, and in work. This calls for study of likely sources of funding for this project, in addition to studying and specifying the factions targeted by the project and the elements that may hinder it. These factions include people with mid- to high-level positions in fighting groups. Their expectations for the results of the program may be higher than what is actually possible.

In the context of the integration process, several of the fighters who suffer from health problems that need treatment must be cared for. For the integration program to be successful, it must include health care services. Also, all physical and mental health problems must be dealt with after fighting has stopped. This matter remains a priority during the period of the program’s establishment.

The process of letting go personnel from the security sector and army (both the regime and the Free Army) may cause additional changes in the work market and the chance of renewed violence and tension. Allowing the economy to remain as it was during the war, with a weak state, may negatively affect the postconflict period, the sovereignty of the law, and the democratic process. A society in upheaval and the weak or less-than-capable state cannot meet the requirements of fighters or help them settle in a society where they are becoming more and more powerful. Thus, and for the sake of the success of the reintegration program, work must be done to meet the needs of the future society immediately.

Cleansing and Auditing Committees

As mentioned above, the Syrian Expert House has called for the formation of a committee to cleanse the security apparatuses that are part of the Interior Ministry. These committees, however, are charged with dangerous, sensitive, and essential national work, and thus several important factors must be taken into consideration:

1. The committees should be civil and or generally civil in character.
2. The members of these committees shall be subject to intensive, high-level training.
3. The members of the committees shall be chosen according to clear and transparent standards. It is proposed that the security-sector Committee for Cleansing and Auditing include a member from the Transitional Justice Authority, a member from the Supreme Judiciary Council, and a member from the current legislative council (the Constituent Council).
4. The cleansing procedures should be carried out according to a carefully devised plan. The committee shall sort workers in the security apparatuses into several groups to benefit from them as much as possible in various sectors.

The Homeland Security Council

The Homeland Security Council is the higher council responsible for protecting the security of the Syrian state from any outside attack or crisis that might affect national security—be it military, security, economic, health related, or the result of natural disasters.

The Homeland Security Council is headed by the prime minister (the executive authority pyramid) and includes the interior minister, the defense minister, the leader of the army, and the head of the homeland security apparatus, along with ministers directly concerned with emergency crises (see figure 9.4). It is a civil, independent apparatus in and of itself, the authority of which is not subject to the Defense or Interior ministries. It is directly related to the president of the executive authority (the head of the Homeland Security Council), in what is considered
the directorate of the internal security forces that are administratively under the jurisdiction of the interior minister.

**The Homeland Security Apparatus**

This Homeland Security Apparatus specializes in gathering information related to the security and interests of Syria, analyzing this information, and presenting it in reports to concerned apparatuses. It is a civil institution that shall not be directed by a military figure during the performance of his military service. No person shall be appointed with political affiliations as director of this institution, except if he or she has resigned from his or her political party.

“Homeland Security Apparatus” serves as the title for the foreign intelligence apparatus concerned with gathering information and data to be analyzed in order to protect the homeland from any danger to the country’s security and interests. The Information Department (the internal intelligence department) is part of the directorate of internal security, and administratively a part of the Interior Ministry.

**The Directorate of Internal Security**

The Directorate of Internal Security is normally directed by a member of the military, who is chosen through appointment by law (after gaining the confidence of Parliament). A special law is organized by the security forces showing the standards for the selection of this director, for his or her powers and term of service, and for all the directors of administrations under this directorate. This directorate may administratively be a part of either the Interior Ministry or the Homeland Security Directorate. The basic directorate responsible for preserving the security of the state is entrusted with a number of basic missions, categorized into several fields.

In the field of administrative policing:
1. Providing order and establishing security.
2. Ensuring general calm.
3. Protecting people and property.
4. Protecting liberties within the framework of the law.
5. Taking care to apply the laws and regulations entrusted in it.
In the field of law enforcement:
1. Performing law enforcement duties.
2. Carrying out judicial fines and orders.
3. Carrying out judgments and judicial memoranda.

In other fields:
1. Supporting the general authorities in the performance of their duties.
2. The guards chosen by the authorities specializing in administrations and general institutions.
3. Guards and administration of prisons as necessary.

The Directorate of the Internal Security Forces is made up of several departments (see figure 9.5). The first, General Administration, is in charge of administrative work, particularly that having to do with the senior administration of the Internal Security Forces and representing the direct reports of the general director of the Internal Security Forces as well as providing counsel to the director and producing research and studies.

The Central Administration manages the Internal Security Forces structures, overseeing the technical divisions, securing the necessities for operations, and managing accounts.

The Social Services Administration has several missions: to manage public relations, issuing statements, publications, and other services related to the administration of other athletic, social, and intellectual clubs and services.

The Regional Gendarmerie has personnel who are charged with protecting security outside governorate centers (cities, villages, and suburbs).

The Roving or Mobile Forces unit is responsible for all mobile forces and preserving the security of external areas or streets.

The Central Police units are responsible for the security of major cities (governorate centers).

The Judicial Police are responsible for criminal proceedings across all Syria’s lands, such as investigating crimes.

The Diplomatic Police protect embassies and foreign diplomats in Syria.

The Police Discipline Department is an entity concerned with receiving complaints from citizens related to members of the Internal Security Forces. It is the department responsible for monitoring the performance of different police administrations and organizes the law of their powers.

The Internal Security Institutes are responsible for managing the Internal Security Forces institutes, faculties, and training centers.

The Information Department receives complaints from citizens; it issues notifications and searches for possible information about any accident or crime that has occurred or may occur or any event that may threaten homeland security, citizens, and public safety; and it carries out analyses and provides findings from investigations.

**TIMEFRAME**

The Syrian Expert House believes that the process of restructuring Syria’s security institutions, even if only at a bare minimum, must begin as soon possible, starting in the liberated regions. This will help to restore security and protect both public and private property from harm. It is likely that this role will be played by individual revolutionary civilians and fighters with the backing of the Free Syrian Army brigades and defectors from the army and security apparatuses.

To ensure that security is achieved and to prevent the country from descending into chaos, the Syrian Expert House feels that it is necessary to coordinate with armed brigades working on the ground to guarantee the good behavior of their members. This would avoid compromising the security of citizens and demonstrate commitment to the unity of the Syrian state by submitting to the authority of the state and to any national transitional government formed after the regime’s fall. Thus, these brigades can serve to protect the peace and security of people and defend
the country from any outside aggression. They should then be incorporated into the rebuilt Syrian Army and the Internal Security Forces following their qualification for these tasks.

As soon as the transition process begins and a transitional government is formed, serious work must begin to reform and perhaps build up the nation’s security structure. The transitional government must immediately take several specific, calculated steps based on recommendations presented by the Syrian opposition and Syrian and international political, strategic, and security research centers. These include dissolving a number of security apparatuses and their branches spread across Syria, and combining others.

During the transitional period, a clear vision for the security sector must be set forth and ratified by the elected Constituent Assembly. The Syrian Expert House sees it necessary to build a powerful security system represented by the Homeland Security Council, led by the executive authority pyramid, and joined by a number of ministers and security and military leaders. The Syrian Expert House also believes it is necessary to restructure the Internal Security Forces.

In addition, the government, starting from its first days, must work toward the formation of Cleansing and Auditing Committees, doubling down on diplomatic efforts to ensure the training and requalifying of Syrian security cadres at the first opportunity. This requires the transitional government and the elected constituent assembly to draft several laws that help to establish security in the state later on, appointing an executive authority to execute the necessary reform as quickly as possible.

A plan with precise standards and specified clauses must be set forth in coordination with political forces and armed revolutionary battalions to disarm civilians and to do away with any weapons outside the authority of the state. This process should include
bringing battalion members into the army and Internal Security Forces if they so desire.

**ENDNOTES**


3 For more on this, see Middle East Watch Committee, ed., *Syria Unmasked: The Suppression of Human Rights by the Regime* (New Haven, Conn.: Yale University Press, 1991).


6 This is based on estimated and calculations that relied on personal observation. There are no confirmed official or unofficial numbers on this subject.

7 George, *Syria*, 71.

8 Ibid., 10. Syrian Ministry of the Interior Records show that the population of Syria at the beginning of 2004 had reached close to 20 million. In 2000, the population was 16.32 million, and in 1997 it was 15.1 million. Surveys carried out in 1994 showed that the population of Syria was 13.78 million; however, in the statistics gathered in 1981, the number was 9 million. In 1970, it was 6.3 million; while in 1960, according to official statistics, it was 4.57 million.

9 Ibid., 87.


11 See the Security Council, the report on the reform of the security sector No. 1/14, Shabbak, 2007.


The Syrian Expert House recommends several steps to gradually achieve security, on one hand, and to rebuild and reform the security apparatuses, on the other.

First: Before the Fall of the Regime
The Syrian Expert House recommends that the following steps be taken immediately, without waiting for the end of the Syrian crisis and the creation of a national transitional government:

1. Coordinating with the leaders of armed revolutionary battalions and leadership of the Free Syrian Army to guarantee the compliance of their armed elements and the commitment of their leaders to the framework of the Syrian state represented by civilian authority.

2. Working to prepare training and qualification programs for armed elements, whether they are defecting military personnel or civilians, as a preliminary step toward requalifying and training all elements of the security apparatuses and armed forces following the end of the Syrian crisis.

3. Preparing studies and research related to the reform of the security apparatuses; dissolving parts of them and integrating others; restructuring and building the security apparatuses and systems in Syria; and preparing committees for cleansing and auditing and instituting standards for choosing their members, mechanisms of work, and powers, along with development and training programs.

Second: The Transitional Period
The Syrian Expert House recommends that the government carry out the following steps at the start of the transitional period:

1. Issuing decisions on the dissolution of a number of security apparatuses and integrating some of them, which must have been well studied before the beginning of the transitional period by Syrian research centers.

2. Forming committees for cleansing and auditing with specified and studied standards.

3. Working to disarm civilians in coordination with armed battalions and leaders from the Free Syrian Army.

4. Devising a plan to integrate militants who so desire to work under the authority of the state in the Armed Forces and the Internal Security Forces.

5. Begin the execution of intensive qualification and training programs in a number of allied and friendly states.

6. Presenting a project for rebuilding and structuring the security apparatuses by the elected Constituent Assembly for it to ratify.

7. The Syrian Expert House recommends considering all plans and programs included in this report related to the reformation and rebuilding of the security apparatuses and working to implement them, using the standards specified by the Syrian Expert House.
Since Syria gained its independence in the mid-1940s, the Syrian Army has played a large role in the country’s political life, one that often goes beyond its natural role of protecting the country from foreign threats and maintaining civil peace. A series of military coups have been launched during this time against the political establishment, which Syrians themselves wished to see take the form of a civilian multiparty democracy. The country’s first military coup, launched by Husni al-Za’im in 1949, presented a model that was fundamentally hostile toward democracy. This was followed by a second coup launched by al-Hinnawi the same year, which helped restore Syria’s character as a democratic country. This was followed by two successive coups launched by Adib Shishakli in 1951 and 1953, which presented new setbacks for democracy in Syria, putting a stranglehold on political parties. Shishakli’s regime was then overthrown in 1954 in a military coup that returned former president al-Atassi to power, who ruled until Syrians elected Shukri al-Quwatli as president in 1955.

Under pressure from the army, Syria entered into a short-lived union with Egypt in 1958, eventually seceding three years later in 1961. This was followed two years later by another military coup launched by the Ba’ath Party in 1963, making Amin al-Hafez president and ushering in a new era in Syria’s history, led by a group of new political elites who were able to climb through the ranks of the armed forces. During this time, there was no participation on behalf of the masses in any sort of democratic political life. In 1966, another military coup from within the Ba’ath Party itself occurred, which resulted in the appointment of a new president. In 1967, Syria’s army, like that of other Arab armies in the region, suffered a huge defeat during the 1967 Six-Day War (or the “June Setback,” as it is referred to in the Arabic literature) with Israel, which led to the loss of parts of Syrian territory, in addition to the complete occupation of the Golan Heights. This was followed by yet another internal military coup in 1970, referred to as the “Corrective Movement,” led by Hafez al-Assad, who appointed Ahmad Hasan al-Khatib as temporary president, before Assad himself assumed the role of president in 1971. A referendum was then held on the country’s constitution in 1973, which granted Assad wide powers.

Assad’s rule continued until his death in 2000, with his son, Bashar al-Assad, succeeding him in taking up the role of president. The army played a prominent role in helping to spread and secure the
rule of the father Assad, particularly during the internal struggles of the late 1970s and early 1980s between the army, the security forces, and the Syrian Muslim Brotherhood. The most remembered of such events was the blockade and invasion of Hama, which led to the destruction of much of the city’s infrastructure and the death and injury of tens of thousands of Syrians. After this period, the role of the army in the country’s domestic affairs decreased, replaced by that of its security forces, whose power and influence became widespread on the Syrian street.

The Syrian Army invaded Lebanon in 1976, eventually asserting near complete military control over the country following the Ta’if agreements between Lebanon’s various political forces in 1990, a process that left the army tired and overextended due to the state’s limited resources. During this time, Assad began to think of the possibility of obtaining material support from the Gulf countries in addition to military aid from Russia, eventually creating an Air Force Intelligence Directorate, led by Mohammed al-Kholi, who served as chairman. It was after this period that the influence of the country’s security forces began to be imposed on its various army formations. Rifaat al-Assad was elected leader of what was referred to as the Defense Companies, the most powerful military unit operating outside the framework of the National Army. In 1975, Rifaat al-Assad became a member of the country’s national Ba’ath Party leadership, a move that reflected the beginning of Hafez al-Assad’s increased reliance on members of his family and those from his own sectarian background in order to hold onto power. After that time, Syria became known as “Assad’s Syria,” with a number of additional monikers adopted to refer to Hafez al-Assad’s personal ownership of the country—including “Assad’s office,” “Assad’s hospital,” “Assad’s garden,” and “Assad’s lake.”

Conflicts between the regime and the Muslim Brotherhood in the early 1980s helped solidify a new reality for the Syrian armed forces, represented by the appointment of Rifaat al-Assad as leader of the Defense Companies, and Ali Haider as leader of the Special Forces, both of whom were members of the Alawite religious sect, which extended its hegemony over most high-ranking and sensitive positions within the army and security services. The end of the “Brotherhood” crisis and the horrific Hama massacre in 1982, whose casualties totaled upward of 25,000, helped bring to full circle the horror story that would come to characterize life for Syrians.

Because the army and Military Intelligence under its new composition became the institutions charged with running and administering the country, Syria began to witness high rates of military spending,

| Table 10.1. The Militarization of Society, Comparing Indicators for Syria and the Rest of the World, 1982 |
|-------------------------------------------------|-----------------|---------------------|
| Indicator                                      | Syria           | The World           |
| Ratio of military spending to gross domestic product | 14              | 5                   |
| Cost of military imports (millions of dollars)   | 1,900           | 38,445              |
| Cost of military spending (millions of dollars)  | 2,176           | 673,925             |
| Total spending on education (millions of dollars)| 1,023           | 642,979             |
| Total spending on health services (millions of dollars)| 65              | 526,859             |
| Rate of military spending per soldier (dollars)  | 9,802           | 26,373              |
| Military spending per square km (dollars)       | 11,762          | 5,074               |
| Total population (thousands)                    | 9,434           | 4,587,730           |
| Total number of armed forces (thousands)        | 222             | 25,554              |

which in the 1970s and 1980s reached nearly three times that of the international average. This came at the expense of demands made by those within civil society for increased funding for health, education, and human services in the newly created country (table 10.1).

During the reign of Hafez al-Assad, the Syrian Army enjoyed high levels of prestige, which was directly linked to the president himself, with the military’s influence in state affairs peaking between 1985 and 1990. During this time, the number of regime troops within the National Army reached 400,000, with an additional 300,000 reserve troops also recruited. Defense spending on the army during this period consumed 60 percent of the annual budget. As a result of the high prestige enjoyed by the Army Joint Chief of Staff within the Central Committee of the Ba’ath Party’s Regional Command, officers began to involve themselves in civil governance affairs, imposing their own policies on the civilian government. This assumption of power was based on a decree released by Hafez al-Assad, while sick at the beginning of 1984, that made each garrison commander the martial governor of the area in which he was deployed.

The Syrian Arab Army today is believed to total upward of 450,000 soldiers, distributed among three corps, and other types of formations, which are widely spread across all the Syrian territory, in even higher concentrations than along the national border (figure 10.2).

When Bashar al-Assad inherited control from his father after the latter’s death on June 10, 2000, following the conclusion of a special session of the People’s Council, Syria’s constitution was amended, in particular the paragraph related to the minimum required age for candidates for office, changing the requirement from forty to thirty-four years of age, that of Bashar al-Assad at the time. Bashar was the only candidate nominated by the Regional Command, and his selection was ratified and approved by the People’s Council of Syria. A referendum was then later held on Bashar’s nomination, which was approved with 97 percent. Bashar inherited from his father a highly militarized state held strongly within the grip of a single family. Bashar’s rule has not changed much from that of his father in terms of the performance of the state regarding freedom, democracy, and the deterioration of state citizenship, with Bashar himself largely taking control of civil society, bringing an end to what has been deemed the Damascus Spring.²

However, it was not long before the Syrian regime would suffer a huge setback that would cast a large
shadow over the country, and the army in particular, in 2005, after the outbreak of what was termed the Cedar Revolution in Lebanon on March 14, the result of a state of upheaval that gripped the streets of Lebanon after the assassination of former Lebanese president Rafiq Hariri. The regime in Syria was largely blamed for the assassination, and as a result the Syrian Army withdrew from Lebanon.

THE STATE OF THE SYRIAN ARMY BEFORE THE OUTBREAK OF THE SYRIAN REVOLUTION

The Syrian Army falls under the authority of the country’s commander in chief of the armed forces, represented through the president and his defense minister. Service in the Syrian Army is mandatory for all men over the age of eighteen who are not only sons.

Before the outbreak of the Syrian revolution, the Syrian Army was estimated to possess a large arsenal of long-range Scud-C missiles, with a range of more than 500 kilometers, in addition to Scud-D missiles, whose range is more than 700 kilometers. The army also possesses a number of T-80, T-72, T-64, and T-55 tanks, and the Republican Guard possesses T-90 tanks.3

By 2005, the number of soldiers in the army totaled 450,000, making it one of the largest in the region, consuming large amounts of the country’s budget, estimated to total upward of $1 billion annually. The Syrian Army consists of three corps: the first corps in Damascus, which covers the region stretching from Damascus to the Jordanian border; the second corps, covering the region stretching from Damascus to Homs along the Lebanese border; and the third corps, covering the region stretching from Hama to the Turkish and Iraqi borders, in addition to the country’s coastline. The third corps is responsible for protecting the country’s biological and chemical weapons stockpiles and the Syrian Navy.

The army consists of eleven brigades, each of which possesses eight armored divisions and three mechanized divisions. In addition, there are four independent infantry brigades; four shock divisions, known as Division 14; ten independent regiments from the Airborne Special Forces; two independent artillery brigades; and two anti-armor brigades. The Ground Missile Command possesses three regiments, each one consisting of three brigades, in addition to three maritime missile defense brigades, one border guard brigade, one Republican Guards division, three armored brigades, and an artillery division.

THE ESTABLISHMENT OF THE FREE SYRIAN ARMY

After the outbreak of protests and demonstrations in a number of cities throughout Syria, the regime sought to address and put an end to what was then a peaceful movement through the use of violence, referring to protesters as terrorists and criminals operating outside the law in order to justify vicious attacks and use of the military solution. Meanwhile, many claim that the Syrian regime was itself directly responsible for pushing for the militarization of the revolution. This does not just refer to the regime’s deployment and deadly use of its army and security forces in regions witnessing large numbers of demonstrations, but also to accusations made by some that the regime in fact desired to see small amounts of arms make it into the hands of the opposition in order to justify the regime’s attacks on protesters. The regime sought to facilitate the transfer of small amounts of arms to protesters, in addition to spreading talk among their ranks that doing so may be beneficial. But Syria’s protesters did not fall for the trap.

However, while the regime took to implementing strong security measures, inserting the army into the conflict, a number of soldiers and members of the country’s security forces refused to take part in the regime’s campaign of violence, leading many to defect and redirect their energy and resources toward protecting peaceful protesters. Many army defectors said that they had been pressured and threatened into killing, torturing, and firing live rounds at civilian demonstrators. The defection of a number of high-ranking army officers led to the eventual creation of a number of armed groups dedicated to protecting protesters in a number of regions—including Homs, Idlib, and other districts—particularly on Fridays, a fact that
eventually enabled larger numbers of protesters to take to the streets.

On April 23, 2011, the first case of defections being recorded on video took place, when Republican Guard conscript Walid al-Qashami, along with others serving at his side, defected due to their refusal to fire upon protesters in the city of Harasta, which is located in the Rif Dimashq Governorate (the Damascus countryside). Residents of the city later supported and embraced Walid and those others who defected. On June 7, 2011, First Lieutenant Abd al-Razzaq Talas defected from the Syrian Army in what is thought to be the first defection of a major officer during the war. This was followed by the defection of Lieutenant Colonel Hussein Harmoush following a military campaign in the Jisr al-Shughur region of Idlib, which he described as, “monstrous.” Following his defection, Harmoush created the Free Officers Brigade, which launched a number of attacks against Syrian security forces in the Jisr al-Shughur region, beginning in early July. It was said that more than 100 Syrian Army soldiers and members of the security forces were executed and killed by the Free Officers Brigade.

By the end of July, Colonel Riad al-Asaad, along with a number of other officers and conscripts, defected from the Syrian Army, creating what came to be known as the Free Syrian Army (FSA), with the goal of protecting revolutionaries and civilians until the regime itself was overthrown. In September 2011, the Free Officers Brigade announced that is was merging with the FSA after the assassination of Hussein al-Harmoush. Toward the beginning of October 2011, a number of defectors from the Syrian Army announced their formation of the Khalid Bin Walid Brigades, which was also created for the purpose of protecting civilians until the Syrian regime was overthrown. A number of other armed brigades consisting of defectors from the Syrian Army, operating in regions throughout the country, but largely in the countryside, also began to carry names containing various Islamic symbols and imagery.

Meanwhile, the rate of defections continued to increase, with Brigadier General Mustafa al-Shaykh and four other officers announcing their defection from the Syrian Army and subsequent merging with the country’s revolutionaries in January 2012, forming what they called the Military Council.

On June 20, 2012, Colonel Pilot Hassan Mirei flew his MiG 21 jet into Jordan, and later announced his defection from the Syrian Army and requested asylum as a political refugee. Colonel Manaf Tlass, a prominent leader within the Republican Guard and one of those close to President Bashar al-Assad, also announced his defection from the regime after moving to France.

In August 2012, General Mohamed al-Hajj Ali announced his defection, stepping down from his position as director of the National Defense Faculty within the Syrian Army’s Supreme Military Academy, becoming the highest-ranking military official to defect from within the ranks of the regime. He further called for the establishment of a new rebel body, to be named the Syrian National Army.

In September 2012, Syria’s disparate revolutionary and military brigades called for the establishment of a jointly run leadership command structure for all the country’s various revolutionary military councils, on three separate levels—the first level being the president, who would serve as the commander in chief; the second level being an Office of Coordination and Liaison; with the third level consisting of additional military councils operating within each province. In an announcement made to all of Syria’s revolutionary and military forces, the joint leadership called on all militias to join its ranks and work together in order to serve the revolution, protect the people, and overthrow the regime. This new joint leadership structure was met with widespread political support from the Syrian National Council, in addition to both Syrian and Arab political leaders, revolutionary activists, and religious scholars.

In December 2012, the Supreme Joint Military Command Council (Supreme Military Command / Joint Chiefs of Staff) was created in the Turkish city of Antalya, the most comprehensive and organized of all the Syrian armed opposition forces. A total of 260 representatives serve within the council, representing those military forces operating on the ground throughout the country. Elections were held soon
after its creation, nominating thirty members, at a rate of six per each of the five various combat fronts designated within Syria (North, Coastline, Central, South, and East). In November 2012, immediately following the announcement of the National Coalition for Syrian Revolutionary and Opposition Forces, a command structure for the Joint Chiefs of Staff was created within the Supreme Joint Military Command Council (figure 10.3).

Regarding the internal structure of the Joint Chiefs of Staff, it consists of thirty representatives (six from each fighting front), forming what is referred to as the Supreme Military Command, which monitors the performance of the staff’s president, providing him with counsel, in addition to monitoring the performance of the organization’s administrations and branches, and apprehending those who violate its rules and bylaws. The president is responsible for overseeing five administrations, each one possessing a branch in each front, existing within each of branch five offices charged with performing the functions assigned to them. Each leader from each front is considered an aide to the president of the Joint Chiefs of Staff. However, the structure of the Joint Chiefs of Staff is burdened by the fact that it is incredibly complex and possesses a large bureaucracy. Also, a number of rebel officers and on-the-ground field commanders remain conspicuously absent from the leadership structure, in addition to what has been deemed unjust representation in the first conference held regarding the Supreme Joint Military Command Council’s five fighting fronts.
On December 21, 2012, after the announcement of a joint supreme military leadership center (Joint Chiefs of Staff) in Antalya, the Syrian Islamic Front was created, composed of a number of Islamic brigades, the most prominent of which are Ahhar al-Sham and al-Farouk Brigades in Homs, in addition to the Islamic Dawn Movement, operating in Aleppo and its countryside.

**CONSTRUCTING A MODERN NATIONAL ARMY**

Several factors coalesced to push Syrians to defend themselves and their revolution through the FSA. Chief among these were the regime’s insistence on employing the military option in response to the demands of the revolution; its refusing to accept any kind of political settlement while continuing to wage war against the Syrian people; and its destruction of the state’s infrastructure along with its primary components and foundation. The FSA was created by Syrian Army defectors and revolutionaries who sought to protect what was left of their country.

It is clear that one of the most important tasks in a post-Assad Syria is the rebuilding of the Syrian National Army, which would be tasked with protecting the people and the territorial integrity of the country. This is all the more critical considering the performance and actions of Syria’s army, which largely sided with the regime, combined with the large-scale destruction of the country. While the FSA was formed to liberate and protect the country, it is feared that some brigades might break off and transform into independent militias.

**GOALS AND PRECEPTS FOR REFORMING THE ARMY**

Despite the loss of prestige suffered by the Syrian Army in the eyes of the people due to its involvement in the relentless bombing, shelling, and murder of civilians, most Syrians still view the army as an authentic, national institution responsible for protecting the Syrian nation in its entirety. The army’s name and reputation have been historically tied to that of Yusuf al-‘Azma, who is known for making heroic sacrifices all over the Arab world for the sake of land and the blood of his comrades. However, today the Syrian Army is being held hostage by a sectarian, dictatorial regime, which is in the grip of one authoritarian family that has failed in its national duty and instead chosen to point its guns, artillery, and planes toward the chests and houses of those Syrians seeking to resist. Furthermore, the existence of Syria’s ever-present state of war with Israel has long served as a pretext for the regime to each year expand the amount of money set aside for the army from the country’s budget.

The main goals and objectives for rebuilding the Syrian Army are as follows:

- Preserve the institutional framework of the Syrian Army in its entirety, while rebuilding a national, modern army that seeks to serve all Syrians according to standards of efficiency, persistent training, genuine loyalty to the state, and the protection of state institutions and various interests.
- Rebuild confidence previously lost between the people and the army by placing the military under the control of a civilian authority (a civilian minister of defense). Removing the army from the political playing field would reduce its role as a propagator of ideology and eliminate its traditional substate affiliations, making it an
independent, professional, and impartial state institution.

Defend Syria’s sovereignty and status as an independent nation, preserving its territorial unity and integrity based on its current political borders and working to achieve its goal of liberating occupied Syrian land, in addition to permanently ensuring that the law, constitution, and public order will remain protected.

These goals for the new Syrian National Army can be thought of as the compass with which the army will begin to step down the path toward better protecting the people, in addition to the territorial integrity of the country and its borders. The army will thus be transformed from a tool used to monitor, conquer, kill, and wreak havoc into a national institution whose symbolism, prestige, mission, and accomplishments will forever remain fixed in the minds and consciousness of the Syrian people.

The following procedural steps will help create the general framework within which the reform and restructuring of the army will take place according to professional, nationalist, and institutional standards:

1. Creating rapid response military units, to be recruited from within the officer ranks of the FSA, in addition to retired army officers and the remaining honorable military officers. Their mission will be to help guard and preserve those military installations with stockpiles of heavy and unconventional weapons immediately following the overthrow of the regime, whose existence will be recorded through documented court procedures.

2. Creating a Supreme Military Council—made up of military experts with various specialties, including military sociology—for the purpose of reforming and restructuring the Syrian Army. The council will help to determine and identify the army’s needs, in addition to assessing the military’s current capacity and what it requires.

3. Reassuring army officers and their conscripts that the reform and restructuring of the military will help to improve both their standards of living and professional prospects, in addition to reasserting their symbolic place within Syrian society.

4. Purging the military and all its branches of those officers responsible for committing human rights abuses in the name of the Syrian people and their revolution. Those accused will be brought before the country’s courts, and those attempting to flee prosecution will be pursued.

5. After the overthrow of the regime and stabilization of the country, forming a joint revolutionary military council that will operate under the jurisdiction of the defense minister within the transitional government. This council will collect the arms possessed by the country’s revolutionary forces and army defectors, eliminating the existence of such weapons within the country’s military barracks and warehouses. The specification, type, and source of all such weapons will then be documented and recorded, using flexible and transparent methods, all the while keeping in mind that those military forces from within the FSA will eventually come to form the nucleus of a future independent army, charged with preserving peace and security in all cities and villages throughout Syria.

6. Taking effective regulatory measures vis-à-vis the country’s military, with the practices and behaviors of its commanding officers being closely monitored. The regulatory sector within the military will be allowed to effectively monitor the actions of all army officers and assess their professional performance.

7. Assessing the current status of the military formations and the state of their technical equipment. Working to stop the importing of Russian weapons, to be replaced with various forms of advanced weapons, obtained either through import or domestic production. This process should remain of utmost importance over the coming period.

8. Performing a complete overhaul of the current training curriculum within the country’s military
academies. This will entail changing course materials to better reflect the values of citizenship and nationalism within Syrian society, in addition to the military’s commitment to protect the country’s territory and borders, while promoting unity from among the people. Work to break the connection that currently exists between the army, acts of political partisanship, and the propagation of ideology.

9. Changing the promotion standards within the Ministry of Defense, to be based on the values of progress, efficiency, effective training, and qualifications. This will mean freeing the ministry from its culture of corruption, and reliance on kinship and personal interests, which plague all its regulatory, administrative, and promotional functions.

10. Modernizing the leadership structure within the Ministry of Defense and various military formations, and encouraging continual training for employees. This will involve promoting the modernization of infrastructure within the country’s military institutions, in addition to increasing the ministry’s stockpile of modern supplies, equipment, and advanced weaponry; as well as working to improve the ministry’s understanding of modern military science.

11. Respecting the Syrian soldier, keeping in mind that humanity is the foundation upon which all military formations are built. Weapons hold no value when seeking to defend and liberate land if the soldier using them is not free or does not believe in the nation and the value of the citizenship for which he is willing to sacrifice his blood.

12. Bringing the army and armed forces under the rule of a civil administration, consistent with the standards of democratic transition within countries. This will entail creating a high committee for the army and armed forces to be led by the president, prime minister, or commander in chief—a choice to be determined by the state. The committee’s task will be to draft the country’s peace and wartime strategy, in cooperation with the country’s political leadership.

13. Integrating the country’s revolutionaries into the army, security forces, or civilian institutions as needed, and teaching them the true meaning of citizenship and tolerance toward others. This will include working toward granting licenses for light weapons to those who desire to possess them.

In terms of the size of the army, its arrangement, and distribution among both military formations and geography, these are issues to be determined by the Ministry of Defense and Supreme Army Council, based on studies conducted for and brought to the attention of the president or prime minister. Regarding mandatory military service, this is an issue that should be decided by an elected Parliament. However, such service should be suspended until a true decision can be made, a fact that depends upon the success with which the government is able to persuade revolutionaries to lay down their weapons and be reintegrated into the state.

DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION PROGRAMS

The goal of reintegration is to create a peaceful, safe, and secure environment after the conclusion of armed conflict in Syria, which has forced a number of Syrian civilians to take up arms. The regime has also been responsible for arming a number of militias loyal to al-Shabiha, or what is referred to as the Popular Committees or the National Defense Army. All are sectarian militias funded by the regime for the goal of bringing an end to the popular revolution. The disarmament, demobilization, and reintegration (DDR) programs seek to reintegrate Syria’s armed groups into civilian life and pursue military demobilization, whose goal is to purge Syria’s army and military institutions from those who have committed violations against human rights in the name of the Syrian people.

The reintegration stage is considered the last step in the process of helping former fighters make the transition to a post-conflict environment. Each phase of the DDR process would ideally occur one after the other, with the disarmament phase always set to occur
first, before beginning any of the other processes, given that each process complements the others.

The reintegration process helps to facilitate the transfer of Syrian society from a state of conflict to that of a natural state of development. The ultimate goal of the reintegration policy is to provide support to former fighters in their attempt to reincorporate themselves back into civil society, both socially and economically. It will be necessary during the DDR programs’ planning process to make clear any additional indicators that might occur, such as the expected results of implementing the program. It is also important to think about and identify expected sources of funding in addition to the types of individuals who would benefit from the program.

The Syrian Expert House believes that the development of such a DDR program should begin once studies and assessments are concluded regarding the environment in which the country will find itself after the conflict ends. Such studies should warn of and discuss those who would threaten the success of the program, in order to ensure that they do not successfully obstruct its progress. This group of people may include those who possess mid-level to high-ranking positions within various militias, who may expect the program to provide them with better opportunities than other, lower-ranking soldiers. After the conclusion of combat operations, a number of fighters will be suffering from medical problems and will need medical assistance. In order for the program to be considered successful, it will be necessary to ensure that it provides health insurance services to former fighters. All the physical and mental problems suffered by fighters must be addressed after the conflict has ended. Treatment must remain a constant priority for the country’s transitional government during the period in which the program is implemented.

Often, social and economic reintegration are implemented at the same time. However, both these processes need to be given special consideration until a more comprehensive program can be achieved. Economic and social reintegration transforms demobilized former fighters into an influx of new labor. This change in the market can lead to renewed bouts of violence and tension. The prospect of the economy being rebuilt as a war economy may hurt chances for stability in the period following the conclusion of the conflict, as doing so will weaken state institutions, the rule of law, and the democratic process. If Syrian society finds itself penniless upon the conclusion of the conflict, then former fighters will be unable to find a place for themselves within society, making them increasingly poor. For the reintegration process to be successful, it will be necessary to work to immediately meet the needs of a future society. The program must include attempts to reincorporate former fighters into the workforce in the long term, in addition to promoting private-sector development plans.

Social reintegration helps to rebuild confidence between former fighters and members of society, and often includes new public education initiatives in addition to economic aid packages for psychological rehabilitation programs.

This policy must enjoy widespread support from within society in order to succeed. In the event that such support is absent, former fighters will find it difficult to successfully return and adjust to civilian life, or live among individuals without suffering or feeling as if they have been defamed. Support must also be provided to those neighborhoods and communities set to absorb former fighters, in a way that creates new economic opportunities that will help such communities serve as an integral part of the reconciliation process, and help protect against a renewal of violence.

The various stages of the military DDR process naturally follow one after another; however, they also often overlap significantly. That being said, it is advisable to begin the reintegration process during the military demobilization process. Coordinated planning for the three primary stages within the program help to support and strengthen each stage. For example, one could begin to develop and organize information collected during the screening process within the military demobilization stage in a way that allows for such information to remain beneficial during the reintegration stage. At the very least, such information could help determine the nature, size, and number of former fighters set to take part in the reintegration process.
One could also benefit from information gathered regarding groups of former fighters set to take part in the military demobilization phase during the reintegration phase as well. Once the demobilization process has begun and former fighters are recorded and registered, the next step would be to conduct a survey, collecting economic and social data for those participating in the program, in order to better distribute detailed information regarding individuals. Such data could include age, sex, rank, level of education, and familial and military status, in addition to other information and characteristics.

Before undertaking the military demobilization stage, the transitional government must also conduct a campaign to direct and inform former fighters regarding the opportunities and available service that will be provided to them after the conclusion of the program. The United Nations has already developed management information system software from which any DDR program could benefit.5

**Assistance during the Transition**

It is the transitional government’s responsibility to provide limited assistance to ex-combatants during the transition process, in the form of financial or relief packages that include cash and in-kind assistance, services, and opportunities. Through this aid, ex-combatants can be supported during the period between the end of military demobilization and the beginning of a reintegration program. These packages are provided monthly and cover the basic needs of ex-combatants and their dependents; they frequently include a stipend, food, clothing, shelter, health services, and tools, as well as educational and short-term professional services. Financial assistance for ex-combatants is useful not only in preserving an element of their dignity and providing them with security but also to help them cover some necessary costs, such as transportation.

In order for the reintegration program to be successfully planned and prepared, the transitional government must conduct a number of operations to study and assess Syria’s present political, economic, and social environments. A special committee must be commissioned, which should aim to construct an integrated scheme for the policy of DDR, with the intention of strategic planning.

Those planning the reintegration program must conduct studies on specific regions in Syria where the process is expected to run, and this analysis must pay attention to public infrastructure, such as roads, buildings, and communications systems. Health services, other services, and the security situation in the region must be studied, and it will also be necessary to research and analyze the labor market, in order to identify employment opportunities for ex-combatants in both local and regional markets. This analysis will help identify the types of training and professional programs that will be useful for this particular region. Planners should also study existing educational organizations, and create a list of facilities that can be used during the reintegration program.

The process of studying a given region helps gauge opinions of members of the community, and it will be exceptionally difficult to achieve the main objectives of the programs without the support of members of the community. The initial survey of the community’s opinions can assess the level of opposition that may prevent ex-combatants attempts from integrating socially, as the nature and causes of the conflict shape a community’s opinions of ex-combatants to a large degree. Information collected during the military DDR programs may be of use during the reintegration program. For example, information collected through the military demobilization program may provide a more nuanced picture of the program participants’ aspirations and socioeconomic situation. If there were any omissions or oversight in the original evaluation process, this information will help the transitional government readjust its priorities and resources after the conflict ends.

**Goals**

Successful programs usually identify their goals before implementation begins. The main objective of the DDR programs is to support combatants’ efforts to integrate with civil society, both economically and socially. Side goals and smaller goals of the programs should also be defined, and the number of people benefiting from the programs—including men,
women, and children—should be estimated. Other goals need a timeline, complete with activities and important events, in order to be accomplished. These goals will help the transitional government evaluate and manage the reintegration process.

**Funding**

It is important to find donors and sources of financing during the programs’ early stages, in order for it to be able to continue. These donors can include governmental agencies, international organizations, and nongovernmental organizations, and they can provide financial assistance in the form of grants, loans, or technical expertise. The United Nations Development Program and its partners currently provide assistance in 177 countries around the world. The program often works in coordination with developing governments inside the state, international financial institutions like the World Bank, states, and other private donors. Multistakeholder trust funds have also been able to fund military demobilization programs and reintegration programs in a number of countries. Usually, donor countries trust the World Bank to assume the task of overseeing funding, in order to provide accountability and transparency. However, the subsequent funding will continue to come from multistakeholder donations, and will have greater transparency than funding with more sources. This kind of funding often includes stringent regulations and delays in spending, whereas bilateral donations enjoy greater flexibility, and funds can be spent faster.

**Dealing with Those Threatened by the Programs’ Success (Combatants with Particular Sensitivities)**

Throughout the development and implementation of the DDR programs, the transitional government must attend to the needs, statuses, and sensitivities of people involved in the process, especially al-Shabiha and militias loyal to the regime. Some people must be prevented from igniting the conflict once again—high-ranking officers pose a significant threat, and thus the transitional government may sometimes be forced to give these individuals special treatment. Leaders of the FSA brigades may also pose a threat to the safety and success of the programs, as they may expect higher results than those the program provides. Some leaders may show signs of displeasure with their loss of power, which could also threaten the program’s progress. Therefore, the transitional government must deal with those in leadership positions with particular care in order to keep the program from being harmed in any way.

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**Many conflicts leave injured or generally disabled people in their wake, and their problems require health facilities.**

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**Options for Designing the Programs**

Program design begins immediately after the fall of the regime and as soon as the transitional government has evaluated and studied the postconflict environment, because a successful program must include representatives from all related parties. These parties include international and local authorities, members of society, notable people in society, ex-combatants, religious figures, groups of children and women, any other local association whose presence is thought to be of use, and the like. It is useful to consult a large and diverse number of individuals before making decisions, in order to facilitate communication between these groups and to guide the program’s priorities. Additionally, conflicting interests must be reconciled in order to facilitate and promote security.

**Health Services**

Combatants often suffer from health problems after a conflict has ended, including problems caused by the conflict and also unrelated problems. The DDR programs are able to deal with such health problems.
both before fighting has stopped and during the period when the programs are implemented. The reintegration stage may represent the last chance to develop a comprehensive solution for the safety of ex-combatants, before they return to the community and civilian life. Dealing with ex-combatants’ health problems before they return to the community avoids transmitting medical conditions to the community, and thus maintains stability.

Many conflicts leave injured or generally disabled people in their wake, and their problems require health facilities. However, if such facilities were affected or destroyed during the conflict, the reintegration program can provide temporary health services, including health workers and necessary equipment. People with permanent disabilities need special care to prevent any psychological harm and to keep them from being discriminated against because of their disability. In order for the program to succeed in reintegrating injured and disabled ex-combatants, support from the community itself is necessary, and we stress that this support can be found in the planning stage of the program. In addition to medical treatment, the reintegration program can ensure that ex-combatants with disabilities are able to obtain the same degree of education and training as other combatants who do not suffer from health problems.

Regardless of their ability to provide professional mental health services in a postconflict environment, programs can include a number of treatments that rely on the community. Depending on local customs and traditions, therapy or group counseling may lead to positive results. The feelings of shame that often accompany mental health issues can be overcome through the support of the community, and can include campaigns that encourage those who need help.

**Economic Integration**

Reintegrating ex-combatants into the economy will ensure a healthy and stable environment after the end of the conflict. Permitting the type of economy that existed during the war to continue beyond the end of the conflict will end up weakening state institutions, the rule of law, and democracy, thus destabilizing the postconflict phase. Ex-combatants will not be able to achieve stability again within impoverished and underprivileged communities. Therefore, if possible, reintegration programs should try to meet needs of the combatants’ future communities and unify efforts to establish development projects.

A team specialized in studying and monitoring the market must gather and analyze data for the initial implementation of the program, and periodically assess the economic integration process. Any information unrelated to the communities’ situation and resources may damage the integration process. Also, given the lack of information relevant to local labor markets, combatants who are trying to live peacefully within their communities once again may make choices that will not help them build their skills. Ex-combatants practice professions that are not high in demand, which will saturate the local market’s needs for a limited set of skills or exclude members of the community who had previously been working in this field. Perhaps surveys can be conducted of the pertinent companies and government agencies, in order to identify the occupational fields required by the labor market. Fields always in need of the kind of labor that can be provided by ex-combatants can often include construction, transportation, and maintenance.

**Skill Building and Formal Education**

The skill-building programs offered by the transitional government, local agencies, nongovernmental organizations, religious organizations, or local craftspeople will prepare local combatants to take advantage of long-term economic opportunities. These skill-building programs include vocational training, apprenticeships, and formal education.

Vocational training will be able to develop ex-combatants’ existing skills or teach them new skills, with which ex-combatants will be able to find employment or start working on their own. The decision to find a job or begin working depends on what skills the ex-combatants have and what kind of job they prefer, as well as on the market in the local community. Training programs can provide simple training for rural enterprises like agriculture, food processing,
knitting, producing oil, and fruit drying. They can also provide training for some small trades and in local service fields, such as bicycle and water pipe repair, and transportation services.

Although usually without pay, apprenticeships attract individuals willing to work when formal training is not available. Through apprenticeships, ex-combatants benefit their future communities by tying their own economic development to that of individual members of the original community. Apprenticeships also benefit ex-combatants by strengthening popular solidarity through their support of traditional crafts and local industries.

Based on data collected in the military demobilization phase, the assumption is that integration programs will enable skill building for each fighter individually.

Job Creation

Short-term demand for certain professions can be created through business loans and fast track projects. Projects like these are useful to improve the public image of participants, provide appropriate training for them, and provide useful work experience free from violence. Fast track projects can include rebuilding residential or commercial areas damaged by the war, mine clearance, and infrastructure projects. Labor-intensive construction projects represent good short-term job opportunities for highly vigorous ex-combatants, and the projects serve the community by strengthening infrastructure.

Some countries integrate ex-combatants into rebuilding programs by creating jobs for ex-combatants, as they have in the past. This provides them with training in a variety of skills, and also helps to restore the economic capacity of the state. In Kosovo, for example, the United Nations created the Kosovo Protection Corps, a civilian agency whose mission was to support reconstruction efforts, including rebuilding hospitals, reopening blocked roads, and providing emergency services after natural disasters and humanitarian crises. By integrating ex-combatants within efforts to rebuild the state, the corps was able to create a sense of personal ownership for development projects, giving local participants greater hope of success.

Employment in the Security Sector

The security sector may be a means of providing long-term employment opportunities within the security forces, the military, or the police. At the same time, cutting job openings in the armed forces could steer ex-combatants toward criminal acts. Further, this work would not require ex-combatants to acquire new skills, and may in fact encourage ties between those who fought each other in the past, promoting “mutual acceptance or reconciliation.”

It is likely that responsible officers will be preferred over other soldiers for employment in the military, but this could create a problem due to the limited number of openings in the armed forces and police. The distribution of positions among various armed groups could also become a source of tension. The positions should be distributed in a proportional manner among the parties that participated in the conflict to demonstrate justice and nondiscrimination.

Developing the Private Sector

Typically, developing and growing the private sector during a reintegration phase is facilitated through large-scale loan programs, the privatization of state-owned enterprises, and microloans to individuals. The quality and accessibility of a competent legal system, transparent financial sector, and equitable distribution of resources are other factors that promote the proper development of the private sector. In the absence of these, individuals who benefited materially from the conflict may also be able to take advantage of the privatization process through corrupt and coercive methods. This could undermine any political, social, and economic progress, and also re-create the unjust distribution through new economic structures.

Following the Bosnia conflict, the World Bank focused on delivering financial and technical assistance to market-based institutions so as to create a fertile environment for private-sector development. Before the war, ten large conglomerates dominated the economy. To develop the private sector, the World Bank focused on several areas: promoting
The national and local authorities must step in to create a strategic resettlement plan so that the most sensitive issues can be solved through political reform.

Finally, the transitional government must develop reintegration programs to ensure that former fighters remain peaceful in order to support security and stability in the postconflict environment. For the transitional government to design successful reintegration programs, they must be based on the unique nature of the conflict and postconflict environment in Syria.

International experience demonstrates that studying several issues in the postconflict environment is necessary before a successful reintegration program can be implemented. It is necessary to define clear goals and review progress toward them to ensure that the program stays on course. Collecting and storing information about ex-combatants in an organized way creates a better understanding of the challenges that the program could encounter, and helps direct the flow of resources in an effective manner. A comprehensive study of the labor market and makeup of the private sector can point program organizers toward providing appropriate education and employment opportunities for ex-combatants.

Above all, however, community support is most important for the successful implementation of the program. Without the support of individual members of society, returning fighters will find discomfort and a sense of shame when they return to their civilian lives. To prevent a return to violence, it is necessary to educate communities that will receive ex-combatants,
so as to engage them in creating economic opportunities and in making the community a vital part of the reconciliation measures (figure 10.4).

ENDNOTES


4 See the detailed report released by the Public International Law and Policy Group, “A Program for Disarmament,” Legal Memorandum, February 2011.

Challenges and Recommendations

Attempts to reform or rebuild the army, will face major challenges, especially early in the transitional period. These challenges for reform will converge with the problems of dismantling the security apparatus in light of the strong links between and the mutually reinforcing nature of the two institutions. These challenges include:

- Foreign intervention seeking to meddle in the revolution and throw it off course by weakening the army, destroying what remains in the way of infrastructure, organization, and material.
- Attempts by regime remnants to provoke armed conflict with Israel by way of the army units deployed along the Syrian-Israeli border. These include foreign and domestic backing of local movements that aim to undermine security and stability.
- Attempts by the former regime to continue fighting and building up military, security, and political forces as symbols of the former regime. These would hamper efforts to reform the army and would potentially drag it into an extended civil war.
- The appearance of private militias with their own agendas and means of exerting pressure. Their refusal to submit to a unified command under the civilian control of the transitional government makes them a competitor for political control of the state by armed force. An added challenge is the difficulty of collecting all types of weapons.
- The lack of funding for military cadres and personnel, both officers and enlisted. This includes inherited military infrastructure that is destroyed, obsolete, and not capable of rehabilitation through investment or military science.
- Strained relations between the political and military classes during the transitional period that could follow the regime’s overthrow, especially if armed revolutionary militias are responsible for the regime’s fall.

To meet the challenges of building the Syrian Army—which include establishing its control of the country, imposing order, and protecting the borders—it is necessary to strengthen relations between the political leadership and the leaders of the Free Syrian Army. It will also be necessary to rely on local councils at the town and city level for leadership in the early days of the transitional period. The units of the FSA must display the highest standards of military conduct. This can be ensured through the coordinating office between the Interior, Security, and Defense ministries in the transitional government, as well as between the organizational framework and local councils in each governorate. Finally, it is also necessary to protect the stores of conventional weapons and of unconventional weapons of mass destruction, in addition to controlling and safeguarding heavy weapons and air power.
Meaningful political and economic freedoms are inseparable. An economic awakening in Syria should go hand in hand with the political awakening now under way. It is not too soon to help start deliberating the nature of this awakening. As Syria joins the ranks of democratic societies, reclaims its rightful place in the international community, and regains peace and stability, it needs to establish the foundations of a well-regulated, free, socialist market economy and to enhance its integration with regional and eventually global markets for goods, services, and ideas. Well-regulated, private-sector-led growth, on one hand, and good, accountable democratic governance, on the other hand, together constitute the new economic model for Syria—one that will respond to the aspirations of its people for freedom, dignity, jobs, and prosperity.

**THE UPRISING: ITS UNDERLYING ECONOMIC FACTORS**

Rapid population growth and a bulging, increasingly literate, and digitally connected youth population cohort living in noninclusive political and economic environments has underlain the ongoing upheavals across the Arab world. This is a world that has, since it gained its independence from colonial powers, been dominated by corrupt, authoritarian regimes operating in closed markets, and where human rights have been abused on a daily basis and the rule of law and property rights have been usurped under the guise of security and the preservation of unity. These forces have combined to create an urban/rural schism, growing gender and income inequalities, and a weak private sector that has consequently failed to generate employment opportunities, especially for youth. Syria is no exception: Despite many promises of economic reforms, the Assad regimes have fostered rent-seeking activities and built corruption networks that have gradually replaced all of the state’s institutions.

The 2008 global financial crisis, which morphed into a global economic crisis beginning in 2009, exposed the structural deficiencies in the Arab countries’ governance structure and the fragilities of their development model. The crisis also coincided with rising global food prices, which, for the Arab countries that import close to half of what they eat from abroad, translated into domestic food price spikes, despite governments’ attempts to offset some of the price increases through subsidies. As is described below, both these factors challenged the Arab regimes’ abilities to deliver on their part of the social...
contract, and both contributed, as they also did in the French and other revolutions, to fomenting the Arab Spring—first in Tunisia, and then in Egypt, Libya, and Syria.

The Economics of the Assad Regimes

The economic landscape that the Assad regimes created is a mirror image of its political reality: highly centralized and dirigiste. The two Assad regimes have followed a state-led economic development model that is anchored in a strong interventionist-redistributive mentality, which includes heavy reliance on state planning, import-substitution policies, the nationalization of private and foreign assets, and a social contract whereby the state provides education, housing, health care, and food subsidies.

Over time, the Ba'ath Party's monopoly on power has given rise to systemized corruption and kickbacks, with key decisionmakers taking advantage of their position to extract illegal profits. Because both the army and judiciary system suffer from low salaries, they have fallen prey to corrupting influences. Unsurprisingly—and despite early, relatively high rates of economic growth and living standards—the national economy has been marred by significant inefficiencies and periods of stagnation, occasional cosmetic attempts at economic reforms notwithstanding.

Under Bashar al-Assad, minor touches of reform, including some measures of economic liberalization, did not change the fundamental aspects of the Syrian economy: strong dependence on volatile oil markets; limited private-sector activity, despite some opening up; limited employment creation; and declining integration into the world economy. This is perhaps not surprising in view of the influence of entrenched interests and the regime’s power base, which have combined to resist substantive economic reforms.

Syria’s economy was relatively developed when it gained its independence in 1946. From then through the mid-1970s, it enjoyed unprecedented levels of economic growth: the average annual gross domestic product (GDP) growth rate during that period was a little over 6 percent at constant 1963 prices. Rising oil prices, intraregional flows of capital, and labor and workers’ remittances helped to fund social development and public investments in infrastructure, health, and education, along with state-owned enterprises operating behind high and opaque protective walls. By the end of the 1970s, the Syrian economy had shifted from its traditional agrarian base to an economy based on the commercial, service, and industrial activities. The main sources of Syria’s income were oil and tourism. Nevertheless, the economy continued to rely heavily on foreign aid and grants to finance both its budget and trade deficits; Arab aid transfers and Soviet assistance also supported mounting defense expenditures.

By the mid-1980s, Syria’s interventionist-redistributive model ran out of steam as the economy’s past prosperity all but disappeared, and was even negative (e.g., there was a –2 percent GDP growth rate from 1982–83), in the wake of a rapid decline in oil prices, lower export revenues, drought that affected agricultural production, and falling workers’ remittances. This prompted the government to rethink its economic management approach and to adopt policies to achieve macroeconomic stability, more participation from the private sector in economic activity, and a higher degree of integration into global markets. The government reduced its spending, cut down on imports, and launched anticorruption campaigns against black market currency dealers. However, the measures taken did not go far enough in addressing the economy’s deeply rooted structural problems; nor did they seriously tackle governance and institutional reform issues.

The government also began to reform its state-led economy, with initiatives such as liberalizing the agriculture sector and privatizing several state monopolies. This paved the way for Syria’s considerable economic development and significant capital accumulation in the early 1990s. Growth rates accelerated, in part due to oil revenues (and discoveries of new oil deposits) and to initial domestic liberalization measures. By the end of the 1990s, however, the pace of economic liberalization had slowed, favoring members of the powerful elite: From 1997 to 1999, Syria’s economy grew by an annual average rate of only 1.5 percent, and in 1999 the economy actually shrank. In 2000 and 2001, the Syrian economy recovered, owing
to increases in oil exports and cooperation with Iraq, which was under United Nations-imposed economic sanctions at the time. At the same time, earlier reforms proposed by the regime of Hafez al-Assad stalled, and the country’s infrastructure deteriorated.

The Syrian economy has been going through a roller coaster ride since the late 1990s. During the period from 2000 to 2010, the annual rate of growth averaged close to 3 percent, in tandem with the growth of the population, and, as a result, standards of living have deteriorated, poverty has become more widespread, and unemployment levels have risen. Syria’s public sector is bloated, employing roughly one-quarter of the total workforce in money-losing, state-run companies that are kept afloat under the pretext that their privatization would generate great social disruption.

Liberalization measures have been further hindered by the business community’s allegiance to the regime. Because the members of the Syrian business community are involved with influential members of the regime in rent-seeking activities (oil, foreign trade, mobile phones, etc.), they have sided with and reinforced the autocratic regime and have shown little interest in fostering democratic development. And without the business community’s support, reforms have failed to develop. Foreign companies across all sectors have operated in Syria for decades through intermediaries (sponsors) in the power system, weakening the strength of Western pressure to liberalize. Western oil companies, in particular, have invested heavily and have begun operations in cooperation with the Syrian authorities, the only way to gain access to the Syrian market. Though this issue is not unique to Syria, it leads to the question of whether market liberalization and reform on their own could encourage the development of a business community that is interested in a genuine democracy or simply give rise to crony capitalism.

As a direct result of the policies adopted from the 1960s through the late 1980s, and despite some measures of liberalization, the Syrian economy remains relatively isolated from the global markets for goods and services. International trade is highly restricted by both tariff and nontariff barriers, and all the efforts at liberalization have been countered by a web of protection that distorts economic incentives and discourages competition. Syria’s tariff regime is one of the world’s most complex and opaque import arrangements, both in absolute terms and in comparison with those of other countries at similar levels of economic development.

Although tariff rates have been reduced from their historically high levels, they are still very high compared with those of other developing countries, ranging from 6 percent to 235 percent. The tariff schedule is also marred by a complex web of exceptions and special rates that are determined according to the origin of the import and the entity that is importing it. About 200 state-owned companies enjoy different levels of subsidies and protection; many also have either the exclusive right to import some goods or to grant licenses for key imports. Syria bans the importing of certain final goods that compete with Syrian enterprises. There are also goods whose importation into Syria is prohibited. One may argue that quite legitimate public policy objectives (security, health, and protection of the environment) may lie behind these prohibitions, but in Syria the list is extensive and the criteria are not publicly known. Not only have these practices injected further distortions into the economy, but they have also given rise to a culture of rent-seeking. Quantitative restrictions add up to the equivalent of a 19 percent across-the-board tariff on all imports.

Whatever positive economic developments characterized the pre-2000 period, Bashar al-Assad inherited an economy that had been facing grave economic challenges, including restoring economic growth, addressing rising population growth, alleviating poverty, providing jobs, attracting investment, and tackling a large external debt. The government initiated modest economic reforms, starting with a thinking of the regulatory environment in the financial sector, including cutting lending interest rates, licensing private banks, and consolidating multiple exchange rates. Other reforms saw a reduction in subsidies on some items, most notably gasoline and cement, and the establishment of the Damascus Stock Exchange, which began operations in 2009.
In addition, President al-Assad signed legislative decrees to encourage corporate ownership reform and to allow the Central Bank to issue treasury bills and bonds for government debt.

Partly as a result of these and other reforms, the economy made a remarkable turn and registered impressive performance from 2004 onward; the rate of growth averaged 5 percent during the 2004–10 period (lower oil exports were offset by higher prices, leading to higher budgetary and export receipts). The main drivers of growth were domestic demand, augmented by the influx of Iraqi refugees, and private investment, both domestic and foreign, particularly from the Gulf states.

Nonetheless, the record of reforms and economic performance outlined above should not conceal the fact that competition in Syria remains limited and that substantial barriers to entry continue to plague many economic sectors. Some productive sectors remain firmly in the hands of the government, while for others foreign entry remains subject to certain types of restrictions. Public-sector monopolies control cement, sugar refining, fertilizers, oil refining, port operation, water distribution, air transportation, electricity, telecommunications, and insurance. Inefficient state-owned enterprises and public authorities play key roles in many value chains, through, for example, exclusive control of the procurement and sale of cotton and wheat, exclusive control of yarn making, and the provision of infrastructure. In summary, Syria’s economy continues today to suffer from deeply rooted structural weaknesses and a business environment that is plagued by bureaucratic red tape, governance weaknesses, and a lack of corporate transparency. Unsurprisingly, the World Bank’s ease-of-doing-business rankings for 2011 ranked Syria 134th out of 183 countries.

THE REIGN OF BASHAR AL-ASSAD: HOW TO STEP INTO THE WRONG SIDE OF HISTORY

At the beginning of his reign, Bashar al-Assad enjoyed a certain measure of support both domestically and internationally. When she was leaving the United States to attend Hafez al-Assad’s funeral, then–U.S. secretary of state Madeleine Albright prophesied that Bashar would “take up the mantle” of his late father. She later described Bashar as a “reformer” who was determined to modernize his country. Secretary Albright’s optimism about a new era of U.S.–Syrian relations appeared justified in the aftermath of the September 11, 2001, terrorist attacks on America, when Syria agreed to cooperate in international counterterrorism initiatives. The Europeans, too, were supportive of the new Syrian president and sought to move forward with the Syrian track of the European Union–Mediterranean agreement.

This grace period, however, was short-lived. In the aftermath of the 2003 Iraq war, Syria’s bilateral relations with the United States rapidly deteriorated; and in December 2003, President George W. Bush signed into law the Syria Accountability and Lebanese Sovereignty Restoration Act. To be clear, the objective of foreign, principally U.S., pressure on Syria has related more to its role in the region and the Arab/Israeli conflict, with Syria being a major actor, than to any push for democratic reform—foreign rhetoric in this regard notwithstanding.

The act provided for the imposition of a series of sanctions against Syria unless it ended its support for Palestinian “terrorist” groups and its intervention in Lebanon, ceased its pursuit of weapons of mass destruction, and met its obligations under the United Nations Security Council’s resolutions regarding the stabilization and reconstruction of Iraq. In May 2004, the United States determined that Syria had not complied with these conditions and implemented a series of sanctions against Syria. Bilateral relations were soon to witness another low following the assassination of former Lebanese prime minister Rafiq Hariri in February 2005. This assassination came in the wake of UN Security Council Resolution 1559, cosponsored in 2004 by France and the United States, which called for “all remaining foreign forces to withdraw from Lebanon.” Syrian units that had been stationed in Lebanon since 1976 were consequently withdrawn in April 2005. The regime’s reaction to its international isolation was to seek strengthened
relations with Iran; of particular importance, the regime accelerated its crackdown on dissidents.

However, the regime did actually manage to develop a more positive relationship with the European Union, but not one free of emerging strains. The EU and Syria have been engaged in discussions for a Euro-Syrian partnership under the Barcelona Agreement, and the EU has launched several large assistance programs for administrative and economic reforms during the past decade. However, though the partnership agreement was initialed in 2004, the EU has so far chosen to postpone ratification as a way to exert pressure on Syria to modify its political course (i.e., to become more accommodating of Western interests in the region, including Syria’s stance toward the ongoing crises in Lebanon and in Iraq, and toward an eventual reconciliation with Israel). Though human rights issues are also raised, in practice they do not occupy a high priority on the Western agenda.

The Syrian regime has proven to be steadfast in the face of Western pressure, no matter what objectives were being sought. Its hold on power has remained strong all the while, as it pursues additional measures to liberalize the economy and open it up to direct investments—as described in the next section. Indeed, Syrian political activists advocating political reform have generally distanced themselves from close contacts with Western governments, in particular the United States. One reason is their fear of domestic persecution by the authorities on the grounds of complicity with foreign powers. Another reason is that many Syrian activists do not believe that the real aim of foreign pressure is to foster a change in Syria’s political climate that would allow for the initiation of a democratic process but that, as noted above, it lies elsewhere. In practice, economic or political sanctions imposed on Syria have produced a negative effect. Even pro-reform Syrians have considered them unjust acts aimed not at promoting domestic reform but at extracting concessions from the Syrian regime on the Iraqi, Lebanese, or Palestinian fronts where Syrian and Western interests have diverged. The Iraq war, for example, by ending favorable Syria–Iraq economic relations, generated discontent among the Syrian people and promoted further support for the regime.

What is particularly noteworthy is the reluctance of the Western powers to engage the Ba’ath Party itself or employ systematic pressure to encourage democratic practices. Even the Euro-Syrian partnership, which deepened Syria’s involvement with the West, did not set any practical modality for fostering democracy in the country. Possibly, the West’s pressure could have been more effective if it had instead relied on conditional aid and diplomatic pressure to convince the Syrian government to improve human rights.

Less surprising was the internal recognition of Bashar’s unlimited authority over the Syrian state and party institutions. The official epigraph that was then coined by the incoming leader was “Change through continuity.” This conveyed a very powerful message to the population at large: The desire for greater political participation can best be served not through violent protests against the regime but rather through a gradual process of political and economic reforms under Bashar’s leadership. Beneath Bashar’s ubiquitous portrait on the streets of Damascus a banner reads: “The leader who will unveil a new era.”

Indeed, in his inaugural speech, Bashar al-Assad waved the banner of reform and instructed the authorities to respect “the other opinion.” He declared that there can be no democracy without the development of institutions and without administrative reforms, and “we should face ourselves and our society bravely, and conduct a brave dialogue in which we reveal our points of weakness.” To intellectuals, dissidents, and Western powers, the speech sounded like a call for change, and thus they began calling publicly for economic and political reforms.

Syria enjoyed then a brief political opening, and a Damascus Spring of sorts soon blossomed. The Syrian population could be forgiven for taking Bashar’s mutter about openness at its face value. Buoyed by al-Assad’s (illusionary) actions and proclamations, Syrians began to rediscover political activity, and several human rights organizations, yearning for political voice and debate, reemerged or were established to support the new president in what they saw as cautious, forward steps toward reform.
The Economic Impact of the Crisis

The impact of the crisis on the economy is devastating, with estimates of a contraction in its GDP in 2011, and again in 2012, of anywhere between 3 to 5 percent. The sectors that are most affected by the crisis, and also by the subsequent international sanctions, are tourism, retail trade, transportation, communications, mining, and manufacturing. On the positive side, a growing agricultural sector, as a result of favorable climate conditions and an informal construction boom due to a lack of enforcement of building codes in 2011, cushioned what would have been an even larger deterioration in the economy. Export revenues have collapsed, and they took with them the official exchange rate, which has depreciated by 67 percent between the onset of the crisis in March 2011 and April 2012, when the Syrian pound (SYP) stabilized at about SYP 70 to $1 (according to the Central Bank of Syria’s bulletin). Unofficial figures put the exchange rate today at more than SYP 140 to $1. Annual inflation reached 50 percent in November 2012, according to the latest data published by the Central Bank of Syria. The actual figure may be higher and is likely to vary widely across the country as a reflection of the fragmentation of Syria’s economic space.

Declining oil revenues in the aftermath of the economic sanctions, in addition to the significant economic contraction, are exerting tremendous pressure on government finances. The latest data released by the International Energy Agency show that oil output was consistently below 200,000 barrels per day in 2012, compared with 400,000 in 2009.

Before the crisis, Syria’s economic reform efforts had helped to strengthen its growth performance (figure 11.1). Growth in GDP during the last decade has averaged 3.3 percent a year. Growth performance in 2009 and 2010 was adversely affected by external and domestic shocks, particularly the impact of the global financial crisis and prolonged droughts.

Economic growth in Syria has, in addition, not been inclusive. It did not lead to significant job creation or poverty reduction. Rural societies have been increasingly marginalized and subjected to severe shocks related to both economic transition and droughts. Living conditions have deteriorated most severely in the eastern areas, spurring internal migration to larger regional cities and the Damascus suburbs and fueling social and political discontent. In addition, Syria’s GDP had remained dependent on the oil and agriculture sectors, which are subject to fluctuating oil prices and rainfall. The oil sector provided approximately 20 percent of the government’s revenues and about 35 percent of its export receipts in 2010. The agriculture sector contributed to 20 percent...
of GDP. Oil and services exports and foreign transfers of income and remittances were the main sources of foreign earnings—sources that are now being seriously curtailed by the crisis.

In the post-Assad era, Syria will face immediate economic challenges, including output and employment collapse in the tradable sector; accelerated exchange rate depreciation in the parallel market; hoarding of hard foreign currency; likely foreign exchange reserve losses; rising inflation; and legal and financial issues associated with frozen assets.

**SYRIA’S ECONOMY IN THE DECADE TO COME**

The Syrian uprising is expected to lead to a fundamental shift in the country’s political landscape toward a genuine democracy. Whatever are the eventual contours of the democratic system to emerge, its sustenance could very much depend on the success of the economic policies to be put place. Failed economic performance, especially during the transitional period, might result in serious setbacks for the unfolding democratic process.

Immediately following the fall of the regime, the country will, on the one hand, welcome the political transition and with it the end of the economic sanctions and the return of foreign aid and investment, along with the Syrian entrepreneurs who have been dislocated on account of security and/or political concerns. On the other hand, Syria will need to face the immediate, twin challenges of restoring its basic capacity in economic governance and of reforming the institutions and instruments that can restore and shore up its stability, including the payment of public-sector wages, controlling inflation, and stabilizing its currency and banking system. These institutions will require immediate and unwavering attention lest they undermine the emerging landscape for investment, both domestic and foreign, and reconciliation.

Another urgent economic area that will need immediate attention and fixing is containing the black markets and illegal economic activities that have sprung up during what has now been more than three years of lawlessness. It is clear that the combination of sanctions, the fragility of the banking system, and the severance of the national economy from the world has transformed Syria’s economy into a cash-only economy. In addition to the spread of illicit activity within the national economy, Syria’s borders also appear to have become sites where corruption and bribery are flourishing. Immediate measures will need to be taken to underpin the formal economy by stabilizing the currency, shoring up the banking sector, and enforcing border control.

Another immediate challenge that will confront post-Assad Syria is how to identify and deal with the large business interests that regime insiders have built up throughout the years. These ubiquitous interests are found in every aspect of the country’s economic landscape. A starting point in identifying these interests is to review the companies listed on the EU and U.S. sanctions lists. Care should be taken to immediately monitor these companies and watch for any break up and or change in their ownership. Every investor interested in taking a stake in one of these companies should be scrutinized, along with the origins of the investor’s funds. The latter should also include all future privatizations of Syria’s publicly owned companies. Utmost care should also be exercised while monitoring these companies, carefully balancing the need to preserve assets and the jobs that are attached to them.

Once the above-noted challenges are subdued, a new set of challenges will need to be overcome if Syria is to make headway in reducing its chronic unemployment rate (currently at 9 percent, according to official figures) and poverty rate (the United Nations Development Program estimates that 30 percent of the population was living in poverty before the crisis, and this percentage has no doubt since risen significantly) and to improve standards of living. It is no exaggeration to state that establishing the fundamental conditions for job creation, sustainably and equitably, is the key for Syria’s economy to unlocking its medium- to longer-term potential. But a word of caution is nevertheless warranted: The immediate challenges of restoring the state and its instruments and working to achieve the medium- to longer-term objectives as described above will inevitably generate
competing demands on policy. Even if the two sets of challenges are carefully phased, so that support for the public sector gradually gives way to greater emphasis on efficiency as normality is restored, there remains the broader issue of how systems of patronage, clientilism, co-optation, and ethnic privilege will be resolved in the new Syria. Although it may be laudable to insist on a reformed and purely merit-based civil service system in Syria, the sheer longevity of patronage in the public sector makes it difficult to conceive how a new political system can be established and legitimated in the public mind without some ability to distribute the “spoils” of office.

Realizing Syria’s medium- to long-term potential is intrinsically dependent on developing the private sector, expanding the national economy, and increasing productivity and export competitiveness. As described above, private-sector development is hampered by a labyrinthine system of registration, procedures, pervasive controls and bureaucracy, high entry and exit costs, a tardy and corrupt judicial system, poor infrastructures, and a persistently unfavorable regulatory framework entailing restrictive and complex trade and exchange regimes, the existence of several nontrade barriers and the weak enforcement of property rights; see the data in appendix to this chapter. As the data reported in the appendix show, the country performs far below neighboring countries such as Jordan, Turkey, and Lebanon on all measures of competitiveness. Similarly, Syria has barely benefited from the increased inflows of foreign direct investment to the region, confirming that a more conducive investment climate is urgently required to enhance Syria’s competitiveness by regional standards and to successfully integrate it into regional and global trade systems.

Achieving faster long-run growth, over and above the trend of 3.3 percent achieved during the last decade, is of particularly pressing importance. The economic literature illuminates the relationship between preconflict and postconflict growth rates. In a seminal work that examined the growth records of sixteen countries so as to investigate the extent to which output trends changed patterns following World War II, World War I, and the Great Depression, it was found that, on average, aggregate post-break steady state growth rates were 79 percent higher than pre-break rates. Applying this post-break rate to Syria’s average growth rate of 4.5 percent during the last three decades gives a potential output growth of 8 percent a year.

In the case of Syria, using elasticities derived from a study titled “Growth Diagnostics Report” by the World Bank, an estimated annual growth rate of 8 percent would require the creation of 175,000 jobs per year during the next ten years. This corresponds to an employment growth rate of 3.4 percent. Thus, to boost GDP growth to 8 percent, labor productivity must grow by 4.6 percent annually, three times higher than the average 1.6 percent annual rate during the last decade.

Improving productivity and growth performance in Syria requires a careful examination of all the factors that would help achieve a threefold increase in labor productivity. First, an aggregate, macroeconomic growth accounting study is required to analyze economic growth of output and (labor) productivity by decomposing their rates into various contributing elements. Next, growth accounting diagnostics will need to be performed for the three main economic sectors: agriculture, industry, and services.

Once undertaken, these growth accounts will provide empirical evidence regarding the roles of various contributing factors to growth in Syria. They can be used as guidelines for a growth policy aiming to increase output growth from its long-term past trend growth of 4.5 to 8 percent. This target growth rate can, in principle, be achieved with the proper amounts of investments in physical and human capital. A number of studies estimate that investments in physical capital of 30 percent of GDP and higher are indispensable. In addition, much higher investments in human capital per worker (improvements in educational attainments) are necessary to boost labor’s contribution to growth.
The lessons of experience from transition economies argue against any “shock therapy” and in favor of a gradual approach to reform. Thus, Syria needs to gradually abandon its state-led, dirigiste economic model in favor of a market-based one. The country needs to unleash the great entrepreneurial spirit that has characterized its industrialists and merchants throughout history; thus, open and fair competition should now begin to replace the system of privileges that has besieged the economy for more than four decades. Flexible labor market policies will help develop workers’ skills and facilitate labor mobility across occupations, firms, industries, and regions while providing adequate assistance to those who experience adjustment costs as a result of structural change. An open and transparent trade and investment regime will help dissipate the rents that have been amassed behind closed borders and opaque rules. The key objective here is to enhance the Syrian economy’s productivity and competitiveness, and thus to put it on a path toward where growth and employment generation are led by the private sector.

Experience shows that reforms should be pursued across different policy areas in a complementary way: to promote acceptance of change, by helping to ensure that those disadvantaged by one reform benefit from another, and to foster synergies between policies. The key to a successful transition lies less in the individual policies themselves than in how the policies interact; the benefits of an open trade and investment regime, for example, will only be fully realized in an economy with appropriate macroeconomic policies, efficient labor markets, and a regulatory environment that encourages the entry and exit of firms, protects and safeguards the public interest, and builds an education system that enables skills to match evolving needs. Though this will mean pursuing policy reforms in parallel, the precise sequence may need to be flexible.

The case for a socialist, private-sector-led, open economic model relates to the natural preference of people the world over for more, rather than less, choice and freedom—and the Syrians are no different. The power of the free market ideal lies to a great extent in the freedom that individuals and societies gain from exercising a greater degree of choice—of what to buy and to sell, and at what price; of where to obtain inputs; of where and how to invest; of what skills to acquire; and of what regulatory approach to pursue.

Although an open economy is an essential component of sustainable economic growth, complementary policies are also needed in order to realize its full benefits. In other words, the positive results from an open economy are not automatic; other policy choices matter as well.

Among the most fundamental policy choices are those related to the establishment of an adequate system of economic governance that is built on strong institutions and protected by the rule of law, which are crucial for property rights and for lowering transaction costs, two particular areas that have weighed heavily on the Syrian economy. We believe that supporting the establishment and the strengthening of Syria’s domestic economic institutions is the starting point for achieving sustainable growth and political freedom. The questions are, what institutions and how to build them?

On the types of institutions, attention should focus on five critical areas:

- Property rights—strictly speaking, control over property rather than legal rights per se;
- Regulatory institutions to correct externalities, information failures, and market power irregularities, such as antitrust bodies and banking supervision agencies, and, more controversially, the coordination of major investment decisions.
- Institutions for macroeconomic stabilization (e.g., a lender of last resort);
- Social insurance—these are often transfer programs, but other institutions, such as jobs for life, can also play the same role; and
- Institutions to manage social conflict.

On how to acquire institutions, we offer two observations:
There is no single optimal set of institutions—there are many ways of achieving the same objectives.

Moreover, the interactions between institutions mean that the package needs to be considered as a whole (or, at most, in a few broad parts) rather than piece by piece.

Institutions can be adopted from abroad or evolved by trial and error locally. The critical issue here is the legitimacy of the institutions. Adopting foreign institutions can often be an efficient way of short-cutting the learning process; indeed, good policymaking will always seek to learn from others’ experience. The requirement, however, is that the institutions are sought as agencies that will put forth solutions to locally identified problems and are adapted to local needs and conditions in quite subtle ways. There is a world of difference between a society facing a problem and looking abroad for something to adapt to its own needs, and an external force declaring that a certain institution will be good for it.

At the external level, emphasis should be placed first and foremost on fostering economic freedom by providing direct support for social, human, and economic development programs that help the population. That also means opening markets to Syrian products; promoting Syria’s engagement in regional and eventually international markets for goods, services, and ideas; and supporting its entry into multilateral institutions such as the World Trade Organization (WTO). The West, and in particular the European Union and the United States, should, in a post-Assad environment, accelerate Syria’s process of accession to the WTO. These are achievable steps that will also go a long way toward calming Syrians’ perception that the West is only promoting its own interests and completely disregarding Syria’s.

To be sure, any economic steps taken by the future Syrian government will require timely and comprehensive feasibility studies that analyze every element of the Syrian economy, at the local, regional, and international levels. However, the main goal should always be the liberalization of the market; the quicker this is carried out, the better. Maintaining state control over the market during the postconflict transition could crystallize the influence of former regime officials and businessmen, resulting in their continued

Transitioning to a Free Market Economy

As mentioned previously in this report, the transformation of Syria’s economy will need to be a gradual process because of the conflict’s severe effects on the economy—the dramatic increase in poverty, the complete halt of production, a doubled unemployment rate, and the collapse of the Syrian lira. However, at the same time, these factors have opened up a rare opportunity to create a free, market-led economy. Before the conflict, one could find the hand of the Syrian government in every level of the Syrian economy. Since the onset of the revolution, however, the government’s influence has steadily waned, making the establishment of a free market system relatively easy. All these factors have the potential to provide the context for the creation of the desired economic system.

As reforms take shape, Syria will need to fully engage in promoting its regional trade and investment ties, which have proven instrumental in helping other economies with their global integration strategies.

Boosting the competitiveness of Syrian industries in a changing domestic and global environment will be a key challenge for the new leaders. This may require a trade and investment policy agenda that moves gradually to open the economy first to regional partners and then to the global economy. Integration among neighboring states can be used to assist Syria’s economy in developing global comparative advantage by preparing for integration with Europe, and further when Syria accedes to the WTO.
harmful influence over the Syrian economy and political environment.

This does not mean that the government has no role to play in the Syrian economy. The state should absolutely play a supervisory role, whether through legislation or the judiciary. The future Syrian government, at least in the early stages of the transition, must also maintain control over strategic resources, oil and gas wells, national wealth, ports, and the like. The main steps to achieving economic reform and establishing a free market economy in Syria are price liberalization, lifting subsidies, the privatization process, restructuring the public sector, and reconstruction of the country’s infrastructure. We briefly examine each in turn.

**Price liberalization.** Price liberalization aims to make the financial value of goods or services directly reflect their real value, subject to supply and demand, rather than state control. This is one of the most important steps an economy can take in creating an environment that is attractive and conducive to investments. Moreover, it prevents the state from interfering in market mechanisms, such as by imposing prices. State price control, as has happened in the past in Syria, weakens consumer confidence and spreads corruption and exploitation. However, the striking economic downturn of the past two years will be a double-edged sword in the process of price liberalization, which will initially impose higher prices. These higher prices will not be accepted by a large number of Syrians due to the collapse of the Syrian currency, the hardship, and the widespread poverty. Therefore, prices should not be raised excessively. Nevertheless, the process of the current state control over prices will not be as long, because the Syrian state is on the edge of collapse. Therefore, the chaos that infiltrates the Syrian market can be treated as a systematic and a disciplined opportunity to liberate the market and prices in Syria. For instance, the prices of food and fuel can be increased gradually rather than having the state control the market and impose static prices.

**Lifting subsidies.** This step is closely related to the previous one, even though it has its own policy. The state can abandon its policy of paying a percentage of the value of certain goods or services that are usually considered a necessity for citizens, such as foodstuffs including flour, bread, sugar, and rice, in addition to fuel, electricity, water, and others. Raising subsidies on goods and services can be harmful to individuals, but it is in fact a step that must be taken to build a strong economy. The process of removing subsidies will save the state’s treasury from huge expenses, which will in turn help in rebuilding very important and strategic services and projects. Furthermore, lifting subsidies and liberating the market from the state’s daily control can be the key step on the path to transforming Syria into a free economic system. The citizen will be more independent if other measures of reform are to be taken, such as removing certain tax breaks and voiding customs tariffs. Though critical, the subsidy removal process should be analyzed carefully before being gradually implemented.

**The privatization process.** Privatization aims to achieve three important goals: first, to develop and invest in the projects to be privatized in the best and most efficient way; second, to secure huge amounts of funds for the state in order to invest in more important areas; third, to eliminate government control over the market and state resources. Privatization is not limited to a change in the ownership of certain projects from public to private; it is also a policy that places project management in the hands of the private sector, which, on one hand, has more experience and competence, and, on the other hand, has the urge to make profits. Thus, the private sector would be more able to meet the needs of consumers, which would mean the greater success of investments and projects. Privatization is a multistep, gradual process in terms of time and extent; it also must be achieved deliberately and through legislation in order to protect the market from monopoly, abuse, or undermining citizens’ interests. The required steps can be summarized as follows:

- All assets must be returned to their rightful owners. By assets are meant all the lands, whether agricultural or not, corporations, factories, houses, and buildings that have been nationalized and confiscated under the pretext of the state’s interests. This process would be the first step toward
market liberalization, which can be achieved by activating the freedom to own property and protecting the people’s property. This complicated step would be also a huge step toward political reform and gaining the people’s trust.

However, this step is quite complicated, given that some nationalization and confiscation processes have been under way for decades. Thus, this important process will need legal consultation to determine that the needed legislation will be reviewed and passed by the government. The legislation would ensure the transparency and fairness of the process, which will protect the rights of the original owners and the state from being manipulated or infringed upon. Also this process needs a sound legal authority that has considerable independence and integrity.

Projects and investments should be privatized. Here the government would need to choose which projects and/or state-owned companies would be privatized. The selection process must be carried out according to the sizes of these corporations and investments in order to protect them from the large capital owners’ monopoly, and according to this criterion we can sort the investments into two main categories:

- Small projects: Projects that have small costs, small-scale production, or relatively little labor and can be run efficiently by small or medium-sized companies. These projects can be privatized using public tenders with clear terms outlined by the government, by which it would ensure adherence to specific standards, such as the exclusivity of buying for Syrians and to prevent certain individuals from buying these investments.

- Large projects: Projects require large amounts of capital, such as investing in export industries like oil, gas, and minerals; important export farming businesses like wool or cotton; services like electricity, water, communications; and some large touristic, transportation, and seaports projects.

These projects are important strategic efforts that affect the state economy and, generally, the standard of living of a large percentage of the populace; therefore, the process of privatization of these projects is dangerous unless conducted under standards and mechanisms that consider the people’s rights and specifically future generations. These projects can be privatized by converting them into public shareholding companies in which every Syrian has the right to own shares—in addition to allocating investment funds in these projects with specific ratios to ensure the participation of big companies and investors in establishing these public shareholder companies so as to provide capital that would help to develop these projects, and to invest in strong, efficient management to run them.

Certainly, laws will need to be enacted to regulate the entire privatization process, and this will require an elected legislative authority; the judicial branch will need to play a notable role to protect the rights of the state and people. Conversely, the state can retain ownership of strategically important projects by signing temporary investment contracts with well-known international companies under specific terms, and through laws issued by the elected entity.

Restructuring the public sector. One of the most notable flaws in the Syrian political system is the presence of a massive bureaucratic substate within the state institutions. This bureaucracy has limited the economy and exacerbated administrative corruption and bribery. It has also resulted in disguised unemployment within the Syrian community; thousands of employees remain on the public payroll without any direct benefit to the state. This creates an environment in which it is impossible to build a free economy that provides fair opportunities for investments and enables Syria to be transformed into a productive society and economy without completely restructuring the public sector. Similar to the previous steps, this must be carried out in a deliberate, gradual manner. The public sector in Syria represents a large segment of the Syrian labor force; thus any possible
Restructuring would eliminate thousands of workers in this sector. This downsizing of the public sector must be accomplished in parallel with the other steps, in which the private sector would provide the market with large investments to make up for what has been lost in the public sector and its role in the market.

However, this process must be done with transparency, and the number of required jobs in the public sector must be based on the actual need in the public institution and not on courtesy for the middle and lower classes. Such “courtesy” would later produce negative feedback for the institution and the state in general, and subsequently for the institution’s employees. Employees must be chosen based on merit, experience, and qualification.

Reconstruction of the country’s infrastructure. The unprecedented level of violence propagated by the regime—carried out via artillery, tanks, Scud missiles, and warplanes—has caused the destruction of an enormous proportion of the Syrian infrastructure. The level of destruction varies from one region to another. Some cities and villages have been destroyed completely. This massive level of destruction, in fact, is one of the biggest obstacles that the Syrian state will face in the future, no matter what form the eventual government takes. This issue will require the unity of all the state’s institutions in order to be overcome. Additionally, transitional justice processes will play a major role in assessing the damages and the possibility of compensating those who were affected. The damage is not limited to private assets, despite the tragedy of the loss incurred by innocent citizens. Public assets, houses of worship, streets, bridges, and other aspects of the urban and rural physical fabric were all affected. All this will be a huge burden on the transitional government and the governments that will succeed it.

Therefore, reconstruction must be a high priority. Syria’s reconstruction will require prudent economic management, given that projects will cost tens of billions of dollars. The Syrian government will need to be wary of significant political pressure to give reconstruction contracts to regional heavyweights. Among the most important steps will be to study the extent of the problem and to undertake an accurate and comprehensive assessment, along with offering facilities for Syrian and foreign investors that want to invest in the reconstruction, provided that the rights of the Syrian state and citizens are considered. Additionally, legislation regulating reconstruction projects must be enacted to ensure a rapid and real benefit for those most affected by the crisis.

In addition to the previous steps, the roles of the regulatory institutions that operate to ensure transparency, honesty, and commitment must be activated under the standards and regulations adopted by the law. Some of these institutions already exist but have been sidelined or intentionally weakened by the regime. These institutions have also been used by those in charge within the regime to undermine different sections of the community and to maliciously pressure both Syrian and foreign investors. These institutions need to be activated after they are restructured and cleansed of corruption, and then they should be redirected to become tools to protect the state and citizens from any illegal abuse. Also, international regulatory regimes and standards must be developed in order to achieve the desired results.
The Syrian Expert House’s proposed policies and recommendations can be summarized as follows. First, these priorities are recommended for the transitional government:

1. Continue paying employees’ wages in the public sector.
2. Secure temporary housing for refugees until they can return to their homes.
3. Provide the basic services of food, clothing, and medical care for all refugees.
4. Secure protection for basic needs and public utilities.
5. Prepare for the restructuring of the public sector and the state’s administrative structure.
6. Work on acquiring frozen assets and funds from abroad.
7. Freeze and confiscate the Ba’ath Party’s movable and immovable assets.
8. Establish a committee to study the contracts made by the Assad regime with states and international organizations.
9. Issue a decision to terminate all the contracts made by the regime between March 2011 and the date on which the transitional government was formed.
10. Start a Syrian support and reconstruction fund.
11. Enact a law to return all nationalized assets to their rightful owners.

Second, these policies should be undertaken by the transitional government:

12. Change the current Syrian currency to seek stability (which may be impossible to achieve in the short term).
13. Make an effort to lift the economic sanctions against Syria.

Protect the currency from collapse using the approaches mentioned above, such as continuing to pay public-sector wages and securing the basic needs of the citizenry. The role of the government here should be to control the size of the collapse by adjusting the currency cycle and carefully liberating the pumping of the hard currency into the Syrian market before the Central Bank starts a forced corrective policy.

14. Stick to the principles of good governance.
15. Promote and activate economic relationships with neighboring countries and the rest of the world, especially Syria’s friends, in order to generate investments.
16. Work on raising the competence of the Syrian labor force in various fields.
## Appendix: The Competitiveness Performance of Syria’s Economy

### Table A11.1. Key Indicators and the Global Competitiveness Index Rankings and Comparisons

#### Key Indicators, 2010
- Population (millions): 22.5
- GDP (billions of dollars): 59.3
- GDP per capita (dollars): 2.877
- GDP (purchasing power parity) as percentage share of world total: 0.14

#### The Global Competitiveness Index 2011–12 Rankings and 2010–11 Comparisons

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### Table A1.12. The Global Competitiveness Index, 2011–12: Basic Requirements

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### Table A11.4. The Global Competitiveness Index, 2011–12: Innovation and Sophistication Factors

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Note: From a list of fifteen factors, respondents were asked to select the five most problematic for doing business in their country and to rank them between 1 (most problematic) and 5. The bars in the figure show the responses weighted according to their ranking.
Table A11.5. The Global Competitiveness Index in Detail

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<tr>
<td>Government budget balance, percent of GDP</td>
<td>88</td>
<td>100</td>
<td>120</td>
<td>52</td>
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<tr>
<td>Gross national savings, percent of GDP</td>
<td>73</td>
<td>91</td>
<td>71</td>
<td>110</td>
<td>92</td>
</tr>
<tr>
<td>Inflation, annual percentage change</td>
<td>80</td>
<td>92</td>
<td>84</td>
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<tr>
<td>Interest rate spread, percent</td>
<td>42</td>
<td>71</td>
<td>11</td>
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<tr>
<td>General government debt, percent of GDP</td>
<td>38</td>
<td>109</td>
<td>139</td>
<td>80</td>
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<tr>
<td>Country credit rating, 0–100 (best)</td>
<td>105</td>
<td>76</td>
<td>99</td>
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*Note: GDP = gross domestic product.*

### Fourth Pillar: Health and Primary Education

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<td>Business impact of malaria</td>
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<td>Malaria cases per 100,000 population</td>
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<td>Business impact of tuberculosis</td>
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<td>Tuberculosis incidence per 100 population</td>
<td>43</td>
<td>12</td>
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<td>Business impact of HIV/AIDS</td>
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<td>44</td>
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<tr>
<td>HIV prevalence, percentage of adult population</td>
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<td>21</td>
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<td>Infant mortality, deaths per 1,000 live births</td>
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<td>85</td>
<td>56</td>
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<td>Life expectancy, years</td>
<td>58</td>
<td>74</td>
<td>81</td>
<td>85</td>
<td>94</td>
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<tr>
<td>Quality of primary education</td>
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<td>60</td>
<td>13</td>
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<tr>
<td>Primary education enrollment, net percent</td>
<td>55</td>
<td>102</td>
<td>94</td>
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<tr>
<td>Secondary education enrollment, gross percent</td>
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<td>68</td>
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<tr>
<td>Tertiary education enrollment, gross percent</td>
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<td>Quality of the education system</td>
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<td>Quality of math and science education</td>
<td>62</td>
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<td>Quality of management schools</td>
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<td>Internet access in school</td>
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<td>Availability to research and training services</td>
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<tr>
<td>Extent of staff training</td>
<td>140</td>
<td>103</td>
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<table>
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<tr>
<td>Intensity of local competition</td>
<td>44</td>
<td>34</td>
<td>28</td>
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<td>114</td>
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<tr>
<td>Extent of market dominance</td>
<td>118</td>
<td>60</td>
<td>55</td>
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<td>121</td>
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<tr>
<td>Effectiveness of antimonopoly policy</td>
<td>90</td>
<td>64</td>
<td>119</td>
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<tr>
<td>Extent and effect of taxation</td>
<td>54</td>
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<tr>
<td>Total tax rate, percentage of profits</td>
<td>84</td>
<td>39</td>
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<td>No. procedures to start a business</td>
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<td>No. days to start a business</td>
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<td>51</td>
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<td>Agricultural policy costs</td>
<td>36</td>
<td>80</td>
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<td>62</td>
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<td>Prevalence of trade barriers</td>
<td>127</td>
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<td>66</td>
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<td>Trade tariffs, percentage duty</td>
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<td>103</td>
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<td>Prevalence of foreign ownership</td>
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<td>102</td>
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<td>Business impact of rules on FDI</td>
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<td>58</td>
<td>67</td>
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<td>Burden of customs procedures</td>
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<td>55</td>
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<tr>
<td>Imports as a percentage of GDP</td>
<td>103</td>
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<td>Degree of customer orientation</td>
<td>96</td>
<td>64</td>
<td>45</td>
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<tr>
<td>Buyer sophistication</td>
<td>118</td>
<td>81</td>
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*Note: FDI = foreign direct investment; GDP = gross domestic product.*

### Seventh Pillar: Labor Market Efficiency

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<tr>
<td>Cooperation in labor–employer relations</td>
<td>71</td>
<td>81</td>
<td>59</td>
<td>123</td>
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<tr>
<td>Flexibility of wage determination</td>
<td>48</td>
<td>36</td>
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<td>Rigidity of employment index, 0–100 (worst)</td>
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<td>68</td>
<td>90</td>
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<td>Hiring and firing practices</td>
<td>92</td>
<td>102</td>
<td>54</td>
<td>63</td>
<td>87</td>
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<td>Redundancy costs, weeks of salary</td>
<td>106</td>
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<td>Pay and productivity</td>
<td>89</td>
<td>72</td>
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<td>75</td>
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<tr>
<td>Reliance on professional management</td>
<td>130</td>
<td>100</td>
<td>99</td>
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<td>Brain drain</td>
<td>110</td>
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<td>123</td>
<td>97</td>
<td>122</td>
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<td>Women in labor force, ratio to men</td>
<td>141</td>
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## Eighth Pillar: Financial Market Development

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<td>Availability of financial services</td>
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<td>59</td>
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<td>Affordability of financial services</td>
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<td>Financing through local equity market</td>
<td>78</td>
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<td>42</td>
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<td>Ease of access to loans</td>
<td>101</td>
<td>59</td>
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<td>Venture capital availability</td>
<td>107</td>
<td>62</td>
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<td>Soundness of banks</td>
<td>59</td>
<td>55</td>
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<td>Regulation of securities exchanges</td>
<td>76</td>
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<td>Legal rights index, 0–10 (best)</td>
<td>138</td>
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## Ninth Pillar: Technological Readiness

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<td>Availability of latest technologies</td>
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<td>Firm-level technology absorption</td>
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<td>37</td>
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<td>FDI and technology transfer</td>
<td>106</td>
<td>51</td>
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<td>67</td>
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<tr>
<td>Internet users per 100 population</td>
<td>95</td>
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<td>79</td>
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<td>Broadband internet subscriptions/100 population</td>
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<td>Internet bandwidth, kbps per capita</td>
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<td>80</td>
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*Note: FDI = foreign direct investment.*

## Tenth Pillar: Market Size

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<tr>
<td>Domestic market size index, 1–7 (best)</td>
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<td>Foreign market size index, 1–7 (best)</td>
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<td>64</td>
<td>26</td>
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<tr>
<td>Local supplier quality</td>
<td>124</td>
<td>84</td>
<td>54</td>
<td>65</td>
<td>106</td>
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<tr>
<td>State of cluster development</td>
<td>97</td>
<td>82</td>
<td>90</td>
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<td>Nature of competitive advantage</td>
<td>104</td>
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<td>Value chain breadth</td>
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<td>Control of international distribution</td>
<td>52</td>
<td>63</td>
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<td>90</td>
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<td>Production process sophistication</td>
<td>79</td>
<td>63</td>
<td>81</td>
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<td>Extent of marketing</td>
<td>117</td>
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<td>Willingness to delegate authority</td>
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### Twelfth Pillar: Innovation

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<td>Capacity for innovation</td>
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<td>92</td>
<td>106</td>
<td>71</td>
<td>83</td>
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<tr>
<td>Quality of scientific research institutions</td>
<td>125</td>
<td>104</td>
<td>127</td>
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<tr>
<td>Company spending on research and development</td>
<td>136</td>
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<td>113</td>
<td>62</td>
<td>106</td>
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<td>University–industry collaboration in research and development</td>
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<td>114</td>
<td>111</td>
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<td>Government procurement of advanced-technology products</td>
<td>116</td>
<td>70</td>
<td>141</td>
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<tr>
<td>Availability of scientists and engineers</td>
<td>63</td>
<td>20</td>
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<td>35</td>
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<td>Utility patents granted per million population</td>
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<td>90</td>
<td>57</td>
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Introduction

Syria has toiled under the burden of Assad regime rule since 1970, despite the absence of constitutional, legal, and popular legitimacy for the obsolete system and the apparatus by which Bashar al-Assad has ruled. This regime bears full responsibility for entrenching a dictatorial system in Syria since 1970, and for dismantling the foundations of democracy that were established by the founding fathers of the Syrian state following independence from French rule.

The Assad regime has worked to systematically destroy the system of moral values and persistently violated human rights and freedoms. The regime has used the law and the judicial system to manipulate natural human activity, taking advantage of the Syrian people and their fortunes for the good of the ruling few.

In trying to change this unjust political, social, and economic reality that the illegitimate regime has imposed on Syria, the Syrian people’s great revolution blossomed in March 2011, announcing the severing of ties from the painful past and targeting the leadership of the Syrian people to obtain its freedom and its second independence. Therefore, this new, legitimate revolution, which springs forth in the name of the people, and the legitimacy of this government express the depth of the Syrian people’s demands for liberation and freedom from Assad’s dictatorial regime.

In this context, the transitional government affirms the following facts:

1. The Assad regime has:
   a. Blocked citizens from any possibility to freely express their political views, and forced them to hide their views on the state and society.
   b. Violated the principles and standards of human rights in an organized and ongoing manner, and systematically repressed the opposing political, social, and religious groups.
   c. Violated the basic principles of the legal democratic state and international conventions, including international law. And in so doing, the regime has put its interests and those of its representatives above the law.
   d. Used all security and military means to persecute the citizens. Of these means:
      i. Execution, murder, and imprisonment without charge under very harsh and humiliating conditions, and the use of savage methods, including physical and psychological torture.
      ii. Displacement and expulsion as a method of suppression and as collective punishments.
      iii. Dispossession of large segments of the Syrian citizenry of their property and violation of their right of ownership.
iv. Adoption of criminal methods to fight the Syrian person in his subsistence and that of his children.

v. Forbidding traveling abroad or freely returning home.

c. Committed crimes to achieve its objectives, helped to commit them without any legal deterrent, and illegally ensured the collaborators in its criminal campaigns against Syrian citizens.

2. The responsibility for the crimes and the other facts mentioned in the previous paragraph lies completely with those who actually committed them by direct action or defended the Assad regime through their political standpoints as officials, or as organizers and instigators in political and economic forums and the media.

On the Illegitimacy of the Assad Regime

The Assad regime is considered an illegitimate regime and does not represent Syrians, nor does it express their aspirations and ambitions. In spite of the limitations of time on the Assad regime’s holding on to the collars of society and state in Syria, the illegitimacy of this regime is not a result of its ascent to power through a military coup that struck the known constitutional foundations against the wall, but because it persistently killed Syrian citizens and violated their rights in a systematic and ongoing way, especially after the start of the blessed revolution, which demanded change.

On the Legitimacy of the Struggle to Overthrow the Assad Regime

According to the human, national, political, moral, and religious bases, the struggle to overthrow the Assad regime, first through peaceful demonstrations and then by military struggle, and Syrian citizens’ defense of their freedom and right to political change, honor, and property is considered a legitimate struggle, and the political results of this struggle are deemed legitimate.

On the Right to Receive Compensation

Anyone who was exposed to unjust physical or material harm or arbitrary prosecution from the Assad regime is entitled to material and psychological compensation.

On the basis of legal, popular and revolutionary legitimacy, the transitional government adopts this declaration in the articles mentioned therein, as a provisional constitution until such time that the Constituent Assembly is elected:

Recognizing the importance of the organization of the transitional phase in Syria, in line with the foundations of constitutional and legal legitimacy, and in achieving the goals of the glorious Syrian revolution, this transitional government announces to the great Syrian people the basic principles of the transitional phase through the following items:

PART ONE: GENERAL PROVISIONS

ARTICLE ONE: The date of the transitional government’s official announcement of the fall of the Assad regime is considered the starting date of this government’s work.

ARTICLE TWO: The provisions of this announcement shall take effect in the transitional phase, which begins with the announcement of the fall of the Assad regime, and lasts until the approval of the new constitution by the Syrian electoral authorities and its entering into force.

ARTICLE THREE: The announcement confirms the halting of the 2012 Constitution, and the suspension of all exceptional laws that violate human rights, and those related to the events of exceptional courts, such as Law 49 of 1980, the law for the creation of the Terrorism Court; Article 16 of Law 14 of 1969, which grants immunity for security elements from the courts; Decree No. 6 for 1966; which antagonizes the objectives of the revolution and disrupts the implementation of socialism; and Decree 55 of 2011, regarding the
amendment of the code of criminal procedure by extending the security detention and authorizing the security apparatus the status of judicial officer, as well as the halting of field courts and the suspension of laws that disrupt the democratic transition.

ARTICLE FOUR: The Constitution of 1950 and this constitutional declaration are the legitimate valid constitution of the country, until such time as the electoral commission approves a new constitution in a general popular referendum.

ARTICLE FIVE: The provisions of this declaration apply to the transitional phase and shall expire with the approval of the new constitution and its implementation, provided it does not exceed one year from its date.

ARTICLE SIX: Syria is considered a sovereign, independent country. It is an indivisible geographical entity, and it is not allowed to give up any part thereof. It is also a part of the Arab Nation and the Islamic World.

ARTICLE SEVEN: Syria is a country of multiple nationalities, religions, and sectarian groups. All its citizens are equal in their rights and duties, without any discrimination due to religion, ethnicity, gender, or belief.

ARTICLE EIGHT: Personal freedom, freedom of expression, opinion, and participation in decisionmaking through political parties and civil societies, and the publication of newspapers and printed material, are legitimate rights and are preserved for all Syrians. The government will issue rules governing the functioning of political parties in order to encourage the work and organization of democratic institutions.

ARTICLE NINE: The nonexceptional and ordinary criminal, civil, and administrative laws issued in the previous period remain in force, as long as they do not conflict with general and basic freedoms and human rights principles, and will be put forth in the next Legislature for reconsideration and modification or approval.

PART TWO: THE TRANSITIONAL GOVERNMENT

ARTICLE TEN: The transitional government shall be made up of an interim prime minister, who in turn will form a transitional government. The government makes its decisions by a two-thirds majority, and the president’s vote shall break the deadlock in the event of a tie.

ARTICLE ELEVEN: This government aims to perform the works during the transitional phase, and the following matters shall be assigned to it:

1. Proceeds with executive powers and the conduct of works in the state ministries.
2. Maintains security throughout the country and forms the supreme authority of the internal security forces.
3. Defends the country from any outside enemy.
4. Forms a high reference for civil service employees in the country, including the Ministry of Foreign Affairs and its missions abroad.
5. Provides civil services to citizens.
6. Proceeds to work on reconstruction and accepts grants and unconditional international aid that are intended for the public good.
7. Takes all procedures to prepare for the election of the Constituent Assembly, which will put in place the permanent constitution of Syria.
8. The interim government shall approve an election law for the Constituent Assembly.
9. The force of the law is in effect in noncriminal matters where the Syrian Penal Code of 1949 applies. The regulation shall not be considered valid unless it comes to the vote of two-thirds of the interim government’s members. These regulations are presented to the Legislative Council in its first legislative role, so it turns them into laws or amends
them and then issues or rejects them from the competent authority.

10. Works to strengthen the independence of the judiciary, which will elect the judicial council that will be supreme authority to oversee the work of the judiciary, pending the issue of the judicial authority law.

11. The interim government shall put the plans and measures to restructure the army to become a professional army that ensures the controls of the constitution and the law.

12. The interim government shall also put the measures that ensure the restructuring of the security apparatus from the standpoints of role, function, persons, and the rehabilitation of the internal security forces.

13. The army, the internal security forces, and the security apparatus are subject to the provisional government.

14. The interim government shall supervise the internal security forces with the help of the security apparatus and the army when necessary to restore the spread of security, the rule of law, and the withdrawal of illegal weaponry.

ARTICLE TWELVE: The term of the interim government shall be a maximum of eighteen months.

ARTICLE THIRTEEN: Members of the interim government are not allowed to run as parliamentary candidates or the presidency in their first sessions.

ARTICLE FOURTEEN: The interim government shall prepare the political, media, and security climates to have elections for the Constitutional Assembly in a neutral and fair environment, under the supervision of the local civil society and Arab and international organizations in accordance with the provisions of the new constitution. Its duties shall end with the announcement of the legitimate government according to the new constitution.

PART THREE: THE NATIONAL CONSTITUENT ASSEMBLY

ARTICLE FIFTEEN: It is incumbent upon the interim government to assume the responsibility for organizing a national Constituent Assembly consisting of 290 members, through proportional representation, divided into electoral districts in accordance with the Elections Law that the interim government will issue.

ARTICLE SIXTEEN: The National Constituent Assembly shall work on completing a new constitution for Syria within a maximum period of nine months from the date of announcing the election results of the Constituent Assembly.

ARTICLE SEVENTEEN: The National Assembly shall make its constitutional decisions and its resources with a majority of two-thirds, and the National Constituent Assembly has the right to engage the help of legal and constitutional experts, and whoever it deems appropriate.

ARTICLE EIGHTEEN: Upon completion of the constitution project by the National Assembly, the government shall put it to a referendum. The project shall be deemed a winner upon obtaining a majority of the votes of registered citizens in the referendum, or two-thirds of the voters.

ARTICLE NINETEEN: In the event of the constitution project not securing the necessary votes, it is returned to the National Assembly for amendment and resubmission to a referendum during a maximum period of three months. In this case, it would suffice to obtain a majority vote.

ARTICLE TWENTY: The National Assembly shall be dissolved by default after the adoption of the constitution by referendum and becomes valid from its date.

ARTICLE TWENTY-ONE: The National Constituent Assembly as a legislative authority, and with the election of the National Assembly a new government is formed that shall succeed the interim government.
PART FOUR: THE NATIONAL COMMISSION FOR TRANSITIONAL JUSTICE AND NATIONAL RECONCILIATION

ARTICLE TWENTY-TWO: An independent commission is formed under the name of The National Commission for Transitional Justice and National Reconciliation, and shall consist of independent legal, judiciary, social, economic, and educational persons. It can engage the help of whoever it wants among experts and personalities to implement its mission.

ARTICLE TWENTY-THREE: The Commission shall put in place its by-laws and its mode of operation, and it shall clarify its tasks and objectives.

ARTICLE TWENTY-FOUR: The tasks of the National Commission for Transitional Justice shall be:

1. The release of all political prisoners, the search for missing persons, and settlement of the legal statuses for the victims.

2. Work on the establishment and strengthening of civil peace, conduct a national reconciliation, and raise awareness and use of all types of media, workshops, and public seminars.

3. Establishment of a central court, whereby its work, functions, and specialty are defined by regulatory legislation, for putting on trial those responsible for war crimes, crimes against humanity or dangerous human rights violations, and with ensuring all conditions for a fair trial.

4. Conduct a field survey for all material and bodily injuries, and establish and administer a compensation fund, which is funded by the state budget, donations, grants, and local, Arab, and international aid. Preference is given to the families of the victims and the wounded, and to ensure replacement housing for those whose homes have been demolished.

5. The interim government shall be authorized to issue the necessary legislations in accordance with this constitutional announcement, which includes bases and procedures for the compensation to reach those who deserve it.

6. Establishment of a special committee to document all the phases that the country went through, and the commemoration of the persons who gave up their lives and money for the sake of the country's future, and the inclusion in the school curricula so it becomes an example to follow and a permanent memory.
CHAPTER 1: DEFINITIONS, GOALS, AND BASIC PRINCIPLES

Article (1)
The following terms are defined by the meaning of each one of them:

LAW: Parties Law.
PARTY: A political organization established in accordance with this Law, with the goal of participating in the development of political life, nominating candidates for elections to public office, and participation in rule and the devolution of power by adopting peaceful and democratic means to achieve them.
COMMITTEE: Parties Affairs Committee.
COURT: Court of Cassation.

Article (2)
The citizens of the Syrian Arab Republic have the right to establish political parties and join them in accordance with this Law.

Article (3)
The parties participate in organizing the citizens and represent them politically. Through this, it works to develop political awareness, and to formulate leaderships that are capable of bearing general responsibilities, governance, and the exercise of power.

Article (4)
The Party practices its activities through peaceful and democratic means to realize specific, declared programs that are related to the political, economic, social, and cultural matters, with the aim of participating in political life by nominating candidates for election to public office in accordance with the General Elections Law and in other ways.

Article (5)
The Party that is formed in accordance with the provisions of this Law shall abide by the following principles:

A. The provisions of the constitution, democratic principles, the rule of law, respect for general rights and freedoms, the global declaration of human rights, and all treaties and agreements ratified by the Syrian Arab Republic.
B. Abstention from presenting programs or slogans or embedding its electoral campaigns with all that jeopardizes the unity of the Syrian people and the unity of its territory.
C. The public nature of the Party’s principles, goals, methods, and financial sources.
D. Respect the principle of the devolution of power, prevent its monopoly, and respect the will of the people.
E. Adherence to moral standards, preserving public security, civil peace, and the rights and freedoms of citizens.
F. That the Party’s activity shall not include the establishment of any military or quasi-military formations, whether declared or in secret, the use, threatening, or incitement to use violence in all its forms.
G. That the Party is not a branch of a non-Syrian Party or political organization.
CHAPTER 2: FOUNDATION

Article (6)
No organization shall acquire Party status, nor shall it be entitled to exercise any political activity, before its establishment by the Committee is approved in accordance with this Law.

Article (7)
A. The Parties Affairs Committee shall be constituted in the following manner:
   1. The first deputy chair of the Court of Cassation / Director.
   2. Two deputies for the director of the Court of Cassation / Two members.
   3. Two directors in the Appeals Courts, chosen by the Supreme Judicial Council / Two members.
   4. Two vice-premiers of the State Council chosen by Parliament / two members.
B. The Court of Cassation shall be a reference point for the Committee.
C. The Committee shall look into the application for establishment of parties and vetting their by-laws in addition to the other specializations determined for it in this Law.
D. The Parties Affairs Committee shall act independently, impartially, and transparently, and has the right to adopt by-laws to enable it to carry out its functions and regulate its own procedures in accordance with this law.

Article (8)
An application for the establishment of a Party is presented to the Committee in accordance with this law and the procedures set by the Committee. It is signed by fifty of its founding members who satisfy the following conditions:
A. The founding member should have been a citizen of the Syrian Arab Republic for at least ten years. Excepted from this condition are the Kurdish Syrian citizens covered by Legislative Decree No. 49 of 2011.
B. He should be at least twenty-five years of age on the date of application for establishment.
C. He should be a resident of the Syrian Arab Republic.
D. He should be registered as voter.
E. He should not have ever been convicted of an electoral crime and should not be currently serving a prison sentence.
F. He should not be a member of another Party.
The Committee shall not take any action in relation to any application for the establishment of a Party between the time at which a decree or legislation is issued calling for an election and the declaration of the final result.

Article (9)
Enclosed with the application for establishment is the Party’s constitution and by-laws setting out the goals and the principles upon which it is based; the rules governing its political, organizational, financial, and administrative measures; and that which does not violate this Law, which specifically include the following:
A. The Party’s name and logo, which should not be similar or identical to an existing organization’s name or logo.
B. The address of the Party’s main headquarters and the addresses of all its branches, if available, shall be within the Syrian Arab Republic and declared to be so. None of them should be within the buildings belonging to the public, private, and educational sectors; religious places; or charity organizations.
C. The goals and the principles upon which the Party is based and the programs and means used to achieve these goals.
D. Conditions of membership in the Party, and the bases and processes for joining it, expulsion from it, and resigning from it.
E. The Party’s financial system, which should include the resources, funds, and procedures governing the exchange, as well as the rules governing the upkeep of the Party accounts, the method
of review and approval, the preparation and adoption of the annual budget, and the bank in which the money is deposited.

F. Rules and procedures for the solution, joining, and optional merging of the Party, and the conditions for liquidating its assets and devolving its assets, provided that in the absence of provisions in its constitution or by-laws to the contrary, a Party’s liquidated assets shall be devolved to the Public Treasury.

Article (10)

A. The applicants for the establishment of the Party to the president of the Committee, duly signed by its founders, and the application shall include the name of the legal representative of the establishment applicants to follow up with the establishment procedures.

B. The Committee chairman presents the application for establishment to the Committee within fifteen days from the day following the date of submission.

C. The Committee, after making sure that the application and its enclosures comply with the conditions contained in this Law, shall publish the submission of the application for establishment in two daily newspapers; one in Damascus and the other in the province of the Party’s main headquarters, if not located in Damascus. Such action is undertaken at the expense of the establishment applicants, conditional upon such publication to include the name of the Party for which establishment is being applied for, its branches, the names, surnames and dates of birth of its constituent members who are signatory to the application, as well as the goals of the Party. Such publishing is to be completed within thirty days from the day following the date of submission of the final complete application. The nonpublication on the part of the Committee during this period shall not have any effect on the decision on the application for establishment. Every organization concerned has the right to object to the Committee, regarding what has been published within ten days from publication of the Party’s application for establishment.

The Committee shall decide on the application within a maximum of sixty days starting from the day following the date of submission, whether approving the establishment of the Party or rejecting it, in accordance with a reasonable decision. If the rejection of application is not received by the applicant within the above-mentioned period, the application is considered to have the same status as acceptance for establishment.

Article (11)

A. The Committee chairman shall notify the legal representative of the applicants for the establishment with the acceptance or rejection within seven days from the day following the date of issuance of the decision, and applicants in the event of rejection have the right to object to the Committee’s decision before the Court of Cassation within fifteen days from the date of notification.

B. The Court rules on the objection within sixty days of receipt of the application with an irrevocable decision.

Article (12)

A. The Party enjoys a juridical personality and is entitled to exercise its political activity effective the day following the issuance of the Committee’s decision approving the establishment or the expiration of the sixty-day period provided for in Article 10 or the issuance of judgment of the Court to cancel the Committee’s decision to reject an application.

B. The documents appertaining to the establishment of the Party are published in the Official Gazette.

Article (13)

Every person who applies to be a member of a Party shall satisfy the following conditions:

A. The enrollee should have been a citizen of the Syrian Arab Republic for at least five years.
Excepted from this condition are the Kurdish Syrian citizens covered by Legislative Decree No. 49 of 2011.

B. That he has reached the age of eighteen on the date of submission of the enrollment application.
C. He should be registered as voter.
D. He has not have ever been convicted of an electoral crime and should not be currently serving a prison sentence.
E. He should not be a member in another Party.
F. He has made a written application for membership and has paid a subscription to the Party in accordance with the Party’s rules.

CHAPTER 3: FINANCIAL RESOURCES AND PROVISIONS

Article (14)

A. The Party’s resources consist of:
   1. Members’ subscriptions.
   2. Government subsidies.
   3. The outcome of return on investment funds in noncommercial areas determined by the Party’s rules of procedure. The investment funds in the publishing of newspapers, publishing house investments, or the establishment of educational institutions are not considered part of the commercial aspects in this paragraph.
B. The Party is not permitted to accept any donation, gift, or advantage or benefit from a Syrian or non-Syrian entity or from any legal person except for those that have been explicitly granted the right to do so by the Syrian government.
C. The Party is not permitted to accept any cash for donation or grant, except under a certified check and acceptable by banks operating in the Syrian Arab Republic.
D. It is incumbent upon the Party to indicate the name of the grantor or donor, the amount of his donation or gift, and the date the donation was made in systematic accounting records.

Article (15)

The Parties Affairs Committee shall propose annually to the Council of Ministers the total amount of the annual subsidy provided by the State in equal proportions to the parties in accordance to the provisions of this Law. This amount is then inserted after approval in the draft state budget.

Article (16)

The annual subsidy offered by the State to the parties is allocated in January of each year and is paid after the ratification of the annual report of the parties by the Committee within a period not exceeding fifteen days from the date of ratification.

Article (17)

The subsidy offered by the State to any Party shall cease in any of the following conditions:
A. The issuance of a judicial order to cease its activities.
B. The Party’s failure of presentation of its annual report for its final account of its resources to the Committee.
C. If the Party ceased its activities voluntarily.

Article (18)

The subsidy shall be dropped in any of the following conditions:
A. If the Party is dissolved voluntarily or by a Court order.
B. If the Party accepted any donation or gift or advantage or benefit counter to the provisions of this Law.

Article (19)

A. It is not permitted to spend the Party’s money except on the activities that will achieve its objectives in accordance with the rules and procedures contained in its by-laws.
B. The Party's funds shall be deposited in one of the banks operating in the Syrian Arab Republic.

C. The Party shall keep systematic books of accounts, which include its revenues and expenses, in accordance with the rules prescribed by the Regulations and Rules of Procedure of the Party.

D. The Party shall submit an annual report about its final accounts, including a full list of donations, to the Committee, notarized by a certified public accountant to be appointed by the Party.

Article (20)

A. The Committee, after looking at the Party's final annual report, has the right to review and audit the Party's books, documents, income, expenses, the legitimacy of its revenues and the direction of spending its money, by a certified public accountant appointed by the Committee, provided it provides a copy of the accountant's report to the Party concerned. The Party is required to provide all records, documents, and information requested by the Committee or the accountant.

B. The Committee and the accountant shall preserve the secrecy of the results, unless a violation is discovered that warrants its exposition before the Court in accordance with the provisions of this Law.

Article (21)

The Party shall submit an annual disclosure that includes its entire amount of property, and this property is entered into a record held by the Committee for this purpose.

Article (22)

The State reserves the right to confiscate and seize all of the Party's assets, according to the Penal Code. Furthermore, the organizers of the affairs of the Party and its workers are considered public servants in the application of the provisions of this Article.

CHAPTER 4: RIGHTS AND DUTIES

Article (23)

All movable and immovable Party funds and assets are exempt of all taxes and fees.

Article (24)

The Party's premises (including but not limited to headquarters, branches, and subbranches), and its documents, correspondence, and the means of its contacts, are considered safeguarded, taking into account the following:

A. They are not allowed to be observed, inspected, or confiscated, unless by a judicial decision.

B. It is permissible in the case of flagrante delicto and by a judicial decision to search the headquarters of the Party in the presence of an authorized representative of the Party. If the latter is refused, this is recorded in a report and an inspection is thereby conducted in the presence of two independent witnesses.

C. The consequent violation of this Article invalidates the inspection and the subsequent civil and criminal liability.

D. The public prosecutor must notify the Committee in writing of the measures taken in the premises of the Party within forty-eight hours.

Article (25)

Every Party has the right to publish its newspaper and have its own website, without adherence to obtain the license as provided for in the laws. Every Party is likewise entitled to use all means to express an opinion in accordance with the Constitution and the laws in force.

Article (26)

State media shall enable parties to use them equally to transmit their points of view to the citizens during election campaigns.
Article (27)
The Party shall inform the Committee chairman by registered letter about any decision regarding changing its chairman or secretary; its dissolution, joining, or merger; its voluntary suspension of its activities; a change in the address of the Party’s headquarters and branches; a change in the Party’s bank; or any amendment in its Regulations and Rules of Procedure within ten days from the date of issuance of this decision.

Article (28)
Parties have the right to use public places to practice their political activities with prior coordination with the relevant authorities. If the relevant authority refuses the Party permission to carry out an activity, the Party has the explicit right to appeal the decision before a Court with jurisdiction in the area in which the activity was requested.

CHAPTER 5: GENERAL PROVISIONS

Article (29)
A. The Party is considered dissolved in any of the following cases:
1. If it decides to dissolve itself voluntarily.
2. If it is dissolved by a Court ruling.
3. If it is merged into a new Party.
4. If it decides to join an existing Party.
In both cases referred to in clauses 3 and 4 of the preceding paragraph, the new or existing Party shall encumber all that applies to the dissolved Party in terms of obligations and responsibilities toward others, and the complete properties shall be devolved to it.

Article 30
In cases other than voluntary dissolution, merger, or joining, it is not permitted to dissolve a Party or suspend its activities or the execution of any of its resolutions, unless ordered by a judicial decision, following a reasonable request submitted by the Committee to the Court in order to dissolve it and liquidate its assets. Such is in the event of the Party not adhering to any of the principles entailed in Article (5) of this Law or a breach of any of its provisions or in the event that the Party does not stand any candidates in two successive elections.

Article 31
A. The Committee can request from the Court, and in an expedited manner, to stop the Party’s activity, or to stop the execution of any of its resolutions until such time that the request for dissolution is dealt with, and the Court shall rule on this request within fifteen days of its submission.
B. The Court shall rule on the request for dissolution within thirty days from the date of submission of the request.

Article 32
A. The Committee shall direct a warning to the Party to remove any violation of the provisions of this Law within a period that it specifies.
B. In accordance with the provisions of paragraph A of this Article, for each prevalent violation, the violating Party shall be fined not less than one hundred thousand Syrian pounds, and not more than one million Syrian pounds. This fine will be imposed by a Court following application by the Committee.
C. If the act constitutes a crime according to the provisions of the Penal Code and the laws in force, the incident is referred to the competent Court.

Article (33)
The Court shall make a decision on the disputes arising from this Law.

CHAPTER 6: FINAL PROVISIONS

Article (34)
Any laws or provisions extant within the legal code that contradict any of the articles above are considered null and void.
APPENDIX C:

Proposed Draft of General Elections Law

CHAPTER 1: DEFINITIONS, GOALS, AND ELECTION RIGHTS

Article (1)
The following terms are defined by the meaning of each one of them:

LAW: The Provisional Law on General Elections.
SUBCOMMITTEE: the committee that functions under the supervision of the Independent High Commission for Elections in the electoral districts.
THE ELECTORAL COMMITTEE: The committee that supervises the electoral centers.
THE ELECTORAL CENTER: the location where the electoral committee performs its work and in which the ballot process takes place.
ELECTORAL DISTRICT: the geographical space for which a specific number of seats are assigned in the legislative authority (Parliament)
CONSTITUENT: every citizen of the Syrian Arab Republic having the right to vote.
VOTER REGISTRATION CARD: official document issued by the Departments of Civil Affairs by which the voter exercises his right to vote.
VOTER: Every constituent exercising his right to vote.
CANDIDATE: Every Syrian citizen who has the right of nomination and whose nomination has been accepted by the Subcommittee.

ELECTORAL HOME: place of the civil registration for the voter or candidate.

Article (2)
This law aims at:
A. Organizing the election of members of Parliament.
B. Ensuring the integrity of the electoral process and the right of candidates to monitor it.

Article (3)
Election shall be by a universal, secret, direct, and equal ballot, and each voter has one vote.

Article (4)
Every Syrian male and female citizen who has completed eighteen years of age by the first of January of the election year has the right to vote, unless deprived of this right under a court order.

Article (5)
The right to vote is suspended for all the various army, police, and security personnel for the duration of their service.

Article (6)
The date of the election of Parliament is set by a decree that shall be published at least sixty days preceding the date of the election.
CHAPTER 2: ELECTORAL COMMISSIONS AND COMMITTEES

Article (7)

A. An independent commission shall be formed that will be called the Independent High Commission for Elections. It shall be based in Damascus, and shall undertake the total overseeing of the election management and shall adopt all necessary measures to ensure its fairness, impartiality, freedom, and total independence and transparency in its work.

B. The commission will be composed of eleven members from various specializations, who will be assigned, and whose head shall be named by the Temporary Constitutional Council.

C. All ministries and entities whose work is connected with the elections shall execute whatever decisions the Commission issues in this respect.

D. The Commission has the right to engage the help of whomever it sees fit with the aim of completing its work.

Article (8)

The Independent High Commission for Elections shall undertake the following:

1. Putting the instructions and procedures that differentiate and explain the temporary elections law and the temporary parties law.

2. Putting the universal bases for registering voters, parties, candidates, ballot (in the elections that occur during one day), the number of votes, and the review and announcement of results.

3. Supervision of all aspects of the election operation, including factors that ensure its freedom, fairness, and its representation of the broadest sectors of society.

4. Making voters aware, and educating them about the new electoral system.

5. Ensure the proper functioning of the electoral process.

6. Naming of members of the Subcommittees and supervision of their work.


Article (9)

A. A Subcommittee shall be formed in each constituency, which shall be named by a decision from the Independent High Commission for Elections.

B. The Subcommittees shall follow the instructions of the Independent High Commission for Elections and shall work under its supervision.

C. The Subcommittee shall:

1. Deal with nomination applications.

2. Determine the electoral centers at least seven days prior to Election Day.

3. Form electoral committees in the electoral centers.

4. Issuing of notarized letters which enable the candidates’ agents to follow up and observe the polling operation.

5. Aggregate the voting results that come in from the electoral centers.

6. Consider the appeals presented to it concerning the decisions related to the objections presented to the electoral committee.

7. Recounting disputed ballot boxes in the presence of whoever wants to attend from the candidates or their agents or the media, and organize the minutes for them.

Article (10)

The Electoral Committee undertakes to:

A. Administer the ballot operation in the electoral center.

B. Record the names of the candidates and verify their identities.

C. Carry out the counting in the center and announce its results.

D. Organize the ballot minutes and submit them to the Sub-Committee.
E. Enable the candidates or their agents to monitor the ballot operation, the counting of votes, listening to their comments and objections, and recording them in a special report.

F. Enable the media and the press to monitor the ballot operation and counting out of votes.

G. Decide the disputes presented to it during the electoral operation, counting of votes, and recording them in this respect in the special report. These decisions are subject to appeal before the Subcommittee.

**Article (11)**

The head of the Electoral Committee is considered as the judicial officer for the duration of the ballot period, and it is incumbent upon him to adopt all the necessary precautions to ensure the freedom of the voters in their exercise of their electoral rights. He can use internal security forces when necessary.

**CHAPTER 3: THE ELECTORAL DISTRICTS AND NUMBER OF SEATS**

**Article (12)**

A. The determination of the electoral districts with multiple seats is carried out by the use of the existing system of administrative regions, whereby one region is determined or adjoining a group of contiguous regions to form twenty-five to thirty multiple-seat electoral districts, by which each district shall include approximately twelve seats, and the criterion for determination of the electoral districts would be their populations.

B. The Parliament consists of two-hundred ninety members to be elected according to the proportional representation system with an open list in multiseat circuits.

C. The calculation and determination of the parliamentary seats are carried out in accordance with the rule of the cubic root of the total population, and consequently—according to the population of Syria, which is currently estimated at 24.5 million—for every eighty-four thousand citizens approximately there shall be one seat in Parliament.

**CHAPTER 4: THE ELECTORAL SYSTEM**

**Article (13)**

1. Elections are held in accordance with the system of proportional representation, with open lists in multiseat districts.

2. The voter has the right to vote for an entire party list or for specific individuals on the list.

3. The political party will win with a number of seats in the electoral district commensurate to the number of votes that the party and its candidates secured in total.

4. The candidates who have secured the highest percentage of votes within the one party shall occupy the party’s seats in Parliament, irrespective of their organization in the party’s electoral list.

5. Independent candidates are allowed to submit their candidacy in all districts, and they are inducted within separate lists, thereby allowing the voters to vote for them directly.

**Article (14)**

1. The party candidate lists in each district shall include a person from each gender among each three candidates from the top of the list to its bottom.

2. The two genders shall be represented among every three seats in the same electoral district.

3. Between two to three seats are added for the constitutional body consisting of two-hundred ninety, and this is for people with special needs who are elected in accordance with a mechanism put together by the Independent High Commission for Elections, in cooperation with representatives of civil organizations.
CHAPTER 5: CONDITIONS 
AND PROCEDURES FOR 
NOMINATION AND ELECTION

Article (15)
An individual has the right of nomination for membership in Parliament if he meets the following conditions:

1. He must have been a citizen of the Syrian Arab Republic for at least ten years preceding the date of his application for nomination. An exception to this condition is the Kurdish Syrian citizens who were granted Syrian citizenship in accordance with Legislative Decree 49 of 2011.
2. He has completed the age of twenty-five years on the first of the year in which the election is being held.
3. He should be fluent in reading and writing.
4. He should be a constituent of the electoral district for which he nominates himself, or has transferred his electoral home to it.
5. The candidate is not allowed to be a member in any of the electoral commissions and committees.

Article (16)
A. The voter exercises his right to vote within the electoral district to which he belongs, and the voter has the right to transfer his electoral home from one electoral district to another, with the use of any ticket or document issued by an official party, and which verifies his residency in the electoral district to which he wants to transfer. The document is thereby presented to the electoral committee at the time of his exercising his right to vote.

B. The candidate who would like to transfer his electoral home must have resided at least two years in the place to which he wishes to transfer his electoral home.

C. All heads of electoral committees exercise their electoral right in the center where they are assigned. The candidates’ agents in this electoral center likewise exercise this right, and all their names are added as per their voter registration cards to the voter tables in the center.

Article (17)
It is not permitted to have a nomination in more than one electoral district, under penalty of the nomination being declared null and void.

Article (18)
A. The candidate for membership in Parliament shall submit a written application to the Subcommittee, within seven days from the day following the date of issue of the decree containing the selection of the voting date.

B. If the applicant for nomination is outside the Syrian Arab Republic, or if he could not submit his application in person, his legal agent has the right to submit his application on his behalf, in accordance a notarized power of attorney.

Article (19)
The nomination applicant has the right to object to the Subcommittee’s decision in the province within a maximum of three days, beginning on the day following the date of announcement of the candidates who have been accepted, or from the date of expiry of the period specified for deciding on the nomination applications.

Article (20)
A. Every voter has the right to challenge the validity of nominating others within three days beginning on the day following the date of the announcement of the candidates, before the Subcommittee.

B. The Subcommittee considers the challenge within a maximum of three days from the date of its submission.
CHAPTER 6: CAMPAIGNING

Article (21)
A. The candidate whose nomination has been accepted has the right to publish news bulletins regarding his nomination, and the announcement of his plan, aims, and everything related to his work program that are signed by him. Copies of these broadcasts and declarations are submitted to the electoral Subcommittee.
B. It is not permitted that the campaigning material contain any religious, sectarian, ethnic or tribal allegations.
C. It is not permitted that the campaigning material have content counter to general order or public morals.

Article (22)
Campaigning will cease twenty-four hours before the date assigned for voting. After stopping the campaign, not one person is allowed, whether by himself or by others, to distribute programs, leaflets, or any other means of campaigning.

Article (23)
A. The competent local authorities select special places to paste images, data, bulletins, and electoral programs. They allocate in these places equal areas for candidates or their lists.
B. It is not permitted to paste, affix, or display images, announcements, and electoral bulletins on the walls of public or private buildings, or places of worship and places assigned for it, and it is not permitted to write the names of the candidates or any electoral campaigning on the walls, subject to legal accountability.
C. The Independent High Commission for Elections species all rules and procedures related to campaigning, including those not mentioned in this law.

Article (24)
Electoral meetings are free, and it is not permitted to impose any limitations on the summoning of such meetings.

CHAPTER 7: ELECTORAL OPERATION

Article (25)
The candidate or his agent and the media have the right to monitor the electoral operation and to be present at the counting of votes.

Article (26)
Voting shall start at 0700 hours in the morning on the day of voting, and it shall continue without interruption until 2200 hours of the same day. It is possible to extend the period when necessary according to a decision by the Independent High Commission for Elections.

Article (27)
In compliance with the provisions of Article 16, the voter practices his right to vote in the place of his civil register.

Article (28)
The ballot envelopes are prepared in one style and in one color, and shall be manufactured from sufficiently thick paper so that the contents of the ballot paper are not visible through it.

Article (29)
A. The voter exercises his right to vote in accordance with his voter registration card.
B. The head of the Electoral Committee gives the voter an unsealed envelope, signed by himself, and stamped with the stamp of the Committee. Then he enters the secret room to exercise his right to vote.
C. The voter puts the ballot paper in the sealed envelope after entering the secret room.
D. The voter’s name is entered in the record of the election center after placing the ballot envelope in the electoral box.

**CHAPTER 8: COUNTING OF VOTES AND ANNOUNCEMENT OF THE RESULTS**

**Article (30)**

A. The Electoral Committee starts to publicly open the ballot box and count the envelopes contained therein at precisely 2200 hours of the voting day.

B. If it became apparent that the number of envelopes is more or less than those who voted by more than 5 percent, the election in this center is thereby considered null and void and shall be repeated on the following day. Under this condition, the reelection is limited to those who have already voted in it.

C. If the increase is less than 5 percent, such a percentage is destroyed from the voting envelopes without looking at their content. If the shortage is less than 5 percent of the total voters, such shortage is not taken into account.

**Article (31)**

The envelopes are unsealed and the ballot papers are removed from them by the head of the committee in the presence of its members and whosoever wishes from the candidates or their agents or the media.

**Article (32)**

The counting of the votes is done by the Electoral Committee in a continuous manner at the Electoral Center, and the results are publicly announced. Thereafter, each committee will prepare a single copy of a record that includes the names of the candidates, and the number of votes each one of them got. The report will also include any decisions made or procedures adopted by the committee during the voting process, and this report is then submitted immediately to the Subcommittee.

**Article (33)**

Immediately upon receipt of the reports from the electoral committees, the Subcommittee shall count the results of the vote in all centers of the electoral district in the presence of whosoever from the candidates or their agents is designated, and an overall report is prepared in two copies. One copy of this report is submitted to the Independent High Commission for Elections, and the other copy is kept with the Sub-Committee.

**Article (34)**

If the Subcommittee decides to nullify the vote in one of the electoral centers, the vote is repeated on the following day in that center, if the committee did not assign another date. The reelection is limited to those who had already voted, and in this case the announcement of the voting results is ceased in the Electoral District until the new vote is completed in that center.

**Article (35)**

The candidates on each list are ranked according to the number of valid votes that each one of them obtained, and the top candidates are considered winners in the election according to the number of seats won by the party in the electoral district.

**Article (36)**

Candidates are considered winners by acclamation if their number at the time of the close of the period for nominations and the determination of any objections and challenges does not exceed the number of seats that are allocated in the electoral district, and this is announced to the voters before the election date.

**Article (37)**

The Supreme Constitutional Court shall investigate the appeals concerning the validity of the elected members of Parliament, and shall transmit a report on the result of its investigation.
CHAPTER 9: ELECTION CRIMES

Article (38)
Each member in the electoral committees who is charged with receiving the voting papers and counting them or sorting them, and who illegally took or added papers, compromised them, or read a name that is not that on it shall be punished by a prison sentence from one month to one year, and a fine from (25,000.00) twenty-five thousand to (50,000.00) fifty thousand Syrian pounds.

Article (39)
Anyone who breaks into or tries to break into the electoral center by force to prevent voters from choosing a candidate, or forced a voter by force or by threatening in any manner, shall be punished by a prison sentence from one to three years and a fine from (50,000.00) fifty thousand to (100,000.00) one hundred thousand Syrian pounds, and the punishment shall be made severe to its maximum limit if he carried a visible or concealed weapon.

Article (40)
Any person who breaks the ballot boxes before counting of the voting papers contained therein, dispersing them, taking them, replacing them with other voting papers, carrying out any act intended at changing or trying to change the voting results, or violating the secrecy of the vote, shall be punished by a prison sentence from one to three years and a fine from (50,000.00) fifty thousand to (100,000.00) one hundred thousand Syrian pounds. The punishment shall be made severe to its maximum limit if the offender is one of the people is charged with membership in the electoral committees or the workers connected to it, or members of the authority entrusted with guarding the ballot boxes.

Article (41)
Anyone who secured or tried to secure a vote from a voter or made him to abstain from voting in exchange for money, gifts, donations in cash or in kind, or promised them or public or private employment, or other benefits intended to influence the vote directly or indirectly shall be punished with a prison sentence from ten days to three months and a fine from (10,000.00) ten thousand to (25,000.00) twenty-five thousand Syrian pounds.

Article (42)
Anyone who collects voter registration cards, takes or hides, destroys or spoils any paper related to the voting operation, or changes the voting result, with the intention of causing a reelection shall be punished with a prison sentence from three months to one year and a fine from (25,000.00) twenty-five thousand to (50,000.00) fifty thousand Syrian pounds.

CHAPTER 11: FINAL CLAUSES

Article (43)
It is not permitted to combine membership in Parliament with any other job in the state or its institutions or any other public-sector entity, with the exception of ministry and teaching in universities and researchers in research centers.

Article (44)
The following documents are kept throughout the election of Parliament and are destroyed after the election of the new councils:
A. Records of nomination applications and the reports of their closure and the nomination applications with their attachments.
B. Reports of electoral committees with their attached envelopes and ballot papers, electoral envelopes, disputes, and counting papers.
C. Reports of the subcommittees for the electoral districts with their decisions.