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 had 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.[1] 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.[2]

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.[3] 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

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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.[4]

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 downfalls 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 outdo 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 FTPT 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

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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

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

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: Aleppo Governorate Center (Mount Simeon), represented within the Constituent Assembly with 43 seats.

- SECOND DISTRICT: Includes the regions of Afrin and Atarib, with a total of five seats.

- THIRD DISTRICT: Includes the region of Azaz, with a total of five seats.

- FOURTH DISTRICT: Includes the region of al-Safira, represented in the Constituent Assembly with seven seats.

- FIFTH DISTRICT: Consists of the Jarablus, Ayn al-Arab, and Manbig regions, represented within the Constituent Assembly with 10 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 Damashq 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, Al-Tall,

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.

DARAA 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 in 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-RAQQA 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

District	Percentage of Governorate's Population within District	Number of Seats
Damascus Governorate: One District		21
Aleppo Governorate		70
First: Aleppo Governorate Center (Mount Simeon)	59.50	43
Second: Regions of Afrin and Atarib	7.47	5
Third: Azaz	7.47	5
Four: Regions of Bab, Dir Hafir, and Al Safira	9.88	7
Fifth: Regions of Ayn al Arab, Jarablus, and Manbij	15.50	10
Rif Dimashq Governorate		22
First: Regions of Qatna, Darayya, and Qudsaya	37.10	8
Second: Regions of Al Qutaybah, An Nabk, Al Tall, Yabrud, and Al Zabadani	32.60	7
Third: Region of Duma	30.30	7
Homs Governorate		25
First: Homs Governorate Center	67.70	17
Second: Regions of Talkalakh, Al Mukharram, al Rastan, Al Qusayr, and Palmyra	32.30	8
Hama Governorate		25
First: Hama Governorate Center	46.60	11
Second: Region of Al Salmiya	13.90	4
Third: Regions of al Suqalaybiah, Masyaf, and Mhardeh	40.50	10
Tartus Governorate		11
First: Tartus Governorate Center and region of Safita	58.70	7
Second: Regions of Baniyas, Sheikh Badr, and Duraykish	41.30	4
Latakia Province		15
First: Latakia Governorate Center	60	9
Second: Regions of Al Haffah, Qardaha, and Jableh	40	6
Idlib Governorate		25
First: Idlib Governorate Center	31	8
Second: Region of Marrat Nu'man	29	7
Third: Regions of Ariha, Jisr al Shughur, and Harem	40	10

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

District	Percentage of Governorate's Population within District	Number of Seats
Deir ez-Zor Governorate		20
First: Deir ez-Zor Governorate Center	49	10
Second: Region of al Miyadan	25	5
Third: Region of Abu Kamal	26	5
Al Hasakah Governorate		19
First: Al Hasakah Governorate Center and Ras al Ayn region	50.90	10
Second: Regions of Qamishli and Al Malikiya	49.10	9
Ar Raqqah Governorate		12
First: Ar Raqqah Governorate Center	63.60	8
Second: Regions of Al Thawra and Tell Abyad	36.40	4
Daraa Governorate		13
First: Daraa Governorate Center	50.80	7
Second: Regions of Izra and Al Sanamayn	49.20	6
As Suwayda Governorate: One District		6
Quneitra Governorate: One District		6

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

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.[8]

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

2   See John Habash's study: "A Reading of the Syrian Constitution," report (in Arabic) issued by the Damascus Center for Theoretical and Civil Rights Studies at: http://hem.bredband.net/cdpps/repdcc.jan.htm#_edn26

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.

On August 5, 2011, Bashar al-Assad issued a legislative decree creating the mechanism for the operation of parties in Syria. "President al-Assad Issues Decree on the Parties Law," *Al-Thawra* newspaper (Syria), August 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.

7   *Types of Electoral Systems: A Guide by the International Institute for Democracy and Electoral Assistance (IDEA)*, multiple authors, translated by Ayman Ayoub (Stockholm: International Institute for Democracy and Electoral Assistance, 2005), 19. Available at http://www.idea.int/publications/esd/index.cfm

8   Ibid., 27–29.

Recommendations

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.