

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 Constitution 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 independence 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 Ottoman 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-Solh, 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 relationship 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 conventional, 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, terrorizing 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 political 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 understanding with the French in order to improve circumstances and to lead Syria toward a single independent government. The National Bloc Party was founded in 1925, and it is considered the most important political party of the French Mandate period and the years following independence, due to divergent visions over whether to confront the occupation peacefully or militarily, 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 Freeman'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 Freeman'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

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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.¹ 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 organization 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 responsibilities,” as stipulated in Article 3.

The law confirms that “parties practice their activity by peaceful and democratic means to achieve specific public platforms relating to political, economic, social, and cultural affairs, with the aim of participating 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 constitution, 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 formations, 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 formation 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 activity before they complete the conditions and establishment 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 President 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 specializations specified in this law,” meaning that the committee is entitled to complete oversight over the formation 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 political and civil rights.”

The law further states: “The by-laws of the party, its goals and principles, its rules for political, organizational, 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. Article 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 to be reconsidered, most prominently the restrictions that appear throughout the new law:²

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."³ 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 be 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.⁴

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>.
- 2 The Syrian Political Parties Law of 2011 can be found on the official Web site of the Syrian Arab News Agency (SANA) at <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>
- 4 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), 27–28.
- 5 Ibid., 183–88. The Syrian Expert House recommends that:

Recommendations

1 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.

2 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.

3 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.

4 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.