

SNHR

الشبكة السورية لحقوق الإنسان
SYRIAN NETWORK FOR HUMAN RIGHTS

SNHR's Vision to Achieve Political Pluralism and Form A Transitional Justice Body

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The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.

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I. INTRODUCTION

Syria has seen a fundamental political transformation following the downfall of the Assad regime on December 8, 2024, in the course of Operation Deter Aggression. On the following day, December 9, the Military Operations Command (MOC) announced the formation of a caretaker transitional government as a temporary measure.

On December 24, 2024, the MOC issued a statement declaring that its leader, Ahmad al-Sharaa, had reached an agreement with faction leaders to dissolve all factions and merge them under the umbrella of the Ministry of Defense. On January 30, 2025, the MOC spokesperson, Colonel Hassan Abdul Ghani, gave the 'Uprising Victory Address', which declared Ahmad al-Sharaa as President of Syria during the transitional phase. As such, it was explained, al-Sharaa would assume the duties of the President of the Syrian Arab Republic and represent the country in international forums. This announcement was made during a conference held in The People's Palace in Damascus to declare the victory of the Syrian Uprising, in the presence of the MOC-affiliated faction leaders. At the same conference, Abdul Ghani also reaffirmed the dissolution of all opposition military factions, political and civil bodies, and their integration into state institutions, as well as announcing the dissolution of the Arab Socialist Baath Party, the National Progressive Front parties, and all affiliated organizations, institutions, and committees, in addition to the dissolution of the People's Assembly and its subcommittees. Additionally, the 2012 Constitution was repealed, and all exceptional laws were suspended.

This transformation marked the beginning of a complex political transition, shaping the country's future after more than half a century of authoritarian rule.

The transition towards political pluralism: An opportunity to build a new system

The transitional phase in Syria marks a pivotal moment for restructuring the country's political system on new foundations that ensure political pluralism and enhance public participation in decision-making while safeguarding the rights of all sections of Syrian society. The success of this phase, however, continues to hinge on the creation of strong, independent institutions and the establishment of clear constitutional principles that guarantee legitimacy while achieving national consensus to foster stability and prevent regression into new conflicts.

Major challenges in the transitional phase

To achieve a successful political transition, several fundamental challenges must be addressed, chief among which are:

1. Weak state institutions and administrative fragmentation

State institutions, including security, judicial, and administrative bodies, require comprehensive reform to ensure their efficiency and independence.

2. Lack of trust among community components

The prolonged conflict has deepened societal divisions, making national reconciliation a crucial challenge that must be tackled.

3. Foreign interference and interests

External interference poses a threat to the transitional process, necessitating the safeguarding of national decision-making from foreign influence.

4. Economic and social crisis

The ongoing conflict has caused catastrophic economic repercussions that have directly impacted living conditions, potentially hindering reconstruction and efforts to ensure political stability.

5. Transition from revolutionary legitimacy to a pluralistic system

While revolutionary legitimacy has been instrumental in bringing about change, the continued concentration of power in the hands of a limited group could lead to the reproduction of centralized governance. Therefore, it is crucial to transition toward a pluralistic system that upholds the principle of political participation.

Roadmap for the transitional phase

The Syrian Network for Human Rights (SNHR) believes that achieving a stable and sustainable political transition requires the following steps:

1. Forming a governing body led by Ahmad al-Sharaa to ensure fair representation of various political and societal forces.
2. Holding a national dialogue conference that includes political and civil actors to reach a consensus on the country's future..
3. Issuing a temporary constitutional declaration to regulate the transitional phase and define institutional powers, ensuring a clear political path.
4. Establishing a transitional government responsible for rebuilding state institutions and managing the country during this interim period.
5. Drafting a new constitution that reflects the aspirations of the Syrian people and guarantees fundamental rights and freedoms.
6. Conducting free and fair elections that uphold the principle of peaceful power transition and allow all Syrians to democratically choose their representatives.

II. FROM REVOLUTIONARY LEGITIMACY TO POLITICAL PLURALISM

Revolutionary legitimacy has served as the legal and political framework upon which the forces that overthrew the previous regime have relied to date. This form of legitimacy often stems from a fundamental break with the old system, granting new actors the authority to govern the country. Yet, this legitimacy remains temporary, not to mention the fact that it is susceptible to erosion, unless complemented by a process of pluralistic transformation that ensures a smooth and sustainable political transition while preserving the achievements of the revolution.

The transition from revolutionary legitimacy to political pluralism requires an organized approach based on institutional reform, consensus-building, and participatory governance. While revolutionary legitimacy often leads to the concentration of power in the hands of a select group of political actors, political pluralism is founded on openness and the inclusion of various factions and stakeholders in the decision-making process within a framework that respects political and social diversity.

The essential steps for transitioning toward political pluralism

1. Establishing democratic standards in institutions

- **Constitutional framework:** Adopting a temporary constitutional declaration that guarantees fundamental rights and separates powers is a necessary step to prevent power monopolization and ensure comprehensive protection of all societal components' rights.
- **Judicial independence:** Strengthening the independence of the judiciary is crucial to upholding justice and preventing political actors or dominant parties from abusing power.

2. Reforming state structures

- Authoritarian regimes often leave behind centralized institutions lacking transparency and accountability, necessitating their restructuring to ensure good governance.
- A security sector restructure: Security institutions must be subject to civilian oversight and operate under the rule of law to enhance public trust and prevent their political exploitation.
- Depoliticizing public administration: State institutions, including electoral commissions and media organizations, must be depoliticized to ensure their neutrality and effectiveness in serving all citizens without political bias.

3. Building a pluralistic political system

- **Party pluralism:** Allowing party formation and fostering political diversity are key factors in preventing a single faction from monopolizing power and enabling various political forces to participate in governance.
- **Empowering the opposition:** A strong opposition contributes to political balance, enriches public debate, and provides viable policy alternatives, thereby enhancing stability and preventing the recurrence of centralized rule.

4. Strengthening national dialogue and consensus-building

- **Comprehensive national dialogue:** Organizing wide-ranging meetings involving political actors, civil society organizations, and marginalized groups is essential for developing a shared vision for the country's future and fostering mutual understanding among different political and social factions.

5. Institutionalizing pluralistic culture

- **Education and civic engagement:** Incorporating pluralism and human rights concepts into educational curricula and implementing awareness programs on the importance of political participation are fundamental tools for instilling a culture of rights and law and ensuring their sustainability.
- **Freedom of expression and independent media:** Ensuring media independence and providing free spaces for political discussion are essential conditions for enabling various political and social groups to freely express their perspectives without fear of repression or exclusion.

III. PROPOSED ROADMAP FOR POLITICAL TRANSITION

A. Forming a governing body

The formation of a transitional governing body in Syria is a fundamental step to ensure an organized and inclusive political transition, advancing the country's progress from revolutionary legitimacy to institutional stability. Based on experiences from political transitions in other countries, this process should be founded on principles that guarantee fair representation, political legitimacy, and institutional competence to ensure the success of the transitional phase.

Formation of a governing body during transitional phases: A necessity for enhancing stability and legitimacy in Syria

Following the collapse of authoritarian regimes, the formation of a governing body alongside a transitional president is a common practice aimed at ensuring a more inclusive and effective governance structure during periods of political uncertainty. In Syria's case, establishing such a body alongside the transitional leadership of President Ahmad al-Sharaa represents a critical step towards achieving stability and rebuilding the state for the following key reasons:

1. Enhancing inclusivity and participation

The formation of a governing body provides an opportunity to include representatives from various political factions, ethnic groups, and civil society organizations, ensuring broader representation of Syrian society. Given the deep divisions exacerbated by years of conflict, adopting a participatory governance model contributes to building trust and strengthening the legitimacy of the transition process.

2. Addressing the complex challenges of the transitional phase

Any transitional phase faces significant challenges, ranging from rebuilding state institutions and drafting a new constitution to organizing free and fair elections and ensuring security and stability. The governing body helps manage these issues by leveraging diverse areas of expertise, and distributing tasks across specialist committees to ensure effective policy implementation.

3. Strengthening local and international legitimacy

Establishing a collective governing body enhances the legitimacy of the transition process by signaling to the Syrian people and the international community that the transition is not under the control of a single individual or faction but is rather a comprehensive process representing various societal components. This model also contributes to building broader international support, as regional and global powers tend to view transitional structures that reflect political pluralism and broad representation more favorably.

4. Supporting mechanisms of transitional justice and national reconciliation

Transitional justice is a central element in any post-conflict phase, requiring broad participation from various societal components to address past violations.

5. Laying the groundwork for long-term democratic governance

The transitional period is meant to be temporary, a phase for establishing the foundations of a sustainable democratic system. The governing body facilitates this transformation by adopting cooperative governance practices and formulating democratic decision-making mechanisms. This model serves as a first step toward building democratic institutions capable of managing the state after the transition period ends.

6. Gaining international community support

Donor agencies and international organizations play a crucial role in supporting stability during transitional periods. A transitional government that demonstrates commitment to inclusivity and accountability is more likely to receive broad political and economic support. The collective governance model reassures international partners that any aid and resources provided will be managed transparently and efficiently.

Proposed criteria for selecting members of the governing body

The composition of the transitional governing body should reflect Syria's political and social diversity, taking the following criteria into consideration:

- **Comprehensive representation:** It is essential to include representatives from various societal groups (ethnic, religious, regional) to ensure national unity and prevent exclusion or marginalization.
- **Competence:** Members should possess practical expertise in governance, security, law, and administration to ensure the body's ability to manage the transitional phase effectively.
- **Integrity:** Candidates should be individuals with no history of corruption or human rights violations to ensure the establishment of a system based on trust and accountability.
- **Commitment to pluralism:** Members should demonstrate a clear commitment to human rights and the rule of law to prevent the recurrence of past authoritarian patterns.
- **Revolutionary legitimacy:** To ensure popular acceptance, representatives should have credibility based on their role in supporting political change away from the Assad regime, in alignment with the principles of the Syrian uprising.

Proposed mechanisms for selecting members

To ensure transparency and legitimacy in forming the governing body, the following mechanisms can be adopted:

- **National consensus:** Members are selected through consultations among political forces, civil society organizations, and mediating entities to secure the broadest possible acceptance.
- **Independent committees:** Neutral committees are established to verify candidates' qualifications and ensure they meet the standards of competence and integrity.
- **Balanced representation:** Seats are allocated based on political and geographical distribution to prevent any party from dominating the transition process.

Structuring the governing body

The governing body should have clear powers with a balanced distribution of authority to prevent the reproduction of authoritarianism:

- **Executive authority:** The transitional government manages state affairs during the interim period, with safeguards to prevent power concentration in a single entity.
- **Legislative oversight:** A temporary legislative council, which can be elected or appointed through national consensus, is formed to enact laws and oversee government decisions.
- **Judicial independence:** An independent judiciary is established to ensure the rule of law and prevent legal violations during the transitional period.

International support

The international community can play a supportive, rather than directive, role by providing technical and logistical assistance without interfering with national sovereignty. This support can include:

- Facilitating negotiations among Syrian parties to strengthen national consensus.
- Providing technical and institutional support for building governance structures and ensuring their effectiveness.
- Monitoring the transition process to ensure compliance with international standards while respecting national decision-making autonomy.

The governing body is chaired by Mr. Ahmad al-Sharaa, President of the Syrian Arab Republic during the transitional phase.

A National dialogue conference and its role in forming the governing body

The national dialogue conference should serve as a pivotal step in ensuring the formation of a comprehensive, legitimate, and effective governing body. It provides a platform for discussing key issues, framing perspectives among various political and societal actors, and building national consensus on the principles guiding Syria's transitional phase. Through this conference, broader representation can be ensured, legitimacy can be reinforced, and criteria for transitional governance can be defined to achieve sustainable political stability.

The importance of the national dialogue conference in forming the governing body

1. Building national consensus

- The conference offers all political actors, civil society representatives, and community components the opportunity to participate in shaping the general framework of the governing body, fostering a sense of partnership and collective responsibility.
- It also helps to reduce tensions among competing factions, promote dialogue, and facilitate the overcoming of political and social divisions.

2. Enhancing legitimacy and public acceptance

- The conference ensures the participation of diverse political and social groups, strengthening the governing body's legitimacy and reducing potential objections to its representation.
- It guarantees the inclusion of marginalized groups, such as women and minorities, preventing power monopolization and achieving the necessary political and social balance for the transition phase.

3. Defining fundamental principles of governance

- The conference provides an opportunity to draft the constitutional and legal foundations that will guide governance during the transitional period, ensuring the protection of fundamental rights, freedoms, and the rule of law.
- It can also establish mechanisms for transitional justice to address historical grievances and promote national reconciliation, fostering societal trust.

4. Structuring the governing body

- The conference defines the criteria for selecting governing body members, including fair representation, expertise, and integrity, ensuring transparency and justice in its formation.
- It helps establish checks and balances that prevent power concentration and ensure a balanced distribution of authority during the transition phase.

B. Promulgation of a constitutional declaration

A constitutional declaration is a temporary legal document that defines the fundamental principles and structures of governance during the transitional phase, aiming to ensure a structured legal framework until a permanent constitution is approved and adopted. It also delineates the powers of transitional institutions, establishes principles of pluralism, the rule of law, and human rights, and sets a clear timetable for holding elections and drafting the permanent constitution.

In an atmosphere of political instability, promulgating a constitutional declaration is a more prudent option compared to directly drafting a permanent constitution or amending the previous one. The temporary declaration provides legal flexibility and allows for managing the transitional period without disrupting the political process due to contentious issues. It also enables the postponement of major constitutional debates to a later stage, giving all parties the opportunity to engage in a wide-ranging national dialogue on the future of the political system.

Key actors in drafting the constitutional declaration

1. Drafting committee

This committee, responsible for preparing the initial draft, should include:

- Legal expert specialists in constitutional law to ensure proper formulation and phrasing.
- Representatives of political forces to ensure national consensus on the provisions of the declaration.
- Civil society organizations to guarantee inclusive representation of various groups.
- Governance and transitional justice experts to contribute to establishing the foundations of a just political system.

2. Governing body

The governing body supervises the drafting process and ensures the implementation of the declaration after its adoption by:

- Appointing the drafting committee or overseeing its work.
- Reviewing and approving the constitutional declaration before submitting it for ratification.
- Ensuring compliance with the declaration and monitoring the implementation of its provisions during the transitional phase.

3. Civil society organizations

Play a pivotal role in:

- Proposing measures to protect fundamental rights and transitional justice.
- Organizing public hearings and consultations to enhance transparency.
- Monitoring the implementation of the declaration to ensure transparency and accountability.

4. International actors

International organizations can provide

- Technical and legal support to ensure that the declaration aligns with international standards.
- A mediation role between political factions in case of disputes.
- Funding for dialogue and public participation programs, while ensuring national decision-making autonomy.

The essential steps for implementing the constitutional declaration

1. Drafting the content of the constitutional declaration

- Defining the governance structure, including the distribution of powers among executive, legislative, and judicial institutions.
- Setting priorities for the transitional phase, such as judicial reform, restructuring security agencies, and ensuring human rights protection.
- Establishing mechanisms for public participation to involve all groups in drafting the permanent constitution.
- Developing a clear timetable for elections and the transition to permanent governance, with sufficient flexibility to adapt to emerging challenges.

2. Providing for the establishment of the national transitional justice body

- To ensure accountability, truth-seeking, reconciliation, and reparations for victims.

3. Securing international support

- Providing technical and financial assistance without compromising national sovereignty.
- Utilizing international mediators to facilitate negotiations among competing political factions.

4. Preparing for drafting the permanent constitution

- The constitutional declaration should stipulate the formation of an elected constituent assembly responsible for drafting the new constitution through a transparent and participatory process.
- Setting a timeframe for drafting the constitution to ensure the process is completed before the end of the transitional phase.

The fundamental components of the constitutional declaration

1. Introduction

- Clarifying the objectives of the transitional phase, such as achieving justice, national reconciliation, and strengthening national unity.
- Recognizing the legitimacy of transitional bodies while emphasizing the importance of national consensus in managing the interim period.

2. General principles of governance

- **Popular sovereignty:** Affirming that authority derives from the will of the people.
- **Rule of law:** Ensuring that all laws adhere to the principles of justice and human rights.
- **Political pluralism:** Guaranteeing the participation of all political forces without exclusion.
- National unity and reconciliation: Promoting social peace and ending internal conflicts.

3. Structure of transitional governance

The constitutional declaration defines the nature and powers of transitional institutions, including:

- **Executive authority:** Determining the competencies of the transitional government and decision-making mechanisms.
- **Legislative authority:** Establishing a temporary legislative body to enact laws and monitor government performance.
- **Judicial authority:** Ensuring judicial independence and creating special court to handle cases that emerged during the armed conflict period.

4. Fundamental rights and freedoms

The declaration must stipulate the protection of fundamental rights for all citizens, including:

- Civil and political freedoms, such as freedom of expression, assembly, and political organization.
- Prohibition of discrimination based on race, religion, gender, or political affiliation.
- Guaranteeing the right to judicial recourse and the right to political participation.

5. Mechanisms of transitional justice

- Establishing a body equivalent to a 'National Commission for Transitional Justice.'

6. Roadmap for the transitional phase

- Setting a clear timetable for drafting the permanent constitution and holding elections.
- Ensuring broad public participation through a general referendum or a constituent assembly.
- Establishing clear mechanisms for transferring power to a democratically elected government.

7. Security sector reform

- Restructuring security and police forces to ensure their operation under civilian oversight.
- Integrating former armed groups into state institutions while enforcing controls to prevent the militarization of politics.

8. Mechanisms for amending the constitutional declaration

- Establishing flexible amendment procedures to ensure the declaration's responsiveness to emerging challenges during the transitional phase.

Stages of drafting the constitutional declaration

The drafting process requires several essential stages to ensure its comprehensiveness, legitimacy, and effectiveness in managing the transitional phase. The process must be transparent and participatory, balancing speed in implementation with national consensus. The following points outline the main stages, key actors, and critical considerations essential to ensure its success.

1. Preparatory stage

Objective

Establishing the foundational principles for drafting the constitutional declaration and identifying the key issues it must address.

Key procedures

- Forming a preparatory committee responsible for managing the process and setting a timetable for the different stages.
- Identifying stakeholders, including:
 - Various political forces.
 - Civil society organizations.
 - Legal and constitutional experts.
 - Representatives of different social groups to ensure inclusiveness.
- Determining key issues to be addressed in the declaration, such as:
 - The structure of transitional governance and the powers of different institutions.
 - Rights and freedoms and guarantees for individual protection.
 - The formation of a National Commission for Transitional Justice.
 - Security and judicial reforms to ensure the rule of law.

2. Drafting stage

Objective

Preparing the first draft of the constitutional declaration based on agreed principles.

Key procedures

- Holding consultative meetings among political forces, legal experts, and civil society to gather viewpoints.
- Drafting the initial version in accordance with agreed national priorities.
- Defining the powers of transitional institutions, mechanisms for protecting fundamental rights, and the roadmap for political transition.

3. Consultation stage

Objective

Ensuring broad acceptance of the constitutional declaration through stakeholder and public engagement.

Key procedures

- Publishing the draft and disseminating it widely among political forces and civil society.
- Organizing dialogue forums and public hearings to ensure inclusive representation.
- Receiving amendment proposals and reconsidering certain provisions if necessary.

4. Adoption and ratification stage

Objective

Formally adopting the constitutional declaration to serve as the legal framework for the transitional period.

Key procedures

- Presenting the final draft to the governing body for a vote.
- Ensuring national consensus before adoption to prevent future conflicts.
- If possible, holding a public referendum to enhance the document's legitimacy.

5. Implementation stage

Objective

Implementing the provisions of the constitutional declaration and governing in accordance with its principles during the transitional period.

Key procedures

- Establishing the transitional institutions stipulated in the declaration, such as the government and the interim legislative council.
- Ensuring legal oversight of the declaration's implementation through the judiciary and independent regulatory bodies.
- Starting preparations for drafting the permanent constitution according to the mechanisms outlined in the declaration.

C. Forming the transitional government: A pivotal step in the political transition

With Ahmed Al-Sharaa appointed as transitional president, the governing body formed, and the constitutional declaration adopted, the next step is to establish a transitional government responsible for managing state affairs, implementing the constitutional declaration, and laying the groundwork for democratic transformation in Syria.

Who forms the transitional government?

The president under the supervision of the governing body

Ideally, the transitional president (Ahmed al-Sharaa) proposes a list of ministerial candidates, which is then submitted to the governing body for review to ensure compliance with set criteria.

Options for the governing body's review

- Accepting the nominations as-is, should they meet the established standards.
- Proposing modifications to ensure broader representation or avoid controversial figures.
- Rejecting some nominations if they fail to meet the criteria, requiring reconsideration.

Why this model?

- Balances leadership and accountability: The president has a leadership role but is subject to review and approval by the governing body.
- Ensures comprehensive representation: Allows the participation of diverse political and social forces, preventing power monopolization.
- Prevents unilateral decision-making: Strengthens national consensus and prevents the president from making unilateral decisions.

What is the role of the United Nations in government formation

Advisory, not directive oversight

Government formation does not require direct UN supervision, but the UN can offer technical advice and support without imposing decisions.

Possible UN roles

- Providing technical guidance on government structure and transparency standards.
- Mediating disputes over appointments.
- Monitoring to ensure compliance with democratic and human rights standards.

Why should there be no direct international oversight?

- Protecting national sovereignty: Direct intervention could undermine the legitimacy of the transitional government.
- Past experiences have shown that externally imposed solutions often fail to achieve lasting stability.

The importance of forming a transitional government

1. Implementing the transitional phase's tasks

- The government serves as the executive arm of the governing body, ensuring the implementation of agreed policies.
- It oversees critical sectors such as security, the economy, reconstruction, and public services.

2. Ensuring stability and enhancing legitimacy

- A well-structured transitional government boosts public trust and strengthens the legitimacy of the transition.
- Preventing a political vacuum that could lead to new internal conflicts.

3. Laying the foundation for future governance

- Establishing permanent democratic institutions based on good governance standards.
- Developing long-term policies to ensure sustained stability.

The essential steps to form the transitional government

1. Defining the mandate of the transitional government

The constitutional declaration must define the powers of the transitional government, which may include:

- Supervising the electoral process to ensure a sustainable democratic transition.
- Reforming the security sector and ensuring civilian control over the armed forces.
- Managing public services such as health, education, and infrastructure.
- Developing economic policies to prevent economic collapse and support recovery.
- Establishing transitional justice by reforming state institutions and restoring trust in the judiciary.

Advisory councils and committees

- Forming independent committees to oversee issues such as reconstruction, national reconciliation, and judicial reform.
- Establishing a supervisory committee to monitor government performance, prevent corruption, and ensure transparency and accountability.

2. Proposed criteria for selecting government members

The appointment of ministers and officials should be based on key principles, including:

- **Competence:** Selecting individuals with practical experience rather than relying solely on political affiliations.
- **Integrity:** Ensuring that ministers are not implicated in corruption or human rights violations.
- **Non-exclusion:** Guaranteeing non-discrimination based on sect, ethnicity, or regional affiliation.
- **Ensuring balance between independence and political representation:** Include independent figures alongside representatives of political forces to ensure national consensus.
- **Avoiding the militarization of governance:** Prohibiting the appointment of military figures or leaders of armed factions to sensitive civilian positions.

3. Process of appointing the transitional government

Implementation steps

- **Political consultations**

- The head of the transitional phase and the governing body conduct consultations with political forces and civil society.
- A list of potential candidates for ministerial positions is submitted.

- **Approval and ratification**

- The final list is presented to the governing body for approval or proposal of modifications.
- In case of disputes, arbitration committees or internal voting within the governing body may be used.

- **Official announcement and mandating**

- The government formation is announced, and ministers take the oath before the head of the transitional phase or the governing body.
- Ministers begin implementing their respective work plans.

Priorities of the transitional government

1. Enhancing security and stability

- Restructuring security forces and subjecting them to civilian oversight.

2. Improving basic services

- Ensuring fair access to food, water, and healthcare.
- Developing the education and health sectors and rehabilitating infrastructure.

3. Managing the economy and preventing collapse

- Implementing short-term economic recovery plans.
- Encouraging foreign investment and international aid.

Recommendations to ensure the success of the transitional government

- **Transparency:** Announcing the names of ministers, their qualifications, and the government's priorities in an official statement.
- **National consensus:** Engaging political and societal forces to prevent divisions.
- **Clearly defining powers** to prevent conflicts between institutions.
- **Balanced international support** without becoming dependent on any external party.
- **Involving civil society** in monitoring government performance.

IV. DRAFTING THE CONSTITUTION: THE NEXT PHASE IN THE TRANSITION PROCESS

With the constitutional declaration adopted and the transitional government formed, the next critical step is drafting a permanent constitution through a constituent committee, ensuring a stable political transition that establishes a long-term democratic system for Syria.

Importance of drafting the constitution

1. Ending the temporary status

- The permanent constitution replaces the provisional constitutional declaration and establishes a lasting legal framework for governance.

2. Establishing political and legal legitimacy

- Defines the legal and institutional rules of the state and regulates the distribution of power and authority.

3. Consolidating rights and freedoms

- Guarantees the protection of citizens' rights, equality before the law, and social justice.

4. Defining state structures

- Establishes the foundations for the executive, legislative, and judicial branches and regulates their relationships to ensure balance and prevent authoritarianism.

5. Setting the legal framework for elections

- Regulates electoral processes and establishes the legal rules for transferring power to a democratically elected government.

Steps for drafting the constitution

1. Forming the constituent committee

- Direct election by the people (ideal but possibly difficult with transitional instability).
- Appointment by the transitional governing body in consultation with political forces and civil society.
- A combination of appointment and election to balance popular representation and political effectiveness.

Representation criteria for committee members

- The committee should include representatives from all societal groups, **including:**
- Legal experts specializing in constitutional law and governance.
- Representatives of political parties to ensure national consensus.
- Civil society representatives, ensuring the inclusion of women and minorities.
- Youth representatives to ensure the involvement of the younger generations in shaping the country's future.
- Representatives from conflict-affected areas to ensure their needs are addressed in the constitution.

Committee tasks

- Defining the fundamental constitutional principles that will form the legal basis of the state.
- Drafting the constitutional draft based on public consultations.
- Conducting reviews and amendments after gathering feedback from citizens and political actors.

2. Public consultations

Importance of consultations

- The constitution-drafting process must be participatory and inclusive to ensure legitimacy and prevent its imposition by a specific group.

Mechanisms for citizen participation:

- National dialogue sessions bringing together various groups to discuss constitutional issues.
- Public opinion polls and surveys to gather citizens' views on key issues.
- Online platforms allowing citizens to submit proposals and feedback.
- Engaging the media to raise awareness about the constitutional process and ensure transparency.

3. Drafting the constitutional text

The constitution should address the following key points:

A. Form of governance

- Presidential, parliamentary, or mixed system?
- Centralized or decentralized? (Addressing issues such as Kurdish autonomy or other regional governance models).

B. Separation of powers and preventing authoritarianism

- Defining the powers of the head of state, government, and parliament.
- Establishing oversight and accountability mechanisms among branches of government.

C. Fundamental rights and freedoms

- Freedom of expression, religion, and assembly.
- Women's rights and equality among citizens.
- Rights of ethnic and religious minorities.

D. Judicial independence

- Ensuring safeguards against executive interference in the judiciary.
- Establishing a constitutional court to handle issues related to the constitutionality of laws and regulations.

E. Security and defense sector governance

- Placing security and military agencies under civilian oversight.
- Preventing militarization of politics and ensuring a neutral army.

F. Electoral system and government formation mechanisms

- Determining the electoral system (proportional, individual, mixed).
- Setting political party laws to ensure political pluralism.

G. Decentralization and local governance

- Defining the powers of governorates and local administrations.
- Balancing authority between central government and local administrations.

4. Review and public debate

After drafting the constitution, it is presented to:

- The transitional legislative council for discussion and necessary amendments.
- Public opinion through national consultations to collect feedback and make final revisions.

5. Ratification

Ratification is carried out through one of the following options:

Ideal option: public referendum

- The constitution is presented directly to the people for a vote.
- This option grants strong legitimacy but requires security, stability, and advanced logistical capabilities.

Alternative option: approval by the legislative council

- If a referendum is not feasible, the transitional governing body may adopt the constitution as a temporary measure.

What happens after ratification?

- The constitution becomes the fundamental law of the state.
- The provisional constitutional declaration is abolished, and the new constitution is implemented.

6. Implementation and transition to permanent governance

After the constitution is adopted:

- Aligning national laws with the new constitution to prevent legal contradictions.
- Holding general elections to elect a permanent government under the new constitutional framework.
- Establishing new constitutional institutions, such as the constitutional court, to ensure compliance with the constitution.

V. PARLIAMENTARY AND PRESIDENTIAL ELECTIONS: THE FINAL STAGE OF THE TRANSITIONAL PROCESS IN SYRIA

Parliamentary and presidential elections serve as the final step in the transitional process, by which power is transferred to a democratically elected government. This process enhances political stability and provides legitimacy to the new government. To ensure the success of these elections, they must be conducted according to the principles of transparency, integrity, and inclusive representation, held in a safe and fair environment for all Syrians to participate.

A. Basic conditions for conducting free and fair elections

• **Achieving security and stability**

- Ensuring the safety of voters and preventing any attempts to use violence or intimidation during the electoral process.
- Securing polling stations in all regions, ensuring everyone can vote freely and safely.

• **Legal and institutional framework**

- Adopting a fair electoral law that organizes the process according to international standards.
- Establishing an independent electoral commission composed of judges, legal experts, and civil society representatives to ensure neutrality and transparency.
- Establishing clear mechanisms for resolving electoral disputes to prevent manipulation or unfair challenges.

• **Ensuring broad participation:**

The elections should be open to all Syrians eligible to vote, **including:**

- Refugees and displaced persons through providing appropriate voting mechanisms.
- Minorities and marginalized groups to ensure they are not excluded.
- Women and young people through the introduction of empowerment policies and encouraging political participation.

• **Enhancing electoral awareness and civic education:**

- Launching awareness campaigns to educate citizens about their electoral rights, voting procedures, and the importance of democratic participation.
- Providing educational resources through media and online platforms to ensure voters are aware of the electoral process.

B. The essential steps for organizing elections

1. Establishing an independent electoral commission

This body, which should be formed by neutral legal figures to ensure the integrity of the elections, will be responsible for:

- Managing voter registration and ensuring the accuracy of their data.
- Overseeing vote-counting and announcing the results transparently.
- Handling electoral complaints and challenges through clear legal mechanisms.

2. Voter registration

- Preparing a comprehensive electoral register that includes residents, displaced persons, and refugees, with accurate verification mechanisms.
- Launching a national registration campaign identifying registration centers in and outside Syria to ensure the broadest possible participation.

3. Nominating and approving candidates

Clear criteria should be established for accepting candidacies, including:

- No involvement in war crimes or corruption cases.
- Respecting democratic principles and human rights.
- Having at least some education and political experience, however minimal.
- Allowing political parties and independents to participate to ensure political pluralism.

4. Election campaigns and ensuring equal opportunities

All candidates should have equal opportunities to reach voters through:

- Using both public and private media without bias toward any party.
- Organizing public debates and media interviews to present their electoral platforms.
- Imposing financial caps on campaigns to prevent undue financial influence.

5. Election day

- Establishing polling stations across all Syrian regions, as well as special centers for refugees abroad.
- Implementing security measures such as secret ballots, indelible ink, and the monitoring of vote-counting processes.
- Deploying local and international observers to ensure no manipulation or fraud.

6. Counting votes and announcing results

- Votes should be counted transparently in the presence of party representatives and observers.
- Immediate announcement of preliminary results, with the possibility of legal challenges in case of suspected violations.

C. International oversight and its role in elections

- The United Nations should not play any administrative role, though it could play an advisory and observational role, to ensure respect for Syrian sovereignty.
- International organizations such as the United Nations, the European Union, and the Arab League can provide:
 - International observers to ensure electoral integrity and prevent fraud.
 - Technical assistance in managing the electoral process and training for staff.
 - Logistical and technical support, particularly regarding securing electronic voting or voter registration.

What are the required boundaries of the international role?

- Not imposing any candidates or foreign policies, leaving all decisions to the Syrian people.
- Providing support at the request of the transitional government or the electoral commission, without interfering in the details of the political process.

D. Recommendations to ensure a successful democratic election

1. Appropriate timing

- Elections should not be rushed before the necessary security and legal reforms have been completed.
- Ensuring at least a minimum level of stability to prevent electoral violence.

2. A strong legal framework

- Establishing detailed and precise electoral law that prevents manipulation and provides a fair environment for political competition.

3. Full transparency

- Making all information related to the elections available to the public and allowing observers to access the details of the process.

4. Engaging the international community

- Benefiting from international support in monitoring and training, ensuring that the elections are entirely led and conducted by Syrians.

5. Ensuring a smooth power transition:

- Setting a clear timetable for the transfer of power from the transitional government to the elected government.
- Forming a supervisory committee for the handover to prevent any political vacuum or constitutional crises.

E. Post-election

Once the election results are announced:

- A new parliament and elected government will be formed according to the new constitution.
- The transitional government's mandate ends, and power is peacefully transferred to the winners.
- The phase of sustainable democratic building begins, during which the parliament holds founding sessions to formulate policies and decide on future reforms.
- Oversight mechanisms will be established to monitor the implementation of constitutional and administrative decisions and ensure transparency and accountability.
- The new government will resume the reconstruction and economic development efforts initiated by the transitional government.

VI. RECOMMENDATIONS

To the current government

1. Implement the political transition process with clear and defined mechanisms

- Utilize this report to ensure a pluralistic transition that guarantees legitimacy.
- Develop a roadmap that includes practical steps and executive procedures within clear legal frameworks.

2. Set precise timetables for implementing the political transition plan:

- Establish clear and actionable deadlines for each stage of the transition to ensure commitment and avoid any political vacuum.
- Work on forming an independent oversight committee to monitor the plan's implementation and ensure transparency and accountability.

3. Enhance transparency in the work of the National Dialogue Conference and its outcomes:

- Ensure the goals and mechanisms of the National Dialogue Conference are clear, through issuing periodic reports on the progress made.
- Publish the final conclusions of the National Dialogue Conference and involve civil society and key political actors in discussing and implementing them.

To the international community

1. Provide technical and financial support while ensuring national sovereignty

- Offer technical and financial assistance to support the building of governance institutions and strengthen their capacity in public administration, judiciary, security, and the economy.
- Fund reconstruction projects to ensure comprehensive development that benefits all Syrians, with an emphasis on not imposing political agendas.
- Support the transitional justice process.

2. Enhance monitoring and advisory processes while respecting national decision-making:

- Provide neutral international expertise to ensure the integrity of the electoral process and prevent manipulation of voters' decisions.
- Provide technical and legal consultations to support the drafting of a new constitution that reflects the aspirations of all Syrians, without imposing any external political model.
- Support Syrian civil society and local institutions in building a culture of citizenship and democracy, ensuring stability and protection of human rights.

3. Ensure an international environment conducive to Syria's stability

- Work to lift economic sanctions that affect the livelihood of citizens.
- Enhance regional and international cooperation to prevent negative external interventions and ensure the protection of Syria's territorial integrity and national decision-making processes.

To Syrian civil society

1. Coordinate with the transitional government

- Establish communication channels between civil society and the government to ensure effective coordination in achieving political transition objectives.
- Contribute to implementing service and development projects in collaboration with local authorities to enhance citizens' trust in the transitional process.
- Provide proposals and recommendations to the transitional government based on the needs of the community, ensuring the inclusiveness and fairness of policies.

2. Actively participate in monitoring and enhancing transparency

- Increase participation in national consultations on the transition process and public policies to ensure they align with Syrians' aspirations.
- Monitor the transitional government's performance through independent oversight mechanisms to ensure adherence to transparency and accountability.
- Strengthen the role of independent media in covering the stages of the transition process and exposing any violations that hinder achieving pluralistic transition and stability.

3. Raise awareness of citizens' rights and fundamental freedoms

- Organize awareness campaigns to raise awareness of constitutional rights, fundamental freedoms, and the role of citizens in building a state of law and institutions.
- Train young people and women in leadership skills, political participation, and advocacy techniques to enhance their role in political life.
- Promote a culture of community accountability by organizing workshops and dialogue sessions on the importance of transparency in governance and citizens' involvement in decision-making.

4. Strengthen national reconciliation and rebuild social fabric

- Support national reconciliation initiatives by promoting dialogue among different segments of society to overcome divisions and build trust.
- Implement reintegration programs for displaced persons and returnees and provide psychological and social support to ensure sustainable peaceful coexistence.
- Document violations and provide support to victims of the conflict, especially victims of the Assad regime, to contribute to achieving transitional justice and preventing the recurrence of past abuses.

5. Empower civil society as a key driver in the transitional process

- Develop partnerships between local and international civil society organizations to enhance institutional capacities and exchange expertise in governance, development, and human rights.
- Pressure stakeholders to ensure a legal and legislative environment that protects freedom of association, freedom of expression, and independent civil work.
- Support local development initiatives that improve living conditions, enhance stability, and create employment opportunities for communities affected by the conflict.



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No justice without accountability

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