

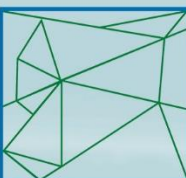


Socio - Ecological Justice and the Syrian Constitution

NED

Syrian Voices for an Inclusive Constitution

سوريون
من أجل
الحقيقة
والعدالة
Syrians
For Truth
& Justice



Syrian Voices for an Inclusive Constitution

Report 5 – Socio-Ecological Justice and the Syrian Constitution

The background of the entire page features a faint, light gray image of a pair of scales of justice, symbolizing law and equity. A green diagonal banner is positioned in the top left corner, and a dark blue banner covers the bottom half of the page.

Syrian Voices for an Inclusive Constitution

Throughout 2020, Syrians for Truth and Justice (STJ), with the support of the National Endowment for Democracy (NED), organized consultations and documented the perspectives of over 80 Syrian civil society representatives, activists, and civilians in Northeastern and Northwestern Syria on topics related to the constitution-building process in Syria. We chose participants who were not given the opportunity to contribute their thoughts about the new Syrian constitution and gave them the opportunity to discuss issues related to how it should be drafted. Among them, 74.7% believed that the Committee should write a new constitution, and 14.6% believed the current constitution should be amended.

To share the results of our consultations in Syria, STJ is publishing this report as the first of a series of five exploring the following topics:

Report 1: The Formation and Responsibilities of the Syrian Constitutional Committee

Report 2: Inclusivity and Diversity

Report 3: Transitional Justice

Report 4: Governance and Judicial Systems

Report 5: Socio-Ecological Justice and Personal Experiences

Our sixth report summarizes the five published reports, as well as sheds light on the outcomes and notable recommendations which emerged from the project. In this report, we will explore how our participants viewed:

Social justice is a collective term referring to human rights that are manifested in the everyday lives of people and at every level of society. The term thus refers to the distribution of wealth, opportunities, healthcare, education, and more. In other words, it encompasses all rights and means necessary to live your life as a free and equal citizen within a society. While constitutions worldwide often include the importance of living by the principles of social justice, state responsibilities and the extent thereof are often not clarified. This report consequently dedicates space to our participants' thoughts on social justice issues in Syria, such as ecological justice, access to healthcare, and other concepts they believe should be added to the ongoing dialogue about the constitutional-building process in Syria.

Furthermore, to highlight the importance of citizens involvement in laying the framework for a just and inclusive society for all Syrians, this report features our participants' thoughts on taking part in discussions about the new constitution. The message of the project 'Syrian Voices for an Inclusive Constitution', an idea that these reports embody, is that those who are often unheard not only can, but must, be given the opportunity to share their perspectives and concerns. Consequently, this report highlights the participants' views about their participation in the project, and whether they feel their needs are represented in the Constitutional Committee after their discussions with Syrians for Truth and Justice and Constitutional Committee members.

Environmental and Social Justice

In recent years, discussions have grown on how environmental factors contribute to political stability and the role they play in conflict. Constitutional experts and civil society advocates believe that these environmental factors, and the protection of the environment, should be considered when constructing constitutions. This belief aligns with the idea of "environmental justice", defined as the role of nature and natural resources in relation to the livelihood of people. The notion of environmental justice, of respecting the environment and regulating its resources fairly, gains importance when confronted by the (in)direct maltreatment of environmental resources in conflict zones.

Countries in the MENA region, like Iraq, Tunis, and Egypt, all include the language of environmental justice in their most recent constitutions. Similarly, the 2012 Syrian constitution mentions the importance of maintaining natural resources in the interest of the people in article

14¹. In other words, the framework is available in both Syria and other regional constitutions to build a robust foundation for environmental justice in Syria. Our participants see the importance of the inclusion of matters related to the environment. 71% of our participants agree that the new constitution should explicitly state that the state has the responsibility, and can therefore be held accountable, for managing natural resources and for making them accessible to all citizens in an equal manner. 12% of the participants opposed this view. The developments within the human rights dimension have led to the natural resource of water being defined as a social asset included in one's fundamental right to life. Turkey's continued disruption of the Aluk Water Station in northeastern Syria, which supplies clean water to over one million Syrians, exemplifies the relevance and importance of this right².

Accusations that Turkey cut water access in Syria through the Euphrates during the summer of 2020 exemplifies the relevance of this right.³ The inability to access water, due to political concerns, can have damaging consequences for civilians who rely on access to that water for their livelihood. This is only one example of how nature and its resources play a crucial role in people's existence and arguably even more in conflict situations and can become dangerous if not regulated properly and fairly. 83.1% of the respondents believe that the new constitution should explicitly state that the state has the responsibility, and can therefore be held accountable, for managing natural resources and for making them accessible to all citizens in an equal manner.

Another example that we discussed with the participants relates to access to healthcare. That a country has the means to supply all citizens with healthcare does not necessarily give all citizens access to them due, in large part, to reasons like economic inequality, poverty, geographic inaccessibility, lack of transport, and education. 84.3% of the participants agreed that the constitution should include the responsibility of the state to ensure the right to access healthcare and the means to prevent disease, receive treatment, and access medication. Not a single participant opposed to this perspective and only a few left the question unanswered.

¹ Article 14: Natural resources, facilities, institutions and public utilities shall be publicly owned, and the state shall invest and oversee their management for the benefit of all people, and the citizens' duty is to protect them.

² [Timelines of the Disruptions Series of Aluk Water Pumping Station in Northeast Syria](#). STJ, 2020.

³ [Turkey limits Euphrates water flow into Syria, depriving hundreds of usable water](#), Al Arabiya, 2020 ; [Syrian villagers along Euphrates accuse Turkey of cutting water access](#), The Observers, 2020

Consultation Experiences

During the consultations and throughout the survey, the participants were encouraged to share their own views on diverse topics and share their concerns. The following section lists some social themes which individuals did not feel represented by the Constitutional Committee, or which they considered as crucial in the constitutional building process.

First, one recurring theme that the participants raised was the focus on future generations. Moreover, one participant emphasized that “there needs to be a focus on future generations in terms of education, and [developing] talented people, for countries’ progress is measured by their culture and art”. Additionally, someone argued that “Education must be free at all stages, and everyone must have the right to education. The state must help people to exercise this right.” Moreover, in relation to the Committee someone mentioned that they “canceled the role of youth, their ability to practice their political rights and work to draft a constitution that meets the demands and preserves the rights of youth, who are at the very root of the revolution”.

Second, a significant group of our participants emphasized throughout the consultations that there needs to be an equitable distribution of resources to each region. One issue was the ongoing grievances of Kurdish participants in their inequitable access to justice. A participant said: “Although the awaited constitution has referred to all components’ of constitutional rights, there is a topic that must be mentioned regarding the Kurdish component, which was wronged by the Sykes-Picot Agreement and the borders drawn between the Kurds separating people from each other. I hope that they work on the constitution to facilitate communication between the people in the four parts of Kurdistan and allow the establishment of relations, safe and easy accesses between them.”

Third, the call for equal rights for all ethnicities, religions and sexual orientations was an important topic among our respondents, as well as the need for gender equality throughout the constitution building process as well as in the future: “[It is necessary to] emphasize the presence of women in writing the constitution, activating the role of youth through elections, conducting in-depth studies on the constitutions of other countries, and conducting a questionnaire on all classes of society”. One participant highlighted all the aforementioned topics by stating that “there are no provisions relating to youth, child rights and protection, freedom of citizenship, and the freedom of individuals such as those belonging to the LGBT community and other people who suffer social restrictions”.

Comments on Participation

By organizing the consultations as a part of the project “Syrian Voices for an Inclusive Constitution”, the goal was for people to voice their opinions and concerns. Some of the following comments show the positivity and hope of some of the participants after joining the project. Participants stated that this way of communicating, through consultations that is, raised citizen’s awareness and contributed to freedom of choice. Moreover, it allows for the Committee to consider the opinions of citizens about what the constitution should look like in the future. Especially “for those groups who are absent from representation in the Constitutional Committee”.

Some other comments were:

- “I hope that it will be a source for conveying the voice of the Syrian people with all its components and spectrums to the current Constitutional Committee.”
- “It is good, as it allows me to express my opinion as a Syrian Kurdish female citizen.”
- “I thank any step that aims at conveying the voices inside Syria... who have all the rights to expression and choice.”

STJ received feedback, both the positive and constructive perspectives, and aspires to continue this line of work. Not only do we believe in creating platforms for people to speak up, but we also wish to continue to connect the people to those that are directly involved in the drafting of the new or amended constitution. We are grateful for having been able to discuss such a wide list of topics with our diverse group of participants and Committee members, even though we recognize that this list was not complete.

Both at the start and at the end of the survey, the respondents were asked whether they felt represented by the Constitutional Committee. At first, 65.1% did not feel that they were adequately represented by the Committee and 28.9% did feel represented. At the end of the survey, however, 49.4% did not feel represented and 33.7% did. This shift could be explained by arguing that the participants realized that some of their views are discussed and represented by the Committee after going through the survey. Members of the constitutional committee who have been conducting similar conversations, like Sabah Alhallak, have noticed a similar increase in trust in the Constitutional Committee after conversations. The data should encourage other civil society groups and Constitutional Committee members to push for dialogues with Syrian civilians about the constitutional building process in Syria. As one participant voiced: “The fact that I do not know about the committee’s representatives, I hope

to see representatives who can feel the citizens and favor the public interest over their narrow personal interests.” The participants’ interest in the committee members and their desire to share their beliefs, tells us that these conversations can build the peoples’ faith in the Constitutional Committee, and consequently any constitution it writes.

Recommendations

Considering the data represented in this report, both from the consultations and the complementary sources, STJ recommends that the Syrian government, the international community, and Syrian Constitutional Committee:

1. Include environmental and social justice systems (accountability mechanisms) in the constitution, acknowledging the important role of the environment for the country to flourish and clearly defining the responsibilities of the state;
2. Include the young generations in writing the constitution and ensuring their rights are guaranteed;
3. Continue to participate in or create consultations, thereby contributing to an inclusive constitution. These consultations should be inclusive, and process oriented in nature and should be created in different shapes, scales, location, and content. Making them accessible to all citizens of Syria;
4. Acknowledge and act upon the importance of youth as changemakers and place them at the forefront of the inclusive constitution building process.



Our team of researchers and volunteers at Syrians for Truth and Justice are dedicated to uncovering human rights violations in Syria. Believing that diversity has historically defined and benefitted the country, we work everyday to promote inclusivity and justice to ensure that all Syrians are represented, and their human rights secured.