



Towards a Transformative Transition in Syria: Breaking the Circle of Exclusion and Violence

Bassam Alahmad



© Syrians for Truth and Justice 2024 All rights reserved

- This text may be copied for personal research purposes only. Any additional copying for other purposes, whether in print or electronic form, requires the author's permission. In the event of citing or quoting the text, the author's full name, title, year of publication, and publisher must be indicated.
- This research paper was written as part of the Reagan-Fassell Fellowship Program funded by the National Endowment for Democracy (NED) – in Washington, DC, between October 2023 and February 2024. It represents only the views of the author and does not reflect the policies or views of the National Endowment for Democracy (NED) in any way.

Towards a Transformative Transition in Syria: Breaking the Circle of Exclusion and Violence

Concerned parties shall ensure fair and inclusive representation of all Syrians throughout the political transition, including in negotiations, constitutional processes, and justice efforts

Bassam Alahmad*

*Bassam Alahmad is a Syrian human rights defender and the Co-Founder and Executive Director of Syrians for Truth and Justice - [STJ](#), an organization concerned with documenting human rights violations throughout Syria, which was officially launched in 2016. He also worked as a consultant with the International Federation of Human Rights - [FIDH](#), formerly at the Violations Documentation Center in Syria - [VDC](#), one of the first centers to document human rights violations in Syria after the uprising broke out in 2011, operating as a project of the Syrian Center for Media and Freedom of Expression - [SCM](#). He started working in the field of human rights in 2005, beginning from his hometown, the city of al-Qmishli, far northeast Syria, with a special focus on the issue of Kurdish minority, particularly the cause of the stateless Kurds in Syria. He graduated from Damascus University, where he studied Arabic literature. University was the trigger that helped him get involved in the public oppositionist activities against the Syrian government back then, along with dozens of anti-government young people from different walks of life. Working with the VDC, from 2012 to 2016, was a chance to gain new skills in the field of human rights violations in Syria, given the thousands of hundreds of crimes and violations that accompanied the bloodthirsty conflict. He served as the VDC's spokesperson and its Director of Research and Reports Department for more than four years. Later in 2015, he joined a US-funded fellowship with the Maxwell school at Syracuse University in New York City, as a part of the program "Leaders for Democracy" (LDF). This was the opportunity that first sparked the idea of what it is today Syrians for Truth and Justice-STJ.

Table of Contents

| | |
|--|----|
| <u>1.</u> Summary | 5 |
| <u>2.</u> Syria's Constitutions and Decades of Discrimination and Denial of Rights | 6 |
| <u>3.</u> Syria's Negotiation Process's Key Phases, Political, and Military Contexts | 12 |
| <u>3.1.</u> The Lead-Up to Resolution 2254 | 18 |
| <u>3.2.</u> Doubts about the Ability of Resolution 2254 to Facilitate a Transition to Democracy..... | 21 |
| <u>3.3.</u> Extensive Exclusion at the Micro-Level | 24 |
| <u>4.</u> The Syrian Constitutional Committee and its Current Problems..... | 27 |
| <u>4.1.</u> The International Framework of Syria's Constitutional Process..... | 29 |
| <u>4.2.</u> The SCC's Formation and the Kurds' Disproportionate Representation | 30 |
| <u>4.2.1</u> Spiking Violations in the Aftermath of Political and Constitutional Exclusion | 35 |
| <u>4.2.2</u> Adapting to the Lack of Rights..... | 37 |
| <u>5.</u> Conclusions and Recommendations..... | 39 |

1. Summary

This research paper seeks to explore the multiple layers and varying forms of exclusion in Syria at the political, constitutional, legal, and societal levels to unveil the undeniable repercussions it poses for marginalized individuals and communities and how, since the establishment of the Syrian State, it has pushed excluded groups outside the framework of representation, participation in public life, constitutional and legal protection, and disproportionately exposed them to violations and deprivation of rights.

To this end, this paper will provide specific examples of discrimination and their impacts, as well as a set of recommendations to stakeholders to ensure that the culture of exclusion rooted in Syria is not normalized, to break the cycles of exclusion, and try to build a modern State that respects diversity, can accommodate everyone, and transition to a better legal environment than that which existed before and after 2011.

In terms of structure, this paper is divided into four sections. In the first section, it exhibits multiple policies of discrimination warranted in the primary Syrian constitutions, which blatantly ignore diversity in Syria and the wealth it brings to the Syrian culture. Rather than endorsing diversity, the constitutions attempt to impose a “homogeneous identity” on Syrians and coerce them to coexist with discrimination in its various modes. This constitutional gap ran in parallel with the successive Syrian governments' failure to officially recognize Syrian diversity and contribute to creating an inclusive identity that is capable of accommodating all Syrians.

In the second section, it briefly analyzes salient international and United Nations resolutions adopted while the Syrian uprising unfolded. For this purpose, the paper will shed light on these resolutions' backdrops, which have facilitated the start of political negotiations between the opposing Syrian parties, introducing their political and military contexts that framed the design of the principal steps of the transition. Additionally, the paper will investigate the role of regional and international actors and how they have fostered exclusion and negative representational allotments at the expense of authentic inclusivity and participation without genuine regard for the aspirations of Syrians.

In the third section, the paper widens the scope of its investigation, probing further into the Syrian constitutional process, the legal circumstances that preceded it, and the international balances that influenced the selection of the members of the Syrian Constitutional Committee to demonstrate the impact the international intervention had on the formation of the committee, which ultimately denied several Syrian groups, most notably Kurds, the chance to channel their voices. The selection process, for instance, lacked transparency and was not a by-product of effective intra-Syrian talks. Instead, the selection process was one manifestation of the “balance/power division” between the three key States—Russia, Türkiye, and Iran—that intervened in Syria.

In its fourth and final section, this paper will enlist a set of conclusions, building on which it will also present several recommendations to decision-makers and stakeholders, with an attempt to focus on the role of the Syrian civil society, in its broader sense, in pressing towards an inclusive transition of a transformative dimension to help the country move forward towards a better future and put an end to the culture of exclusion.

In terms of methodology, the author of this paper used mainly textual analysis to approach the subject matter and at times relied on a historicist approach, especially upon revisiting key

historical phases when the various Syrian constitutions were drafted, in an attempt to capture instances of exclusion and discrimination against certain Syrian communities, as well as to reveal the root causes of these practices.

2. Syria's Constitutions and Decades of Discrimination and Denial of Rights

Except for the studies and reports that addressed the Kurdish issue in Syria, diversity and the necessity to officially establish it since Syria is known for its mosaic of distinct communities—in contrast to many other constitutional aspects—remain understudied and rarely investigated with the required depth by Syrian academics and even civil society organizations. Several reasons underlie this gap, the most important of which is a lack of a safe space that would foster comprehensive political discussions. The beginnings of the contraction of such discursive spaces can be at least traced to the Syria and Egypt Unity in 1958,¹ which was later perpetrated by the advent of the “separatist government” and then the coup of the Arab Socialist Ba’th Party and its seizure of power in 1963.

The suppression of political talks grew draconian after Hafez al-Assad resumed office in the 1970s. Additionally, the little existing space continued to shrink even after Bashar al-Assad came into power in 2000. Notably, the Syrian regime is described as “probably the most authoritarian regime in the Arab region, unequalled in the scale of its repressive practices except by the Iraqi regime of Saddam Hussein.” This probably also explains the utter brutality with which the Damascus government cracked down on the peaceful protests in 2011.²

In the 1950s, after the French forces withdrew from Syrian, there came to be “a political and societal environment and structure prepared for the transition towards democracy.” Additionally, although there were some shortcomings, many factors were present that would have helped ensure the complete success of this experience had it not been for “the army’s dominance over political life”,³ and later the unity with Egypt, which ended terminate it altogether.

¹ The unity between Syria and Egypt ended the political life in Syria. All political parties were dissolved. The security services were given the upper hand in Syria (Northern Territory). Banks, factories, and major industrial companies were nationalized. Together with other reasons, this ultimately led Syrian officers to declare secession in 1961.

² Kodmani, Bassma. “A Safe Path for Democratic Decentralization in Syria”. *Arab Reform Initiative*, July 31, 2019, accessed May 26, 2024. <https://www.arab-reform.net/publication/a-safe-path-for-democratic-decentralization-in-syria/>.

³ “برنامج ‘قراءة ثانية’.. هل شهدت سوريا تجربة ديمقراطية في الخمسينات؟” [A Second Reading TV Show: Did Syria Have a Democratic Experience in the 1950s?]. *Ultrasawt*, December 28, 2021, accessed May 26, 2024.

<https://www.ultrasawt.com/%D8%A8%D8%B1%D9%86%D8%A7%D9%85%D8%AC-%D9%82%D8%B1%D8%A7%D8%A1%D8%A9-%D8%AB%D8%A7%D9%86%D9%8A%D8%A9-%D9%87%D9%84-%D8%B4%D9%87%D8%AF%D8%AA-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%AA%D8%AC%D8%B1%D8%A8%D8%A9-%D8%AF%D9%8A%D9%85%D9%82%D8%B1%D8%A7%D8%B7%D9%8A%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%AE%D9%85%D8%B3%D9%8A%D9%86%D8%A7%D8%AA%D8%9F/%D8%A7-%D9%84%D8%AA%D8%B1%D8%A7-%D8%B5%D9%88%D8%AA/%D8%B1%D8%A7%D8%B5%D8%AF/%D8%B9%D8%B4%D9%88%D8%A7%D8%A6%D9%8A%D8%A7%D8%AA>.

However, several studies have addressed diversity from the perspective of the issue of minorities in Syria and attributed “Syria’s failure” in dealing with this fundamental affair to the “mismanagement of diversity and the absence of a citizenship-based state,” as well as “the influence of religion and sectarian dimensions on the form of the State on the one hand and the dominance of an Arab nationalist, ideological, and authoritarian regime over power on the other hand.”⁴ Additionally, numerous researchers have traced the “limited” role of religion in the State’s matrix in Syria, compared to other Arab countries such as Saudi Arabia and Egypt, to the ruling regime’s firm ties with the “Alawite minority” and not to its being a “secular” regime. As a consequence, this deeply rooted “Arab nationalism ideology, which attracted non-Muslim religious minorities, especially Arab Christians”.⁵

However, the intergenerational alienation of the Kurds established by the Syrian constitution is not the only form of exclusion practiced in the country. Countless reports and research papers have been written about discrimination against women in the Syrian constitutions, including those that focused on the policies underlying women’s banishment from the constitutional community, “the interconnectedness of manhood and militarism”, and the fact that “the origins of a distinctive national image in the Constitution depend on negation, and in the Syrian constitutional narrative this negation targets women.”⁶

Delving into the Kurdish issue in Syria as a case study, which remains consistent with this paper’s objective as it attempts to explain how exclusion will ultimately induce violations against and the deprivation of rights and protection of all marginalized groups, it becomes rather clear that the Syrian State, since its inception, has not officially recognized the Kurdish presence in Syria, which naturally affected the Kurds’ access to whatever little rights other Syrian citizens enjoyed as individuals.

For instance, the injustice suffered by the Kurds in Syria was a double whammy. Kurds were deprived of rights and freedoms that were supposed to be enjoyed by all Syrians as citizens due to the tyrannical nature of the State in Syria. They also “suffered, as a group, from discrimination based on identity. They wrestled with restrictions, including those imposed on Kurdish language and culture.”⁷ Notably, the political regimes in Syria, at least since the 1950s,

⁴ Jirjis, Nael. "الأقليات في سوريا ومبدأ حيادية الدولة" [Minorities in Syria and the Principle of State Impartiality]. *European Center for Kurdish Studies*, August, 2022, P. 6.

⁵ Ibid.

⁶ Al-Doughli, Rahaf. “The Construction of a Patriarchal Militant Identity in the Syrian Constitutions (1973-2012)”. *Syria Untold*, June 23, 2016, accessed May 26, 2024. <https://syriauntold.com/2016/06/23/the-construction-of-a-patriarchal-militant-identity-in-the-syrian-constitutions-1973-2012/>.

⁷ “Syria: Kurds in the Syrian Arab Republic one year after the March 2004 events [Arabic]”. *Amnesty International*, February 28, 2005, accessed May 26, 2024. <https://www.amnesty.org/en/documents/mde24/002/2005/ar/>.

Also see, “Killing Mother Tongues as a form of the Continued Cultural Genocide in Syria”. *Syrians for Truth and Justice*, February 22, 2021, accessed May 26, 2024. <https://stj-sy.org/en/killing-mother-tongues-as-a-form-of-the-continued-cultural-genocide/>.

have adopted a policy of suppressing the Kurdish identity because they saw it as a threat to Syria's Arab identity.⁸

The two-fold injustice that held Syria's Kurds in its throes since the foundation of the Syrian State triggered the Kurds and the Syrian Kurdish movement to engage in a two-dimensional struggle, fighting first for an equal citizenship-based democratic Syrian State as Syrian citizens and second for their rights as Kurds, belonging to a community that is distinct from the Arab majority in Syria. Therefore, there used to be Syrian parties that maintained close relations with the Arab forces within the Syrian opposition. Such was the case with the "Damascus Declaration" in 2005. Other parties had similarly strong ties with Kurdish forces and parties in Iraq, Türkiye, and Iran.⁹

Systematic discrimination in Syria against women¹⁰ and non-Muslim¹¹ and non-Arab minorities, especially against the Kurds, constitutes one of the most prominent features of the successive Syrian regimes. The structural discrimination under the Syrian State spreads down from the highest authority in the country (the Constitution) and never stops at the limits of national laws. In the case of Kurds, several factors have played into depriving Kurds of their basic rights, from the name of the State *per se*, as the Syrian Arab Republic, to the preambles and provisions inscribed into the Syrian constitutions, down to domestic laws. These aspects have effectively rendered Kurds outside the realm of legal protection as they attempted to gain access to at least the cultural rights guaranteed by international laws and norms.¹²

The role and influence of Arab nationalism in the country gained weight¹³ once Syria emerged as a State in 1919–1920. Contrary to the prevailing opinion, Arab nationalism did not

⁸ "Group Denial: Repression of Kurdish Political and Cultural Rights in Syria". *Human Rights Watch*, November 26, 2009, accessed May 26, 2024. <https://www.hrw.org/report/2009/11/26/group-denial/repression-kurdish-political-and-cultural-rights-syria>.

⁹ For additional information, see: "The Damascus Declaration". *Carnegie Middle East Center*, March 1, 2012, accessed February 6, 2024. <https://carnegie-mec.org/diwan/48514?lang=en>.

¹⁰ For additional information, see: "Women Rights in Syria: Caught Between Discriminatory Law, Patriarchal Culture and Exclusionary Politics". *Women's International League for Peace and Freedom*, February 23, 2021, accessed May 26, 2024. https://www.wilpf.org/women-rights-in-syria-caught-between-discriminatory-law-patriarchal-culture-and-exclusionary-politics/?_gl=1*1h697w4*_up*MQ..*_ga*MzQyNjE0NjIwLjE3MDcxNzM3Njg.*_ga_M0METNSX3T*MTcwNzE3Mzc2Ni4xLjAuMTcwNzE3Mzc2Ni4wLjAuMA.*_ga_F02L4N7KKH*MTcwNzE3Mzc2Ni4xLjAuMTcwNzE3Mzc2Ni4wLjAuMA.

¹¹ For additional information, see: "Christian Women's Status in Syrian Law". *Syrians for Truth and Justice*, March 21, 2023, accessed May 26, 2024. <https://stj-sy.org/en/christian-womens-status-in-syrian-law/>.

¹² Advocating for the creation of a specific framework in defined contexts concerned with protecting the rights of minorities, such as many legal frameworks that protect specific rights or specific human groups, does not, of course, seek to give minorities a vantage point in a sense that harms the rights of others in society, but rather aims to ensure: (1) protection of their existence as minorities, (2) non-discrimination against them, (3) their enjoyment of their culture, religion, and language, (4) their effective participation in public life, (5) their effective participation in decision-making, (6) they can manage and maintain their associations, and (7) they can maintain their peaceful cross-border relations and contact with those with whom they have ties related to their minority. For instance, see: United Nations, Economic and Social Council, *Final Text of the Commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities*, E/CN.4/Sub.2/AC.5/2001/2, April 2, 2001, available from <https://digitallibrary.un.org/record/439563>.

¹³ Article 1 of Chapter I of the Basic Law/Constitution of the Kingdom of Syria stipulates that "the government of the Arab Kingdom of Syria is a representative civil monarchy, with Damascus as its capital and Islam as the

have sway on Syria at the start of the Great Arab Revolt against the Ottomans, but rather with the formation of secret and public associations in the last decades of the Ottoman Empire (1857–1911),¹⁴ which contributed to “the transformation of Arab nationalism from a political project into an ideology, and its most prominent theorist was Sati’ al-Husri, who called for repelling local nationalisms.”¹⁵

However, several Arab nationalism-related signs heralded the formation of the “national State” when integration into the “Ottoman identity” demanded a form of “collective Turkization” in the shadow of the Ottoman Empire’s failure back then to transition from a “feudal empire” into a “State hinged on a social contract under which the group of Ottoman individuals could attend to their affairs themselves.”¹⁶

Syria’s official name differs across the primary Syrian constitutions.¹⁷ In the 1920 Constitution, or the Basic Law/Al-Faisaly Constitution, it was called the *Arab Kingdom of Syria*. Later in the 1930 Constitution, it was called *Syria* only in reference to the State and republic under the French Mandate (Article 1; items 1, 2, and 3).¹⁸ Then, it was called the *Syrian Republic* in the 1950 Constitution¹⁹ and the United Arab Republic following the Syria-Egypt union in 1958.²⁰ After that, in the Interim Constitution (the Secession Constitution) of 1961-1962,²¹ the name became the *Syrian Arab Republic*, which was kept in both the 1973 Constitution,²² adopted during Hafez al-Assad’s reign, and in the 2012 Constitution under Bashar al-Assad’s rule and after the Syrian uprising started.²³

religion of its king.” It is important to note that this constitution was not adopted due to the start of the French mandate in Syria and the arrival of French forces on 24 July 1920.

¹⁴ Several societies emerged at the time, including the Syrian Scientific Society, the Secret Society of Beirut, the Qahtaniyah Society, and the Al-’*Ahd* (Covenant) Society.

¹⁵ [Between Politics and Ideology: Has Arab Nationalism been Overcome by Reality?]. *The New Arab*, April 8, 2021, accessed May 26, 2024.

<https://www.alaraby.com/news/%D8%A7%D9%84%D9%82%D9%88%D9%85%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9-%D8%A8%D9%8A%D9%86-%D8%A7%D9%84%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9-%D9%88%D8%A7%D9%84%D8%A3%D9%8A%D8%AF%D9%8A%D9%88%D9%84%D9%88%D8%AC%D9%8A%D8%A7-%D9%87%D9%84-%D8%AA%D8%AC%D8%A7%D9%88%D8%B2%D9%87%D8%A7-%D8%A7%D9%84%D9%88%D8%A7%D9%82%D8%B9>

¹⁶ Awad, Sami. “ماذا يبقى من القومية العربية؟” [What is Left of the Arab Nationalism?]. *AlJumhuriya*, September 1, 2020, accessed May 26, 2024. <https://aljumhuriya.net/ar/2020/07/01/%d9%85%d8%a7%d8%b0%d8%a7-%d9%8a%d8%a8%d9%82%d9%89-%d9%85%d9%86-%d8%a7%d9%84%d9%82%d9%88%d9%85%d9%8a%d8%a9-%d8%a7%d9%84%d8%b9%d8%b1%d8%a8%d9%8a%d8%a9%d8%9f/#foot-not-1>.

¹⁷ In the official documents, the Syrian government spells Syria in Arabic as (سورية), while other political parties, including, the opposition, spell it as (سوريا).

¹⁸ “دستور الجمهورية السورية 1930” [The Syrian Constitution of 1930]. *Center for Legal Studies and Research*, December 29, 2021, accessed May 26, 2024. <https://sl-center.org/?p=2303>.

¹⁹ Even though the Constitution used the phraseology “Republic of Syria”, its Article 1, stipulated that “Syria is an Arab republic [. . .], and the Syrian people is part of the Arab nation”. For additional information, see: Syrian Constitution 1950. *World Statesmen*. <https://www.worldstatesmen.org/>.

²⁰ “دستور الجمهورية العربية المتحدة المؤقت” [The Provisional Constitution of the United Arab Republic (1968)]. *Manshurat Qanouniyya*, accessed May 26, 2024. <https://manshurat.org/node/1685>.

²¹ “الدستور المؤقت للجمهورية العربية السورية بعد الانفصال 1961” [The Interim Constitution of the Syrian Arab Republic after Secession (1962)]. *Parliament.gov.sy*, July 7, 2014, accessed May 26, 2024, <http://parliament.gov.sy/arabic/index.php?node=5518&cat=416&>.

²² “دستور الجمهورية العربية السورية 1973” [Constitution of the Syrian Arab Republic 1973]. *Syrian Negotiations Commission*, accessed May 26, 2024. <https://syriancc.org/wp-content/uploads/2021/09/%D8%AF%D8%B3%D8%AA%D9%88%D8%B1-1973.pdf>.

²³ The Syrian Constitution-February 2012. *Carnegie Middle East Center*, accessed January 28, 2024. <https://carnegie-mec.org/diwan/48716?lang=en>.

As a by-product of the Syrian State's non-recognition of the Kurds in the basic law (the Constitution), national laws did not even add Kurdish holidays to the list of Syrian national celebrations and holidays. There is a plethora of government holidays through which the State officially recognizes the rights of specific groups by their religious and/or political affiliation.²⁴ For example, the government granted members of the Christian faith two days off in celebration of Easter, the first for followers of the Western Church and the second for followers of the Eastern Church. However, such public holidays for religious celebrations were not granted by Syrian laws to other religious minorities, including Yazidi Kurds, not even at the local level. Notably, Syrian laws and constitutions do not recognize Yezidism as a full-fledged religion, and its members thus do not enjoy any protection, deemed as followers of the Islamic faith.²⁵

In the same context, Syrian laws grant Muslims in Syria, in their religious capacity, holidays on the occasions of Prophet Muhammad's birthday, Eid al-Fitr, and Eid al-Adha, while prohibiting the Kurds from celebrating Nowruz on March 21 by virtue of their ethnic affiliation. Notably, the day corresponds to the official holiday of Mother's Day.²⁶

Raymond A. Hinnebusch argues that the "Syrian state was, from its very birth, seen by most Syrians as an artificial creation of imperialism, undeserving of affective loyalty. In this vacuum, one attempt was made by the Syrian Social Nationalist Party to foster a 'Pan-Syrian' territorial identity distinct from Arabism, and some other political actors either fell back on sub-state identities or a wider universalistic ideology, such as Islam or communism. But, the dominant identity that would fill the vacuum would be Arabism and the most successful political elites and movements would be those which saw Syrian identity as Arab and Syria as part of a wider Arab nation."²⁷

Additionally, domestic laws, legislative decrees, and even administrative decisions have all encouraged discrimination against Kurds, whether those that targeted particularly the Kurdish community or those that presented Kurds with unique challenges, including the Agrarian Reform Laws, starting with Act No. 161 of 1958, the year of the establishment of the unity between Syria and Egypt. "Law No. 161 determined the maximum admissible land ownership and provided for the confiscation of excess areas." Nevertheless, "the implementation of the law in al-Hasakah, specifically in areas historically inhabited by the Kurds, depends on political considerations; this was illustrated in the projects carried out in the following years, which consisted of arbitrary seizing of properties, especially those of the Kurds, and giving them to Arabs of clans who lived in the vicinity and/or who were later

²⁴ "Syria Public Holidays". Public Holidays, accessed May 26, 2024. <https://publicholidays.me/syria/>.

²⁵ "Yazidis in Syria: Decades of Denial of Existence and Discrimination". *Syrians for Truth and Justice*, September 5, 2022, accessed May 26, 2024. <https://stj-sy.org/en/yazidis-in-syria-decades-of-denial-of-existence-and-discrimination/>.

²⁶ Following the killing of the young Kurdish man, Suleiman Adi, in Damascus on 21 March 1986, during protests against preventing the Kurds from celebrating Nowruz, 21 March was made an official holiday in celebration of Mother's Day.

²⁷ Raymond Hinnebusch. *Syria: Revolution from Above*. (Routledge, 2001), 18.

transferred from other Syrian regions.” The Arabs relocated to the region are known as *al-Ghamr Arabs*.²⁸

Within the sphere of legally propelled discrimination as well, based on Decree No. 1 of 30 April 1962 and the ministerial decision No. 106 of 23 August 1962, a one-day special census was carried out only in al-Hasakah province in application of Decree No. 93 of 23 August 1962, passed by the “Separatist Movement”. The census denied or stripped dozens of thousands of Kurds of Syrian citizenship.²⁹

Discrimination in successive Syrian constitutions warrants, in some sense, the “supremacy” of certain Syrian groups at the expense of others. For instance, the preamble of the current Syrian constitution (the 2012 Constitution) denies the Kurds, Armenians, Circassians, Assyrians, Turkmen, Chaldeans, Chechens, and other minority communities the right to celebrate their affiliations. The preamble reads: “The Syrian Arab Republic is proud of its Arab identity and the fact that its people are an integral part of the Arab nation. The Syrian Arab Republic embodies this belonging in its national and pan-Arab project.” Furthermore, the preamble draws a distorted picture of Syria’s ethnic constitution, with the words Arab and Arabic recurring over 10 times in its text alone. This bias creates the erroneous impression that the Syrian people is composed of the Arab component only. While this impression does not reflect the reality in Syria, it also estranges the rest of the components and gives rise to an atmosphere of negativity.”³⁰

In terms of property rights, “[s]everal laws, legislative decrees, executive instructions, and circulars have been issued over the past decades to regulate issues of ownership in Syria’s border areas. Each of these legislations required Syrian citizens to obtain license/security clearance/permits if they wanted to purchase real estate in specified regions.” Notably, Kurds especially bore the burden of these regulations as they make up the majority of the Syrian northern border area’s population. One such decree was Decree No. 49 of 2008, which amended Law No. 41 of 2004. The decree stipulated licenses for the registration of ownership of built and unbuilt estates in and out of the zoning plan and also for the placement of an encumbrance of equitable lien upon the cadastral certificate. The new decree also prohibited the registration of any real estate action in rem if not attached to a license, and ordered the courts to dismiss all the cases awaiting decisions if not containing licenses.³¹ In other words, it paralyzed the real estate market in Kurdish-majority areas.

²⁸ “Deprivation of Existence: The Use of Disguised Legalization as a Policy to Seize Property by Successive Governments of Syria”. *Syrians for Truth and Justice*, October 9, 2020, accessed May 26, 2024. <https://stj-sy.org/en/deprivation-of-existence-the-use-of-disguised-legalization-as-a-policy-to-seize-property-by-successive-governments-of-syria/>.

²⁹ “Syria: 10 facts about the 1962 special Census of al-Hasakah”. *Syrians for Truth and Justice*, October 4, 2019, accessed May 26, 2024. <https://stj-sy.org/en/syria-10-facts-about-the-1962-special-census-of-al-hasakah/>.

³⁰ “Diversity and the Syrian Constitution: Overbroad Texts that Fail to Protect Minority Rights”. *Syrians for Truth and Justice*, November 29, 2023, accessed May 26, 2024. <https://stj-sy.org/en/diversity-and-the-syrian-constitution-overbroad-texts-that-fail-to-protect-minority-rights/>.

³¹ “Discriminatory Real Estate Policies Against Syrian Kurds”. *Syrians for Truth and Justice*, February 8, 2021, accessed May 26, 2024. <https://stj-sy.org/en/discriminatory-real-estate-policies-against-syrian-kurds/>.

Discrimination practiced against Syrian Kurds, at least since the Arab Socialist Ba'ath Party seized power, constitutes one form of racial discrimination, based on the latter's definition as "[a]ny distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."³²

3. Syria's Negotiation Process's Key Phases, Political, and Military Contexts

Once adopted, on 18 December 2015, the Security Council's Resolution 2245³³ became a signifier of "the speck of international and regional consensus about Syria"³⁴ in the hope of finding a step-by-step political solution to the Syrian conflict and the initiation of a political process between the Damascus government and the multiple structures of the Syrian opposition under the United Nations (UN) auspices. The process is to be geared towards establishing "credible, inclusive and non-sectarian governance".

The resolution was drafted in a complex and unusually polarized politico-military context that pertained to both the domestic and regional levels. First, the resolution was proposed after over four years of hostilities in Syria and after the Damascus government, headed by Bashar al-Assad, lost vast territories³⁵ to dozens of non-State actors, most notably Islamist armed groups.³⁶ Second, the resolution was adopted only a few months after Russia's military intervention in support of the Damascus government and the Syrian Arab Army in late September 2015 to help the government alter the situation on the ground and urge a different state of affairs, which indeed transpired over the upcoming years.³⁷

³² Resolution 2106, *International Convention on the Elimination of All Forms of Racial Discrimination*, December 21, 1956, available from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>.

³³ Security Council Resolution 2254, S/RES/2254, (18 December 2015), available from [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2254\(2015\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2254(2015)&Language=E&DeviceType=Desktop&LangRequested=False).

³⁴ Member of the Syrian Negotiations Commission (SNC) in the Constitutional Committee (CC), in an online discussion with the author, December 23, 2023.

³⁵ ISW Syria Team, *Control of Terrain in Syria: December 23, 2015*, "Institute for the Study of War," December 2023, 2015, accessed January 16, 2024, <https://www.iswresearch.org/2015/12/control-of-terrain-in-syria-december-23.html>.

³⁶ Including, numerous Syrian armed opposition groups, with all their extremist and "moderate" Islamist military formations that are directly supplied with weapons and funded by several Arab, regional, and international countries, the People's Protection Units (YPG), which later became the backbone of the Arab-Kurdish alliance called the Syrian Democratic Forces (SDF), sponsored by the U.S.-Led Coalition against ISIS, and Islamist organizations with extremist jihadist ideologies, such as Al-Qaeda/*Jabhat al-Nusra* (al-Nusra Front) and Islamic State (IS), which controlled large swathes of land in Syria and Iraq, classified by the UN Security Council as terrorist groups, and contained within their ranks thousands of local and foreign transnational jihadists.

³⁷ This helped the army and the Iranian and Lebanese militias that were fighting alongside it to re-establish, over the following months and years, its control over most of the territories it lost to the Syrian armed opposition groups, including extremist factions, during the first five years of the Syrian conflict.

More importantly, the resolution was drafted under international and regional balances that differed from those that marked latter stages of the Syrian conflict, especially the years 2015 and 2016, which remain the most decisive as to the course of the war. At the close of 2015, the primary actors in the conflict—the Astana Troika, consisting of Russia and Iran (backed by China) and Türkiye (backed by the Gulf States, the United States, and the EU)—had divergent perspectives over Syria and even inconsistent interpretations of the resolution *per se*.

Notably, the varying stances the three countries had on Syria translated into military actions at times, including the widely reported Russian aircraft shootdown by a Turkish fighter jet in northern Syria in late November 2015. One of the severest reactions to the aircraft's destruction came from Russian President Vladimir Putin, who said that it was a “stab in the back by terrorist accomplices” [author's translation].³⁸

However, Türkiye's mid-2016 failed coup remains the watershed incident that re-demarcated the map of international and regional alliances, as it pushed Türkiye away from the United States and closer to Russia. The Türkiye-Russia affinity developed amidst predictions of budding tensions in U.S.-Turkish relations, especially as many a Turkish party leaned toward speculations that “Washington was involved”³⁹ in the attempted coup because the United States hosts the Islamic preacher Fethullah Gulen, whom Türkiye accuses of being behind the aborted ousting.⁴⁰

Later, Türkiye also claimed the Turkish pilot who shot down the Russian warplane in 2015 was a “Gülen proponent” in an attempt to appease Russia.⁴¹ For their part, Russia and Iran hastened to condemn the failed coup, seeking to seize the opportunity to reconcile with Türkiye.⁴² The two countries had a clear stance as they prioritized supporting al-Assad's regime, while Turkish politics reprioritized their objectives in Syria focusing on preventing the formation of any Kurdish entity along the Syria-Türkiye border years after Türkiye's peace talks with the Kurdistan Workers' Party (PKK) collapsed, given that Türkiye deems the Autonomous Administration and its military formations an extension of the party in

³⁸ "بوتين: إسقاط تركيا للطائرة الروسية "طعنة في الظهر من شركاء الإرهابيين" [Putin: Türkiye's Downing of Russian Warplane is 'Stab in the Back by Terrorists' Accomplices']. *BBC News عربي*, November 24, 2015, accessed May 26, 2024. https://www.bbc.com/arabic/middleeast/2015/11/151124_russia_turkey_plane.

³⁹ Later, the speculations turned into blatant accusations, including those in the statements made by the former Minister of Interior, Süleyman Soylu. See for instance: “Turkish minister says U.S. behind 2016 failed coup – Hurriyet”. *Reuters*, February 5, 2021, accessed May 26, 2024. <https://www.reuters.com/article/idUSKBN2A41NE/>.

⁴⁰ Cagaptay, Soner, Jeffery, James. “Inside Turkey's Failed Coup: What Happened? Why? What Next?”. *The Washington Institute for Near East Policy*, July 2022, 2016, accessed May 26, 2024. <https://www.washingtoninstitute.org/policy-analysis/inside-turkeys-failed-coup-what-happened-why-what-next>.

⁴¹ Ashtto, Siham, "كيف ستغير المحاولة الانقلابية نظرة تركيا لجيرانها؟" [How will Failed Coup Change Türkiye's Perspective of its Neighbors?]. *Deutsche Welle*, June 7, 2016, accessed May 26, 2024. <https://www.dw.com/ar/%D9%87%D9%84-%D9%8A%D8%B5%D8%A8%D8%AD-%D8%A5%D8%B1%D8%AF%D9%88%D8%BA%D8%A7%D9%86-%D8%A3%D9%83%D8%AB%D8%B1-%D8%B5%D8%B1%D8%A7%D9%85%D8%A9-%D9%85%D8%B9-%D8%A7%D9%84%D8%AC%D9%8A%D8%B1%D8%A7%D9%86-%D8%A8%D8%B9%D8%AF-%D9%85%D8%AD%D8%A7%D9%88%D9%84%D8%A9-%D8%A7%D9%84%D8%A7%D9%86%D9%82%D9%84%D8%A7%D8%A8/a-19413031>.

⁴² "ردود الفعل الدولية على محاولة الانقلاب في تركيا" [International Reactions to Türkiye's Attempted Coup]. *BBC News عربي*, July 16, 2016, accessed May 26, 2024. https://www.bbc.com/arabic/middleeast/2016/07/160715_reactions_turkey_coup.

Syria.⁴³ These factors, among others, all played into reshaping the political-military alliances, the price of which was ultimately paid by Syrians alone.

On the whole, Türkiye's post-coup vision of the solution in Syria was entirely different from its previous stances, effecting a "huge shift" from its earlier approach, which to a large extent aligned with the West's outlook on the solution at the start of the 2011 protests. This new vision resulted in the "first *quid pro quo*" between Russia and Türkiye, with the latter being in control of the majority of the Syrian opposition's political and military forces. The Türkiye-led military operation code-named Euphrates Shield in August 2017 somehow coincided with Türkiye's withdrawal of "its support from opposition forces in eastern Aleppo, thereby facilitating the regime and Russia's takeover of the area in November–December 2016".⁴⁴

After this, in January 2017, the Astana Talks kicked off, held by Russia, Iran, and Türkiye. On the ground, the trilateral talks dramatically accelerated the pace at which the Syrian armed opposition groups and anti-government hardliner factions lost control over the territories they held after they acceded to partaking in the negotiations at Türkiye's request.⁴⁵ Several Syrian political analysts considered the talks a "ploy" Russia used to grab lands taken over by non-State actors and bring them back under the control of the Damascus government. Large-scale land grabs indeed followed the start of talks.

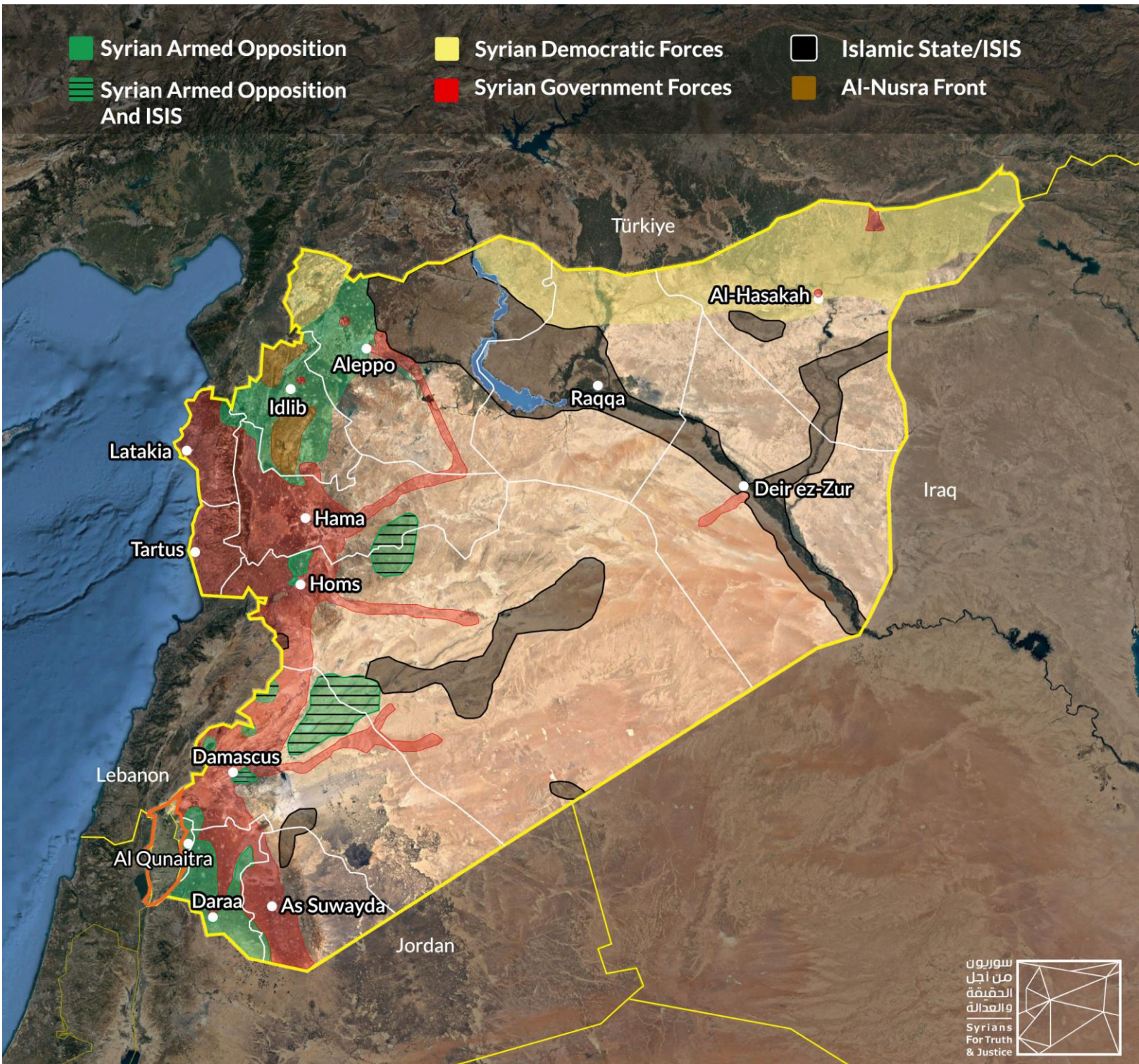
The Syrian opposition was likely unwilling to read into the new maps and political alliances in the region, especially the Russian-Iranian-Turkish rapprochements. On the contrary—because it lacked political autonomy and was almost entirely dependent on Türkiye—the opposition identified with and ultimately became the primary victim of these fresh agreements while its recurrent reference to the Russian "ploy" was merely an attempt to circumvent a discussion of Türkiye's role in its political and military losses.

The maps below display changes in territorial control between 2015 and 2019, as well as the current situation on the ground. They show the Damascus government's evident expansion over re-controlled areas to the disadvantage of the Syrian armed opposition groups and Islamist anti-government factions.

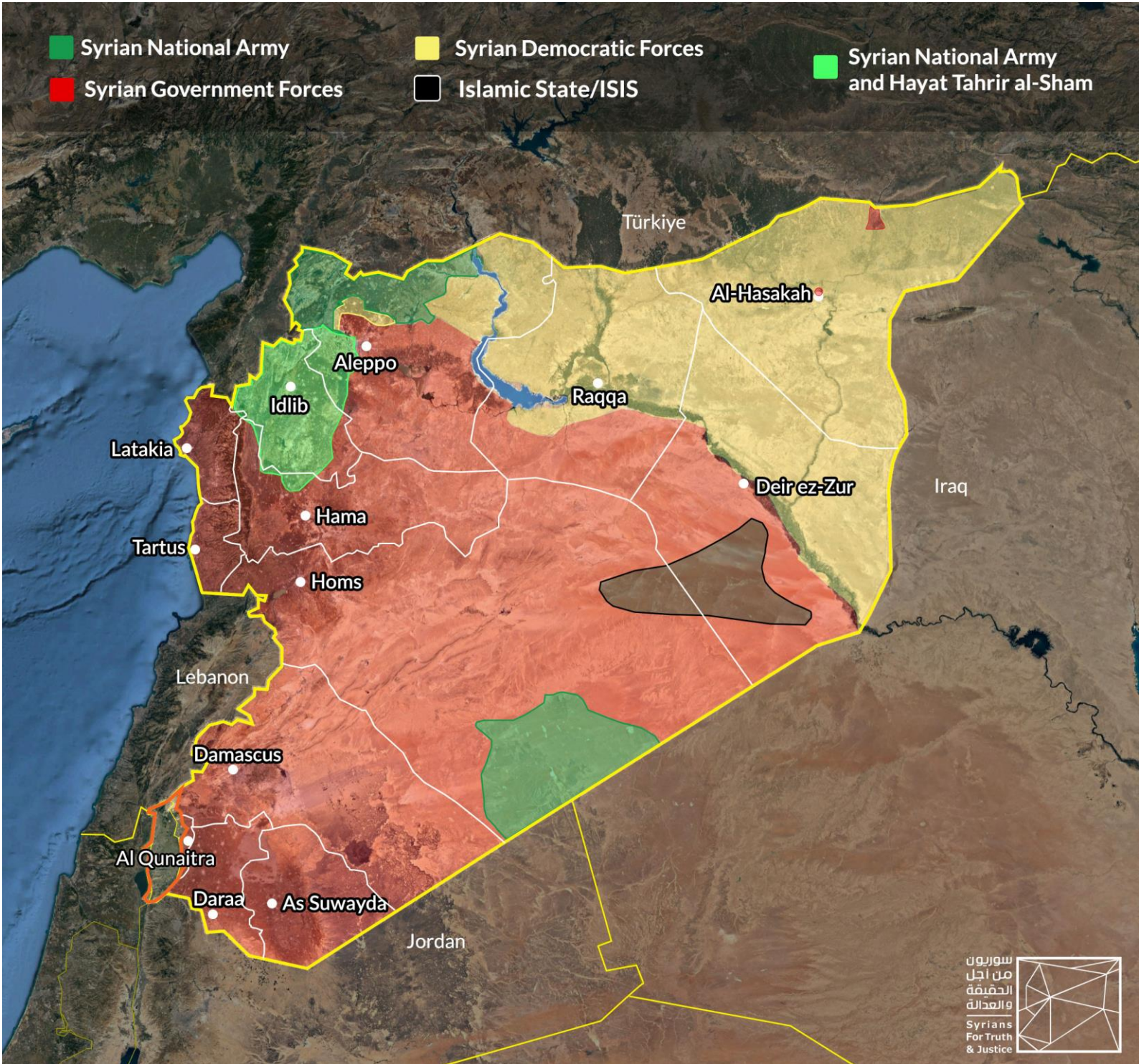
⁴³ Cagaptay, Soner. "Implications of Turkey's War Against the PKK". *The Washington Institute for Near East Policy*, August 14, 2015, accessed May 26, 2024. <https://www.washingtoninstitute.org/policy-analysis/implications-turkeys-war-against-pkk>.

⁴⁴ Tokmajyan, Armenak. "Border Nation: The Reshaping of the Syrian-Turkish Borderlands". *Carnegie Middle East Center*, March 30, 2022, accessed May 26, 2024. <https://carnegie-mec.org/2022/03/30/border-nation-reshaping-of-syrian-turkish-borderlands-pub-86758>.

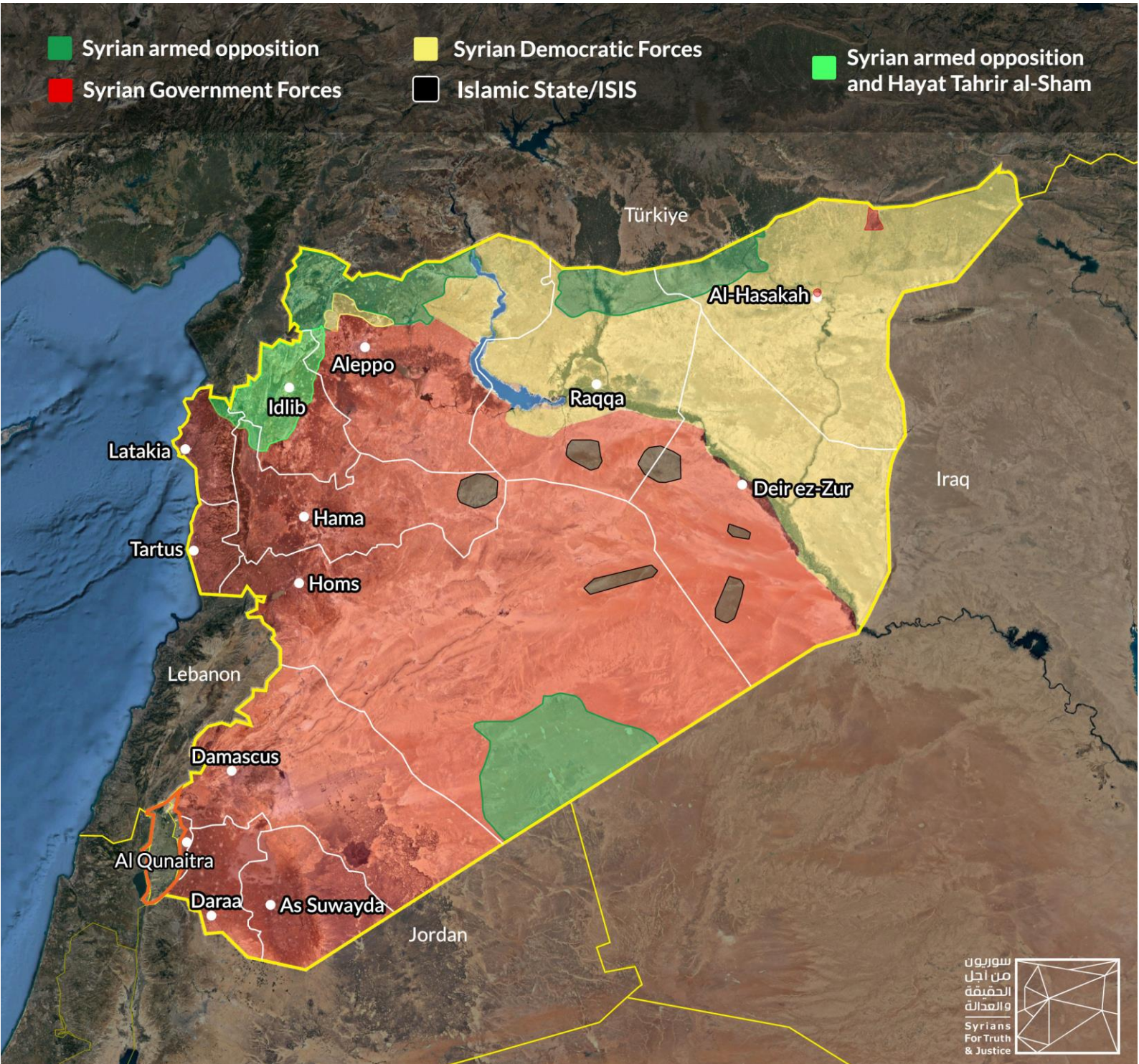
⁴⁵ Varying analyses argue that the "Astana formula" was merely a mechanism to normalize the military presence of its guarantors (Russia, Türkiye, and Iran) in Syria, and put to action the agendas of the States involved. The talks guaranteed the Damascus government a level of military stability over large swaths of the country thus providing it with a sense of security while eliminating the threats posed by the opposition. Additionally, Türkiye established its military presence in northwest Syria at the same time as it curtailed and diminished the Kurdish dominance over portions of the region. For additional information, see: Mohammad, Faysal Abbas. "The Astana Process Six Years On: Peace or Deadlock in Syria?". *Carnegie Middle East Center*, August 1, 2023, accessed May 26, 2024. <https://carnegieendowment.org/sada/90298>.



Map showing the distribution of military control areas in Syria in 2015. Source: Syrians for Truth and Justice.



Map showing the distribution of military control areas in Syria in 2019. Source: Syrians for Truth and Justice.



Map showing the distribution of military control areas in Syria in 2024. Source: Syrians for Truth and Justice.

3.1. The Lead-Up to Resolution 2254

Resolution 2254 builds on a plethora of other UN resolutions and international documents, including the final communiqué of the Action Group for Syria, convened in Geneva on 30 June 2012.⁴⁶ This note established the agreed principles and guidelines for a Syrian-led transition “that meets the legitimate aspirations of the Syrian people” and also cited the six-point plan,⁴⁷ and Security Council resolutions 2042 (2012)⁴⁸ and 2043 (2012),⁴⁹ within the perspective of “an immediate cessation of violence in all its forms”.

Notably, item 7(a) of the guidelines stressed that any political process must offer “a perspective for the future that can be shared by all in the Syrian Arab Republic”. This perspective, according to paragraph 8(a) of the Geneva communiqué, purportedly builds on consultations with a wide range of Syrians that disclosed “an overwhelming wish for a State” that is “genuinely democratic and pluralistic”.

Within that perspective for the future also, the communiqué, in its paragraph 8(b) and (c) respectively, underscored that the envisioned future Syria, which must be a State that “[c]omplies with international standards on human rights, the independence of the judiciary, accountability of those in Government and the rule of law” and “[o]ffers equal opportunities and chances for all. There is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds.”

Simultaneously, as the communiqué introduced the guidelines for a “Syrian-led” transitional process, it also bestowed additional legitimacy on the international role in the Syrian affair. That is, it warranted the *internationalization* of the affair under the guise of the Action Group

⁴⁶ United Nations, General Assembly, *Identical letters dated 5 July 2012 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council*, A/66/865 (6 July 2012), available from

<https://undocs.org/Home/Mobile?FinalSymbol=A%2F66%2F865&Language=E&DeviceType=Desktop&LangRequested=False>.

⁴⁷ Security Council Resolution 2042 (2012), *Adopted by the Security Council at its 6751st meeting on 14 April 2012*, S/RES/2042 (14 April 2012), available from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/295/28/PDF/N1229528.pdf?OpenElement>.

⁴⁸ Security Council Resolution 2042 of 2012 openly demanded the facilitation of “a Syrian-led political transition leading to a democratic, plural political system, in which citizens are equal regardless of their affiliations, ethnicities or beliefs, including through commencing a comprehensive political dialogue between the Syrian government and the whole spectrum of the Syrian opposition”. It also called upon “all parties in Syria, including the opposition, immediately to cease all armed violence in all its forms”, and proposed the formation of United Nations supervision mission in Syria to monitor a cessation of armed violence. For further information, see the resolution’s full texts, which also includes the six-point plan proposed by the Joint Special Envoy for the United Nations and the League of Arab States, Kofi Annan.

Security Council Resolution 2042 (2012), *Adopted by the Security Council at its 6751st meeting on 14 April 2012*, S/RES/2042 (14 April 2012), available from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/295/28/PDF/N1229528.pdf?OpenElement>.

⁴⁹ In its paragraph 1, the resolution underscored the provisions, in paragraph 1, of Resolution 2042 of 2012, especially the establishment of a democratic, plural political system, and expanded on the proposed United Nations Supervision Mission in Syria (UNSMIS), which is to assess the cessation of violence. Security Council Resolution 2043, *Adopted by the Security Council at its 6756th meeting, on 21 April 2012*, S/RES/2043 (21 April 2012), available from <https://digitallibrary.un.org/record/725492?ln=en>

for Syria.⁵⁰ It seems that the Group was founded under the political balances that existed at the time.

The international role in the Syrian situation became even greater over the years despite the alterations in the alliances' map, largely affected by Türkiye's failed 2016 coup, which hailed the phase most hostile towards Syrians' aspirations in the shadow of the Russia-Iran-Türkiye rapprochement. Additionally, it consolidated a widely held view of the Syrian conflict as being a proxy war,⁵¹ which was a consequence that the UN warned against since the outbreak of violence in the country.⁵² The vitality of international involvement in the Syrian affair was recurrently stressed in official statements, most importantly in a statement by the UN Special Envoy for Syria, Geir Pedersen. Pedersen said that the Syrian conflict is one of the most internationalized and would not end without "constructive international diplomacy" (author's translation).⁵³

The Geneva communiqué laid the groundwork for several elements in Resolution 2245. In paragraph 9(a), the communiqué provided for the establishment of "the transitional governing body exercising full executive powers" that "could include members of the present Government, [head by Bashar al-Assad], and the opposition" highlighting the potential for "other groups" to help form that body. Furthermore, in paragraph 9(c), the communiqué also provided that "there can be a review of the constitutional order and the legal system. The result of constitutional drafting would be subject to popular approval". This review, as paragraph 9(d) dictates, must necessarily be followed by preparations for conducting "free and fair multiparty elections". Additionally, in paragraph 10(d), the communiqué openly expressed commitment "to accountability and national reconciliation" and highlighted "the need for a comprehensive package for transitional justice, including compensation or rehabilitation for victims of the present conflict, steps towards national reconciliation and forgiveness."

⁵⁰ The Secretaries-General of the United Nations and the League of Arab States, the Ministers for Foreign Affairs of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Türkiye, Iraq (Chair of the Summit of the League of Arab States), Kuwait (Chair of the Council of Foreign Ministers of the League of Arab States) and Qatar (Chair of the Arab Follow-up Committee on Syria of the League of Arab States) and the High Representative of the European Union for Foreign Affairs and Security Policy. Refer to: United Nations, General Assembly, *Identical letters dated 5 July 2012 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council*, A/66/865 (6 July 2012), available from <https://undocs.org/Home/Mobile?FinalSymbol=A%2F66%2F865&Language=E&DeviceType=Desktop&LangRquested=False>.

⁵¹ Pierini, Marc. "The European Union's Concerns About Syria". *Carnegie Europe*, June 9, 2014, accessed May 28, 2024. <https://carnegieeurope.eu/2014/06/09/european-union-s-concerns-about-syria-pub-55851>.

⁵² "بان كي مون يحذر من "حرب بالوكالة" في سوريا ومعارك عنيفة للسيطرة على أحياء في حلب ودمشق" [Ban Ki-moon warns of a "proxy war" in Syria and violent battles to control neighborhoods in Aleppo and Damascus]. *France 24*, January 10, 2014, accessed May 28, 2024. <https://www.france24.com/ar/20120803-%D8%A8%D8%A7%D9%86-%D9%83%D9%8A-%D9%85%D9%88%D9%86-%D8%AA%D8%AD%D8%B0%D9%8A%D8%B1-%D8%AD%D8%B1%D8%A8-%D8%A7%D9%84%D9%88%D9%83%D8%A7%D9%84%D8%A9-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%A7%D9%84%D8%AC%D9%8A%D8%B4-%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85%D9%8A-%D8%A7%D9%82%D8%AA%D8%AD%D8%A7%D9%85-%D8%A3%D8%AD%D9%8A%D8%A7%D8%A1-%D8%AD%D9%84%D8%A8-%D8%AF%D9%85%D8%B4%D9%82-%D8%A7%D9%84%D8%AC%D9%85%D8%B9%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%A9>.

⁵³ "بيدرسون: الصراع السوري من بين الصراعات الأكثر تدويلا ولن يحل دون دبلوماسية دولية بناءة" [Pedersen: The Syrian conflict is among the most internationalized conflicts and will not be solved without constructive international diplomacy]. *UN News*, March 15, 2021, accessed May 28, 2024. <https://news.un.org/ar/story/2021/03/1072552>.

In addition to the Geneva communiqué, UN General Assembly Resolution 66/253,⁵⁴ passed in February 2012, was another key resolution that guided the political transition in Syria, as it demanded that the Damascus government implement the Plan of Action of the League of Arab States of 2 November 2011 and its other decisions, especially that of 22 January 2012. That decision facilitated a “Syrian-led political transition to a democratic, pluralistic political system, in which citizens are equal regardless of their affiliations or ethnicities or beliefs”.

In the same vein, the UN Security Council Resolution 2118 (2013) endorsed fully the Geneva Communiqué and emphasized the need for holding an international conference on Syria, iterating as well several of the steps it set out, including “the establishment of a transitional governing body exercising full executive powers, which could include members of the present Government and the opposition and other groups and shall be formed on the basis of mutual consent” in its paragraph 16.⁵⁵

Additionally, Resolution 2254 came on the heels of several statements made by the Vienna-based International Syria Support Group (ISSG), following a series of meetings. The ISSG’s first meeting was referred to as the “Vienna Quadripartite” and brought together the foreign ministers of Saudi Arabia, Türkiye, Russia, and the United States. The second meeting was held only a week later, convened on 30 October 2015. The communiqué issued after the second meeting was wrapped, stipulated that “State institutions will remain intact” in item 2 and “[t]he rights of all Syrians, regardless of ethnicity or religious denomination, must be protected” in item 3. It also called “the U.N. to convene representatives of the Government of Syria and the Syrian opposition for a political process leading to credible, inclusive, non-sectarian governance, followed by a new constitution and elections.”⁵⁶

Syrians’ absence from the second and most important Vienna meeting was so striking that a German newspaper wrote a satirical piece about the event. It revealed the identity of the “only Syrian” present as a waiter at the Imperial Hotel, where the meeting was held. He served the attendees snacks and refreshments.⁵⁷

⁵⁴ United Nations, General Assembly Resolution 66/253, *Resolution adopted by the General Assembly [without reference to a Main Committee (A/66/L.36 and Add.1)] 66/253. The Situation in the Syrian Arab Republic*, A/RES/66/253, (21 February 2012), available from <https://www.securitycouncilreport.org/un-documents/document/syria-a-res-66-253.php>.

⁵⁵ Notably, Resolution 2118, attached the Geneva communiqué (Annex II) to endorse and firmly establish its provisions. For additional information, see: Resolution 2118, *Adopted by the Security Council at its 7038th meeting, on 27 September 2013*, S/RES/2118 (27 September 2013), available from [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2118\(2013\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2118(2013)&Language=E&DeviceType=Desktop&LangRequested=False).

⁵⁶ United Nations, *Note To Correspondents: Vienna Communiqué on Syria*, October 30, 2015, <https://www.un.org/sg/en/content/sg/note-correspondents/2015-10-30/note-correspondents-vienna-communiqué-syria>.

⁵⁷ “من هو السوري الوحيد الذي حضر اجتماع فيينا؟” [Who is the only Syrian who attended the Vienna Convention?]. *Enab Baladi*, November 3, 2015, accessed May 28, 2024. <https://www.enabbaladi.net/50963/%d9%85%d9%86-%d9%87%d9%88-%d8%a7%d9%84%d8%b3%d9%88%d8%b1%d9%8a-%d8%a7%d9%84%d9%88%d8%ad%d9%8a%d8%af-%d8%a7%d9%84%d8%b0%d9%8a-%d8%ad%d8%b6%d8%b1-%d8%a7%d8%ac%d8%aa%d9%85%d8%a7%d8%b9-%d9%81%d9%8a%d9%8a/>. Also see, “Einziger anwesender Syrer auf Syrien-Friedens-konferenz in Wien serviert Häppchen” [The only Syrian present at the Syria peace conference in Vienna serves appetizers]. *Der Postillon*, November 2, 2015, accessed May 28, 2024. <https://www.der-postillon.com/2015/11/einziger-anwesender-syrer-auf-syrien.html>.

2015 witnessed the third Vienna meeting. The convention was held in mid-November, a little over a month after the Russian military intervention in support of the Damascus government and a few weeks before Resolution 2245 was adopted. This timeframe promoted a new form of the sought political solution in Syria, which ran in parallel with what Russia advocated as “combating terrorism”. This ultimately enabled Russia to change the map of territorial control almost across Syria to press for a political solution in tune with its vision.⁵⁸ Notably, Türkiye’s “change of course”, following the failed 2016 coup, advanced Russia’s strategy, which built from the operations of the U.S.-led Coalition against the Islamic State in Syria and Iraq.

3.2. Doubts about the Ability of Resolution 2254 to Facilitate a Transition to Democracy

Several States still consider Resolution 2254 the gateway to a political solution in Syria, even though it has been eight years since it was adopted and an international consensus remains lacking as to the exact form of the solution. The resolution presents a model through which power is divided between the Damascus government on the one hand and some of the official entities of the Syrian opposition, which are primarily led by regional States, on the other hand. In its current state, the resolution, however, does not hold any detectable guarantees to a transition into an operative democracy, inclusive of all. On the contrary, political negotiations about the resolution exclusively engaged parties that are mainly backed by international, regional, and Arab countries actively involved in the Syrian conflict and in funding dozens of armed groups,⁵⁹ while they excluded numerous other political and civil entities.⁶⁰

⁵⁸ After the three Vienna meetings on Syria came to an end, the political solution was likely to take either of the following parallel routes: A political processes that would put an end to the conflict, or through combating the terrorist organizations that controlled vast areas of Syria at that time. Several analysts argue that Russia’s “surplus power”, attained through its intervention in Syria, had helped impose the solution based on fighting terrorism. This solution was further endorsed following the terrorist attacks in the French capital Paris on 13 November 2015. The attack killed and injured dozens and was claimed by IS, which back then controlled large territories in Syria. For additional information, see: “The Vienna Path: the Chances of a Solution and the Challenges for the Syrian Opposition”. *Arab Center for Research and Policy Studies*, November 2015, accessed May 28, 2024.

https://www.dohainstitute.org/en/PoliticalStudies/Pages/The_Vienna_Path_the_Chances_of_a_Solution_and_the_Challenges_for_the_Syrian_Opposition.aspx.

⁵⁹ Over the course of the Syrian conflict, several regional countries sought to supply the Syrian armed opposition groups and extremist organizations with various forms of assistance and sometimes facilitated their access to military support and even personnel. In response, numerous international organizations have repeatedly demanded that Syria’s neighbouring countries, especially Türkiye, “restrict entry of fighters and arm flows to groups credibly found to be implicated in systematic human rights violations”. For additional information see the report by Human Rights Watch on crimes against humanity perpetrated by opposition armed groups during an attack on coastal villages.

“You Can Still See Their Blood”. *Human Rights Watch*, October 10, 2013, accessed May 28, 2024.

<https://www.hrw.org/report/2013/10/10/you-can-still-see-their-blood/executions-indiscriminate-shootings-and-hostage>.

⁶⁰ Dozens of political and civil organizations were shut off the political process. In response, many of these organizations pressed for a clearer and stronger role in the negotiations, driven by the civil society’s right “to participate in the political negotiation process, to be at the negotiating table during the development of the political agreement, and to contribute to building bridges, social cohesion, dialogue, and acceptance of the other.” For additional information, see: “Inputs from Syrian Civil Society to the Constitutional and Political Process”. *Center for Civil Society and Democracy*, September 2022, accessed May 28, 2024. <https://www.ccsd.ngo/inputs-from-syrian-civil-society-to-the-constitutional-and-political-process/>. Also see:

One of the most controversial and extremist instances of exclusion during the negotiations involved several Kurdish political parties and individuals, as well as civil groups active in north-eastern Syria. They were denied effective participation in the discussed political process, at odds with the propagation of the Geneva communiqué and Resolution 2254, and succumbing to the Turkish veto, which continued to oppose the presence of a strong Kurdish voice during the political talks and later in the Syrian Constitutional Committee (SCC).

The provisions of Resolution 2254 failed to lay the foundations for transitional justice in Syria. Furthermore, they failed to even hint at the necessity of addressing the legacy of injustices and violations perpetrated against Syrians, not only since 2011 but also over several decades of oppression after the Arab Socialist Ba'ath Party usurped power in 1963.⁶¹

Several questions can be raised as to the potential of Resolution 2254, including whether it can effectively help Syria transition into a more democratic system, especially since military activities did not come to a halt after it was adopted but rather have continued to inflict changes to the map of territorial controls up to 2019.

Not only did the resolution fail to stabilize the map, but it also could not end the violations that persisted even after 2019. Except for the very short six-month period the resolution dedicated to the start of a Syrian-led political process, it reduced the prospective outcomes of the process to merely conducting free and fair elections. The resolution also did not attend to the complexities that accompany electoral processes, which start from “the constitutional and legal framework, ensuring the correctness of representation through the selection of the electoral system and the division of districts, how to manage elections, and the role of the international community in facilitating them.”⁶² Additionally, the resolution did not identify the foundations on which a modern democracy can be built while overlooking other

“هل تشكل مبادرة ‘مدنية’ للمجتمع المدني السوري فسحة أمل أم هي تكرر لمحاولات سابقة؟” [Syrian civil society’s Madaniya initiative: A spark of hope or repeated attempt?]. *France 24*, July 6, 2023, accessed May 28, 2024.

<https://www.france24.com/ar/%D8%A7%D9%84%D8%B4%D8%B1%D9%82-%D8%A7%D9%84%D8%A3%D9%88%D8%B3%D8%B7/20230608-%D9%87%D9%84-%D8%AA%D8%B4%D9%83%D9%84-%D9%85%D8%A8%D8%A7%D8%AF%D8%B1%D8%A9-%D9%85%D8%AF%D9%86%D9%8A%D8%A9-%D9%84%D9%84%D9%85%D8%AC%D8%AA%D9%85%D8%B9-%D8%A7%D9%84%D9%85%D8%AF%D9%86%D9%8A-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A-%D9%81%D8%B3%D8%AD%D8%A9-%D8%A3%D9%85%D9%84-%D8%A3%D9%85-%D9%87%D9%8A-%D8%AA%D9%83%D8%B1%D8%A7%D8%B1-%D9%84%D9%85%D8%AD%D8%A7%D9%88%D9%84%D8%A7%D8%AA-%D8%B3%D8%A7%D8%A8%D9%82%D8%A9>

⁶¹ Transitional justice involves people coming together to address the legacies of horrendous atrocities, or to end recurring cycles of violent conflict, by developing a range of responses. These responses may include reforms of the legal and political systems and institutions that govern a society, as well as mechanisms for uncovering the truth about what happened and why and for determining the fate of those who were detained or forcibly disappeared. They may include judicial and nonjudicial processes, such as national or international criminal prosecutions to hold perpetrators accountable. They may also include initiatives for providing reparations to victims, which can take multiple forms such as financial compensation, pensions, restitution of property or of civil and political rights, access to health care or education, and acknowledging and memorializing the victims and the abuses they suffered. For additional information, see: “What Is Transitional Justice?”. *International Center for Transitional Justice*, accessed May 28, 2024. <https://www.ictj.org/our-team>.

⁶² “Electoral Reform and Democratic Transition in Syria”. *The Day After*, 2022, accessed May 28, 2024. <https://tda-sy.org/wp-content/uploads/Electoral-ReformEN1.pdf>.

primary elements that guarantee the creation of a real democracy, beyond the mere division of power and which are no less important than elections. These elements were summed up by the former Commission on Human Rights in a landmark resolution (2002/46), further developed by the Human Rights Council in resolution 19/36, in which the Council defined that democracy “includes respect for all human rights and fundamental freedoms [. . .] respect for the rule of law, the separation of powers, the independence of the judiciary, transparency, and accountability in public administration and decision-making”. The definition also stressed that democracy is not confined to the organization of democratic elections, however, central those are to it.⁶³

Besides the legitimate inquiry into Resolution 2254’s ability to effect a transformative transition toward a Syrian State that respects rights and is capable of addressing the massive legacy of the violations the country witnessed, an equally important problem begs further investigation. That is the representation and legitimacy pertaining not only to the Damascus government but also to the opposition’s bloc. Since the start of the Syrian uprising, dozens of research papers have been written on the rift between the Syrian opposition’s groups outside Syria and military and civil groups, as well as activists from earlier stages of the unrest, who were operative inside the country. The chasm widened especially after the in-country organizations “established separate funding channels with international donors”.⁶⁴ Consequently, this reduced the influence of the political opposition, based abroad, on the events on the ground and opened the door for the mobilization of organizations, particularly armed factions, at home at the dictates of the sources of funding, whether regional or originating from the Gulf area.

For instance, Türkiye’s almost-exclusive support for the Syrian armed opposition groups—affiliated with the Syrian Interim Government (SIG) of the National Coalition of Syrian Revolution and Opposition Forces (known as Syrian National Coalition-SNC)—has led to the imposition of Türkiye’s propaganda on the opposition, thus, forcing it to “blunt its original objective of regime change” after Türkiye engaged in the “deconfliction process” alongside its Astana partners, Russia and Iran.⁶⁵

Türkiye’s control of the Syrian opposition heightened and resulted in near-full sway over its activities, keeping in its clutches, especially the opposition’s military entities. Türkiye used the opposition’s armed groups to inflict destruction on areas run by the Kurdish-led Autonomous Administration, through the 2018 military operation Olive Branch launched into the Afrin region⁶⁶ and the 2019 incursion Peace Spring which targeted Ras al-Ayn/Serê Kaniyê

⁶³ United Nations High Commissioner for Human Rights, *Study on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective*, A/HRC/22/29 (17 December 2012), available from <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F22%2F29&Language=E&DeviceType=Desktop&LangRequested=False>

⁶⁴ AlSarraj, Amr, Hoffman, Philip. “The Syrian Political Opposition’s Path to Irrelevance”. *Carnegie Middle East Center*, May 15, 2020, accessed January 25, 2024. <https://carnegie-mec.org/2020/05/15/syrian-political-opposition-s-path-to-irrelevance-pub-81799>.

⁶⁵ Ibid.

⁶⁶ For information on the patterns of violations these armed groups perpetrated in the former Kurdish-majority region of Afrin in the aftermath of the Turkish-led Operation Olive Branch, see: “Five Years of Injustice are Enough! “. *Syrians for Truth and Justice*, November 13, 2023, accessed May 28, 2024. <https://stj-sy.org/en/five-years-of-injustice-are-enough/>.

and Tell Abyad.⁶⁷ Türkiye also used Syrian opposition fighters in the Libyan conflict and later in the 2nd Nagorno-Karabakh war, fought between Armenia and Azerbaijan.⁶⁸

Before the Syrian opposition grew more accommodating of financiers' interests, its Islamist ideology-driven spectrum expanded. "Islamic groups that had received abundant foreign funding and support, including foreign fighters, gained traction among the political and armed opposition" at the disadvantage of civil activists, who were at the frontlines of the peaceful protests and became subject to attack from all parties to the conflict, including the opposition.⁶⁹ In other words, even before Turkey managed to control the political and military Syrian opposition's ability to decision making almost entirely, foreign donors confiscated the Syrian military and political agency, which was to the disadvantage of independent Syrian parties.

3.3. Extensive Exclusion at the Micro-Level

The "power divisions", designed through the interventions of regional States and international powers, were the basis for the establishment of the High Negotiations Committee (HNC)—which remains the principal entity engaged in negotiations with the Damascus government, backed by Russia and Iran militarily and by China politically. The HNC was founded by the SNC,⁷⁰ the National Coordination Committee for Democratic Change (NCC),⁷¹ numerous independent Syrian figures, and several armed opposition groups during the Riyadh Meeting 1,⁷² hosted by Saudi Arabia. It was first headed by Riyadh Hijab, a defector from the Damascus government.⁷³

The Damascus government and the Syrian opposition interpreted Resolution 2254 differently, and so entered political negotiations with conflicting understandings of the negotiations' intended outcome. The Damascus government and its local and international advocates interpreted the resolution as one form to integrate the opposition into the

⁶⁷ For information on the patterns of violations these armed groups perpetrated in Ras al-Ayn/Serê Kaniyê and Tell Abyad in the aftermath of the Turkish-led Operation Peace Spring, see: "Torture in the Peace Spring Strip: A Tool for Persecution and the Perpetuation of Forced Displacement". *Syrians for Truth and Justice*, June 26, 2023, accessed May 28, 2024. <https://stj-sy.org/en/torture-in-the-peace-spring-strip-a-tool-for-persecution-and-the-perpetuation-of-forced-displacement/>.

⁶⁸ "Mercenarism in Syria: Predatory Recruitment and the Enrichment of Criminal Militias". *Syrians for Truth and Justice & Syria Justice and Accountability Center*, May 28, 2021, accessed May 28, 2024. <https://stj-sy.org/en/mercenarism-in-syria-predatory-recruitment-and-the-enrichment-of-criminal-militias/>.

⁶⁹ Yahya, Maha, Kayssi, Issam, "Contentious Politics in Syria", *Carnegie Middle East Center*, May 15, 2020, accessed January 25, 2024, <https://carnegie-mec.org/2020/05/15/contentious-politics-in-syria-pub-81815>.

⁷⁰ The SNC was founded in the Qatari capital, Doha, in November 2012. Its stated objectives included: "The removal of the al-Assad regime and 'its symbols and pillars of support'; dismantling the Syrian security services; unifying and supporting the Free Syrian Army; rejecting dialogue and negotiation with al-Assad government". For additional information, see: "National Coalition for Syrian Revolutionary and Opposition Forces". *Carnegie Middle East Center*, accessed January 26, 2024. <https://carnegie-mec.org/syriaincrisis/?fa=50628>.

⁷¹ "National Coordination Body for Democratic Change". *Carnegie Middle East Center*, January 15, 2012, accessed January 26, 2024. <https://carnegie-mec.org/diwan/48369?lang=en>.

⁷² "مؤتمر الرياض: المعارضة السورية تتوصل إلى اتفاق يشترط رحيل الأسد عن الحكم" [Riyadh Conference: Syrian opposition reaches agreement mandating al-Assad's ouster]. *France 24*, December 10, 2015, accessed May 28, 2024. <https://www.france24.com/ar/20151210-%D8%A7%D9%84%D8%B1%D9%8A%D8%A7%D8%B6-%D8%A7%D8%AC%D8%AA%D9%85%D8%A7%D8%B9-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%A7%D8%AA%D9%81%D8%A7%D9%82-%D8%A7%D9%84%D9%85%D8%B9%D8%A7%D8%B1%D8%B6%D8%A9-%D9%85%D8%A4%D8%AA%D9%85%D8%B1-%D9%81%D9%8A%D9%8A%D9%86%D8%A7>

⁷³ "مسار المفاوضات السورية، محطات وتواريخ" [The Course of Syrian Negotiations: Milestones]. *AlJumhuriya*, April 3, 2017, accessed May 28, 2024. <https://aljumhuriya.net/ar/2017/04/03/37536/>.

government and facilitate power sharing amongst them. For its part, the Syrian opposition, as expressed by one of its lead delegated negotiators, believed that the resolution offered the opposition access to “the keys to Damascus” thus changing the regime and the unseating of the Syrian President Bashar al-Assad.⁷⁴ Nevertheless, once the resolution was adopted and political negotiations kicked off, the slogan “overthrowing the regime with all its symbols and pillars,” upheld by the SNC, was relegated to the past under an implicit consensus within the opposition’s ranks.

Two years into the adoption of Resolution 2254, which provided for establishing “a transitional governing body” over the period of 18 months, the continued perpetuation of alliance-driven power/representation divisions and promotion of the role of international and regional diplomacy in the negotiations—“stronger than any other factor”⁷⁵—triggered a chain of events. This included the convening of the Riyadh 2 Meeting in November 2017, preceded by the resignation of Riyadh Hijab, head of the HNC, and the foundation of the Syrian Negotiations Commission (SNC*). The SNC* encompassed members representing the Syrian National Coalition, backed primarily by Qatar and Türkiye, the NCC, self-claimed representative of the in-country opposition, the Moscow Platform, aligned with Russia, the Cairo Platform, aligned with the majority of the Arab League’s States, and several independent figures, almost half of who maintain close ties with Türkiye,⁷⁶ as well as multiple Qatar and Türkiye-backed armed groups.⁷⁷ In general, a lack of transparency shrouded the mechanisms with which these parties and individuals were selected as representatives.

⁷⁴ In a working paper, The Carter Center extensively discussed the inconsistent interpretations of Resolution 2254. “The Syrian opposition and its international supporters interpret Para. 5 to mean President Assad must relinquish executive powers [. . .]. The Syrian government and its supporters interpret this clause to mean at most a unity government or a power-sharing arrangement with some opposition representatives”. For additional information, see: “Syria’s Transition Governance & Constitutional Options Under U.N. Security Council Resolution 2254”. *The carter Center*, June 2016, accessed May 28, 2024.

https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/syria-conflict/principles-and-constitutional-provisions-may-8-2016.pdf.

⁷⁵ With great objectivity, the Syrian writer, Yassin Swehat, discussed the Syrian opposition’s representation crisis, and how the opposition insists on producing false “diversities” that contradict each other, at the expense of “needed diversity”. For further insights on the issue, see: Swehat, Yassin. “أزمة التمثيل في المعارضة السورية” [The Representation Crisis within the Syrian Opposition]. *AlJumhuriya*, March 16, 2021, accessed May 28, 2024.

<https://aljumhuriya.net/ar/2021/03/16/%d8%a3%d8%b2%d9%85%d8%a9-%d8%a7%d9%84%d8%aa%d9%85%d8%ab%d9%8a%d9%84-%d9%81%d9%8a-%d8%a7%d9%84%d9%85%d8%b9%d8%a7%d8%b1%d8%b6%d8%a9-%d8%a7%d9%84%d8%b3%d9%88%d8%b1%d9%8a%d8%a9/#foot-not-8>.

⁷⁶ While many independent writers and a number of Syrian civil society representatives see the importance of diversity in representation, as a point of strength, the spokesman for the SNC, Dr. Yahya al Aridi, told *Enab Baladi* newspaper that diversity within the SNC was an obstacle, adding that “everyone is not on the same page”. For additional information, see: Darwish, Ali. “هيئة التفاوض السورية . . . خمس سنوات تحت ضغط داخلي وخارجي” [The SNC: Five years under internal and external pressure]. *Enab Baladi*, December 13, 2020, accessed May 28, 2024.

<https://www.enabbaladi.net/439733/%d9%87%D9%8A%D8%A6%D8%A9-%d8%A7%D9%84%D8%AA%D9%81%D8%A7%D9%88%D8%B6-%d8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-%d8%AE%D9%85%D8%B3-%d8%B3%D9%86%D9%88%D8%A7%D8%AA-%d8%AA%D8%AD%D8%AA-%d8%B6%D8%BA/>.

⁷⁷ “تعرف على ”هيئة التفاوضية الموحدة“ للمعارضة السورية” [Learn about the Syrian Opposition’s Unified Negotiating Body]. *AlJazeera*, November 18, 2017, accessed May 28, 2024.

<https://www.aljazeera.net/encyclopedia/2017/11/28/%d8%aa%d8%b9%d8%b1%d9%81-%d8%b9%d9%84%d9%89-%d8%a7%d9%84%d9%87%d9%8a%d8%a6%d8%a9-%d8%a7%d9%84%d8%aa%d9%81%d8%a7%d9%88%d8%b6%d9%8a%d8%a9-%d8%a7%d9%84%d9%85%d9%88%d8%ad%d8%af%d8%a9>.

Exclusion, once again, was at play during the formation of the SNC*. Therefore, several political groups and independent figures were banished from the political process the SNC* was assigned to lead. The Kurdish-led Syrian Democratic Council (SDC), the political front of the AANES, was the key group to be cut out of the negotiations. According to the United Nations Special Envoy for Syria, Geir Pedersen, the exclusion lies in the fact that the political process is led under Resolution 2254, which “included specific opposition groups, of which [the SDC and SDF] are no longer a part”.⁷⁸

Between Riyadh meetings 1 and 2, members of the SNC* agreed on a set of principles to guide the political process, which they called the 12-point document. A huge segment of Syrians considered the principles as “the core of the political process”, and the document was first proposed and adopted during the Sochi Conference, hosted by Russia on 30 January 2018. Notably, the conference itself, not the document, was controversial and generated mixed reactions. The U.S. considered the conference a “failure” as it did not yield results,⁷⁹ while the Turkish President, Recep Tayyip Erdoğan, called it an “important achievement”.⁸⁰

Later, the document was transferred to Geneva and called the 12 Living Intra-Syrian Essential Principles by the office of the former UN Special Envoy for Syria, Staffan de Mistura.⁸¹ The Special Envoy presented the document to the Syrian parties involved in the Geneva VIII Peace Talks, held in November 2017, as having room for update and improvement. The document was sustainable; however, it clearly avoided addressing controversial issues, focusing instead on conspicuously general principles.⁸²

⁷⁸ Hmaidī, Ibrahim. "بيدرسن: لا خلافات استراتيجية بين أميركا وروسيا في سوريا... ودعم دولي لـ«خطوة - خطوة»" [Pedersen: No Strategic Disputes between U.S. and Russia in Syria, International Support for “Step-by-Step” Process]. *Asharq Al-Awsat*, January 29, 2022, accessed May 28, 2024.

<https://aawsat.com/home/article/3442631/%D8%A8%D9%8A%D8%AF%D8%B1%D8%B3%D9%86-%D9%84%D8%A7-%D8%AE%D9%84%D8%A7%D9%81%D8%A7%D8%AA-%D8%A7%D8%B3%D8%AA%D8%B1%D8%A7%D8%AA%D9%8A%D8%AC%D9%8A%D8%A9-%D8%A8%D9%8A%D9%86-%D8%A3%D9%85%D9%8A%D8%B1%D9%83%D8%A7-%D9%88%D8%B1%D9%88%D8%B3%D9%8A%D8%A7-%D9%81%D9%8A-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D9%88%D8%AF%D8%B9%D9%85-%D8%AF%D9%88%D9%84%D9%8A-%D9%84%D9%80%C2%AB%D8%AE%D8%B7%D9%88%D8%A9-%D9%80-%D8%AE%D8%B7%D9%88%D8%A9>

⁷⁹ [U.S. Calls Sochi Conference a ‘Failure’]. *Enab Baladi*, February 3, 2018, accessed May 28, 2024.

<https://www.enabbaladi.net/203857/%d8%a3%d9%85%d8%b1%d9%8a%d9%83%d8%a7-%d8%aa%d8%b9%d8%aa%d8%a8%d8%b1-%d9%85%d8%a4%d8%aa%d9%85%d8%b1-%d8%b3%d9%88%d8%aa%d8%b4%d9%8a-%d9%81%d8%a7%d8%b4%d9%84%d9%8b%d8%a7/>

⁸⁰ [Erdoğan Calls Sochi Conference ‘Important Achievement’]. *Enab Baladi*, January 31, 2018, accessed May 28, 2024.

<https://www.enabbaladi.net/203153/%d8%a3%d8%b1%d8%af%d9%88%d8%ba%d8%a7%d9%86-%d9%8a%d8%b9%d8%aa%d8%a8%d8%b1-%d9%85%d8%a4%d8%aa%d9%85%d8%b1-%d8%b3%d9%88%d8%aa%d8%b4%d9%8a-%d9%85%d9%83%d8%b3%d8%a8%d9%8b%d8%a7-%d9%83%d8%a8%d9%8a%d8%b1/>

⁸¹ UN Special Envoy for Syria, Geir Pedersen, stated that the “constitutional reform shall, inter alia, embody in the constitution and constitutional practices of Syria the letter and spirit of the Twelve Living Intra-Syrian Essential Principles.” For additional information, see:

“Opening Statement by United Nations Special Envoy for Syria Geir O. Pedersen to the Constitutional Committee”, *Office of the Special Envoy of the Secretary-General For Syria*, October 13, 2019, accessed January 27, 2024, <https://specialenvoysyria.unmissions.org/opening-statement-united-nations-special-envoy-syria-geir-o-pedersen-constitutional-committee>.

⁸² [The text of the 12 Living Intra-Syrian Essential Principles (Document)]. *Anadolu Agency*, December 1, 2017, accessed May 28, 2024.

As the situation yielded itself to a pattern that could be described as an *exclusion within an exclusion*, several other Syrian parties blamed the AANES and the SDF for practicing exclusion against other Syrian groups in the areas they run.⁸³ Delving deeper into those claims, a local organization in Deir ez-Zor, an Arab-majority province where tribes still play a major role in governance, issued a research paper arguing that the exclusion Syria's north-eastern provinces continue to grapple with is deliberate and has started before 2011, tracing its origins to the conduct of the successive Syrian governments, which "monopolized political representation in northeastern Syria in a selective manner and through an architecture that responds to its security concerns before any other consideration."⁸⁴

Touching on the post-2011 status of representation, the research paper described the area as an arena of conflict and intended marginalization. Therefore, it recommended that concerned parties work on various levels to amplify the political voice of north-eastern Syria by boosting the legitimacy of the AANES and strengthening its ties with the local communities, including with the area's tribes and Arab armed groups, as well as regional powers, mainly Türkiye. Additionally, the research paper necessitated "[d]eveloping informal parallel negotiating tracks between the bodies that belong to the opposition and AANES to build bridges of confidence between them" and "[a]ctivating the Arab role in resolving the Syrian crisis through: Promoting the concept of decentralization as an entry point to rebuild the state in Syria".⁸⁵

4. The Syrian Constitutional Committee and its Current Problems

There is a wide agreement that constitutions play a critical role in a State's political system, not least because they define "the established principles of a social contract based on the collaboration among society's components and also a political contract based on the relationship between state and society."⁸⁶ Most importantly, constitutions are attributed such prominence due to the symbolic authority they exercise in uniting very diverse societies, as in the Syrian case,⁸⁷ or dividing, legalizing, and reinforcing their fragmentation, as happened in

<https://www.aa.com.tr/ar/%D8%AF%D9%88%D9%84%D9%8A/%D9%86%D8%B5-%D9%88%D8%AB%D9%8A%D9%82%D8%A9-%D8%A7%D9%84%D9%85%D8%A8%D8%A7%D8%AF%D8%A6-%D8%A7%D9%84%D9%80%D9%8012-%D8%A7%D9%84%D8%A3%D8%B3%D8%A7%D8%B3%D9%8A%D8%A9-%D9%88%D8%A7%D9%84%D8%AD%D9%8A%D8%A9-%D9%84%D9%84%D8%A3%D8%B7%D8%B1%D8%A7%D9%81-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-%D9%88%D8%AB%D9%8A%D9%82%D8%A9/987557>

⁸³ Bakari Baz. "The Chaos of Governance Structure within the Autonomous Administration". *Analysis and Strategic Study Organization (ASO)*, October 20, 2021, accessed June 6, 2024.

<https://www.asocenter.org/node/831>

⁸⁴ "Toward Inclusive Representation of Northeastern Syria in the Peace Process". *Justice For Life*, July 24, 2023, accessed January 28, 2024. <https://jfl.ngo/en/toward-inclusive-representation-of-northeastern-syria-in-the-peace-process/>.

⁸⁵ Ibid.

⁸⁶ Ghadbian, Najib. "The Constitutional Question in Syria: A Political Approach". *Omran Strategic Studies*, December 10, 2019, accessed June 6, 2024. <https://omranstudies.org/index.php/publications/papers/the-constitutional-question-in-syria-a-political-approach.html>.

⁸⁷ In addition to Arabs, who make the majority of Syria's population, there are also other ethnic groups, such as Kurds, Assyrians, and Syriacs. These groups were described by the late Syrian researcher, Hassan Abbas, as

the Iraqi case. Although the Iraqi Constitution is considered an advanced constitution because it “included a number of important elements for reorganizing political life in Iraq, including federalism”,⁸⁸ some of its critics argue that “the Sunnis were not proportionally represented in either the Iraqi constitution or the transitional national assembly; by opting to sit on the sidelines, they had very little say in the foundations of the new Iraqi state”.⁸⁹

Other critics maintain that the Iraqi Constitution remains “rigid”, drafted within the purview of the “opposition’s mindset”⁹⁰ even though “the last-minute amendments it underwent” helped it garner votes of approval from various groups on the Sunni Arab spectrum.⁹¹ The alienation of the Arab component perhaps explains the unrest, the disruption in the governance system, and the brutal sectarian war that occurred after 2005.⁹²

Likewise, the Egyptian constitution-making process—drafting and adoption—after the January 2011 revolution followed an approach whereby “political stakeholders perceived the constitution as a means for immediate political empowerment” during constitutional transformations, while “[t]he participation-representation norm continued to be disregarded”.⁹³

In the Syrian case, the functions of the to-be-written constitution are of great importance not only because the constitution stands as “a contract among people, determining how they should organize themselves, reconcile different interests and shape their State”, but also in the potential of it becoming a tool to resolve the armed conflict. Therefore, the role of the constitution must not be confined to presenting “only a set of legal rules”. It should also

indigenous populations. In addition to these communities, he identified others, referring to them as the “migrant element”, who fled massacres or genocides, including Armenians, Circassians, Turkmens, Dagestanis, Albanians, Chechens, Kazakhs, Arnauts and Bosniaks. For additional information, see:

Abbas, Hassan. “Governance of Diversity in Syria”. *Arab Reform Initiative*, June 20, 2012, accessed June 6, 2024. <https://www.arab-reform.net/publication/governance-of-diversity-in-syria/>.

⁸⁸ Ghadbian, Najib. “The Constitutional Question in Syria: A Political Approach”. *Omran Strategic Studies*, December 10, 2019, accessed June 6, 2024. <https://omranstudies.org/index.php/publications/papers/the-constitutional-question-in-syria-a-political-approach.html>.

⁸⁹ Mansour, Renad. “The Sunni Predicament in Iraq”. *Carnegie Middle East Center*, March 3, 2016, accessed June 6, 2024. <https://carnegie-mec.org/2016/03/03/sunni-predicament-in-iraq-pub-62924>.

⁹⁰ “The Constitutional Process in Syria: How Can We Draw on the Iraqi Experience?” *Syrians for Truth and Justice*, October 25, 2023, accessed June 6, 2024. <https://stj-sy.org/en/the-constitutional-process-in-syria-how-can-we-draw-on-the-iraqi-experience/>.

⁹¹ “تعديلات اللحظة الأخيرة على الدستور العراقي ترجح احتمالات التصويت لصالحه” [Last-minute Amendments to the Iraqi Constitution Increase Chances of Favorable Votes]. *Deutsche Welle*, accessed June 6, 2024.

<https://www.dw.com/ar/%D8%AA%D8%B9%D8%AF%D9%8A%D9%84%D8%A7%D8%AA-%D8%A7%D9%84%D9%84%D8%AD%D8%B8%D8%A9-%D8%A7%D9%84%D8%A3%D8%AE%D9%8A%D8%B1%D8%A9-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D8%AF%D8%B3%D8%AA%D9%88%D8%B1-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A-%D8%AA%D8%B1%D8%AC%D8%AD-%D8%A7%D8%AD%D8%AA%D9%85%D8%A7%D9%84%D8%A7%D8%AA-%D8%A7%D9%84%D8%AA%D8%B5%D9%88%D9%8A%D8%AA-%D9%84%D8%B5%D8%A7%D9%84%D8%AD%D9%87/a-1740446>.

⁹² Hasan Al-Qarawee, Harith. “Iraq’s Sectarian Crisis: A Legacy of Exclusion”. *Carnegie Middle East Center*, April 2013, 2014, accessed June 6, 2024. <https://carnegie-mec.org/2014/04/23/iraq-s-sectarian-crisis-legacy-of-exclusion-pub-55372>.

⁹³ Farouk, Yasmine. “Writing the Constitution of the Egyptian Revolution: Between Social Contract and Political Contracting”. *Arab Reform Initiative*, November 27, 2013, accessed June 6, 2024. <https://www.arab-reform.net/publication/writing-the-constitution-of-the-egyptian-revolution-between-social-contract-and-political-contracting/>.

hold the capacity to prevent future conflicts.⁹⁴ However, such a role is difficult to realize without guarantees that ensure the participation of all parties in constitution-drafting processes and later adoption by voting through a referendum.

Moreover, the importance of a constitution lies in its being the primary guarantor of the citizens' rights, as well as the text that defines the relationships among the government's three branches, legislative, executive, and judiciary, as well as the accountability mechanisms to be put into effect in case one of these branches encroaches on the others' mandates. Furthermore, the constitution advocates "particular sets of roles in the national community" since "the way this political framework is linguistically structured has a powerful role in either perpetuating hierarchy or establishing gender equality."⁹⁵

4.1. The International Framework of Syria's Constitutional Process

During the conflict, initial talks about the Syrian constitution began in 2012 with the Geneva Communiqué. Paragraph 9(c) of the communiqué mentioned the possibility of "a review of the constitutional order and the legal system" and that the "result of constitutional drafting would be subject to popular approval".⁹⁶ Later, in 2015, Resolution 2254 openly necessitated drafting a new constitution following the kick-off of the political process under UN auspices in Paragraph 4.⁹⁷ With this, the constitution became one of the "four baskets" negotiated in Geneva by the Damascus government delegation and the opposition, represented by the HNC and later by the SNC*.

⁹⁴ *Human rights and constitution making*. (2018). <https://doi.org/10.18356/c60619e9-en>.

⁹⁵ Al-Doughli, Rahaf. "The Construction of a Patriarchal Militant Identity in the Syrian Constitutions (1973-2012)". *Syria Untold*, June 23, 2016, accessed June 6, 2024. <https://syriauntold.com/2016/06/23/the-construction-of-a-patriarchal-militant-identity-in-the-syrian-constitutions-1973-2012/>.

⁹⁶ United Nations, General Assembly, *Identical letters dated 5 July 2012 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council*, A/66/865 (6 July 2012), available from

<https://undocs.org/Home/Mobile?FinalSymbol=A%2F66%2F865&Language=E&DeviceType=Desktop&LangRequested=False>.

⁹⁷ The former UN Special Envoy for Syria Staffan de Mistura discussed the four baskets at the closing of the Geneva IV in March 2017. Basket one addresses all issues related to the establishment within a target hopefully of six months of credible inclusive non-sectarian governance. Basket two addresses all issues relating to setting within a target of six months again, a schedule and process for drafting a new constitution. Basket three addresses all issues related to ensuring that free and fair elections pursuant to a new constitution can be held within 18 months, under the supervision of the United Nations, including members of the diaspora eligible to participate. Basket four addresses within the context of the overall transitional political process issues related to strategies of counter terrorism, security, governance and also medium-term confidence building measures. For additional information, see: "المعارضة تطالب بيدرس استئناف المفاوضات في السلال الأربعة" [The opposition demands Pedersen to resume negotiations about the four baskets]. *Rozana*, November 7, 2019, accessed June 6, 2024.

<https://www.rozana.fm/article/38382->

[https://www.rozana.fm/article/38382-%D8%A7%D9%84%D9%85%D8%B9%D8%A7%D8%B1%D8%B6%D8%A9-%D8%AA%D8%B7%D8%A7%D9%84%D8%A8-%D8%A8%D9%8A%D8%AF%D8%B1%D8%B3%D9%86-%D8%A7%D8%B3%D8%AA%D8%A6%D9%86%D8%A7%D9%81-%D8%A7%D9%84%D9%85%D9%81%D8%A7%D9%88%D8%B6%D8%A7%D8%AA-%D9%81%D9%8A-%D8%A7%D9%84%D8%B3%D9%84%D8%A7%D9%84-%D8%A7%D9%84%D8%A3%D8%B1%D8%A8%D8%B9%D8%A9?year=news&month=2019&date=11&slug=%d8%a7%d9%84%d9%85%d8%b9%d8%a7%d8%b1%d8%b6%d8%a9%2d%d8%aa%d8%b7%d8%a7%d9%84%d8%a8%2d%d8%a8%d9%8a%d8%af%d8%b1%d8%b3%d9%86%2d%d8%a7%d8%b3%d8%aa%d8%a6%d9%86%d8%a7%d9%81%2d%d8%a7%d9%84%d9%85%d9%81%d8%a7%d9%88%d8%b6%d8%a7%d8%aa-%d9%81%d9%8a-%d8%a7%d9%84%d8%b3%d9%84%d8%a7%d9%84-%d8%a7%d9%84%d8%a3%d8%b1%d8%a8%d8%b9%d8%a9](https://www.rozana.fm/article/38382-%D8%A7%D9%84%D9%85%D8%B9%D8%A7%D8%B1%D8%B6%D8%A9-%D8%AA%D8%B7%D8%A7%D9%84%D8%A8-%D8%A8%D9%8A%D8%AF%D8%B1%D8%B3%D9%86-%D8%A7%D8%B3%D8%AA%D8%A6%D9%86%D8%A7%D9%81-%D8%A7%D9%84%D9%85%D9%81%D8%A7%D9%88%D8%B6%D8%A7%D8%AA-%D9%81%D9%8A-%D8%A7%D9%84%D8%B3%D9%84%D8%A7%D9%84-%D8%A7%D9%84%D8%A3%D8%B1%D8%A8%D8%B9%D8%A9?year=news&month=2019&date=11&slug=%d8%a7%d9%84%d9%85%d8%b9%d8%a7%d8%b1%d8%b6%d8%a9%2d%d8%aa%d8%b7%d8%a7%d9%84%d8%a8%2d%d8%a8%d9%8a%d8%af%d8%b1%d8%b3%d9%86%2d%d8%a7%d8%b3%d8%aa%d8%a6%d9%86%d8%a7%d9%81%2d%d8%a7%d9%84%d9%85%d9%81%d8%a7%d9%88%d8%b6%d8%a7%d8%aa-%d9%81%d9%8a-%d8%a7%d9%84%d8%b3%d9%84%d8%a7%d9%84-%d8%a7%d9%84%d8%a3%d8%b1%d8%a8%d8%b9%d8%a9?year=news&month=2019&date=11&slug=%d8%a7%d9%84%d9%85%d8%b9%d8%a7%d8%b1%d8%b6%d8%a9%2d%d8%aa%d8%b7%d8%a7%d9%84%d8%a8%2d%d8%a8%d9%8a%d8%af%d8%b1%d8%b3%d9%86%2d%d8%a7%d8%b3%d8%aa%d8%a6%d9%86%d8%a7%d9%81%2d%d8%a7%d9%84%d9%85%d9%81%d8%a7%d9%88%d8%b6%d8%a7%d8%aa-%d9%81%d9%8a-%d8%a7%d9%84%d8%b3%d9%84%d8%a7%d9%84-%d8%a7%d9%84%d8%a3%d8%b1%d8%a8%d8%b9%d8%a9)

It seems that the Geneva Communiqué has deliberately addressed the issue of the Syrian constitution and legal system, as it was preceded by the Damascus government's adoption of a "new"—amended—constitution in February 2012.⁹⁸ This is Syria's second permanent constitution since the Arab Socialist Ba'ath Party took over. The first was adopted in 1973 after Hafez al-Assad seized power.⁹⁹

The constitutional discussions gained exceptional importance, especially with the start of the negotiations under the "Sochi Talks". This process was facilitated and supervised by Türkiye, Russia, and Iran and involved the Syrian opposition parties close to Türkiye and the Damascus government. These talks gained weight due to the opinion that a return to the "original framework of Geneva" per Resolution 2254 was not possible after the SNC* was formed, given Türkiye's, the opposition's primary supporter, commitment to the arrangements of the 2018-2019 Sochi Summit and Russia, Iran, and Türkiye's agreement to a road map that begins with constitutional reform and ends with nationwide elections at the municipal, parliament, and presidential levels.¹⁰⁰

However, an essential observation must be made here. That is, even though the constitutional discussions were technically relocated to Geneva and stopped after the Russian invasion of Ukraine, those discussions moved side by side with the international balances that underpinned them. Therefore, the shift to Geneva did not lead to a political breakthrough.

4.2. The SCC's Formation and the Kurds' Disproportionate Representation

On 23 September 2019, the UN Secretary-General, António Guterres, announced the formation of the SCC.¹⁰¹ In a 26 September 2019 letter he addressed to the President of the Security Council—in the context of setting up the SCC's "Terms of Reference and Core Rules of Procedure"—the terms "balanced", "inclusive", "Syrian-led", and "Syrian-owned" were mentioned several times, implicitly indicating that the SCC included all Syrian components.¹⁰² However, the letter completely ignored the Russian-Iranian-Turkish role in determining the SCC's members and the fact that many Syrian political bodies, independent organizations, and prominent social actors were denied membership. With exclusion underlying the SCC's formation, Syrian Kurds had access to only insubstantial representation, which, besides being

⁹⁸ The Syrian Constitution-February 2012. *Carnegie Middle East Center*, accessed January 28, 2024.

<https://carnegie-mec.org/diwan/48716?lang=en>.

⁹⁹ "Racial Discrimination in the Syrian Constitution". *Syrians for Truth and Justice*, December 1, 2020, accessed June 6, 2024. <https://stj-sy.org/en/racial-discrimination-in-the-syrian-constitution/>.

¹⁰⁰ Hatahet, Sinan. "The Prospective and Limitations of the Syrian Constitutional Committee-Discussion Paper(3)". *Geneva Center for Security Policy*, February 2020, accessed June 6, 2024.

<https://dam.gcsp.ch/files/doc/discussion-paper-syria-transition-challenges-project-4-doc>.

¹⁰¹ "الأمم المتحدة تعلن تشكيل اللجنة الدستورية السورية" [UN Announces Formation of SCC]. *France 24*, September 23, 2019, accessed June 6, 2024. <https://www.france24.com/ar/20190923-%D8%BA%D9%88%D8%AA%D9%8A%D8%B1%D9%8A%D8%B3-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%AA%D8%B4%D9%83%D9%8A%D9%84-%D8%A7%D9%84%D9%84%D8%AC%D9%86%D8%A9-%D8%A7%D9%84%D8%AF%D8%B3%D8%AA%D9%88%D8%B1%D9%8A%D8%A9>.

¹⁰² United Nations, Security Council. *Letter dated 26 September 2019 from the Secretary-General addressed to the President of the Security Council*, September 27, 2019, available from <https://undocs.org/Home/Mobile?FinalSymbol=S%2F2019%2F775&Language=E&DeviceType=Desktop&LangRequested=False>.

limited, was only nominal and deceptive, especially with regard to members of Kurdish origins within the Damascus government's delegation.¹⁰³

For instance, a study by the Middle East Institute—which investigates the backgrounds of the SCC's members and their political, ethnic, religious, and denominational affiliations—revealed that the “SCC is strongly skewed against the Kurds, who comprise only 4% of its total membership, less than half of their percentage of the population as a whole.” This assumes that Kurds make only 10% of Syria's population.¹⁰⁴ However, that percentage is far lower than percentages presented in the majority of Kurdish sources, several Arabic references,¹⁰⁵ and numerous other credible publications, which estimate Kurds to constitute 15% of Syria's population, amounting to nearly two million people. Considering this, the 4% dedicated to Kurds within the SCC represents only a quarter of Syria's Kurdish population.¹⁰⁶ Indeed, the SCC has only six Kurdish members, two of whom are proponents of the Damascus government. One of these is even a member of the Arab Socialist Ba'ath Party, which recognizes neither the Kurdish community in Syria nor the Kurdish identity.¹⁰⁷

Notably, the examples of the Syrian groups' representational percentages referenced in this study do not seek to perpetuate the representation quota system based on power-divisions, which stands at odds with the concepts of inclusivity and participation. The examples thus are used within the effort to guarantee real and effective diversity across all roles and attempts at finding a political solution in Syria, whether during political negotiations, within the SCC, or international convenings that aim to pave the path towards a more democratic State, tolerant of diversity and difference. Such inclusivity-centered representational dynamics would overrule titular representations dictated by regional and international balances.

¹⁰³ The titular “Kurdish representation” within the Damascus government's delegation (the civil society bloc) was most evident in the bloc's proposed identity of the new Syrian State. The proposal hardly diverged from the image of the State established in the 2012 Syrian Constitution, adopted by the al-Assad-led government only a year and a half after the uprising started. For additional information on the bloc's proposal, see:

“ما هو مقترح وفد "المجتمع المدني" التابع للنظام عن هوية الدولة السورية” [What is the regime-affiliated civil society delegation's proposal for the Syrian State's identity]. *Syria TV*, March 22, 2022, accessed June 6, 2024.

<https://www.syria.tv/%D9%85%D8%A7-%D9%87%D9%88-%D9%85%D9%82%D8%AA%D8%B1%D8%AD-%D9%88%D9%81%D8%AF-%D8%A7%D9%84%D9%85%D8%AC%D8%AA%D9%85%D8%B9-%D8%A7%D9%84%D9%85%D8%AF%D9%86%D9%8A-%D8%A7%D9%84%D8%AA%D8%A7%D8%A8%D8%B9-%D9%84%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%B9%D9%86-%D9%87%D9%88%D9%8A%D8%A9-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D8%A9-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9%D8%9F>

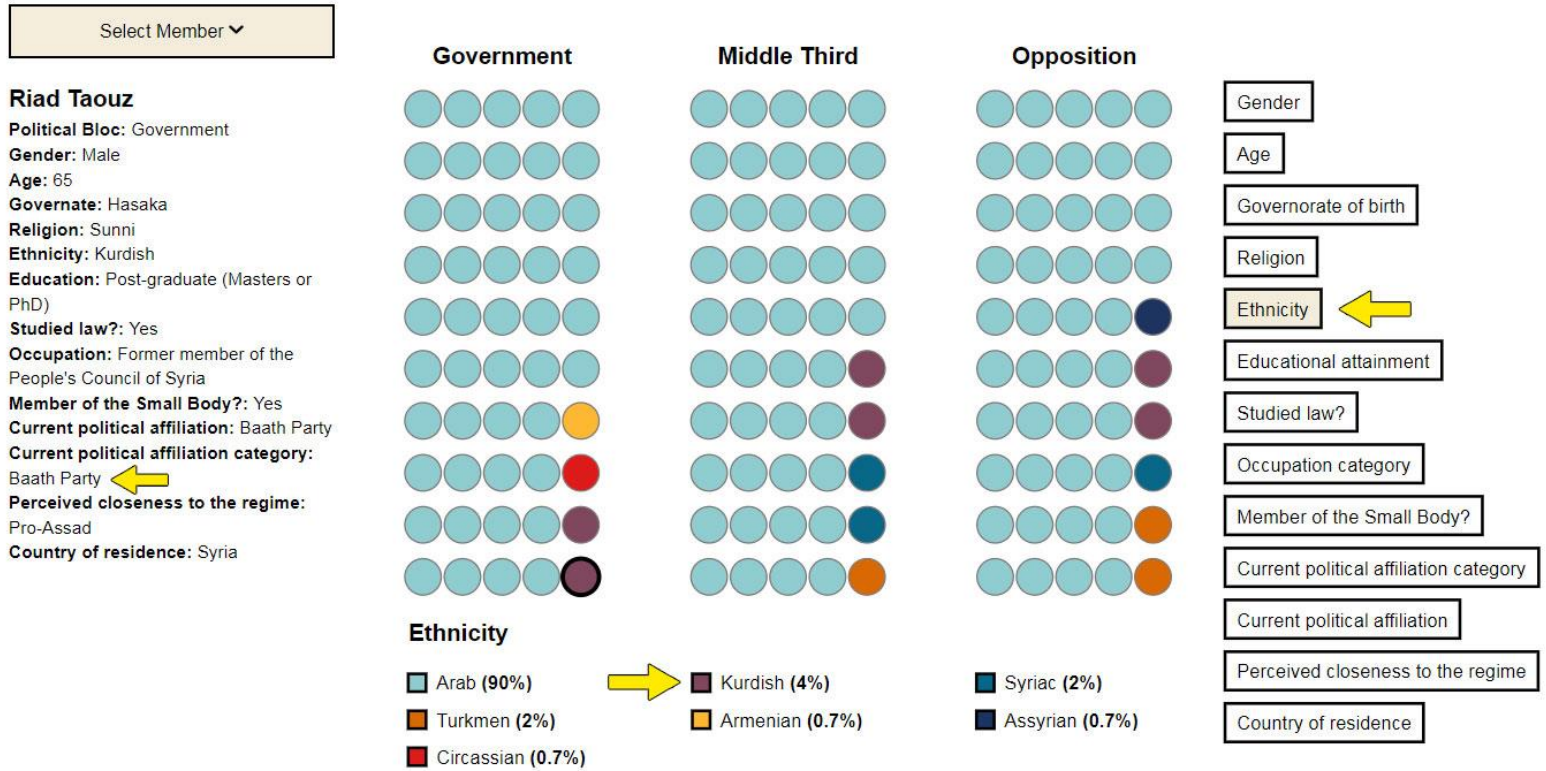
¹⁰⁴ The source cited by the study is *World Factbook*, available from <https://www.cia.gov/the-world-factbook/countries/syria/>. For additional information on representation within the SCC, see: Shaar, Karam, Dasouki, Ayman. “Syria's Constitutional Committee: The Devil in the Detail”. *Middle East Institute*, January 6, 2021, accessed January 29, 2024. <https://www.mei.edu/publications/syrias-constitutional-committee-devil-detail>.

¹⁰⁵ In a research paper, the late Syrian researcher, Hassan Abbas, argues that Kurds “make up to 15% of the Syrian population, i.e., around three million people; however, this number could go up or down since it is almost impossible to determine with certainty the real number of Kurds in Syria”, attributing this to a “lack of accurate statistics”. For additional information, see:

Abbas, Hassan. “Governance of Diversity in Syria”. *Arab Reform Initiative*, June 20, 2012, accessed June 7, 2024. <https://www.arab-reform.net/publication/governance-of-diversity-in-syria/>.

¹⁰⁶ “Syria's Kurds: A Struggle Within a Struggle”. *International Crisis Group*, January 22, 2013, accessed June 7, 2024. <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/syria-s-kurds-struggle-within-struggle>.

¹⁰⁷ The percentage of Kurds as to the total Syrian population has been cited as 15% across several academic pieces, including the book by Harriet Montgomery, *The Kurds of Syria: An Existence Denied*, on page 7.



A screenshot from the previous study showing the distribution of Syrian Kurds among the opposition, government, and civil society delegations. One of the ironies in this figure is that one Kurd in the Syrian government delegation is a member of the Arab Socialist Baath Party, one of the most nationalist and anti-Kurdish parties in Syria.

The SNC's* inclusion of the KNC, backed by the Government of Iraqi Kurdistan and "approved" by Türkiye, is likely a pretentious display of endorsement to subdue the voices calling for a fair representation of Kurds in the political and constitutional processes and also to score political points at the disadvantage of genuine representation of all Syrian groups. The KNC, like the Assyrian Democratic Organization (ADO), is already represented by the Syrian National Coalition. This begs the following question: Why would the KNC be re-represented within the SNC* if the Coalition is an efficient representative of the groups it encompasses?

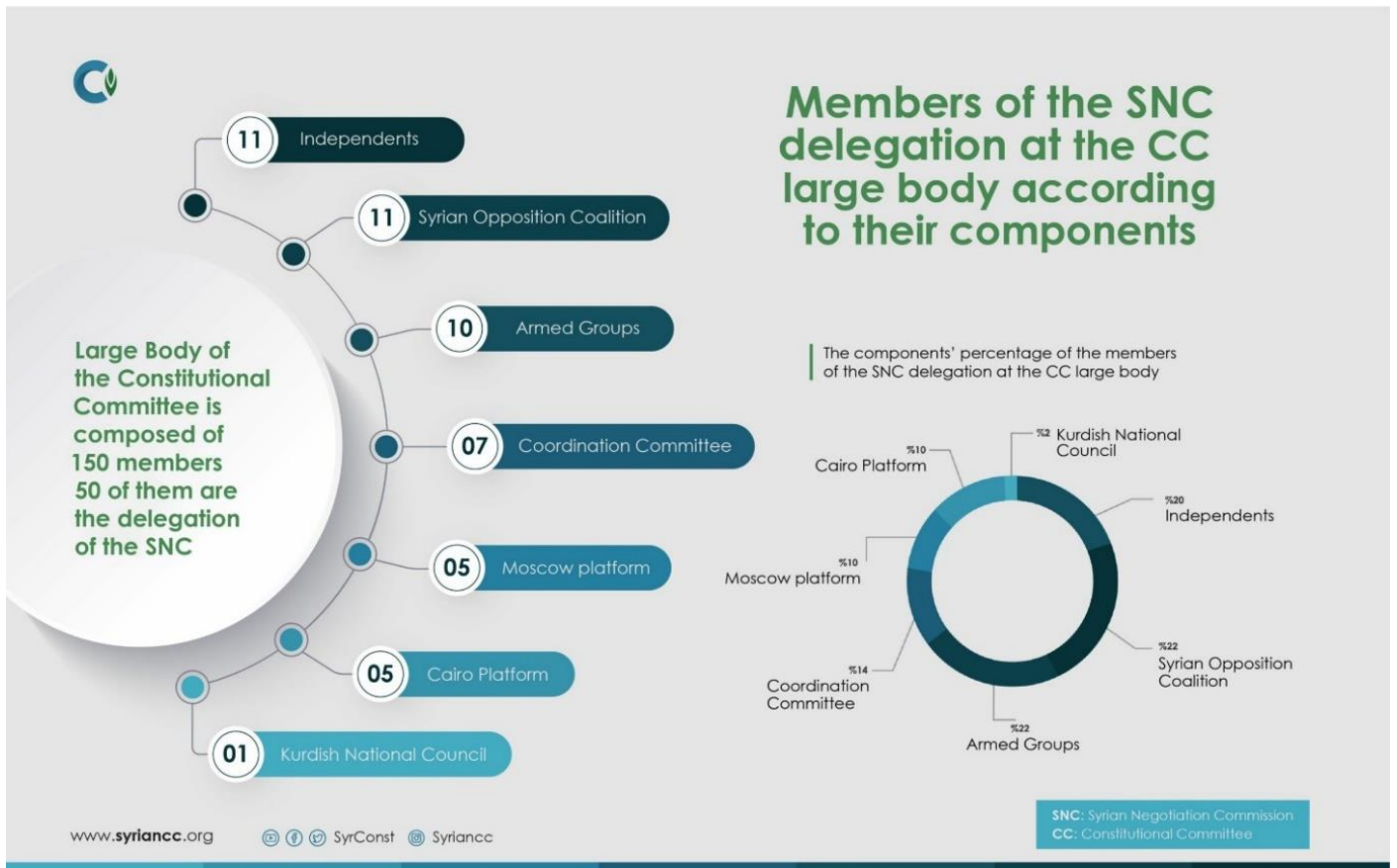
Other Syrian experts argue that a discussion of the exclusion of a component or a group from the perspective of representation and percentage would result in a limited vision of the situation, which can also be vulnerable to deception at the expense of a more comprehensive vision. That is, "all Syrian individuals and currents that advocate a State of citizenship, rights, and equality are subject to exclusion". In other words, exclusion exists; however, it is part of a larger problem. "The main problem lies in the international guardianship imposed on the entire constitutional process, from the process of formation to drafting, including the outputs, which

remains the most dangerous aspect, as it will ultimately prevent reaching a comprehensive constitution capable of protecting all Syrians.”¹⁰⁸

Differences between an inclusivity- and quota-centered constitution

| Inclusivity/Participation/Diversity | Quota/Percentage |
|---|---|
| Focuses on all (women, men, persons with disabilities, various ethnicities, various minorities, religious figures, community leaders, union representatives, civil society, etc.) | Prioritizes groups politically aligned with and militarily backed by countries involved in the conflict |
| Establishes and guarantees equal rights to all in the constitution, in the law, and before the law, on the basis of equal citizenship | Promotes power-sharing among potential warlords and perpetrators of violations, and warrants discrimination against minorities and most vulnerable groups |
| Bestows additional legitimacy on any Syrian product | Incites rifts |
| Boosts cohesion among communities | Perpetuates and widens gaps, existing between local groups, as it focuses power in the hands of the few in an environment where impunity remains rife |
| Promotes respect for basic rights and rule of law, which applies to everyone | It encourages the upper class to overlook laws, and allows favouritism and corruption prevail to |
| Promotes respect for diverse identities within the same community | It imposes a consistent identity on all and/or condones cancelation, alienation, or non-recognition of other identities |
| Leads to the comprehension that collective and individual identities intersect in complex ways | Uses the social, cultural, or religious identity to justify persecution and the violation of rights |
| Promotes an environment where all are protected by the law | Warrants the exclusion of weaker or less-numbered groups, and denying them protection by the law |

¹⁰⁸ A commentary from one of the Syrian civil society leaders in Deir ez-Zor province, north-east Syria, given online on December 28, 2023.



Distribution of the members of the expanded constitutional committee according to their components.¹⁰⁹

The almost non-existent “Kurdish representation” within the SCC faces grave challenges and risks, including threats of the negligence of Kurdish demands for equality, access to human rights, and recognition of their existence. These concerns stem from two reasons: first, the Kurdish community’s weak overall representation compared to the rest of political and military forces, which will adversely impact their limited ability to present its demands in discussions and establish them in the constitution to be written; second, the exclusion of other Kurdish civil and political organizations, including, but not limited to, the Autonomous Administration of North and East Syria, which has been previously left out of the entire political process, despite its control over vast areas of the country’s north-eastern territories. It is noteworthy that several other Syrian Arab groups also believe that they have suffered exclusion from the SCC, the political process, and even from the institutions of the autonomous administration.¹¹⁰

¹⁰⁹ Website of the Syrian Negotiation Commission, accessed December 28, 2023. <https://syriancc.org/en/2022/02/22/distribution-of-the-members-of-the-expanded-constitutional-committee-according-to-their-components/>

¹¹⁰ See footnote 25.

A Syrian Kurdish leader narrates that “during a negotiation session, one of the Damascus government’s delegates he was talking to said what could be paraphrased as follows: ‘If the Kurdish language is included in the Syrian constitution, does this mean that the day will come when the language of birds will be included in the constitution?’ For his part, a member of the Kurdish delegation replied, ‘Why not, if the language of birds is intelligible?’”¹¹¹

4.2.1 Spiking Violations in the Aftermath of Political and Constitutional Exclusion

The “political exclusion” practiced against north-eastern Syria’s population, particularly its Kurdish community, gave rise to fatal repercussions for the area’s indigenous components, including Kurds, Arabs, Armenians, and Assyrians. Less than a month after the SCC announced the results of the Russian-Iranian-Turkish agreement and the complete alienation of Kurds from the discussions underway, Türkiye, with the greenlight of its NATO allies,¹¹² led a brutal military operation in Northern Syria, targeting the West’s Arab and Kurdish partners in the fight against IS. The Türkiye-led operation was code-named Peace Spring and targeted the Ras al-Ayn/Serê Kaniyê and Tell Abyad areas. The incursion triggered massive waves of displacement, with thousands of the two areas’ residents fleeing hostilities.¹¹³ Simultaneously, damning evidence emerged, corroborating war crimes, most importantly the cold-blooded extrajudicial killing of the Kurdish politician, Hevrin Khalaf, by fighters from the Ahrar al-Sharqiya/Free Men of the East,¹¹⁴ an affiliate of the Türkiye-backed opposition’s SNA.

The fair representation of Syrian groups, based on their social, gender, religious, ethnic, and geographical identities, among others, in any talks or plans for building the new Syrian State, will help further promote the real needs of the indigenous people and increase the visibility of their struggles during negotiations. For instance, the presence of activists from the

¹¹¹ «سوريا والأكراد... و«دستور العصفير» [Syria, Kurds, and Constitution of Birds]. *Asharq Al-Awsat*, December 20, 2023, accessed June 7, 2024.

https://aawsat.com/home/article/3901356/%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D9%88%D8%A7%D9%84%D8%A3%D9%83%D8%B1%D8%A7%D8%AF-%D9%88%C2%AB%D8%AF%D8%B3%D8%AA%D9%88%D8%B1-%D8%A7%D9%84%D8%B9%D8%B5%D8%A7%D9%81%D9%8A%D8%B1%C2%BB?_gl=1*1ocf2ut*_gcl_au*MzA5MDM5NDg0LjE3MDMxMDQxNjI.

¹¹² Schmitt, Eric, Haberman, Maggie, Wong, Edward. “President Endorses Turkish Military Operation in Syria, Shifting U.S. Policy”. *The New York Times*, October 7, 2019, accessed June 7, 2024.

<https://www.nytimes.com/2019/10/07/us/politics/trump-turkey-syria.html>.

¹¹³ Operation Peace Spring caused one of the most rapid mass displacements; according to the COI January 2020 report, more than 100,000 people had fled by 11 October, only two days after the start of hostilities. This number rose to over 175,000 displaced individuals by 22 October, including approximately 80,000 children. Additionally, the COI noted that “[b]y mid-October, as hostilities intensified, international humanitarian organizations reduced their presence on the ground, which further compromised civilians’ access to services” (Para. 48). For additional information, see: United Nations, General Assembly, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/43/57 (28 January 2020), available from

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F43%2F57&Language=E&DeviceType=Desktop&LangRequested=False>.

¹¹⁴ United Nations, United Nations Human Rights Office of the High Commissioner, *Press briefing note on Syria*, 15 October 2019, accessed June 7, 2024, <https://www.ohchr.org/en/press-briefing-notes/2019/10/press-briefing-note-syria>.

opposition's civil society bloc within the SCC gave these activists vaster room to protest certain happenings, maintain stronger ties with the communities on the ground, and help channel and reflect the suffering of these communities throughout the constitutional process.

The bloc addressed a letter, undersigned by 17 members, to the Office of the Special Envoy for Syria, Geir Pedersen, protesting the government forces shelling of an IDP camp in the Qah area in Idlib province on 20 November 2019, using cluster munitions, which killed at least 12 civilians.¹¹⁵

On the flip side, the exclusion of north-eastern Syria's Arab and Kurdish communities from the SCC has led to the complete negligence of the concerns expressed by several local and regional rights organizations over ethnic cleansing threatening the area's indigenous population in the context of the Turkish operation so-called Peace Spring,¹¹⁶ as well as the enormous violations that accompanied and followed it, particularly property rights abuses, including seizures, since these people lacked fair representation within the SCC, which included no representatives that could defend the interests of north-eastern Syria's populace.

Also related to the SCC,¹¹⁷ and as a by-product of the international agreements, the crucial role of Russia and Iran on the one hand and Türkiye on the other in selecting the SCC's members remains unaddressed.¹¹⁸ Overlooking Russia-Iran-Türkiye's interference in the selection might explain the extensive exclusion practiced not only against Kurds but also dozens of civil society activists across the Syrian geography.

Another of the current constitutional discussions' ironies is the sense of agreement the Damascus government and the opposition's delegations are developing in their stress on "the Arab identity of the State and the role of Islam as a primary source for legislation"—which in reality means the exclusion of all non-Arab ethnicities and denies them constitutional recognition, legal protection, and equal access to rights enjoyed by other components.¹¹⁹

Notably, interventions made by several individuals aligned with the opposition's delegation and members of the civil society bloc during the SCC's meetings in Geneva have called for

¹¹⁵ "أعضاء من قائمة المجتمع المدني يطالبون بوقف استهداف المدنيين في سوريا" [Members of SCC's civil society block demand end to hostilities against civilians in Syria], *Enab Baladi*, November 22, 2019, accessed June 7, 2024. <https://www.enabbaladi.net/344138/%D8%A3%D8%B9%D8%B6%D8%A7%D8%A1-%D9%85%D9%86-%D9%82%D8%A7%D8%A6%D9%85%D8%A9-%D8%A7%D9%84%D9%85%D8%AC%D8%AA%D9%85%D8%B9-%D8%A7%D9%84%D9%85%D8%AF%D9%86%D9%8A-%D9%8A%D8%B7%D8%A7%D9%84%D8%A8%D9%88/>.

¹¹⁶ "Turkey's Ethnic Cleansing Plan for Northeast Syria Condemned by Regional Organizations". *Ciro Institute of Human Rights Studies*, October 18, 2019, accessed June 7, 2024. <https://cihrs.org/turkeys-ethnic-cleansing-plan-for-northeast-syria-condemned-by-regional-organizations/?lang=en>.

¹¹⁷ For additional information on the SCC, see: "Constitutional Committee". *Office of the Special Envoy of the Secretary-General for Syria*, accessed June 7, 2024. <https://specialenvoysyria.unmissions.org/constitutional-committee-0>.

¹¹⁸ The Damascus government handed its SCC candidate list to the Russian and Iranian ambassadors to Damascus, Alexander Kinshchak and Javad Turk-Abadi, while the Syrian opposition handed over its final list to Türkiye. It seems that the three countries (Russia, Türkiye, and Iran) played a decisive role in determining the members of the civil society bloc, which is the part that completed the process of exclusion against Kurds and many other Syrian components, such as the Yazidis. For additional information, see:

"[Türkiye expects SCC formation next month]. *Enab Baladi*, September 28, 2018, accessed June 7, 2024. <https://www.enabbaladi.net/254347/>.

¹¹⁹ Ibid.

equal rights and duties. However, these voices remain a minority within the opposition's delegation, compared to the mainstream vision of "Arab Syria", for instance.¹²⁰

4.2.2 Adapting to the Lack of Rights

The stance of the Syrian opposition, particularly the attitude of its Islamist factions, which control the decision-making process within the opposition's multiple bodies, has shattered the hopes of several democratic Syrian groups, especially human rights and transitional justice organizations, which believe in the necessity of a shift to a better political system than that which existed prior to 2011, particularly in the area of all-inclusive representation.

The Washington-headquartered Syria Justice and Accountability Centre criticized the plan revealed by the HNC, headed by the defector Prime Minister, Riyad Farid Hijab, in late 2016. Known as the "London Vision", the plan came under harsh scrutiny primarily because even though, based off the 2012 Geneva Communiqué's commitment to 'equal opportunities' and non-discrimination, the transition plan contains language that conflicts with establishing this type of inclusive society. Namely, the HNC's first General Principle fails to appropriately confront Syria's past dysfunctions and create the foundation for institutional reform. Instead, the first principle states: "Syria is an integral part of the Arab World, and Arabic is the official language of the state. Arab Islamic culture represents a fertile source for intellectual production and social relations amongst all Syrians of different ethnic backgrounds and religious beliefs as the majority of Syrians are Arabs and followers of Islam and its tolerant message which is distinctly moderate."

HNC's formulation of this General Principle shares characteristics with what sociologists call a "hegemonic state," whose "primary characteristic . . . is the dominance of one community over others, recognizing them only if they submit to its rule." [. . .].

With this language, the HNC has set the tone of hegemony for Syria's future state – one that prioritizes specific religious and cultural groups over others – which not only harms the creation of an authentic inclusive society open to all forms of social identity, but also mirrors the type of discriminatory political environment established by President al-Assad and his consolidation of power through the Alawite sect.¹²¹

This discourse of the HNC, which seems to regenerate the Damascus government's policies that are preferential to certain Syrian groups but not others, constituted the first irony with the planned vision; the second irony lay in the fact that the "vision" was welcomed by several European States.¹²² In this context, it is worth noting that the vision was not endorsed by all

¹²⁰ "مجلة صُور تحاور عضو هيئة التفاوض لقوى الثورة والمعارضة السورية أليس مفرج" [Suwar Magazine interviews SNC's member, Alice Mufarrej]. *Suwar Magazine*, February 20, 2019, accessed June 7, 2024. <https://www.suwar-magazine.org/articles/1749-%D9%85%D8%AC%D9%84%D8%A9-%D8%B5-%D9%88-%D8%B1-%D8%AA%D8%AD%D8%A7%D9%88%D8%B1-%D8%B9%D8%B6%D9%88-%D9%87%D9%8A%D8%A6%D8%A9-%D8%A7%D9%84%D8%AA%D9%81%D8%A7%D9%88%D8%B6-%D9%84%D9%82%D9%88%D9%89-%D8%A7%D9%84%D8%AB%D9%88%D8%B1%D8%A9-%D9%88%D8%A7%D9%84%D9%85%D8%B9%D8%A7%D8%B1%D8%B6%D8%A9-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-%D8%A3%D9%84%D9%8A%D8%B3-%D9%85%D9%81%D8%B1%D8%AC>

¹²¹ "Inclusivity framework vital to achieving transitional justice in Syria". *Syrian Justice and Accountability Center*, September 20, 2016, accessed June 7, 2024. <https://syriaaccountability.org/inclusivity-framework-vital-to-achieving-transitional-justice-in-syria/>.

¹²² "رؤية المعارضة لمستقبل سوريا تلقى ترحيباً في بريطانيا" [Opposition's Vision of Syria's Future Welcomed by UK]. *Deutsche Welle*, September 9, 2016, accessed June 7, 2024.

the opposition groups, for several protested its propositions, and was never fully established as an operational framework for the political process, according to one SNC member,¹²³ even though it became an alarming foundation for the image of the Syrian State demanded by the greater opposition.

The ongoing constitutional process suffers multiple massive dysfunctions, which are destined to jeopardize its legitimacy should any draft of the Constitution be adopted, even if it becomes subject to a referendum. This is especially true when considering “the constitutional drafting process itself as a key source of legitimacy in the constitutional process,”¹²⁴ which has to build off several core principles such as transparency, inclusivity, promotion of the spirit of consensus, and national ownership.

When examined in the light of these principles, it becomes evident that the current constitutional process is lacking in the elements of (1) *transparency*; for instance, several SCC members admitted to lacking knowledge of their and other members’ selection manner; (2) *inclusivity*, for multiple Syrian political and ethnic groups, including Kurds, were excluded from the process; (3) *consensus*, for according to the UN Special Envoy to Syria, Geir Pedersen, “The blockage of the Constitutional Committee for a year-and-a-half – largely over what should be a secondary issue, the venue – has sent the wrong signal and been a setback”;¹²⁵ (4) *national ownership*, Russia, Iran, and Türkiye have played a prominent role in the selection of the SCC’s members, denying Syrians accesses to decision-making with regard to their representatives.

While inclusivity and diversity remain at the heart of the identity and the role of religion in the State’s formation throughout the constitutional drafting process, several other aspects stand out as no less important and that several researchers argue are tightly connected to the State’s image and the State-religion relationship, as well as the issues of basic rights and freedoms. Such aspects include women’s authentic and effective participation, the structure and form of the political system, and decentralization.¹²⁶

Therefore, the SCC and the UN’s demand for gender diversity, considered by some as “superficial advocacy”, were both heavily criticized since only 13 of the 45-member drafting

<https://www.dw.com/ar/%D8%B1%D8%A4%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%B9%D8%A7%D8%B1%D8%B6%D8%A9-%D9%84%D9%85%D8%B3%D8%AA%D9%82%D8%A8%D9%84-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%AA%D9%84%D9%82%D9%89-%D8%AA%D8%B1%D8%AD%D9%8A%D8%A8%D8%A7-%D9%81%D9%8A-%D8%A8%D8%B1%D9%8A%D8%B7%D8%A7%D9%86%D9%8A%D8%A7/a-19532875>.

¹²³ Member of the Syrian Negotiations Commission (SNC) in the Constitutional Committee (CC), in an online discussion with the author, December 23, 2023.

¹²⁴ Ghabbian, Najib. “The Constitutional Question in Syria: A Political Approach”. *Omran Strategic Studies*, December 10, 2019, accessed June 7, 2024. <https://omranstudies.org/index.php/publications/papers/the-constitutional-question-in-syria-a-political-approach.html>.

¹²⁵ United Nations Special Envoy for Syria Geir O. Pedersen Briefing to the Security Council. *ReliefWeb*, December 21, 2023, accessed June 7, 2024. <https://reliefweb.int/report/syrian-arab-republic/united-nations-special-envoy-syria-geir-o-pedersen-briefing-security-council-21-december-2023>.

¹²⁶ Ghabbian, Najib. “The Constitutional Question in Syria: A Political Approach”. *Omran Strategic Studies*, December 10, 2019, accessed June 7, 2024. <https://omranstudies.org/index.php/publications/papers/the-constitutional-question-in-syria-a-political-approach.html>.

committee were women: two within the opposition's delegation, four within the Damascus government's delegation, and seven within the civil society delegation.¹²⁷

5. Conclusions and Recommendations

Since Syria's declaration as a country decades ago, successive political regimes have failed to respond positively to the diversity of its constituents and to build a state based on a spirit of partnership and acceptance. Instead, they have adopted repressive and security-based solutions, which have been the primary aspect of how they dealt with the aspirations of the Syrian people in general, as well as Syrian Kurds and other groups in particular.

Therefore, the cycle of exclusion and violence continued with full force even after the peaceful protests that called for change in Syria in 2011. Conversely, severe repression met the peaceful movement, which transformed into a bloody conflict and then a proxy war. Over the first months of the uprising, hundreds of unarmed protestors were killed; thousands of others were held captive at secret and public detention centers. After the uprising spiraled out into war, violations beset every part of the country, and all actors in the conflict became involved in gross human rights abuses. Considering the current Syrian political landscape and the multiple facets of it that have been discussed above, this research paper offers several recommendations, albeit with a lot of room for improvement, that carry potential remedies:

5.1. Pertaining to the Syrian identity, diversity, and recognition

- Efforts should be made to construct and consolidate an inclusive Syrian identity to establish Syria as a country renowned for its diversity, richness, and unique components. Pressure also should be exerted to trigger a shift towards Syria, where the constitution is the primary guardian of individuals' rights to equal citizenship and groups' rights to equality within and before the laws.
- The universality of human rights should be recognized; the imposition of "homogenous ways of being" and fixed identities on all Syrians should be resisted; the idea of forced integration practiced on several different linguistic, ethnic, and cultural populations should be rejected; and all marginalized communities should be empowered to live in Syria on an equal footing as individuals and groups with the rest of Syrians.
- The root causes of inequality and exclusion in Syria should be addressed through a set of steps, including abolishing all laws, documents, and official slogans that glorify a particular Syrian component at the expense of others; and starting equality and non-discrimination-based educational programs aimed at students at schools and universities and other Syrian audiences through the different forms of media that advocate for inclusivity in Syria.

5.2. Pertaining to the ongoing political and constitutional processes in Syria

Due to the imbalance in the current Constitutional Committee and the political process, particularly concerning the Kurds' representation, there is apprehension that the upcoming constitution may not acknowledge the Kurds as a crucial part of the Syrian population or their

¹²⁷ O'keefe, Abby. "A Patriarchal Peace in Syria". *Carnegie Endowment for International Peace*, November 6, 2020, accessed June 7, 2024. <https://carnegieendowment.org/sada/83158>.

entitlement to equal citizenship. This could potentially lead to the creation of laws that fail to safeguard the Kurds' rights, given that the constitution outlines the procedures for enacting a country's fundamental laws.¹²⁸ Therefore, the United Nations, through its Secretary-General, António Guterres, and the Office of the Special Envoy for Syria, Geir Pedersen, have a genuine opportunity to rectify this historical injustice. To achieve this:

- The Constitutional Committee should be immediately restructured and expanded to be diverse and inclusive of all Syrians. Syrian diversity, as one of the committee members described it, “is not a mosaic to be mounted on the wall and admired, but something which must be defended and supported by law.”¹²⁹
- The scope of the Syrian political process should be effectively expanded to offer room for additional political and civil groups, including civil society in its border sense, and listen to their voices as actors, not only observers from the sidelines.

5.3. Pertaining to the future constitution

The core importance of the Syrian constitution to be drafted (after expanding and restoring the current constitutional committee) extends beyond the common basic functions, such as being “a social contract that limits the use of power by the government to benefit the citizen in exchange for his or her allegiance and support” and establishing the general framework of the state's institutions.¹³⁰ Rather, the constitution must be a bridge to strengthen good governance in future Syria, to reinforce the principle of separation of powers, independence of the judiciary, and the rule of law, and to deal with modern issues facing Syrians such as poverty, the stifling financial crisis, environmental degradation, and the sharp decline in safe and potable water based on participation and democracy. Therefore,

- There should be guarantees that the future constitution presents a tool for a transformative transition capable of breaking away from the past marked with injustice. This can be realized by incorporating the provisions of international covenants and instruments, most notably international humanitarian law and international human rights law, into the constitution.
- Pressure should be exercised to deeply instill human rights into the national constitutional and legal frameworks to be applicable even at the level of the smallest local circles, and to make them superior to national laws and binding to courts as they preside over cases brought before them. Additionally, human rights violations against all Syrians, individuals, and groups should be repudiated while also building the capacities of the local staff to apply human-rights-related principles, detect discrimination, and combat it.

¹²⁸ Al-Sha'al, Aref. “القوانين الأساسية المكتملة للدستور” [Basic laws complementary to the Constitution]. *Harmoon Center for Contemporary Studies*, December 22, 2021, accessed June 7, 2024. [القوانين الأساسية المكتملة للدستور - مركز](https://harmoon.org/) (harmoon.org)

¹²⁹ Several Syrian organisations had insisted on restructuring the Syrian Constitution Committee and rectifying the injustices committed against various Syrian components, particularly the Kurds. For additional information, see:

“Syria's Diversity Must be Defended and Supported by Law”. *Syrians for Truth and Justice*, August 18, 2021, accessed June 7, 2024. <https://stj-sy.org/en/syrias-diversity-must-be-defended-and-supported-by-law/>

¹³⁰ Uteem, Cassam. *Forward to A Practical Guide to Constitution Building: An Introduction*, by Winluck Wahiu, III. Stockholm: Bulls Graphics, 2011.

5.4. Pertaining to international intervention in Syrian affairs

- A distinction must be drawn between necessary independent external support on the one hand and the external interventions that control the Syrians' political and civilian decision-making processes on the other hand. Additionally, there must be an extensive focus on "genuine national ownership" and halting and preventing negative interferences that undermine the Syrian perspective in favour of those of the intervening state, one manifestation of which is the current SCC.

5.5. Pertaining to the transformative political process, which shall prevent a return to the situation before and during 2011

- The future Syrian constitution must become a tool to manage and even resolve the conflict if exclusions underway in the ongoing political negotiations and current SCC are addressed. It then must become a tool for adopting an inclusive transitional justice approach capable of facilitating reconciliation and remedying the injustices committed throughout the conflict and even before, as well as preventing polarisation and repetition of conflict.¹³¹

5.6. Pertaining to the future political regime

- A decentralized political system must be adopted. This is because centralized regimes, even if democratic, inherently undermine and sometimes cancel the identities of some of society's groups. Centralized regimes can be democratic when the national identity is homogenous. However, the world comprises of countries where homogeneity is the exception, not the rule.

5.7. Pertaining to existing political exclusion

- The Syrian civil society must address mistakes that stemmed from its tolerance of an exclusionary constitutional process and political negotiations that banished it from their scope, even before they neglected the inclusion of other political parties. Notably, in a highly divisive political, military, and geographical environment, there is no escape from the need to integrate inclusivity into all stages of the political solution.¹³² In parallel, the independence of the Syrian civil society must be consolidated since the military and

¹³¹ Ladley, Andrew. "Constitution-building after conflict: External support to a sovereign process." *International Idea*, July 1, 2011, accessed June 7, 2024. <https://www.idea.int/publications/catalogue/constitution-building-after-conflict-external-support-sovereign-process>

¹³² "بيدرسن: السوريون منقسمون بشدة حول مستقبلهم... ولا تقدم في العملية السياسية" [Pedersen: Syrians are deeply divided over their future... and there is no progress in the political process]. *Asharq Al-Awsat*, January 25, 2023, accessed June 7, 2024. https://aawsat.com/home/article/4119546/%D8%A8%D9%8A%D8%AF%D8%B1%D8%B3%D9%86-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D9%88%D9%86-%D9%85%D9%86%D9%82%D8%B3%D9%85%D9%88%D9%86-%D8%A8%D8%B4%D8%AF%D8%A9-%D8%AD%D9%88%D9%84-%D9%85%D8%B3%D8%AA%D9%82%D8%A8%D9%84%D9%87%D9%85-%D9%88%D9%84%D8%A7-%D8%AA%D9%82%D8%AF%D9%85-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D9%85%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D8%B3%D9%8A%D8%A7%D8%B3%D9%8A%D8%A9?_gl=1*1ocf2ut*_gcl_au*MzA5MDM5NDg0LjE3MDMxMDQxNjI

political sides of the opposition were effectively co-opted by regional and international actors due to their steady reliance on these actors' funding.¹³³

5.8. Pertaining to sustained development

- The Syrian civil society, as one of its roles, must seek to effectively contribute to sustained development, national independence, and the drafting of a consensual social contract that guarantees the rights and freedoms of citizens, as well as make them partners in the management of public affairs.¹³⁴

¹³³ Al Achi, Assad. "How Syrian Civil Society Lost Its Independence in a War of Conflicting Agendas," in *Contentious Politics in the Syrian Conflict: Opposition, Representation, and Resistance*, ed. Yahya, Maha, 13-18. *Carnegie Endowment for International Peace*, 2020, accessed June 7, 2024. [Contentious Politics in the Syrian Conflict: Opposition, Representation, and Resistance - Carnegie Endowment for International Peace](#)

¹³⁴ Hamzawy, Amr. "في شرح أهمية المجتمع المدني في بلادنا" [Explaining the importance of civil society in our countries]. *Malcolm-Kerr Carnegie Middle East Center*, March 14, 2017, accessed June 7, 2024. <https://carnegieendowment.org/posts/2017/03/fy-shrh-ahmyh-almjtma-almdney-fy-bladna?lang=ar¢er=middle-east>



ABOUT STJ

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization.

STJ's beginnings were more than humble; initially, it only reported stories of Syrians who experienced arbitrary arrest, enforced disappearance, or torture. Planted in fertile soil, the seed of this project grew into an established human rights organization licensed in the Middle East and the European Union. STJ today undertakes to detect and uncover violations of all types committed in all Syrian parts by the various parties to the conflict.

Convinced that Syria's diversity is a wealth, our researchers and volunteers serve with unflinching dedication to monitor, expose, and document human rights violations that continue unabated in Syria since 2011, regardless of the affiliation of the victims or perpetrators.