



المركز العربي للأبحاث ودراسة السياسات
Arab Center for Research & Policy Studies

Unit for Political Studies

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The Constitutional Declaration and Challenges of the Syrian Transition



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Unit for Political Studies

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Introduction

The Constitutional Declaration ratified on 13 March 2025 represents a significant development in the political transition in Syria. Coming after the overthrow of the regime of Bashar al-Assad, it marks a new phase in the country's modern history. The collapse of the old constitutional order made apparent the urgent need for an interim constitutional text that would reflect the profound political shift that had taken place, establish a framework to regulate the relationship between government authorities, guarantee public rights and freedoms, chart a roadmap for stability, and lay the groundwork for the drafting of a permanent constitution that embodies the aspirations of the Syrian people.

The declaration functions as the supreme legal authority governing the transitional phase, making a clean break with the dictatorship and old political system. Despite its importance, however, the text raises legal and political issues that require critical review to ensure it meets the requirements of the transitional phase, avoids the risk of reproducing tyranny in new forms, and respects constitutional principles and norms.

This paper analyses the structure of the declaration and evaluates its contents, taking into account the political context of the drafting process and comparative constitutional principles. The aim is to offer practical, actionable recommendations that support the democratic transition and enhance its chances of success. The ratification of this declaration is a step in the right direction, but it does not obviate the need to address its shortcomings in the coming phase. This requires a balanced approach and an objective reading that reinforces the positive aspects of the text while working to correct flaws and shortcomings in a manner that serves the interests of all Syrians, thus laying a sound foundation for the modern Syrian state.

I. Context of the Ratification of the Constitutional Declaration

The Constitutional Declaration was issued in the exceptional political context that followed the fall of the Assad regime, the collapse of its security and military apparatus, and the assumption of power in Damascus by the Military Operations Command, led by Hayat Tahrir al-Sham. Its chief purpose was to prevent a constitutional vacuum, ensure the continuity of state institutions, and establish an interim legal framework that would consolidate the fall of the regime in legal and constitutional terms. There was also a need to regulate governance and forestall a slide into chaos, prepare the groundwork for the formation of a representative transitional government and free and fair elections, and lay the foundations for the drafting a permanent constitution in a participatory process. Additionally, a declaration was necessary to provide for appropriate constitutional guarantees that safeguard public rights and fundamental freedoms and to institute certain controls, particularly regulations typically associated with transitional phases following wars and humanitarian crises, to prevent the recurrence of violations seen in the previous era or the emergence of new forms of corruption, tyranny, or abuse. The declaration thus constitutes a governing tool for the transitional phase that transcends its procedural nature to establish a new political legitimacy based on national consensus and balanced constitutional principles. A committee of legal experts was assigned to draft the interim Constitutional Declaration, which was adopted on 13 March 2025.



1. Ramifications of the Constitutional Vacuum

A constitutional text should have been issued immediately after the collapse of the regime, to mark a break with it and inaugurate the transition. One of the constitutional documents drafted since the beginning of the revolution in 2012 could have been adopted to fill the legal vacuum and to regulate relations between the transitional authorities. The new authorities in Syria, however, have persistently refused to draw on the revolution's political legacy, its literature, and the political forces that participated in it.

The lack of such a declaration for more than three months led to a state of political confusion, exacerbated by worsening security challenges and conflicting frames of references within the fledgling power structure. Broad prerogatives were vested in ad-hoc institutions like the Military Operations Command, whose functions, chain of command, and internal decision-making processes were not clearly delineated by a constitution or other frame of reference, which spurred debates over their legitimacy. Core questions were raised about the limits on the powers of the new head of the administration, Ahmed al-Sharaa, and the legitimacy of appointments made and decrees issued absent an explicit constitutional basis, though some of these decisions could have had irremediable legislative consequences. The delay of the declaration was thus not merely a procedural snag, but reflected a structural impasse, blocking the regulation of the transitional phase and the elaboration of the rules for exercising power. In turn, this undermined the new political system's ability to consolidate its legitimacy and build its institutions on firm constitutional foundations.

2. Formation of the Committee to Draft the Declaration

To understand the work of the committee that drafted the declaration, which was formed by decree of Interim President Ahmed al-Sharaa on 2 March 2025, and the document it produced, we must understand the immediate context in which the declaration was formulated.

Three core issues shaped the framework governing the operation of the committee and the limits of its powers. Firstly, the committee was formed by direct order of the president, not pursuant to a broad consultative process or a popular mandate. It was thus a purely technical drafting committee rather than a founding body with a mandate, popular support, or electoral legitimacy. Its mandate was defined by the presidential decree as "writing the draft constitutional declaration regulating the transitional phase"; it lacked any power to determine general principles or outline policy options, which appear to have been predetermined. Although the actions of the committee exceeded the bounds of its authorized mandate – some of its members engaged in political discussions that went beyond technical matters to a debate on substantive content and orientation – these consultations did not entail broader political participation or even a reliance on a larger number of experts. Moreover, members' exchange of views with some figures outside the committee was indicative of an unchecked overlap between drafting tasks, advisory functions, and political powers. Secondly, the committee's sole mandate – according to statements by some of its members – was to present a non-binding draft to the interim president, who retained full authority to adopt, amend, or reject the text. Hence, the committee was not granted decision-making or executive powers. Thirdly, the committee itself neglected to formulate internal voting or decision-making mechanisms to reach a final text. In its deliberations, it relied on the principle of non-binding consensus while resolving to present multiple options to the presidency to choose from in the event of disagreement among committee members. It



was thus more of an advisory body producing consensus formulations or general alternatives, rather than a decision-making body engaged in a process of constitutional founding.

The formation of the committee met with multiple criticisms, largely revolving around the fact that it was limited to seven legal experts with no representation from political, economic, or social experts. It was thus ill-equipped to approach the Constitutional Declaration from a comprehensive perspective that transcended its narrow legal dimension. It also failed to call on the assistance of a wider circle of Syrian legal and constitutional experts, including those with significant expertise, or to draw on documents produced by revolutionary and opposition forces.

Based on the committee's proposals, Interim President Ahmed al-Sharaa approved the Constitutional Declaration on 13 March 2025 and promulgated it in a special ceremony to serve as the interim constitutional framework governing the transitional period (pursuant to Article 52 of the declaration, which provides for a five-year transition starting from the date the declaration enters into force, which is to culminate in the adoption of a permanent constitution and the organization of elections in accordance with it).

II. The Substance of the Constitutional Declaration

The Constitutional Declaration contains a set of fundamental principles that define the political identity of the state and regulate the transitional phase at the constitutional and institutional levels. It stipulates the form of the transitional government and defines its prerogatives and the mechanism for the distribution of powers among state authorities. It upholds a set of public rights and freedoms, most notably freedom of expression, the right to assembly, and the rights of women and minorities. The declaration also outlines some features of the transitional roadmap, which is to end with the adoption of a permanent constitution through a participatory process and the holding of general elections in accordance with it. It further contains provisions related to accountability for crimes and violations committed under the former regime, including corruption and gross human rights violations, with the aim of enshrining transitional justice and preventing impunity.

1. Preamble to the Declaration

The preamble presents the Constitutional Declaration as the product of a great popular revolution, deriving its legitimacy from the sacrifices and steadfastness of Syrians and inaugurating a new era based on justice, dignity, and citizenship. The preamble emphasizes the existence of a participatory national frame of reference, represented by the National Dialogue Conference and its outcomes, while drawing inspiration from the spirit of previous Syrian constitutions, particularly the 1950 document. It sets forth four main pillars for the transitional phase: the unity and integrity of Syria, the realization of transitional justice, the construction of a citizenship-based state and the rule of law, and the organization of the country's affairs in accordance with the principles of good governance. The preamble thus positions the declaration as a transitional document with general revolutionary legitimacy (rather than narrow military legitimacy, as was the case with the Victory Conference) and an object of national consensus, functioning as a historical-axiological introduction that reflects the nature of the founding moment and frames the constitutional provisions to follow. The aspirations of the preamble, however, are not matched by the substance of the declaration, which does not reflect the values of national consensus.



The preamble can be faulted as trite, overly long, and teeming with out-of-place literary flourishes. It also refers to the Victory Conference, which was attended exclusively by leaders of the military factions that participated in Operation Deterrence of Aggression. Overall, the preamble is a piece of political rhetoric devoid of legal substance that can be translated into mechanisms or instruments, thus leaving much room for interpretation.

2. General Provisions

This chapter of the declaration contains provisions not found in previous Syrian constitutions, most notably: a state commitment to achieving coexistence and social stability, preserving civic peace, and preventing sedition, division, and incitement to violence; a recognition of the cultural diversity of Syrian society; and a guarantee of the cultural and linguistic rights of all citizens. It affirms that the state will endeavour to rebuild and secure the return of displaced persons, while expressing the state commitment to combat violent extremism and affirming the army's compliance with the principles of the rule of law and respect for human rights.

But the chapter is not without problems, most notably Article 3/1, which states that “Islamic jurisprudence is the principal source of legislation”. The wording of the article, particularly the use of the definite article (*the* principal source), is of concern to some Syrians given the ideological background of the dominant forces on the current landscape. These fears are compounded by the lack of inclusive language and the use of terms that may be interpreted as exclusionary or ambiguous, especially in a transitional context that requires assurances to all segments of society. Although a similar provision was found in the constitutions of 1950, 1973, and 2012 – the 2012 constitution, for example, referred to Islamic jurisprudence as “a principal source” – it had little legislative impact and the authorities did not adhere to it in practice.

Another concern stems from the new political context – namely, that this provision could be used to justify the imposition of draconian legislation, which would undermine civic life and limit individual rights, especially given the lack of a balance of powers, particularly the judiciary and specifically an independent Supreme Constitutional Court. A more balanced formulation would be more appropriate here. For example, making the principles of Sharia “a primary source of legislation” would respect the religious frame of reference among a segment of Syrians while avoiding infringing on inclusive civic principles.

Another flaw in the article is found in its first part, which states, “The religion of the president of the republic is Islam.” Since the religion of the president has been repeatedly stipulated in previous constitutions, this issue could have been left to the next constitution. Moreover, providing for this single condition exclusive of all others – e.g., holding Syrian citizenship for a certain period of time, having two Syrian parents, being a certain age – makes it constitutionally permissible for a foreign fighter to assume the presidency.

Article 7/1 – “The state is committed to preserving the unity of Syrian territory and criminalizes calls for partition and secession and requests for foreign intervention or external support” – poses a danger in that potentially criminal acts are contained in the chapter on general provisions, which are open to considerable interpretation. In addition, Article 49 criminalizes “the glorification of the Assad regime and its symbols”, and considers “denying, praising, justifying, or minimizing its crimes” punishable by law. It is feared that these provisions will be used to curtail rights and freedoms, especially since



they are presented in general terms that could serve as a basis for criminalizing political opinion or dissident thought.

Article 7/3 guarantees the cultural diversity of Syrian society in all its components, and the cultural and linguistic rights of all Syrians. This provision, particularly the guarantee of cultural and linguistic rights, represents unequivocal progress, but it is insufficient and lacks any implementing mechanism.

There is no excuse for the absence of the word “democracy” in Article 1, as all Syrian constitutions have used the term in various contexts. It is no compensation that some provisions in the declaration provide for elections. That does not obviate the need to entrench this frequently used term as a principle, and, in any case, the provision for elections is itself ambiguously worded. In addition, it must be emphasized that sovereignty rests with the people – another provision that has been neglected. Failing to positively affirm these two principles sends a negative message to Syrian society, which has struggled to reclaim popular sovereignty and build a state on truly democratic foundations. It would have been more appropriate to affirm the neutrality of the armed forces, police, security services, and even the public administration.

The chapter on general provisions lacks any definition of the nature of the country’s administrative system. It fails to mention the form of local administration, the mechanism for electing local councils, or their relationship with the central authority. This highlights the issue of the centralization of power in the post-authoritarian era, a phase when administrative decentralization should be strengthened. It also raises the question of why there is no reference to local administration: is it indicative of the current administration’s rejection of this approach, or is it an oversight on the part of the drafting committee? The declaration moreover does not set a deadline for the enactment of a law to regulate presidential, legislative, and local elections, which could allow for the extension of the transitional period and the postponement of democratic polls on the pretext that the groundwork is not sufficiently readied.

3. Rights and Freedoms

Chapter Two of the declaration (Articles 12–23) is given over to civil and political rights and includes provisions that are unprecedented in the Syrian constitutional context. Most notably, Article 12 considers all rights and freedoms set forth in international human rights treaties and conventions ratified by Syria to be an integral part of the declaration, in theory entailing the incorporation of these conventions into the Syrian legal system as a binding reference. On the other hand, the declaration provides for no enforcement mechanism and contains no reference to the judiciary’s role in animating these rights and freedoms within the interim constitutional and legal system. Despite the seeming step forward in affirming the state’s commitment to international human rights conventions, the complex legislative reality precludes actual or automatic implementation. Furthermore, Syria ratified these conventions with reservations, which necessitates a review to determine their compatibility with the principles of Islamic law, as set forth in other articles of the declaration. The arduous legislative effort this will require makes the immediate implementation of the text unlikely.

Some articles in this chapter raise fundamental problems. Article 14/1, for example, states that “the state shall safeguard the right to political participation and the formation of parties on national foundations, in accordance with a new law”. In other words, the exercise of this right is on hold pending a new law, absent any binding deadline set for its issuance. This could hamper the political transition and disrupt political life. Nor does the declaration elaborate on or define “national foundations” as



a standard for permissible parties, though it will be binding on the law that will ostensibly license political parties to engage in politics. Article 14/2 states, “The state shall guarantee the work of associations and unions”, adding no affirmation of their independence and the freedom to form them or any reference to their role in developing society and defending the rights of their members, all of which were affirmed in clearer terms in the 2012 constitution.

Importantly, the text contains no explicit provision for the right of peaceful assembly, despite its inclusion in the previous constitution (Article 44 on the right to assemble and demonstrate peacefully). Peaceful assembly is a paramount right that is central to the defence of other rights, especially during a transitional phase when social forces need peaceful, legitimate tools of expression and pressure to serve as an outlet and a check on the authorities’ behaviour.

Article 21 – “the state shall preserve the social status of women and guarantee their right to work and education” – raises additional questions, asserting that the state “preserves the social status of women and guarantees their right to work and education”. Paradoxically, in the current Syrian context, women’s “social status” may function as a tool of social control, used to confine women to traditional roles. In the absence of any provision for equal rights, the preservation of women’s social status may thus be an affirmation of their inferior status. The next paragraph of the same article states that “the state shall guarantee and protect the social, economic, and political rights of women”. While the first paragraph is limited to the right to education and work, the second is more general, but it is not clear if this generalization is bound or limited by the previous clause, causing confusion about priorities and opening the door to conflicting interpretations. And even the second clause does not make clear whether the rights guaranteed to women are equal to those of other citizens.

The chapter concludes with a provision that limits all the rights and freedoms it previously elaborated. According to Article 23, the exercise of these rights “may be subject to controls that constitute necessary measures for national security, territorial integrity, public safety, or the protection of public order”. The lack of precise definitions of these broad terms gives the executive or judicial authorities ample scope to restrict rights and liberties, particularly in light of the general provisions contained in Article 7/1, putting rights and liberties up to interpretation rather than protecting them. Insofar as Article 23 allows the legislative and executive authorities to strip all the aforementioned rights, freedoms, and international conventions of any substance, it should be omitted. This is particularly important given the following facts:

- The inadequacy of the mechanism for the formation of the legislature and the executive authority’s control over its formation, which results in its control of the legislative function.
- The inadequacy of the mechanism for the formation of the judicial authority, particularly the Supreme Judicial Council and the Supreme Constitutional Court; again, the executive authority controls its formation, giving it control over the judicial function.
- The ability of the head of the executive authority to declare a state of emergency or exceptional circumstances pursuant to Article 41 of the declaration.

4. The Political System

Articles 24–47 address the nature of the interim system and define the forms of the three branches of government and the relationship between them. Although Article 2 affirms the separation of powers, subsequent details do not reflect this principle in a balanced way. Rather, they seem to consolidate



the dominance of the executive branch, represented by the presidency. The powers of the interim president, as defined by the declaration, exceed those granted to the president in previous Syrian constitutions, though on its face it appears to partially limit these prerogatives. While the declaration denies the president the power to dissolve parliament and assume legislative powers, the president is effectively granted the power to appoint members of the People's Assembly, which infringes the very core of popular representation. Moreover, legislative terms are shorter than presidential terms, meaning that the president has freer rein to control the structure of the legislature. This imbalance can be grasped only through a holistic reading of the declaration's text: it is not enough to simply compare individual prerogatives; the political context and the value system that ostensibly guide the transition must be considered as a whole. When the declaration is subjected to this type of reading, a true balance of powers is found to be absent. The lack of guarantees to prevent executive capture or the reproduction of authoritarian tendencies under cover of the transition is evident.

In interviews, members of the drafting committee frequently asserted that the political system adopted in the declaration was derived from the American presidential system. Less frequently noted is that the US presidential system relies on the separation of powers and a system of checks and balances between the executive branch (the president) and the legislative branch (Congress) to prevent either party from dominating the other.

The Constitutional Declaration did not effectively adapt the separation of powers, but rather maintained the centrality of the executive, which contradicts the essence of the democratic transition, especially given the long transitional period and the requirements of constitutional legitimacy. This period should see the redistribution of power on a participatory basis and curtail presidential dominance through an effective, independent regulatory and legislative system.

a. The executive authority

Article 31 of the declaration states that "the president of the republic and ministers exercise executive authority within the limits set forth in this declaration". This suggests the principle of shared responsibilities within the executive branch, but the effective implementation of the remaining articles would demonstrate that presidential powers clearly encroach on and upset this ostensible balance, rendering the principle merely cosmetic.

1. Powers of the president

a. Presidential legislative powers

The declaration gives the president broad powers that enable him to directly influence the legislative branch, in contradiction of the separation of powers, most notably:

1. The People's Assembly is formed by a high committee appointed by the president, who also directly appoints one-third of the assembly's members (Article 24), absent any specific criteria for the selection of the committee, conditions for membership in the assembly, or the delineation of criteria or mechanisms for forming electoral sub-committees, which, according to the text, are responsible for electing two-thirds of the assembly's members.



2. Members of the People's Assembly take the oath of office before the president (Article 27), reinforcing their symbolic and political subordination to him. This is unprecedented in any political system.
3. The president has the power to propose laws (Article 39/1) and veto them (Article 39/2), giving him influence over the legislative process at both its beginning and end.

b. Presidential executive powers

According to the text of the Constitutional Declaration, the president assumes central executive responsibilities, effectively making him the sole axis of executive authority. His responsibilities include:

1. Commanding the armed forces (Article 32), administering affairs of state, and guaranteeing the country's unity and territorial integrity.
2. Appointing the vice-president(s) and defining their powers (Article 34) and appointing and dismissing ministers (Article 35).
3. Issuing executive and regulatory orders and regulations (Article 36), which gives the president scope to regulate (in effect, legislate), in the absence of any defined areas that can only be regulated by law.
4. Representing the state abroad and signing treaties (Article 37) and appointing and dismissing the heads of diplomatic missions.
5. Granting special pardons and restitution (Article 40).
6. Declaring war and public mobilization with the approval of the National Security Council (Article 41/1). It should be noted that the current council was appointed by presidential decree prior to the promulgation of the Constitutional Declaration; the declaration is silent on how the council is to be appointed.
7. Declaring a state of emergency, bound only by formal conditions, such as consulting the speaker of the People's Assembly and the chief justice of the Supreme Constitutional Court (Article 41/2), absent any guarantee of the independence of the consulting bodies. Although the declaration places time and procedural limitations on the declaration of an emergency that are unknown in previous constitutions, the lack of genuine guarantees for the independence of institutions like the People's Assembly and the Supreme Constitutional Court renders these controls into near courtesies.

c. Presidential judicial powers

The president has the authority to appoint members of the Supreme Constitutional Court (Article 47/2), which gives him direct influence over the highest judicial authority, thus undermining the separation of powers, especially in the absence of any oversight body or mechanism to ensure balance in judicial appointments. This recalls Article 133 of the 2012 constitution, which made the president the chair of the Supreme Judicial Council. The declaration does not abolish the latter council, but it does not specify its membership or clarify the mechanism for its formation. (Compare with Article 133/1 of the 2012 constitution, which states, "The Supreme Judicial Council shall be headed by the president of the republic, and the law shall specify the method of its formation, its powers, and the rules of its operation.") Article 45 of the declaration provides for a dual judicial system, consisting of the ordinary judiciary and



the administrative judiciary, with the Supreme Judicial Council overseeing the ordinary and military judiciary. The administrative judiciary is thus outside the oversight of the Supreme Judicial Council.

2. Powers of ministers

Article 42 of the declaration gives the executive authority several functions, among them: the enforcement of laws, the implementation of public policies, the preparation of draft laws and general plans, the management of public resources, the building of state institutions, the strengthening of the rule of law, the development of the security establishment and the national army, and the development of international relations and external cooperation. Although these duties are delegated to the president and the ministries (the executive branch), the declaration affirms that they are to be carried out under the supervision and direction of the president, which weakens the independence of the executive branch and effectively subordinates it to the president.

Executive authority in the declaration is thus quasi-presidential in form, but wholly presidential in substance and practice, as we noted above when comparing it to the US system. The president retains place of primacy within the executive authority, while the role of ministers as a collective executive institution is marginalized. Ministers do not exercise their prerogatives with institutional independence (there is no Cabinet), but rather pursuant to a tacit mandate from the president, absent any internal oversight or accountability mechanisms to ensure balance or prevent the monopolization of power. Accordingly, the “balance” of executive power is heavily tilted towards the president, thereby undermining the principle of shared responsibility within the executive branch and weakening the potential for the emergence of an effective government authority that acts with relative independence from the will of the president.

In short, the Constitutional Declaration establishes a strict presidential system that gives the president near-absolute powers in the fields of legislation, executive function, the judiciary, and foreign relations. In the absence of institutional guarantees for accountability and balance, this model reproduces the logic of unilateral authority, albeit in transitional constitutional form, raising legitimate concerns that the constitutional declaration could enable a slide into disguised authoritarianism during the transition instead of laying out a genuine, pluralistic democratic path.

b. The People’s Assembly

Article 24 gives the president considerable latitude in the formation of the People’s Assembly. He forms the higher committee that supervises the electoral sub-committees that select two-thirds of the assembly’s members and directly appoints the remaining one-third of members to ensure “fair representation and efficiency”. The formation of the assembly through direct or indirect appointments impinges on its representative legitimacy and subordinates it to presidential influence from the outset. Since the president selects one-third of members and appoints those who select the remaining two-thirds, the legislature will be dependent on the head of the executive authority.

Moreover, the status of the electoral sub-committees is ambiguous: neither their role, nor their operating mechanism or conditions for membership are spelled out, which makes the principle of the separation of powers set forth in Article 2 meaningless, both organically and functionally. The claim that the head of the executive authority does not possess legislative power (the natural state of affairs) is inaccurate because the person with the power to appoint the legislature necessarily controls



those who exercise legislative power. The declaration does not specify the number of members of the assembly or conditions that must be met by members, all of which is left to the discretion of the appointing authority – i.e., the head of the executive branch.

1. Legislative competencies

Under Article 30, the People's Assembly enjoys the following powers: proposing and approving laws, amending or repealing existing laws, ratifying international treaties, approving the general budget, approving a general amnesty, adjudicating the resignation of its members or the lifting of immunity from them, and holding hearings for ministers. At first glance, these powers suggest an active legislative role but compare them to the powers of the president. Under Article 39, the president promulgates laws and has the power of veto, which can only be overridden by a two-thirds majority of the assembly. He can also propose laws, and the executive branch may even draft laws for the president to put to the assembly (Article 42/3). Without true independence, the role of the legislature is thus subordinate or merely formal.

2. Independence and oversight

The assembly has no effective oversight power over the president but can only hold hearings for ministers. The declaration contains no provisions regulating government accountability or a vote of no confidence. Absent the tools to hold the executive accountable or realign the balance of power, the legislature's oversight function is inadequate or superficial.

There are several examples of articles that provide for formal, but not substantive independence when read in the general context of the declaration. Article 25/1 states, "No member of the People's Assembly may be removed except with the approval of two-thirds of its members." With its grant of relative immunity, the provision suggests that assembly members enjoy relative independence, but it is silent on the protection of the assembly as a body, containing no guarantees against dissolution or suspension and offering no safeguards against direct presidential interference in its composition. Article 25/2 states, "Members of the People's Assembly shall enjoy parliamentary immunity." While this immunity may strengthen an individual member's freedom of expression and political position, it does not translate into actual independence for the assembly as a branch of government, especially given the president's right to appoint one-third of its members. Additionally, parliamentary immunity has different legal implications from one country or political system to another, and its scope and extent are not clearly defined in the text. Article 29 states that the assembly "shall prepare its internal rules of order within one month of its first session", suggesting that the body can organize its own operation, but the lack of guarantees against presidential interference in its internal order or legislative work weakens the effect of this provision.

Article 27 states that members of the People's Assembly shall take the oath of office before the president and spells out the oath itself: "I swear by Almighty God to perform my duties faithfully and sincerely." The difference between the oath taken by members of parliament and ministers, and the oath taken by the head of the executive authority (Article 33) is troubling. All constitutional authorities should take a uniform oath and, more importantly, the oath is a pledge to respect the constitution itself (the declaration), from which the body derives its authority. Notably, the presidential oath is referred to as the "constitutional oath", which the president takes before the People's Assembly. The president's constitutional term begins from the moment he completes the swearing-in ceremony.



3. Terms of office and legitimacy

According to the declaration, the People's Assembly assumes temporary legislative authority pending the adoption of a permanent constitution (Article 26). Its term is thirty months, renewable, though no mechanism is specified for renewal, which allows for an extension without elections. This means that the service of the assembly and its members is dependent on the president's satisfaction with their performance, as it seems likely that he will be the person to extend their terms.

In sum, the People's Assembly in theory enjoys a range of legislative powers, such as proposing and ratifying laws and approving treaties, the general budget, and general amnesties. In practice, however, its prerogatives are restricted by several factors, most notably: the composition of the assembly is subject to the will of the president, who appoints one-third of its members and oversees the selection process for the remaining two-thirds through a higher committee; the president retains the right to issue and veto laws, in addition to being the source of most draft laws; and the assembly lacks real oversight tools over the executive branch and possesses no power of accountability, undermining its oversight role. In this way, the People's Assembly performs a formal function that gives an institutional overlay to a political system in which power is effectively concentrated in the hands of the president, which erodes the separation of powers and limits the potential for popular representation.

c. The judicial authority

Article 43/1 of the declaration affirms the principle of judicial independence, stating that "judges are subject to no authority except the law". In itself, this is a step forward in constitutional discourse. The text, however, lacks detailed mechanisms to ensure this independence, whether in terms of appointing judges, holding them accountable, or securing the financial resources necessary for the judiciary to operate independently of executive influence.

The declaration provides for a Supreme Judicial Council, whose mission is to ensure the proper functioning of the judiciary and respect for its independence (Article 43/2). Technically speaking, the council is a necessary regulatory tool, but the declaration does not specify the composition of the council, the method for selecting its members, or the latitude given to the president or the minister of justice in its formation. This raises real concerns about its effectiveness and independence, particularly given the implications of Article 51, which keeps existing laws in force unless they are repealed or amended, implicitly including the existing judicial authority law.

Moreover, the absence of any provision explicitly prohibiting the trial of civilians before military courts or recognizing judicial immunity undermines confidence in the impartiality of the judicial system.

On the other hand, the declaration affirms the continuation of the dual judicial system in Syria (a regular and administrative judiciary) and prohibits the establishment of exceptional courts (Article 44). This restores the principle of an ordinary, civilian judiciary, as enshrined in the 1950 constitution. It also affirms that the State Council is an independent administrative judicial body (Article 45/3), though it does not detail institutional safeguards to protect judges on the council from interference.

In contrast, the declaration strips the Supreme Constitutional Court of any independence. Article 47 provides for the dissolution of the existing court and the establishment of a new court, its seven members to be appointed by the president, with no input from judicial bodies or the People's Assembly and absent any binding criteria for membership or transparent nomination mechanisms. The



definition of its jurisdiction is left to a subsequent law, which pointedly omits the court's crucial role in regulating the balance of powers. Under this arrangement, the court, rather than being a guarantor of the protection of the constitutional text and a check on executive authority, is subordinate to the presidency in its structure and function. Furthermore, the text abolishing the existing court is odd, since that court was already abolished with the repeal of the 2012 constitution. In contrast, the declaration does not mention, for example, the dissolution of the previous People's Assembly or other constitutional institutions.

In sum, the Constitutional Declaration does not provide for elements of judicial independence, neither in the judiciary's internal organization nor in the form of guarantees against executive interference. At the same time, it grants the president complete control over the Supreme Constitutional Court, infringing the principle of separation of powers. It is notable that there are no provisions restricting the president's powers or allowing him to be held accountable or removed if he exceeds his authority. This makes the president a central node for all branches of government, which is structurally incompatible with the principle of the balance and separation of powers affirmed by the declaration.

d. Final provisions

These provisions, contained in Articles 48–53, concern matters related to the regulation of the political transition, addressing transitional justice through a set of procedures, the amendment of the Constitutional Declaration, the fate of existing laws, and the duration of the transitional period. On the positive side, the chapter sets forth a process of transitional justice in two separate articles, which contain several specifics, including: the abolition of all exceptional laws and the legal effects of the Anti-Terrorism Court, the repeal of security measures related to civil and property documents, and the creation of a transitional justice commission grounded in effective consultative, victim-centred mechanisms to determine methods of accountability, the right to know the truth, and redress for victims, as well as the honouring of martyrs. The chapter also sets the duration of the transition at five years. Despite these positive aspects, linking the abolition of all exceptional laws and the effects of the Anti-Terrorism Court to transitional justice is unusual, and the wording of the provision is poor, as it provides for the state to pave the way for transitional justice through these procedures.

On the negative side, the chapter disregards the reality of the situation in Syria: the existence of numerous *de facto* authorities, the multiple ways they are integrated into the state, and the impact of administrative and judicial actions in the previous era. While the chapter provides for the repeal of all exceptional laws, it contains no mention of the formation of a committee to identify them or of the delegation of this task to the People's Assembly or the Supreme Constitutional Court, and it specifies no timeframe to accomplish the task. Additionally, it abolishes the effects of the rulings of the Anti-Terrorism Court exclusive of other exceptional courts, such as the Military Field Court, which was abolished during the Assad era though the effects of its judgments were not.

Despite the provision for the establishment of a transitional justice commission, the declaration does not detail how it will be formed, nor the role of society, particularly civil society, in the process, and no timeframe is set for its formation.

The Constitutional Declaration omits any mention of the principle of popular sovereignty, which is not merely a symbolic expression, but lies at the heart of political legitimacy, granting citizens the ability to impose their will through plebiscites and other democratic mechanisms. Notably, the declaration also



contains no mention of the word “democracy”. The omission raises numerous questions, particularly since Article 52 states that the declaration shall remain in force until a permanent constitution is adopted and elections are held in accordance with it. Yet, it does not specify the body that will approve the permanent constitution, nor the method of its approval, allowing for the imposition of a constitution without recourse to the popular will. The declaration should have clearly stated that the people are the source of authority and that the transitional period will lead to a pluralistic system based on the peaceful transfer of power.

VIII. Challenges Facing the Constitutional Declaration

The Syrian Constitutional Declaration faces several legal and political challenges that threaten its ability to play a consensual, organizing role in the transitional phase.

1. Political Legitimacy

The declaration is not an object of national consensus that would grant it sufficient political legitimacy amidst deep divisions and a growing sense among some political forces and groups that its formulation reflects the interests of a single political or ideological faction to the exclusion of others. This perception weakens acceptance of the declaration as an inclusive, national frame of reference.

2. Legal Challenges

The declaration faces the dual challenge of aligning with previous laws while ensuring compliance with international legal standards, particularly with regard to human rights and the rule of law – a challenge compounded by the outbreak of sectarian violence in the Syrian coastal region in March 2025 and in Druze-majority neighbourhoods on the outskirts of Damascus (Jaramana and Ashrafiyah Sahnaya) in April 2025. Precise, careful wording is thus imperative to ensure that past violations are not repeated and to establish genuine legal safeguards.

3. Lack of National Consensus

The National Dialogue Conference was merely a formal proceeding that did not host a genuine national dialogue aimed at achieving consensus on the foundations of shared life in the country and the principles of state administration. Amidst extreme polarization and lack of trust, active forces in Syria have still not reached a threshold consensus on the political process. This makes it less likely that the declaration can become an inclusive political contract or a solid constitutional basis governing the transitional phase, to say nothing of the fundamental disagreements over its content.

4. International Support

There remains an urgent need for effective international support, not only technical assistance, but also guarantees for a fair and transparent electoral process and the institutional protection of human rights and civil liberties during the transition. Without such support, the declaration could be subverted in a volatile political and security environment.



IX. Towards a Permanent Constitution

An examination of the problems contained in the Syrian Constitutional Declaration makes it clear that the document – though a foundational step – requires a critical review and fundamental reforms to pave the way for the transition to a permanent constitution. In the following section, this paper proposes amendments and additions to the declaration that would enhance its effectiveness and legitimacy and consolidate the principle of the rule of law and national consensus.

1. Clear Enforcement Mechanisms

Missing from the declaration are implementing provisions, which threatens to reduce it to a non-binding theoretical framework. It is essential to incorporate provisions obligating the relevant institutions to establish the necessary legal and executive mechanisms to enforce each provision within a specific timeframe.

2. Amendments to Specific Articles

a. Article 7 on preserving Syrian territorial integrity

The danger of the text as written is that acts criminalized in it are formulated in general terms that are open to much interpretation. The text criminalizes “calls for partition and secession and requests for foreign intervention or external support”, as well as “the glorification of the Assad regime and its symbols”, and considers “denying, praising, justifying, or minimizing its crimes” to be punishable by law. It is feared that these provisions will be used to restrict rights and freedoms, especially since they are stated in such broad terms as to allow the criminalization of any political opinion or dissident thought. Non-specific phrasing like this is common in the Syrian legal system and has been used for decades to suppress rights and persecute individuals.

The provision should instead explicitly provide for the protection of human rights, as follows, “The state is committed to preserving the unity of Syrian territory and criminalizing, in accordance with due process and as is consistent with the protection of various human rights, calls for partition and secession and requests for foreign intervention or external support.” The same is true of Article 49, which could be formulated as: “The state criminalizes, in accordance with due process and as is consistent with the protection of various human rights, the glorification of the former Assad regime and its symbols. Denying, praising, justifying, or minimizing its crimes are offenses punishable by law.” While the criminalization of praise and glorification is clear, the fact of disagreement over the occurrence of certain crimes, the persons responsible for them, and a consideration of the criminal practices of some armed factions during the revolution should not be considered a denial of the old regime’s crimes.

b. Article 9 on the army

To make a clean break with the bygone era, the text, much like the Turkish constitution, should explicitly provide for the neutrality of the armed forces, police, security services, and even the public administration, for example: “The armed forces, police, security services, and the public administration are neutral institutions in political life, subject in the exercise of their duties to constitutional authorities. The mission of the armed forces and the security services is defined as preserving the



sovereignty and independence of the country and defending its territorial integrity, and this shall be regulated by a basic law.”

Article 9 of the declaration – “The army is a professional national institution” – has been criticized for implicitly endorsing the abolition of compulsory military service. A decision on such an important issue exceeds the prerogatives of an interim authority lacking electoral legitimacy and should have been put to public, democratic, national debate before being formulated as a constitutional provision. There is a strong argument that compulsory military service is one of the most important mechanisms for nation-building, the integration of citizens, and the consolidation of citizenship as a concept.

This article is important in the transitional phase, especially after the dissolution of the army – which also drew widespread criticism – because it expresses the intention to build a national army by starting with factions with ideological affiliations. These are the same factions that currently control political life through the so-called political administration. This is in addition to the appointment of faction leaders and foreigners, who are not militarily qualified and who espouse certain ideological leanings, in top army positions.

c. Article 12 on international treaties

This article must define a mechanism for incorporation and enforcement that ensures the state’s commitment to international standards within a specific timeframe. Although the article is important, it currently provides for no such implementing mechanism. The declaration itself should also contain a provision obligating the government to ensure that Syrian legislation is consistent with this commitment. A paragraph could be added here as follows: “The legislative authority is committed to ensuring, within six months of the date of its formation, that Syrian laws are consistent with this constitutional obligation, guaranteeing the incorporation of these rights into relevant Syrian legislation.”

d. Article 14 on the right of political participation and association

Worryingly, the text of the Constitutional Declaration sets forth no timeframe for the completion of the political parties’ law, nor does it set any parameters to ensure the actual establishment of new parties or associations. This is especially concerning since the new authorities have established a political body with representatives in ministries, which, in the absence of other parties, some people already view as quasi-ruling party. An additional paragraph in the declaration should be included to allay these concerns, perhaps drawing on the 1950 constitution, which guaranteed the establishment of parties and associations based on the principle of notification rather than prior approval. A clause could be added to the article, stating: “The legislative authority is obligated to approve the new political parties’ law within one year of the date it assumes its duties.” This would be supplemented by a fourth paragraph: “The law shall regulate the method of notifying the administrative authorities of the formation of political parties and associations and monitoring their resources.”

e. Article 23 on rights and freedoms

It is a positive step that the declaration makes the rights defined in international human rights treaties ratified by the Syrian government an integral part of the declaration. On the other hand, the text also includes rules that regulate and restrict the exercise of all the rights contained therein. It first asserts that the state shall protect rights and freedoms as exercised in accordance with law – a natural, logical provision



– but subsequently adds that the exercise of these rights may be subject to “controls that constitute necessary measures for national security, territorial integrity, public safety, the protection of public order and the prevention of crime, or the protection of public health or morals”. The risk here is that the text uses broad, relative, elastic terms (e.g., national security, public order, and public morals) that could be wilfully misinterpreted, expanded, and used as a constitutional means of restricting rights and liberties, especially given that there is much disagreement in Syrian society at the moment about how to view and approach sensitive political and religious issues. Another paragraph should be appended to the article as follows: “Rights may not be restricted under the preceding paragraph except pursuant to a law applicable to all people, based on human dignity, equality, and freedom, and with due regard for the nature of the right, the importance of the purpose of the restriction, the nature and scope of the restriction, the relationship between the restriction and its purpose, and the least restrictive means to achieve the purpose.”

f. Article 47 on the constitutional court

The Supreme Constitutional Court plays a key role in the Syrian political and constitutional order: it reviews the constitutionality of laws, adjudicates electoral challenges, and, most importantly, presides over the prosecution of the president in the sole case in which he may be held accountable – the crime of treason. The Constitutional Declaration provides for a Supreme Constitutional Court made up of seven members with integrity, competence, and experience, all of whom are directly appointed by the president. It sets no deadline for the appointment of judges, meaning that the court could remain in limbo until such time as the president acts.

Several constitutional options were available to deny the president the ample power of appointment given to him by the declaration. If the president is empowered to appoint members of the legislative branch given the infeasibility of elections, there is no similar constraint on the appointment of Supreme Constitutional Court judges. Other pragmatic constitutional options could have been considered to preclude a presidential monopoly on the appointment of numerous representatives of the legislative and judicial branches, in addition to executive ministers. For example, the Supreme Judicial Council might participate in the appointment of judges of the court, or the president could submit a long list of judicial nominees to the People’s Assembly, which would elect the court’s judges from the president’s list. The latter method was adopted in the Syrian constitution of 1950, which the Constitutional Declaration refers to and praises albeit without adopting any of its distinctive provisions.

Paragraph 2 of the article could be amended as follows: “The Supreme Constitutional Court shall consist of seven members elected by the People’s Assembly from a list of fourteen names. This list shall be selected by the president of the republic from among those who possess the necessary qualifications for the position, provided that they possess integrity, competence, experience, and expertise. The court’s operating mechanism and jurisdiction shall be regulated by a law that must be enacted within six months of the date of entry into force of this Constitutional Declaration.” It would be preferable, however, to involve the Supreme Judicial Council in the selection of nominees to the court.

g. Article 49 on the transitional justice commission

The first paragraph of the article must specify a timeframe for the establishment of the commission, namely, within six months of the date of entry into force of the Constitutional Declaration. The second paragraph states that in prosecuting “war crimes, crimes against humanity, genocide, and all crimes committed by the former regime”, the principle of legal non-retroactivity will not be observed, suggesting



that new laws will be enacted to be applied retroactively to past crimes and violations. This issue must be approached with great caution to ensure adherence to international standards and fair trial guarantees, to avoid creating exceptional laws and courts that would repeat the mistakes and practices of the past.

Also notable is the inclusion of “all crimes committed by the former regime”, which limits the application of transitional justice to regime crimes. This contradicts the standards of transitional justice, which should target all perpetrators for punishment, not just a portion of them, and should offer all victims protection and redress, not solely victims of the practices of a specific authority. The concern is that transitional justice will morph into selective justice. It would thus be preferable to omit “all crimes committed by the former regime” from paragraph 2 of the article.

h. Article 52 on the transitional period

The duration of the transitional phase and its connection to the establishment of a permanent constitution requires clarification to avoid an unwarranted prolonging of the phase. The declaration provides for a five-year transition, beginning from the date of the declaration’s entry into force and ending after the adoption of a permanent constitution for the country and the organization of elections in accordance with it. President Ahmed al-Sharaa has said in several media interviews that the lengthy transitional period is necessary given the impossibility of holding elections in the next four or five years due to the security situation, the internal or external displacement of the majority of Syrians, and the problems of documentation and the population census. The committee that drafted the declaration also cited the devastation and destruction of the Syrian state, which dictates that sufficient time is required to establish a safe, neutral environment.

Despite these justifications, the article has been subject to numerous criticisms. Given that five years is quite a long transition, especially since unelected state authorities will be presiding over it (an unelected president and a legislative authority appointed by the unelected president), many Syrian constitutional, legal, and political observers hold that two to three years is sufficient for the transitional period, after which the people should play a role in electing their representatives, who will then continue the process of building the state and restoring its health. The article could be amended as follows: “The duration of the transitional period shall be set at three calendar years, beginning from the date of entry into force of this Constitutional Declaration and ending after the adoption of a permanent constitution for the country and the organization of elections in accordance with it.”

3. Transition to a Permanent Constitution

The Constitutional Declaration avoids any mention of the mechanism that will be followed in drafting the country’s permanent constitution, though transitional constitutions like this one typically specify the method for appointing or electing members of the committee that will draft the permanent constitution, the timeframe for its completion, and the mechanism for approving and adopting it. They also often refer to a set of principles intended to guide the process. For example, they may explicitly state that it should be consultative and adhere to a community-based approach. The declaration ignores this entirely. This is worrying, both because there is no justification for the omission and because the process is not defined. The details should not have been left entirely in the hands of the executive branch – a branch over which the president exercises broad authorities. A detailed formulation, as follows, would be more appropriate:



1. The president of the republic shall announce, within one year of the date of entry into force of this Constitutional Declaration, the formation of a constituent assembly to draft a permanent constitution for the country. The assembly shall comprise sixty members. Its composition shall show due regard for experience, competence, the representation of the main Syrian political forces, and fair and equitable representation of all components of the Syrian people, including women.
2. The assembly shall take into consideration the literature of the political bodies formed during the Syrian revolution, particularly the literature that presented ideas for a future Syrian constitution and the proposals of the Syrian opposition made during the deliberations of the Constitutional Committee led by the United Nations. The assembly shall hold a national dialogue conference on the principles of the constitution, to hear from experts and representatives of various social and political groups.
3. The assembly's decisions shall be made by a two-thirds majority of its members, provided that it completes and approves a draft of the constitution within a period not exceeding two years from its first meeting.
4. The Constituent Assembly shall commit to ensuring public participation in the constitutional process by facilitating and encouraging public information related to the constitution-drafting process throughout its term; holding public consultations throughout the country; facilitating communication with members of the Constituent Assembly; and receiving written proposals from Syrians, both individuals and groups, inside and outside Syria, wishing to contribute to the constitutional process. Upon completion, the draft constitution shall be made available to the public.
5. The draft constitution shall be put to a yes/no referendum within thirty days of its approval by the Constituent Assembly. If the Syrian people approve the draft by a two-thirds majority of the voters, the president shall promulgate it as the country's constitution. If it is not approved, the Constituent Assembly shall redraft it and again put it to a referendum within a period not exceeding sixty days from the date of the publication of the results of the first referendum.

4. Supra-Constitutional Principles

To overcome existing division in Syria and given the fears of exclusion and unilateralism that could result in a permanent constitution that reflects the views of a single group, the Constitutional Declaration should be amended to include a set of supra-constitutional principles (despite some criticisms of this idea) arising from a national dialogue called by the Constituent Assembly. These principles would then be incorporated into the country's permanent constitution, thus allaying fears of any exclusion or marginalization like that seen in the declaration-drafting process. A ready-made text of such principles cannot be presented here, as they must come out of a genuine national dialogue, though examples of these principles from the South African experience may be instructive:

- The constitution shall provide for the establishment of a sovereign, unified state, shared citizenship, and a democratic system of government committed to achieving equality for all.
- The relationship between the Syrian individual and the state shall be based on citizenship and equality before the law.
- Everyone shall enjoy all universally accepted, fundamental civil rights and liberties, which must be enshrined in the constitution and protected by firm, justiciable provisions.
- The constitution shall prohibit all forms of discrimination and promote equality and national unity.



- The constitution shall be the supreme law of the land and be binding on all state organs at all levels of government.
- The legal system shall guarantee equality before the law and a fair legal process; equality before the law encompasses laws, programmes, and all activities.
- There shall be a separation of powers between the legislative, executive, and judicial authorities, coupled with appropriate checks and balances to ensure accountability, responsiveness, and openness.
- The judicial branch shall be appropriately qualified, independent, and impartial and it shall enjoy the authority and jurisdiction to protect and enforce the constitution and all basic rights.
- The government shall be representative and embrace multi-party democracy, regular elections, universal adult suffrage, a common voter registry, and generally proportional representation.
- Freedom of information shall be provided to enable open, accountable administration at all levels of government.
- Linguistic and cultural diversity shall be acknowledged and protected, and the conditions that encourage diversity shall be encouraged.
- Collective rights to form, join, and maintain civil society institutions shall be recognized, including linguistic, cultural, and religious associations, on the basis of non-discrimination.
- Political parties shall participate in the legislative process in a manner consistent with democracy.
- Democratic representation shall be achieved at every level of government.

5. Title and Content

It is proposed to amend the title of the document to “Interim Constitutional Declaration” to reflect its transitional nature, minimize any conflation of it with a permanent document, and frame it as part of a transitional vision leading to a new, legitimate constitution.

6. Economic Identity of the State

Article 11 on the economy should be amended to explicitly state: “The state’s economy is based on the principle of freedom of trade and industry, organized competition, and sectoral regulation of the economy, ensuring balanced development, social justice, and citizen rights.” The legitimacy of taxation must be provided for in accordance with the principle of no tax without a law.

7. Strengthening the Judicial Branch

Clear guarantees for the independence of the judiciary must be incorporated, including transparent criteria for the appointment of judges, judicial immunity, and the formation of the Supreme Judicial Council free of the dominance of the executive branch. The same applies to the Supreme Constitutional Court, which must be formed in a manner that guarantees its independence and pluralistic structure. A provision could be added that requires the issuance of a new judiciary law, within a specific timeframe, that ensures this separation, including by barring the president from assuming the position of chair of the Supreme Judicial Council. A new paragraph could be added to Article 43: “Within six months of the entry into force of this Constitutional Declaration, a new law regulating the judiciary shall be issued, ensuring the separation of powers and strengthening the independence of the judiciary.”



8. Regulatory Authority

The powers of subsidiary legislation (regulation) are vested in the president without restriction, which upsets the balance of powers. These powers should therefore be redistributed to the competent executive bodies in accordance with rules that prevent unilateral action and are subject to accountability.

9. Local Administration

The declaration omits any mention of administrative decentralization, though it is a pillar of administrative organization in Syria. A special chapter on local administration should be added that affirms the right of local communities to manage their own affairs and establishes a decentralized system that promotes political participation and balanced development.

10. Linguistic and Cultural Pluralism

While the declaration defines the official state language, other languages could be adopted as national languages as a step to entrench the recognition of cultural and linguistic pluralism and to help build an inclusive national identity. The constitution could include articles that aim for the following purposes:

1. Arabic is the official state language. The state shall act to protect and develop Arabic and encourage its use.
2. Kurdish is a second official language. A basic law shall specify the stages of operationalizing the official status of this language and the methods for integrating it into education and other priority areas of public life, so that it can fulfil its function as an official language.
3. The state shall act to preserve all types of cultural expression in the official language, as well as to promote the learning and mastery of expression of the most widely used foreign languages in the world, as tools for communication, integration, and interaction with the world and the community of knowledge, and to express openness to different cultures and contemporary civilizations.

11. Guarantees and Limitations

The provisions that allow for judicial review of the authorities' actions, define constitutional guarantees that protect rights and freedoms, prevent abuse of power, and limit the potential to prolong or subvert the transitional period must be strengthened.

12. New Mechanisms

Alternative mechanisms for appointment to the People's Assembly could be devised to preserve the principle of separation of powers if elections are not feasible. For example, a representative from each district could be chosen based on administrative divisions (ensuring fair representation for all components), and 10 per cent of members could be appointed to represent areas of expertise.

Conclusion

The Syrian Constitutional Declaration is a necessary foundational step in the transition from authoritarian rule to a state based on law and institutions. Its effectiveness, however, is contingent on the commitment of active forces to implement its provisions and plug the gaps that threaten to turn it into a tool for reproducing political hegemony in a new form. To correct course, it is essential to



actuate political participation, which is crucial to keeping the political transition on a track towards the realization of freedom and justice. Deliberate monitoring of the conduct of the transitional administration by experts and civil society should not be understood as tendentious scrutiny or obstruction, but rather as constructive oversight that helps to insulate the transitional process against attempts at political exploitation or deviation from the path of democratization. The success of the Constitutional Declaration depends not only on its text, but also on the intentions and objectives of the current Syrian government, the nature of the system of government it seeks, the political, social, and legal environment surrounding it, and its ability to transform the declaration into an effective interim document that paves the way for a permanent constitution that reflects the aspirations of the Syrian people in all their components and ensures that the mechanisms of tyranny do not reappear in new guises.