Electoral System in Future Syria

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The Strategic Research and Communications Center (SRCC) was founded in 2010 to provide high-quality research and media services to media outlets, government departments, academic institutions and research centers through research, information, analysis and commentary on Syria. SRCC produced a series of original studies examining the main political and socio-economic challenges in Syria – poverty, unemployment, social and political repression.

While this work is of great value and significance as an aid to understanding the region, Syria itself suffers from a shortage of political and social research. Local researchers must therefore participate in bridging this information gap. A deeper understanding of the issues affecting the country can be attained through pairing the philosophy and methodology of Western research with a firsthand knowledge of the situation, and information gathered in the field. The Strategic Research and Communication Centre has therefore joined forces with Syrian and Western researchers and academics in order to achieve this result. The political, economic and social data and the strategic studies will be made available to policy makers, correspondents, journalists, academics with an interest in Syrian affairs, and to all stakeholders.

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SRCC and Hivos have joined forces within the framework of Transitional Period Policy Research and Knowledge Programme Civil Society in West Asia to produce high-quality publications on transition challenges in Syria in the fields of rule of law, political development and civic education. Hivos is a non-governmental Dutch organisation guided by Humanist values. Together with local organisations in developing countries, Hivos strives for a world in which all citizens – both men and women – have equal access to resources and opportunities for development. Knowledge Programme Civil Society in West Asia of Hivos aims to acquire insights on state-society dynamics, civil society, popular uprisings and transition challenges, particularly in Syria and Iran, and the rest of Middle East and North Africa (MENA). To this end, it co-produces policy papers, policy briefs, working papers, research papers, books and newsletters with academic institutions, think tanks and experts in MENA, US and Europe.
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Executive Summary

This policy paper provides a roadmap for electoral reforms in Syria that will be needed to set Syria on the path towards democratisation. The policy recommendations presented in this paper constitute a primary resource for the future transitional government as well as a guide for discussions by civil society groups, activist networks and international pro-democracy networks.

The future Syrian government in collaboration with activist networks and civil society groups will need to formulate an electoral system that best represents the richness and diversity of all within Syrian society, and do so in an inclusive manner that does not instigate nor ignore the sectarian and ethnic diversity of the country. The emerging system must therefore be a comprehensive one working simultaneously on political, legal, economic and social dimensions for a new electoral system that would create a new culture on the path toward democratisation. Policy recommendations discussed in this paper include the following:

1. The Syrian transition government will oversee the organization of an independent:
   a. National Convention to draft a temporary election law.
   b. Constitutional Committee to draft a new democratic constitution.
   c. Central Elections Commission to setup and administer national elections within 12 to 18 months.
   d. The newly democratically elected Parliament will then vote on the new constitution.

2. The system of government should be a presidential system where the president is elected independently by absolute majority vote through a two-round system to serve a 5-year term for a maximum of two terms.

3. The Prime Minister (PM) is the head of government in charge of forming and dissolving the cabinet, with a two-third majority approval of Parliament. The PM is nominated by the president but confirmed by Parliament.

4. The Parliament should continue to be a unicameral legislative body, but the number of members shall be reduced from 250 to 230 members (approximately 1 seat per 100,000 citizens)
5. The Parliament is expected to appoint with absolute majority a speaker (parliamentary leader) and two deputies from the opposition.

6. The role of the Vice-President shall be eliminated, and the Speaker of Parliament will assume the position of President if he/she is unable to serve, until new presidential elections are held within two months.

7. Parliamentary elections should be conducted by the proportional representation (PR) closed-list model, in a direct and free fashion with secret ballots, at least once every four years.

8. The Syrian Central Elections Commission should guarantee independent oversight of local as well as international observers (e.g. United Nations, European Union, and NGOs), as well as independent media presence to give greater legitimacy to the results.

9. Gender quotas should be enacted for parliamentary seats in a manner called "zipper style", where seats are equally spaced out in a party list.

10. An ethnic or confessional quota in parliament should be considered by allocating a certain number of seats to ethnic and minority religious communities.
Introduction

Syrian authorities responded to widespread anti-government protests with overwhelming military force. The internal conditions in Syria will continue to deteriorate, but what is now certain is that the Assad regime would eventually collapse. These developments mean that Syrian opposition groups must begin negotiating clear state-building strategies in preparation for Assad’s fall. A post-Assad roadmap needs to be drafted as soon as possible to would prevent the country from sliding into a civil war or collapsing into a spiral of chaos.

As part of a roadmap, opposition groups led by the Syrian National Council must work together on drafting a one-year plan for a realistic democratic transition and electoral reforms, during which elections at all levels would take place and a new constitution would be drafted paving the way for a parliamentary democracy. A reform plan must guarantee basic freedoms, denounce sectarianism and violence, protect human and minority rights, and ensure the rule of law – this requires the state to be based on the separation of legislative, executive and judicial power.

To avoid becoming a failed state with enduring ethnic and religious divides, a proposed electoral model for Syria should build upon certain elements of democratic models of government, voting, party, and state systems. This requires careful institutional engineering to create a functioning multi-ethnic democracy that allows competitive elections across ethnic boundaries without discriminating against any members of Syrian society. To ensure its success, the Syrian electoral model should therefore be tailored to the intricate composition of the Syrian society.

This paper concludes by providing a vision on how the transition will deal with matters of creating a sustainable and consolidated democracy, what obstacles the new Syrian government will face, and solutions for consideration by future decision-makers.

Syrian Society and State

Syria is a country of approximately 22 million people. Religious groups include a large Sunni majority (74%), Alawites (12%), Christians (10%), and other Muslim sects including Druze and Ismailis (4%). Syria also includes major ethnic groups, such as Arabs (90%), Kurds (9%), Armenians, Assyrians, Circassians, and Turkomans.(1) The Syrian state exploited ethnic and religious groups to

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(1) CIA, the World Factbook: Syria (ethnic groups and religions).
sustain itself which has developed complexities in ethnic relations that need to be addressed during the transition.

Electorally, Syria is divided into fourteen provinces, or Muhafazat. The executive branch consists of the President who appoints two Vice-Presidents, the Prime Minister, and the Council of Ministers (Cabinet). Article 3 of the Syrian constitution requires the President to be a Muslim, but does not declare Islam as the state religion. The president is approved by Syrian citizens in a referendum for a 7-year term with no term limits. Recent changes have limited the terms to two.

Syria’s legislative branch is the unicameral People’s Council (Parliament), Majlis al-Shaab, which has 250 members that are elected for a four year term through a closed-list proportional representation system in 15 multi-seat constituencies. The presidential candidate is appointed by the parliament, based on the nomination of the Baath Party.

Different Approaches to Electoral Reforms

The Syrian National Council (SNC) have stressed that they seek a "multi-national, multi-ethnic and religiously tolerant society". With mounting fears of chaos and instability, preparing wisely for the period after Assad’s fall is very important. Indeed one of the first steps in the democratisation process should focus on electoral reforms in order to protect the country from sliding into civil unrest.

Although elections account for only a small part of the democratisation process, it is considered by many democracy advocates and policy-makers to be the cornerstone of any vibrant democracy, and an early litmus test of a developing healthy political system. Elections are not single day events but are long and tedious. Unlike the common misunderstanding that democracy is about the rule by the majority, it is more about compromise and striking a satisfactory settlement between the different groups of society in a non-violent manner.

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(2) Except for the governorate of Aleppo, which is divided into two electoral districts.
(4) People who have participated in these presidential referendums told me that elections were not done in secret. Participants can pick yes or no on the ballot, but they cannot put it themselves in the ballot box as the Syrian security forces Mukhabarat, who are in charge of administering the elections, check the ballots before putting them in the box. Another couple told me that they elected the President in Damascus, but that same day they were traveling from Damascus to Homs and their cars were stopped on the side of the road where they were “asked” by the security forces to elect the President again.
Elections Dimensions and Targets
At the political level of electoral reform, the new government needs to decide at some point whether the system will remain a Presidential system or will be changed to a Parliamentary system. The new government will also need to work on providing a platform for a multi-party system that is lacking thus far. Simultaneously, it must create and strengthen key democratic institutions (such as the Prime Minister Office, an independent judiciary, and an independent Central Election Commission that will be in charge of preparing and monitoring elections). That said, one must not underestimate the constant institutional engineering required to construct and, more importantly, maintain the independence of such bodies. These political changes must be accompanied by legal changes.

At first, a national convention must be set to take care of primary amendments to kick start the democratization process. This preliminary process should not last for more than three months. The amendments should include new and clear election law (whether the elections will be proportional or district based or a mix of both, and whether the electoral list will be open or closed). Electoral districts will also have to be redrawn at this point, in a way that would allow all electoral candidates fair representation and campaigning. These temporary constitutional amendments and election laws could be put to popular referendum, if the convention could not reach an agreement. After the election of a new parliament, a constitutional committee or commission will draft a new constitution. This committee shall be composed of opposition leaders, political party representatives, civil society delegates, revolutionary members, and judges who are well-versed in constitutional law. The new constitution should be drafted within four months of the first Parliamentary election, should be put to a Parliamentary vote, and should only be ratified by a two-third majority. The new constitution should address further electoral issues such as whether to maintain a Presidential system of government or change to a Parliamentary system, and whether to create a unicameral or bicameral Parliament. But these political and legal changes are not enough; they must be complemented by allocating sufficient election funding that will be used for setting up the election.

Last but not least, close attention needs to be paid to developing a healthy political culture that is inclusive of all marginalised groups in society and fosters building networks among these various groups. Thus, the transitional government needs to encourage decentralization by strengthening local leadership at the municipal levels. It must protect the status of women’s participation in political life, something which Syria enjoys. It also needs to ensure religious and ethnic minority representation in the new coalition government. That can be done by including quotas that would protect the political rights of these various groups depending on their numbers and/or concentration at certain electoral districts. Perhaps most importantly,
the Syrian media must gain its independence in order to promote a culture of trust between citizens and their representatives as well as among the different groups of society (see Table 1).

**Election Phases and Instruments**

In any emerging democracy, electoral reforms require consensus building on many details, which is a daunting task but the effort is worthwhile. This is why setting up elections in Syria after Assad departs will take at least a year, and it is up to the transition government to communicate this fact effectively with the citizens and to call for their patience during the transition. One way of succeeding in this is by providing a clear roadmap for the phases of democratic elections, the different instruments to be utilized at each phase as well as the time-frame expected for each phase.

The first (pre-election) and longest phase includes: establishing the infrastructure, providing voter education, reforming and restructuring the constitution, preparing media campaigns, training administrators and monitors, and conducting exit polling among other things. The second (during-election) phase is when the elections actually take place. This usually lasts between a few days to several weeks – depending on the number of election rounds. The third (post-election) phase is slightly longer and much more critical. During this period election ballots are counted, results are registered, and election monitors produce their reports about the nature of the elections – whether they were free and fair or not. Their verdicts are of utmost importance for the legitimacy of the elections and its outcomes in terms of leadership (see Table 2).

**Approaches of External Election Support**

One other policy option to be considered is whether external electoral support will be sought or not. This support could come in the form of financial support from the international community, or it could come in the form of monitoring support during the elections. Both methods of support are of similar importance but the latter adds a greater degree of legitimacy to the conduct of elections and can deter much speculation and post-election disputation. External election monitors can be drawn from international organisations such as the European Union (EU), the United Nations Development Programme (UNDP), Non-governmental Organizations (NGOs), governmental institutions, or from a mix of these bodies.

In general, international organisations tend to focus their electoral support more on the top-down approach (working with party leaders and monitoring national level elections), while NGOs tend to pay more attention to the bottom-up approach (focusing on local leadership and monitoring municipal level elections, as well as working on empowering marginalized societal groups). Thus, the two types complement each other.
### Table 1: Electoral Reform Main Targets over Four Dimensions or Tracks

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Target</th>
</tr>
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</table>
| Political  |  · Government System (e.g. presidential or parliamentary or both)  
· Multi-party system  
· Institutions (Prime Minister Office, Judiciary, Central Elections Commission)  
· Elections: national (e.g. presidential and parliamentary) and local/municipal |
| Legal      |  · Constitution  
· Election laws (e.g. proportional or district or a mix/ open or closed lists)  
· Districts Setup (how wide and how many) |
| Economic   |  · Electoral Fund For:  
· Observation, administration, voter education, campaigns, reporting, institutional setup, party development, equipments, training, etc. |
| Social     |  · Women’s involvement  
· Religious/ethnic minorities participation  
· Role of the Media |

### Table 2: Electoral Reform Instruments at Different Phases

<table>
<thead>
<tr>
<th>Phases</th>
<th>Instruments</th>
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| Pre-elections| Building technical & administrative infrastructures (e.g. equipments and training)  
Enhancing voters’ education through the media and election campaigns  
Reforming the constitution, setting elections and party laws, drawing electoral districts  
Building democratic institutions like Parliament & Central Election Commission  
Establishing women’s and religious/ethnic minorities quotas  
Helping decentralisation through encouraging local elections and leadership  
Developing multi-parties  
Conducting exit polling for elections |
| During-elections | Administering and monitoring the elections |
| Post-elections  | Counting ballots, announcing the results, and writing elections reports |
Electoral Models

Before we can propose an ideal electoral model for Syria, we first need to understand the different democratic models that exist out there and to identify their elements. But with the complexity and diversity of these elements, it is important to classify them into manageable systems that would be easy to compare.

A) Government Systems

Two dynamic systems of government are likely to follow a popular uprising which overthrows the incumbent regime.\(^{(5)}\) The most popular types of democratic institutions are the presidential and parliamentary systems. However, these two systems can have many different combinations and can take on unique characteristics. Therefore, each democratic system is country-specific and is tied very closely to the political culture and historical developments that took place in these societies at the time of their long-term formation. This is why democracy promotion experts emphasize “one-size does not fit all”, and that each country has to have its organic form of government which cannot be imposed or imported.\(^{(6)}\)

In the presidential system, the President is both the chief executive and the head of state. The President is unique in that he or she is elected independent of the legislature for a maximum of two terms with each term lasting between four and seven years. In the American case, the powers vested in the President are balanced against those vested in the legislature and the judicial branches; however, the presidential system in this case is decentralised – giving shared power to regional representatives – and there is no Prime Minister, only a Vice-President (hence the President forms the cabinet). In contrast, the French constitution greatly strengthened the authority of the executive in relation to Parliament and gave the President the right to appoint the Prime Minister who in turn forms the cabinet. In this case the system is more centralised and there is no need for a Vice-President.


Generally speaking, in the presidential system, the legislature must debate and pass various bills. The President has the power to veto the bill, preventing its adoption. However, the legislature may override the President’s veto if they can muster enough votes. The President’s broadest powers thus rest in foreign affairs. Also, in most situations, the President has the right to deploy the military, but does not have the right to officially declare war unless he/she are backed by Parliament.

In parliamentary governments, the chief executive and the head of state are two separate offices. The head of state often functions in a role which is largely ceremonial, while the chief executive is the head of the nation’s legislature. The most striking difference between presidential and parliamentary systems is in the election of the chief executive. In parliamentary systems, the chief executive is not chosen by the people but by the legislature. Typically the majority party in the parliament chooses the chief executive, known as the Prime Minister (PM) – even in cases where there are more than two parties represented and none end up holding a simple majority (+50%). The leader of the party can become the Prime Minister as many times as he/she maintains his leadership of the winning party.

Some parliaments are unicameral, made up of a National Assembly comprising directly elected deputies, while others are bicameral legislatures comprising a National Assembly and a Senate. The National Assembly deputies represent local constituencies and are directly elected for 4-5 year terms from the many electoral districts. Senators, however, are either appointed or chosen by an electoral college for 6-7 year terms and generally each represent a state or province.

In presidential systems, the Assembly often has the power to dismiss the cabinet, and thus the majority in the Assembly determines the choice of government. On the other hand, in parliamentary systems the PM appoints and dismisses his cabinet. Another difference is that the fusion of the legislative and executive branches in the parliamentary system tends to lead to more discipline among party members. Party members in parliaments almost always vote along strict party lines. Presidential systems, on the contrary, are less disciplined and legislators are free to vote their conscience with fewer repercussions from their party.

B) Voting Systems

Electoral system choice is fundamental to the construction of a new democracy. The options and the processes involved in deciding among them should be understood carefully.(7) As far as the

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President is concerned there are several ways of voting. First, is a plurality vote, which is conducted in one round and whoever receives the most votes wins the presidency. This could be done through an electoral college (e.g. Italy), or through majority voting (e.g. Ireland). The second is by absolute majority, which is conducted over two rounds where two of the candidates with the highest votes in the first round compete against each other in the second round (e.g. in France). The third is being elected by Parliament (e.g. in Israel) or appointed by it (e.g. Malta).

Parliamentary votes can be done over one, two, or several rounds. They can also include ethnic, sectarian, language, gender, professional quotas or have no quotas at all.(8) In some cases, if parties do not have quotas, the President or the head of state may allocate a certain number of parliamentary seats to minorities, which can be filled through elections or appointments. There are three main Parliamentary voting systems used: proportional representation (PR), mixed system, and majoritarian system.

In the PR system, each party or grouping presents a list of candidates for a multi-member electoral district. Citizens vote for a party, and parties receive seats in proportion to their overall share in the final count. In the ‘closed’ PR list, citizens vote for the party and therefore the list as a whole. The winning candidates are taken from the lists in order of their position on the lists (as decided by the party) until all the seats have been filled. If the lists are ‘open’ the voters can influence the order of the candidates by marking individual preferences and candidates are elected according to popular vote. But in both cases parties present lists of candidates and seats are awarded according to their party’s share of the vote. This is usually done using an electoral formula or a quota which prevents too many small parties from winning seats. The PR system is considered more representative than other systems since seats are distributed according to vote share.

In the majoritarian system, citizens can vote for their favourite candidate(s) within their electoral districts. Depending on the rules of the election, they can vote for one, two or more candidates. This can also be done over one round, called First-Past-The-Post (FPTP), or in two rounds to get an absolute majority. The candidate(s) with the most votes in the constituency wins, but all other votes count for nothing, wasting a huge number of votes. Therefore, this voting system is considered highly disproportional and tends to favour large parties. Also, this voting process is drawn out over a period of two to three weeks and sometimes longer. Another disadvantage is that it encourages a certain amount of tactical voting because of the risk of the compromise choice not reaching parliament. When there are a two or more members competing in two-rounds, the outcomes are often unpredictable. Moreover, FPTP restricts a constituency’s choice of candidates; hence, the

(8) For a list of countries with gender quotas see http://www.quotaproject.org/country.cfm
representation of minorities and women suffers as only the candidates with the greatest chance of winning are offered the opportunity to stand for elections.

The mixed (or parallel) system is a hybrid voting system. It combines elements of majoritarian voting and proportional representation. Thus, each citizen is permitted two votes – one for a candidate and one for a party. This helps to overcome the disproportionality often associated with FPTP elections, but it does not really help with multi-member two-round elections. Moreover, this system gives rise to ‘overhang’ seats, where a party wins more seats via the constituency vote than it is entitled according to their proportional vote (which was the case when Hamas won elections in 2006). In some countries (e.g. Germany), extra seats are allocated to the other parties to redress the imbalance. But this can lead to animosity and conflicts among parties. It can also be a long and complicated process, with citizens growing confused over exactly what they’re supposed to do with their two votes. Indeed, voter education is very important for the success of this system.

As far as the voting systems that are available for the Prime Minister, he/she can be appointed by the President (e.g. France) or elected either by parliament (e.g. Japan) or by the leading party where he/she acts as the party’s leader (e.g. Canada and the UK).

C) Party Systems

Democratic systems can have two-party system, like in the US. However, the majority of democratic states tend to have multi-party systems. Some countries, where multi-parties systems exist, use the FPTP method, which is based on plurality votes (at the end whichever party gets more votes runs Parliament even if it forms a minority government with less than 50% of the popular votes) – this is the case in Canada. On the other hand, some countries do not allow minority governments, so if none of the parties secured the majority of votes, the leading party will form a coalition with other parties to create a majority government – which is the case in Belgium.

D) State Systems

Two main state systems can be identified in many democracies around the world: civil and secular states. The main difference between these two relies on the extent religion is involved in politics, how is it involved in politics, and under what conditions it is involved. In that sense, we realise that no pure secular state exists where religion remains completely private and does not interfere or appear in some form or another in public life.

The main characteristics of a civil state are that the President and the PM uphold some religious affiliation, generally that of the majority. Second, the religion of the majority is often declared the
main state religion. Third, the laws and the constitution of a civilian state are either based on or derived from religious principles. Finally, the rights of religious minorities are generally protected by the constitution and the law. Based on these criteria the US is a good example of a democratic civil state.

In contrast, the main characteristics of a secular state are that the President and the PM are not required or expected to have a religious affiliation and, although they may, they do not run their campaign on that platform. Second, the religion of the majority is not declared the main state religion, a decision that encompasses all existing religions. Third, the laws of the country are not based on religious jurisprudence (although in some cases may be referred to for personal matters that could affect religious freedom). Finally, religious freedoms and rights are often protected by the constitution and law. France and Turkey (at different levels) are two good examples of secular states. (See Table 3)

Table 3: Main Systems and Models for Democratic Electoral Reforms

<table>
<thead>
<tr>
<th>Systems</th>
<th>Main Models</th>
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| Government | Presidential:  
Centralised power, without Vice-President, with a PM (e.g. France)  
or  
Decentralised power, with Vice-President, without a PM (e.g. USA)  
Parliamentary:  
Unicameral (e.g. Sweden, Palestinian Territory)  
or  
Bicameral (e.g. Egypt, Iraq, UK, Canada)  |
| Voting | For President:  
Plurality vote (one round, by electoral college or by the majority)  
or  
Absolute majority by popular vote (two rounds)  
or  
Elected/Appointed by Parliament  
For Parliament:  
(one, two or more rounds & with or without quotas)  
PR list (open or closed)  
or  
Majoritarian district list (single/two/multi–members)  
or  
Parallel/Mixed (PR and district list)  
For Prime Minister:  
Appointed PM (by president)  
or  
Elected PM (Parliament or by leading party) |
<table>
<thead>
<tr>
<th>Systems</th>
<th>Main Models</th>
</tr>
</thead>
</table>
| Party   | Two-party system (e.g. USA)  
|         | or  
|         | Multi-party system: 
|         | Coalition government (e.g. Belgium)  
|         | Or  
|         | None coalition government (e.g. Canada)  
|         | *Accepts minority governments via first-past-the-post |
| State   | Civil (e.g. USA):  
|         | President/PM upholds a religious affiliation (generally of the majority), but there is no requirement of a religious affiliation for holding public office.  
|         | The religion of the majority could be declared the main state religion.  
|         | The laws of the country are based on or derived from religious principles.  
|         | The rights of religious minorities are protected by the constitution and the law.  
|         | or  
|         | Secular (e.g. France and Turkey):  
|         | President/PM does not have to belong to a certain religion.  
|         | The religion of the majority is not declared the main state religion.  
|         | The laws of the country are not based on religious jurisprudence.  
|         | Religious freedoms and rights are protected by the constitution. |
The Proposed Scenario for Syria’s Electoral Reforms

To ensure its success, the Syrian electoral model should therefore be tailored to the intricate composition of the Syrian society as follows.

A) Government System

Based on historical experiences in Syria, a presidential system would work best. In this case the President is the Chief of State (the Executive). He or she must be at least 40 years old at the time of nomination, having Syrian parents, holding only the Syrian nationality at nomination, and having completed higher education.

The Parliament should continue to be a unicameral legislative body, but the number of members shall be reduced from 250 to 230 members (approximately 1 seat per 100,000 citizens). The old inflated number of seats would no longer be needed to maintain in the new quota system that will be discussed in the next section. Some of the advantages of a unicameral parliament where membership is based on proportionality are: the ability to enact proposed legislation more rapidly, since differences don’t have to be reconciled by two chambers; there is the potential of greater accountability, since only one body is responsible for legislation with fewer members; it is less expensive to maintain one body with fewer legislative members.

Under the new system the PM is considered the head of government (still part of the executive branch), and in charge of forming and dissolving the cabinet, again with a two-thirds majority approval of Parliament. In this case the President takes on the role of problem solver (arbitrator between parties) and he/she can dissolve the Parliament but only after consultation with the PM and only upon recommendation of an independent constitutional judicial body (if there is a constitutional violation committed). In such cases, new parliamentary elections must be held within two months to replace the old Parliament and the new PM and cabinet must pass the two-thirds majority vote in Parliament.

The judiciary must be independent of the executive branch. The constitutional and supreme court judges are nominated by the President upon recommendation of a special judicial panel, but they
must also be approved by two-third majority of Parliament, to serve a term that does not exceed ten years (with a possibility of facing impeachment for misconduct).

The legislative branch must also be independent of the executive and judicial branches of government. Thus, upon formation, Parliament is expected to appoint with absolute majority a speaker (parliamentary leader) – usually chosen from the leading party – and two deputies from the opposition. In this system the role of the Vice-President shall be eliminated, and if for any reason the President is no longer able to perform his or her duties the Speaker of Parliament will take over until new presidential elections are held within two months.

B) Voting System

It is recommended that the President should be elected independently by absolute majority vote through a two-round system to serve a 5-year term for a maximum of two terms. In this system candidates run for elections, but only the two with the highest votes will be picked to run for a second round within two weeks of the first round. In this system voting should be open to all eligible citizens, eighteen years and older (one vote per person), for those living in the country or abroad. Out-of-country voting will be organized through Syrian Embassies, where large Syrian communities exist (of more than 15,000) such as France, Spain, Canada, Saudi-Arabia, and so on.\(^9\)

Parliamentary elections should be conducted by the PR closed-list model, in a direct and free fashion with secret ballots, at least once every four years (one vote per person). Seats will be contested in proportional representation districts, where voters select among party candidate lists and each party wins seats in proportion to its share of votes. When using the PR system the Sainte-Lague formula must be applied to allocate parliamentary seats, which will ensure better proportionality.\(^{10}\)

With this model, Syria should be considered as one nationwide electoral constituency. To date there are 15 electoral districts (1 for each of the 13 governorates and 2 for Aleppo) which should be maintained. Both the Ministry of Planning and an independent Constituency Committee should readjust the number of parliamentary seats according to population ratio in each district (see Annex for suggestions). Each district should be divided into several polling stations, where voters can vote according to their place of permanent residency (not their civil registry according to where their parents were born). This is intended to ease the voting process on citizens and to

\(^{(9)}\) To avoid nepotism that had for years crippled the government and public sector in Syria, presidential appointments to various positions should be limited by providing public service entrance exams that are merit-based.

\(^{(10)}\) Parliamentary seats allocated according to the Sainte Lague method, which is one common way of allocating seats approximately proportional to the number of votes of a party to a party. For more on that method see Kenneth, Benoit. 2000. “Which Electoral Formula Is the Most Proportional? A New Look with New Evidence.” The Society for Political Methodology 8(4):381-388.
increase voter turnout. The Syrian Central Elections Commission should guarantee independent oversight of local as well as international observers (e.g. United Nations, European Union, and NGOs), as well as independent media presence to give greater legitimacy to the results.

The advantages of a PR closed-list system for Syria are:

1. Guaranteeing a high degree of party proportionality, so every vote has equal value.
2. Simplifying the process by giving voters one choice out of a small selection.
3. Involving a large multi-member constituency, that gives more opportunities for women and minority groups.
4. Allowing closed lists to be more amenable to measures that can increase the representation of women, such as gender quotas.

The disadvantages of this system are that:

1. Party lists discriminate against those not willing to be part of the party structure, and it is almost impossible to stand as an independent candidate.
2. Open lists offer voters more choice and control over who is elected.
3. Closed party lists are impersonal and weaken links between the representative and a regional area.
4. Since candidates are selected by party leaders in closed lists, they are likely to put ‘safe’ candidates near the top of the list.
5. Highly proportional systems with minimal thresholds (< 2%) can result in a fragmented parliament, and produce unstable, multi-party governments.

After decades of oppression and sectarian divides, the fractured (or absent) party system in Syria may severely harm liberal parties and minorities, while benefiting better organized groups. This is why a PR closed-list system is preferred to an open-list, district list or a mixed electoral system in Syria. Despite its shortcomings, the key strengths of the new PR closed-list electoral system are fair representation of parties, movements and ideologies; space for new political movements; and the opportunity for inclusion of women and minority voices. Therefore, the newly elected Parliament will reflect the voice of the Syrian people, in a fair and inclusive way. New elections should not over-represent the larger parties while shutting out smaller progressive, secular and liberal groups that lack grass-roots networks across the country. Furthermore, it should not marginalize women and minorities nor consign millions of Syrians to vote for unfit candidates through an overly complicated process which combines proportional representation with majoritarianism and an
antiquated quota system. Undoubtedly, the sidelining of new and smaller Islamic and secular parties would damage citizens’ faith in the democratic process, and the exclusion of the ethnic/religious minorities from significant representation in Parliament could be catastrophic.

New election laws must include gender quotas in a manner called “zipper style”, which means that women must be equally spaced out in the party list, and parties must allocate approximately one-third of their seats to female candidates. This is done to protect the level that women have reached in the Syrian Parliament (12%), which was not due to a gender quota – as it does not exist in Syria – but rather to government sponsorship.\(^{(11)}\) The hope is that the quota system will entice women to register to run for office, because they will know they have a better chance to win in the elections, which could increase their presence in the parliament to 30%. This might translate into a more significant role for women in the decision-making process. It is expected that various women’s committees and organisations would lobby the new parliament to ratify the quota system at the sub-national level, thus assuring a minimum representation for women in the local councils.

Election laws should also reform profession quotas by eliminating the antiquated 51% farmer/worker quota, while strengthening the farmer and worker unions and party-union relations. This quota has been used to manipulate election results in Syria since the presidency of Hafez Assad. Abandoning this quota would allow room for more-deserving party leaders to be elected. Otherwise, many of the deserving party members will be leapfrogged so workers or farmers who were required to be placed on the party’s list can get into Parliament.\(^{(12)}\)

Another important quota to be considered is the ethnic and confessional one. These quotas should be added in a representative manner by allocating a certain number of seats to ethnic (e.g. Kurds and Armenians) and minority religious communities (e.g. Alawite, Shiite, Christians of different traditions, Druze, Ismaili, and Jews). Generally speaking, 60 out of 230 parliamentary seats (or 26%) should be allocated to these ethnic and religious minorities in a proportional fashion. A focus on voter education is very important when it comes to parliamentary elections, especially

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\(^{(12)}\) Worker candidates must provide a certificate from the employer stating the candidate’s benefit of employment, remuneration and qualifications; a certificate from the union they belong to or are a member of showing their registration number, type of membership and its history; and proof that he/she began working before they acquired a university degree and are still registered in their union. Farmer candidates must provide official documentation for the acquisition of agricultural land held by the candidate, his wife (or wives) and minor children, whatever the type of the legal possession of the property owned or rented, with a maximum of ten acres (fedans), as well as a certificate stating that agriculture is the main source of livelihood and work and that he/she resides in the village/rural areas.
concerning women and ethnic/religious minority representation and relations between parties and professional unions.

Parties need to receive at least 3% of total votes to gain representation (seats) in parliament. This threshold is chosen because it is low enough to allow new forming parties to organize and participate in the elections and gain access to Parliament when they were previously not permitted to do so, but it is high enough to not allow small fragmented parties from taking seats – which would help form a more stable government. Voting shall be open to eligible citizens 18 years and older (one vote per person), living in the country or abroad.

In the new system, the PM is proposed/nominated by the President, and must be at least 30 years old at nomination. But, in order to restrict the power of the President as much as possible in the future, the PM nominee and his cabinet need a two-third majority approval from Parliament. In case the first nominee cannot secure an absolute majority in parliament, a new nominee is proposed by the President but with prior consultation with government and opposition leaders to reach a consensus to avoid deadlocks.

During the three elections phases discussed earlier, the Syrian transitional government will oversee the organization of an independent: 1) National Convention in charge of drafting the preliminary Party and Election Laws; 2) Constitutional Committee with the responsibility of drafting the new democratic constitution; 3) Central Elections Commission that will be responsible of setting up and administering the national elections – to be held within a period to be defined (of 12 to 18 months). The newly democratically elected Parliament will then finalize the vote on a new constitution and decide any further amendments to election laws.

C) Party System

Securing a majority in a diverse context like Syria will be hard for one party. Therefore, parties will have to compromise and form coalitions. Generally the leading party will form a coalition with one other party to secure the majority needed to form a government. Another important aspect to consider in a new election law is that parties’ charters must be based on democratic, transparent, and non-violent principles to be able to take part in any coalition government.

D) State System

For a country like Syria, with sharp ethnic and sectarian divides, this proposal emphasises the advantages of a secular state system, particularly one that resembles the Turkish model. In this new system, the constitution does not need to declare or deny Islam as an official religion of the state. The existing Syrian constitution has no such statement, so this will maintain that tradition. In this model, the presidential nominee does not have to be a Muslim (although, the winning candidate will likely come from the Muslim majority) which at least opens the door for citizens of different ethnic and religious backgrounds to run, as long as they fit the conditions laid out in the constitution and elections laws.

Religious jurisprudence can be considered one of the sources of legislation (especially for personal status matters of the various religious communities). This is done to ensure religious freedoms for the different sects while setting a legal procedural standard for all citizens. In that scenario, sectarian and ethnic minorities are protected by law, and the constitution must assure their civic and religious freedoms and rights. (See Table 4)
### Table 4: A Syrian Model for Democratic Electoral Reforms

<table>
<thead>
<tr>
<th>Systems</th>
<th>Suggestions</th>
<th>Outcomes</th>
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</table>
| **Government**   | **Presidential:**  
- President is the chief of state (executive). He must be at least 40 years old at nomination, completed higher education, having Syrian parents, and holding only the Syrian nationality at nomination.  
- Unicameral Parliament of 230 members (~1 seat per 100,000), acting as the legislative body  
- The PM is the head of government, in charge of forming and dissolving the cabinet with parliamentary 2/3 majority approval.  
- The President can dissolve the parliament after consultation with PM and upon recommendation of an independent constitutional judicial body (if there is a constitutional violation). In which case new elections must be held within 2 months  
- The judiciary must be independent of the executive branch. Constitutional and supreme court judges are nominated by the President upon recommendation of a special judicial panel, but must be approved by 2/3 of Parliament  
- The legislative is also independent and must appoint with 2/3 majority a speaker from the leading party and two deputies  
- The role of the Vice-President(s) shall be eliminated, and in case the president is no longer able to perform his duties the speaker of Parliament takes over until new presidential elections are held within two months | Checks & Balances  
Separation of power  
Legislative efficiency |
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<tr>
<th>Systems</th>
<th>Suggestions</th>
<th>Outcomes</th>
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| **Voting** | **For President** (absolute majority >60%):  
- President is elected independently by absolute majority vote through a two-round system to serve a 5-year term for a maximum of two terms  
- Voting open for citizens 18 years and older, living in the country or abroad (via embassies) | Gender balance  
Minority participation  
Class representation |
|          | **For Parliament** (by PR closed-list):  
- Direct and free elections in secret ballots every 4 years (one vote per person).  
- PR system using the Sainte-Lague formula to allocate parliamentary seats  
- Syria is considered as one nationwide electoral constituency.  
- Creating 15 electoral districts (1 for each of the 13 governorates and 2 for Aleppo), allocating parliamentary seats according to population ratio (by the ministry of planning & an independent constituency committee). Each district divided into polling stations, where voters vote according to their permanent residency and not their civil registration  
- Guaranteeing an independent oversight of local/international observers, and media presence  
- Must include gender quotas “zipper style”, which means that women must be equally spaced out in the party list, and parties must allocate approximately 1/3 of their seats to women candidates  
- Reform profession quotas, by eliminating the 51% farmer/worker quota while strengthening their unions and party-union relations  
- Adding ethnic and confessional quotas in representative manner, by allocating certain number of seats to ethnic and religious communities (60 seats out of 230 seats or 26%)  
- Parties need a 3% percent threshold to gain representation in parliament |
# Transitional Period Policy Research
## Electoral System in Future Syria

<table>
<thead>
<tr>
<th>Systems</th>
<th>Suggestions</th>
<th>Outcomes</th>
</tr>
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|              | - Focus on voters education especially concerning minority representation and local leadership  
|              | - Voting open for citizens 18 years and older (one vote per person). living in the country or abroad (through Syrian embassies where there is a big Syrian community) |                                |
|              | **For Prime Minister**                                                      | Stable government               |
|              | The PM is proposed/nominated by President, and must be at least 30 years old at nomination and needs a 2/3 majority approval of Parliament. | Democratic integrity           |
|              |                                                                              | Social representation           |
| Party        | **Coalition**                                                               |                                |
|              | - Multi-parties which can form coalitions, but must exceed 51% to form a government |                                |
|              | - Their charters must be based on democratic, transparent, and non-violent principles to take part of any coalition government |                                |
|              | - Their programmes and selection of leaders and members must not be based on religion, geography, race, or gender |                                |
| State        | **Secular** (Turkish model)                                                 |                                |
|              | - No specified religious affiliation required in presidential nominees.       | Democratic system               |
|              | - There is no official religion for the state.                              | Representative state            |
|              | - Civil law is the main source of legislation for civil and criminal matters. But religious Jurisprudence is one of the sources of legislation (especially for personal status matters of the various religious communities) | Stable government               |
|              | - Sectarian/ethnic minorities and women’s rights are protected by law, and the constitution assures their civic and religious freedoms and rights |                                |
In order to move Syria in a healthy democratic direction, one of the first steps to be taken by the transitional government is to introduce and develop a free and fair multi-party system that is inclusive and representative of different religious and ethnic factions in Syrian society. Before elections can take place, a national convention must be organised to amend the constitution to allow multi-party representation by drafting the fundamentals of an election system with elections to occur within 8-9 months. The new electoral system must be formulated in a way that best represents the richness and diversity of Syrian society in an inclusive manner; it should not instigate nor ignore the diverse sectarian and ethnic diversity. Afterward, the newly confirmed parliament can commission a constitutional committee – led by opposition leaders, political party representatives, and at least one constitutional judge – to oversee the drafting of a new constitution that will be adopted by a qualified parliamentary majority.

Syria has a variety of religious/ethnic factions but also classical and ideological opposition groups added to the new revolutionary groups recently formed—and while they share a desire for change, they disagree on some fundamental issues. The new government has to be built on consensus among these different groups to ensure the stability in the post-Assad era.\(^{14}\) One remaining issue that must be dealt with is Assad’s extensive security apparatus that is dominated by members of the Alawite sect. The new government must be sensitive to the need to allay the fears of all its citizens including Alawites.

The democratisation process objective is to craft a comprehensive electoral system that not only focuses on electoral democracy – elections as a one day event – but on creating an overall democratic political culture that includes compromise and a balance among the different stakeholders, and builds trust among the different groups of society.

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\(^{14}\) The Syrian opposition so far can be divided into four groups: grassroots revolutionary committees and dissidents in exile abroad who recently formed the Syrian National Council (SNC); opposition blocs inside Syria who form part of the National Coordination Committee (NCC); the grassroots protest movement in Syria such as the Syria’s Local Coordination Committees (LCC) and the Syrian Revolution General Commission (SRGC); army officers who have defected and make up the Free Syrian Army (FSA). They differ on whether or not to encourage foreign intervention, whether there should be regime change or dialogue, and whether there should be armed rebellion or peaceful protest.
builds trust among the different groups of society. This is why this period of democratic transition should be accompanied by peaceful consensus building as well as inter-faith and inter-ethnic reconciliation efforts in order to put four decades of tensions and hardships behind them.

The goal is to move incrementally but surely from a limited form of electoral democracy toward democratic governance. The latter would not only focus on democratic elections but would include human and minority rights, rule of law, equality and justice, and basic freedoms (of association, speech, belief as well as freedom of fear and want). Democratic governance would also ensure good performance of public institutions, based on accountability, legitimacy, transparency, civil society engagement, and network formation.\(^{15}\)

Because of its comprehensive nature, the new electoral system needs to tackle the political, legal, economic and social dimensions simultaneously in a way that would create a new culture on the path of democratisation. Thus, representation would be fair and cover a wider spectrum from the national (presidential/parliamentary) to the local level at the three phases of elections (before, during and after the elections). In this scenario the political dimension would target government structures, institutions, parties, as well as the elections. The legal dimension would target the constitution, election laws and electoral districts. The economic dimension would target funding election organisation, training, monitoring, voters’ education, and party development; the social dimension would target women participation, religious/ethnic minority representation, and media coverage of the elections.

To confer a higher degree of legitimacy to these elections and their outcomes, external electoral assistance is expected. This assistance is defined as “the direct legal, technical and logistic support provided to electoral laws, processes and institutions”.\(^{16}\) This can be in the form of a mixed top-down and bottom-up approach. For instance, international organisations and NGOs (such as the EU, the UNDP, Carter Center and the National Democratic Institute) would help internal actors in providing training, observing the elections, and reporting on the conduct during elections at the national and local levels.

The aforementioned efforts are merely necessary ingredients for a healthy transition into a democracy, but they might not be sufficient to succeed. The new Syrian government needs to be patient and must communicate effectively with the Syrian people every step of the way, in


order to keep their enthusiasm and trust alive as the length of the process takes its toll on the
eager masses. Decision-makers as well as the public in the post-Assad era have to be aware of
the dangers that could hamper the results of their revolution and should work diligently to avoid
falling into the traps of sectarianism and corruption.

One only needs to look at the abundant examples in Eastern Europe to realize that the outcries
and the outcomes of a revolution are not always compatible. It is fairly easy to hold a one-day
election but it is much more difficult to create a sustainable democracy that has the ability to
endure for a long time with minimal long-term cost and negative effects,(17) and to consolidate
that democracy by integrating it into the social fabric of a society in a way that makes it unlikely
for a new democracy to revert to authoritarianism without external influence.(18)

That brings us to the last challenge, which is the fact that states do not exist in a vacuum and there
are external forces that might have a great influence and stake in the Syrian democracy. The future
of Syrian democracy is still in its infancy and it is too early to tell where the balance of power will
lie in the new government.

Conclusion

Electoral reforms do not only mean holding democratic elections. Although fair and free elections are a major pillar of any democracy, elections are no longer seen as a one day event. A paradigm shift has been taking root in the way decision-makers and specialists look at elections, recognizing elections as a ‘process’ rather than an ‘event’. With such understanding, elections need to simultaneously target several dimensions (political, legal, economic, and social) and the various phases of the election cycle (pre-election, during the election, post-election).

At the political dimension the new (transitional) government needs to transform Syria from a one-party system into a multi-party system, which would take into account proper sectarian and ethnic representation. This should be accompanied by developing democratic government institutions such as the Syrian Central Elections Committee, which will be in charge of preparing for the elections. At the legal dimension the portions of the Syrian constitution that deal with citizens’ rights and freedoms must be reactivated by effectively implementing the end of the forty year operation of the emergency law. A national convention must be set up to draft new election laws and draw electoral districts, while constitutional committees will work on redrafting a new constitution that would be put before the new Parliament. At the economic level, funds should be allocated to support elections in its various phases, from providing training and voter education to developing parties and campaigns. At the social level, measures should be taken to encourage women’s participation and ethnic/religious minority representation as well as to ensure the independence of the media in its elections coverage.

All these electoral reforms mean little without working simultaneously on a comprehensive democratic programme that fosters a democratic culture and ensures human/minority rights, civil equality and rule of law, basic freedoms, and good governance. Decision-makers need to keep in mind that internal as well as external forces are at play and have a stake in the outcomes of the democratization process. They must also understand that creating a durable democracy in a society with serious ethnic and sectarian divisions, a long history of brutal autocratic rule, and a regime which shows no sign of yielding peacefully will not be a particularly easy task.

Research shows that the road to democracy is thorny, but not impossible in countries with characteristics similar to those of Syria. However, it requires plenty of patience and constant vigilance. Hence, this policy proposal provides options and tools to deal with some of the envisaged challenges.
Annex

Proposed Parliamentary Seats According to Population Ratio in Syrian Governorates
Bibliography

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