After almost eight years of war, its root causes and the call for freedom of the Syrian population still remain to be addressed. Any realistic prospect for a political solution to work needs to promote a political transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their future.

Over the course of the years, several initiatives at the national and international level attempted to address the pressing need to revisit and update the Syrian Constitution. Syrian civil society organisations, governments and international institutions have worked in the past several years to define the modalities and content for a constitution-building process within the broader efforts by the international community to provide a comprehensive framework for a Syrian-led, Syrian-owned political transition to end the conflict in Syria. UNSC Resolution 2254, unanimously adopted by the UN Security Council on 18 December 2015, still represents the latest attempt by the international community to provide a comprehensive framework for such political transition; it states that “The Syrian people will decide the future of Syria”, and expresses support for a Syrian-led political process which would establish “credible, inclusive and non-sectarian governance”.

The political environment around Syria remains extremely divided and violent; the need for constitutional reform has also been used as a tool to wage political warfare in Syria. In February 2012, already one year into the war, the Government in Damascus passed a constitutional reform, whose main features were to set a limit of two seven-year terms for future presidents and the abrogation of Article 8, which stated “the Arab Socialist Ba’ath Party leads the state and society”. However, the reform process took place in a political environment of rampant violence and in the absence of any participatory process. Instead of responding to the key demand for a political transition, the adoption of the constitutional amendment in 2012 further fueled the civil and political strife in Syria and ensured regime survival rather than the change that was being demanded. More recently, the Final Communiqué of the Sochi conference, organised by Russia at the end of January 2018 in Sochi, called for the formation of a “Constitutional Committee to draft a constitutional reform as a contribution to the political settlement under the UN auspices in accordance with Security Council Resolution 2254”. Like the events of 2012, this announcement was also received with skepticism and further increased the political divide in Syria, due to the direct involvement of Russia in the conflict in Syria at the side of the Assad regime.

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There is an urgent need to empower political activists and civil society leaders to advocate for an open and democratic society and for the protection of human rights, civil liberties, political freedoms, and the rule of law; and promote the principles of inclusiveness, transparency and accountability during the constitution drafting process. It is critical to engage communities inside Syria on the discussions around the constitutional process by raising awareness and rallying Syrians around human rights and equality principles to be in the Constitution and ensure that women, young people and vulnerable groups have a role in the process at all levels and their voices are equally heard in the discussions around the Constitution.

The drafting of the new constitution is not simply a legal and technical process, but it represents the basis upon which to rebuild the social fabric of Syrian society, address the root causes of the war and ensure that transitional justice processes and mechanisms for non-repetition are set up. Although several civil society groups have continued to work on elaborating possible “constitutional scenarios”, they might still not be sufficiently prepared to develop and engage in sustained work both on the elaboration and the support to any constitution-building process. Supporting them in this process, alongside technical support on the constitutional principles for a new Syria, will be critical in the months ahead.

The role of civil society in a future, democratic Syria will be to monitor the situation inside the country and to hold institutions and decision-makers accountable to the rule of law and human rights principles. Civil society can already start playing this role by coordinating and amplifying the voices, priorities and interests of Syrian citizens, particularly in respect of a new Constitution.