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Mini  
Negotiation  
Simulation



# SYRIA: CONSTITUTIONAL REFORM

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# LAWYERING PEACE

## **Mini-Negotiation Simulation**

### **Governance: Syrian Constitutional Reform**

The purpose of this negotiation is to identify and navigate the multifaceted challenges embedded in constitutional negotiation in the context of the Syrian conflict and peace process. While the central goal will differ for each party, discussions will involve reinstating stability, ensuring human rights are protected, promoting economic growth, and facilitating regional diplomacy. The intention is to explore potential points of agreement or disagreement among the key negotiating parties. Through the simulation, participants will debate their positions, learn negotiation techniques, identify points of conflict, and discuss potential solutions.

The simulation will tee up the conversation in the remainder of the class time on the question of governance, and draw from the relevant chapter in *Lawyering Peace* as well as the supplementary material, if any, provided on the class website.

The conflict in Syria, beginning in 2011 as part of the wider wave of protests and uprisings known as the Arab Spring, is complex and multifaceted. Over the years, it has evolved into a protracted and devastating civil war involving various domestic and international actors. The conflict has caused immense human suffering, displacement, and has had geopolitical repercussions. Although there have been multiple peace negotiations over the years, none have managed to secure lasting peace. The agenda for this negotiation is to discuss amending the current constitution or drafting a new one, in the event that stable peace is secured (post-conflict).

## **Parties**

- Government of Syria
- Syrian Coalition
- The Middle Third (Civil Society)

**Time Allotted:** 45 minutes

**Instructions:** Prior to negotiations, each delegation will meet for 5 minutes to discuss negotiation strategies and their positions with respect to reforming the Syrian constitution. You may assume that other issues are on the agenda for a later session and will be addressed in subsequent negotiations.

## **Agenda**

- Individual Delegation Meetings (5 minutes)
- Plenary (15 minutes)
- Individual Delegation (5 minutes)
- Plenary (20 minutes)

## **Conflict Background**

The Syrian conflict, starting in March 2011 as protests against President Bashar al-Assad's regime, has had a devastating effect on both the state and the region. Recent estimates report more than 600,000 people have been killed since the start of the war. According to the UN, more than 6.9 million people have been internally displaced and more than 5.4 million have fled and are living as refugees across the world. Turkey, Jordan, and Lebanon have been hit particularly hard by the influx in refugees, straining already weak infrastructures. Watch video at Annex 1: [United Nations, 11 Years of War in Syria- can it ever end?](#)

While the United Nations and state actors continue to work towards reaching a diplomatic resolution, the Syrian Constitutional Committee (SCC - comprising members from the regime, opposition, and civil society) was established with the task of finding common ground on issues like state identity, governance, and constitutional reform. The SCC is composed of three representative blocs: the "Opposition" (Syrian Coalition), the "Middle Third" (representing civil society), and the "Government" (associated with the Assad regime). While the SCC is part

of a "Syrian-owned and Syrian-led" peace process according to the UN, both Turkey and Russia have influenced the composition of the SCC's members.

- *Decentralization vs. Centralization:* This issue revolves around the distribution of political power within the country. Decentralization advocates argue for delegating significant authority to local governments or regions, allowing them to make decisions that directly affect their communities. The goal is to empower diverse groups and enhance representation, acknowledging the different needs and identities across the country. Centralization proponents, on the other hand, emphasize maintaining a strong central government to prevent fragmentation and ensure uniform policies and security. Striking a balance between these approaches involves addressing concerns related to regional autonomy, resource allocation, potential conflicts between regions, and the capacity of local authorities to manage their responsibilities effectively.
- *Presidential Powers:* The allocation of presidential powers is a critical aspect of post-conflict governance. It involves determining the authority and limitations of the head of state, which affects the system's checks and balances. A strong presidency can provide stability and effective decision-making, but it also carries the risk of potential abuse if unchecked. Limiting presidential powers aims to prevent authoritarianism, distributing authority among different branches of government. The challenge lies in finding a configuration that ensures effective leadership while safeguarding against potential tyranny. Discussions often revolve around how to balance executive authority with legislative oversight and judicial independence.
- *National Referendum:* A national referendum entails presenting the proposed constitution directly to the citizens for approval, allowing them to vote on its adoption. This is a significant point of contention and this method holds both advantages and challenges. Some of the benefits include greater popular support for the government, inclusivity of all citizens, reconciliation between opposing groups, and public engagement which creates a sense of ownership and awareness of the country's governance. A successful referendum helps to foster public trust and is perceived with higher levels of legitimacy, both domestically and internationally. However, tensions are often still running high in post-conflict situations, creating security concerns, the potential for manipulation from internal and external actors, and the possibility of exacerbating existing divisions if run poorly. The Syrian government and the Syrian National Council, share concerns about the

potential risks and uncertainties associated with a referendum, while the Middle Third support a national referendum.

## **Issue for Negotiation**

The central issue to be negotiated revolves around the reform of the Syrian constitution in the aftermath of the conflict. The parties must determine a comprehensive strategy that considers stability, inclusivity, and respect for fundamental rights. This negotiation aims to navigate the intricate interplay of post-conflict dynamics, decentralization versus centralization, presidential powers, and the ratification of a new or updated constitution by national referendum.

## **Party Positions**

### *For Government*

- The government emphasizes the need for a strong central government to ensure stability and prevent the country from further fragmentation. They express concern that too much decentralization might lead to a power vacuum in some regions, potentially enabling separatist movements, and eroding stability. They may propose the limited devolution of power to local authorities, always maintaining that they will retain control over key decision-making processes, security, and resources. However, they may alternatively advocate for limited autonomy for minority groups, prioritizing the country's territorial integrity and asserting that too much autonomy could lead to secessionist tendencies.
- The government advocates for a strong presidency with the authority to ensure stability and make swift decisions during the post-conflict period. They believe that limiting presidential powers could weaken the ability to enforce policies and respond effectively to potential security threats. They express a willingness to consider an international oversight mechanism but oppose any reduction in the president's executive authority. They will suggest an oversight mechanism in which Russia is a core member. They could argue for a presidential system with extended terms to ensure stability during the crucial period of post-conflict reconstruction and rebuilding state institutions.
- Finally, the government expresses skepticism about the feasibility of a nationwide referendum due to security concerns and the potential for



external manipulation. They argue that a direct referendum could exacerbate instability, given the ongoing complexities in Syria. They instead support an elected representatives approval process, believing in a more controlled approach would ensure stability.

### *For Syrian Coalition*

- The Syrian Coalition advocates for significant decentralization to empower local communities and regions, giving them greater autonomy over governance and resources. They argue that decentralization can help address historical grievances and promote a sense of ownership and representation among diverse ethnic and religious groups. Furthermore, they suggest a model where regions have the authority to manage their own affairs, such as education, health, and economic development.
- The Syrian Coalition argues for checks and balances on presidential powers to prevent a return to authoritarian rule. They propose a parliamentary system with a ceremonial presidency and executive powers vested in a prime minister accountable to the legislature. They also emphasize the importance of ensuring that no single individual has unchecked authority to prevent abuses of power. As such, the coalition will stress the necessity of term limits for the president to prevent the concentration of power and maintain democratic governance.
- Like the government, the Syrian Coalition shares the concern that a direct referendum could exacerbate the prevailing complexities within Syria, leading to potential instability. Rather than advocating for a nationwide vote, the Syrian National Council opts for an alternative approach, favoring a parliamentary approval process. This choice is rooted in the council's belief that a more controlled and deliberative method, as opposed to a direct referendum, would offer a more effective means of ensuring stability

### *For the Middle Third (Civil Society)*

- The Middle Third supports a balanced approach that allows for some degree of decentralization while maintaining a functional central government. They emphasize that decentralization should be accompanied by clear mechanisms for coordination, resource-sharing, and conflict resolution to prevent potential conflicts between regions. They propose establishing a

constitutional court to mediate disputes between central and local authorities.

- The Middle Third supports a hybrid model that safeguards against both concentration of power and political gridlock. They suggest an empowered presidency with limitations on certain critical areas, such as declaring a state of emergency, to ensure the protection of citizens' rights. They will advocate for an independent judiciary to oversee the adherence of executive actions to constitutional principles.
- Finally, the Middle Third strongly supports adopting the new constitution through a nationwide referendum, believing it directly involves Syrians in shaping the nation's future. They argue that a referendum grants legitimacy to the constitution, helping rebuild trust after years of conflict. Despite challenges, they assert that safeguards can ensure fairness and integrity in the process, making it a vital step towards inclusive governance in post-conflict Syria.

### **Additional Resources - Not Required Reading**

[Middle East Institute, Syria's Constitutional Committee: The Devil in the Detail](#)

[Council on Foreign Relations, Conflict in Syria](#)

[United Nations, Syrians Suffer as Political Stalemate Persists](#)

[Reuters, Syrian government, Opposition Agree to Redraft Constitution -Envoy](#)

[BBC, Why Has the Syrian War Lasted 12 Years?](#)

**Annex 1:** [United Nations, 11 Years of War in Syria- can it ever end?](#)