

Europäisches Zentrum für Kurdische Studien
European Center for Kurdish Studies



**The Syrian
Constitutional Committee**
Actor Mapping of the Small Body

EZKS



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EZKS



The Syrian Constitutional Committee

Actor Mapping of the Small Body

by

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Abbreviations

SCC..... Syrian Constitutional Committee

SNC..... Syrian Negotiation Committee

MT..... Middle Third

HNC..... High Negotiation Commission

KNC..... Kurdish National Council

UN..... United Nations

WAB..... Women's Advisory Board

LAS..... League of Arab States

PYD..... Kurdish Union Party

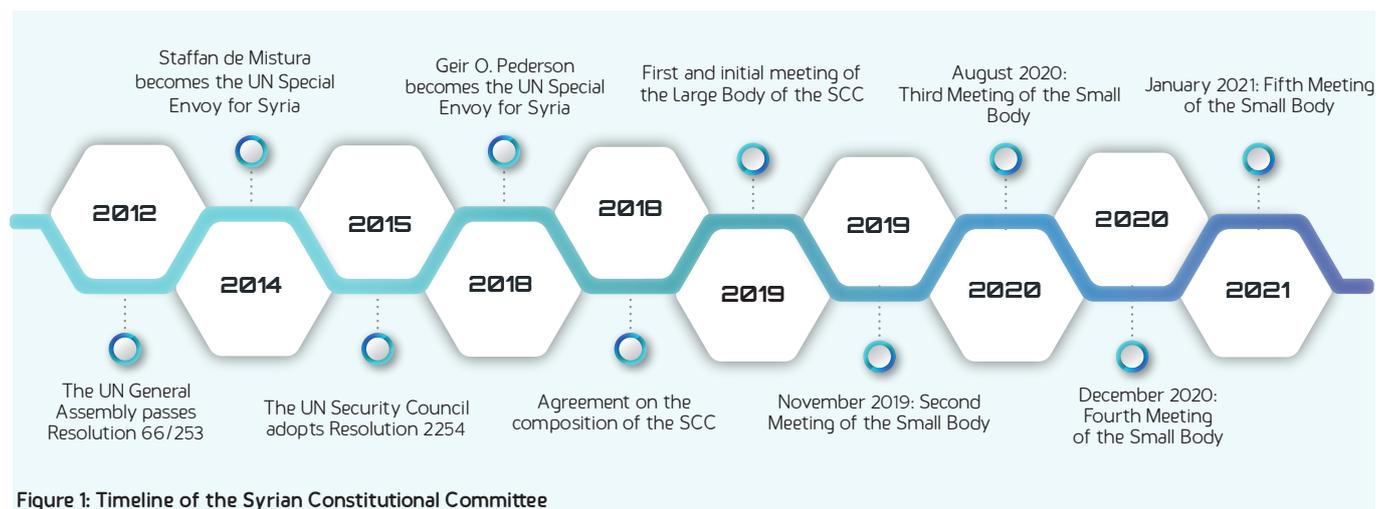
AANES..... Autonomous Administration of
North and East Syria



Introduction

The Syrian Constitutional Committee (SCC) is an assembly of Syrians from different political and societal backgrounds. Its task is to draft a new constitution for Syria. The United Nations is hosting the assembly in its habitat in Geneva. This study will shed light on the formation history of the SCC, its composition and members, the negotiation topics and the role of women, youth and minorities on the SCC.

How the Syrian Constitutional Committee came into being



In February 2012, the United Nations (UN) Security Council attempted to adopt a resolution that “would have demanded that Syria immediately cease all violence and protect its population; release all persons detained arbitrarily; withdraw all military and armed forces from cities and towns; and guarantee the freedom to hold peaceful demonstrations. It would have called for ‘an inclusive Syrian-led political process conducted in an environment free from violence, fear, intimidation and extremism, and aimed at effectively addressing the legitimate aspirations and concerns of the Syrian people [sic!]’.” (UN 2012) However, the resolution was boycotted by the vetoes of Russia and China. Instead, the UN General Assembly passed Resolution 253/66 which is the legal framework to set up



the Joint UN and LAS Special Envoy for Syria. This position was first taken by the former UN Secretary General Kofi Annan, followed by the Algerian diplomat Lakhdar Brahimi. Both concentrated on achieving a ceasefire and aimed at building trust between the conflict parties. However, both resigned mainly because they did not see any readiness of the conflict parties to work towards stopping the violence. In 2014, the Italian–Swedish Diplomat Staffan de Mistura took over the position of the UN Special Envoy for Syria. In contrast to his predecessors, he put more emphasis on the role of international forces in Syria. Finally, in October 2018, Geir O. Pederson became the UN Special Envoy for Syria and Khawla Mohammed Ali Matar was nominated Deputy to the Special Envoy. In December 2015, the UN Security Council adopted the Resolution 2254. Article 4 of the resolution reads: “[...] sets a schedule and process for drafting a new constitution [...]”. (UNSCR 2015) During the Geneva Peace Talks in 2017, a list of potential members of the opposition and the civil society block for the Syrian Constitutional Committee was drafted. With the Sochi Conference in January 2018, the Astana Group, composed of Russia, Turkey and Iran, reached an agreement on the composition of the SCC.

The composition of the Syrian Constitutional Committee

Roughly, the SCC is divided into an opposition group, representatives of the regime and a group representing civil society, which is called Middle Third. Each of them is composed of 50 members (Large Body), of which 15 members from each block are part of the Small Body. The drafting process is mainly the task of the Small Body, while the Large Body is going to vote on the draft constitution. The terms of reference issued by the UN for the SCC stipulated that the members should aim at consensual decisions whenever possible. In case consensus cannot be achieved, decisions can be passed if 75% of the members of the SCC vote in favour of them (113 in the Large Body, 34 in the Small Body). In the following, we will present the composition of the Small Body of the SCC in detail:

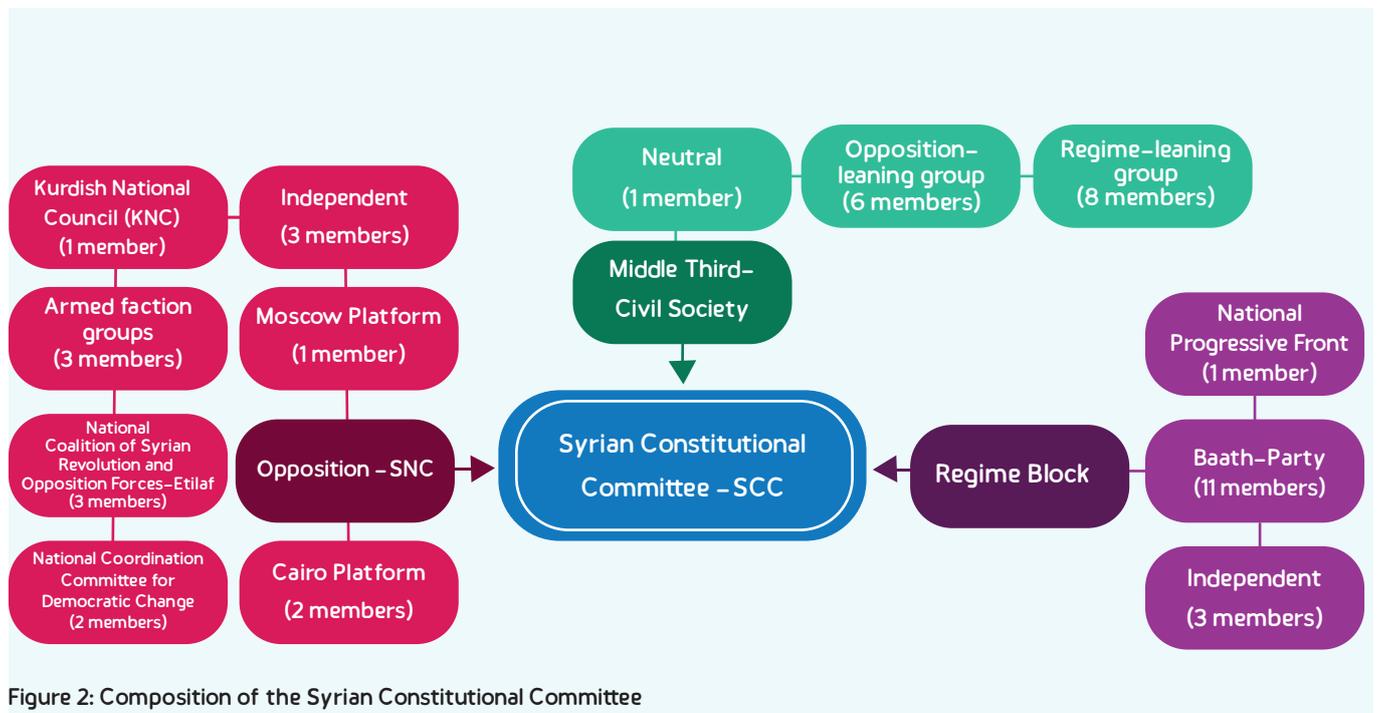


Figure 2: Composition of the Syrian Constitutional Committee

The Opposition

The opposition block is formed by the Syrian Negotiation Committee (SNC) which is the successor of the High Negotiation Committee (HNC). These negotiation bodies came into being in the context of the Syrian Peace Process and are composed of different parties, platforms, party unions and independent members. Before the HNC and later the SNC came into being, the National Coalition for the Syrian Revolution and Opposition Forces (Etilaf) which is now part of the SNC, was recognized as the rightful representative of the Syrian people by many international actors, e. g. the European Union. Within the SCC, the SNC with Hadi al-Bahra as one of two co-chairs, represents the Syrian political opposition. Until January 2021, the SNC's headquarter was in Riyadh and Saudi Arabia supported the SNC financially. The basic principles the SNC stands for are heterogenous as they have members from various parties, positions and stands. What all of them roughly agree on is the importance of national unity and the illegitimacy of the Assad Regime. Hereafter, we will present the different parties which are part of the Small Body of the SNC:



Opposition – SNC

Etilaf: Hadi al-Bahra, Dima Moussa, Haytham Rahma

Kurdish National Council: Kamîran Hajo

National Coordination Committee for Democratic Change: Safwan Akkash, Ahmed Al-Esrawi

Cairo Platform: Jamal Soliman*, Nidal Hassan

Moscow Platform: Mohannad Dlykan*

Armed faction groups: Hasan Al Hariri, Hassan Obeid, Mohamad Ahmad

Independent: Bassma Kodmani, Awad Alali*, Tarek Al Kurdi

*Resigned, paused or replaced

National Coalition of the Syrian Revolution and Opposition Forces (Etilaf):

Etilaf is the biggest group within the opposition block of the SCC and composed of 21 parties and party unions as well as 92 individuals. It is based in Istanbul and financially supported by Turkey. The political opinions range from Islamist to secular and socialist. Within the Small Body of the SCC, there are 3 members of the Etilaf:

- Haytham Rahma (Syrian Future Movement):

The Movement was founded in the course of the revolution 2011. They believe in peoples' sovereignty and power sharing as an essential precondition for democracy.

- Dima Moussa and Hadi al-Bahra, president of the SNC and Co-Chair of the SCC (both independent).

The Kurdish National Council (KNC):

The KNC is a coalition of different Kurdish parties, except, however, the PYD. Their main focus is to assure minority rights and the inclusion of all social components into politics. In the Small Body, the KNC is represented by Kamîran Hajo.



National Coordination Committee for Democratic Change:

The Coordination Committee is composed of nine parties and was formed in 2011. Largely, its members stay in regime-controlled areas inside Syria. Their views are mostly secular and leftist, while some are Arab or Kurdish Nationalists.

Within the Small Body of the SCC, there are two members of the Coordination Committee:

- Safwan Akkash (Communist Labour Party):

This party stands for the establishment of a modern, secular and democratic system which assures economic development and job opportunities.

- Ahmed Al-Esrawi (Democratic Arab Socialist Union):

The Democratic Arab Socialist Union is a Nasserist party founded on the pillars of liberty, socialism, and national unity.

Cairo Platform:

The members of the Cairo Platform are based in Cairo and represent mainly economic interests in the SCC. The most prominent figure of the platform and the only member of the Small Body is Jamal Soliman who recently stated that he wants to end his political career. Kassem Al Darwish was also part of the Cairo Platform, but after the fifth round of negotiations in January 2021 he was replaced by Nidal Hassan. The Egyptian government is not involved with the Cairo Platform.

Moscow Platform:

The Moscow Platform is based in Moscow and Mohannad Dlykan is its only representative in the Small Body. He resigned earlier in 2021 but it is not sure yet if he really left and who would then replace him. The platform takes an anti-capitalist stand and works for more economic and social equality.

Armed groups in the Small Body:

Hassan Obeid, Hasan Al Hariri, Mohamad Ahmad.

Independent members in the Small Body:

Bassma Kodmani, Tarek Al Kurdi, Awad Alali (he resigned from the SCC after the meeting in January 2021 but is not replaced yet).



The Middle Third

The Middle Third does not dispose of a president. It is composed of individuals who are leading figures of the Syrian civil society, researchers or lawyers. The Middle Third can be divided into regime leaning members (Mais Elkrydee, Mousa Metri, Maher Mlandy, Ali Abbas, Isam Altekruri, Sonia Halabi, Samar Aldyub, Anas Zrea) and those who distance themselves from the regime (Raghdāa Zidan, Khaled Odwan Al Helo, Sabah Alhallak, Mazen Gharibah, Elaf Yassin Mohammed, Eman Shahoud). Omar Abdulaziz Hallaj is perceived to be neutral.

Middle Third – Civil Society

Regime-leaning: Mais Elkrydee, Mousa Metri, Maher Mlandy, Ali Abbas, Isam Altekruri, Sonia Halabi, Samar Aldyub, Anas Zrea

Neutral: Omar Abdulaziz Hallaj

Opposition-leaning: Raghdāa Zidan, Khaled Al Helo, Sabah Alhallak, Mazen Gharibah, Eman Shahoud, Elaf Yassin

The Regime Block

The composition of the regime block in the SCC has been decided upon by the Assad Regime itself and the Baath Party is the party with most members (Ahmad Farouk Arnous, Mouhammed Issam Hazime, Riad Taouz, Nezar Skef, Amjad Issa, Jamal Kadri, Ashwaq Abbas, Dareen Sleman, Mohamad Khir Alakam, Haissam Altass, Ahmad al-Kuzbary). Apart from that, there is one delegate (Amal Yazji), who doesn't directly represent the Baath Party but the National Progressive Front. Moreover, there are three independent members (Abdullah Alsayed, Akram Al Ajlani, Jamila Al Shurbajji). The other co-chair of the SCC, Ahmad al-Kuzbary, is from the regime block. The Syrian Baath Party was born as a branch of the pan-Arabic Baath Party. Fundamental ideologic key words are Arabic nationalism, Arabic socialism and secularism. The Syrian Baath Party is the only remaining branch and defines Greater Syria as its ultimate goal. The National Progressive Front is a party union founded in 1972. It encompasses 10 parties which are represented in the Syrian parliament. The Baath Party is by far the strongest member of the National Progressive Front.



Regime Block

Baath-Party: Ahmad Farouk Arnous, Mouhammed Issam Hazime, Riad Taouz, Nezar Skef, Amjad Issa, Jamal Kadri, Ashwaq Abbas, Dareen Sleman, Mohamad Khir Alakam, Haissam Altass, Ahmad al-Kuzbary

National Progressive Front: Amal Yazji

Independent: Abdullah Alsayed, Akram Al Ajlani, Jamila Al Shurbaji

The Negotiations

The initial meeting of the Large Body of the SCC took place in October 2019. Until July 2021, this was the only meeting of the Large Body. The opposition block proposed to deal with constitutional principles, including the separation of powers and the transparency of elections. The Middle Third wanted to shed light on the release of politically detained and disappeared, women's rights and the Western sanctions. The regime block wanted to focus on the issue of terrorism. It is relevant to mention that the Assad Regime defines a large part of the opposition block as terrorists. This is why the first round was ended earlier than planned.

The Small Body of the SCC met in November 2019, in August 2020, in December 2020 and in January 2021.

Before each meeting, the UN Special Envoy meets with the co-chairs of the SCC, Hadi al-Bahra and Ahmed al-Kuzbary to discuss the agenda of the meeting. Here, two problems appear: On the one hand, the Middle Third is not involved in this process of agenda setting which reduces its influence on the negotiation process as a whole. On the other hand, the agenda setting has not yet been clear. Apart from that, there are rules of procedure, but none define the speaking time and the way in which the discussion should be moderated. This is why the last round did not achieve any progress and left even the UN Special Envoy to express his disappointment with the process in his press statement on February 09, 2021 in the aftermath of the last negotiation round. Moreover, various members wanted to resign due to the lack of progress within the negotiations.



So far, the actual drafting process has not started yet. The topics which have been discussed in the framework of the Small Body were the Syrian national identity, terrorism, the return of refugees, and constitutional principles in general. The meetings in November 2019 and August 2020 mainly discussed constitutional principles. A central question was whether Syria should change its official name from "Syrian Arab Republic" to "Syrian Republic" to acknowledge the diversity of Syria. Another topic was the role of Islam in the future constitution. By comparing the final declaration papers of the opposition (SNC) and the regime after the fourth round of negotiations in December 2020, the following aspects can be concluded:

The opposition (SNC) emphasizes that the Syrian people are proud of their national identity, their cultural diversity and the contributions of all religions, civilizations and traditions, as well as the coexistence of various components. "Syrian identity" is understood as something that needs to be actively developed in accordance with the principles of the modern democratic civil state. This modern and flexible conception of identity of the opposition is in clear contrast to the Syrian government's concept of identity. The paper of the government also emphasizes that the Syrian identity has been shaped by all civilizations, religions and traditions. At the same time, identity is defined exclusively as Arabic: "The name of the country is the Syrian Arab Republic. The official language of the state is Arabic." (Final Statement of the regime block, fourth round of negotiations 2020).

The Syrian government deals almost exclusively with the subject of terrorism. In doing so, it uses an extremely broad concept of that term, by defining separatist and separatist-like projects in the fields of education, social affairs and culture as terrorism. This definition would also understand Kurdish school education or language teaching as terrorist.

In the final declaration of the opposition (SNC), the issue of terrorism is only one of many. The paper condemns all forms of terrorism, fanaticism, extremism and sectarianism and declares that the Syrian state is fighting the causes of the spread of terrorism. Long passages in the final declaration of the opposition (SNC) deal with individual freedoms and human rights. For example, it states that the state has an obligation to protect human rights and general freedoms, including non-discrimination, equal rights and equal opportunities for all citizens, regardless of religion, race, ethnicity, cultural identity, language, gender or other factors. This must apply especially in times of crisis.



To this end, the law must implement effective mechanisms. The government paper doesn't mention human rights and individual freedoms at all. How to counteract the concentration of power in the hands of few remains relatively open both in the paper of the opposition and in the paper of the government. The opposition paper does mention the principle of the independence of the judiciary and the separation of powers. However, concepts going beyond this, for example with regard to the preferred system of government or with regard to vertical decentralization and power sharing between municipalities, regions and the central level, cannot be found in the opposition's paper either.

The Women's Advisory Board

In 2016, the office of the former Special Envoy for Syria, Staffan de Mistura, established the Syrian Women's Advisory Board (WAB), in partnership with UN Women (Entity for Gender and Equality of Women) and the UN Department of Political Affairs to participate as third-party observers. The idea behind the WAB is to include and consider women's perspectives in the political process and the peace talks. Their main work consists in consulting the Special Envoy and his team on gender-related issues as well as to engage in dialogues with different stakeholders to provide sustainable and gendersensitive outputs. The WAB also tries to find agreements on issues which are contested in the SCC itself. The current UN Special Envoy for Syria, Geir O. Pedersen, continually mentions the Women's Advisory Board in his press releases before the SCC meetings. He usually stresses that "[i]t is priority for all of us to make sure that we have full participation of Syrian women in the political process [and to promote] their core constitutional rights." (Press release, 22.01.2021) However, so far women's rights or gender in general haven't played any role in the meetings of the Small Body. In the beginning, the WAB consisted of 17 women, as of June 2021 they were 16 women from diverse geographical, political, religious and ethnical backgrounds and affiliations: Sabah Alhallak, Raeifa Samie, Rima Mia, Diana Jabbour, Itidal Mohsen, Sawsan Zakzak, Amira Hwajeh, Hala Shash, Lina Asaad, Nawal Yazigi, Magdoline Hassan, Ragha Altally, Asmaa Keftaro, Rim Turkmani, Nada Alaswad, Susan Aloush. The Women's Advisory Board is supported by the governments of the Netherlands, Norway and Finland, and appreciates further support from the EU.



The Civil Society Support Room

The Civil Society Support Room (CSSR) came into being in January 2016 thanks to the initiative of the office of the UN Special Envoy for Syria. In this way, the office hoped to gain insights and opinion from a range of different civil society actors. On the other hand, the CSSR should also be a platform for the Syrian civil society itself to interact. A third goal is the exchange between the Syrian civil society and international actors.

The Civil Society Support Room is composed of different Syrian activists and NGOs. The delegates for the different meetings of the CSSR are chosen according to a rotation principle. Furthermore, the CSSR aims at representing every region where Syrians live. Therefore, the Room is composed as follows: Syria 225 members (31%), Turkey 230 members (32%), Jordan 76 members (11%), Lebanon 43 members (6%), Europe 90 members (12%), Iraqi Kurdistan 40 members (6%), USA 8 members (1%), Gulf states 7 members (1%). Apart from that, the CSSR aims at equal representation in regard to gender and tends to equilibrate the different political affiliations.

The meetings of the Civil Society Support Room take place irregularly and in different constellations. There are different types of meetings, some focus on the issues in one specific region, some discuss the outreach strategy of the CSSR and some are designed to listen to special guests. On the whole, there have been 61 meetings (physical and virtual). The last one took place during the Brussel V Conference in March 2021. The agenda of the meetings is set by the office of the UN Special Envoy for Syria and the moderation is taken by different facilitators from the Syrian civil society itself or by international experts.

The CSSR is funded by the EU, Sweden, Switzerland and Norway.



Women in the Syrian Constitutional Committee

Resolution 2254 is “encouraging the meaningful participation of women in the UN-facilitated political process for Syria.” (UNSCR 2015) The UN Women (Entity for Gender and Equality of Women) together with several women-rights organizations and networks successfully demanded a thirty percent quota of women in the SCC and for all negotiating parties. However, neither the opposition (14%) nor the regime (24%) met this requirement. Only the Middle Third exceeded these expectations appointing a share of 40% female members of the SCC. So in total, 27% of the SCC are female which is still low considering that women make up 53% of the Syrian society. However, the international average percentage for women in parliaments is 24,5%.

In detail, this means that the Middle Third has six female members in the Small Body. The Large Body of the Middle Third encompasses another twelve women. In the Small Body of the opposition block, there are only two women (out of fifteen members) represented. Five other women are part of the Large Body of the opposition block. The significantly low integration of women in the SNC already depicted in its predecessor organisation, the High Negotiation Commission (HNC): Even though the HNC had founded the Women Advisory Board, former UN Special Envoy de Mistura illustrated that: “the problem is that they don't talk. They're not allowed to talk, or they are not given an opportunity to intervene. Except when I insist in asking a specific question, which is forcing the process. They don't sit close to the centre, they are on the margins. They're considered experts rather than actual delegates” (Gambale 2016 quoted by Kapur 2017, 38). In the regime block of the SCC, there are three women in the Small Body and another seven women in the Large Body.

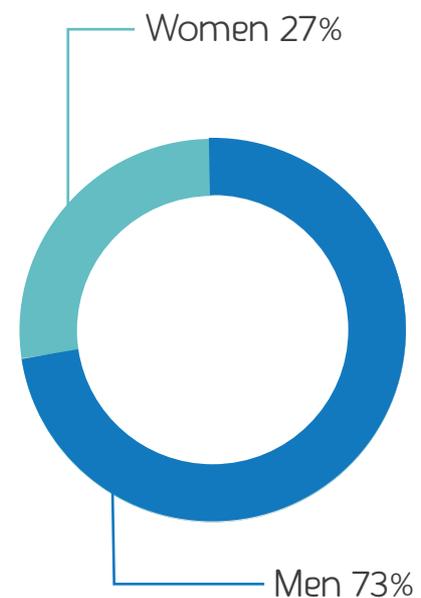


Figure 3: Gender in the Small Body of the SCC



Minorities in the Syrian Constitutional Committee

Even though according to vague estimations around 10–15% of the Syrian population is Kurdish, only six out of 150 members (4%) of the Large Body are of Kurdish origin (two in the opposition block, two in the Middle Third and two in the regime block). In the Small Body, there are two Kurds, one from the regime block and one from the opposition. However, only Kamîran Hajo of the Kurdish National Council (opposition block) understands himself as representative of Kurdish interests. The Democratic Union Party (PYD) which controls the Autonomous Administration of North and East Syria (AANES) is not part of the SCC. One of the reasons is its affiliation with the Kurdistan Workers' Party (PKK) operating in Turkey. The PKK is classified as a terrorist organisation by Turkey, the EU and the USA.

Not only the Kurds, but also other minorities are underrepresented in the SCC – even though to a lesser degree. With 2%, the representation of Syriacs in the Large Body (two members in the Middle Third and one member in the opposition) is lower than their actual share in the Syrian population (4%). The representation of Turkmen is also 2% in the Large Body (one member in the Middle Third and one in the opposition), thus it is also lower than their share in the Syrian population (4–5 %). Moreover, there are no Syriacs and only one Turkmen in the Small Body (opposition). There is one Armenian in the Large Body (regime block) and one Assyrian (opposition) – however, neither of them is in the Small Body.

In regard to religious minorities, Alawites are also slightly underrepresented with a share of 12,7% in the Large Body of the SCC, compared to around 15% of the Syrian population. Four members are from the opposition block, seven from the Middle Third and eight from the regime block. Seven of these nineteen Alawites are in the Small Body: four in the regime block, two in the Middle Third and one in the opposition.

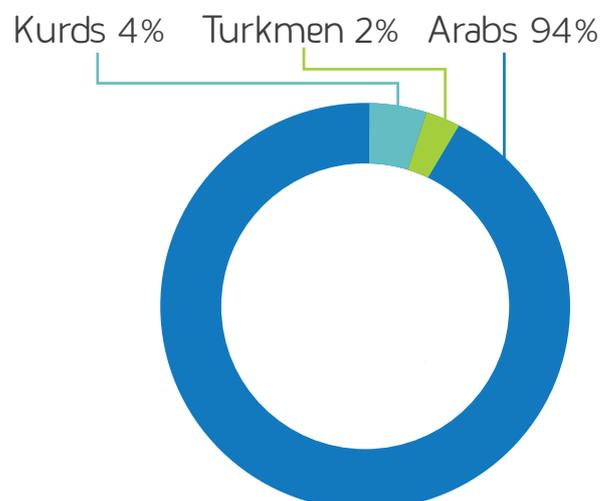


Figure 4: Ethnic Groups in the Small Body of the SCC



The Christians, on the other hand, are slightly overrepresented with 13,3% in the Large Body of the SCC compared to a share of about 10% in the Syrian population. Six Christians are from the regime, nine from the Middle Third and five from the opposition. Four of them are in the Small Body: one from the regime, two from the Middle Third and one from the opposition.

The same applies for the Druze: 6% of the members of the Large Body of the SCC (nine persons) are Druze, while only 3% of the Syrian population is defined as such according to available statistics. Three of them are from the opposition, three from the Middle Third and three from the regime. Two of them are also in the Small Body – one from the Middle Third and one from the opposition.

Yazidis, on the other hand, are not at all represented in the Syrian Constitutional Committee.

One can conclude that the Middle Third is the most diverse with regard to religion, while the opposition block comprises the largest share of Sunni Muslims. Moreover, the Kurdish minority is the minority group most underrepresented with regard to its share in the Syrian population – this is true for the opposition, the regime and the Middle Third.

A possible explanation may be that the fear that Kurdish representation will lead to separatism is prevalent in all segments of the Syrian population, independent of their political affiliation.

The UN did not go against this tendency: it is noteworthy that they established a thirty percent quota of women in the SCC as well as the Women Advisory Board to make sure that women's perspectives are considered and included in the political process – but failed to guarantee the same for minorities.

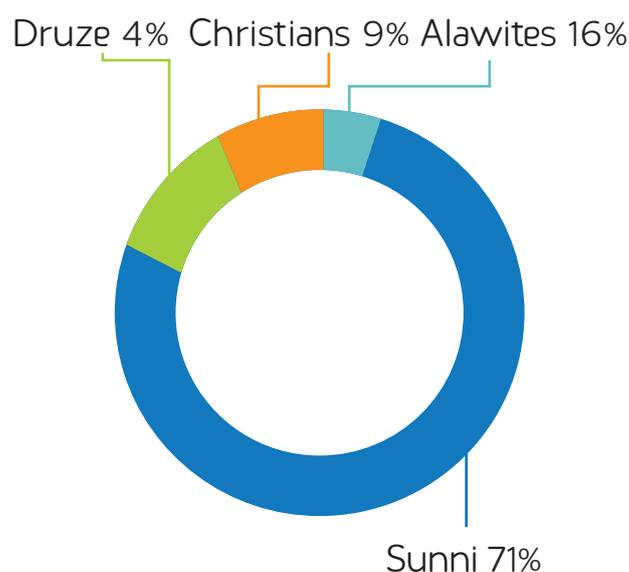


Figure 5: Religious Groups in the Small Body



Youth in the Syrian Constitutional Committee

The average age of the SCC members in the Small Body of the regime block is 54 years, in the opposition it is 52 years and 57 years in the Middle Third. There are no members under the age of 30 and only seven members in the Small Body and ten in the Large Body who are between 30 and 40 years old. Moreover, 29% of SCC members in the Small Body are between 61 and 70+ years old. Thus, the voices, interests and the views of young people are not really represented. They are not involved in drafting the future constitution although they are a great part of society as the average age among the Syrian population is 21,4 years.

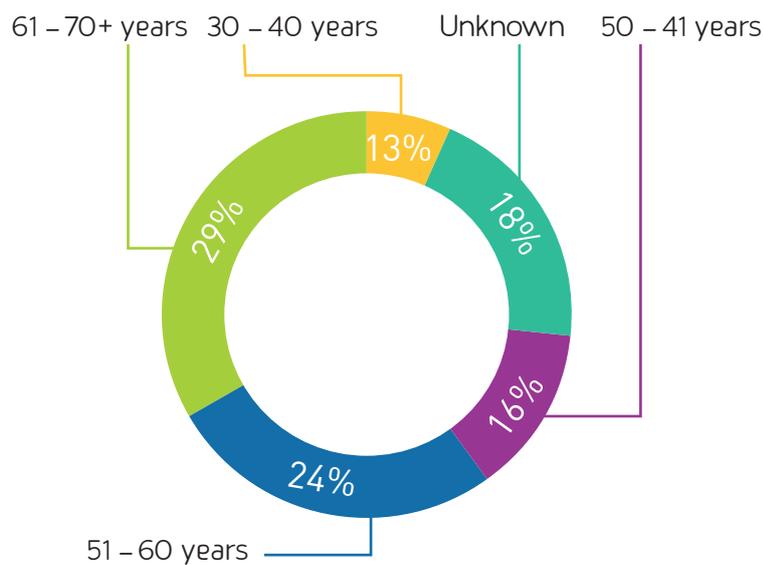


Figure 6: Age in the Small Body of the SCC



Conclusion

As of August 2021, it is not clear when the members of the Small Body of the SCC will meet again. Further, even if they manage to set a date for a sixth round of negotiations, the existing problems remain.

Without explicit procedural rules and a clear agenda, it will be challenging for the SCC to agree on common principles. Considering this, some SCC members have suggested that the UN should play a greater role in the negotiations. Yet, others argue that this would be an illegitimate external influence, incompatible with a Syrian-owned, Syrian-led process. Likewise, it seems high time to have a critical discussion about what exactly is meant by “external influence”.

Moreover, certain groups (e.g., some minorities, young people) remain underrepresented in the SCC. Some believe that a minority advisory board or a youth advisory board could make the process more inclusive. However, there is a risk that such advisory boards are simply for the sake of appearances. A critical analysis of the de facto influence of the Women’s Advisory Board on the constitutional process may help to develop a better vision of what such advisory bodies can achieve as well as what limitations exist.

Last but not least, it needs to be considered whether there are any other realistic alternatives to support the Syrian peace process – that is, beyond the constitutional process. Still, working on transitional justice or preparing elections will confront the stakeholders with exactly the same problems as those related to drafting a new constitution: a Syrian government not interested in progress or compromise, a highly fragmented opposition and civil society, and international actors supporting their own agendas rather than sustainable peace.



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