

The Constitutional Issue

(8)



Trust as an imperative for political progress

January 2024



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Poll background:

In the general framework of any conflict, confidence-building plays a key role in supporting both the negotiating efforts and the political process.

In principle, confidence-building is based on legal guarantees that enable participating parties to engage in building partnerships and shaping a future beyond tyranny, this constant generator of conflict.

In the Syrian case, confidence-building has been a main issue by and through, both on the side of the movement, and that of political institutions. We believe that confidence between the central political system and the local opposition is heavily affected by the historical context, as well as the experiences of the opposition itself with the regime over five decades.

Confidence is also omnipresent in the relationship between the political regime with its partners in the "National Progressive Front". This includes annual promises to develop unions, whether at the level of student or labor conferences. It also manifests itself in the form of the regime's dealings with its opponents from different stripes; All of which was tinged with skepticism from all parties, including the central government itself.

Additionally, if we focus on the democratic aspects of government rule, and especially elections, the lack of trust within the governing class manifests itself clearly, as the regime refused for decades to accept candidates from outside its «clique.»

On a national level on the other hand, promises to resolve issues regarding nationality and the Kurdish issues, remain unmet. The same goes for issues regarding public life, human rights, development and marginalization.

These discussions took place in a climate of low, or in many cases non-existing trust.

However, it is important to recognize that forces of the political opposition did not provide safe solutions and conditions for an alternative political system, the most important of which is understanding and accepting change.

In our present paper, we interrogate the conditions necessary for confidence-building, in order to move the political and constitutional process forward, within the framework of decree 2254.

Preface:

In our previous papers¹, our main focus was the constitutional process. This paper underlines what hinders the moving-forward of this process, which we believe to be the lack of confidence-building measures. Thus, trust has been a pressing issue since the outbreak of the Syrian movement.

The opposition was not convinced by the vision Buthaina Shaaban presented to journalists after the meeting of leaders of the Baath party, and time has proven that this mistrust was well-placed since the Baath party still plays a central role in the decision-making of the Syrian government.

On the other hand, the Syrian government did not believe in the legitimacy of the demands of the Syrian people, but aimed to preserve its power at all costs. This is confirmed by the Syrian president himself, when questioned about the decaying of the «modernization» program, and replacing political reform with economic approaches.

Both the historical context, thus, and the answers given by respondents (more than 50 people) underlines the lack of trust, the suspicion and mutual fear between Syrian men and women.

Our goal in this survey was to collect insights and key ideas to embark on an exploratory path in building trust.

This space, in addition to its importance in the process of negotiation is inherent to every stage. It begins with open dialogue and reaches its end goal when real partnership leads to reform, restoring respect to and trust in institutions.

Without a doubt, interest plays an important role, as it establishes convergence but it does not build trust. Therefore, we have neglected the economic factor to focus on past conflicts that hinder, according to Syrian respondents, the process of building trust.

We worked on formulating the question within the framework of the Syrian context, that is, the responsibility of Syrian men and women towards their country and towards a future that values progress and diversity.

The reader may be shocked by the level of discontent, pessimism, and harshness of the demands. However, as negative as the general atmosphere may seem, it paints a real picture of the situation. Our main goal is to clearly represent the root issues of the Syrian crisis, that is to say that what is taking place today in terms of conflict over military equipment is not the essence of the issue, but rather its repercussion.

The Syrian crisis is a first and foremost a constitutional and political issue!

¹ For more details [click here](#)

Methodology:

Unlike previous polls, the questionnaire was formed using open-ended questions. This was done purposefully to gather creative ideas and insights to present to Syrian decision-makers.

Therefore, we selected a group of Syrian men and women who are aware of public affairs through their contact with civil society, as well as a group of opinion-influencers and individuals with an interest for society's issues.

Our aim was not to interrogate the largest possible number of people, because we wanted to focus on the qualitative aspect of the present work. Therefore, we presented the poll to a number of colleagues whose opinion is valuable and informed by present events.

For the targeted group, the choice of an elitist group was taken for two main reasons:

- To ward off a feeling of lack of participation in shaping the future of their country among the elite, which is not seriously involved in the movement;
- our belief that this type of question can only be answered by a group of individuals that are both informed by and close to the Syrian crisis.

We did not want to immerse ourselves in experiences of countries emerging from civil conflict. Therefore, the reader will find the questions included in the poll were ones inspired by Syrian men and women. We believe the Syrian crisis is very different in its essence to all conflicts that precede it and so, our paper, in terms of form and content, may differ. However, we believe the answers given are consistent with our previous papers and hope they provide a better understanding to a long-time neglected issue.

Bercav team

Survey questions

Historical dimension	2	What is the regime required to offer as goodwill gestures that enhance trust?
	3	What is required of the opposition in return as gestures that serve to build confidence?
	4	What is required of the parties, forces, and the Kurdish party?
The Syrian current	5	Do the country's conditions (more fragility) push the conflicting parties to progress in the political and peacebuilding process?
	6	Are the Syrian conditions, in terms of political incubators and military parties, still prepared to sustain the conflict?
	7	Does Syria, with its opposition, regime and active parties, need more time or is it a hostage of the international situation (Ukraine, Gaza, and regional conflicts) (Please explain your answer why yes or why no)
The legal dimension	8	Does including the principle of recognizing violations prepare for building trust?
	9	Does the agreement to separate the human rights track from the negotiating track - with guarantees of an impartial judiciary that will address the role later - play a role in advancing the political process?
	10	Does transitional justice constitute a guarantee for the progress of the political process, as it includes committees from various parties and people known for their integrity and purity of conscience?
	11	Does decentralization provide a helpful approach to strengthening the state and confidence in the state, and can the idea of regions (developmental, social, or political) be a helpful factor in this?
The implicit dimension	12	Does acceptance by all parties constitute a gesture of good faith and create spaces for building trust?
	13	Is the involvement of the Kurds appropriate - because their presence and weight - may contribute to crystallizing confidence building by creating a negotiating balance?
	14	Give examples to explain your last answer
The democratic issue	15	Does the parties' involvement in institutional reform establish confidence-building?
	16	Will consensus on the general framework of the electoral law help establish this?
	17	Does accepting the advancement of the constitutional process and discussion about the future of Syria, with the participation of all parties and reforming the committee, allow for the strengthening of the spirit of democracy in constitutional principles?
Constitutional process	18	Which factor is considered the most important today moving forward (ranked from most important to least important)
Civil role	19	How does civil society play an effective role in building confidence?
Step-for-step technique	20	Should this technique be limited to the field of those who make a concession to the other party and offer to meet them with a corresponding concession?
	21	Should this technique be limited to a facilitative level, meaning each party presents its paper and exchanges roles in the discussions?
	22	Is it an effective technique for building political consensus in terms of procedural work and content?

Historical dimension

Three major priorities for building confidence by the regime:

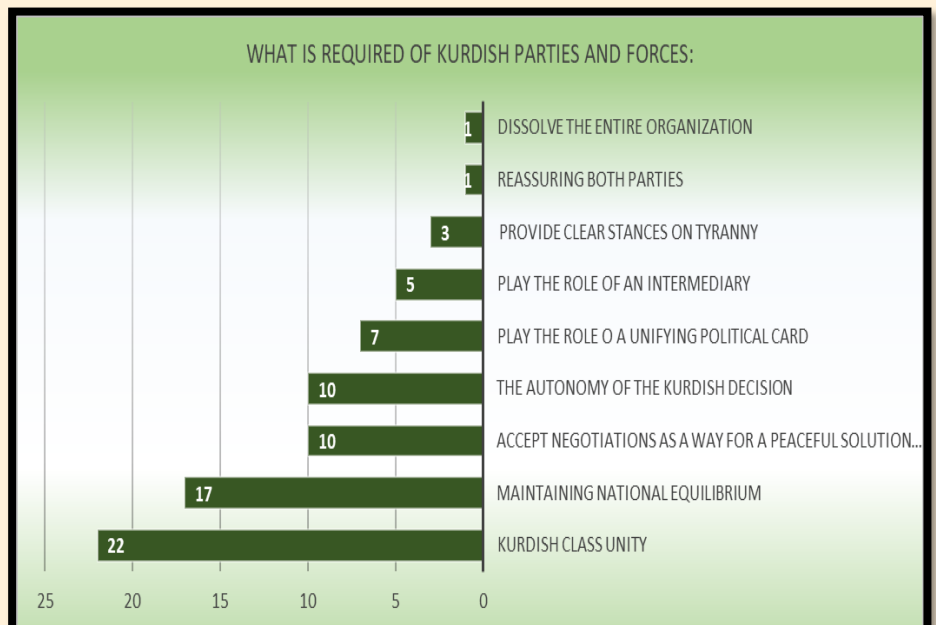
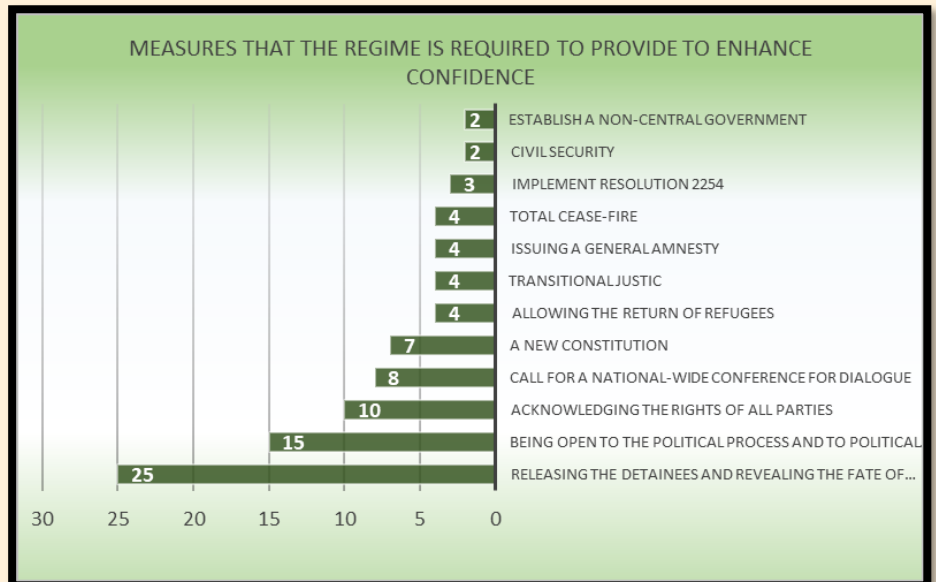
- 1- Releasing the detainees and revealing the fate of the disappeared
- 2- Acceptance of the political process and political participation
- 3- Acknowledgment of the rights of components

Three major priorities for building confidence by the opposition:

- 1- Accept partnership with all parties
- 2- Loyalty to Syria first
- 3- An alternative conference to the current entities

What is required of the Kurdish parties and forces?

- 1- Kurdish class unity
- 2- Maintaining national balance
- 3- Continue the negotiated approach to a peaceful solution

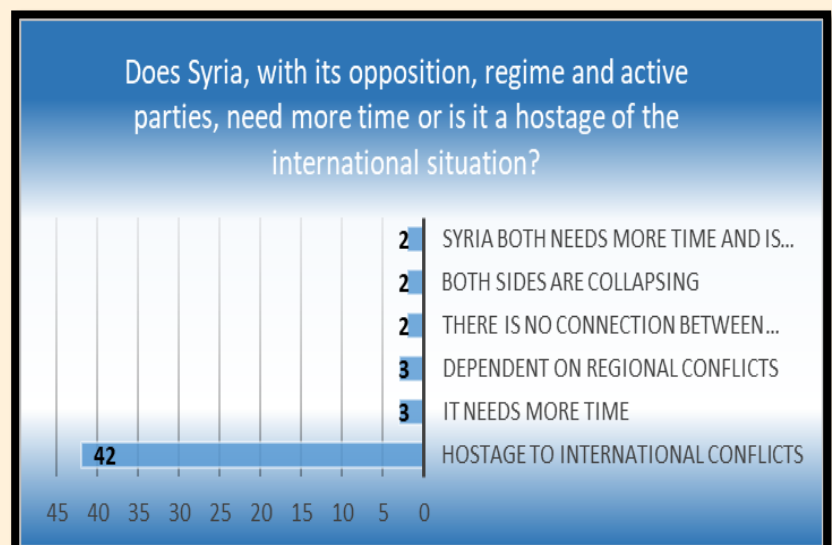
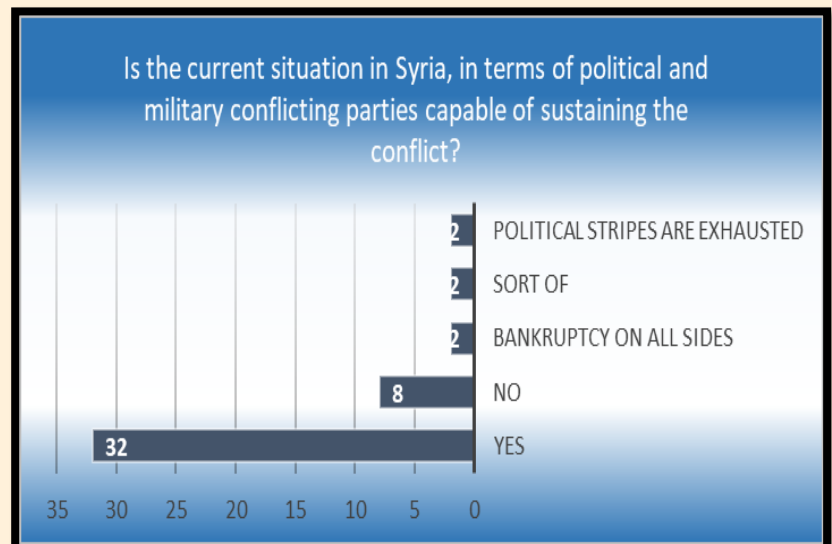
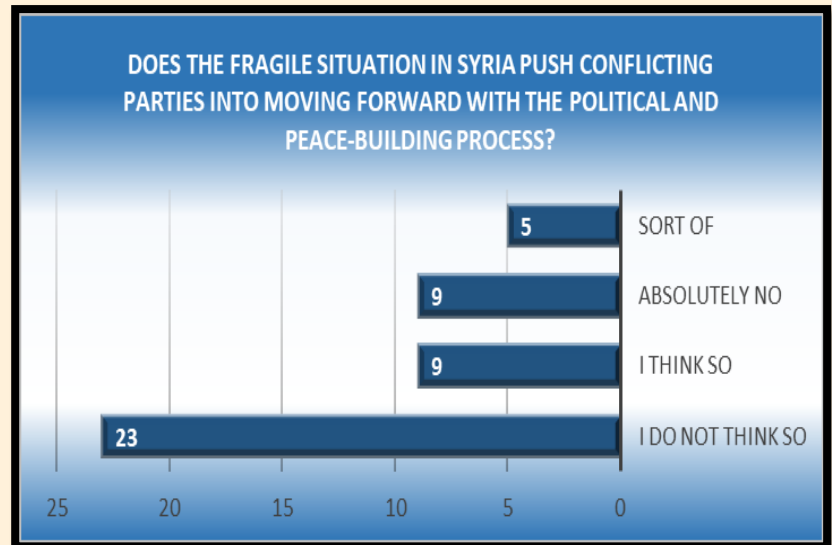


The Syrian present:

20% of the sample believes that the collapse of the state structure may push the conflicting parties to mutual concessions if the rest believe that there is no relationship between fragmentation, collapse and transition, which reflects a clear loss of confidence in the political class that does not place national affairs above its own narrow interests.

While 75% of the sample believes that the Syrian circumstances (powers, incubators, balances, etc.) are still in conflict in one way or another, and therefore there do not seem to be any options open for a solution through local structures from the point of view of the respondents.

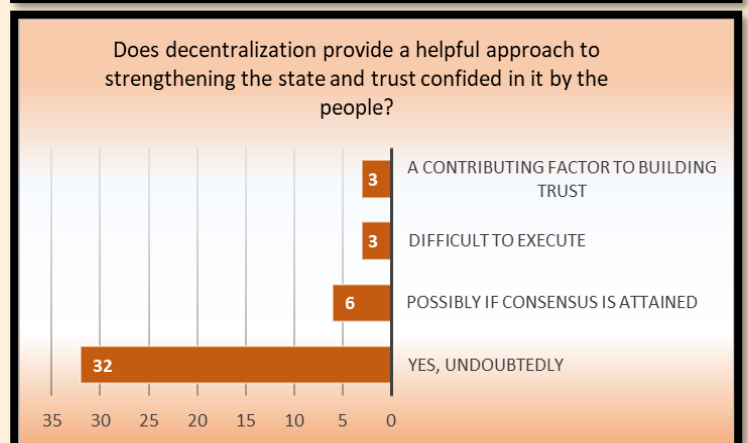
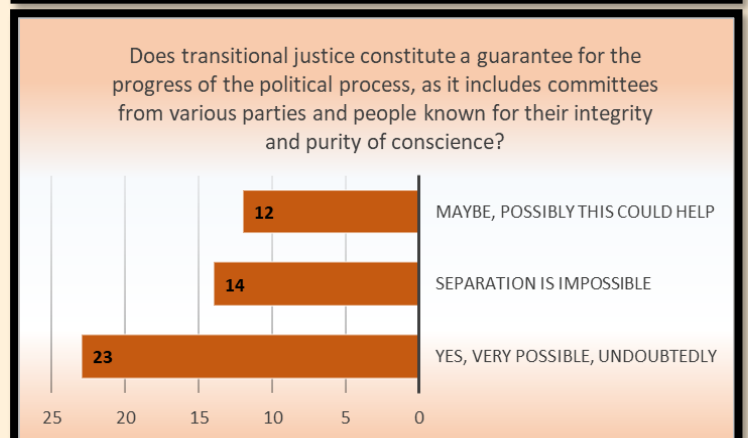
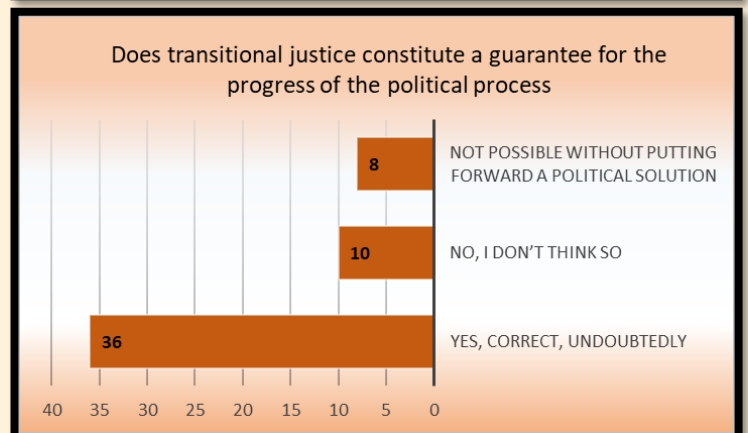
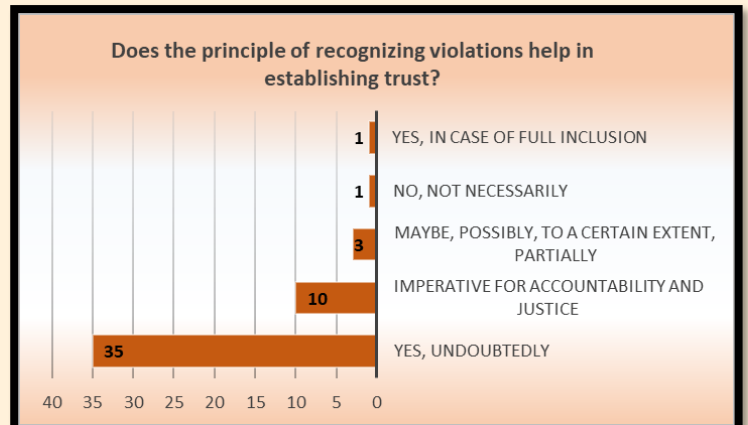
This is reflected in the third question, in which 90% of respondents reflect the dependency of the Syrian crisis on conflicts from outside it, whether regional or international, and thus intertwining the general fate of this conflict with changes from outside it or translating part of the management of balances to gain points on its soil.



The legal dimension:

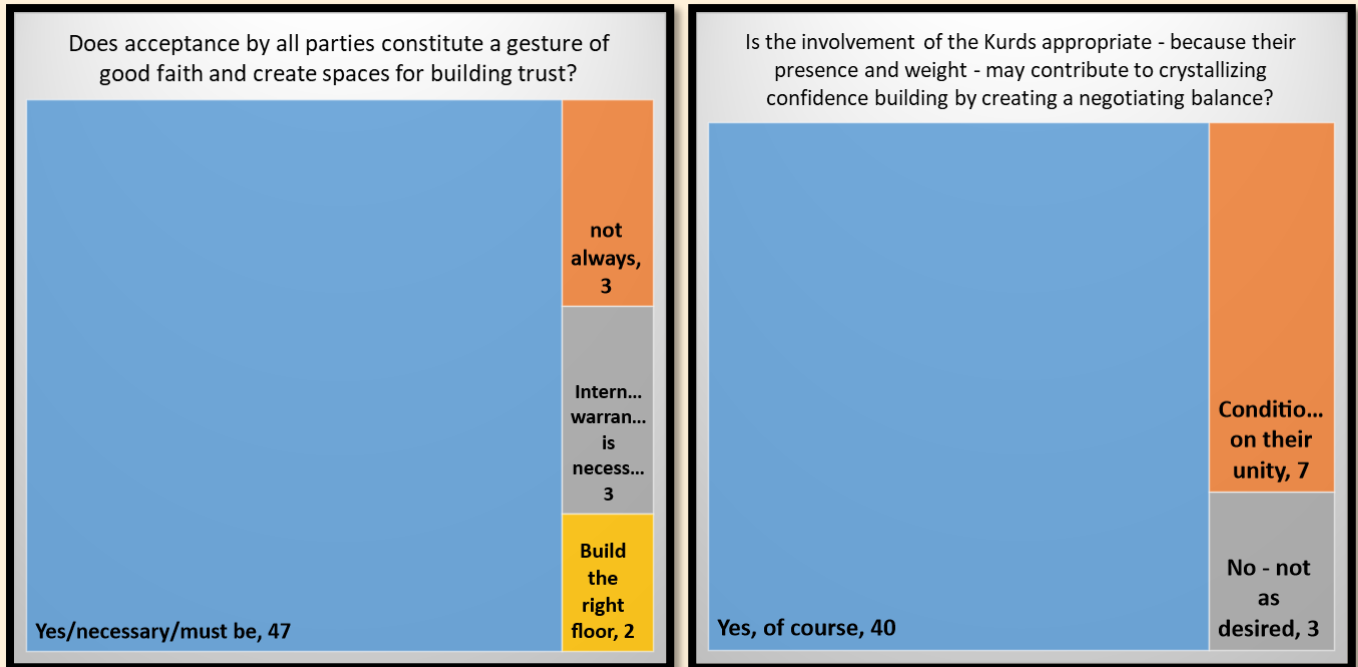
The issue of justice, accountability, and impartial judicial guarantees appears to constitute, in the opinion of the largest portion of the survey sample, important paths for enhancing trust among the various components of Syrian society, and also on the nature of the relationship that binds them to governments.

This does not conflict with setting some enhanced conditions that guarantee more fair paths, such as linking recognition to the achievement of justice, or linking this organically to political transition, and others stressing the importance of international guarantees in the early stages. However, there are skeptics about the ability of the human rights dimension to advance before the political transition, and therefore they consider that not changing the system of government will leave the laws, the constitution, and the judiciary a toy in the hands of the executive branch, and this does not allow him/her to create paths to enhance safe and real confidence. However, in the opinion of 75% of respondents, decentralization constitutes a factor that helps strengthen the state and trust in it.



The implicit dimension:

The role of the implicit dimension in enhancing levels of trust



Additional explanations to explain the answers:

In the Damascus Declaration, the Kurds were able to maintain balance, and there were two lines, secular and Islamic, and the presence of the Kurds, and despite their secularism, everyone agreed on the "civilization of the state."

Another example is the presence of the Kurds among the parties in the Damascus Spring, which created a balance. The parties present in the Damascus Declaration accepted that the democratic transition would be "gradual." In the post- 2011 stage, the Kurds were distributed on multiple opposition platforms and did not deal with the regime in a vengeful spirit. This means that they can deal with Diverse and different tactics while not over-changing.

There is no solution to the Syrian issue without the involvement of all parties in the solution

There is no complete or appropriate Kurdish communication with parties locally and internationally

The Kurds do not have a racial, ethnic, religious or national problem with any Syrian party and are ready to coexist with various components, nationalities, ethnicities and religions without discrimination.

Example: The Kurds provide guarantees related to (the wealth) found in the areas of autonomous administration, provide (military) guarantees related to their military strength, provide guarantees related to (the future of autonomous administration) as a whole and its form in light of the political consensus in future Syria.

Kurds have the ability and dynamism to communicate between the two sides of the conflict, the opposition regime, and build bridges of trust

The involvement of the Kurds as a representation of the region ruled by the Kurds is a strong factor in building confidence, and ensures that the rights of the Kurds are seriously discussed. We hope that the concerned parties can create a negotiation for this matter.

Due to their number and distribution and the areas under their control.

Kurdish people are a peaceful people. They will not enter into the civil war as a party. On the contrary, they adhere to neutrality and peaceful politics.

Kurds will have a role and weight in creating the negotiating balance only when they are united

For example, the lack of Kurdish weight in the Constitutional Committee undermines its legitimacy, with reservations about the nature of this committee, its representation, and its method of work.

The presence of the forces controlling the ground at the negotiating table is the basis for setting noticeable practical steps that are felt by the population and thus lead to recognition and support by the Syrians for the negotiating process.

This picture is the opposite of what is happening currently, where the negotiating table includes forces that do not exist on the ground, are ineffective, ineffective, and are not recognized. By residents, so there is no progress in the negotiation process

Until now, the Kurdish issue has been treated as a marginal issue in the Syrian situation, and only a weak representation of them in the various negotiating platforms. Without their correct representation, and without dealing with their issue with appropriate seriousness, there will be no sustainable political solution in Syria.

For example, the participation of SDC will give greater weight and meaning, as the opposition of both negotiating parties to this participation is clearly seen

Being in the opposition, getting closer to the political system, introducing more modern forms of government, committing to democracy in party thought, etc.

The Kurdish Council, in fact, does not have any influence. What has weight and influence is the Autonomous Administration, and if the opposition and the authority do not understand this, any solution will remain fragile and unstable.

The main Kurdish parties exceed dozens. A large number of intellectuals and those who have resigned from parties are not satisfied with the conflicts of those parties and do not trust their solutions and political behavior. Therefore, this issue must be taken into consideration for the solution.

The project of democratic self-administration in the northern and eastern region of Syria, its political body represented by SDC, and the military body SDF, and their vision of building a democratic, pluralistic, non-separatist Syria.

Increase interaction with clans and partners in the region

The self-administration project is a good example of this

The Kurds did not have confidence in the regime, and there are no constants that prove confidence in the opposition. All the facts showed the existence of an ideological problem towards the Kurds.

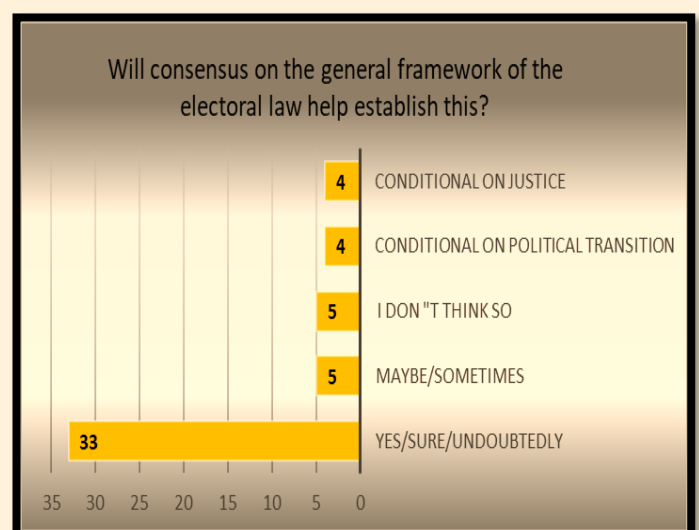
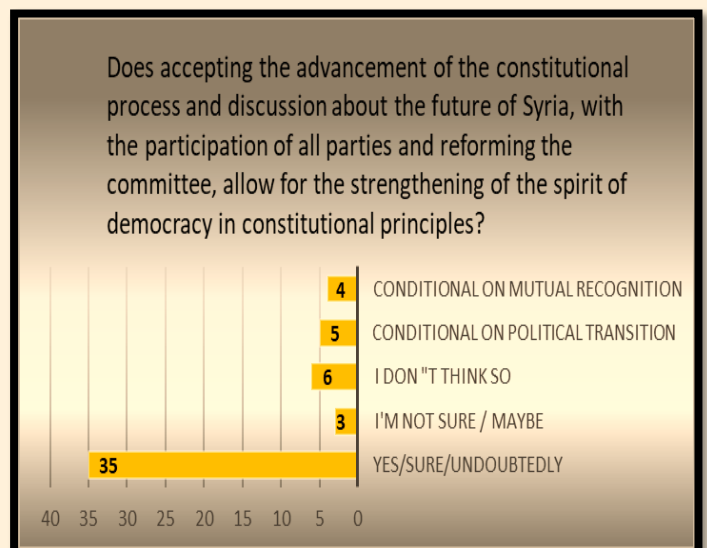
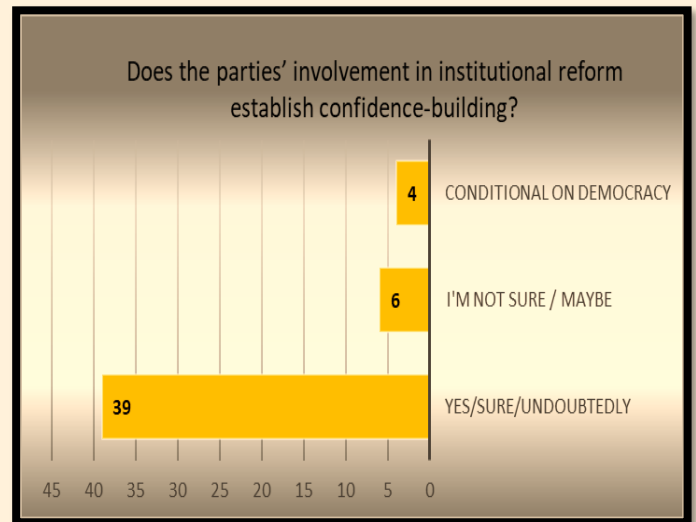
Because the Kurds are an essential component of the Syrian people
The successful experience in managing the regions of northeastern Syria and their resistance to the Turkish occupation and ISIS
The Kurds are an important part of the equation and they have a strategic ally, which is the American government, one of the main players in the Syrian issue. Therefore, the involvement of the Kurds reduces the burden of the conflict and ensures an important ally to find a political solution.
Examples include the extent to which the Kurdish National Council represents the Kurdish Street and dissatisfaction with effective representation in the Constitutional Committee
Since there is a Kurdish force that has authority and military power, this means that their involvement in any negotiating process will create balances.
Agreement between the disputing Kurdish parties (the Kurdish National Council parties... and the National Unity parties).
Because there is a fear of the separatist state among the Kurds, and it seems that over the decades the regime has been able to distort the image of the Kurds in the eyes of the Syrian people, and there are opposition parties that have the same outlook. Therefore, the participation of the Kurds creates a state of balance and removes the preconceived image that has been formed about them over the decades, in addition to their right to participate and guarantee their rights in Syria. the future
Since 2011, the Kurds have insisted on the Syrian-Syrian dialogue, and the Kurds have insisted on remaining open crossings between areas under the control of the opposition and the Turks, as well as with areas under government control.
An example of the Kurds' engagement in building confidence: After the outbreak of the Syrian revolution in 2011, the Kurds compensated for the security and political vacuum by establishing self-administration in their northern and eastern regions, and established the Syrian Democratic Forces (SDF), which includes Kurdish, Arab, Assyrian, Turkmen, and other fighters. The Kurds participated in fighting ISIS, and liberated many cities and villages from its control, with the support of the international coalition. Although there are disagreements and tensions between the Kurds, the Syrian regime, the Syrian opposition, and neighboring countries over the future of Syria and the Kurds' place in it, the Kurds demand participation in the political process and a peaceful solution to the Syrian crisis, and they express their readiness for dialogue and negotiation with all parties.
The involvement of the Kurds is very important, as the Kurds are considered a third party, as there is the (Sunni) opposition, the regime (an alliance of the Alawites and the Sunni bourgeoisie), and the Kurds (they represent all liberal, democratic and civil movements).

The democratic issue:

The first question in this group identifies the growing confidence factor the moment all parties engage in institutional reform processes. 80% of the sample sees this, and the rest are either skeptical or have additional conditions to ensure that these proceeds

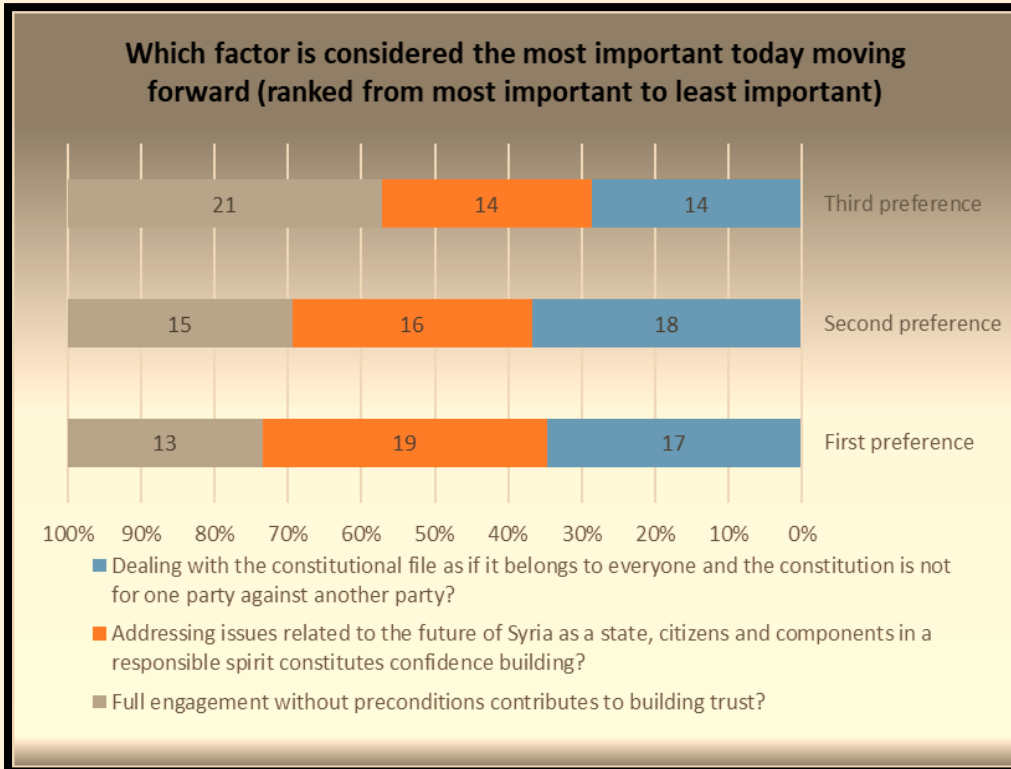
As for the question related to the process and the Constitutional Committee, 70% of the sample believes that a simultaneous process between advancing the constitutional path, discussing the future of Syria, and reforming the committee with the inclusion of all parties undoubtedly allows for deepening the democratic spirit in the constitution, while the rest of the sample is also either skeptical or requires that this be preceded by a political transition. Or conditional on the recognition of all and the abolition of exclusion in political circulation.

Almost the same percentages, with a very slight difference, apply to the third criterion established as a confidence-enhancing factor, which is agreeing on an electoral law in which everyone participates. It enhances confidence in the opinion of 75% of the sample, while the rest doubt it, or it is conditional on political transition, or it is conditional on justice and accountability.



Constitutional process:

The stagnation of the constitutional process has reinforced the state of mistrust, when the constitutional parties' approach by raising issues outside the context of their mandate, or investing in the game of time. The following ranking reflects the opinions of the respondents:

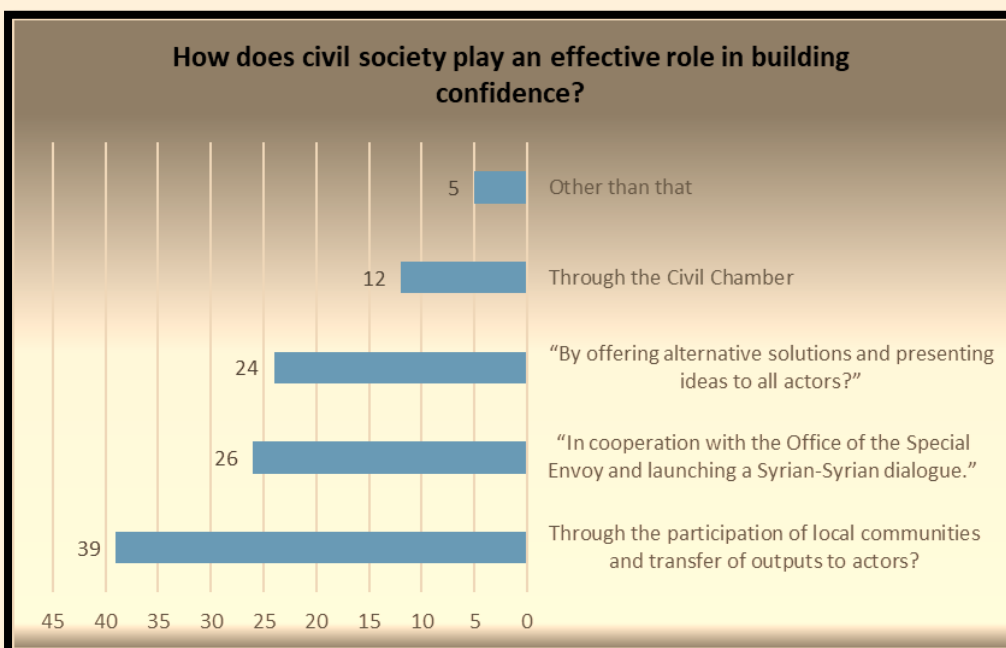


1) Addressing issues related to the future of Syria as a state, citizens and components in a responsible spirit constitutes confidence building?

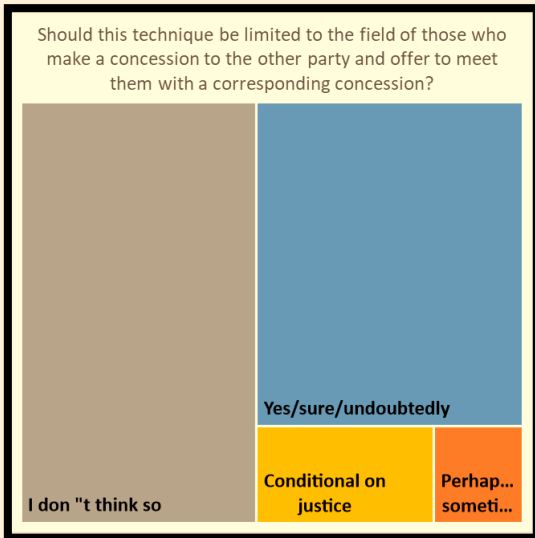
2) Dealing with the constitutional file as if it belongs to everyone and the constitution is not for one party against another party?

3) Full engagement without preconditions contributes to building trust?

Civil dimension:



The majority believes that the strength of civic action is in its partnership with local communities. The rest of the elements included in the vote further support and enhances its role.



Step by step technique:

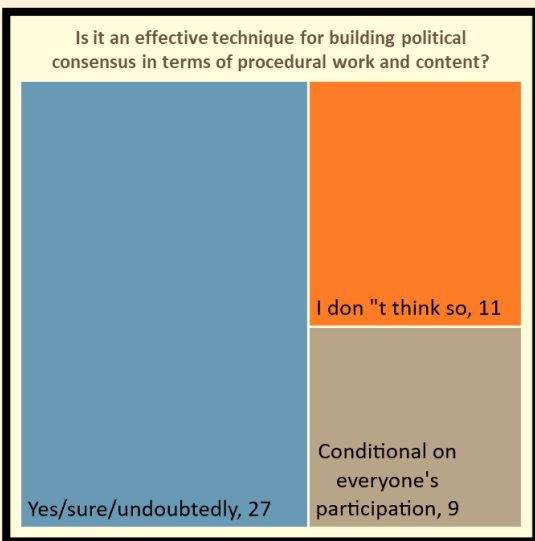
Firstly, is it an effective technique for building political consensus?

More than half of the sample supports this, while 20% require everyone's participation for it to succeed, and 24% doubt its ability to build possible political consensus.



Secondly, should it be limited to a facilitative level?

Here, half do not think that this restriction is useful and require 5% of direct international sponsorship to ensure implementation, while 30% believe that limiting the technology to the facilitative level is a good guarantee for moving forward, that is, each party presents its paper and exchanges roles in the discussions.



Third, can they be considered successive and exchange concessions? Each party makes and then the other party gives back in return. 40% see this as possible, while 40% do not trust this procedure, and the rest stipulate that this be coupled with justice or resorting to this tactic sometimes and not constantly.

Free expression space for survey participants

All parties must acknowledge that they were and continue to be part of deepening the Syrian wound.

All parties must acknowledge dialogue as a way to build a safe and stable homeland.

All parties must give priority to the interests of Syria as a country over the interests of all other countries

I hope that civil society organizations play their appropriate and more positive role

Agreement to discuss mechanisms for implementing International Resolution 2254 is the basic path towards a political solution, through which the various points addressed in the research will be resolved.

Giving up on a portion for the sake of the public interest is a culture that establishes trust.

The Syrian situation is complex, and its complexity has been increased by the passage of a long period of time and the lack of trust between all parties, not to mention its current implicit, undeclared division. Therefore, solutions will be imposed externally, and Syrians will not have much space to express their opinion regarding their homeland.

A sustainable political solution in Syria must be designed by Syrian men and women, and this requires working to get rid of foreign guardianship on all conflicting Syrian parties.

The solution must be addressed through Resolution 2245

Syrians need seminars and forums for a relatively long period that urge them to accept the other and accept the culture of pluralism and the issue of gender equality. The educational curriculum and the education system in Syria will change with the start of any political settlement, as well as a change in the work system at the level of Syria to be in line with the political change.

The political process requires the concerted efforts of all Syrian components and sects , convergence of viewpoints , recognition and acceptance of the other as a partner in the homeland with similar rights and equal duties, as well as granting freedom Expressing one's opinion requires a qualitative shift at all levels to extend bridges of trust between the people and the regime to build a healthy, pluralistic, democratic, centralized homeland in which all the aspirations of the people are fulfilled and their problems and wounds that have been festering for decades are addressed.

Civil society has become more corrupt, led by faces that have lost people's trust. Most of them do not know Syria and what is happening there because they are outside it.

It is important to go to the local community and look for effective figures and call them representatives of civil society. Whoever speaks on behalf of the Syrians must live with them and among the people.

The most important and first step in building trust is accepting and recognizing the other.

Putting the public interest before the private and disengaging from the agendas and interests of external countries contributes mainly to strengthening trust between all parties. Institutional, political and administrative reform in the various areas of influence is also very important for this reason.

Building confidence is one of the most important steps required by the political process, and therefore all parties to the conflict must make fundamental concessions to build confidence in order for any political process to succeed.

Building trust comes from dialogue at one table to negotiate between various parties and not marginalizing or excluding any party at the expense of another, because the participation of all parties builds trust and enhances responsibility.

Building confidence begins with every small detail in state administration, from preventing corruption and monopoly to creating a safe environment for all Syrians residing or wishing to return. The clearest thing a Syrian can seek in any reform process is through fair judiciary and preserving the private property of all Syrians.

The process seems arduous, as if it is still in the beginning, but Syrian society is collapsing day after day, and the picture does not show the awakening of more mature political forces. Advocates of excessive centralization still hold the keys, and civil society has not lived up to the level of policy maker. I believe that the following years will be harsher on Syrians inside and outside the geography. This warns that violence is the only possible translation of their activity for change

A solution to the Syrian issue is far-fetched, and it is not up to the Syrians in the foreseeable future to work on forming local civil and political forces that communicate with all forces in Syria without exception, with the aim of reaching common denominators on all controversial issues. This may one day contribute to creating an environment for a Syrian-Syrian agreement on how they live together and how they govern each other. Within 186 thousand km²

Syria needs rational people. National chauvinist thought and religious, sectarian and ideological extremism must be rejected

The future Syria must be a federal/federal state, and the current reality between the parties to the conflict imposes federalism, and as the crisis continues for more years, this means further fragmentation of the Syrian economy between the parties to the conflict, and then the imposition of administrative borders between the parties to the conflict and the imposition of new institutions and reality within each region, which is what It will be a final gateway to imposing the federal system, and I believe that the Autonomous Administration is currently developing in this direction, and this is undoubtedly in the service of a future Syria that is secure and stable and takes into account the privacy of all components of Syria.

Above all, the Syrian situation requires international consensus on the shape of the future state, and then the start of negotiations between the parties to the internal conflict, i.e. (the regime and the opposition).

The political process, building confidence between the parties, transitional justice, and national reconciliation will not move forward unless there is an international consensus on this.

No political solution can be agreed upon without the equal and effective involvement of women

The solution will not come from the Syrians, but rather the solution will be imposed on them according to the interests of international actors and in Syrian guise when their interests coincide with the solution.

We also need confidence-building guarantees from international bodies, not just from the parties to the conflict

We dream of a Syria that includes all components and recognizes their rights. There must be a comprehensive constitution, and everyone who participates in writing this constitution must have no blood on his hands. Finally, we hope that the right man is in the right place.

We need a comprehensive agreement, albeit in broad outlines, with international consensus... and limiting regional interference with the necessity of regional consensus.

Work must be done to form civil workshops with the participation of all conflicting parties in the country in order to build confidence among Syrians.

Bercav Team Feedback:

The free expression space reflected a kind of executive summary of the survey we conducted, as respondents expressed extensive opinions about possible paths at the local level that support and enhance confidence-building factors between various parties. This is an indication of the importance of returning tirelessly to read the opinions of local communities and learn from their experience. It reflects with great sensitivity and honesty the issues in concrete terms and by engaging in daily developments, and it will remain an inspiring source for civil movements and activities on how to implement their programs according to the methodology of research and field participation.

However, we found it useful to develop a list of recommendations that inject additional elements on the path to reviving and strengthening confidence in Syrian society with its various activities and components, and we place them here in order to identify those that can adopt them, work on them, and effectively support programs of this kind in the future.

Action matrix to enhance the confidence factor:

Tracks	Confidence-enhancing priorities	Necessary issues
Historical dimension	Closing the political detention file	Addressing issues of discrimination and accepting partnerships
The Syrian current	Reducing the space for the economy of violence	Supporting local structures
The legal dimension	Decentralization versus sole authority	Supporting the principle of justice and accountability
The implicit dimension	Strengthening the balanced role of the Kurdish forces	Providing cross-line dialogues
The democratic issue	Strengthening local democratic structures	Supporting a balanced and inclusive constitutional process
Constitutional process	The responsible, non-exclusive spirit	Everyone participates as a necessary condition for success
The civil dimension	Commitment to partnership with localities	Invest in safe spaces for coordination
Step for step	The only path left and it is important	Obligating the parties to present steps forward

The civil role can be an active contributor to all the paths listed above in a positive way, gradually reducing the elements of skepticism, sensitivity, and uneasiness that have accumulated over previous decades under the weight of excessive security centralization, and

have worsened in the past decade, causing deep cracks in the Syrian societal structure. The success of this role depends on the depth of his partnership with the local communities, the integrity of the workers, and their escape from the generators of violence that abound in the Syrian regions in culture, economy, and politics.

 WWW.bercav.com
 00964750198334
 00963938649332
 info@bercav.com
 barchavorganization@gmail.com
 faruqmistefa@hotmail.com
