

## Press Release

### The National Agenda for the Future of Syria (NAFS) Programme launches a study entitled “Constitutional Options for Syria”

The question of constitution is one of key topics of the political process, and one of the most contentious topics among the Syrian parties involved in the conflict, given its implications for the present conflict and a future peaceful settlement. As part of its work on governance, democratic transition and institution building and in support of the political process, the National Agenda for the Future of Syria (NAFS) Programme prepared a study which reviews temporary and permanent constitutional options for Syria post-conflict.

The study entitled “Constitutional Options for Syria”, reviews 22 temporary constitutions of countries which have underwent experiences similar to that of Syria today, and draws from previous studies by NAFS and recent discussions with relevant stakeholders on post-conflict governance choices for Syria.

The study discusses the general framework of a temporary constitutional document, the rationale for adopting this option, and, possible risks. The study also deliberates on the option of adopting a permanent constitution and the process of crafting it, using examples from States emerging from conflict. The study pays special attention to conflict-related challenges, which should be addressed in a given post-conflict constitution.

The study shows that one-third of all the constitutional design processes between 1975 and 2003 resulted in temporary constitutional documents. Since 1990, nearly 30 temporary constitutions have been adopted, 20 of which were issued in countries suffering from conflict. Rather than looking at the circumstances, the study looks at the text and topics of some of these documents most relevant to the case of Syria.

In the Syrian context, the study recommends adopting a temporary constitution in the aftermath of reaching an inclusive, political agreement. One of the reasons why this is considered an urgent necessity, is the need to respond to conflict-related challenges, such as the rights of refugees and internally displaced persons, citizenship and civil registry documents, illegal arms issues, conflict-related property disputes, transitional justice and reconciliation to mention some. These are significant and urgent problems created by the conflict, which nevertheless are theoretically temporary and therefore do not belong in a permanent constitution. Drafting a temporary constitution, determining the issues to be included and the mechanisms of its adoption should involve broad participation in any form possible.

The NAFS Programme was launched by the Economic and Social Commission for Western Asia (ESCWA) in 2012. It provides a platform for technical dialogue between Syrians from different backgrounds on policy alternatives necessary to meet the social, economic and governance-related challenges Syria will likely face post-conflict. The outcomes of this platform are shared with our large and expanding network of Syrian, regional and international stakeholders, especially those involved in the political process.

The PDF file of the full paper/study could be found on ESCWA/NAFS website by accessing the following link: <https://www.unescwa.org/nafs>