

CAN THE CATERPILLAR OF THE NEW SYRIAN CONSTITUTION BECOME A BUTTERFLY?

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The last significant step in Syria's thorny path towards the end of the conflict that has devastated the country for the last six years was **the peace talks held last February in Astana, Kazakhstan, which welcomed representatives from the Syrian government, the opposition and envoys from Iran, Russia and Turkey**, the three major foreign powers leading the negotiations with UN assent.

During the talks, the **Russian Foreign Minister Sergei Lavrov** presented a new draft of the Syrian constitution, drawn up by Russian specialists on the ground of the positions jointly expressed by the Syrian government, the opposition and the regional powers. As declared by **Russia's envoy for Syria Alexander Lavrentiev**, the aim of the draft is to "accelerate the process to end the war."

Russia is indeed coping with the investiture obtained from the international community to play the role of mediator and to secure the peaceful end of the Syrian bloodshed and the smooth transition to the new constitutional order.

The new Constitution pays a tribute to the values of democracy and freedom and attempts to settle an egalitarian principle of power-sharing between the rival factions. **It is composed of 85 articles which settle the division of power into the three branches of power – legislative, executive and judiciary – first theorised by the French philosopher Montesquieu.** The new institutional structure envisages that the local parliaments rule side-by-side with the central Chamber of deputies to write the legislation and to share power with the Presidency and premiership; all institutions would be submitted to the legal supervision of the judiciary system. Hence, the newly established equilibrium in the Syrian state is intended to appease the historically rooted rivalry between the Shia Alawite minority ruling the country, the Sunni majority and the other communities, notably the Turkmen, the Circassians, the Armenians and the Kurds.

Moreover, the text drafted by the Russian experts recalls in the first articles **the fundamental principles on the rights of the citizens** that should be granted and defended by the Syrian state.

1. The State should guarantee **the right to life, security and freedom** to everybody, unless differently ruled by the judiciary authorities.
2. The State and the citizens are responsible for **the protection of national unity and territorial integrity**.
3. **The State condemns terrorism in all its forms and protects the territory and the population from terrorist threats**.
4. Syria shapes its international relations according to the international law.
5. Syria rejects war as a means of settlement of international conflicts.
6. **The State does not operate discrimination on the basis of sex, origin, language or religion**.
7. **The trade of slaves, women and children is prohibited and punishable by law**.
8. **No citizen can be coerced to participate in a societal or political organization**.
9. Any encroachment on individual freedom, privacy or other fundamental rights constitutes a crime punishable by law.
10. The State ensures and protects **freedom of press, media and expression** to all individuals.

In addition to that, the project of **the new constitution forbids the spreading of any propaganda fomenting social, racial, national or religious hatred and the promotion of any idea of social, racial, national, religious or linguistic superiority**. Therefore, the newly drafted Constitution fosters the vision of a country with a united, inviolable and indivisible territory and in which everyone is entitled to the right to participate in the life of the country at the fullest potential.

The road to implement this vision is still steep and thorny. Although it constitutes a reasonable compromise, the text does not completely satisfy either the incumbent regime, which would need to yield a consistent share of power, or the opposition, which will not rule the country on its own as it wished for before the beginning of the civil war.

Furthermore, a diplomatic work of art needs to be put in place to persuade all participants to accept a constitution which comes out of international concertation and

not from a nationally elected body. However, **it should be widely acknowledged that in a country where the social, economic, cultural and political cleavages are so exacerbated after six years of bombings and bloodbath, this new Constitution blows as a fresh breeze bearing hope for the future.**

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