The Future of Elections in Syria:
Report and Key Takeaways
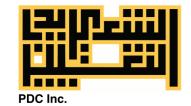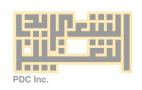
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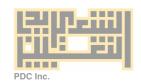Sustainable Democracy.

Introduction

This report summarizes the deliberations of a December 18, 2017 Roundtable organized by *People Demand Change Inc.* (PDC) and the *International Foundation for Electoral Systems* (IFES) on the prospects for Syrian elections. PDC is a US-based aid and development company, which was established in 2013 in response to the seismic changes taking place in the Middle East and focuses on civil society support, monitoring and evaluation services and longterm capacity building of communities in conflict zones and fragile states. The event was hosted at IFES, a US-based NGO founded in 1987 to advance good governance and democratic rights through technical electoral support, inclusion programming, empowerment efforts, and research.

In convening the Roundtable, PDC noted that diplomatic efforts continue to work towards bringing the horrors of the six-plus year Syrian conflict to an end, although few are optimistic about the prospects. As part of these efforts, "elections" in one form or another remain an assumed component, even as few consider conflict-resolving elections imminent. However, the timing and sequencing of any future electoral events and the responsibility for administering such elections remain the subject of much debate, including among those who are taking the lead in the diplomatic negotiating process.

PDC identified the following five Roundtable objectives: a) take stock of on-going negotiations related to Syria; b) use the topic of elections as a jumping off point for contemplating solutions to the current conflict; c) bring together individuals from multiple perspectives to brainstorm and reflect; d) consider specific technical aspects of what would be required to organize elections; and e) identify follow-on research and advocacy activities.
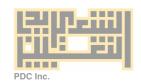
PDC retained Larry Garber, a former senior USAID official and experienced international election expert, to facilitate the Roundtable and author the following report. Participants included Syrian specialists from the region, experts with experience organizing post-conflict elections, and representatives of DC-based think-tanks and the diplomatic community. The Roundtable was conducted under Chatham House rules.
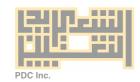
Key Take-aways

- *Elections are happening in Syria, even absent an agreement.* Local Councils are being elected in opposition-controlled areas. Elections are proceeding in Kurdish-held areas in Eastern Syria, which will culminate with elections for a regional council in February 2018. The Assad regime continues to operate under the provisions of the Syrian constitution, which calls for legislative elections in 2020 and presidential elections in 2021.

- *Organizing "elections under UN supervision," as mandated by UN Security Resolution 2254, would draw upon the considerable experience that the United Nations and other intergovernmental organizations have developed during the past 30 years.* Since 1989, the United Nations has administered or supervised post-conflict elections in Namibia, Cambodia, East Timor and elsewhere, and has been actively involved in many other post-conflict electoral processes. However, neither the UN nor the parties have yet articulated a precise model for UN involvement in future Syrian elections.

- *Planning for post-conflict elections in Syria must account for the more than 12 million Syrians who are refugees in other countries or internally displaced.* Election organizers will have to decide where and how these Syrians will vote and, for legislative and local elections, to which constituencies their votes will be assigned. The International Organization of Migration has considerable experience implementing programs for voting by refugees in post-conflict situations.

- *Competing perspectives exist for the sequencing of local and national elections.* Advocates for local elections argue that these are often less contentious and provide an experiential base upon which to organize national elections. Alternatively, national elections are required to resolve contentious issues relating to constitutional formation and to set a basis for essential national reconstruction.

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- *The Block System currently used for Syrian elections should be modified for a post-conflict election.* Given that more than half the population has been displaced, establishing a delimitation exercise would be problematic. Hence, at least for the first post-conflict election a form of proportional representation, whether national or based on the existing 15 multi-member electoral districts, should be used to elect a national legislative body.

- *The structure for administering elections in Syria will require modification to enhance confidence among the population in the neutrality of election officials.* A pro-active role by UN personnel in supervising the administrative process is essential. An effective Election Dispute Resolution mechanism, potentially with the inclusion of international election experts, also will serve to boost confidence within the population.

- *A mechanism must be established to guarantee security for prospective participants in all aspects of the electoral process, including voter registration, campaigning, balloting and the post-election period.* This may require an extensive and extended international presence whether in the form of a formal UN peacekeeping operation or through a coalition of forces established to guarantee security for all electoral participants.

- *Election planning by the UN should begin immediately, even if the occurrence of elections does not appear imminent.* The UN should draw upon its extensive experience and those of other intergovernmental organizations, and should convene an expert advisory group to guide the planning process. The planning process should include estimated funding requirements for the administrative component of the electoral process and a notional plan for providing security for electoral participants.

Note – On the day following the Round Table, UN Special Representative Staffan de Mistura in his presentation to the UN Security Council stated: "I believe the time has come for the UN to provide specific elaborations on the constitutional and electoral baskets," He then proceeded to elaborate on what it would mean to organize elections "to the highest international standards of transparency and accountability, with all Syrians, including members of the diaspora, eligible to participate." See also the December 23 Blog post on "Syrian Elections Under UN Supervision: How Serious a Prospect," which sought to build on both de Mistura's presentation and the Roundtable discussions.
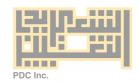
Elections in Syria

The first session began with a discussion of Syrian elections in areas not controlled by the central government. The focus was on elections to the Local Councils (LCs), which provide essential services to the population in these regions and which were revitalized following the formation of the interim government. In general, elections to these bodies are held every six months, although the way the elections are administered differs among LCs. The six-month time frame, when coupled with term limits, has resulted in a situation where capable officials are cycled through rather rapidly, meaning LCs often include individuals ill-equipped to handle the government positions for which they are elected.

The Syrian interim government initially sought to standardize the way elections were held. This effort proved futile and instead the interim government drafted guidance documents to assist LCs in conducting elections. Tensions between the interim government and some LCs resulted from the former's refusal to certify some locally-elected LCs. In the past year, the relationship between the interim government and the LCs has deteriorated further, with some communities establishing LCs almost completely independent of the interim government.
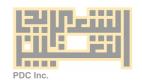
The Roundtable heard perspectives regarding recently conducted local elections in different regions of Syria; several distinct patterns were described. In some places, elections have taken place in a reasonable manner, with increased participation by women, a media campaign, and debates among competing candidates. In other parts of the country, elections have proved increasingly more difficult to organize because of a) the siege conditions affecting the community or b) the difficulty of recruiting qualified candidates to contest the elections given term-limit rules or c) the tensions between the civilian and military components of the local council. Additionally, in some regions there is limited experience in conducting elections that meet international standards and outside help is needed if legitimate elections are to occur.

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In Kurdish-controlled parts of the country, meanwhile, elections have operated much more smoothly. However, concerns include how tightly the PYD (the Democratic Union Party, a Kurdish democratic confederalist party) is controlling access to the process by other political movements and whether voting was limited to Syrian citizens or also included citizens of neighboring countries. Commune-level elections were held September with moderate turnout, with subsequent rounds of elections following in December and scheduled for early 2018. A relatively high number of independent candidates competed in these elections, and right now that seems to be the primary path of dissent from the PYD.

While these experiences are quite varied, the question of how Syrian democrats can build upon the local elections that have taken place as they plan for future electoral exercises remains. From an even broader perspective, several participants noted that Syria is not a tabula rasa for elections, i.e., the regime has held elections before. For some participants, this suggests that Syria knows how to conduct elections administratively, but not the kind of elections that are viewed as politically legitimate. It also was noted that under Syria's current constitution, parliamentary elections are scheduled for 2020 and presidential elections for 2021; even if these are not viewed as democratically legitimate, they are a reality that will draw international attention, at least from those allied with the Syrian regime.
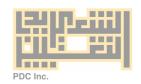
Negotiations

Future post-conflict elections in Syria must consider the different tracks of negotiations currently underway. Negotiations in Geneva have been ongoing since 2012 under four main thematic bundles: governance; constitutional reform; elections; and countering terrorism. The Astana negotiations, taking place under the auspices of Iran, Russia and Turkey, have as their primary focus the creation of de-escalation zones and reconciliation with the regime. Finally, negotiations in Sochi, again led by the Iranians, Russians and Turks, are addressing the roles of the different actors to the conflict in a future Syria based on drafting a constitution and preparing for elections. A similarity among the three is that the Kurds do not have a place at the negotiation table, which is noteworthy given the amount of territory they control.

As was pointed out repeatedly during the Roundtable, none of these conversations are occurring in a vacuum. The regime and its Russian and Iranian allies, Syrian opposition groups, and the Kurds are all contemplating precise structures for future elections; the means and outcomes they favor are likely to be at cross-purposes with what others in the international community prefer in terms of election administration and electoral system design. Thus, at some point, the various conversations must intersect, or decisions regarding future elections in Syria will fall to the regime and the Kurds in the areas they control.
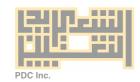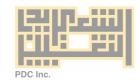
Setting the Stage for Elections

Since 1989, the United Nations and other actors have been directly involved in administering and supervising post-conflict elections in a variety of settings. For example, in Cambodia (1993) the UN administered elections even prior to the complete ending of hostilities; in Bosnia and Herzegovina (1996), the Organization of Security and Cooperation in Europe administered elections where a sizeable percentage of the population was either internally displaced or refugees living outside the country; in Kosovo (2000), the election organizers examined alternative approaches to sequencing elections before deciding to proceed first with local elections, as opposed to the usual pattern of national elections to be followed by local elections. However, as the Roundtable discussion indicated, there is no clear blueprint for applying these lessons to the Syria situation. More generally, while some form of a UN presence is desirable and UN Security Council Resolution 2254 calls for "elections under UN supervision," it is an open question as to the extent of responsibility that the UN would assume with respect to the administration of elections

Some participants suggested that discussion of elections in the absence of a diplomatic settlement to the conflict is premature, and that the international community should focus on other issues, including addressing the humanitarian crisis. The question of electoral timing also was raised. There is concern that elections will backfire if they are held before the proper infrastructure is in place, as they would negatively impact the long-term legitimacy of elections in Syria and the future prospects for democracy. However, waiting too long to hold elections could also backfire as it would allow the regime to entrench itself and cement the status quo. More generally, participants noted that any kind of precipitous regime change would likely generate massive demand for elections to be held quickly, compromising the ability of the international community to plan holistically.

Other participants noted the importance of incorporating from the outset discussions of refugee voting, as there are large refugee populations in both the countries neighboring Syria and in European countries (see below for further discussion of this issue). Finding administrative solutions for refugees and the internally displaced to vote is only one part of the challenge, but their broader engagement in the political process must also be addressed
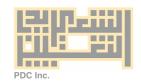
Electoral Preparations

The afternoon discussion focused on technical issues related to elections. As was noted at the outset, consideration of technical issues often reflects the entrenched political impasse that is Syria's current reality. For example, guaranteeing a more active role for women and minority groups cannot be addressed simply through technical fixes if the broader cultural underpinnings surrounding political participation by these groups are not acknowledged. The initial part of the discussion addressed how to guarantee inclusive participation in a future election. As the various electoral experts noted, there are no clear answers regarding how to deal with internally displaced people, the refugee populations, and even the larger diaspora (including Syrians who left the country long before the current conflict began) when it comes to electoral participation. Among the significant issues still to be resolved are those surrounding voter eligibility criteria, voter registration mechanisms, and constituency formation in view of involuntary population displacements. In many post-conflict contexts, externally imposed timelines for elections place a great deal of pressure on considerations of voter registration and voter eligibility, and so serve to limit the full menu of options.

Prior to 2008, the Civil Registry (CR) was kept in a decentralized manner in civil registry centers across the country. With support of the UNFPA, civil records were digitized in 2007 and since then, all the updates from the branch offices were regularly transmitted to the CR directorate in Damascus. However, this does not necessarily mean that the registry was well organized. The UN report from 2008 indicated that cross-checking of records made before computerization revealed major flaws, as well as incomplete and multiple records. Since the beginning of the conflict, registration centers stopped providing updates to the central registry database. Lessons from past elections administered or supervised by the UN may prove helpful in planning for a Syrian process, including the use of social documentation, i.e., where local authorities such as a chief or religious leader testify as to an individual's identity and residence for purposes of registration and/or voting.

Technical issues surrounding elections also must contend with the question of how elections in Syria will be sequenced. Many analysts of post-conflict elections advocate for going from small to large: local elections first, then moving up to higher levels of government, ending with national elections. However, there are constitutional concerns here. A constitution should lay out how elections are to occur, but the Constitution itself is a national issue that would need to be determined by either a national referendum or a national constitutional assembly. From this perspective, constitutional questions should be resolved before planning for specific elections, whether national or local.

That being said, starting with local elections has several obvious benefits. Local elections do not represent the same kind of zero-sum game that national elections do, and regime candidates likely won't benefit from incumbent effects in local elections. For this very reason, it is likely that the regime will push to hold national elections first in the hope that this would give them significant control over the country to decide how all other elections (and the constitution) will look moving forward. However, starting with local elections presents administrative problems, considering that local elections aren't just one electoral event, but many smaller elections taking place across varied geographic areas. Contrary to current practices in opposition controlled areas, uniform procedures in accordance with international standards and under UN supervision would be necessary for elections to form part of a post-conflict process.
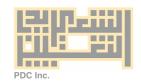
Election Administration

Currently, electoral administration in Syria is organized with a Supreme Committee (comprised of a judicial committee of seven members appointed by Damascus and seven standby members) at the top, under which operates a subcommittee (comprised of a judicial committee and three members from each district). Under the subcommittee are a nomination committee, which accepts or rejects candidate applications, and an election committee appointed by Governors, which handles polling and voter registration. The President directly appoints the Governors and certifies all election winners. This current system of electoral administration is not designed to result in a transparent or fair election. Elections with proactive UN supervision might minimize the need for macro-structural changes, particularly if coupled with additional mechanisms for domestic monitoring and international observation of all aspects of the process.

An equally nettlesome question relates to selecting an electoral system for allocating seats in the national legislature. Currently, Syrians vote for as many candidates as are assigned to their multi-member districts in a system referred to as block voting. The starting assumption is that Syrians prefer to vote for individuals instead of parties, but the block system distorts electoral results in favor of a highly disciplined party, like the Baath or Hamas in Palestine, where the party took advantage of the block system to magnify their electoral victory in legislative elections. More generally, drawing boundaries for single-member constituencies would be particularly challenging given the population displacement caused by the war. Thus, some form of proportional representation system (nationally or in large, multi-member districts) would make sense, but would require a decision by the UN in its supervisory role or an agreement between the various Syrian factions, including the regime.

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Electoral dispute resolution (EDR) is an important component that will need to be part of electoral administration in Syria. EDR is often an after-thought in planning for post-conflict elections. After all, given all the other tough issues that must be worked through, EDR seems rather non-controversial. However, EDR can play an essential role in building confidence among electoral actors and in ensuring that those who might otherwise be marginalized have an opportunity to seek redress in case they are excluded from electoral participation.

The security situation will also need to be addressed by whatever electoral administration is designed and put in place. Elections often stoke tensions between different groups, and such tensions would be inevitable in a post-conflict Syria. Security planning also must account for violence at polling places and violent disruptions of campaign rallies. Beyond threats from human sources, there is also the issue of clean up, as the country is likely littered with unexploded ordnance and hazardous materials.

As mentioned earlier, the question of who is providing this security is also an important (and fraught) issue. Domestic forces (whether regime, opposition or Kurdish) have a clear interest in the results of the elections and likely wouldn't be seen as entirely neutral partners when providing security for elections. Building a "coalition of the willing" out of the international community would be good, but a difficult proposition. A resolution from the UN Security Council allowing peacekeeping operations would be ideal, but requires consensus among the permanent council members.
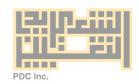
Final Remarks

Over the course of the roundtable, participants acknowledged that there is no one group or viewpoint that can provide a clear solution to the problems facing Syrian elections. At the same time, elections will remain at the forefront of the negotiating agenda. Moreover, elections may continue to be organized in a non-consensual manner, either nationally by the regime without opposition buy-in, in areas controlled by the Kurds, or in the form of Local Councils in areas controlled by the opposition.

For its part, Russia is likely to suggest an elections framework as part of the various negotiating fora that it controls. The UN has the option of moving forward with an election planning exercise, which can then be presented to the parties as part of the Geneva negotiations. There is also the very real possibility that without a coherent, viable election framework that can help reunify the country following the end of the war we will see the country break apart, with even more violence and suffering.

In closing, the Roundtable organizers encouraged further research on the technical election issues to ensure that various blueprints are available for the inevitable day when peace is on the horizon.

About PDC

People Demand Change Inc. (PDC), was established in early 2013 in response to the seismic changes taking place in the Middle East and North Africa (MENA). Our mission is to provide a better, more streamlined model for providing aid and support - on a long-term basis - through civil society actors in the MENA region. In furthering this goal, PDC works to provide unbiased, well-sourced research and analysis to clients and the wider public in order to help inform and provide awareness about the ever evolving set of complex dynamics found in the MENA region. We work to expand and strengthen civil society through capacity building and training support and by advocating for continued funding from the international community to local civil society actors. In addition, PDC acknowledges the difficulties that international INGOs and government funders face when attempting to operate and provide support in complex environments, which is why we at PDC strive to provide clear and effective monitoring and evaluation services that can induce accountability and transparency to on-the-ground programming and activities.   We strive to assist local communities to procure the resources, training and capital needed to reconstruct responsibly and sustainably toward a free, democratic Middle East and North Africa.

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