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The National Agenda for the Future of Syria - NAFS

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Legitimacy Building & Political Reform

Political Governance

Transparency

constitution

Security Sector

LEGITIMACY

REFORM

elections

Judiciary

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إخلاء المسؤولية

طبعت هذه الوثيقة في الشكل الذي قدمت به ودون تحرير رسمي، وهي تعكس آراء الخبراء الذين عملوا على كتابتها ضمن إطار برنامج "الأجندة الوطنية لمستقبل سوريا" ولا تعبر بأي شكل من الأشكال عن رأي اللجنة الاقتصادية والاجتماعية لغرب آسيا - الاسكوا.

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1. Vision:

A political settlement that ensures an inclusive transition and consensus-based process of reforming governance structures and rehabilitating political institutions

2. Logic of Nexus:

The overall goal of the political governance nexus is to develop effective mechanisms to preserve and consolidate the peace process and to enhance state legitimacy through sustainably developing its capacities to take on the basic requirements of governance. Past experience reveals that the risk of new conflict emerging in post-conflict states is five times greater than in other similar fragile countries that have not had a war for ten yearsⁱ. All policies during the peacebuilding phase should therefore be assessed on their potential impact on increasing or decreasing the chances of relapse into conflict. The political governance reform process should be a consensus based period in which all Syrian sides come together to form the new rules of the game. Therefore consensus building rather than competitive processes over contentious issues should be the focus of the peacebuilding phase.

In the peacebuilding phase Syria will be passing through a critical juncture: a moment with immense challenges but also great possibilities to positively transform societal relations as well as the relationship between citizens and the state. During the peacebuilding phase a new social contract is to be negotiated in a participatory and transparent manner. It is a critical moment to establish effective and just governance frameworks, reform key institutions in ways that elicit societal buy-in and develop a culture of accountability that gives further legitimacy to the process of peacebuilding. The institutional norms and values guiding this period will cast a positive or negative shadow over Syria for many years to follow.

Syria will be passing through a critical juncture: a moment with immense challenges but also great possibilities to positively transform societal relations as well as the relationship between citizens and the state

The national legal and political framework during the peacebuilding phase should be guided by a Constitutional Declaration/Interim Constitution which recognizes and empowers a Transitional Authority composed of President and cabinet (Executive), a Constituent Assembly (Legislature) and Supreme Judicial Council (Judiciary). The Declaration/Interim Constitutions should establish the equality of all citizens before the law regardless of sex, ethnicity, race, and religious beliefs and guarantee the freedom of expression, assembly and political affiliation. It should also specify the legislative and law enforcement powers of the Constituent Assembly and empower the Judiciary with full independence from both the Constituent Assembly and Executive branch. The Constituent Assembly in the peacebuilding phase will assume Legislative powers, however its members should be appointed by a political consensus process rather than national elections.

National elections in the early peacebuilding phase carry several risks and should be postponed until the late peacebuilding or early state-building phase. Many parts of the

country are still witnessing conflict and may still be outside the control of the Transitional Authority. Reliable polling is still not available, and alongside weak institutional capacity and poor turnout (in large part due to violence or threat of violence) can severely undermine the legitimacy of election results. Moreover the lack of programmatic parties often implies that those with the greatest resources, particularly former combatants can use elections to install themselves in power.

Policies implemented during the peacebuilding phase should aim at restoring citizen trust in the state through urgent attention to reform of governance structures that impact the daily lives of citizens. Therefore reforming Judicial and Security Sector institutions in ways that promote the rule of law and human rights will be prioritizedⁱⁱ.

The Supreme Judicial Council is an already existing institution that should be empowered to oversee judicial system reform but which should gain complete independence from the Executive branch. Judicial reform policies fall into three categories: 1) Policies that reform the judicial system itself; 2) Policies that enable Judicial oversight over the Executive branch; 3) Policies that enable Judicial oversight over the Legislative branch. The Judiciary can only fulfill its role in monitoring and oversight over the Executive and Legislative branches if it is guaranteed full independence from them and therefore the autonomy of the Judicial sector must be explicitly stated in the Constitutional Declaration/Interim Constitution.

The main goal of security sector reform should be to achieve democratic and human rights respectful security-sector governance, reforming the security sector while aiming for a long-term resumption of state monopoly over legitimate use of force within its territory. Security sector organizations should be reformed in ways that make them accountable to civil authorities, independent oversight agencies and civil society. The processes of security sector reform and disarmament, demobilization and reintegration are closely linked and should be coordinated.

Achievement of the full goals of reform and integration of judicial and security sector over all parts of Syria is unrealistic during the peacebuilding phase. As with other countries witnessing conflict parallel judicial and security-sector systems such as customary and religious courts have emerged. The peacebuilding phase will work with the existing systems and 'on the ground governance' but with the aim of gradual reform in line with the cross-cutting themes of NAFS particularly to respect gender and human rights and to avoid exclusionary practices.

The peacebuilding phase should set in motion mechanisms for Constitutional drafting and lay the groundwork for national elections. Drafting a new constitution should be the task of the Constituent Assembly in collaboration with the Supreme Judicial Council. The constitution drafting process should be deliberately slow and consultative and involve input from all sectors of Syrian society in open and closed meetings, accessible public forums, and widespread consultation. The final goal will be of approval through a specially

designed national referendum at the end of the peacebuilding phase. Rushing into drafting a constitution without major consultations across the country holds similar risks to early national elections. It raises the risk of societal conflict over major issues at a time when strong conflict resolution institutions and programmatic political parties have not yet been established.

The Constituent Assembly should be empowered by the Interim Constitution to draft laws that ensure the independence and governs the behavior of organizations, civil society, labor and trade unions, professional syndicates, and chambers of commerce. After the permanent constitution is passed, all laws passed during transitional period should be amended to be in line with the permanent constitution. An independent Constitutional Court should be established to arbitrate on legality of legislation passed with respect to Interim Constitution.

The peacebuilding phase is crucial for instituting a culture of public accountability and societal debate. Policies must be geared toward the establishment of a free press and guarantee freedom of expression, oral or written. Alongside a free press, a coordinated governmental media campaign is also crucial to provide key facts on the recovery process and counter myths. The National Media Council should oversee the process of media development and establishment of a media code of conduct which guards against hate speech and other misuse.

Policies must also be put in place the guarantee the independence of civil society. In addition to non-governmental associations this also includes independent labor and professional unions and syndicates, peasant organizations, and social movements. These organizations, many of which are already active throughout Syria, have a key role in monitoring and oversight of government institutions as well as contribute to setting benchmarks and goals in the reform of governance institutions.

However accountability and transparency cannot simply be left to the media and civil society. Instituting internal mechanisms of accountability, educating the citizenry about their own functions, and maintaining and making accessible data systems must be integrated into the work of government institutions themselves.

A National Commission on Implementation of Reform Framework with a three-year tenure should be created that is independently constituted and funded. Ideally the National Commission will contain three types of 'watchdog' institutions: Rights Commission to monitor human rights; Reform Commission to monitor implementation of political settlement and overall process of political governance reform; Audit commission to monitor corruption and push for accountability in state economic management,

The process of political governance reform must be conceived as an integrated process alongside socioeconomic development that is developed through a systems based approach

particularly in the public procurement system. The National Commission will be a main interlocutor with media, civil society, donors, and the international community.

It is essential for the process of political governance during peacebuilding to have national ownership and to be conflict sensitive. Conflict sensitive policies have a highly nuanced sense of context which includes listening to the voices of all stakeholders, particularly those groups likely to be marginalized. The process of political governance is a crucial element of national sovereignty and must be led by Syrians themselves: the government, various state organs, civil society organizations and ordinary citizens. National and local ownership of the process of political reform are therefore essential. Ownership means local actors have the responsibility for decisions with respect to objectives, policies, strategies, program design and implementation modalities. Regional and international Governments, Multinational Development Institutions, and International Non-Governmental Organizations have valuable roles to play in technical and policy advice, analysis and information, and funding key processes.

Finally, the process of political governance reform must be conceived as an integrated process alongside socioeconomic development that is developed through a systems based approach. The role of the enabling vehicles is to develop a systems-based process to prevent a silo-based approach to institutional reform whereby changes in some laws in one sector undermine or contradict others in other sectors or contradict the Constitutional Declaration/Interim Constitution itself. This is ensured through the enabling vehicles of NAFS, the mechanisms through which the policy alternatives should be transformed into reality in accordance to good governance standards. A comprehensive and integrated Institutional Reform Framework is required. Alongside this issue, the role of government data in informing the public and coordinating between government institutions

3. Policies/Recommendations:

3.1 Constitutional Declaration/Interim Constitution and Constituent Assembly

- A. The Constitutional Declaration should empower a Transitional Authority composed of President and cabinet (Executive), a Constituent Assembly (Legislature) and Supreme Judicial Council (Judiciary). The role of the Transitional Authority will end by after national elections are held in the aftermath of the establishment of a permanent Constitution.
- B. The Constitutional Declaration should declare the equality of all citizens regardless of sex, religious belief, ethnicity, race, or political affiliation
- C. The Constitutional Declaration should declare that citizens enjoy freedom of written and oral expression, as well as rights to assemble, right to petition government, right to form media, and right to form syndicates, unions, and civil society organizations to advance public interest
- D. The Constitutional Declaration should revoke Exceptional Courts and laws that infringe on equality of all citizens before the law
- E. A Constituent Assembly must be empowered to i) assume Legislative Powers and ii) draft a permanent constitution
- F. The Constituent Assembly must be empowered to oversee the establishment of political parties and create the bounds for their operation
- G. The Constituent Assembly must be empowered to oversee the establishment of Unions, Chambers, Syndicates and other Professional associations
- H. The Constituent Assembly must be empowered to regulate and monitor economic activity and to pass appropriate legislation to that effect
- I. In cooperation with the Constituent Assembly, the Supreme Judicial Council must establish the mechanisms and timeline for drafting a permanent Constitution and submitting it to a national referendum no sooner than a 24 month period
- J. The Constituent Assembly presents a timetable for national elections no sooner than a 24 month period and after the passing of the permanent Constitution.
- K. The Constituent Assembly works on preparing the groundwork for local elections to elect representatives at the municipal, township and village level

3.2 Judicial reform

- A. Review and assessment of the current state of the judicial sector including new juridical institutions that have developed as a result of the conflict
- B. Revoke laws which undermine equality of citizens before the law and freedom of expression, assembly and political affiliation
- C. Empower the Supreme Judicial Council composed of independent judges chosen according to seniority and career performance in Syria empowered to: i) oversee and consult legislation passed by Constituent Assembly; ii) work on guaranteeing

- independence of judiciary including all Courts; iii) oversee prisons and prison reform; iv) oversee transitional justice process; v) establish guidelines to vet and train judges and lawyers; vi) educate citizens on judicial system and how to access it
- D. Develop mechanisms for judicial oversight of the Executive Branch through ensuring the independence of the State Assembly Court including its appointments and finances independent from the Constituent Assembly.

- E. Develop mechanisms for judicial oversight of the Legislative Branch through the establishment of an independent Constitutional Court whose rulings are final and whose tasks are: i) arbitrating on the constitutionality of laws and decrees; ii) arbitrating on the appropriate division of specialization between different judicial organs and courts in cases of conflict; iii) arbitrating on conflicting legal rulings; iv) interpreting laws and decrees in line with the Interim Constitution

The Supreme Judicial Council must establish the mechanisms and timeline for drafting a permanent Constitution and submitting it to a national referendum

- F. Ensure the independence and development of the office of Public Prosecutor without interference from Ministry of Justice or

Executive branch

- G. In cooperation with the Constituent Assembly, the Supreme Judicial Council must establish the mechanisms and timeline for drafting a permanent Constitution and submitting it to a national referendum

3.3 Security sector reform

- A. Review and assessment of the current state of the security sector including new security organizations that have developed as a result of the conflict
- B. Ensure that security organizations are accountable both to civil authorities, established independent oversight agencies, the judiciary, and civil society
- C. Ensure security organizations adhere to international and domestic law and the Interim Constitution
- D. Ensure that civil authorities have the capacity to exercise control over operations and expenditure of security organizations
- E. Develop a well-articulated hierarchy of civilian-security sector relations
- F. Ensure that civil society has the capacity to monitor security organization and provide input.
- G. Develop a comprehensive approach to the management of security sector resources
- H. Develop policies to adequately train security force personnel in a way that promotes a culture of accountability, human rights, and respect for democratic principles

3.4 Media and Independent Press Laws

- A. The Constitutional Declaration/Interim Constitution should guarantee freedom of the press and of written and oral expression
- B. Review and assessment of the current state of the media sector including new media organizations that have been launched during the conflict
- C. Empower the National Media Council to conduct its duties in oversight over the media sector
- D. Remove the National Media Council from the authority of the Executive Branch and place it under the authority of the Constituent Assembly so that it can be better subject to public input and better coordinate legislation on media
- E. Developing an appropriate legal framework as well as code of conduct for print and broadcast media which includes clear guidelines defining rights and limits on: i) Provocative Statements (including hate speech as well as publishing material that would pose serious threat to the life, safety, and security of any person through vigilante violence or otherwise); ii) Privacy; iii) Separation of News and Opinion; iv) False and Deceptive Material; v) Right of Reply
- F. Develop a National Media Strategy which includes a coordinated and integrated campaign across media outlets to present government information during the peacebuilding phase
- G. Develop strategies to improve a strong media and telecommunications infrastructure across all governorates
- H. Develop strategies for capacity building of media professionals including establishing an academy for media and journalism

3.5 National Commission for Implementation of Reform Program

- A. Establish a National Commission for Implementation of the Reform Program to serve as an umbrella watchdog organization during the peacebuilding phase with members serving a 3-year tenure and with independent funding to oversee the peacebuilding phase and to submit periodic reports to media, civil society, donors, and the international community.
- B. The National Commission should include three sub-commissions: i) a National Human Rights Commission; ii) National Political Reform Commission to oversee implementation of political reform during the peacebuilding phase, particularly reform of judicial and security sector as well as providing recommendations for sticking points in the transitional process, such as constitutional debates and national elections; iii) National Anti-Corruption (or Audit) Commission to monitor and ensure accountability on state economic management as well as to monitor international funding

4. Timeframe

Reform Measure	Summary Of Measure	Expected Outcomes	Timeframe from date of political settlement
Constitutional Declaration	The national legal and political framework during the peacebuilding phase	Establishment of a Constituent Assembly and Supreme Judicial Council; granting of civil and political rights	Immediate
National commission For Implementation of Reform Framework	Body of three watchdog institutions: rights; reform; audit	Create more legitimacy for reform process by allowing more public scrutiny	Immediate until end of peacebuilding phase
Judicial reform	Reform of Judicial Sector spearheaded by Supreme Judicial Council	A judicial system provides for effective and just dispute settlement mechanisms and restoring citizen trust in judiciary	0-2 years
Security Sector reform	Reform of Security sector to achieve democratic and human rights respectful security-sector system	An effective security sector that is publically accountable and respectful of human rights with clear line of civilian-security sector authority	0-2 years
Media and Independent Press reform	Developing a legal and institutional framework for a free media as well as establishing a National Media Campaign for reconstruction	A fully functioning National Media Council and diverse national media landscape	0-1 year

5. Actors

The political governance process is a matter of national sovereignty and therefore must be lead and owned exclusively by the Syrian people. Below is a table of the national actors, including civil society, that will be relevant in the process of judicial, security sector and legislative reformⁱⁱⁱ:

A. Civil Management and Oversight Relevant Bodies:

President/Prime Minister; Constituent Assembly; Ministry of Defense; National Security Bodies; Parliamentary Oversight Committees commissioned by Constituent Assembly ; Interior Ministry; Foreign Ministry; Customary and Religious authorities; Financial Management Bodies (finance ministries, budget offices, planning offices); Statutory Civil Society organizations (civilian review boards, public complaints commissions)

B. Justice and Public Security Relevant Bodies:

Judiciary; Justice Ministry; Public Prosecutors Office; Defense Attorneys; Prisons; Human Rights Commissions; Correctional Services; Customary and Religious Justice Systems

C. Bodies Mandated to use force:

Armed Forces; Police; Paramilitary forces; Intelligence services (civilian and military); Secret Services; Coast Guards; Border Guards; Customs Authorities; National Guard, Presidential Guard (reserve or local security units)

D. Non-Statutory Civil Society Bodies:

Media; Non-Governmental Organizations; Professional organizations; Trade Unions; Research and Policy Analysis Organizations; Religious Organizations; Advocacy Organizations; Concerned Public

E. Non-State Bodies:

Armed Groups; Militias; Civil defense forces; Private Security Companies; Criminal Groups

6. Enabling Vehicles

6.1 Institutional Reform Framework

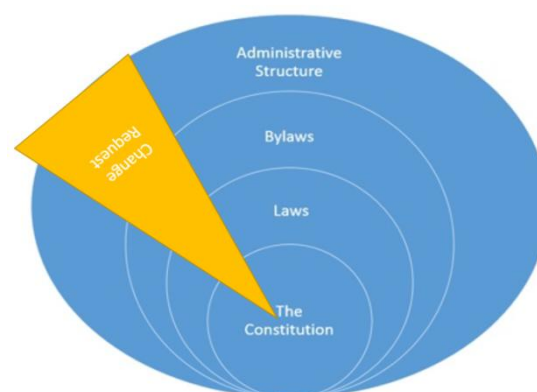
The political governance framework in Syria comprises a complex system of official and quasi-official political, economic and personal networks. The transformation and reform of the system necessitates thorough research into the very functioning of the State and its role in the governance of the country.

The outcome of the institutional reform process in Syria must ensure that reformed state institutions and non-state actors are operated in compliance with good governance principles, and hence they are capable of supporting the democratization process in order to facilitate the involvement and participation of all Syrians in the development of their own country. To support the management of the proposed institutional changes, it is necessary to develop an **Institutional Reform Framework** that provide guidelines to support the following changes:

- Drafting constitutional amendments to enable the Syrians to start the process of transition
- Reviewing and reforming the judicial sector to ensure its independence and transparency.
- Proposing changes to existing laws and regulations that support the public accountability of government, including legislation governing the rights of NGOs and the media, and laws incorporating gender equality, and protecting women's rights.

The term "institutions" usually refers to organizations, laws and administrative system. Existing institutions in Syria are created and operated by issuing legal documents. Any changes at the institutional level is materialized by proposing changes to one or more legal documents.

Change requests to the institutional model would be proposed by different working groups at different times and would affect one or more legal documents. Therefore, it is necessary to make sure that the proposed changes by all parties are coordinated and streamlined in order to ensure that the proposed changes are consistent, in the right direction and in compliance with the overall reform policy.



The **Institutional Reform Framework** is a set of guidelines and tools that support the institutional reform process. The Framework should be used as guidelines to propose the required changes to the institutions, their laws of establishments, and their bylaws. It can also initiate any of the above mentioned reform measures. It will also govern and coordinate the proposed changes. In the following, the main components of the proposed framework are presented.

Framework Component	Description
Knowledge base	Legal documents from other countries
Legal database	The existing and historical legal documents in Syria
Guidelines	A set of guidelines developed by international organizations or by the project that helps supporting the proposed change
Draft documents	A repository to manage the proposed changes by different groups.
Change Record	A record to manage the change process.

Legal documents in Syria include: the Constitution, laws, decisions, decrees, orders, regulations and court decisions. In the peacebuilding phase, different state organs and workgroups will propose changes to the existing institutional model in Syria. In order to coordinate those changes and to ensure that they all are complying with the good governance concept; it is required to define the change scope and develop a framework to manage the change. The **Change Management Model** should coordinate the development of the necessary policies and guidelines in order to be reflected in the work of the legislative bodies.

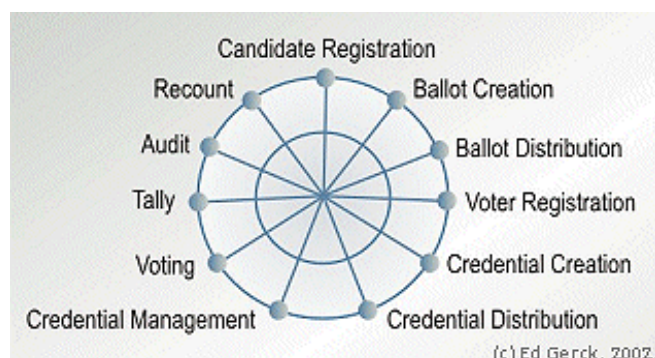
The **Legislation Review Process** is another component of the Institutional Reform Framework. Given that numerous laws will be reviewed and changed, its important that the process itself be guided by good governance standards. The typical life cycle of a review moves through three broad 'phases': Initiate, Engage and Finalize. Each of those phases is governed by guideline that help make this complex process more efficient and transparent.

The final component of the Institutional Reform Framework is the **Elections Management Guidelines**. Though national elections are not recommended in the early peacebuilding phase, local elections may be held. Moreover preparing for national elections is a process that requires careful planning.

A typical election process has a number of phases, as illustrated in the Diagram below. The election phases are not independent, nor are they done in sequence. They usually overlap in time and responsibility, they are not performed in isolation, they require cross-certification, and may fail completely due to a single-point failure¹. Therefore, it is required

¹ <http://www.safevote.com/requirements.htm>

to ensure that all phases are coordinated and hence the Constituent Assembly should establish The Syrian Electoral Authority (SEA) to manage the process.



Phases of a typical election process, clockwise from the top.

6.2 Syrian National Public Information Framework

The **National Public Information Framework** contains three components: A) Government Open Data Initiative; B) Data Management Framework; C) Access to Information Initiative. The **Government Open Data Initiative** governs the production use and re-use of public data and data coordination and sharing by all government agencies. The **Data Management Framework** provides the guidelines for conversion of raw data, big data and later on real-time data to a useful productive product (information, statistics, visualized data, and business intelligence) which can be used for forecasting, modeling, and optimization. Finally the **Access to Information Initiative** governs the right to access information of freedom of information laws and procedures. This initiative takes a positive approach that puts a heavy burden of proof on the government to withhold information and minimizes the scope of exceptions (such as legitimate national defense issues).

Taken together these initiatives and frameworks are intended to promote a culture of transparency, enabling citizens to hold government institutions accountable. They will also greatly facilitate the work of the Constituent Assembly, Syrian civil society, as well as relevant international institutions during the peacebuilding phase.

7. Challenges

Challenges	Likelihood (L,M,H)	Impact (L,M,H)	Countermeasures
Political actors after the political settlement not sharing similar priorities for governance reform	H	H	Coordination committee should be setup to ensure that political actors are sufficiently communicating and coordinating over key issues; incorporate civil society and pressure groups into discussion
Lack of trust by society in process of political governance and perceptions of corruption and 'back-door deals'	H	M	Ensure transparent processes, empower independent monitoring, and periodically publish pace and intention of reform
Viable, accountable and affordable security sector services to provide security for individuals and communities	H	H	Develop mechanisms to coordinate and publicize security sector reform all levels including Constituent Assembly, governorate, and local level and to involve civil society
Overall change resistance	H	H	Ensure civil society engagement in the process in order to ensure better support to the process

8. Appendix

Widespread consultations among Syrian experts, citizens and other groups representing various political stripes, commissioned studies by legal experts, as well as several local and international think tanks have produced two main practical policy alternatives for the transitional constitutional stage. The first includes amending the current (2012) constitution and the second would be to agree on an interim governing constitution. Regardless of which option is considered, the political settlement (peace treaty) reached in Syria is the foundational document for any subsequent arrangement. Therefore the peace agreement itself must contain clear guidelines on the transitional governance arrangement. The two options are presented here so that relevant parties can consider them now, ahead of a possible negotiated settlement.

The 1950 constitution's formation by a democratically elected body has prompted calls for relying on this constitution during the transitional period at least. Objections have been raised that the 1950 constitution was crafted in an era with sharp socio-economic inequalities and a very different society than today's Syria, as well as prior to Syria's signing of key international treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights that Syria ratified in 1968. Politically, it also signals an attempt to 'cancel' an entire era as if it never took place, and thus is not reflective of the spirit of compromise needed emerging from a negotiated political solution.

Option 1: Amending the 2012 Constitution

The existing constitution of the Syrian Arab Republic was approved after a national referendum in February 26, 2012 that was boycotted by several leading opposition movements. Two main types of critiques were leveled by the opposition against this constitution. The first has to do with the process of crafting and approving the constitution. The entire process, including the national referendum, took place while the violence in the country was still widespread, and significant numbers of Syrians were still being killed, wounded or displaced on a daily basis. Many areas in the country were still active war zones. The National Constitutional Committee was created- and its members appointed- through direct decree and selection by the Presidency. The draft constitution that was put up for referendum was not disseminated for widespread discussion or debate before the referendum (a process which would have been difficult anyway due to the aforementioned circumstances). The Constitution itself was critiqued as maintaining an overwhelmingly Presidential system with substantial powers over both the legislative and judicial branch. However given that the 2012 constitution contains the backing of significant sectors of Syrian society, a political compromise can be made to adopt the 2012 constitution in the interim period, while considering several of its articles (at least 22) for amendment (Articles proposed for amendment attached in Appendix).

Option 2: Interim Governing Constitution/Constitutional Declaration

The second option for a governance solution during the transitional period would be to adopt interim constitutional arrangements for a defined period of time or a Constitutional Declaration. For example, in the political settlement (peace treaty) reached there would be agreement on a number of fundamental principles that would apply across the transition without prejudicing issues that are best left to the Constituent Assembly to deliberate on and for public discussion. Interim arrangements amend key parts of the constitution, repealing a wide range of statutes, and assert that the fundamental articles of the Interim arrangement would override other previous provisions or laws that contradict them.

Articles in 2012 Syrian Constitution recommended for amendment or cancellation

- Article 83- The President of the Republic and the Prime Minister exercise authority on behalf of the people within the limits provided for in the constitution.
- Article 97- The President of the Republic shall name the Prime Minister, his deputies, ministers and their deputies, accept their resignation and dismiss them from office.
- Article 98- In a meeting chaired by him, the President of the Republic lays down the general policy of the state and oversees its implementation.
- Article 99- The President of the Republic might call the Council of Ministers to a meeting chaired by him; and might ask for reports from the Prime Minister and the ministers.
- Article 100- The president of the Republic shall pass the laws approved by the People's Assembly. He might also reject them through a justified decision within one month of these laws being received by the Presidency. If they are approved a second time by the People's Assembly with a two thirds majority, they shall be passed by the President of the Republic.
- Article 101- The President of the Republic shall pass decrees, decisions and orders in accordance with the laws.
- Article 102- The President of the Republic declares war, calls for general mobilization and concludes peace agreements after obtaining the approval of the People's Assembly.
- Article 103- The President of the Republic declares the state of emergency and repeals it in a decree taken at the Council of Ministers chaired by him with a two thirds majority, provided that the decree is presented to the People's Assembly in its first session. The law sets out the relevant provisions.
- Article 105- The President of the Republic is the Commander in Chief of the army and armed forces; and he issues all the decisions necessary to exercise this authority. He might delegate some of these authorities.
- Article 106- The President of the Republic appoints civilian and military employees and ends their services in accordance with the law
- Article 111-

1. The President of the Republic might decide to dissolve the People's Assembly in a justified decision he makes;
2. Elections for a new People's Assembly shall be conducted within 60 days of the date of dissolution;
3. The People's Assembly might not be dissolved more than once for the same reason.
 - Article 114- If a grave danger and a situation threatening national unity, the safety and integrity of the territories of the homeland occurs, or prevents state institutions from shouldering their constitutional responsibilities, the President of the Republic might take the quick measures nictitated by these circumstances to face that danger.
 - Article 115- The President of the Republic might set up special bodies, councils and committees whose tasks and mandates are set out in the decisions taken to create them.
 - Article 116- The President of the Republic might call for a referendum on important issues which affect the higher interests of the country. The result of the referendum shall be binding and come into force as of the date of its announcement; and it shall be published by the President of the Republic.
 - Article 121- The Prime Minister, his deputies and the ministers shall be responsible before the President of the Republic and the People's Assembly.
 - Article 124-
 1. The Prime Minister, his deputies and the ministers shall be responsible for their acts, from a civil and penal perspective, in accordance with the law;
 2. The President of the Republic has the right to refer the Prime Minister, his deputies and the ministers to the courts for any crimes any of them commits while in office or because of such crimes;
 3. The accused shall be suspended from office as soon as an indictment is made until a ruling is passed on the accusation made against him. His resignation or dismissal does not prevent his trial. Procedures are conducted as stated in the law.
 - Article 125(a)- 1. The cabinet shall be considered as resigned in the following cases:
 - a. Upon the end of the term of office of the President of the Republic;
 - Article 132- The judicial authority is independent; and the President of the Republic insures this independence assisted by the Supreme Judicial Council.
 - Article 133-
 1. The Supreme Judicial Council is headed by the President of the Republic; and the law states the way it shall be formed, its mandate and its rules of procedures;
 2. The Supreme Judicial Council insures the provision of the guarantees necessary for the independence of the judiciary.
 - Article 141- The Supreme Constitutional Court consists of at least seven members, one of them shall be named president in a decree passed by the President of the Republic.
 - Article 146-

The mandate of the Supreme Constitutional Court is as follows:

 1. Control over the constitutionality of the laws, legislative decrees, bylaws and regulations;

2. Expressing opinion, upon the request of the President of the Republic, on the constitutionality of the draft laws and legislative decrees and the legality of draft decrees;
 3. Supervising the election of the President of the Republic and organizing the relevant procedures;
 4. Considering the challenges made to the soundness of the measures of electing the President of the Republic and members of the People's Assembly and ruling on these challenges;
 5. Trying the President of the Republic in the case of high treason;
 6. The law states its other authorities.
- Article 147-
 1. The Supreme Constitutional Court is charged with control over the constitutionality of the laws as follows:
 - a. If the President of the Republic or a fifth of the members of the People's Assembly object to a law before it is passed, on the grounds of its unconstitutionality, it shall be suspended until the Court rules on it within 15 days of the date of lodging the objection at the Court. If the law is urgently needed, the Court shall rule on it within 7 days;
 - b. If a fifth of the members of the People's Assembly object to a legislative decree, on the grounds of its unconstitutionality within 15 days of it is being presented to the Assembly, the Court shall rule on it within 15 days of lodging the objection at the Court;
 - c. If the Court ruled that the law, the legislative decree or the bylaw was unconstitutional, the items found to be unconstitutional shall be annulled with retroactive effect and all their consequences shall be removed.
 2. Considering the claim of the unconstitutionality of a law or a legislative decree and ruling on it takes place as follows:
 - a. If an opponent making a challenge claimed the unconstitutionality of a legal text applied by the court whose ruling is being challenged, and if the court considering the challenge found that the claim was serious and should be ruled on, it halts the proceedings of the case and refers it to the Supreme Constitutional Court;
 - b. The Supreme Constitutional Court shall rule on the claim within 30 days of being entered in its register.

ⁱ Collier et al. 2003

ⁱⁱ Rule of law implies: 1) government bound by law; 2) equality before the law; 3) law and order, 4) predictable and efficient rulings; 5) human rights

ⁱⁱⁱ Ball 2005