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## The 2021 Syrian Presidential Election

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### Political deadlock and Syrian Burnout

*Hadia Kawikji*

#### Introduction

The legitimacy of any position is based on two main elements, first the manner in which the individual attained the position, and second is the ability of the individual to fulfill the related responsibilities. For the first point, Bashar al-Assad's Presidency in Syria was attained through heredity within a ludicrous system following his father who seized the power via a military coup. Both father and son ruled Syria for the last half a century with de-facto legitimacy, through nominal referendums completely dominated by the Ba'ath party. This was instead of an election that reflects the Syrian people's will.

In terms of the ability to fulfill the responsibilities of the presidency, many indicators showcase the regime's failures to the Syrians. The recent years have witnessed the collapse of the Syrian pound to unprecedented levels, along with the displacement of more than half of the Syrian population,<sup>1</sup> and the rise of extreme poverty to 82%,<sup>2</sup> with the fact that 37% of the Syrian territories are outside of the regime's control. Additionally, the violation of the Syrian decision is evidenced by the control of the Lebanese "Hezbollah", Iranian militias, and Russian troops controlling over roughly 85% of the Syrian borders, finally yet importantly, the Syrian regime's inability to protect its territory is illustrated by the haphazard attacks by Israel on Syrian land at any given time.

In March 2011, the majority of the Syrian people called for the removal of the Assad regime and the transition to a democratic country. Assad transformed the uprising against the regime into a war on Syria, linking the country's survival to his persona. Nevertheless, after ten years of political failure on both Syrian and international levels, Assad reached a fourth presidential term, benefiting from the regional and international interests leading to his survival, the fatigue of the Syrian people, and utilizing an orchestrated and comically staged election.

The 2021 Syrian Presidential Elections (SPE) is a trailblazer for one out of two possible ways the Assad regime may pursue. It will either benefit from the current status-quo by continuing to gain support from its allies, the region's security concerns, and the absence of

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<sup>1</sup> About 6.2 million people have been internally displaced, the humanitarian situation was already disastrous before the crisis: a third of the population lived below the poverty line, unemployment was at 20% (75% of the unemployed were between 15 to 24 years old). See AD'OCC accompagnent, "[Syrie: Contexte politico-économique](#)", this and all following sources were last accessed on 24 April 2021.

<sup>2</sup> See FSIN, UN World Food Programme, "[Global Report on Food Crises – 2021](#)", May 2021.

genuine international pressure for a political solution. Alternatively, the regime may continue to use the “structural security approach” to deter all opponents, especially after the 2021 SPE was held without another party being able to establish itself in Syria, and to seek power even in the face of complete contradiction to democracy and peace.

However, the 2021 SPE exhibits violations of international law as a unilateral action that is not a part of the political process established under United Nations Security Council Resolution 2254 (in 2015). Further, it violates the International Covenant on Civil and Political Rights “ICCPR” by imposing legislative and oppressive political restrictions that exclude millions of Syrians from participation. This is in addition to the absence of a safe and neutral environment, and a neglect of the entire peace process that seeks a political and not a military solution in Syria.

Whereas Assad’s regime is promoting the slogan of administrative reform and anti-corruption to support the narrative of victory, the post-election era is not so different from the pre-election one in terms of political, economic, social, and even security challenges. This resulted in making the Syrians see the 2021 SPE as merely consolidating the zero-sum military solution by Assad and its allies.

Therefore, recognition of Assad as a president of Syria for a fourth term would increase his intransigence by using the security approach as a means of breaking international isolation, maneuvering among his allied interests to achieve economic gains. While this will prolong the violent conflict by maintaining the root causes of the conflict found in his authoritarian regime, which stands accused of committing crimes against humanity, instead, freezing the status-quo will result in:

- Dividing Syria into areas of influence, which are subject to the various considerations of international actors;
- The continuation of economic decline due to the integrated nature of the Syrian economy;
- The loss of security and stability, affecting the region as a whole;
- Postponement of the return of refugees, due to the despair of implementing a political transition under UN Resolution 2254 that demands a safe environment;
- Increasing the number of the refugees, as the Syrians in the camps and in neighboring countries began to reconsider alternatives such as seeking asylum in Europe in order to obtain a more sustainable legal and safe status.

## Methodology

This paper tackles the context in which the 2021 Syrian Presidential Election took place, on the legal, Syrian, and international levels, aiming to discuss the following aspects: 1) the legal background; 2) what the SPE means for both the Syrians and the Assad regime 3) the potential ramifications of the SPE at the international level. Conclusively, the discussion will be wrapped up with a set of recommendations regarding what the Syrian people may ask from the international community as a response to the SPE. Utilizing a descriptive and analytical approach, this paper was built on a focus group discussion with active participants on Syria’s local and international governance activities (see annex I), six semi-structured interviews with experts (see annex II), and a literature review of publications on the topic.

## The legal context of 2021 SPE

### International law

The 2021 SPE is the second SPE to be held after the implementation of the 2012 Syrian Constitution (SC) and the 2014 Syrian Elections Law (SEL), which were established after

popular demand to overthrow the regime in March 2011.<sup>3</sup> Having said that, there are no fundamental legal amendments compared to the 2014 SPE in terms of holding both elections according to the 2012 SC and the 2014 SEL, which in turn exhibited violations of international law.

The 2021 SPE was not part of the political process established under UN Resolution 2254 that calls for “free and fair elections pursuant to [a] new constitution, to be [...] administered under [the] supervision of the UN”.<sup>4</sup> While the 2014 SPE failed to conform to UN Geneva Communiqué (2012),<sup>5</sup> these actions unilaterally reject the political procedure putting each in violation of the 25<sup>th</sup> Article of the UN Charter,<sup>6</sup> which states that the members of the UN agree to accept and carry out the decisions of the UN Security Council. Even beyond these failings, the 25<sup>th</sup> Article of the ICCPR states that every citizen shall have the right to vote and for each to remain electable.<sup>7</sup> As a result, both the SC and the SEL are imposing legislative and oppressive political restrictions that are unattainable in the current Syrian context.<sup>8</sup>

### Rights of Candidacy

The 84<sup>th</sup> Article of the SC states that candidates must have lived in Syria continuously for at least the previous decade.<sup>9</sup> This excludes the nearly 7 million Syrians in the diaspora, among them exiled opposition members who have fought for decades to end Assad’s rule.<sup>10</sup> Moreover, the 85<sup>th</sup> article of the SC excludes millions of Syrians outside and inside of the regime-controlled areas, who usually oppose the Assad’s Ba’ath party. The article demands that the applicant must garner support from at least 35 members of the parliament, taking into consideration the domination of the Ba’ath party on the Syrian parliament.<sup>11</sup> Thus, most Syrians were not able to participate in the parliamentary elections.<sup>12</sup>

Article 30 of the SEL permanently excludes any applicants from running for the presidency if previously deprived of voting by a regime ruling.<sup>13</sup> These details are considered as requirements to run for the same authority that the candidate seeks to change. The SC states too, that only those born in Syria may have the option to run, which deprives the next generation of those that fled persecution of their right to run for president. Additionally, other structural restrictions and limitations exist in the SC, for instance, the candidate must be a Muslim (3 SC), and must not be married to a non-Syrian wife (4/84 SC). The last of which, implies that the candidate has to be male and not a woman with the understanding of marital restrictions within the country.

### Voting rights

Millions of Syrian refugees and political opponents would be deprived of their voting rights based on Article 30 of the SEL. This article states that any individual who endures a court ruling by a regime judge, no longer has the right to vote. The law further restricts the participation

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<sup>3</sup> The 2012 constitution is illegitimate since its referendum took place in light of the Syrian regime’s constant war crimes, that generated a state of fear and terror among Syrians, pushing those who were still living in regime-controlled areas to vote in favor of the Syrian regime’s proposed constitution. Cf. a report published by the Syrian Network for Human Rights (SNHR); (<https://bit.ly/3ytODG9>). Retrieved: 24 April 2021)

<sup>4</sup> The United Nation Security Council [Resolution 2254](#) (2015).

<sup>5</sup> The United Nation [Geneva Communiqué](#) (2012).

<sup>6</sup> The [The United Nation Charter](#).

<sup>7</sup> The International Covenant on Civil and Political Rights [ICCPR](#).

<sup>8</sup> [The Syrian Elections Law \(2014\)](#).

<sup>9</sup> [The Syrian Constitution \(2012\)](#).

<sup>10</sup> The number of Syrian refugees reached nearly 6.6 million. They are spread over 126 countries on various continents of the world. Cf. “Global Trends Forced Displacement in 2019”, June 2020, Published by UNHCR (<https://bit.ly/3uh1k3R>), p. 20. Retrieved: 24 April 2021).

<sup>11</sup> For more information on the composition of the Syrian Parliament, see: Awad, Z. Favier (2020). Elections in wartime: the Syrian people’s council (2016-2020). European University Institute.

<sup>12</sup> The parliamentary elections were limited to Syrians living in regime-controlled areas. For more about the 2020 parliamentary elections, see: Ayman Abdel Nour, “Syria’s 2020 parliamentary elections: The worst joke yet”, published in July 2020, by the Middle East Institute, (<https://bit.ly/3wpj1Zu>). Retrieved: 24 April 2021).

<sup>13</sup> For more about these obstacles, see: A group of researchers (2021). Legal Obstacles to the Participation of Syrian Refugees in the Presidential Elections. London School of Economics and Political Science LSE.

of the diaspora, as any voter must be registered in the national electoral registry,<sup>14</sup> with a valid passport that includes legal departures from Syria through the legitimate border crossings.<sup>15</sup> This will exclude millions of Syrians currently residing abroad who fled war or were forcibly displaced.<sup>16</sup> Further, the 37% of Syrians located in Syrian territory outside of regime-controlled areas are in direct contention with Article 18 of the SEL, which considers Syria as a single electoral district in the SPE.

### The integrity of an independent election

Article 146 of the SC renders the SPE a matter completely dominated by the regime: it states that all members of the Supreme Constitutional Court oversee the election process, organize procedures and approve the candidates. However, the judges are not independent but rather appointed by the president himself. This clearly identifies a distinct problem in establishing an independent election coordination body. The regime further increased control on the government through Article 133 of the SC, which stipulates that the judicial authority is subordinate to the president.

### Safe environment

Syrian citizens do not vote in a safe environment that enables a free participation in the elections. In Syria, the security services have full authority and discretion, surpassing any other authority within the state. According to the nonresident research Assistant at Malcolm H. Kerr Carnegie Foundation, Muhsen Al-Mustafa,<sup>17</sup> “a number of measures are enacted during the presidential election process. The Ba’ath Party uses fear to force citizens to participate in the election. A well-known belief spreading in Syria during elections is that employees, university students, and army personnel will suffer tremendously if they do not participate in the election. Other rumors include stories of security personnel who are able to find those opposing Assad and make them subject to punishment. Additionally, the Ba’ath Party instructs imams of mosques and local elders in each region to urge them to elect Bashar al-Assad. These instructions are paired with rumors that whole regions will suffer collective punishment for not participating; the punishment would include the removal of remaining services from the area”. Under this guise, eight imams were detained in Deir Ezzor due to refusing to participate in the 2021 SPE campaign.<sup>18</sup> The Ba’ath party may also instruct the Syrian consulates abroad to suspend processing documents of Syrian citizens until they participate in the SPE.

A questionnaire conducted among Syrians living abroad, revealed that 53.5% of the respondents were subject to pressures that forced them to vote in the SPE before 2011, 82.1% did not feel safe to vote in Syrian embassies.<sup>19</sup> Additionally, there is an inability to reach the embassy, whether for temporary or permanent reasons. In many cases, there is a complete absence of a Syrian embassy in a number of countries altogether.<sup>20</sup>

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<sup>14</sup> The 29<sup>th</sup> Article of the SEL stipulates that the national electoral registry should be completely checked at least two months before any election process. However, the Syrian Ministry of Foreign Affairs circulated to its embassies, including, for example, the Syrian Embassy in Abu Dhabi, calling on Syrian citizens on April 13, 2021, through an announcement published online to register their data in preparation for the electoral lists of Syrians in the UAE before April 25, 2021. Source: the official page of the Syrian Arab Republic Embassy in Abu Dhabi: (<https://bit.ly/3yx1OY9>). Retrieved: 24 April 2021).

<sup>15</sup> For more on the obstacle “Legal exit from Syria”, ref. n°7, p. 4.

<sup>16</sup> For more on the inability to participate in the elections for refugees, ref. n°7, pp. 26-27.

<sup>17</sup> An interview with Muhsen Al-Mustafa, a nonresident research assistant at [Malcolm H. Kerr Carnegie foundation](#) on the project: Tawazun, index of Arabic Civil-Military Relations, for the purpose of this paper on 6 May 2021.

<sup>18</sup> The Syrian regime arrests imams of mosques in Deir Ezzor due to the presidential elections cf. Nedaa Post, published on 25 April 2021 (<https://bit.ly/3eqtGUo>). Retrieved: 24 April 2021).

<sup>19</sup> Bekaj, A. Antara *et al* (2018). Political participation of refugees: bridging the gaps, DOI (<https://doi.org/10.31752/idea.2018.19>).

<sup>20</sup> The list of countries in which there is no Syrian embassy is available on, “Legal Obstacles to the Participation of Syrian Refugees in the Presidential Elections”, p. 27, cf. footnote n°7.

The senior researcher at Omran Center Maen Tolla states that <sup>21</sup> “Assad’s regime consistently attempts to tie a safe environment to reconciliation or settlement that aims to force Syrians either to surrender and live under Assad’s oppression or forced displacement to Idlib”.<sup>22</sup> Hence, based on a survey conducted in regions outside of regime control, the threat of regime security service prevents 83% of displaced Syrians from returning to their homes. Additionally, 37% of individuals or their relatives that returned to regime-controlled areas during 2020 were arrested, despite their return with a declared amnesty or settlement. Of those who returned to the regime-held areas, 67% did not feel safe.<sup>23</sup> Over and above, the SPE ignored the absence of at least 130,000 detainees in the regime’s prisons, and the cases of enforced disappearance,<sup>24</sup> which were not covered by the incentives announced by Assad on the eve of elections, such as the law of regularization of the status of wanted persons,<sup>25</sup> and the 2021 amnesty law.<sup>26</sup>

## Syrian context of 2021 SPE

### Syrians under Assad’s control

More than 80% of Syrians in regime-controlled areas live in extreme poverty. These people live next to a class of warlords, who are supported by regime military forces.<sup>27</sup> In contrast to Assad’s victory narrative, the areas regained by the regime through military force lack minimal public services.<sup>28</sup> As the French Foreign Minister Jean-Yves Le Drian described it: “There is instability, crime, and looting performed by militias and in some places the threat of a return of terrorism”<sup>29</sup>, especially with the apparent intervention of the Lebanese and Iranian militias, and Russian soldiers in all of the regime areas. Thus, the 2021 SPE took place during a frustrating time, for which Syrians are blaming Assad, whereas he is talking about the restoration of international relations after all the crimes committed against the Syrian people.

What aggravates the Syrian frustration is the comparison to the 2014 SPE, when greater media and international momentum of the Syrian conflict did not hinder Assad from using the pretext of “global conspiracy on Syria”, taking advantage of the international political fluidity and the sharp polarization of the Syrian opposition.

Pre-election protests against Assad in most areas under its control in early 2021,<sup>30</sup> such as Latakia, Tartous, Suwayda, and Damascus, despite the security repression reflected the ongoing frustration of the Syrian people.<sup>31</sup> Several leaks from the Sheikh of the Druze, Hikmat al-Hijri, and other community elders, indicate a leaning against Assad’s reelection,

<sup>21</sup> An intervention from Maen Tolla, a Senior Researcher in International Relations at Omran Center, in a focus group that was held for the purpose of this paper on 19 April 2021.

<sup>22</sup> Ibid.

<sup>23</sup> [A safe environment takes precedence over everything](#) (2021). The Syrian Association for Citizen’s Dignity (SACD).

<sup>24</sup> Cf. “Safe Environment before Everything Else”. Published by the Syrian Association for Citizen’s Dignity (SACD), 25 January 2021, (<https://syacd.org/>. Retrieved: 24 April 2021).

<sup>25</sup> Cf. Suwayda24 (<https://bit.ly/3hXLBns>. Retrieved: 24 April 2021).

<sup>26</sup> Source, SANA, (<http://sana.sy/?p=1373048>. Retrieved: 24 April 2021).

<sup>27</sup> Global Report on Food Crises – 2021. Published by UN World Food Programme (WFP), (<https://www.wfp.org/publications/global-report-food-crises-2021>. Retrieved: 24 April 2021).

<sup>28</sup> For more on the conditions of these areas, see: Al-Ra’i, N. (2019). Facets of Syrian regime authority in Eastern Ghouta, European University Institute (EUI). (<https://bit.ly/3fN5NGi>. Retrieved: 24 April 2021).

<sup>29</sup> Le Drian, J.Y., “Syria: The threat of a resurgence of terrorism is to be feared”, published by Public Senat, 16 March 2021 (<https://bit.ly/3oMzZ8c>. Retrieved: 24 April 2021).

<sup>30</sup> Cf. The New Arab, (<https://bit.ly/3wvvoGB>. Retrieved 25 April 2021).

<sup>31</sup> According to Mohamed R., “People were afraid that there is no alternative to Assad, who limited the options, he claims that it is either him or extremist groups. However, their general mood has changed. They accuse the regime of facilitating the access of ISIS in 2018 to the eastern countryside of Suwayda, which caused the death of more than 250 people. In addition to his responsibility of killing dozens of civilians in 2015 through two bombings targeting Sheikh (Wahid) al-Balous. Likewise, they did not forget that Assad began his rule by committing a massacre in 2000 when 20 people were killed. Along with a history of restrictions and the deprivation of development projects”. Cf. “Suwayda against Assad’s candidacy: an irreversible gap” published by The New Arab, in 22 February 2021 (<https://bit.ly/3xAiooe>. Retrieved: 24 April 2021).

which reflects a changing popular, religious, and tribal stance.<sup>32</sup> In Dara'a, due to the escalation of protests against the elections,<sup>33</sup> the regime canceled several polling stations.<sup>34</sup> According to media statements, neighborhoods in Aleppo witnessed a popular opposition to Assad's election campaigns, stating that "the election was a 'farce' with already settled results in favor of Assad who had caused the destruction of the country and killed or forced displacement of civilians".<sup>35</sup>

### Assad's Electors

Considering that 40% of Syrians living in regime-controlled areas are under the legal age for voting,<sup>36</sup> this leaves only 5.64 million with the ability to vote in the 2021 SPE. This is from an estimated 21 million Syrians, which registered in the 2011 census that would be eligible if not excluded legislatively or oppressively.

However, only a fraction of those eligible to vote in the 2021 SPE, are active supporters of Assad's presidency and many support him for different reasons such as:

1. *Minorities*, including the Alawite community, which believe that only Assad guarantees their well-being and economic privileges;
2. *Judicial causes*, looking for other guarantees that protect them from accountability for their involvement with Assad in his crimes against humanity and/or corruption;
3. *Fear of the alternative*, a narrative perpetuated by the Assad regime claiming his alternative is chaos or extremist Islamic rule;
4. *Some public sector employees* who fear losing job stability and their already not enough privileges.

### Syrians outside of Assad's control

About 37% of Syrian territory is outside of Assad's control. As for the Syrian Democratic Council's (SDC) part, the mutual economic and security interests with the Assad regime could have served as an incentive for the SDC to accept that Assad conducts the SPE within its areas. Notwithstanding, the SDC's demand of recognition from Assad's regime as "Autonomous Administration", the interest in maintaining international support (especially the US), and not to provoke the revolutionary street against them, were enough deterrents from participating in the election as the SDC officially stated on 24 May 2021.<sup>37</sup>

Further, Syrian opposition bodies, including local entities and non-governmental organizations (NGOs) released several statements criticizing the legality of the 2021 SPE, claiming it as a unilateral measure that is not a part of UN Resolution 2254.<sup>38</sup>

From the popular perspective, according to field interviews with Syrians outside of Assad-controlled areas, the 2021 SPE is merely an attempt by the regime and its allies to anchor a zero-sum military solution. In light of the fluid international political decisions and

<sup>32</sup> The leaks relate from the Sheikh of the Druze community in Syria, Hikmat Al-Hijri, showing his opposition to the elections by saying: "He is not against Bashar al-Assad in person, but he has become convinced that the country is now in need of a new political face to lift it from fragmentation, war and collapse". See, Karkas, E. "Signs of a coup of the Sheikhs of Druz against Assad", The New Arab, 24 April 2021 (<https://bit.ly/3u6VItA>). Retrieved: 24 April 2021).

<sup>33</sup> A. Alrifai, O. Y. Zelin, A. "Protests in Daraa, Syria Undermines Assad's Narrative of Victory" Policy Analysis published by the Washington Institute, 2 April 2021, (<https://bit.ly/2SqTOG1>).

<sup>34</sup> The official page of Horan Free League (<https://www.horanfree.com/?p=8871>). Retrieved: 24 April 2021).

<sup>35</sup> See, "Parties promoting the presidential elections in the eastern neighborhoods of Aleppo", 27 April 2021, Enab Baladi (<https://bit.ly/2QMC5Zh>). Retrieved: 24 April 2021).

<sup>36</sup> Alterkawi, KH. Assi, A. Alabdallah, O. Nasrallah, B. (2021). The Demographic Change in Syria 2011-2021. Jusoor for studies in cooperation with Informa GENE.

<sup>37</sup> The statement reads, "The Syrian Democratic Council has repeatedly announced that it is not concerned with any elections that do not achieve the goals of the Syrians in their lives, rights and political participation, and will not be a facilitator of any electoral procedure that violates the spirit of the UN Resolution 2254". The full statement is available on the official website of SDC (<https://m-syria-d.com/?p=11195>). Retrieved: 24 May 2021).

<sup>38</sup> Such as the statements of: Homs Governorate Local Council (<https://bit.ly/2SlxHAX>). Horan Free League (<https://www.horanfree.com/?p=8812>). See as well, The Syrian Observatory for Human Rights (<https://bit.ly/3yzUFVw>). Retrieved: 24 April 2021).

weak political performance of the Syrian opposition, the results increase the despair and thus diminish any prospect for a solution that achieves political transition according to UN Resolution 2254, and enables the refugees to return safely. In particular, with the deterioration of their living conditions, either inside or outside of Syria, the country has the largest mass of displaced people since WWII. This prompted the Syrian communities to organize campaigns titled "No legitimacy to Assad and his elections" all around the world, in an attempt to move public opinion towards delegitimizing the Assad regime.

As a result, Syrians in camps and in neighboring countries have begun to reconsider the return to Syria with the understanding of the need for an alternative; for example to seek refuge in Europe in order to secure more sustainable legal rights and safer living conditions awaiting a political solution by full implementation of Resolution 2254.<sup>39</sup>

#### Assad's approach to the 2021 SPE

The 2021 SPE is paired with post-war challenges that the Assad regime manifested from its own policies; from an economic crisis that had almost reached a humanitarian catastrophe, re-shaping economic and security networks interests in Syria to international isolation and sanctions associated with a political process whose failure is no longer a secret.

Some argue that the above-mentioned challenges deprived Assad of any political option outside of his continuation to preserve the status-quo by holding elections on time for showing that the state institutions are still working.<sup>40</sup> This is in light of Assad's fear of any breakthrough in the political process that might lead to the implementation of Resolution 2254. The Assad regime took advantage of the inability of international actors to impose a political solution, given the absence of Syria as a priority to the old and new US administration.

Others argue that Assad's "head in the sand" approach encourages him to hold the elections under the world's watchful eyes, despite all of his democratic flaws, the popular protests against him, and all the aforementioned challenges. When deriving his legitimacy from his "security structural approach",<sup>41</sup> he was able to deter all of his opponents, benefiting from the support of his allies and the failure of his opposition institutions to find an alternative, as well as the region's security concerns without genuine international pressure for a political solution. Thereafter, Assad is continuing with his narrative as an alternative to chaos and terrorism, after he survived international attempts to overthrow him.

Nonetheless, whether the 2021 SPE stemmed from the lack of political options, or from the aforementioned "head in the sand" approach, Assad is seeking power in contradiction to democracy and peace. He is utilizing a constitution that keeps him in place until 2028; further, a media machine depicts an image of a population that supports him "without other parties being able to have a similar image in Syria" describes Omar Abdulaziz Hallaj.<sup>42</sup> Last but not least, two nominal candidates were selected by the regime to appear on the ballot against Assad. Abdullah Salloum Abdullah (former deputy cabinet minister),<sup>43</sup> and Mahmoud Ahmad Marei (head of the National Democratic Action Committee in Syria, the small, officially sanctioned opposition party). Both candidates are anonymous to the Syrians, since they do not have any political, economic or cultural influence or constituency.<sup>44</sup>

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<sup>39</sup> An interview with Mhd Mounir Al-Fakir, a member of the Syrian Association for Citizen's Dignity (SACD) for the purpose of this paper on 12 May 2021.

<sup>40</sup> An interview with Danny Al-Baaj for the purpose of this paper on 4 May 2021.

<sup>41</sup> An interview with Sinan Hatahet for the purpose of this paper on 11 May 2021.

<sup>42</sup> An intervention from Omar Abdulaziz Hallaj, a Member of the Syrian Constitutional Committee, in a focus group that was held for the purpose of this paper on 19 April 2021.

<sup>43</sup> Abdullah Salloum Abdullah (1956) is a former member of the Syrian Parliament (2012-2016), and a member of the Socialist Unionist Party.

<sup>44</sup> Mahmoud Ahmad Marei (1957) has represented the so-called 'internal opposition' in two meetings in Moscow between the Syrian government and the opposition. He also participated in the opposition delegation in several meetings of the Syrian political dialogue in Geneva.

### Assad's internal policy context of the 2021 SPE

The regime's statements regarding the areas outside its control indicated that "the Syrian state does not want to enter into contests with the hard-liner or moderate opposition and even the SDF's areas".<sup>45</sup> This limited the 2021 SPE to the regime's military points in northern and eastern Syria (such as Al-Raqqa and Deir Ezzor and the security squares in al-Hasakah and Qamishli) in addition to the northwest (such as the cities of Maarat al-Numan, Saraqib, Kafr Nabl, and Khan Sheikhoun). Finally, the regime has limited the participation of the diaspora to some allies' countries,<sup>46</sup> trying to compensate for the non-participation of millions of Syrians, which was justified by hostile political decisions or the Covid-19 pandemic.

Moreover, the 2021 SPE coincided with several actions in terms of the internal politics of the regime, from the new appointments in the media sector to several laws in the economic sector that attempt to control the exchange rate. The regime denied any link between those actions and the 2021 SPE, saying that these are a continuation of the reforms that Assad mentioned in 2000 that were delayed due to regional events followed by the 2011 crisis.

Some argue that the actions in both media and economic sectors aimed to polish the image of Assad at the national and international level. On one hand, these actions were done in the post-Rami Makhoul conflict in which Assad utilized anti-corruption slogans to resolve it, despite decades of negligence on the very topic of corruption by his regime. On the other hand, the Syrian internal politics in the pre-election period witnessed an extension of Assad's wife's role Asma al-Assad, beyond her charity projects to economic and social affairs. Nevertheless, others believe that these actions came merely as "a frequent reshaping of the regime to its economic and security networks, particularly regarding war dynamics" as the research associate at the European University Institute Sinan Hatahet sees it.<sup>47</sup>

Similar to the 2014 SPE, several laws are expected to be issued after the 2021 SPE. Such changes are usually amnesty laws, "either within the framework of the national reconciliation politics or Resolution 2254 and the Geneva communiqué" as the researcher at the Omran Center Ayman Aldassouky says.<sup>48</sup> Then, some amendments regarding civil work laws could present the facade of an atmosphere of reform led by Assad to reinforce his narrative of victory and ending the war. Other amendments in the economic sector will likely be changed in order to provide new channels for fundraising from Russia, Iran, and China.

## **International context of 2021 SPE**

### Syrian Peace Process

The timing of elections is considered to be a very important factor in any peace process, in terms of its impact on peacebuilding and the transition to democracy versus protracting the conflict and reignite the violence.

Assad's regime argued that Resolution 2254 does not prevent holding the SPE during the ongoing peace process, ignoring the indicated sequencing in the 2254 resolution that calls for a Syrian-led political process. This should start with the establishment of a transitional governing body, followed by the drafting of a new constitution and end with UN-supervised elections. Hence, the former foreign minister of Assad's regime, Walid Muallem, declared in

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<sup>45</sup> Mouhanna, S. "Syria is preparing to run in presidential elections without opposition", published by Alarabiya.net, 11 May 2021, (<https://bit.ly/2SmBCgT>). Retrieved: 24 April 2021).

<sup>46</sup> SANA news agency said the parliaments of Russia, Algeria, Oman, Mauritania, Iran, Armenia, China, Venezuela, Cuba, Belarus, South Africa, Ecuador, Nicaragua and Bolivia will be invited to observe the elections. See, (<http://www.sana.sy/?p=1370157>). Retrieved: 24 April 2021).

<sup>47</sup> An interview with Sinan Hatahet, a Research Associate in the European University Institute, for the purpose of this paper on 11 May 2021.

<sup>48</sup> An intervention from Ayman Aldassouky, a Researcher at the Omran Center, in a focus group that was held for the purpose of this paper on 19 April 2021.



December 2019,<sup>49</sup> “in case a consensus is reached in the Constitutional Committee to draft a new constitution or amend the existing one, the election will be held under the new condition. Otherwise, it will be held according to our existing constitution”. This statement explained the stalling policy that Assad utilized in the Constitutional Committee process in order to reach his fourth term through the 2021 SPE.

Assad’s regime managed to hold the 2021 SPE following the imposition of its zero-sum military solution supported by its allies, ignoring all the peace process tracks and phases since February 2011, which demand that the solution in Syria should be political and not military.

According to the co-chair of the Constitutional Committee, Hadi Al-Bahra, the consideration of Assad as president of Syria for a new term would “increase his obstinate behavior in the blackmailing of the international community to restore the international relations and lifting the sanctions”.<sup>50</sup> These actions, and more, protract the violent conflict by maintaining the root causes of the conflict found in an authoritarian regime, which stands accused of committing crimes against humanity.

Furthermore, enhancing the military status-quo would lead to a dividing scenario in Syria into spheres of influence subjected to the varying considerations of the international actors. The dividing scenario would increase the instability in Syria and the region as a whole, then inflate the number of refugees<sup>51</sup> as well as the duration of Syrians’ asylum abroad, the likelihood of resistance towards the peace process and its implementation.

### International actors

The two possible scenarios for international actors in the 2021 SPE are either to recognize it or not. In order to explore the possibilities, it is important to analyze the situation of each, the regime and the international actors, from the perspective of their interests and challenges within the Syrian context.

Excluding for the moment the temporary or interstitial humanitarian aid, we begin with the US policy as it may be identified by three principal elements 1) Caesar Syria Civilian Protection Act, which serves as a political declaration of Assad’s illegitimacy further to its economic impact 2) Controlling of the Autonomous Administration’s “SDF” decision in order to control the Turkish influence in the region 3) Allowing Russia’s continuation of its management of the Syrian conflict. Taken as a whole, these elements create a political environment that keeps Assad in power with a merely de-facto legitimacy, under economic and international isolation that puts pressure on his allies Russia and Iran, while simultaneously influencing the Gulf position by linking Syria’s return to the Arab League to the impact of US positions.<sup>52</sup> Consequently, the Caesar Act links the reconstruction and recovery in Syria to the US policy. The Syrians’ greatest fears lie with the possibility of the US reneging on the terms of implementing the Caesar Act, either by including it in the US-Iranian talks on the nuclear accord or by turning a blind-eye to its violation according to political interests or humanitarian considerations. Such an action could bolster the regime again without any recovery of the economy and prolong the conflict.

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<sup>49</sup> The Middle East Eye, “US will not recognize Syria presidency vote without UN supervision”, 19 March 2021, (<https://bit.ly/3ugAXuH>. Retrieved: 25 May 2021).

<sup>50</sup> An interview with Hadi Al-Bahra, the co-chair of the Constitutional Committee for the purpose of this paper, on 5 May 2021.

<sup>51</sup> According to the Interior Minister of Cyprus, “Cyprus in a ‘state of emergency’ because of an inflow of Syrian migrants that has flooded its reception centers. Cyprus has this week [the 3rd week of May 2021] faced a ‘daily wave of migrant arrivals’ by sea from the Syrian port of Tartus [that is under Assad’s regime control]”. Cf. France24 (<https://bit.ly/3hPLnii>. Retrieved: 24 May 2021).

<sup>52</sup> UAE Foreign Minister Sheikh Abdullah bin Zayed declared on March 9, “The US sanctions against Syria are preventing Damascus from returning to the Arab League. (<https://bit.ly/3hxWWdJ>. Retrieved: 24 April 2021).

As for the EU policies that tend towards containment, it matches the US policies in terms of rejecting Assad and imposing sanctions on its regime. While taking into consideration the EU security concerns regarding refugee issues and the question of terrorism, however, the EU is not participating in any actions that could lead to Assad's removal.

The US and EU policies,<sup>53</sup> as well those of the UN,<sup>54</sup> UK,<sup>55</sup> and Turkey,<sup>56</sup> have declared that the 2021 SPE is illegal, unfair and lacks a safe and neutral environment guaranteeing the participation of all Syrians.<sup>57</sup> This eliminates any possibility in the short term for recognition of the 2021 SPE and normalize relations with the Assad regime.

#### Assad's allies

Iran's main interest in Assad is to deepen its influence in Syria and the surrounding regions in order to maintain a land bridge to Lebanon. Iran was unwilling to declare an official position regarding the 2021 SPE, preferring to leave the decision to Russia. This unwillingness is likely intended to separate the talks regarding the nuclear accords from the Syrian conflict. Russia supported the 2021 SPE saying that it did not contradict UN Resolution 2254,<sup>58</sup> given the Russian political, economic, military, and security interests in Syria. Thus, those interests are expected to be reflected in the post-SPE era, with Russia's attempts to use the humanitarian crisis in Syria, the threat of collapsing state institutions, and the region's security concerns to have a minimal amount of normalization of some countries with Assad.

Assad has waited out the pressure on his regime until the momentum of international calls to overthrow him had faded. He achieved a 4<sup>th</sup> term as president, and will most likely attempt to overcome the international isolation. He has benefitted from the following factors:

- The network of regional and international interests that led to his survival;
- The exhaustion of Syrians;
- Their disappointment in the political performance of the Syrian opposition;
- Promotion of a false narrative of intention towards democratic reform in a post-war Syrian state.

These factors are reflected by the declaration of reduction of military operations on the eve of the elections,<sup>59</sup> and by inviting several countries, mostly regime allies, to monitor the 2021 SPE.

The post-election scene is not much different from the situation prior to the elections. For example, economic challenges (sanctions and reconstruction fundraising), humanitarian challenges (brain drain, labor force), institutional challenges (the collapse of some sectors such as health and education), military challenges (many areas are still outside of Assad's control), security challenges (instability), and political challenges (international isolation) remain the same. Given all of these challenges, Assad is likely to continue in this manner in a post-election operation utilizing the pretext of combating terrorism and seeking Western

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<sup>53</sup> Remarks by Ambassador Linda Thomas-Greenfield at a UN Security Council Briefing on Syria. 28 April 2021, (<https://bit.ly/3xp3rEF>).

<sup>54</sup> Briefing by the Office of the Spokesperson for the Secretary-General of the United Nations Stéphane Dujarric. 21 April 2021, (<https://bit.ly/3qi34pE>).

<sup>55</sup> The UK's position towards the so-called elections in Syria. 21 April 2021, (<https://bit.ly/35joufQ>).

<sup>56</sup> Turkey rebukes Syrian regime's election announcement. 23 April 2021, (<https://www.aa.com.tr/en/middle-east/turkey-rebuked-syrian-regimes-election-announcement/2218368>).

<sup>57</sup> Stéphane Dujarric, Spokesperson for the Secretary-General of the UN said, "These elections have been called under the auspices of the current constitution, and they are not part of the political process established under resolution 2254 (2015). We are not involved in these elections. We have no mandate to be. For our part, we will continue to stress the importance of a negotiated political solution to the conflict in Syria. You should note and you know that resolution 2254 (2015) mandates the UN to facilitate a political process that culminates in the holding of free and fair elections in accordance with the new Constitution, administered under UN supervision to the highest international standards, and that are inclusive of all Syrians, including members of the diaspora". See "the Secretary-General's remarks to the General Assembly - on the situation in Syria". 30 March 2021, (<https://bit.ly/2TbkTNX>). Retrieved: 24 May 24, 2021).

<sup>58</sup> See, May 2021 Monthly Forecast of the Security Council Report. 30 April 2021, (<https://bit.ly/3pOnfyG>).

<sup>59</sup> See SANA, (<http://www.sana.sy/?p=1379133>). Retrieved: 25 May 2021).

cooperation as an entry point for sanctions relief, or at least turning a blind-eye to violating those sanctions. In parallel, he can maintain economic interests in Russia and China as an alternative without raising human rights issues, maneuvering between Iran and Russia according to the interests and challenges arising from their presence in Syria.

Consequently, the longer the conflict continues to be frozen according to the current spheres of influence, the more likely the situation will result in:

- Diminishing of Syria's territorial integrity;
- The continuation of economic decline due to the integrated nature of the economy between the Syrian regions;
- Deterioration of living conditions of the Syrians;
- Postponement of the return of refugees, due to the absence of a political transition according to UN Resolution 2254 that demands a safe environment;
- A likely increase of refugees, reconsidering an alternative to obtain a more sustainable legal and safe status;
- The loss of security and stability, affecting the region as a whole.

### Syria in the post-2021 SPE era

It comes as no surprise that Assad will stay in office with 95.1% of the votes for a 4<sup>th</sup> term, despite all of the abovementioned flaws of the 2021 SPE that has been unanimously described as a farce. Nevertheless, the farcical production of the election process underlined the unwillingness of the regime to convince neither the Syrians nor the international community of the integrity of the 2021 SPE.

The flagrant violations of the 2021 SPE process has even been filmed by regime officers and was later circulated on social media.<sup>60</sup> This clearly showcases Assad's indifference towards the Syrians' perception of the election and towards the international community. He simply ignored their criticism and statements of condemnation. The aggressive speech of Assad after "winning" the SPE sought to convey a message that he is still firmly in the saddle through deterring his opponents. The hardline speech also reflected that Assad has no intention to change his behavior anytime soon. His conduct is based on tightening his security grip internally even in more repressive ways under the national security pretext on one hand, and continuing to stall the peace process under the counter-terrorism pretext on the other hand.

### The internal atmosphere

The monitoring of the internal politics of the regime in the post-2021 SPE era demonstrates Assad's continuation with the same repressive approach without any changes. Ayman Aldassouky, researcher at the Omran Center, states that Assad is utilizing the slogans of administrative reform and anti-corruption, as "a cover to expand even more the authorities of the president's position at the expense of the prime minister's authorities".<sup>61</sup>

According to informed sources,<sup>62</sup> the Central Commission for Control and Inspection might be transferred from the prime ministers council to become administratively affiliated to the president's office, within the restructuring process of the public sector by "the administrative team" that is nominated and supervised by the president.<sup>63</sup> These measures

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<sup>60</sup> One of the videos that shows the violations in the election process. It was later published on Facebook (<https://bit.ly/3q7QNaC>. Retrieved: 18 June 2021).

<sup>61</sup> An interview with Ayman Aldassouky, a Researcher at the Omran Center, for the purpose of this paper on 15 June 2021.

<sup>62</sup> According to a participant in the administrative team meetings, who prefers to remain anonymous for security reasons.

<sup>63</sup> See, the official page of the Ministry of Administrative Development in Syria on Facebook (<https://bit.ly/3vxZl69>. Retrieved: 18 June 2021).

would appear as administrative reforms, while in fact, it would increase the president's control over state institutions – not limit them.

As for the security services and the military sector, the recent periodical appointing illustrates the deliberation to not keep a person in a security or military position for more than one or two years. This could be explained by Assad's attempts to retain the security and military networks link to him in person and hinder any potential "loyalty and interests network" in any military or security service.

### The political atmosphere

Assad's allies continue to interfere in the internal policy of Syria beyond the foreign affairs on the short, mid and long term. This was reflected by a Russian expert's delegation that visited Damascus after the elections to discuss several issues,<sup>64</sup> such as national reconciliation, increasing scholarships of Syrian students to Russia, and developing the public sector in cooperation with the Russian technocrats. Further, an obvious increase of senior Iranian officials visits to Damascus following the 2021 SPE indicates the intensification of Iranian incursion in all Syrian spheres.<sup>65</sup>

In terms of the Russian ally, it is remarkable that Moscow seeks to balance between showing flexibility regarding the fate of Assad, and a military escalation in Idlib at the same time. For instance, Russia likely wanted to demonstrate its willingness for cooperation and, through its military might, its red lines in Syria – in particular to the US new administration on the eve of the first summit meeting between Biden and Putin on 16 June 2021. This was demonstrated by the post-election declaration of the Russian deputy foreign minister Mikhail Bogdanov by stating "early elections in Syria is a possible option".<sup>66</sup> This declaration could be a reaction to the hardline speech of Assad after the elections in a time where Russian diplomatic efforts try to break the regime's international isolation.<sup>67</sup> However, the Russian military intensified its air strikes on southern Idlib (Jabal al-Zawiya region) simultaneously. This escalation could be understood by the Assad constituency as endeavors to restore this region, despite the fact that the regime lacks the necessary economic and military resources for that, and that Idlib is subjected to a Russian-Turkish understanding, which renders an open conflict and reconquest of the territory unlikely, at least in the short term.

As for the position of the new US administration on the 2021 SPE, it did not go beyond statements of condemnation. The US emphasized that it has no intention to normalize ties with Assad anytime soon. The Biden administration renewed the US commitment to support UN Resolution 2254, and to fight ISIS. Besides that, the US clearly focuses on the field of humanitarian response which has been demonstrated by the US declaration on 17 June 2021, which emphasized the exemption of medical aid from any sanction regime in order to enable an appropriate response to the Covid-19 pandemic in Syria.<sup>68</sup>

The 2021 SPE will most likely affect the Syrian peace process, as Assad's staying in office will undermine the UN-led negotiations. Instead, other negotiation tracks in which Moscow has the upper hand, such as the Astana track, might be perked by Assad and his allies. Thus, the international statements denouncing the elections are insufficient, given

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<sup>64</sup> See, the official page of the Syrian Ministry of Foreign Affairs on Facebook (<https://bit.ly/2SGGAWc>. Retrieved: 18 June 2021).

<sup>65</sup> See the official page of the Presidency of the Council of Ministers in Syria on Facebook (<https://bit.ly/3qGZpAO>. Retrieved: 18 June 2021).

<sup>66</sup> See The Syrian Observer, "Moscow: Early Elections in Syria as a Possible Option", 4 June 2021 (<https://bit.ly/2UhiDW7>. Retrieved: 18 June 2021).

<sup>67</sup> According to a participant in the Syrian-Russian meetings in Damascus who declined to be named for security reasons, "the Russian embassy summoned a Russian delegation that was on a visit to Damascus to the Russian embassy following Bashar al-Assad's speech. The speech considered intransigent toward the political process supported by Russia, the Constitutional Committee track".

<sup>68</sup> See Office of Foreign Assets Control, 31 CFR Part 542 - Syrian Sanctions Regulations (<https://bit.ly/3vBVR1L>. Retrieved: 18 June 2021).

Assad's readiness to manipulate UN resolutions. Lest Assad will win a 5<sup>th</sup> term as president the international community should change its attitude and approach towards the Syrian regime, otherwise it is likely to continue as before.

### Recommendations

1. Strengthening international efforts to implement Resolution 2254 that is a democratic transition; neither backing down from the sanctions policy against the Assad regime nor normalizing ties with it. Any retreat in favor of Assad will increase the hardening of his position, which means, a prolonging of conflict and chaos in the region.
2. Supporting a safe environment that guarantees freedom and dignity for the return of refugees, based on the full implementation of the Resolution 2254.
3. Supporting efforts of accountability and ending impunity through national or international transitional justice mechanisms.
4. Expanding the political participation of Syrians in the peace process.
5. Supporting a Syrian-Syrian dialogue between the east and west of the Euphrates as well as the rest of the opposition held areas.
6. Building an infrastructure for free and fair elections according to UN Resolution 2254, beyond reaction to the strategic action.
7. Supporting the bottom-up entities through effective communication with influential people inside Syria and establishing advocacy campaigns with political support.
8. Investing in the Syrian civil society effort to grow political awareness beyond humanitarian efforts.
9. Establishing political frameworks to include Syrians in the diaspora that could support a peace process which meets Syrians' demands for freedom and dignity.
10. Supporting awareness-raising programs on electoral culture for Syrians, at home and abroad, and training cadres to create election campaigns and strengthen constituencies.

**Annex I**

<b>FOCUS GROUP PARTICIPANTS</b>	
<b>The participant</b>	<b>The description</b>
Abdulrahman Al-Haj	Director of the Syrian Memory Institution, academic
Ammar Kahf	Executive Director of <a href="#">Omran Center for Strategic Studies</a>
Ayman Aldassouky	Researcher, Omran Center
Hadia Al Omari	Research fellow in Mediation in peace process
M Hosam Hafez	Former Syrian diplomat, lawyer, academic
Maen Tolla	Researcher in the International Relations, Omran Center
Mhd Mounir Al Fakir	Coordinator in the <a href="#">Syrian Association for Citizen's Dignity</a>
Mohamed Sabra	Member of the Syrian High Negotiations Committee (HNC)
Omar Abdulaziz Hallaj	Member of the Syrian Constitutional Committee
Qutaiba Idlbi	Representative of The Syrian Coalition ( <a href="#">SNC</a> ) in the US
Raghda Zaidan	Member of the Syrian Constitutional Committee
Zaidoun Al-Zoabi	Independent Expert in Governance

**ANNEX II**

<b>INTERVIEWERS</b>	
<b>The expert</b>	<b>The description</b>
Danny Baaj	Former Syrian diplomat, research fellow
Hadi Al Bahra	Co-chair of the Constitutional Committee, former president of SNC
Muhsen ALMustafa	Research assistant, Omran, <a href="#">Malcolm H. Kerr Carnegie</a>
Saad Al Share'a	Researcher in the Autonomous Administration areas
Sasha Al-alo	Researcher, Omran Center
Sinan Hatahet	Research Associate, European University Institute

**Omran Center for Strategic Studies**

An independent think tank and policy research center focusing on presenting an objective understanding of Syria and the region to become a reference for public policies impacting the region.

Omran began in November 2013 in Istanbul, Turkey. It publishes studies and policy briefs regarding Syrian and regional affairs in the areas of politics, economic development, and local administration. Omran also conducts round-table discussions, seminars, and workshops that promote a more systematic and methodical culture of decision making among future leaders of Syria.

Omran's outputs support decision making mechanisms, provide practical solutions and policy recommendations to decision makers, identify challenges within the Syrian context, and foresee scenarios and alternative solutions.

Website: [www.OmranStudies.org](http://www.OmranStudies.org)

Email: [info@OmranDirasat.org](mailto:info@OmranDirasat.org)

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