Power Sharing Arrangements in Syria

Lessons from the Swiss Experience

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1.   Introduction

Due to its linguistic and religious diversity, the Swiss system is considered the first modern, multi-cultural State and the first constitutionally functioning democracy in Europe (Linder, 2010). While consociational power sharing in Swiss federalism offers essential protection to territorial sociocultural groups, Syria, as a centralized state with ethno-nationalist politics, ignores the fundamental cultural and political rights of its linguistic and ethnic groups.

With numerous movements in the Arab world, and especially in Syria, it has been repeatedly seen that centralist organization of the state in multi-cultural societies doesn't satisfy the democratic demands of different groups and causes great dissatisfaction and conflict among diverse ethnic groups and citizens.

The violent conflict and war in the Middle East, in particular the current conflict in Syria which arose from the political, ethnic and religious fragmentation of Syrian society, has triggered a new debate on the new political order. The old political order, which caused a massive concentration of power, no longer corresponds to the reality of Syria.

Nevertheless, there is no consensus between the different social groups and power blocs regarding the new political order. On the one hand, some groups in Syrian society, including Kurds, various Christian minorities, and one part of the democratic opposition of Syria, have together declared the establishment of a federal system of government known as the Federation of Northern Syria – Rojava. On the other hand, the ruler, Assad, wants to stay in power, while several radical Islamist groups fight to take over. Furthermore, the IS (Islamic State) seeks to consolidate control over the conquered territories and establish in this territory an Islamic political order. While first group has already called for federalism, a federal arrangement and power-sharing appears to be out of the question for the last three groups.

The global community, which seeks a political and diplomatic solution to the civil war in Syria, has not presented a clear position on possible future political arrangements. Furthermore, The great powers, especially Russia and the United States possess different viewpoints about how to resolve the war. Furthermore, the regional powers support either the Assad regime or the Assad opponents.

The regional powers do not aim to create a new political order. Above all, they fear the consequences of a new political order, which could encourage the opposition in their own countries.

Despite the complexity of the social and regional conflict in the bloody civil war in Syria, the international community is trying to find a peaceful solution to the conflict and a stable political order in the postwar period. It is argued that the concentration of power and central state no longer fits in the political and cultural conditions of Syria. At this point, federalism comes into question. Due to the political and social fragmentation in Syria, many experts believe that power-sharing is the only viable solution that could bring the brutal conflict in Syria to a conclusion (Rosiny 2013).

In this regard, the Swiss model is exemplary and can provide a model for such a solution. The Switzerland is considered by many experts, and in particular by Lijphart (2012), to be a prime example of consensus democracy. In the words of Elazar, "Switzerland is one of the three classic federations in the world along with the United States and Canada. It is the oldest and probably the most fully federal in its political culture and structure" (Elazar 1994: 246). In order to better resolve conflict and protect the rights of minorities, Syria could look to the federalist experience of Switzerland.

Research question:

The main question of this paper is: whether Swiss diversity policies can serve as an example for the regulation of minority rights in Syria, and whether a federal arrangement and power sharing could help de-escalate the Syrian conflict.

Importance of research question:

This question is socially relevant because the Syrian crisis has escalated into a brutal civil war which each day costs hundreds of civilian lives and threatens to plunge the entire Middle East into a conflict. The security situation in the periphery of the E.U. grows less stable and more volatile the longer the war in Syria endures." The security situation along the periphery of the EU seems to be more damaged with increasing duration of the conflict in Syria.

Also, this question has not been sufficiently researched. There is a big gap in the literature on the possible solutions of the postwar period and institutional design of the new order in Syria. With this in mind, this paper aims to suggest a frame for consideration in the Syrian peace talks.

Current negotiations have stalled because groups sitting together at the table are not ready for compromise. To stabilize the situation and to find compromise in a society with deep cultural, social and political cleavages, Federalism and power-sharing need be discussed as a new political order. In such a political context, additional research on conflict resolution is necessary.

2. Federalism

2.1. Definition

Federalism is a political-historical term which is understood very differently in different countries (Linder 2012: 155). Political scientists agree that federalism is not always understood in the same sense. „There is no accepted theory of federalism. Nor is there an agreement as to what federalism is exactly. The term itself is unclear and controversial" (Duchachek 1970: 189). Especially with respect

to its enforcement in each country, Federalism encompasses various constitutional forms and different practices. The national-regional context, the historical institutional background and the political culture of society play a major role in determining the manifestation of federalism in each country. Nowadays, thanks to the continuous development process of federal institutions in many countries and based on intensive research of federalism, there is a clearer definition of federalism. This definition describes certain common characteristics of federalism. A minimal definition for its scientific characterization, which is not disputed, comes from the famous federalism researcher Daniel J. Elazar (1987: 1): "federalism is a comprehensive system of political relationships which has to do with the combination of self-rule and shared rule within a matrix of constitutionally dispersed powers". According to his definition of federalism, the division of power must be constitutionally guaranteed. Basic decisions in federal systems are made through negotiation, allowing all members to take part in all decision-making processes (Elazar 1995. 474-475). Another important federalism researcher, Ivo Duchacek, emphasizes (1970: 194) the territorial division of power and defines federalism as follows: „By a federal system we mean a constitutional division of power between one general government (that is to have authority over the entire national territory) and a series of subnational governments (that individually have their own independent authority over their own territories, whose sum total represents almost the whole national territory)". Duchacek (1970) focuses mainly on the constitutive aspect of federalism, which provides a political solution ensuring that segmented parts of a larger population maintain a degree of sovereignty within the same borders. In this way, federalism leads to the satisfaction of cultural groups within a society and the self-determination of territorial units.

To distinguish federative systems from unitary systems and other "confederations", Duchacek developed (1970) "ten yardsticks of federalism" based on the theory and practice of American federalism, of which he emphasizes the following six criteria as the most important.

1. Indestructible identity and autonomy of the territorial components;

2. Their residual and significant power;

3. Equal or favorably weighted representation of unequal units;

4. Their decisive participation in amending the constitution;

5. Independent sphere of central authority;

6. Immunity against secession (that is a permanent commitment to build and maintain a federal "nation" in contradistinction to a confederal system which lacks in such a commitment) (Duchacek 1970: 207; 1985: 44).

The first five criteria describe the constitutional framework of federalism. The sixth yardstick involves a constitutional characteristic used to divide up governmental powers. "it refers to part of the political culture, and of the political will of a society to constitute and remain a nation or state" (Linder 2010: 175).

Arend Lijphart (2012) emphasizes that the fundamental property of federalism is a guaranteed division of power between the central and regional government. In his book "Patterns of Democracy,"' he establishes the following definition of federalism of H. Riker (1975: 101) as reliable: "Federalism is a political organization in which the activities of government are divided between regional gov-

ernments and a central government in such a way that each kind of government has some activities on which it makes final decisions". He stresses that the component units are called "regional" governments. Further, he explains that a significant part of the political power in federal systems is exercised at the regional level, which is legitimized by the Constitution. Member states and the central government have their own responsibility areas in which they can both decide independently of each other. In contrast to unitary states, he distribution of power in federal systems is decentralized (Lijphart 2012: 174-186).

2.2.   Fundamental principles of federalism

Federalism is a political system with an overarching administration whose constitution is recognized as the supreme law of the country and which is able to connect directly to their dual citizens in the federal government and the constituent states. The autonomy and position of all members is constitutionally protected. To quote Elazar, "Federalism is a phenomenon that provides many option for the organization of political authority and power" (Elazar 1994: introd.).

According to Elazar (1995: 476), federalism is based on six fundamental principles: „They (federal systems) are non-centralized; they are predisposed toward democracy; they have established a system of checks and balances; they operate through a process of open bargaining; they have a written constitution; and they have constitutionally determined the fixed units of power with in the polity".

Likewise, in his work on federalism, Lijphart (1985) has developed the following five principal attributes:

1. A specifies the division of power and guarantees to both the central and regional governments that their allotted powers cannot be taken away;

2. A bicameral legislature in which one chamber represents the people at large and the other the component units of the federation;

3. Over-representation of the smaller component units in the federal chamber of the bicameral legislature;

4. The right of the component units to be involved in the process of amending the federal constitution but to change their own constitutions unilaterally;

5. Decentralized government, that is, the regional government's share of power in a federation is relatively large compared to that of regional governments in unitary states.

(Liphart 1985: 3-15).

In addition to the institutional structures, processes, and the constitutional framework, Wolf Linder emphasizes the importance of political culture.

According to him, federalism is more than a structure: "Different equilibrium of power imply different appropriate behavior, which may crystallise into political culture, too: high veto power of the sub-national units favours power-sharing, gentle negotiations and respectful dealing with sub-national units from the side of the central government" (Linder 2010: 176). But confederal political

culture is a set of beliefs, values, assumptions and plans that affect the actions of the political elites of the various levels (Duchacek 1991: 29).

In the literature, there is a consensus that federalism, with its constitutional framework, offers the best protection to sociocultural minorities. Through their constitutional provisions, federal arrangements respect and protect the cultural diversity and autonomy of the population. The federal paradigm offers successful crisis management during the period of ethnic and inter-communal conflicts. Cultural heterogeneity is taken into account and the minorities are protected by federalism. In this manner, federalism encourages the integration of the divergent sections of society. (Elazar 2006: 244, Linder 2012: 43-46). As such, federalism can contribute to social, cultural and political integration.

3.   Swiss Federalism

Switzerland has experienced different forms of government in its 712 years of life: first as "conjuratio", then as a confederation, and finally as a federal state. As a result of the historical "confederalen" experience, the Swiss have developed a deeply-rooted federal system (Elazar 2001: xi) This has become one of the most distinctive political cultures of the world, in which territorial differences are regulated by concordant arrangement. "The presently stable Swiss confederation was born out of centuries of political, linguistic, religious and cultural diversity and conflict" (ibid.).

Finally, with the constitution of 1848, the Swiss Federation emerged, an arrangement often considered the first modern and multicultural federation due to its linguistic and religious diversity. This makes Switzerland the first constitutionally functioning democracy and modern federation in Europe (Linder 2010: 45; 2012: 32). „Without federalism and its principle of dividing power between the new central government and the cantonal authorities, and without the federal promise to maintain regional differences and autonomy, this historical process of the nineteenth century would not have resulted in successful nation-building" (Linder 2010: 179).

The new constitution was characterized by so-called "bicameralism," characterized by two basic elements: the basic principles of the democratic constitutional state and elements of a federal state structure. Consistent with the idea of the American bicameral system, two equal chambers, a national Council and a Council of States were designed. Consequently, the current federal authorities were created (the Federal Council as the executive, the Federal Assembly as the legislature, and the Supreme Court as a judiciary). Those authorities should respect the principle of separation of powers (Vatter of 2006: 20).

The Constitution of 1848 has a well-conceived instrument for conflict resolution. The federal constitution created a system which decentralizes political power and grants autonomy to cantons, weakening tensions between Protestants and Catholics, and between federalists and centralists, as well as promoting the self-development of cantons. This ensured a compromise which fulfilled the cantons' desire for "self rule"— an important foundation of the Swiss Confederation (Vatter 2014: 429).

Non-centralization and cantonal autonomy, subsidiarity, solidarity, cooperative federalism are important principles of Swiss federalism. The Council of States, popular and cantonal votes, the cantonal referendum, expert committees, and consultation procedures are the main vertical institutions while Concordant and the Conference of Cantonal Governments are the main horizontal institutions.

4.   Power Sharing

In federal structures, power sharing constitutes a solution to the problem of integrating a heterogeneous, multicultural society by political means. Power sharing arrangements have been implemented in a wide variety of ways.

The most prominent model of power sharing is Lijphart`s (1977) consociational democracy, which has four characteristics: 1) a grand coalition, 2) a system of mutual (minority) veto, 3) proportional representation, and 4) segmental autonomy. Although not mentioned explicitly among the four characteristics, a segmented or deeply divided society is an indispensable element in the definition of consociational democracy.

Lijphart (2004) argues that the successful establishment of democratic government in divided societies requires two important elements: power sharing and group autonomy. "Power sharing denotes the participation of representatives of all significant communal groups in political decision making, especially at the executive level; group autonomy means that these groups have authority to run their own internal affairs, especially in the areas of education and culture" (Lijphart 2004: 97).

Since 1848, in Switzerland, power and responsibility is shared between three levels of government: the federal level, the cantonal level and the communal level. Each of them has a certain degree of autonomy, legal powers, and responsibilities. The federal government is responsible for external affairs, defense, the postal service, and social security. The cantons have their own constitution, parliament, government, and courts, and are responsible for education, public transport, and the police. They also have their own tax systems. The communes are responsible for cultural activities, sport, fire services, and social centers. There is a balance between all levels of federal system and they cooperate with each other (Tanner 2004: 6).

Linder (2010) explains that conflict-solution in Switzerland relies on power-sharing rather than on competition for power. Proportionality is essential. There are different criteria for proportionality: language, party and gender. In the ´magic formula´ of the seven-member Federal council, both party affiliation and the rule of linguistic proportionality feature heavily. At present, there is also an informal proportionality rule that encourages the representation of women in institutions like the federal council, federal councilors, the Supreme Court, the election of the national council, parliamentary committees, federal commissions of experts, and the nomination of high government officials is necessary to be considered that the representation fit to these proportionality criteria. However there is flexibility in the system. (Linder 2010: 35).

Linder (2010: 198-201) considered power –sharing peace arrangements after armed conflicts in deeply divided societies and proposes the following points:

1. Proportional representation has a high symbolic value favouring mutual respect between different cultural groups.

2. The rule of proportional representation favours negotiation and accommodation of conflict solution in which minorities have an effective voice.

3. Political cooperation between political elites may favour general patterns of intracultural relation.

4. Federalism or decentralization, if combined with other elements op power-sharing, may be more effective for multicultural co-existence.

5. Consensus democracy rejects hegemonic claims of one single group and avoids the fallacy of a monocultural ´nation-state´.

6. The development of a political culture of power-sharing takes time.

7. Consensus democracy provides better changes for, but not a guarantee of peaceful solution of conflict in multicultural societies.

Considering the Swiss experience, Linder (2010) arrives at the conclusion that a consociational model offers more chances than majoritarian democracy for peaceful conflict resolution in multicultural societies.

5.   Political System and Civil war in Syria

Hinnebusch (2004), a political scientist, argues that Syria fits with the Middle Eastern pattern of populist authoritarian regimes that emerged after the withdrawal of the colonial powers. Politically and ideologically, the Assad regime leans mainly on pan-Arabism, socialism, Baathism, secularism, anti-Zionism, and anti-imperialism and relies on the intelligence service to guarantee stability (Wieland, 2013).

The Constitution of 1973 provides the institutional basis for political order in Syria. According to this constitution, Syria is a Socialist Popular Democratic Republic. The Parliament, which is elected every four years in normal case, has a relatively weak position in relation to the President. In the elections for Parliament, most seats are allocated through a single list comprising members of the "Progressive National Front". The task of the Parliament is not the comprehensive control of the executive, but rather the control of the administration in the economic and social sector and the articulation of grievances in these areas, as well as the mediation of conflicts. The president can dissolve Parliament at any time.

In addition to the dominant Baath party, the "Progressive National Front" includes other small parties and mass organizations. The Baath party has an extremely hierarchical organization structure down to the rural village level (Eckelt 2011 53-55).

The president takes the central role in the Syrian system. The president is also Secretary General of the Baath Party and leader of the National Progressive Front. He has the right to appoint ministers, declare war and states of emergency, issue laws, declare amnesty, amend the constitution, and appoint civil servants and military personnel. The 14 provincial governors are also appointed by the president and are responsible to him.

The judiciary plays no special role in the institutional structure of Syria. A Control function against executive and legislative branches is not given. Since 1963, an official state of emergency has existed in Syria, under the auspices of which special tribunals have been held (ibid).

Despite the Arab nationalist ideology of the Baath Party, Syria is a multicultural country. There are many ethnic groups there, including Arabs, Kurds, Armenians, Assyrians, Syriacs, Turkomans, Cir-

cassians, and Chechens. Likewise, there are many religious and confessional groups, including adherents of Sunni Islam, Alawites, Druze, Christians, Jews, and Yezidis (Schmidinger 2015: 21-29).

In March 2011, massive protests and demonstrations against the regime of Syrian President Bashar Al-Assad broke out in several cities in Syria. Since then, the existing power constellation has collapsed and there is a bloody civil war in Syria. The crisis in Syria shows that the old centralist and authoritarian model cannot effectively resolve the ongoing conflict as long as different groups are vying for power. As such, experts are seeking to establish a new constitution and a new political order in order to prevent the country from dissolving. If that does not work, Syria may break up into three parts.

6.   Conclusion

The analysis shows that the Swiss federalism is very unique. It has deep historical foundations and an established political culture. In Switzerland vulnerabilities were quickly identified and solutions were proposed. Power sharing can take on various forms to solve the social problems and conflicts. Power sharing respects ethnic-cultural minority rights. This model offers a good institutional framework for the protection of different ethnic and cultural minorities. The model guarantees the autonomy and self-determination of the member states, so that member states have freedom in their own territory.

Syria's institutional framework is based on ethno-nationalist principles. The constitution does not offer protection to different ethnic and cultural groups. The system does not provide minority groups with a capacity to organize their political and cultural affairs. All important jobs in different levels are centrally determined by the president or executive. The autonomy of communes does not exist. The official language is Arabic and the other language groups are suppressed.

These political structures have caused a brutal civil war in Syria. The oppressed groups do not tolerate the authoritarian regime any longer and thus fight for more sovereignty in their territories. A number of armed groups have involved themselves in the ongoing Syrian Civil War and they do not want the old regime to return. They all demand power in Syria, deepening instability.

In this situation, two scenarios will be discussed: either the country is decentralized and reorganized with a power sharing arrangement, or collapse is unavoidable. As such, the power-sharing is the only viable solution in Syria which could bring this brutal conflict to a conclusion.

Syria is a segmented or deeply divided society, and this builds an unassailable argument for a consociational power sharing arrangement. A grand coalition facilitates compromises. A system of mutual (minority) veto will eliminate the disadvantages of different groups. Proportional representation is a condition for democratization of the country. And segmental autonomy is important for the territorial and non-territorial groups.

On this point, the Swiss model can contribute to the solution. The institutional framework of Swiss federalism could pave the way to a final peace in Syria. In particular, the protection and recognition of territorial minorities and the decentralization of the country presents important lessons for Syria.

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