

POLICY PAPER

Clarifying Treaty-Making Under Syria's Constitutional Declaration: Legal Gaps and Legislative Options

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Executive Summary

- Joining major multilateral conventions can bring substantial economic and diplomatic benefits to Syria, but also create significant legal, financial, and institutional obligations. Without a clear domestic process, the state could assume those obligations without parliamentary scrutiny or clarity about their effect within Syrian law.
- The 2025 Constitutional Declaration provides the basic authority for Syria to become a party to new international conventions. It assigns the executive responsibility for representing the state and completing the final international act, while giving the People's Assembly responsibility for ratifying international treaties.
- Important questions remain unresolved, including whether parliamentary approval is required for accession, acceptance, approval, and agreements that become binding upon signature; what procedure Parliament should follow when considering ratification; what authority it should exercise over reservations and withdrawal; and what domestic legal effect ratified conventions should have.
- These gaps create a risk that Parliament's constitutional authority could be bypassed by joining agreements via accession or definitive signature rather than ratification. Ambiguities leave Syria's adherence open to domestic legal challenge, creating avoidable uncertainty for government institutions, businesses, and civil society.
- Comparative practice shows that many countries have addressed similar constitutional ambiguities through ordinary treaty legislation. Such laws translate broad constitutional powers into a clear institutional process.
- The People's Assembly could adopt a Law on Treaties and International Agreements establishing the scope of parliamentary authority; the roles and sequence of action of the relevant institutions; the form, procedure, and voting threshold for parliamentary approval; the information that must accompany a proposed treaty; rules governing reservations, amendments, withdrawal, and technical arrangements; and requirements for publication, implementation, domestic legal effect, and public treaty records.

Introduction

International treaties will become increasingly important to Syria's political and economic transition. Syria may seek to join conventions concerning investment, trade, customs, public health, environmental protection, civil aviation, organized crime, judicial cooperation, human rights, cultural property, and the operation of international organizations.

Joining such agreements can produce significant benefits. It can facilitate international cooperation, improve access to technical assistance, provide common standards for cross-border activity, and demonstrate that Syria is prepared to assume and implement international obligations.

Treaties can also have substantial domestic consequences. They may require amendments to Syrian legislation, new regulatory institutions, reporting obligations, criminal-law changes, and international inspections. The domestic effects are especially significant for human-rights treaties, as Article 12(2) gives their rights and freedoms constitutional status.¹ A clear approval process is therefore important not only to establish which institutions must act, but also to ensure that Syria carefully evaluates the long-term consequences of the obligations it accepts.²

Although Syria has taken steps to restore its participation in treaties to which it was previously a party, it has not yet established a practice for joining new international conventions under the 2025 Constitutional Declaration.³ Little precedent exists for determining which Syrian institutions must act, in what sequence, and through which legal instruments before Syria may assume a new international obligation.

This paper examines these unresolved questions. It first distinguishes the principal methods by which states express their consent to be bound and considers how Syria's current constitutional provisions may apply to them.

1 Constitutional Declaration of the Syrian Arab Republic, March 13, 2025, arts. 12(2).

2 This is particularly important for agreements that expose the state to international adjudication or substantial financial liability. Participation in investor–state dispute-settlement systems, for example, have generated controversy, and several states have withdrawn from or reconsidered such arrangements after facing costly claims and concerns about the system's structure and impartiality.

3 For an example of Syria resuming cooperation under an existing international obligation, see Syrian Arab News Agency (SANA), "OPCW Restores Syria's Rights and Privileges with Broad International Support," July 9, 2026.

It then identifies the procedural and legal gaps that remain and draws on comparative practice to identify the matters that could be addressed in a Syrian Law on Treaties and International Agreements.

How States Become Bound by International Treaties

An international convention is a treaty: a written agreement governed by international law. Its legal character does not depend on whether it is called a convention, covenant, protocol, charter, or agreement.⁴

International law recognizes several methods by which a state may express its consent to be bound. The Vienna Convention on the Law of Treaties lists signature, exchange of instruments, ratification, acceptance, approval, accession, and any other agreed means.⁵ The method applicable to a particular treaty ordinarily appears in its final clauses.⁶

1. Definitive signature

Some agreements provide that signature alone expresses consent to be bound. This is known as a definitive signature. It is more common in bilateral agreements and less common in major multilateral conventions.⁷

Where signature is definitive, there is no later ratification stage. The state becomes bound through the signature itself, subject to any entry-into-force conditions contained in the agreement.

2. Signature Followed by Ratification, Acceptance, or Approval

Most major multilateral conventions provide for signatures subject to ratification, acceptance, or approval. In these cases, signature authenticates the text and indicates that the state intends to consider becoming a party, but it does not ordinarily make the state fully bound.⁸

The state must subsequently complete the domestic process required by its constitution and then perform the relevant international act. In many

4 Vienna Convention on the Law of Treaties, adopted May 23, 1969, entered into force January 27, 1980, 1155 U.N.T.S. 331, arts. 2(1)(a).

5 Ibid, arts. 2(1)(b).

6 United Nations, Office of Legal Affairs, Treaty Section, Treaty Handbook, sec. 3.

7 Ibid, sec. 3.

8 Ibid, sec. 3

countries, the domestic process includes parliamentary approval. Once that process is complete, an authorized representative signs an instrument of ratification, acceptance, or approval. For a treaty deposited with the United Nations or another international organization, that instrument is then delivered to the treaty depositary.

Acceptance and approval generally have the same international legal effect as ratification. Treaties use different terms largely to accommodate differences in states' domestic constitutional procedures.⁹

Domestic approval and international ratification are therefore distinct. A legislature may authorize ratification under domestic law, but the state does not complete the international act until the relevant instrument has been deposited, exchanged, or formally notified.

3. Accession

Some treaties are open for signature only for a limited period. A state that did not sign during that period may later become a party through accession, where the treaty permits it.

Accession normally has the same legal effect as ratification but does not require prior signature. The state completes its domestic approval process and then deposits an instrument of accession with the treaty depositary.¹⁰

Reservations

A state may sometimes join a treaty subject to a **reservation**: a unilateral statement intended to exclude or modify the legal effect of particular provisions in their application to that state.

Reservations are permitted only where they are not prohibited by the treaty and are compatible with its object and purpose. They are normally formulated when the state signs, ratifies, accepts, approves, or accedes to the treaty.

A reservation does not ordinarily prevent the treaty from entering into force for the state. Instead, it modifies the extent of the obligations accepted, subject to the treaty's rules and the responses of other parties.¹¹

9 Ibid, sec. 3

10 Ibid, sec. 3

11 Ibid, sec. 3

Syria's Current Constitutional Framework and the Applicable International Practice

Three provisions of the 2025 Constitutional Declaration govern Syria's adherence to international conventions.

- Article 30 assigns the People's Assembly responsibility for the "ratification of international treaties."
- Article 37 provides that the president represents the state and is responsible for the "final signing" of treaties with states and international organizations.
- Article 12(2) further provides that rights and freedoms contained in international human-rights treaties, charters, and agreements ratified by Syria form an integral part of the Constitutional Declaration.¹²

These provisions provide enough authority to become party to new international conventions that are open to signature. Read together and against ordinary international practice, Articles 30 and 37 appear to establish the basic division of responsibility. Where a treaty is open for signature, the executive provides the initial signature, the Assembly ratifies it domestically, and the executive completes the formal international act by submitting the instrument of ratification.

Proposed Reading of the Current Ratification Process:

1. The competent ministry and the Ministry of Foreign Affairs assess the treaty.
2. The executive signs the treaty subject to ratification.
3. The government submits the treaty, its Arabic text, and supporting assessments to the Assembly.
4. The Assembly approves or rejects Syria's participation.
5. The president signs the instrument of ratification.
6. The Ministry of Foreign Affairs deposits the instrument.
7. The treaty and the parliamentary approval law are published.
8. The government introduces any legislation or regulations required for implementation.

12 Constitutional Declaration of the Syrian Arab Republic, March 13, 2025, arts. 12, 30, 37. The constitutional declaration is available in Arabic from the Syrian Arab News Agency (SANA) and in Arabic and English through Refworld.

Unresolved Issues Under the Constitutional Declaration

Although Articles 30 and 37 establish the basic division of treaty-making authority between the People's Assembly and the executive, they provide only a general constitutional framework. Significant issues must be resolved to explain how that framework should operate in practice.

1. Parliamentary authority may not cover every method of consent.

Article 30 of the Constitutional Declaration refers only to the “ratification of international treaties.” International law, however, permits states to express their consent to be bound through several methods, including accession, acceptance, approval, exchange of instruments, and definitive signature.

This creates uncertainty over whether the People's Assembly must approve every act through which Syria assumes a binding international obligation. A narrow reading of Article 30 would provide that parliamentary approval be required when Syria ratifies a treaty it previously signed, but not necessarily when it joins the same treaty through accession or becomes bound through definitive signature.

This ambiguity has already surfaced in Syria's international practice. In May 2026, Syria deposited an “instrument of accession” to the Global Initiative on International Humanitarian Law without parliamentary approval.¹³ Though the initiative is non-binding and creates no new legal obligations, the episode suggests that accession may be treated as an executive act.

Without further clarification, Syria could use the same procedure to join a binding agreement without prior consideration by the Assembly.

2. The parliamentary procedure is undefined

The declaration does not specify how a treaty is to be submitted to the People's Assembly or how the Assembly is to give its approval. It remains unclear: whether approval should take the form of a law or a parliamentary resolution;¹⁴

13 Fadel Abdulghany, “Between Declaration and Compliance: Syria's Accession to the Global Initiative on International Humanitarian Law,” Syrian Network for Human Rights, May 24, 2026.

14 Comparative practice varies. France and Germany require legislative authorization in the form of a statute

which institution submits the treaty; what documents must accompany the submission; and what quorum and voting threshold apply,

3. Authority over reservations, declaration, amendments, and withdrawals are unaddressed

Reservations and declarations can significantly alter the obligations Syria accepts. The declaration does not specify whether the executive may formulate, withdraw, or amend them independently or whether they require parliamentary approval. This is especially important where a declaration accepts an international complaints procedure, compulsory arbitration, judicial jurisdiction, inspections, or monitoring.

The declaration also does not address the later modification or termination of treaty obligations.

It remains unclear whether parliamentary approval is required before Syria withdraws from a treaty.

4. Publication, implementation, and domestic legal effect remain uncertain

Article 12(2) gives constitutional status to the rights and freedoms contained in human-rights treaties ratified by Syria. The declaration does not establish the legal rank or direct effect of treaties in other fields, however, or explain how conflicts between a treaty and existing legislation should be resolved.

Nor does it establish when treaties and related instruments must be published. Without clear publication requirements for treaty texts, public institutions and affected parties may be unable to determine which obligations apply or when they became effective.

Ordinary Treaty Laws as a Comparative Solution

Syria is not unusual in having constitutional provisions that allocate treaty-making authority without establishing a complete procedure. Constitutions often identify the institutions responsible for approval and ratification but

for important treaties, while South Africa and Kenya permit parliamentary approval by resolution. A resolution would separate international authorization from any later legislation needed for domestic implementation.

leave unanswered how treaties are initiated, what Parliament must receive, which methods of joining a treaty require approval, and how the executive completes the international act.

Ordinary treaty legislation is a common response to these gaps.¹⁵ Such laws translate broad constitutional principles into a workable institutional process without altering the underlying allocation of authority.

In Kenya, ordinary legislation clarified Parliament's role in treaty-making. Its 2010 Constitution gave ratified treaties domestic legal effect but did not specify how treaties were to be negotiated, reviewed, approved by Parliament, ratified, or deposited.¹⁶ Reflecting on the system that existed before implementing legislation, a Kenyan court described treaty-making as operating under a "shroud of mystery."¹⁷ The Supreme Court later confirmed that the Constitution had not defined either the manner of ratification or Parliament's role, but concluded that this lacuna had been cured by the Treaty Making and Ratification Act of 2012.¹⁸

In Tunisia, legislation was used to coordinate treaty-making powers divided among several institutions. The 2014 Constitution identified the respective roles of Parliament, the president, and the head of government but left the detailed ratification regime to ordinary legislation.¹⁹ Law No. 29 of 2016 connected those powers by identifying which treaties required parliamentary approval, placing presidential ratification after publication of the approval law, and creating a separate governmental process for technical agreements.²⁰ It thereby converted a general constitutional allocation of authority into a clear sequence of parliamentary, presidential, and administrative action.

These examples also show why ordinary legislation is preferable to relying

15 Other examples include Ukraine, which replaced its early post-independence treaty law after adopting a new constitution, and Vietnam, which replaced its 2005 statute after weaknesses emerged in the earlier framework. Law of Ukraine No. 3767-XII, On International Treaties of Ukraine, December 22, 1993; Law of Ukraine No. 1906-IV, On International Treaties of Ukraine, June 29, 2004, Verkhovna Rada of Ukraine, "Legislation of Ukraine" database; Le Hoai Trung, "Amended Law on Treaties: A More Effective Tool for Integration Process," Vietnam Law & Legal Forum, July 1, 2016.

16 Constitution of Kenya, 2010, art. 2(6).

17 Kenya Small Scale Farmers Forum & 6 Others v. Republic of Kenya & Another; Kenya National Commission on Human Rights (Interested Party), Petition No. 1174 of 2007, [2013] KEHC 6747 (KLR), paras. 59–60.

18 Kandie v. Ba & Another, Petition No. 2 of 2015, [2017] KESC 13 (KLR), paras. 56–57.

19 Constitution of the Tunisian Republic, January 27, 2014, arts. 65, 67, 77, 92.

20 Law No. 29 of April 5, 2016, concerning the regime for ratification of treaties, arts. 1–4.

on informal practice. A practice developed case by case may be inconsistent, vulnerable to legal challenge, and difficult for Parliament, ministries, and courts to apply with confidence. And when Parliament's constitutional role is left ill-defined, as in Kenya, treaty-making can default to executive control.

For Syria, a Law on Treaties and International Agreements could clarify Parliament's role, coordinate the institutions involved, distinguish treaties from technical arrangements, and align treaty-making practice with the 2025 Constitutional Declaration without reopening or amending it.²¹ Doing so would give practical effect to Articles 30 and 37 while providing an early opportunity for Syria's People's Assembly to define its mandate.

Matters for a Syrian Treaty Law

A Syrian Law on Treaties and International Agreements should address, at minimum:

- **Scope of Parliamentary Approval.** Parliamentary approval should apply whenever Syria expresses its consent to be bound, including through ratification, accession, acceptance, approval, definitive signature, or exchange of instruments.
- **Form of parliamentary approval.** It should clarify whether approval takes the form of a law or a parliamentary resolution and identify the applicable committee, quorum, and voting procedure.
- **Institutional sequence.** The law should define the roles of the competent ministry, Ministry of Foreign Affairs, Council of Ministers, People's Assembly, and president from initial review through signature, approval, deposit, and publication.
- **Require legal, financial, and implementation assessments.** When submitting a treaty to the People's Assembly, the government should provide the treaty text and an Arabic translation, an assessment of its legal and financial implications, any proposed reservations, the legislative changes required for implementation, and an implementation plan.
- **Publication and domestic effect.** The law should require publication

²¹ Syria has never had an ordinary law governing treaties and international agreements. Until 2025, the People's Assembly had no rule in ratification or accession, minimizing the need for such a law.

of binding treaties and clarify their relationship to Syrian legislation, including when separate implementing legislation is necessary.

- **Reservations and later changes.** The law should determine who approves reservations, amendments, withdrawal, denunciation, and acceptance of compulsory international jurisdiction.
- **Technical arrangements.** A narrow exception may be created for routine administrative arrangements that implement existing authority and do not create substantial new obligations. These arrangements should still be reported to Parliament.
- **Treaty records.** The Ministry of Foreign Affairs should maintain a public register of treaties signed, awaiting approval, in force, amended, or terminated.

Conclusion

The 2025 Constitutional Declaration gives Syria the basic authority to join new international conventions, but it does not provide a complete process for doing so. Questions remain over which methods of consent require parliamentary approval, how treaties should be submitted and considered, who controls reservations and withdrawal, and how international obligations take effect within Syrian law. These omissions could allow Parliament's constitutional role to be bypassed, expose Syria's adherence to legal challenge, and create uncertainty for the institutions responsible for implementation.

Comparative experience shows that these questions do not require constitutional amendment. Kenya and Tunisia used ordinary legislation to clarify parliamentary authority, coordinate executive and legislative action, and distinguish major treaties from technical agreements. Syria can take the same approach while adapting the details to its own constitutional framework.

A Law on Treaties and International Agreements would preserve the executive's authority to negotiate and represent the state internationally while ensuring that the People's Assembly exercises the approval responsibility assigned to it by Article 30. Adopted early in the transition, such a law would provide legal certainty, strengthen parliamentary practice, and establish a durable foundation for Syria's renewed international engagement.

About the Network for Syrian Legislative Studies

The Network for Syrian Legislative Studies (NSLS) is an independent research organization working to strengthen legislative research and informed policymaking in Syria. Established in 2026 following the convening of the People's Assembly, NSLS connects lawmakers with scholars, policy experts, practitioners, and institutions in Syria and abroad. Through its university network, students and faculty across several campuses contribute research on the major legal, economic, and institutional questions facing Syria's legislature.

About the Author

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Before founding NSLS, he supported research at the International Crisis Group, the International Organization for Migration, and International IDEA. He graduated magna cum laude and Phi Beta Kappa from Princeton University with a degree in history.