

The New Syrian Government in a Global Context: Legitimacy and Legality Dimensions

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Summary: *The study examines post-conflict regimes with contested legitimacy through the Syrian regime change of 2024. It analyses the legality and legitimacy of the Transitional Government led by Ahmed al-Sharaa under international law, focusing on effective control, human rights protection, international representation, and the principle of non-recognition. Comparative examples from other post-conflict states are used to evaluate international responses to contested regimes. The study finds that the new Syrian government, having come to power through a revolutionary takeover, has failed to ensure effective governance, protect civilians, and guarantee inclusive political processes, raising concerns regarding its legitimacy and capacity to represent Syria internationally. The article further argues that the international response towards Syria, including the gradual easing of sanctions by the United States and the European Union, has remained inconsistent and largely politically driven despite continuing reports of serious human rights violations. It concludes that responses to regimes with contested legitimacy should remain grounded in the principles of international law, non-recognition, and the protection of fundamental human rights.*

Key words: *government recognition, unconstitutional regime change, international legitimacy, post-conflict political transitions*

Introduction

International law is founded on the principles of sovereign equality, non-intervention, and the prohibition of the use of force against the political independence and territorial integrity of states under the Charter of the United Nations (hereinafter – UN Charter). These principles also shape the legal assessment of governmental legitimacy and regime change under international law. Contemporary international law increasingly links governmental legitimacy not only to effective control, but also to compliance with international law and fundamental human rights obligations. Consequently, governments that come to power through unconstitutional or revolutionary means, fail to ensure effective governance, or commit serious violations of international law may face contested legitimacy and international non-recognition.

The relevance of the topic. The overthrow of Bashar al-Assad's regime in December 2024 and the establishment of the transitional government led by Ahmed al-Sharaa and Hay'at Tahrir al-Sham (hereinafter – HTS) represents one of the most recent and controversial examples of contested legitimacy. The new Syrian government faces legitimacy concerns arising from its revolutionary accession to power, limited territorial control, allegations of systemic human rights violations, exclusionary political processes, and reported links between members of the regime and extremist groups. These circumstances raise broader questions regarding the compatibility of the new Syrian regime with international law and its capacity to represent Syria internationally.

The Syrian regime transition has also exposed inconsistencies in the international community's response to contested regimes. While several states and international organisations have emphasised the importance of civilian protection and compliance with international law, the broader international response towards Syria has remained cautious and largely pragmatic. At the same time, the United States and the European Union gradually eased or lifted significant sanctions previously imposed on Syria despite continuing reports of human rights violations and instability. This development raises broader questions concerning the application of the principle of non-recognition, the political nature of governmental legitimacy, and the consistency and effectiveness of international sanctions policy.

In this article, legitimacy is primarily understood through legality and compliance with international law. The issue of legitimacy is directly linked to the capability of the new Syrian government to represent Syria in international organisations, including the United Nations (hereinafter – UN) and the League of Arab States (hereinafter – LAS). Accordingly, this article examines the legality and legitimacy of the new Syrian regime under international law, analyses its implications for international representation, and evaluates the adequacy of the international community's response, particularly through sanctions policy.

Originality of the research. While the Assad regime and the Syrian conflict have been extensively examined, limited attention has been devoted to the legality and legitimacy of Syria's post-2024 transitional government under international law. This article contributes to the existing literature by analysing contested legitimacy, international representation, non-recognition, and sanctions policy in the context of the Syrian political transition.

Object of the research. The legitimacy of states' regimes and the international community's responses to legitimacy concerns of contested regimes, with particular focus on the legal, political, and geopolitical dimensions of the regime change in Syria.

Objectives of this research. The article aims to examine legal and political challenges that the international community encounter due to legitimacy and legality concerns of the new Syrian regime, and to assess the legal response of the international community to such crises. The main objectives:

To analyse the legitimacy and legality of the new Syrian regime according to international law criteria for a state's and a government's legitimacy and legality, including their historical development and practical application.

Considering legality and legitimacy concerns in relation to the new Syrian regime, to evaluate its ability to represent Syria in international organisations.

Considering violations of international law and international human rights law committed by the new Syrian regime and considering international law provisions of non-recognition, continuity and effectiveness, to evaluate adequacy of political and legal reaction of the international community towards political changes in Syria.

Research methods:

Doctrinal analysis: the study examines the Syrian regime change in 2024 through the lenses of international law and politics, focusing on the criteria of state recognition, legitimacy, international representation criteria and inefficiencies of sanction policy.

Comparative analysis: the research compares the recognition and non-recognition of other authoritarian regimes (e.g. Afghanistan and Libya).

Analytical-normative analysis: international treaties, official documents from the UN, EU and national authorities, as well as public reactions to the Syrian transition, are evaluated to assess the normative and practical implications of contested legitimacy

Main references. The research is primarily based on international treaties, including the UN Charter, the Convention on the Prevention and Punishment of the Crime of Genocide (1948) (hereinafter – the Genocide Convention), the Montevideo Convention on the Rights and Duties of States (1933) (hereinafter – the Montevideo Convention), the International Covenant on Civil and Political Rights (1966) (hereinafter – ICCPR), and other relevant international legal instruments, examined together with the jurisprudence of international courts and doctrinal sources concerning le-

gitimacy, legality, and recognition under international law. The study also draws on statistical data produced by non-governmental organisations, as well as reports and news sources used for analytical and comparative assessment.

1.1. Legitimacy of a State's Government and its Recognition Under International Law

International recognition of a government – and a state's duty to not recognize an illegitimate regime is a question of both legal and political nature. This determination of legitimacy in the perspective of legality depends on several factors, most notably a government's compliance with international law, its respect for human rights, and the legality of how it came to power. The political evaluation of governmental legitimacy of a state may differ between members of the international community, as can be seen in the case of Georgia in the aftermath of the 2024 parliamentary elections. These contested assessments may be pragmatically motivated but are also informed by longstanding doctrinal frameworks in international law that seek to define what constitutes legitimacy of a state and its government. The Montevideo Convention is still often cited as the basis of criteria, on which legality and legitimacy of a state and its government are being measured. However, international law has evolved significantly in the decades after the Montevideo Convention was signed, particularly in the field of human rights and criteria for legality and legitimacy of a state and its government have also shifted.

Traditionally central standards were based on objective and factual criteria, rather than political and ideological approval. Today, apart from the basic standards listed in the Montevideo Convention, a government's adherence to international law and enforcement of human rights in its country have become one of the most important bases on which legitimacy is framed and gained. According to Shaw, a government's capacity to fulfill its international obligations may be counted among the central criteria for recognition¹.

As such, in this evolved contemporary international law, there has arisen a concept of an 'obligation of non-recognition', which is understood as a duty of a state to deny recognition to other political entities which are formed in an illegal way². Governments of some states, which achieved power in an illegal way or have repeatedly breached international law have found difficulty in gaining broad international recognition, i.e. the cases of Apartheid South Africa and Rhodesia.

¹ SHAW, Malcolm N. Recognition. In: SHAW, Malcolm N. (2008). *International law*. 6th edition [online]. Cambridge University Press. DOI: 10.1017/CBO9780511841637, p. 451.

² ESPINOSA ESCUDERO, Francisco Juan (2022). The Principle of Non-Recognition of States Arising from Serious Breaches of Peremptory Norms of International Law *Chinese Journal of International Law*, 21, 1 [online]. DOI: 10.1093/chinesejil/jmac006, p. 93- 94.

As in international law, state practice plays a crucial role in understanding dynamics of international law and politics, it is important to evaluate other situations similar to Syria. Therefore, a comparison can be drawn with the aftermath of Libya's first civil war in 2011. As the Anti-Gaddafi forces were in the process of toppling the incumbent government, which was in power since 1977, they formed the National Transitional Government (hereinafter - NTC), proclaiming it as 'the sole legitimate representative of the Libyan people'³. Comparably to the Syrian opposition, its main goal was the formation of a new government and drafting a new constitution for a liberated country. After the overthrow of Gaddafi's government, it was quickly followed by the international recognition of the NTC as the legitimate government of Libya. On September 16, 2011, the United Nations General Assembly (hereinafter - UNGA) formally recognized the NTC and seated it as its country's representative in the UNGA⁴.

The NTC in its declaration demonstrated a promising future for a democratic Libya and succeeded in organizing a popular vote which resulted in a peaceful transition of power to a new legislative government - the General National Congress (hereinafter - GNC). However, the GNC ultimately failed in its task to follow the work of the NTC, as the Libyan population felt disillusioned with the new government and its subsequently organized election for a new parliament⁵. The criticism of these elections, which was mainly based on the insecurity and the electoral process, is like the one faced by the first elections organized by the Syrian interim government on October 5, 2025 (Syrian parliamentary elections), which were widely seen as flawed in their transparency, voter suffrage and representation⁶. It is worth taking a note, that these Syrian elections took place while some territories of Syria were not in effective control of the interim government. This fact by itself does not mean that it bars the government from recognition, but it can make it more fact-sensitive and circumstantially dependent⁷. For this reason, elections for 19 parliamentary seats were postponed indefinitely in those provinces (mainly under Kurdish control), which may

³ Declaration of the Interim National Transitional Council Part II: Legislative Authorities: Parliamentary Oversight of the Security Sector (2011). <https://security-legislation.ly/latest-laws/declaration-of-the-interim-national-transitional-council/>

⁴ United Nations (2011-09-16). *After Much Wrangling, General Assembly Seats National Transitional Council of Libya as Country's Representative for Sixty-Sixth Session* [online]. <https://press.un.org/en/2011/ga11137.doc.htm>

⁵ Manar Magazine (2021-03-16). *The Libyan National Transitional Council: Lessons for a Postwar Libya* [online]. <https://manaramagazine.org/2021/03/the-libyan-national-transitional-council-lessons-for-a-postwar-libya/>

⁶ Manar Magazine (2025-11-14). *Electoral Politics and the Search for Legitimacy in Post-War Syria* [online]. <https://manaramagazine.org/2025/11/electoral-politics-in-syria/>

⁷ SHAW, Malcolm. Recognition. In: SHAW, Malcolm N. (2008). *International law* [online]. 6th edition. Cambridge University Press. DOI: 10.1017/CBO9780511841637, p. 455.

be in breach of United Nations Security Council's (hereinafter - UNSC) resolution 2254⁸, regarding the inclusive process necessary for the drafting of a new constitution.

1.2. Implications of the Legitimacy of the New Syrian Regime for Representation of Syria in International Organizations

Legitimacy of a state's regime intersects directly with the capability of a regime to represent a country at an international level. There are no unified criteria to evaluate whether a political regime is legal and legitimate: some authors focus on the functions of a state that it is supposed to perform (functional conceptualisation) or state capability to keep effective institutional control (institutional conceptualisation)⁹, while others say that the legitimacy may be evaluated by free and inclusive election¹⁰. However, it is difficult to determine a regime's legitimacy in post-conflict countries like Syria during the transitional phase of power.

Unlike situations where a government comes to power through transparent and constitutional means, when a government arises from an unconstitutional interruption of the legal order – such as a coup d'état or revolutionary takeover – other states and international organisations must assess whether the representatives of such a regime have the right under international law to represent the state at the international level.

Firstly, such an assessment is essential for international relations, since governments speak and act on behalf of the state¹¹. Secondly, there are clashes between effectiveness and normative legitimacy under international law. Third, representational consequences of the government with legitimacy deficit may gradually limit its capacity to participate in international organizations of various types. As Pavlopoulos points out, an organization may explicitly recognize the legitimacy of a government, as the UNGA did with the Constitutional Government of Honduras, while denying recognition to a claimant lacking legitimacy, such as the Taliban's self-proclaimed Islamic Emirate. This distinction shows that, even if a regime has official representatives, they will only be accepted by international bodies if they adhere to legal and

⁸ United Nations Security Council Resolution 2254 (2015).

⁹ BÖRZEL, Tanja A. and RISSE, Thomas. Areas of Limited Statehood and Governance: Concepts and Measurements. In: BÖRZEL, Tanja A. and RISSE, Thomas (eds.) (2021). *Effective Governance Under Anarchy: Institutions, Legitimacy, and Social Trust in Areas of Limited Statehood* [online]. Cambridge University Press. DOI: 10.1017/9781316872079, p. 31-33.

¹⁰ ROTHSTEIN, Bo (2009). Creating Political Legitimacy: Electoral Democracy Versus Quality of Government: Electoral Democracy Versus Quality of Government. *American Behavioral Scientist*, 53, 3 [online]. DOI: 10.1177/0002764209338795, p. 311-330.

¹¹ JENNINGS, Sir Robert and WATTS, Sir Arthur. International persons. In: JENNINGS, Sir Robert and WATTS, Arthur KCMG QC (eds.) (2008). *Oppenheim's International Law: Volume 1 Peace* [online]. 9th edition. Oxford University Press. DOI: <https://doi.org/10.1093/law/9780582302457.001.0001>, p. 148

normative standards, rather than merely possessing power¹². Consequently, recognising a government that has come to power through a unconstitutional way, raises serious questions about its compatibility with the fundamentals of international law, particularly when it replaces another illegitimate regime. The Syrian uprising illustrates the legal uncertainty surrounding state representation in situations of transitional authority. A parallel is found in Venezuela, where President Nicolás Maduro was removed without a mandate under the UN Charter following a US intervention, and a new leadership structure was endorsed¹³ that sparked the debates about the serious clashes with the international legal order. By comparison, both situations show that there is no clearly established or universally accepted legal framework for determining who is entitled to represent the state internationally. In such cases, recognition tends to depend less on objective legal criteria and more on political discretion and prevailing power dynamics. The tension between the normative foundations of international law, such as non-intervention, sovereignty, and non-recognition, and the political realities of regime change, raises doubts about the coherence and credibility of subsequent international engagement, particularly regarding participation in organisations such as the UN. In this context, although the new Syrian regime's alleged links to HTS, reports of human rights violations, and other potential breaches of international law do not automatically preclude international representation, they subject the regime to increased scrutiny, further exposing the fragile balance between legal standards and political will.

Representation at the UN is aligned with the fundamental principles that are enshrined in Articles 1 and 2 of the UN Charter, including the promotion of human rights in the Articles 55 and 56. Members obligation to protect the fundamental human rights was also enshrined in UNSC Resolution 2625¹⁴. International legitimacy has long been a deeply entrenched practice within international society, and, as such, serves as a powerful constraint upon behavior. This does not mean that it suffers no violations, or that states do not perform 'illegitimate' acts. What it does mean is that international society imposes costs on such deviancy, or is forced to bear some itself, and these costs are a telling indicator of the infringement that has occurred¹⁵. In other words, each state has a duty to comply with its behavior to the fundamental princi-

¹² PAVLOUPOLOS, Niko. Questions Concerning Governments in International Organizations. In: PAVLOUPOLOS, Niko (2024). *The Identity of Governments in International Law* [online]. Oxford University Press. DOI: 10.1093/9780191991509.003.0005, p. 154.

¹³ Time (2026-01-12). *What's Happening With the U.S. and Venezuela, Explained* [online]. <https://time.com/7344628/us-venezuela-trump-maduro-oil-drugs-war-explainer-questions-answered/>

¹⁴ United Nations Security Council Resolution 2625 (2022).

¹⁵ CLARK, Ian. International Legitimacy: Encounters between International and World Society. In: CLARK, Ian (2007). *International Legitimacy and World Society* [online]. Oxford University Press. DOI: 10.1093/acprof:oso/9780199297009.003.0002, p. 16

ples of international law and consequently, the breaches of international law must be non-recognized by the international community.

The UN Credentials Committee (hereinafter - UNCC) plays a critical gatekeeping role in determining which representatives are accepted to speak and act on behalf of states at the UNGA, particularly when it comes to delegations from regimes whose legitimacy is contested or considered illegitimate. The UNCC normative basis is enshrined in Rules of Procedure of the General Assembly: in accordance with the Rules 27–29, the credentials of state representatives must be submitted by the head of state, head of government, or foreign minister. These credentials are then examined by the UNCC and reported without a delay. If objections are raised, representatives may be seated provisionally with the same rights as other representatives until the UNCC has reported and the UNGA has given its decision¹⁶. In other words, the procedure is formal and seemingly lacks clear legal criteria. However, recent cases demonstrate that deferral of accreditation is often due to the violent manner in which power was seized or serious breaches of international law at a domestic level: Myanmar's military rulers sought the UN seat after ousting Suu Kyi, amid peaceful protests violently suppressed and ensuing armed resistance. The Taliban, after seizing Afghanistan in 2021, initially promised to respect women's and minority rights, but quickly violated them. Libya descended into chaos following the NATO-backed overthrow of Gaddafi in 2011, leading to rival administrations supported by militias and foreign actors, with an ongoing political crisis due to failed elections¹⁷.

Similarly to the case of Myanmar, the new Syrian government lacks legitimacy because of coming to power by revolution, but the main difference is that the opposition took the power from dictator Assad, so there is no alternate power opposing the regime. Despite this fact, the President Al Sharaa became the first from Syria's leaders who spoke at the UN headquarters and pleaded to stop Syria's isolation¹⁸. The UNCC had also accepted his credentials¹⁹. This context may be seen as an expression of legality versus legitimacy, because the Committee didn't pay any attention to violent origin of power, serious breaches of international law and 'extremely fragile' situation in Syria, as it was told by UN Special Envoy for Syria Geir O. Pedersen earlier this year²⁰.

¹⁶ Rules of Procedure of the General Assembly (2025). UN Doc A/520/Rev.21, Rules 27–29.

¹⁷ Associated Press (2022). *UN rejects seats for Myanmar junta, Taliban, Libya's east* [online]. <https://apnews.com/article/afghanistan-libya-myanmar-united-nations-aung-san-su-kyi-6cc1aaa418262cff-1bcb0959ccdcea2c>

¹⁸ United Nations (2025-09-24). *Syrian President outlines reforms, pledges national renewal* [online]. <https://news.un.org/en/story/2025/09/1165940>

¹⁹ Welat (2025-09-12). *Syria's New Permanent Representative Presents Credentials to UN Secretary-General* [online]. <https://www.welatv.net/en/node/17462>

²⁰ United Nations (2025-04-25). *Situation in Syria 'Extremely Fragile', UN Envoy Tells Security Council, Stressing Rule of Law, New Social Contract, Fair Elections Are Yet to Materialize* [online]. <https://press.un.org/en/2025/sc16049.doc.htm>

In general, there are various criteria by which the legitimacy of a state can be assessed, but most depend on political discretion rather than a clear legal basis. Therefore, it is important to develop state practice to establish these criteria, focusing on the regime's adherence to the fundamentals of international law.

Representation at a regional level also may be difficult, especially when the regime's legitimacy is questioned. For example, The Charter of the League of Arab States, doesn't provide any legal instruments to suspend or isolate in other way an unconstitutional regime²¹. Weak responses to the crises in Iraq and Syria show the fragility of this mechanism in the historical perspective and was the main reason why the LAS responded only in a declarative way in these situations.

2.1. Human Rights Situation in Syria and the Responsibility of the New Syrian Government

Obligations to uphold human rights are not a matter of a state's domestic discretion, but a matter of international responsibility. Following the collapse of Assad's government, violence against civilians has persisted amid the resulting security vacuum, as local tribes and extremist militias carried out sectarian and revenge killings against targeted groups. According to the Syrian Network for Human Rights civilian extrajudicial killings have nearly tripled in 2025 (3666 victims)²², compared to 2024 (1264 victims)²³.

Alawites, long associated with the Assad regime, were especially targeted by militias aligned with the Interim Government, particularly in the coastal regions of Latakia and Tartus, where massacres, displacement, and indiscriminate killings have been widely reported²⁴. The Druze community has faced similar sectarian violence in southern Syria and around Damascus, despite ongoing negotiations with the new government, while other minorities, including Syrian Christians, have also remained

²¹ Charter of Arab League, League of Arab States (1945). <https://www.refworld.org/legal/constinstr/las/1945/en/13854>

²² SNHR (2026-01-01) *The Death of 3666 Individuals Including 328 Children and 312 Women, and 32 Deaths due to Torture Recorded in the year 2025 in Syria* [online]. <https://snhr.org/blog/2026/01/01/the-death-of-3338-individuals-including-328-children-and-312-women-and-32-deaths-due-to-torture-recorded-in-the-year-2025-in-syria/>

²³ SNHR (2025-01-02). *1,264 Civilian Deaths, Including 242 Children and 118 Women, as well as 86 Deaths due to Torture, Documented in Syria in 2024* [online]. <https://snhr.org/blog/2025/01/02/1264-civilian-deaths-including-242-children-and-118-women-as-well-as-86-deaths-due-to-torture-documented-in-syria-in-2024/>

²⁴ Reuters (2025-06-30). *Syrian forces massacred 1,500 Alawites. The chain of command led to Damascus*. [online]. <https://www.reuters.com/investigations/syrian-forces-massacred-1500-alawites-chain-command-led-damascus-2025-06-30/>; Human Rights Watch (2025-09-23). *"Are you Alawi?"* [online]. <https://www.hrw.org/report/2025/09/23/are-you-alawi/identity-based-killings-during-syrias-transition>

targets of terrorism and religious violence. Other minorities have also been attacked, such as Syrian Christians, which have been repeated targets of terrorism and religious violence²⁵. This pattern of violence engages the responsibility of the Syrian state to protect civilians and prevent serious human rights violations.

The idea that a government of a state must commit to protect their population from genocide, ethnic cleansing, war crimes and crimes against humanity was adopted as the principle of 'Responsibility to protect' (hereinafter - R2P) by the UNGA in the 2005 World Summit Outcome²⁶. As stated in the document, this entails individual states to ensure the prevention of such crimes and incitement of them. Although R2P by itself is a political commitment and not a binding treaty, its framework is based on customary law, some of which are considered *jus cogens* by nature (such as the prevention of genocide according to the Genocide Convention). In situations where governments fail to uphold these obligations, Article 41 of the UN Charter permits the use of non-military coercive measures, including sanctions, as instruments aimed at ensuring compliance with international legal norms and maintaining international peace and security.

Obligation of the new Syrian government to prevent massive and systematic human rights violations is further reinforced by the provisional measures indicated by the ICJ in the *Canada and the Netherlands v. Syrian Arab Republic* case, where by the order of 16 November 2023, the ICJ ruled that Syria must 'take all measures within its power to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment', as well as ensure the preservation of evidence relating to such acts. The ICJ recalled that such provisional measures are legally binding under Article 41 of the ICJ Statute²⁷. These obligations therefore bind the Syrian state irrespective of changes in government, meaning that any new regime has the duty to prevent torture under international law, preserve evidence and protect the population from serious international crimes under treaties to which Syria remains a party and which are legally binding, including the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)²⁸. Furthermore, sanctions policy in relation to Syria has increasingly raised questions of proportionality and consistency, particularly as the EU and the United States began easing or lifting major sanctions on the transitional government in 2025 despite continuing reports of sectarian violence and serious human rights violations against minority groups.

²⁵ DW (2025-06-25). *Attack on Christians threatens Syria's postwar cohesion*. [online]. <https://www.dw.com/en/attack-on-christians-threatens-syrias-postwar-cohesion/a-73021750>

²⁶ 2005 World Summit Outcome. A/RES/60/1.

²⁷ *Canada and the Netherlands v. Syrian Arab Republic* (ICJ). Order of 16 November 2023, para. 79-81

²⁸ Konvencija prieš kankinimą ir kitokį žiaurų, nežmonišką ar žeminantį elgesį ar baudimą (1984). *Valstybės žinios*, 2006, 80-3141.

2.2. Legitimacy Erosion

The violent actions against the Druze and Alawites is one of the main signs that shows Syrian government incapability to act and cope with such crimes effectively. That may lead to the question of legitimacy erosion that is caused by several reasons. Despite the rising recognition of the importance of legitimate governance in fragile states, no tool for assessing legitimacy among state institutions has yet been developed, and past attempts at quantifying political legitimacy have tended to focus upon states outside of the context of conflict and large-scale international humanitarian activities²⁹.

Syrian governmental fragility is also reflected by analysing the results and process of the recent parliamentary election in October - almost a year after the revolutionary overthrow of the Assad regime. This parliamentary election only deepened doubts whether the new regime is capable to act in a compliance with international law: even though officials assumed that this election is a 'delicate moment for Syria's post-revolutionary and post-war transition'³⁰ it was rejected by Druze leader Sheikh Hikmat al-Hijri and the Syrian Democratic Forces, both calling for free, inclusive elections.

The exclusion of Sweida, along with parts of Hasakah and Raqqah due to insecurity and political deadlock, drew criticism from local authorities and further undermined legitimacy³¹. In consequence these elections were widely criticized because for leveraging influence to steer the assembly's decisions in its favor, thereby maintaining a grip on power and subordinating it to executive power (Sharaa is set to select an additional 70 members, further strengthening the executive's control over the legislative process)³². The legislation process in Syria shows that the election faces the same problems as Libya or other post-war regimes: it may be presumed that the real representation of the legislative process is fragile and unstable, leaning to one executive power branch based governance.

These legislative changes testify that the new Syrian government fails to assure an international obligation of non-discrimination in the political self-determination

²⁹ BARAKAT, Sultan and EVANS, Mark (2012). Karzai's curse – legitimacy as stability in Afghanistan and other post-conflict environments. *Policy Studies*, 33, 5 [online]. DOI: 10.1080/01442872.2012.705644, p.453.

³⁰ Italian Institute for International Political Studies (2025-10-01). *Towards Syria's People's Assembly Elections: Striking a Trade-Off Between Aspirations and Constraints* [online]. <https://www.ispionline.it/en/publication/towards-syrias-peoples-assembly-elections-striking-a-trade-off-between-aspirations-and-constraints-218379>

³¹ Italian Institute for International Political Studies (2025-10-09). *Syria's First Post-Assad Parliament: Political Restructuring in a Region of Uncertainties* [online]. <https://www.ispionline.it/en/publication/syrias-first-post-assad-parliament-political-restructuring-in-a-region-of-uncertainties-219475>

³² The Levant Studies Institute (2025-10-31). *Syrian Parliamentary Elections: Process, Outcomes and Stakes* [online]. <https://epc.ae/en/details/featured/syrian-parliamentary-elections-process-outcomes-and-stakes>

of Syrian society. While the election was formally conducted, an exclusion of some regions from elections, incapability to make a proper dialogue with the Druze and Alawites who abstained from participation and are the targets of systematic violent attacks, raises questions about its compliance with international law.

Under international law, each State has an obligation to ensure that each person has a right to an opportunity to vote and to be elected without fear, discrimination, or any other intimidation. That is enshrined in Article 25 of ICCPR, Article 2 (1) and Article 26, which guarantee non-discrimination and the rule of law to each citizen, and Article 5 of International Convention on the Elimination of All Forms of Racial Discrimination (1965)³³. In a doctrinal way, it means that when some regions or the groups of society are denied access to participate in elections, such legislation may not be regarded as genuine expression of political will of self-determination. Although, the influence of ICCPR in the Middle Eastern States, as it is observed by UN Human rights committee, therefore, offer a general pattern wherein states foreground the domestic political circumstances, in particular the existence or threat of violence (be this due to armed conflicts or terrorism)³⁴. In the Syrian context, an absence of reconciliation with ethno-religious minorities who are the targets of systematic violent actions and require to have a free election, also an exclusion of some regions from election, directly impair their capacity to participate in public affairs and undermine the representative character of governing authorities. A comparative analysis shows that the same tendency of various forms of discrimination also exists in other post-war countries. For example, a systematic exclusion of women and girls from public and political life under Taliban's regime in Afghanistan may also be regarded as a serious breach of international law³⁵.

Conclusions

In consideration of the doctrine of non-recognition and the respective obligations of each regime to respect international law and human rights, there are legitimacy concerns of the new Syrian regime in relation to the absence of effective control over the entire state territory, the failure to comply with international law and human rights obligations as well as the revolutionary manner under which the regime came to power.

³³ Tarptautinė konvencija dėl visų formų rasinės diskriminacijos panaikinimo (1965). *Valstybės žinios*, 1998, 108-2957.

³⁴ ÇALI, Başak. Influence of the ICCPR in the Middle East. In: MOECKLI, Daniel; KELLER, Helen and HERI, Corina (2018). *The Human Rights Covenants at 50: Their Past, Present, and Future* [online]. Oxford University Press. DOI: 10.1093/oso/9780198825890.003.0007, p.138

³⁵ SAMIM, Yaqub Jan and AYOUBI, Fazal Rahman (2025). Violence Against Women in Afghanistan: A Human Rights Perspective and the Role of Domestic Law. *Integrated Journal for Research in Arts and Humanities*, 5, 5 [online]. DOI: 10.55544/ijrah.5.5.7, p. 36.

International representation of a state in international organisations is inextricably linked to legality and legitimacy issues under international law, describing how a regime of a state came into power and is exercising its power internally. Nevertheless, there are no comprehensive and concrete criteria in international law that would be consistently applied in state practice and resulting in denying representation for a regime of a state in international organisations in similar situations.

Despite the absence of concrete criteria in international law for a legitimate government, President al-Sharaa and other officials cannot be regarded as legitimate representatives of Syria at the UN and other international or regional organisations because of the violations of international law they committed and continue to commit, also because of the nature of their coming to power. This can be supported by the practice developed by states in place of specific requirements in international law.

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