

Center for Civil Society and Democracy  
Vision for the Political Process  
in Syria



Center for Civil Society and Democracy

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## I. Introduction

Syrians have suffered deep pain and trauma through years of severe conflict and witnessed many external parties intervene in Syria, adding to the conflict and confusion since the revolution erupted in March 2011.

While the Syrian negotiations have passed through various stages, progress has been slow to date and there have been insufficient outcomes. Seven years into the conflict Syrian people deserve concrete steps towards a political solution, where opposing actors strive honestly and urgently to reach a vision that will facilitate the emergence of a new transitional government and the restoration of security, peace and stability.

Political actors are challenged to take concrete qualitative steps towards transitional governance that will ensure the continuity of governmental institutions, prevent and combat terrorism, and manage a new constitutional process, elections and a national dialogue, as well as lead into transitional justice and reconstruction.

This vision paper briefly outlines the background to the current situation and identifies, under the four 'baskets' of issues being focused on in the negotiations, elements that should be incorporated into the peace agreement and its implementation plan to ensure that the outcomes are largely accepted and the potential for sustainable security, peace and stability is unlocked.

This paper was developed through a consultative process involving over 40 people who work with civil society groups and networks in Syria, and it will go out for further discussion and consultation. It draws on solid experience from the ground, collaborations with others, and CCSD's own civil society work as a contribution to the dialogue and a pathway forward out of conflict. It builds on CCSD's paper on principles for ensuring the success of the intra-Syrian talks,<sup>1</sup> first vision for peace<sup>2</sup> and many consultations, exploratory dialogues and papers in between<sup>3</sup>.

1- Issued in February 2017, <http://ccsdsyria.org/principles-for-successful-intra-syrian-talks/>

2- Issued in January 2014, <http://ccsdsyria.org/wp-content/uploads/policy-paper-english.pdf>

3- For other CCSD research reports and papers please visit: <http://ccsd.ngo>

## 1. Background of negotiations

**The Arab League:** In November 2011, the Arab League began work to resolve the Syrian crisis and establish security, peace and stability in Syria. The League called for a ceasefire and sent dozens of Arab observers to supervise the ceasefire on 22 December 2011. It proposed an integrated initiative in early 2012 incorporating the release of political prisoners, starting negotiations between the government and the opposition to form a national unity government, and early parliamentary and presidential elections. The government's rejection of this initiative led to the transfer of leadership of efforts to resolve the conflict to the United Nations (UN).

**UNSE Kofi Annan:** Kofi Annan was appointed Joint Special Envoy for the crisis by the UN and the Arab League in late February, 2012. Mr. Annan put forward a six-point peace plan<sup>4</sup>, the most important elements of which were committing to an inclusive Syrian-led political process to address legitimate aspirations and concerns and a comprehensive cessation of all armed violence. The plan also addressed delivery of timely humanitarian assistance to affected areas, release of detainees, freedom of movement for journalists without discrimination and respect for freedom of assembly and peaceful demonstration.

Based on this plan, the Action Group for Syria drafted the Geneva Communiqué of 30 June 2012<sup>5</sup>. This identified steps and measures to fully implement the six-point plan and the relevant Security Council Resolutions (SCR)<sup>6</sup> and included Agreed Principles and Guidelines for a Syrian-led transition. However, the six-point plan and the communiqué were rejected by both the Syrian government and opposition. Mr. Annan resigned at the end of July 2012.

**UNSE Lakhdar Brahimi:** Veteran diplomat Lakhdar Brahimi took over from Mr. Annan in August 2012. Mr. Brahimi held direct negotiations between the Syrian government and opposition in Geneva in January and February 2014, based on the Geneva Communiqué, but was unable to achieve any progress. He submitted his resignation, blaming the failure of the Syrian government to negotiate.

**UNSE Staffan de Mistura:** In July 2014, UN Secretary-General Ban Ki-moon appointed veteran

4- [http://www.un.org/en/peacekeeping/documents/six\\_point\\_proposal.pdf](http://www.un.org/en/peacekeeping/documents/six_point_proposal.pdf)

5- <http://www.un.org/News/dh/infocus/Syria/FinalCommuniqueActionGroupforSyria.pdf>

6- SCRs 2042 and 2043.

diplomat Staffan de Mistura as the new Special Envoy for Syria and tasked him with mediating a peaceful resolution of the ongoing conflict, guided by the relevant UN resolutions<sup>7</sup>.

## 2. Current negotiations

**a. ISSG:** Following meetings in Vienna in October and November 2015, the International Syria Support Group (ISSG)<sup>8</sup> acknowledged the close linkage between a ceasefire and a parallel political process pursuant to the 2012 Geneva Communiqué, and that both initiatives should move ahead expeditiously. They stated their commitment to ensure a Syrian-led and Syrian-owned political transition based on the Geneva Communiqué in its entirety.<sup>9</sup>

**b. Security Council Resolution 2254:** On 19 December 2015 SCR 2254 affirmed the Geneva Communiqué and endorsed the ISSG “Vienna Statements”. It outlined a road map: a Syrian-led political process facilitated by the UN; establishing transitional, credible, inclusive and non-sectarian governance and a schedule and process for drafting a new constitution (with a target of 6 months set to achieve these); and free and fair elections, pursuant to the new constitution, to be held within 18 months and administered under the supervision of UN, to ensure good governance and the highest international standards of transparency and accountability, with all Syrians, including members of the diaspora, eligible to participate, as set forth in the 14 November 2015 ISSG Statement.

**c. Geneva process of political negotiations:** To begin implementation of SCR 2254, Special Envoy de Mistura initiated talks in January 2016 with the Syrian government and opposition with a view to involving them formally direct political negotiations. He also appointed a Women’s Advisory Board linked directly to the Special Envoy<sup>10</sup>. Despite these efforts 2016 did not witness a breakthrough, but groundwork was taken forward in proximity talks<sup>11</sup>. In February 2017, Mr. de Mistura divided the political negotiations into four ‘baskets’: constitution, governance, elections and confidence-building measures/security/combating terrorism. Following agreement by both sides,

7- A Deputy Special Envoy for Syria, Ramzy Ezzeldin Ramzy, was also appointed by the UN in consultation with the Arab League.

8- ISSG members are the Arab League, China, Egypt, the EU, France, Germany, Iran, Iraq, Italy, Jordan, Lebanon, Oman, Qatar, Russia, Saudi Arabia, Turkey, United Arab Emirates, the United Kingdom, the United Nations, and the United States.

9- 14 November 2015, Statement of the International Syria Support Group, Vienna. <http://www.un.org/undpa/en/Speeches-statements/14112015/syria>

10 The Syrian Women’s Initiative for Peace and Democracy had lobbied the UNSE consistently on women’s direct participation in the negotiations and later on establishing the WAB.

11- For example, a paper of 12 essential principles and discussion on confidence building measures. In proximity talks the mediator shuttles between negotiating parties in different rooms/venues and talks to each side separately.

technical meetings of experts were added to the negotiations architecture <sup>12</sup>and these began with constitutional and legal matters. Political negotiations continue, albeit slowly.

**d. Astana process of cessation of hostilities:** In December 2016, following indirect talks with the government and opposition armed groups, Russia and Turkey agreed to act as guarantors to achieve a nationwide ceasefire; <sup>13</sup> they were later joined by Iran. Action on taking the ceasefire plan forward in parallel with the political negotiations in Geneva began in Astana in January 2017 with the guarantors agreeing to form a joint monitoring body. Russia facilitated negotiations between the Syrian government and the moderate armed opposition. <sup>14</sup> Action to deliver cessation of hostilities is focused on de-escalation zones in mainly opposition-held areas. In September 2017 the guarantors announced four zones for a period of 6 months which may be extended in future.

## II. Vision for Governance

### 1. Key principles

- In line with the UN resolutions on Syria, in particular the Geneva Communiqué of 30 June 2012 and Security Council Resolution 2254, a Transitional Governing Body will manage the political transition in Syria, once agreement has been reached on how to form it.
- The Transitional Governing Body, and all post-agreement Syrian governance mechanisms and arrangements, should be governed by fundamental principles. Rather than serve the interests of particular parties it should exercise its powers and fulfil its responsibilities to serve the objective of transition, which is to reach a pluralistic democratic system that paves the way for economic prosperity and sustainable peace in Syria. These fundamental principles should be based on the principles of the International Bill of Human Rights and the Convention on the Elimination of All forms of Discrimination against Women, which would preserve the dignity of all Syrian people.
- These principles are identified below:

12- Technical meetings involve OSE experts meeting separately with experts from each side.

13- UNSC, S/29, 1133/2016 December 2016, <http://undocs.org/S/1133/2016>. This was endorsed in SCR 31, 2336 December 2016. ISIL, the Al-Nusra Front and the YPG were excluded from the ceasefire.

14- Russia and Iran back the Syrian government while Turkey backs the opposition.

15- <http://www.aljazeera.com/news/09/2017/final-de-escalation-zones-agreed-astana170915102811730-.html> ; <http://www.aljazeera.com/news/10/2017/syrian-war-astana-talks171029160554816-.html>

**Credible, inclusive and non-sectarian governance:** The credibility and success of the Transitional Governing Body depends on its recognition at both the local and national levels. It must actively and consistently demonstrate its willingness and ability to:

- Be at an equal distance from, and treat equally, all Syrians of different affiliations and backgrounds.
- Exercise its authority and powers fairly in respect of all and with transparency and accountability to all Syrians.
- Meet the hopes of all Syrians, including refugees, internally displaced people, Syrians from many diverse communities and people of different political affiliations.
- Ease the pain and suffering of all Syrians.
- Engage meaningfully with local communities, governmental and non-governmental organizations, war-affected people and people with special needs by adopting inclusive and effective consultation mechanisms.
- Rely on people in local communities who have the credibility, confidence and knowledge of the local community in all of the local government bodies.

**Ensure the continuing work of public institutions and services:** The Transitional Governing Body must ensure that:

- The Transitional Governing Body must ensure that:
- Every Syrian has the right to access basic and public services and have recourse to public institutions, and that they are able to exercise this right.
- The continuity of institutions providing these services is guaranteed, and these services are delivered to, within and across all areas, with special consideration to war-affected areas.
- Conflict sensitivity and gender sensitivity are routinely and proactively taken into account in the policies and programs of these institutions.
- There is supervision of specialists for service institutions to ensure professionalism, quality and effectiveness.

**Ensure the protection of human rights and public freedoms:** The Transitional Governing Body must safeguard human rights and freedoms including:

- Freedom of assembly, expression and religion or belief.
- A free and independent media.
- Freedom for political parties to establish, organize and contest elections.
- Freedom for civil society organizations, including women's organizations, and labor unions to exist and act in pursuit of their values and objectives.
- Freedom for all Syrian, regional and international human rights organizations to exercise their roles

in advocacy, transparency, monitoring and accountability.

- Enabling freedom to flourish across Syria by supporting local organizations, particularly human rights organizations and women's organizations.

**Ensure accountability and transparency:** The Transitional Governing Body and all parallel governance institutions and arrangements across Syria must:

- Fully commit to transparency and accountability and put in place effective policies and systems to give effect to this.
- Ensure Syrian's right to access information and a citizens' complaints mechanism with sanctions for failure to provide access.
- Publish information on websites as one mechanism for disseminating information to all.
- Facilitate monitoring and evaluation by civil society organizations.
- Activate the role of an institution for supervision and inspection, which has the independence and authority to investigate information and receive information from citizens. This institution should be supervised by the judicial institution.
- Commit fully to putting effective policies, systems and oversight mechanisms in place to combat political, economic and administrative corruption.

**Ensure the separation of powers, balancing authorities and the absence of all conflicts of interest:** The Transitional Governing Body shall ensure that:

- There is clear separation of and appropriate balance of powers between the executive, legislative and judicial authorities.
- Powers are distributed and balanced between the three primary authorities so as to ensure that no one authority is able to exercise power exclusively, excessively or unaccountably.
- There is full judicial independence.
- The legislature's role is fully activated to exercise control over and ensure effective accountability of the executive authority.
- A conflict-of-interest policy is issued by the legislature, with which legislators and members of the government are required to comply. The legislature must have a mechanism for sanctioning those in breach of the policy.
- All State and public institutions introduce a conflict-of-interest policy and a conflict-of-interest statement which all employees must sign and for which they will be accountable before the judiciary in case of violation of this policy<sup>17</sup>.

17- For example, referral to the judiciary for a court hearing; or a Commission for Public Standards who will investigate, publish public reports, and apply sanctions.

**Ensure that conflict sensitivity and gender sensitivity are embedded in decisions:**

The Transitional Governing Body shall:

- Take conflict and gender sensitivity into consideration routinely and proactively, and take these into account when formulating and implementing policies and plans.
- Cooperate with civil society organizations to ensure that policies and decisions are fully sensitive to the interests of all Syrians.
- Engage women’s and civil society organizations in gender-proofing and equality-proofing policies and plans.

**Guarantee the effective participation of women in all phases of the transitional process and beyond:** The Transitional Governing Body shall:

- Ensure that representation of women in all institutions and bodies is not less than 30 percent, and that each institution and body has a strategy in place to reach 50 percent.
- Guarantee the provision of special programs for women to ensure their participation in various political, economic and other sectors, as well as to eliminate the effects of war and past violations.
- Remove all discriminatory laws, and revise all other laws and policies which impede the effective participation of and equal opportunities for women.

**Ensure a free and independent media:** The Transitional Governing Body must:

- Guarantee the freedom and independence of the media.
- Provide all necessary legislative, policy and practical protection for journalists and media institutions.
- Enable the media to exercise their various roles in the transitional period, including in monitoring, detecting and reporting on violations.
- Spread awareness of the key role of an independent media in investigative journalism and holding government and public institutions to account in the eyes of the public.

**Ensure the active participation of civil society in all stages of the transitional process:**

The Transitional Governing Body shall:

- Guarantee the freedom and independence of civil society organizations and provide them with protection and support.
- Ensure the genuine and effective participation of civil society in the political process.
- Enable civil society to play its various roles, including advisory, consultancy, advocacy and oversight, in addition to monitoring violations.

- Encourage civil society to build alliances, and enable them to influence policy by engaging them in policy making processes.
- Ensure that the state budget allocates a specific budget for Syrian civil society organizations and that women's organizations are properly funded.

**Ensure institutional reform:** The Transitional Governing Body shall have a charter and clear action plan that will:

- Ensure the necessary support for governmental institutions.
- Conduct an evaluation to assess public employees' competence, knowledge and expertise.
- Deliver education programs to ensure that all public employees are fully aware of human rights and requirements to comply with human rights, including women's rights and standards.
- Design and implement capacity building programs that are integrated into all government institutions.
- Ensure that monitoring and evaluation is integrated routinely into the work of all governmental institutions.

## **2. Transitional Governing Body membership and support**

### **a. Criteria for membership**

- Membership shall be inclusive of all the various Syrian parties and representatives of Syria's diverse communities.
- Membership shall not be limited to the parties involved in the negotiations, but shall include various community leaders.
- At least 30 percent of the Transitional Governing Body, its decision-making committees and all transitional and governance bodies and mechanisms must be comprised of Syrian women.
- Any person accused of human rights violations or corruption must not be a member.
- Any person accused of corruption must not be a member or, if already a member, must vacate their position while being investigated and may not return to their position unless found to have been innocent.

### **b. Advice and support**

- A gender adviser shall be appointed to advise the Transitional Governing Body on all matters; her views on women's rights must be given due regard - and any decision to reject her advice must be justified in writing and made public.

- A consultative body to the Transitional Governing Body, comprising representatives of all the different segments of Syrian society, shall be appointed to act as a sounding board and provide additional knowledge and expertise, including on individual and groups rights, concerns and needs.

### 3. Local governance and citizen participation

- During the transitional phase and until new elections are held, bodies providing services must continue delivering services to people all over Syria, including provincial council, local council and municipalities. Provision will vary from one area to another according to those exercising power and the system of governance.
- The form of each local administration must meet local needs. There should be specific study (or studies) to select the best ways to administer each local area.
- A key element of sound local governance is the active participation of citizens. Therefore, it is necessary to expand participation to include citizens within the framework of an integrated system of government. Such participation must be effective in terms of selection of representatives and through the participation of citizens in open public debates and consultation forums.
- Changes must be made to local administration laws to permit and enable citizens to participate in governance, which in turn will ensure more effective development at the local level. The law of local administration must take the following into account:
  - ▶ Decentralization of local governance to allow the greatest number of citizens to contribute to governance and create a stronger structure for development.
  - ▶ Selection of members to occupy senior positions in local governance, such as the governor, to be by election rather than by appointment.
  - ▶ Setting executive regulations for local administration laws locally according to the conditions and the specificity of each governorate without violating the constitution.
  - ▶ Consideration of local authorities as legal entities, with financial and administrative independency.
  - ▶ Expansion of local administration powers over economic, social and cultural affairs so they can take on responsibility for economic development as well as service provision.
  - ▶ Allocation of percentages of state funds to governorates, which should be implemented when redrawing the state budget.

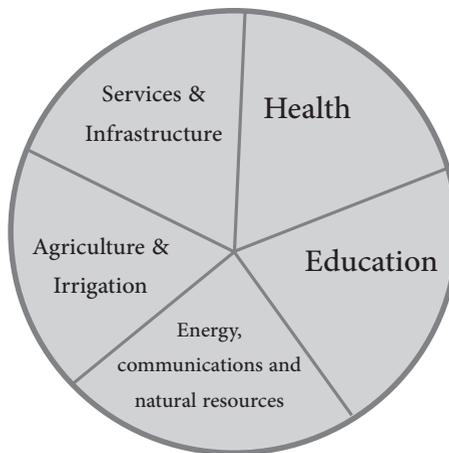
#### 4. Roles and duties of the Transitional Governing Body

These can be listed as five main duties: ensuring the continuity of and reforming Syrian institutions; combating terrorism; the constitutional process; the electoral process; and national dialogue and reconstruction.

#### 5. Protecting and reforming Syrian institutions

The Transitional Governing Body is responsible for ensuring the continuity and coordination of institutions to provide basic and public services. It must maintain service institutions, such as the local councils, municipalities and directorates that exist in the different areas throughout Syria. It should:

- Maintain service facilities and partnerships with the private and civil society sectors to safeguard the interest of Syrians.
- Standardize public policy in each sector, taking into consideration matters specific to each local area in cooperation with local authorities.
- Reintegrate employees back into their jobs to reactivate public service institutions. These employees should be compensated for periods of suspension.
- Ensure the continuity and sustainability of public institutions and services in the following main sectors: health; education; services and infrastructure; agriculture and irrigation; energy, communications and natural resources.



- ▶ Key tasks to be carried out by the Transitional Governing Body in this regard are:
- ▶ Ensuring uninterrupted services and basic infrastructure.
- ▶ Re-activating facilities that were out of service during the previous period, which may involve reactivation of the staff members and equipment.
- ▶ Maintaining service facilities (e.g. institutions which work in health, education and energy).
- ▶ Conducting studies on the situation of infrastructure by sector in terms of needs (individuals) and existing resources (hospitals, schools, etc.).
- ▶ Ensuring the potential for transitional justice by documenting violations.
- ▶ Ensuring the public's access to energy and vital resources (e.g., electricity, fuel) as a right, and not using these services as tools to put pressure on citizens.
- ▶ Providing special energy lines that supply vital installations such as hospitals.
- ▶ The Transitional Governing Body has the right to conclude new, short-term agreements.
- ▶ Rehabilitation of schools (equipment, staff members and infrastructure).
- ▶ Rehabilitation of roads.
- ▶ Securing agricultural and food resources.

### III. The Constitutional Process

#### 1. Elements of the Constitutional Process

- The constitutional process shall begin during the negotiations and continue after the adoption of the permanent constitution. The elements of the constitutional process consist of:

##### a. Transitional Constitutional Charter

- A Constitution Drafting Committee should be appointed to prepare the transitional constitutional charter. A consultative mechanism should be established as part of the drafting process to include the participation of negotiating parties, civil society organizations and representatives of all segments of Syrian society. The constitutional charter should be approved as part of the UN-sponsored peace agreement. The constitutional charter should include two main sections:
- The first section will cover constitutional principles that guarantee the rights of individuals, groups and women's rights. This will be based on human rights principles, including the International Bill of Human Rights<sup>18</sup> and the Convention on the Elimination of all forms of Discrimination Against Women.

18- The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.

- The second section will deal with issues that govern the work of the Transitional Governing Body, including defining its powers and functions, timeframe, mechanism for handing over its powers and required elements for sound governance.
- The constitutional charter shall remain in place for the duration of the transitional governing period. It shall cease to function once the Transitional Governing Body has been dissolved and the permanent constitution is in force.

#### **b. Constitution Drafting Committee<sup>19</sup>**

- A Syrian Constitution Drafting Committee shall be appointed and agreed during the negotiations, and shall be approved by the Transitional Governing Body to continue its work on the new constitution through the transitional governing period.  
The Constitution Drafting Committee will be comprised of Syrians representing diverse communities, and it shall be entitled to use international expertise and consultants.  
The proportion of women members of the Committee and experts to the committee shall not be less than 30 percent. At least one gender expert shall be appointed to advise the Committee whose recommendations on gendering the constitution shall be regarded as essential; any decision by the Committee to reject her advice must be justified in writing, made public and consulted on more widely. Any decision by the Transitional Governing Body to reject the Constitution Drafting Committee's recommendations relating to human rights and equality, including gender equality, must be justified in writing, made public and consulted on more widely.
- The Constitution Drafting Committee will be charged with preparing the transitional constitutional charter and then the initial draft of the permanent constitution and the final draft for the referendum. Clear terms of reference should outline its mandate, roles and tasks, along with mechanisms for resolving conflict and making decisions.
- The draft constitution shall include the section on constitutional principles outlined in the constitutional charter without any amendment. Furthermore, the initial draft shall draw on previous Syrian constitutions and ensure that essential institutions can continue to function within the new constitutional principles even while being reformed.
- The Constitution Drafting Committee will consider carefully the outcomes of the constitutional dialogue, taking full account of the consultations and written submission. It will pay particular attention to concerns and proposals to guarantee human rights, women's rights, sound governance,

<sup>19</sup>-The action on the National Dialogue refers to the National Dialogue Committee, which is referred to in this section as the Constitution Dialogue Committee.

peace building and justice. The Constitution Drafting Committee will prepare a transparent report on its response to the constitutional dialogues and explain its rationale on adopting or not adopting proposals as it prepares the final draft constitution for referendum.

### **c. Constitution Dialogue Committee**

A parallel Constitution Dialogue Committee should be appointed, comprised of civil society representation with at least 30 percent participation by women, to accompany the constitution drafting process under clear terms of reference.

The Constitution Dialogue Committee should periodically review the emerging draft constitution, including in joint sessions with the Constitution Drafting Committee, which should carefully consider the Dialogue Committee's recommendations especially in regards to safeguarding the rights of individuals and groups.

- The Constitution Dialogue Committee will plan, facilitate and oversee national and local consultations/dialogue on the draft constitution and its articles. It will ensure that all individuals and organizations are able to express their opinions freely without fear as guaranteed by the Transitional Governing Body, and report on any incidences where this has been violated.
- The Constitution Dialogue Committee will work with the Transitional Governing Body to channel financial and other support to civil society organizations to enable them to organize education and awareness campaigns on the draft constitution, and develop proposals for amendments to the draft including those necessary to guarantee the rights of all citizens (before the draft constitution is submitted to the referendum).
- The Constitution Dialogue Committee will work with the Constitution Drafting Committee to collate the responses, views, written submissions and proposals that emerge from the national and local dialogues and consultations.

### **d. Transitional Governing Body Responsibility**

- The Transitional Governing Body has the primary responsibility for ensuring safe, secure and inclusive conditions for drafting and consulting on the draft constitution and for the referendum. The Transitional Governing Body shall guarantee freedom of opinion for all individuals and organizations participating in the consultations.
- The draft constitution shall be presented to the Transitional Governing Body before circulation for comprehensive review through national and local consultation overseen and facilitated by the Constitution Dialogue Committee.

### **e. Referendum**

- Before submitting the draft constitution to referendum, the Constitution Drafting Committee shall submit a proposal to the various mechanisms to deal with the outcome of the referendum regardless of the outcome.
- To prevent any interference, the Transitional Governing Body shall approve the post-referendum plan to finalize the constitution.
- The draft constitution shall be presented as separate articles in the referendum. The constitutional principles (which have been agreed as part of the peace agreement) and any article that guarantees the rights of individuals and groups (and must be in line with international law and Syria's international obligations) shall be omitted from the referendum.
- The referendum process shall be fair, free and transparent. It shall be monitored by the United Nations, with the assistance of international and Syrian organizations.
- The final review of the constitution to implement the outcome of the referendum will be carried out through the mechanism established by the Constitution Drafting Committee in order to approve the permanent constitution of the country.
- We propose two ways to approve the constitution: either (i) with the approval of two thirds (%66) of the population; or (ii) by the approval of %51 of each ethnic, religious or regional group.

## **2. Key Principles for the Constitutional Process**

Due to the complexity of the Syrian issue, the multiplicity of parties and the difficulty of giving full guarantees, a set of fundamental principles must be agreed to govern the process of preparing the constitution as well as the constitution itself. We propose the following principles:

- Work should be carried out by the Transitional Governing Body in parallel with the constitutional process to address legal issues such as granting Syrian citizenship and resolving challenges concerning displaced persons and refugees to prepare for an inclusive referendum and elections.
- A new Citizenship Law should be adopted in advance of the referendum. Those granted or deprived of citizenship after 2011 should be re-examined, with the exception of Kurds granted citizenship after 2011.
- All Syrian citizens, including IDPs and refugees, shall have the right to participate in the Syrian referendum. Identity papers should be granted to those who no longer have their papers.
- The process shall be inclusive and participatory, ensuring involvement by all components of Syrian society, taking into account geographical distribution. Civil society must play a key role in carrying out community consultations to assist in achieving the widest possible outreach and engagement.

- Full and substantive inclusion of women should be guaranteed and delivered in all stages of the constitutional process. Women should comprise at least 30 percent of Constitutional Drafting Committee members and experts; at least 40 percent of the Constitution Dialogue Committee; and, with the necessary support and resources, participate equally with men in the public and community consultations.
- Access to information must be transparent and fair without any restrictions.
- The constitutional dialogue process shall integrate all views for presentation to the Constitution Drafting Committee.
- There must be no conflicts of interest among or between members of the Transitional Governing Body, the Constitution Drafting Committee and the Constitution Dialogue Committee.
- Human rights principles, including the International Bill of Human Rights and the Convention on the Elimination of all forms of Discrimination Against Women, shall underpin the constitutional process and the permanent constitution.
- The permanent constitution shall include the constitutional principles section in the constitutional charter without any amendment.
- The process shall lead to a system of pluralistic democratic governance based on citizenship, with a constitutional and legal framework that outlaws racial, religious or sex discrimination and access to justice for all individuals and groups.
- Separation of powers (legislative, executive, judicial), balance of powers, and non-conflict of interests shall be enshrined in the constitution to prevent the concentration of power in the hands of an individual or a group and to provide for checks and balances, along with provisions that ensure that leadership succession is not inherited or seen as the preserve of any particular group.
- The constitution must be clear on the separation of military powers from public life. It must include safeguards to prevent any military-security role in politics and/or the executive from exercising this power.

### 3. Timeframe for the constitutional process

<b>I. Constitution Drafting Committee</b>	Established prior to signing the peace agreement.
<b>II. Constitutional Charter</b>	Constitutional Charter is drafted by the Constitution Drafting Committee prior to signing the peace agreement, and it forms part of the agreement.

<b>III Permanent constitution</b>	Permanent constitution is finalized within 24 months of the peace agreement.
<b>IV Prepare draft constitution</b> <b>V. Submit it to the TGB</b>	Constitution Drafting Committee prepares draft constitution; and submits it to the Transitional Governing Body within 4 months of the peace agreement.
<b>VI. National and local dialogues</b>	Constitution Dialogue Committee plans, facilitates and oversees the national and local dialogue process; and submits views and recommendations to the Constitution Drafting Committee over 12 months.
<b>VII. Revise draft constitution</b>	Constitution Drafting Committee revises the draft taking account of the input from the national and local dialogues and the Dialogue Committee; and submits the revised draft to the Transitional Governing Body.
<b>VIII. Referendum</b>	Held within 4 months of the national and local dialogues.
<b>IX. Review and revise draft constitution</b> <b>X. Submit for adoption</b>	Constitution Drafting Committee reviews and revises the draft constitution based on the referendum (if the referendum is conducted on an article by article basis) and submits it for adoption.
<b>XI. Adoption of permanent constitution</b>	Within 4 months of the referendum.

#### 4. Concerns and challenges

- Informal and ineffective Constitutional Dialogue Committee.
- Constitution Drafting Committee does not consider social diversity in Syria.
- Inability to find effective operational mechanisms.
- Inability to reach a wide range and diversity of Syrians.
- Inability to communicate with Syrians who are under the rule of the Islamic State of Iraq and Syria (ISIS) or in marginalized areas.

## VI. Elections

### 1. Introduction

UN Security Council Resolution 2254 expresses its support for free and fair elections, pursuant to the new constitution, to be held within eighteen months and administered under supervision of the United Nations, to ensure good governance and the highest international standards of transparency and accountability, with all Syrians, including members of the diaspora, eligible to participate, as set forth in the 14 November 2015 ISSG Statement.

How will the elections be managed? What kind of oversight will the United Nations undertake? What are the requirements for holding free and fair elections in accordance with international standards? How can the necessary outreach be ensured to encourage all Syrians to participate in the elections, including expatriates?

The 'free and fair elections' envisaged in UNSCR 2254 must extend to parliamentary, presidential and local elections.

Before answering the previous questions, the right conditions must be in place and all actors<sup>20</sup> must fulfil their responsibilities so as to secure citizens' full participation in the complete and comprehensive electoral process. This is equally important at the local level so that citizens can choose the best local representatives. The Transitional Governing Body must exercise the necessary leadership to guarantee free, fair and transparent elections. The agencies charged with electoral responsibilities must work with governmental and non-governmental organizations to raise awareness about the elections, consult with citizens about electoral laws and how best to implement them to secure effective participation, and monitor the electoral process and the elections themselves.

### 2. Key principles

Given the complicated situation and the multiplicity of parties to the conflict, a set of principles and standards must govern the electoral process to protect it from manipulation and fraud:

- Conduct elections within a framework of integrity, transparency, openness and accountability.
- Ensure fair and equal inclusion and representation of all of Syria's diverse communities across the widest geographic distribution.

20- All actors are those who are part of national, provincial and governance arrangements; all military, security and police actors; and all political parties and other actors, such as civil society, who are party to the peace agreement; etc.

- Make every effort to ensure that women are as equally reached as men, and encouraged and supported to vote.
- Require in the electoral law that at least 30 percent of successful candidates are women in the local elections and the parliamentary elections, and that favorable conditions and sufficient support exist for women to contest all elections.
- Ensure the election law is fair to all parties, and provides equal access to public resources for all candidates to enable the resulting outcome to more accurately reflect the different political views in the country.
- Put clear mechanisms in place for independent monitoring, under the supervision of the United Nations, with extensive and active participation from civil society.
- Stipulate in the electoral law that perpetrators of serious violations or those suspected of committing serious violations are not permitted to be candidates or to vote.
- Conduct all elections within a governing legal framework that has been approved by all negotiating parties, including women's groups and civil society organizations and agreed by the Transitional Governing Body.

The electoral law should comply with international conventions including:

- ▶ Article 21 of the Universal Declaration of Human Rights (1948).
- ▶ The International Covenant on Civil and Political Rights (1966), in particular but not limited to Article 25.
- ▶ The International Convention on the Elimination of All Forms of Racial Discrimination (1965)<sup>21</sup>
- ▶ The Convention on the Elimination of all forms of Discrimination Against Women (1979)<sup>22</sup>, including General Recommendation 30 on women in conflict prevention, conflict and post-conflict situations.
- ▶ The Convention on the Rights of Persons with Disabilities (2006)<sup>23</sup>

### 3. Legal framework

The Constitution Drafting Committee, or a dedicated committee comprised of legal and election experts working in parallel with the Constitution Drafting Committee, will draft the legal framework for the elections.

21- Asserts the right of everyone, without distinction as to race, color, or national or ethnic origin, to have the equal right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the government as well as in the conduct of public affairs at any level and to have equal access to public services.

22- Asserts women's equal right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies, and participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.

23- Asserts the equal right of persons with disabilities to participate fully in political and public life, directly or through freely chosen representatives, including the right and opportunity to vote in elections and public referenda, stand for election, hold office and perform all public functions at all levels of government and participate in the conduct of public affairs.

The legal framework will include the electoral laws, regulations, executive instructions and procedures, and be in line with the principles above and fully in accordance with international law and human rights charters. The framework will govern the electoral system, all election stages and timeframes, the participation rules for voters and candidates, and provisions on conducting the ballot, the count and announcement of results.

The legal framework should provide for the establishment and operation of supervisory bodies, including UN supervision as well as international and civil society monitoring of the whole electoral process.

The electoral law:

- ▶ Will determine eligibility to stand for election.
- ▶ Should provide for candidates and parties to be represented as observers in the polling centres.
- ▶ Must include processes for dealing with and applying sanctions for election manipulation.

#### **4. Electoral governance - Institutions, structures and supervision**

- The Transitional Governing Body will be responsible for effective governance of the elections under the supervision of the United Nations. It shall appoint a High Elections Committee to administer the elections, also under the UN's supervision.
- The new High Elections Committee shall be constituted to include representation from all political parties participating in the electoral process, representatives of civil society organizations and independent technical experts. Women shall constitute at least 30 percent of its membership, and of any associated expert and technical groups.
- The Transitional Governing Body shall designate the High Elections Committee, whose powers and authorities will be determined as part of the legal framework.
- An Appeals Committee, chaired by a judge, shall be established to provide judicial supervision over the whole process. A temporary judicial body is created as the result of the political process and is responsible for considering appeals. Appeals shall be submitted in the first instance to the Appeals Committee; any further appeal shall be referred to the temporary judicial body.
- Gender considerations and women's participation must be taken into account at all stages and levels of the election process; all election-related committees, any associated expert and technical groups and other structures and arrangements must include not less than 30 percent women.
- Anybody responsible for operationalizing, overseeing, supervising or monitoring the electoral process must be neutral and have the required competencies.
- A comprehensive and effective approach to voter registration is required in the face of considerable challenges: IDPs, refugees, undisclosed registry, non-registered person and those from whom

passports have been withdrawn for political reasons need to be handled. Voter registration should be monitored carefully and transparently using registrars located in the Civil Registry Service and in United Nations Centres in asylum countries (to reduce the potential for undue interference and influence on the voter registration process).

- Electoral districts should be decided by an independent, non-partisan process and polling centres distributed in such a way as to enable as many Syrians as possible to vote. Local authorities must ensure that there is a good distribution of polling centres in their areas and under their supervision. The necessary arrangements must be made in relation to polling centres and electoral districts in displacement sites and refugee camps so that all Syrians are able vote, with consideration of the method by which the votes of refugees and displaced persons can be allocated to the appropriate districts in the parliamentary and local elections.
- Each electoral district should have a District Electoral Committee to oversee the election process and the operation of polling centres during the election, including coordinating and allocating monitors. The composition of these committees must be diverse. A similar arrangement will be needed in displacement and refugee camps.
- Elections will be under the supervision of the United Nations. The electoral process must be transparent, fully accessible to the media and open to independent monitoring by civil society representatives, the United Nations and international observers and specialized organizations concerned with elections and election monitoring. Access to polling centres and the freedom to issue periodic monitoring reports must be guaranteed for independent monitors.
- The role of international and civil society observers is to monitor and issue reports, for example, on cases of manipulation or undue influence on voters, and to submit the reports to the body responsible for the elections. The reports will additionally aim to transfer knowledge that may improve the electoral process, electoral management, skills training and monitoring. Monitoring reports will be publicly available, and may be reported in the media.
- The electoral process must be rolled out in accordance with the provisions of resolution 2254 and should:
  - ▶ Serve the Syrian people in all its diversity without political interference from external interests.
  - ▶ Guarantee all Syrians at home or abroad, without exception, participation in the referendum on the constitution.
  - ▶ Guarantee all Syrians have the right to stand for election subject to the above principles and the eligibility criteria.
  - ▶ Guarantee absolute freedom of access to polling centres.
  - ▶ Ensure all elections comply fully with the approved electoral system.

## 5. Timeframe

Preparations should begin as early as possible to enable free and fair elections, pursuant to the new constitution, to be held within eighteen months. Preparations on the different elements of the electoral process should continue in parallel to meet the timeframe.

The timeframe should allow for developing the electoral structure, establishing supervision and monitoring mechanisms, preparing materials, awareness raising, voter registration, and election campaigning in advance of voting.

Sufficient time should be devoted to capacity building prior to holding the elections to enhance staff performance, train official teams of volunteers in each governorate and prepare an interactive map of the electoral results as they come in.

The election campaign will begin after the deadline for nominations has passed. While campaigns will differ according to the specific election (presidential, parliamentary, local), the election law and regulations should apply to the whole process including the campaign period, campaign management, campaign budget and voting.

Voting in any election must not exceed one day to reduce opportunities to manipulate the election.

Counting of votes should take place immediately after the polls close and the election results should be announced as soon as practically possible.

Appeals are submitted within 48 hours after the announcement of the results.

## 6. Eligibility to participate

Every citizen of Syrian nationality who is at least 18 years of age, whether male or female, inside or outside Syria, shall have the right to participate in the elections. Due regard should be given to those Syrians who do not have official documents.

### a. Outside the country

- ▶ Voters outside Syria should be registered through the United Nations.
- ▶ Polling centres should be set up outside Syria and in the areas of asylum and refugee camps.
- ▶ Syrians outside Syria must be able to participate through an independent polling centre in all countries in which they are located. These polling centres will relate administratively and operationally directly to those responsible for managing and supervising the elections. Syrian embassies and consulates or external governments should not affect the electoral process. Observers from the UN

and civil society organizations should be present to ensure transparency in the electoral process.

- ▶ In the case of the presidential election and the referendum, refugees should have the right to vote in the electoral district that s/he wants, with prevention measures in place to ensure that there is no multiple voting by the same voter.

#### **b. Participation of IDPs**

- ▶ Polling centres should be set up in IDP camps.
- ▶ In the local and parliamentary elections IDPs will be facilitated to vote in the polling centres in their areas of residence; they can choose to allocate their vote to that district or to the primary electoral district from which they originally came, with prevention measures in place to ensure that there is no multiple voting by the same voter.
- ▶ In the presidential election and the referendum, IDPs will have the right to vote in any electoral district that s/he chooses, with prevention measures in place to ensure that there is no multiple voting by the same voter.

### **7. United Nations role**

The elections must be held within the framework of United Nations supervision. The UN has a key role across the entire electoral process, which should include:

- Start technical preparations for the elections as soon as possible, and establish a sound working relationship on the elections with the Transitional Governing Body immediately upon its formation.
- Exercise oversight over the formation of the body that sets the legal framework for the elections.
- Contribute to the electoral planning process.
- Supervise the registration of voters and candidates by official Syrian bodies such as the District Electoral Committees for each electoral district.
- Register voters in neighboring asylum countries and Europe and ensure the availability of the necessary documents for participation.
- Supervise the entire electoral process starting with the legal framework and ending with a statement on the management and transparency of the elections process post-election and endorsing the result.
- Rely on election specialist organizations, independent observers and civil society to assist with election monitoring; ideally building relationships and working with these organizations from early in the process to monitor all the election stages including laws, election management, publicity, etc.

- Support civil society organizations to train their staff on the entire electoral process by funding training and capacity building and facilitating CSO access to election and monitoring experts.
- Facilitate the distribution of international observers to all polling centres.
- Take into account the specificity of each area and ensure that the electoral process is conducted without discrimination against the various ethnic and religious groups or any segment of the Syrian people.

## 8. Concerns and challenges

- Accessing all Syrians when roughly 12 million Syrian IDPs and refugees are dispersed across a great many countries is a major challenge.
- Accessing Syrians who are very concerned about the dominance of the Syrian government over the electoral process and possible restriction on free elections in different regions depending on the dominant authorities in each are also challenges.
- Given the regional and international interventions to date, there are serious concerns about interference in and impact on the elections by some countries seeking to protect and extend their interests.
- Given the many social cleavages and huge violations that have taken place, there are fears that the electoral process will lead to the marginalization of various Syrian ethnic and religious groups.
- Areas which are under the control of ISIS will be outside the electoral process and this will deprive entire provinces from participating in the elections.

## V. The National Dialogue

It is important to distinguish between community dialogue as part of the process of building bridges between Syrians<sup>25</sup>, and the official national dialogue, which is the focus of this section.

### 1. Principles of the National Dialogue

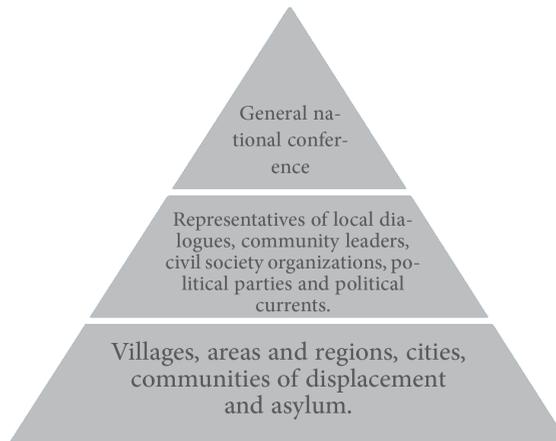
- The national dialogue process will be conducted after the peace agreement has been signed.
- The Transitional Governing Body should fully supervise the national dialogue process.
- The dialogue process must start at the grassroots level of the 'third track' and work upwards towards informing the key actors in the first track.
- The national dialogue process must guarantee the inclusion and participation of all communities and segments of Syrian society including IDPs, refugees and immigrants.

<sup>25</sup>- Building bridges of communication, understanding and reconciliation through constructive and challenging intra-community and inter-community dialogue. This is important long-term work that can take place at any time and in any place.

- The national dialogue process must guarantee the participation of women and men (at least 30 percent women's participation)

## 2. Executive Framework for the National Dialogue

- ▶ In order to ensure the participation of everyone in the national dialogue, local specificities must be taken into account in the formulation of the national dialogue process. The national dialogue process should be conducted at three incremental levels:
- ▶ Starting with a wide horizontal base comprising Syrian governorates with neighboring countries and areas of displacement.
- ▶ Then moving to a higher level that includes representatives of the local dialogues, community leaders, civil society organizations, parties and various currents;
- ▶ Then shifting the dialogue to the level of a general national conference.



## 3. Legal Framework for the National Dialogue

- The National Dialogue Committee will be agreed upon during the negotiations. It shall be comprised of all parties including the government, the opposition and representatives of civil society, and 30 percent of its members shall be women. It shall be approved by the Transitional Governing Body and given Terms of Reference that delegate responsibility to it for the delivery of the national dialogue process.
- The National Dialogue Committee working process may include a group of local and international

experts. The United Nations should monitor the various stages of the national dialogue process.

- The National Dialogue Committee shall establish the executive frame and timeframe for the national dialogue and identify the committees needed to conduct the national dialogue process.
- An Executive Committee will conduct the national dialogue process and receive contributions and views.
- Appeals Committee: The Transitional Governing Body shall form this judicial committee to resolve disputes and issue judgements on violations during the national dialogue process.
- Drafting Committee: Will consist of technical experts and be responsible for drafting the final conclusions of the consultations.

#### 4. Timeframe for the National Dialogue

- Considering the timespan of the conflict and the current situation in Syria, the period of national dialogue should be long enough to reach effective participation by all segments of Syrian society and everyone who wishes to participate. The national dialogue will take 24 months from the completion of the comprehensive plan for the dialogue and in conjunction with the constitution process. The timeline of the process according to the three levels mentioned in Executive Framework for the National Dialogue will be as following:



#### 5. Concerns and challenges

- The influence of regional states on the national dialogue.
- Beginning the national dialogue process before the agreement is signed.
- The independence of the national dialogue process.
- Securing an independent body to monitor the process.
- Managing the national dialogue process as if it were an elections process.
- Subjecting supra-constitutional principles to a referendum.
- Overstating civil society's inclusion in every detail may make it lose its independence.
- Lack of common understanding on the national dialogue between the parties may make the outputs of the national dialogue secondary.

- The high financial costs of the national dialogue process.
- Lack of support for a real role for the media in the national dialogue process will weaken the whole process.

## **VI. Preventing and Combating Terrorism**

One of the most important functions of the Transitional Governing Body is to prevent and combat terrorism in all its forms and prevent the spread of extremism. To achieve this, the governing body should proceed with confidence-building measures that are focused on consolidating and strengthening the ceasefire and civilian protection.

- ▶ End the siege on all areas and facilitate the delivery of humanitarian assistance to all areas, especially the most affected, marginalized and hard-to-reach areas.
- ▶ Achieve progress on the issues of detainees, abductees, forcibly disappeared and prisoners, as this file is one of the most critical issues.
- ▶ Achieve a fundamental reform in the work, role and functions of security and military institutions in Syria, and combat all terrorism and religious extremism, all within the approach of achieving advanced economic and social development.

### **1. Ceasefire and civilian protection**

The agreement on de-escalation zones which was signed to reduce escalation of violence appears to be inconsistent and liable to collapse at any moment. Therefore, the Transitional Governing Body shall:

- ▶ Ensure the cessation of all forms of fighting as well as exert pressure to stop the bombardment of civilians in all areas.
- ▶ Establish a national archive to document human rights violations since the beginning of 2011.
- ▶ Develop a comprehensive plan to respond to the needs resulting from shelling and military operations for all conflict-affected areas.
- ▶ Ensure that the various needs of Syrian areas that have been bombed or which had witnessed military operations in previous years are secured.
- ▶ Open a community dialogue between the different parties to begin working on alleviating the damage that has affected communities and Syrian cities since 2011.
- ▶ Create and develop an appropriate compensation mechanism with an allocated budget that is sufficient to deal with the magnitude of the task.

### **2. Besieged and affected areas**

Recent developments in Astana have eased the siege imposed on many Syrian cities and communities.

Given the progress achieved in aid delivery and the reduction of violence, the term hard-to-reach areas should be used in addition to besieged areas for those areas which are still besieged, to mark some progress achieved in the negotiation processes. Efforts should be directed towards the following:

- ▶ Document the siege dates and impacts that were imposed on various areas and communities since the beginning of 2011.
- ▶ Assess the damage caused by the sieges on areas, communities and Syrian people.
- ▶ Develop a comprehensive plan to respond to the needs resulting from the sieges.
- ▶ Secure the various needs of the besieged and damaged areas during the previous years, and create a mechanism to compensate for material and moral damages with an allocated budget that is fully sufficient to achieve this.

### **3. Detainees, abductees and forcibly disappeared persons**

It seems that the only file that does not receive enough attention and support, despite its great importance, is the file of detainees. The UN Special Envoy for Syria Mr. de Mistura and his team have not been able to achieve sufficient progress on this issue. Substantial work is needed to achieve results.

- Establish a mechanism to allow disclosure of the fate and whereabouts of all detainees, abductees, forcibly disappeared and prisoners.
- Improve the humanitarian and health conditions of detainees until they are all released.
- Expedite the process of releasing detainees, abductees and those who are forcibly disappeared, especially paying particular attention to ensuring that prisoners of conscience and political prisoners are included.
- Restructure the judicial system to decide on the cases of detainees, especially those related to terrorism.
- Those accused of terrorism-related acts should be brought to civil courts, not military courts. Special courts, including the special terrorism court, must be closed.
- Ensure the impartiality of the judicial system towards all detainees, including detainees accused of terrorism-related acts.
- Respect the rights of all detainees, including those arrested on terrorism-related cases, in accordance with the International Bill of Human Rights<sup>26</sup>.
- Facilitate the work of local and international human rights organizations to monitor the human rights situation, including in prisons.

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26- The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.

- Create and enable an appropriate mechanism to uncover the facts within an integrated community reconciliation process.

#### **4. Reform the security and military institutions**

The Transitional Governing Body shall restructure the security and military institutions and unify their leadership under civil administration through the Ministry of Interior and Ministry of Defense. The Ministry of Defense will be responsible for all military and security institutions and agencies charged with protecting Syria and its borders, including all agencies charged with compiling data and information on threats to security at the national level. The Ministry of the Interior will be responsible for all security institutions and agencies charged with protecting Syrian citizens, including agencies charged with compiling data and information on threats related to the security of citizens at the local level. The Transitional Governing Body shall undertake not to use force against Syrian citizens under any circumstances.

##### **a. Restructure and rebuild the military establishment**

- Restructuring the military must include the army and the military security services.
- Restructure the national army so that its loyalty is to Syria, not to a particular person or leader; it should be called 'the Syrian National Army.'
- The constitution guarantees the neutrality of the army towards all of Syria's diverse communities so that no government or president has the authority to use the army against any of these groups or provinces.
- The responsibility of the Syrian National Army is to protect the homeland against any external threat, combat terrorism, ensure border security, drain the resources of terrorism and prevent the prevalence of extremists.
- Unify the leadership of the military establishment under the full command of the Defense Ministry, which shall be one of the ministries of the Transitional Governing Body.
- The Syrian National Army shall include the regular and irregular Syrian military formations. All Syrian men and women are permitted to join the military without discrimination, on the condition that they undertake not to commit human rights violations. Those found guilty of war crimes, crimes against humanity and violations of human rights must be excluded.
- The security apparatus of the military establishment must be a non-executive and unarmed agency. Its mission should be to collect information and data that serve the military establishment.
- Rehabilitate all members of the military establishment through the introduction of compulsory programs on human rights and women's rights.

- Develop an effective action plan and take all necessary steps to secure women's membership and involvement at all levels of the military establishment, including decision-making roles and bodies with at least 30 percent inclusion.
- All policies, programs and actions carried out by the military establishment should be sensitive to gender issues. The current policies and programs must be reviewed, and new programs and policies regularly evaluated, to ensure their compliance with the principles and charters of human rights, including women's rights.

### **b. Restructure the security institutions**

The security institutions shall be under command of the Ministry of Interior, which is one of the ministries of the Transitional Governing Body. It includes two main institutions:

- The General Intelligence Service, which is an unarmed and non-executive force. Its mission must be restricted solely to gathering information and data that serve the security establishment. The General Intelligence Service shall be re-built after all the security and institutions have been reformed on a solid foundation of human rights.
  - ▶ The police force is the regular armed force in the country. Its function is to serve Syrian citizens, maintain security and public order and perform its duty within the limits prescribed by law with full respect for human rights and freedoms. Its role should be limited to:
    - ▶ Protecting national security with regard to issues affecting public security at the national level, including terrorist acts.
    - ▶ Protecting community security by limiting violations or crimes, reprisals and attacks.
- To restructure the police force effectively:
  - ▶ Build a credible and professional police apparatus to perform its duties in protecting citizens within cities, towns and villages.
  - ▶ Establish an academy to train police forces in accordance with modern international standards.
  - ▶ Apply selection criteria for the police forces that take account of local factors and diversity as well as educational level and competence. Any applicant accused or convicted of past violations must be excluded.
  - ▶ Women's participation in the police force shall not be less than 30 percent, including in decision-making roles and bodies.
  - ▶ Police officers should be selected to perform their duties in the province to which they belong.
  - ▶ All police officers must demonstrate full commitment to human rights and respect for citizens' public and private freedoms in all their actions.

- ▶ Adopt a community-accountable policing approach by positively engaging in a partnership with communities in the process of maintaining security.
- ▶ Conduct periodic open meetings between representatives of local police forces and their communities to discuss community security priorities and the role of citizens.
- ▶ Competent heads of the police forces should be elected with specific criteria and conditions by the citizens.

### **c. Monitoring the security institutions**

Monitor the security institutions formed to combat terrorism to ensure their compliance with human rights standards. The monitoring process should be classified according to the following levels:

- ▶ Internal monitoring within the institutions itself, which is reflected in a set of laws and procedures governing their work.
- ▶ Supervision by the Ministry of Interior, which will be reflected in a committee established with responsibility for monitoring compliance of security institutions with the laws and procedures governing their work.
- ▶ A monitoring process by the State, which will be reflected in three mechanisms:
  - First: through supervisory committees appointed and approved by higher constitutional bodies such as the Supreme Constitutional Court.
  - Second: through parliamentary investigation and hearing sessions that deal with issues related to the work of the security institutions and their violations.
  - Third: a mechanism that allows civil society organizations, including human rights organizations and the media, to access information to monitor security institutions.

## **5. Combating all terrorism and religious extremism**

Combating terrorism should not be done by using military force only. Terrorism has social, economic and cultural roots. Therefore, it must be ensured that combating terrorism does not become a pretext for political gains. Combatting terrorism must be done on the following basis:

- Enact laws on terrorism-related issues so that all mechanisms are within the rule of law.
- The military, security personnel and the police must demonstrate full commitment to the International Bill of Human Rights in their actions and behavior.
- Cancel the Emergency Law and pass laws that are restricted by time limits used in emergency situations such as natural disasters instead of emergency law. It is necessary to clarify the role of the Supreme Constitutional Court in determining the powers and procedures by which these laws can be used.

- Reduce the authority of religious institutions and cooperate with them to reduce extremism, and to ensure raising awareness continuously in respecting freedom of belief and freedom of religious practice.
- Cancel all joint military and security cooperation agreements concluded from early 2011 until the signing of the peace agreement and reformulate these cooperation agreements in accordance with human rights and the public interest.
- A new Citizenship Law should be adopted in advance of the referendum. Those granted or deprived of citizenship after 2011 should be re-examined, with the exception of Kurds who were granted citizenship after 2011.
- Comply fully with international treaties and conventions on bringing to justice foreign fighters accused of committing terrorist attacks in Syria.
- Form a committee supervised by the Transitional Governing Body and charged with developing mechanisms to combat terrorism and deal with the status of foreign fighters.
- Comply fully with the International Bill of Human Rights in dealing with the families of foreign fighters, and avoid arbitrary arrests and forced deportations by first examining all cases fully.
- Adopt economic development plans that contribute to job creation and raising the standard of living.
- Restructure education to eliminate false ideas that generate extremism.
- Legislate to outlaw incitement to hatred and incitement to extremism including in the media and encourage the media to contribute to public education on community awareness and social cohesion.
- Hold community dialogue forums that contribute to rebuilding the social fabric, through addressing issues of interfaith dialogue, acceptance of the other and the right of people from diverse backgrounds to work on their priorities and issues; and activate and support civil society in building peace and combating extremism.



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