

Recommendation One

Draft Geneva Communiqué Implementation Framework

I International and Regional Support

1. The efforts of the Special Envoy shall be supported by a regional and international mechanism. The Special Envoy may specifically engage major international and regional actors as and when he considers this relevant.
2. These actors may be called upon to coordinate political support for the efforts of the Special Envoy, employ their ties with the Syrian actors to strengthen their readiness to implement commitments and obligations and further a political settlement, provide a platform for discussion regarding a political settlement and the fight against terrorism, and once an Interim Agreement is reached, will support its implementation. As regional dynamics evolve, a Contact Group could be formed.

II The Negotiation Phase

3. The negotiations conducted by the UN Special Envoy, via proximity talks or direct negotiations and with the active assistance of the UN, shall be based on the Geneva Communiqué and the Implementation Framework, and aim within an [agreed number/x] months for an Interim Agreement. This Interim Agreement should have constitutional status, provide for a permanent ceasefire among the parties to the agreement, cooperation and integration of fighting forces [including in order to fight terrorist organizations], security sector reform, Essential Principles to apply throughout the transition and in a future post-transition Syria, the creation of transitional authorities, and measures to facilitate the voluntary return of IDPs and refugees. This is a Syrian-led, Syrian owned process subject to Syrian decision-making.
4. From the start of talks, as confidence building measures (See Annex 1), the parties commit to refrain from prescribed methods of warfare, including the use of barrel bombs, any form of chemical weapons and any means of terrorism, among others. The parties shall also allow for unrestricted humanitarian access. Additional confidence building measures may be agreed upon, including for instance the release of political detainees and the suspension of the proceedings of the terrorism court. The Contact Group will review the parties' respect for these commitments.
5. To facilitate the building of confidence in the transition, the post-transition End State, the Interim Agreement, it, will adopt and respect a set of Essential Principles (See Annex 2). These Essential Principles shall include: the sovereignty, independence and territorial

of the State.
not of the people (AI, 9)

la Amn de la Syrie?

Abrogation de la constitution

"Syrien" désigne ici 6 nationalités des dirigeants. La souveraineté populaire est abolie (AI, 9)

voir p. 14
même avec l'adhésion de la Syrie

integrity of Syria, no victors - no vanquished, a non-sectarian, pluralistic, democratic and multi-party state based on inclusivity, representativeness (See Annex 3) and citizenship, equal access to public services, rule of law, human rights and accountability.

6. Should after [x] months the parties not have reached an Interim Agreement, the Special Envoy shall assess the situation and consult with the Contact Group. The Secretary-General may make such recommendations as he sees fit to the Security Council.

III The Transition

7. Commitment [and adherence to] to a sustained ceasefire shall be essential for participation in transitional institutions. The permanent ceasefire shall include a definition and timeline for the cessation of support to and withdrawal of all foreign fighters (i.e. Hayballah, Gardien & L. Revolution) (cf §29)
8. The preparatory transitional phase (See Annex 4) shall last [x] months. During the preparatory phase, the Transitional Governing Body (TGB) shall have specified executive powers. In the full transitional phase, which shall last [number] months, the TGB shall have full executive powers [with the possible exclusion of ceremonial powers].
↳ Contrainte des institutions!
9. The TGB (See Annex 5) shall reflect the Syrian people on a non-sectarian, non-discriminatory basis. It shall be composed of representatives of the government, the opposition, and representatives of civil society not associated with either the government or the opposition.
10. From the moment of its establishment the TGB shall have full authority over all military and security matters and supervise the Joint Military Council (JMC) (See Annex 6). The TGB shall ensure the protection of all citizens, the delivery of humanitarian assistance, and invite the international community to help combat terrorist organizations (See Annex 7).
légalisation de l'intervention étrangère.
11. The JMC will coordinate with existing local military structures. It will include representatives of fighting parties that have a significant presence. It will serve as a platform for the command of all military operations of the parties. It will ensure respect of the ceasefire among the parties, the joint fight against terrorist organizations and the restoration of territorial integrity.
de qui parle-t-on?
12. The JMC will work with existing local military structures and, where required, create local ceasefire commissions. Any armed organization not included in the JMC shall have a presence in a regional and/or local ceasefire commission.

13. There shall be a Syrian National Congress (SNC) (See Annex Eight) comprising persons representing the government, the opposition and civil society. At least one third of each group shall be women. The SNC shall conduct a process of national dialogue. It will further appoint a commission to conduct constitutional review. It will also advise the TGB on its work. *[The People's Assembly will be suspended for the duration of the transition and any necessary regulatory functions will be performed by the TGB].*

14. For the duration of the transition, the Supreme Constitutional Court shall be expanded with persons designated by the opposition and additional citizen representatives. The Supreme Judicial Council shall be reconstituted to be independent. The Counterterrorism Courts will be closed and their jurisdiction transferred to the regular judiciary. 454

15. The TGB shall appoint an independent committee to draft proposals, to be submitted to the national dialogue conducted by the SNC *[or submitted to the TGB]*, for a programme of transitional justice, accountability and reconciliation, in conformity with international norms and standards. (See Annex 9).

16. In areas where there is no effective local governance and/or provision of public services, the TGB shall regulate the mandate, structure and composition of local councils (See Annex 10).

17. State institutions will be preserved and reformed, including the army, the wider security sector and the judiciary, ensuring professionalism and strengthening diversity (See Annex 11).

18. There shall be no de-Ba'athification process. As a means to build confidence in the process, the Interim Agreement will include a mutually agreed list of *[120]* names of persons who for reasons of their role in the conflict shall not hold office during the transition. *[Specified intelligence institutions shall be closed.]* qui offense le pays?

19. A Committee on Detainees and the Disappeared shall pursue the immediate release of relevant detainees and the search for disappeared persons. The Committee shall comprise representatives designated by the government, the opposition and civil society.

20. The international community shall engage itself to remove all economic sanctions during the transition phase. It shall also make significant contributions to the return of refugees and IDPs and to Syria's economic reconstruction and redevelopment.

Le gouvernement, selon par
95% de Syriens réunit
que 45 des pays!!

- 1 on the left and towards
away from population
21. The international community shall help the Syrian parties to ensure the withdrawal of all foreign fighters. Upon the invitation of the TGB the international community will assist the TGB in combating terrorist organizations present in Syria.
22. A United Nations mission shall support the implementation of the Interim Agreement *[this may include support for monitoring the ceasefire]*.

IV The End State

23. At the end of the transition the outcome of the national dialogue and of the constitutional review process shall be implemented. There shall be legislative and Presidential elections held under United Nations auspices and with UN technical assistance. This will inaugurate the beginning of a new peaceful era for Syria. The Essential Principles identified in the Interim Agreement remain in force as part of the Constitution.

ENDS

Recommendation One, Annex One**CONFIDENCE BUILDING MEASURES****Introduction**

1. The Draft Implementation Framework proposes a wide range of confidence building measures designed to create greater confidence between the parties in the process and in the good faith commitment of the other side(s) to reaching and implementing a political agreement. These measures are calibrated so as to address the key issues of trust that are likely to emerge during each phase of the process and to incentivize progress through the transition, particularly the contributions by the International Community. These confidence building measures are subject to Syrian decision-making.

Negotiation Phase

2. The first hurdle in starting a negotiation process is the situation on the ground. Parties cannot believe in each other's commitment to finding a negotiated solution if they are using proscribed methods of warfare. Therefore, the first CBM is the proposed commitment by the parties to refrain, from the start of the negotiation process, from the use of proscribed methods of warfare, including the use of barrel bombs, any form of chemical weapons and any means of terrorism. Additional CBMs may be agreed upon, for instance on the release of political detainees, cessation of operation of the state terrorism courts, and a means for addressing missing documentation for Syrians. For greater confidence, the Contact Group will review the parties' respect for these commitments.

Essential Principles

3. To facilitate the building of confidence in the transition process as well as in the post-transition End State, the Interim Agreement will adopt and respect a set of Essential Principles to be valid during the transition as well as in the period thereafter. These Essential Principles are designed not only to identify common ground between the parties on essential values, but also to give assurances to all parties that, regardless of their share in power during the transition, and irrespective of the uncertain events in that period, certain principles, values and protection measures to safeguard their interests will endure during and after the transition.

Ceasefire

4. The entry into force of the Interim Agreement will coincide with the start of a permanent ceasefire among the signatories. The ceasefire should enable the parties to fight against the terrorist organizations identified in relevant Security Council Resolutions.
5. To increase the likelihood of respect for the ceasefire, several measures are included:
 - a. Only parties that adhere to the ceasefire have the right to participate in the transitional institutions.
 - b. A UN-mandated international presence shall supervise the implementation of the ceasefire.
 - c. The Joint Military Council, assisted by local ceasefire bodies, shall see to the implementation of the ceasefire.
 - d. In case of a material breach of the ceasefire, the TGB shall discuss possible consequences.
 - e. The Contact Group will review the implementation of the Interim Agreement as a whole, including the ceasefire.

Preparatory Transitional Phase

6. During the preparatory transitional phase, it is important to include confidence-building measures that strengthen the population's belief in the sustainability of the peace, its buy-in to the terms of the agreement, and its support in implementation (including by not supporting would-be spoilers and contributing actively to information leading to spoiler-management). Some of the measures discussed below seek to increase trust between parties to the agreement; others also increase trust between the TGB and the population.
7. During the preparatory transitional phase, the TGB exercises specified executive powers, while other executive powers are exercised by a 'caretaker government' that, among other things, ensures the continued provision of public services. These provisions serve to build confidence between the parties:
 - a. By allowing for a smoother-than-otherwise transition of power aimed to facilitate the continued provision of essential public services.
 - b. By allowing time for the TGB to develop experience in exercising the specified powers accorded to it in the preparatory phase, before assuming full executive powers in the full transitional phase.

for 5 months
(Ph, 3)

8. The instant creation of a Committee on Detainees and the Disappeared is aimed at providing immediate tangible results that can help Syrians to gain confidence in a genuine transition. This Committee is tasked with monitoring detention centers and following up on the release of detainees and missing people.
9. Other CBMs are meant to ensure that all those acting in good faith will have a place in the future Syria:
 - a. One of the key provisions directed at the government and its supporters' states unequivocally that there shall be no de-Ba'athification process.
 - b. An elaboration of the Essential Principles (discussed above) can include provisions including the following:
 - i. Syrian citizens and local authorities shall have a voice in the formation of national policy;
 - ii. For legislative and executive acts specifically affecting particular components of Syrian society special majority decision making rules apply;
 - iii. An electoral system ensuring effective representation of the various components of Syrian society, including women.
10. A further CBM, directed at those, including civilians, who are concerned about seeing real change, is ensuring violations of human rights ceases and accountability for crimes committed during the conflict:
 - a. In order to show the immediate results of the signing of the Interim Agreement, the Draft Framework can stipulate that specified notorious intelligence institutions shall be closed.
 - b. The Draft Implementation Framework stipulates that there shall be a process of transitional justice, though at the same time it provides that this shall be developed by Syrians, and that it will take effect only after it has been discussed and adopted by them during the transition.

Contributions and Assurances by the International Community

11. The inclusion of provisions clearly stating expectations of the international community is intended to build confidence among the parties and the Syrian citizens in the active support to the peace process and to Syrian reconstruction by the United Nations, the Contact Group, and major outside financial and political actors.
12. The Draft Implementation Framework calls upon the international community to provide for CBMs which grant rewards and create confidence in the process (while practically facilitating the restoration of Syria) by removing all economic sanctions at the start of

the transition phase, while also making significant contributions to the return of refugees and IDPs and to Syria's economic reconstruction and redevelopment.

13. The international community is also called upon to help the Syrian parties to ensure the withdrawal of all foreign fighters, and, upon the invitation of the TGB, to assist the TGB in combating terrorist organizations present in Syria.
14. The Draft Implementation Framework foresees continued UN commitment through the creation of a UN mission (which may or may not be an elaboration of the UN-mandated presence to supervise the ceasefire) to support the implementation of the Interim Agreement.
15. Lastly, given Syria's geostrategic position, a number of international and regional actors have specific interests in the country. These actors will need assurances indicating that post-conflict Syrian institutions will protect their interests. These assurances do not logically belong in the Draft Implementation Framework. They have to be negotiated in parallel and may have to be agreed upon as a package by all parties to the negotiation process. They may also be included in the agreement under a separate section regarding the foreign relations of Syria.

END

Recommendation One, Annex Two

Essential Principles

1. As per paragraph 5 of the draft Product, it is proposed that Essential Principles on substance and process be included in the Interim Agreement, to be applicable both during the transition and in the End State that follows upon conclusion of the transition.
2. The purpose of the Essential Principles is to provide assurances to Syrians by indicating on what basis the transitional process will proceed as well as to provide a vision for the future end state of Syria. The Essential Principles reflect both substantive and process matters.
3. It is hoped that the Essential Principles will provide, among other things, assurances that the transition is irreversible, that it seeks to address the mistakes and wrongdoings of the past by preserving but reforming state institutions, that it is reflective of the diverse communities which make up Syria and that it indicates a role for all Syrians in their future state, on the basis of equality, inclusivity, with mechanisms for respect for human rights and dignity, and the right to fully participate in political processes.
4. Some of the Essential Principles listed below have been drawn from the Geneva Communique while others have been further informed by the Geneva Consultations, as articulated by Syrians.
5. It is proposed that the following Essential Principles are included for consideration by the Syrian parties:

Overarching Principles

1. The sovereignty, independence and territorial integrity of Syria;
2. One Syria for all Syrians; no victors, no vanquished;
3. A non-sectarian, pluralistic, democratic and multi-party state based on respect for rule of law and human rights, inclusivity, citizenship, co-existence, respect for dignity and diversity, non-discrimination, equal rights of men and women, freedom of expression, freedom of the press, freedom of religion, freedom of peaceful assembly, and equal opportunity;

4. The transition and transfer of authorities is irreversible;

Principles Concerning the Nature of State Institutions

5. Preservation and reform of government institutions but limited to minimum change as necessary to ensure these institutions accord with the principles above;
6. Ensuring the legitimacy and constitutionality of institutions to the extent possible.
7. All government institutions are under civilian authority, including the armed forces and security sector;
8. Respect for rule of law and human rights, combined with a Syrian-led, Syrian-owned system of transitional justice including accountability, reparation, and reconciliation;
9. Establishment of an independent and inclusive judiciary;
10. Equal access to public services, equal right of appointment within the public sector with consideration given to meritocracy, inclusivity and representativeness; public authorities including the police shall serve all communities fairly and equally.

Principles Concerning Inclusivity and Representativeness

11. Syrian citizens and local authorities shall participate in the formation of national and local policies;
12. For legislative and executive acts specifically affecting particular components of Syrian society, special majority decision making rules should apply; and
13. An electoral system ensuring effective representation of the various components of Syrian society, including women.

END

Recommendation One, Annex 3

Representativeness and Inclusivity

I. Guarantees and Assurances for Minorities

Starting Assumptions

1. During the Geneva consultations, Syrian participants have repeatedly argued that they do not want the establishment of a sectarian system [à la Lebanon or Iraq].
2. Nevertheless, the situation on the ground speaks to the growing sectarianisation of the conflict.
3. Further, given the demographic composition of Syrian society [a double majority of Arabs and Sunnis] the adoption of simple majority as the decision-making rule increases the risk that minorities will not be heard, including on issues of particular interest to them.

Provisions of the Draft Geneva Communiqué Implementation Framework

4. To provide guarantees and assurances for minorities, without adopting proportional representation on a sectarian basis, the Draft Geneva Communiqué Implementation Framework proposes the following measures, all subject to Syrian decision-making:
 - a. **Inclusive negotiations:** The negotiations leading to the Interim Agreement will be enriched through intensive consultations with civil society and non-committed citizens, reflecting all components of Syrian society, including women, youth, IDPs, refugees and others.
 - b. **Essential principles** including a non-sectarian, pluralistic, democratic and multi-party state based on inclusivity and citizenship.
 - c. **Inclusive and representative transitional authorities**
 - i. **An inclusive and representative TGB [and TGB chairmanship]** that shall reflect the Syrian people on a non-sectarian, non-discriminatory basis. This TGB [and its chairmanship] will include representatives of the regime, the opposition, and non-affiliated citizens. To ward off the risk that the regime and the opposition may propose non-representative and non-inclusive lists of representatives, a proportion of seats are reserved for non-affiliated citizens. These will be selected according to a mixed system involving nomination by different societal components and appointment by the Special Envoy.
 - ii. **An inclusive and representative Syrian National Congress.**

- iii. **Participation of minority representatives in the Joint Military Council and the Ceasefire Commission. A JMC and a CC representative of the diversity of Syrian society.**
- d. **The reform of state institutions including the army, the wider security sector and the judiciary to, among others, strengthen diversity.**
- e. **Special majority decision-making rules for legislative and executive acts specifically affecting particular components of Syrian society.**

II. Gender Representation

- 5. **The Draft Geneva Communiqué Implementation Framework proposes that women represent at least one-third of representatives of the SNC and TGB.**

END

Recommendation One, Annex Four

The Preparatory Phase

1. Upon the signing of the Interim Agreement, the preparatory phase of the transition starts. This phase shall last a number of months [option: **five**], and will be followed by the full transitional phase.
2. During the preparatory phase, the transitional institutions are being set up. The formation of new institutions and the reconstitution of existing institutions will necessarily take some time. Different institutions will face different complications and some may therefore take longer to become operational than others. The length of the preparatory phase is therefore dependent on practical and political considerations. The concept of the preparatory phase, issues to be addressed and its length are subject to Syrian-decision-making.
3. The preparatory phase is different from the full transitional phase in three respects:
 - a. In the preparatory phase the transitional institutions are established, but for practical reasons not all such institutions may be fully functioning yet, allowing for the time it takes time to get new bodies up and running. In the full transitional phase the transitional institutions shall be fully functioning.
 - b. In the preparatory phase the Transitional Governing Body (TGB) shall have specified executive powers, while some executive powers lie elsewhere. In the full transitional phase the TGB shall hold and exercise full executive powers.
 - c. In the preparatory phase, those executive powers that are not held by the TGB may rest with pre-existing Syrian authorities. These authorities may be considered a 'caretaker government' for those powers not yet held by the TGB. In the full transitional phase, there shall no longer be a 'caretaker government'.
4. From the moment of its establishment at the beginning of the preparatory transitional phase, the TGB shall, among other things:
 - a. exercise supreme authority over all military and security matters including supervising the Joint Military Council;
 - b. planning and International assistance;
 - c. foreign Affairs;
 - d. interior;
 - e. intelligence institutions notorious for committing human rights abuses;
 - f. ensure the protection of all citizens , particularly vulnerable groups;
 - g. remove barriers to the delivery of humanitarian assistance;

- h. invite the international community to help combat the terrorist organizations identified in relevant Security Council Resolutions;
 - i. have the budgetary authority required for the exercise of its functions.
 - j. *[Option: have the legislative powers previously held by the People's Assembly.]*
- 5. The above list of powers may be altered and/or expanded in the negotiation phase. The Interim Agreement should include an exhaustive list of the powers of the TGB in the preparatory phase.
- 6. Powers not on the list to be included in the Interim Agreement shall, for the duration of the preparatory phase, rest with the pre-existing Syrian authorities acting as a caretaker government with limited authority. These powers may concern in particular the delivery of public services, including but not limited to water and electricity, transportation and economic services.
- 7. The co-existence of a fledgling TGB with a caretaker government of limited authority will be inherently problematic. Their co-existence may however be necessary for several reasons, one of which is the need to ensure that there will not be a rupture in the provision of public services.
- 8. Another reason for their co-existence in the preparatory phase is to provide for a smoother transition into the power sharing inherent in the TGB that is mandated by the Geneva Communiqué. The temporary continuation after the signing of the Interim Agreement of elements of the Syrian government may make the implementation of the Geneva Communiqué more acceptable to the Syrian government.
- 9. Furthermore, the existence of the preparatory phase implicitly allows for the possibility that during that period the President continues to exercise some functions, even though essential responsibilities such as supervision of military and security matters will, already from the beginning, rest with the TGB (in which the pre-existing government shall be represented).
- 10. The current version of the Product does not determine whether or not after the preparatory phase, i.e. in the full transitional phase, the President may still exercise ceremonial functions.

END

Annex Five

The Transitional Governing Body

According to the Geneva Communiqué, the Transitional Governing Body (TGB) is intended to establish a neutral environment in which the transition can take place. It would exercise full executive powers.

This concept note provides a set of options regarding the establishment and functioning of the TGB, as well as its relation to other transitional institutions and to existing state institutions. The below proposed format, structure and role of the TGB is subject to Syrian decision-making. Throughout the document, the label "option 1" indicates the most-favoured option. Text in [brackets] provides explanation of proposed options, advantages, and disadvantages.

In suggesting the most appropriate option for each aspect of the TGB's composition, functioning and relation to other institutions, the following criteria have been taken into consideration:

- *Clarity: Regarding the division of powers and responsibilities [limit risk of overlap or disagreement in interpretation; avoid struggles over competencies between TGB and remnants of regime or transitional institutions].*
- *Constitutionalism: Need to remain as close as possible to the Syrian constitution.*
- *Coherence: with the text of the Geneva Communiqué.*
- *Realism: need to take into account, to the extent possible, the situation on the ground.*

ESTABLISHMENT

1. The Interim Agreement will establish a TGB. The TGB shall reflect the Syrian people on a non-sectarian, non-discriminatory basis.
2. The TGB will be established as soon as possible following the signing of the Interim Agreement, within a time period not exceeding [2-3] weeks.

RELATIONSHIP TO OTHER TRANSITIONAL INSTITUTIONS

3. The Interim Agreement establishes a "transitional authority" composed of the TGB, the Joint Military Council (JMC) and the Supreme National Congress (SNC).
4. Under this arrangement, the TGB holds full executive powers and functions like a government. The JMC is in charge of security; the SNC leads on constitutional review and national dialogue. The JMC falls under the authority of the TGB; the SNC functions like a quasi-legislative and it has a consultative function.
5. This arrangement brings all the key decisions of the transition under the purview and responsibility of the TGB.
6. If giving the arrangement a name other than TGB [for instance: Transitional Government of National Unity] facilitates its adoption by one side, this should be pursued.

SEQUENCING OF TRANSITION/TRANSFER OF POWERS

7. During the preparatory phase, the TGB shall have limited powers. In the full transitional phase, which shall last up to fifteen months, the TGB shall have full executive powers. [Powers that must be transferred immediately include powers over security services and armed forces; intelligence institutions notorious for human rights abuses; foreign affairs; international assistance; powers needed for the immediate and unhindered delivery of humanitarian assistance; budgetary authority and control over the financial institutions including the Central Bank.]

MUTUAL CONSENT

8. The TGB will be composed by representatives of the government, the opposition, and citizens not associated with either the government or the opposition.
9. Under the terms of the Geneva Communiqué, the membership of the TGB must be decided by mutual consent. Mutual consent will be sought on a set of eligibility criteria. [However, a third party – the Special Envoy or the International Contact Group (ICG) – will have to oversee respect of the criteria] *[Discussion of eligibility criteria in the next section]*

COMPOSITION

10. **Allocation of seats:** Seats on the TGB will be divided according to the following formula: 40% each to the government and the opposition; 20% to non-affiliated citizens. This takes into consideration the relative power of the various actors on the ground, the difficulty of trade-offs between the various segments of the opposition [the larger the share of the opposition, the easier these trade-offs], and the need for representativeness and inclusivity [allocating seats to non-affiliated citizens is a mechanism to partially redress imbalances (for instance, the representation of minorities)].
11. **Eligibility criteria:** To be nominated to serve on the TGB, individuals must:
 - a. Not belong to [to have distanced themselves from] any of the organizations labeled 'terrorist' under UN Security Council Resolutions defined in UN Security Council Resolutions 2170 (2014) and 2178 (2014).
 - b. Not be included in the Interim Agreement's mutually agreed list of names of those persons who for reasons of their role in the conflict shall not hold office from the moment the Interim Agreement comes into effect.

12. These criteria ensure that members of the TGB are broadly acceptable to all Syrians and to the international community. Criteria must remain *as light as possible* not to complicate trade-offs.
13. Selection of non-affiliated members: 2/3rd of non-affiliated members will be self-selected by relevant societal groups with the UN reserving the right to appoint 1/3rd and use this as their margin of maneuver to ensure inclusivity and representativeness, including balance between unaffiliated people perceived to be close to the regime vs. those perceived to be close to the opposition.
14. Representation of women: As per its own standards, the UN should propose at least 30% women in each third of the TGB.

FUNCTIONING

15. Distribution of portfolios: In deciding on the distribution of portfolios, the TGB will abide by considerations of inclusivity and representativeness as spelled out in the Essential Principles.
16. Decision rules:
 - a. The TGB will decide by majority vote. [Given its composition, reaching a majority will require alliance building and prevent any side from monopolizing decision-making].
 - b. For acts specifically affecting particular components of Syrian society special majority decision-making rules [consensus or super majority of 2/3 or more] will apply.
17. TGB Chairpersonship: There will be a TGB chairpersonship responsible for organizing the work of the TGB, establishing the agenda of meetings, following-up on the implementation of decisions; supervising the work of other transitional institutions [JMC and SNC], and liaising with the international community.
18. The chairpersonship of the TGB will be responsible for ensuring that the Interim Agreement's Essential Principles are upheld. It will also be called upon to act as an arbiter and to assist in overcoming potential bottlenecks within the broader TGB and between the TGB and other transitional institutions.
19. Selection of the chairpersons: TGB members will select [elect, appoint with each component naming its own representatives] the chairpersons who will rotate on a monthly basis at the head of this structure. The number of chairpersons will be determined in the Interim Agreement [Proposed number: 10 or 5, allocation 4:4:2 or 2:2:1]. It shall follow the same allocation as the number of seats in the TGB [40% government, 40% opposition; 20% non-affiliated citizens].

20. Chairpersonship decision rules: The TGB chairpersonship will function on the basis of consensus. When consensus cannot be reached, a super-majority of more than $2/3^{\text{rd}}$ will be needed [number of votes needed 1) seven votes under option 1; 2) 4 votes under option 2].

DEADLOCK-BREAKING MECHANISM:

21. If the TGB Chairpersonship is unable to secure a super majority of $2/3^{\text{rd}}$ votes, a new TGB chairpersonship will be voted into power within [x] days.

The Transitional Governing Body

Comparative summary: options retained vs. discarded

DECISION POINT	OPTION RETAINED	OPTIONS DISCARDED
RELATIONSHIP TO OTHER TRANSITIONAL INSTITUTIONS	Transitional authority composed of the TGB, the Joint Military Council (JMC) and the Supreme National Congress (SNC). Under this arrangement, the TGB holds executive powers and functions like a government. The JMC falls under the authority of the TGB; the SNC functions like a quasi-legislative with consultative functions. The JMC is in charge of security; the SNC leads on constitutional review and national dialogue. This brings all the key decisions of the transition under the purview and responsibility of the TGB.	TGB functions as the government of transition with all authorities. Does not hold legislative powers [these rest with the People's Assembly/Syrian National Congress]. Exercises civilian oversight over military institutions [JMC, Ceasefire Commission]. This option would clearly separate powers. However, weak checks and balances carry a risk that institutions would become competing centers of power or, worse, deny legitimacy to one another [current Libya scenario].
SEQUENCING OF TRANSITION/ TRANSFER OF POWERS	During the preparatory phase, the TGB shall have limited powers. In the full transitional phase, which shall last fifteen months, the TGB shall have full executive powers. Powers that must be transferred immediately include powers over security services and armed forces; powers needed for the immediate and unhindered delivery of humanitarian assistance; budgetary authority and control over the financial institutions including the Central Bank.	a) The TGB acquiring full executive powers in a gradual manner. It may coexist with the Presidency and the current Syrian cabinet during the preparatory phase and with a caretaker Syrian cabinet in the transitional phase. This would have provided a face-saving mechanism for the regime but would likely have created conflict over executive competencies [if powers are transferred too gradually, each phase may turn into a flashpoint]. a) The TGB replacing the Presidency and the Cabinet as the sole executive authority. The transfer of authorities would have occurred immediately after the signing of the Interim Agreement [
MUTUAL CONSENT	Mutual consent will be sought on a set of eligibility criteria. [However, a third party – the Special Envoy or the International Contact Group (ICG) – will have to oversee respect of the criteria]	This option would have diminished the risk of conflict over competencies but it would not have met the criterion of realism as it would have been opposed by the regime. Another option considered was to obtain the mutual consent of parties on specific names. This was discarded because of multiple complications including: a) Who the provision applies to [the regime and the opposition only or everyone including the non-affiliated]; a) What would the lists consist of [the names of the would-be representatives or a longer list of candidates]; a) How would this be done [Each set of representatives submit its lists to the others or they all submit their lists to a third party and who would that be].
COMPOSITION Allocation of seats	Seats on the TGB will be divided according to the following formula: 40% each to the government and the opposition; 20% to non-affiliated citizens.	Another option considered was to divide seats equally: 1/3rd each to the government, the opposition, and non-affiliated citizens.

	<p>No matter what option is selected likelihood, there will continue to be difficulties regarding: 1) the formation of the opposition list: armed groups may want a larger representation; they could be convinced to share equally with the political opposition if told that there will be other avenues for inclusion (politically: SNC, local councils and militarily: JMC, Ceasefire Commission, local ceasefire commissions); 2) the inclusion of the Damascus-based "loyal" opposition.</p>	
<p>COMPOSITION Selection of non-affiliated members</p>	<p>2/3rd of non-affiliated members will be self-selected by relevant societal groups with the UN reserving the right to appoint 1/3rd</p>	<p>1) Appointment – By listing the names of these persons as an annex to the Interim Agreement or by the Special Envoy based on his consultations with Syrians. The risk is lack of representativeness;</p> <p>2) Self-selection – Groups (civil society, religious organizations, etc.) meet and either elect or select their own representatives. The risk is lack of inclusivity (not enough women or minority representatives). It may also be difficult to decide which groups must partake in this process;</p> <p>3) Regional/local selection – Representatives are elected through a societal consultation process or election process. Logistical problems and lack of sufficient protection space will likely affect the probability of the process.</p>
<p>DEADLOCK-BREAKING MECHANISM</p>	<p>If the TGB finds itself unable to secure a super majority of 2/3rd votes, a new TGB chairpersonship will be voted into power</p>	<p>1) A mixed Syrian and International body;</p> <p>2) A council of Elders: This would promote Syrian-led decision-making; however, the establishment of such a council may simply displace the problem; the selection of the elders is likely to be contentious;</p> <p>3) The International contact group: The ICG could be used to defer responsibility for difficult decisions; frequent resort to ICG could foster a sentiment of foreign imposition)</p>

END

Recommendation one, Annex Six
The Joint Military Council and Ceasefire Bodies

1. The Interim Agreement will, upon signature of the Interim Agreement, create a Joint Military Council (JMC) that will be under the civilian supervision of the Transitional Governing Body (TGB). The composition, structure, and role of the JMC will be subject to Syrian decision-making.
2. The JMC will comprise representatives of the fighting parties with a significant presence nationally or in particular regions. Any armed organization not included in the JMC shall have a presence in a regional and/or local ceasefire commission.
3. The JMC will be representative of the diversity of Syrian society, including its geographic areas. Its members will be appointed by the government, the political opposition and the armed opposition separately. The UN Special Envoy will facilitate the process of appointment.
4. The JMC may contain approximately [number] representatives. Chairmanship shall be exercised by a mutually agreeable person(s) from among the appointees, or by an international representative acceptable to the parties.
5. The JMC will:
 - a. work with existing local military structures including local military councils;
 - b. serve as a platform for the command of all military operations of the parties;
 - c. ensure the respect of the ceasefire among the parties;
 - d. coordinate the joint fight against terrorist organizations;
 - e. coordinate the military restoration of Syrian territorial integrity.
6. The national ceasefire commission reports to the JMC, unless (as an alternative choice to be made in the Interim Agreement) the JMC doubles as the national cease fire commission itself.
7. The national ceasefire commission will, where required, form local ceasefire commissions to ensure the implementation of the ceasefire and to address violations.
8. The ceasefire commissions will notify the JMC and the TGB of any material violation of the provisions of the Ceasefire Agreement that it has not been able to settle. The TGB will

assess the consequences of any such material violation on the implementation of the Interim Agreement.

9. An international presence shall contribute to supervision of the ceasefire.

END

Recommendation one, Annex Seven

The Invitation to the International Community to Help Combat Terrorist Organizations

1. From the moment of its establishment in the Interim Agreement, the Transitional Governing Body (TGB) shall have supreme authority over all military and security matters. The TGB shall, among other things, invite the international community to help combat terrorist organizations. This shall be subject to Syrian decision-making.
2. The invitation may either be included in the Interim Agreement itself in the name of TGB, or may be issued by the TGB upon its establishment.
3. The Interim Agreement foresees the invitation in order to:
 - a. Facilitate the participation in the combat against terrorist organizations by those members of the international community who would not do so upon invitation of the current government;
 - b. Ensure that the transitional authorities are open to international participation in the combat against terrorist organizations.
4. The invitation may be addressed to the international community rather than to any particular body or Member State in particular. This allows for flexibility in the response, and prevents the complication that if for instance the invitation were to be addressed to the Security Council, the Council may not be able to act collectively.
5. The invitation will necessarily demand that any foreign government coordinates its actions with the TGB. The TGB may therefore provide a means for foreign governments to exchange information with the Joint Military Council (JMC), whether or not through the TGB itself.

END

Recommendation One, Annex Eight

The Syrian National Council and Legislative Powers during the Transition

1. The Interim Agreement provides for the establishment of a Syrian National Council. Its role, composition, seat allocation and function are subject to Syrian decision-making.

Role

2. This Council will have a consultative function vis-à-vis the TGB.
3. It will also be responsible for the development of the framework of a Syrian National Dialogue and for establishing a Constitutional Review Commission.

Composition and Seat Allocation

4. The Syrian National Council will be composed, like other transitional institutions, with a view towards inclusivity and representativeness.
5. The Government of Syria, the opposition and non-affiliated citizens will be represented in a proportion of 2:2:1. The Government and the opposition will select their representatives based on the principle of mutual consent on a set of criteria.
6. At least 30% of each of the three lists (Government, opposition and non-affiliated citizens) will be women.
7. The Government of Syria may or may not use the prerogative of the seats allocated to it to nominate current members of the People's Assembly to the Syrian National Council.
8. Representatives cannot be individuals included in the Interim Agreement's mutually agreed list of names of those persons who for reasons of their role in the conflict shall not hold office from the moment the Interim Agreement comes into effect.
9. Based on his consultations with Syrians, the Special Envoy may reserve the right to appoint some of the non-affiliated citizens in order to ensure inclusivity and representativeness.

Legislative Powers

10. In conformity with the essential principle regarding the preservation of State institutions and to prevent laws from being modified by a non-elected body, the Syrian National Council will not have legislative functions.
11. All Syrian laws will be maintained and upheld, unless they include provisions clearly contradicting the provisions of the Interim Agreement. In such instances,

Preliminary DRAFT

Preliminary DRAFT

the provisions of the Interim Agreement will supersede existing legislation, which will be suspended.

12. Should the TGB find itself in need of devising regulations to deal with items that fall under suspended legislation, it will issue temporary regulations that will have the force of law during the preparatory and the full transition phase.

END

Preliminary DRAFT

Preliminary DRAFT

Recommendation One, Annex Nine

Transitional Justice

1. The Geneva Communiqué in par. 10 d) calls for “accountability for acts committed during the present conflict”, as well as for a “comprehensive package for transitional justice, including compensation or rehabilitation for victims of the present conflict, steps towards national reconciliation and forgiveness”.
2. The Draft Implementation Framework proposes that the Transitional Governing Body (TGB) appoints an independent committee to prepare proposals for a transitional justice process. The committee is to perform its work in accordance with international standards on transitional justice and thus, shall contemplate and propose mechanisms for ensuring accountability, reparations for victims (material or symbolic), institutional reform, and means to investigate and report on systematic patterns of abuse and recommended changes to address underlying causes of human rights violations (i.e. truth commissions or otherwise). Transitional justice is a Syrian led, Syrian owned process subject to Syrian decision-making.
3. The TGB shall appoint the committee following consultations with a wide range of stakeholders to ensure that a range of viewpoints will be represented on the committee. The committee should be composed of persons on the basis of criteria, and should include people who are highly respected and representative of society. Victims, civil society, women, components of society (minority groups), lawyers, and judges are among others to be considered for membership. It is proposed that the committee be large enough to be representative but small enough to be efficient. Thus, it is proposed that it range in size from 9 to 15 members. Once the proposals are prepared, they should be presented to the [National Dialogue Process/TGB] for endorsement.
4. It is proposed that the principle of establishing the committee be agreed to within the negotiation phase, so that it signals to the Syrian people that there will be measures to promote justice and reconciliation, while at the same time, delaying those measures for a limited period of time.
5. It is proposed that the TGB not address the issue of transitional justice right from the outset of it assuming full executive authorities, but rather approximately [number] months into its formation, in light of the highly contentious nature of the issue and

2015 07 27

1

Preliminary DRAFT

Preliminary DRAFT

concerns that the work of the committee could result in delays to the transition because of debates over whether there should be reconciliation versus accountability. While all of the international standards of transitional justice are meant to create the conditions for promote reconciliation, what often happens is that some parties (those who stand to lose out) in post-conflict situations will want to only focus on reconciliation, while the victims will insist on accountability mechanisms.

END

Recommendation One, Annex Ten

LOCAL GOVERNANCE

Starting Assumptions:

1. Legislative Decree No. 107 (2011) on local administration provides the legal framework for local governance in Syria. The decree introduces the principle of decentralization of authorities and responsibilities. Article 131 of the 2012 Constitution, dealing with local government, highlights the importance of 'the principles of decentralization of the power and responsibilities'.
2. Administrative units include governorates, cities, towns and municipalities. Each unit has a local council consisting of members elected according to the general elections law. Each council serves for four years and has an executive office. A Higher Council of Local Administration is chaired by the Prime Minister.
3. Local councils are tasked with the balanced and sustainable economic, social, cultural and urban development of their area [covering planning, industry, agriculture, economy, trade, education, culture, tourism, transport, irrigation, electricity, health, social affairs, labor, services, environment, etc.].
4. There has, historically, been a large gap between the theory and practice of decentralization in Syria.
5. Since the beginning of the conflict in 2011, there is a diverse array of situations with regard to decentralization and local governance. Local Administration Councils have emerged in opposition-controlled areas and in some areas where the civilian administration has ceased to function as a consequence of the conflict.

Provisions of the Draft Geneva Communiqué Implementation Framework

6. The Draft Geneva Communiqué Implementation Framework acknowledges the diversity of situations with regard to local governance. It also acknowledges the fact that this situation is not likely to be redressed in the short to medium term.
7. Where functioning official and non-official local administration structures exist, they will be maintained. In areas where there is no effective local governance and/or provision of public services, the TGB shall regulate the mandate, structure and composition of local councils.
8. The framework also provides for a set of shared principles regulating the operation of local councils:
 - a. The sovereignty, territorial integrity and national unity of Syria;
 - b. The existing balance of control in the respective areas;

- c. The principles of inclusivity, non-sectarianism and non-discrimination;
 - d. The effective provision of public services;
 - e. The exercise of full constitutional authority in the governorates and municipalities at the beginning of the End State.
9. Lastly, in accordance with the text and spirit of Legislative Decree 107 (2011), the Framework stipulates that the governorates of Syria shall have a voice in the formation of national policy. The issue of Local Governance is subject to Syrian decision-making.

END

Recommendation One, Annex Eleven

Preservation and Reform of State Institutions

1. The Draft Geneva Communiqué Implementation Framework starts from the recognition that, before it descended into conflict, Syria had well-functioning state institutions and a professional and efficient civil service.
2. A guiding principle of implementation proposes that state institutions with constitutional legitimacy be maintained.
3. For those institutions that have lost legitimacy, the framework offers options to reform them and reinvest them with constitutional legitimacy.
4. Thus, the Interim Agreement will provide for the preservation and reform of the state institutions, including the army, the wider security sector and the judiciary, with the objective of ensuring professionalism and the strengthening of diversity.

Institutions in need of reform:

5. There are Security institutions associated with widespread violations of human rights. Some Syrian interlocutors have identified those institutions as being the Military Intelligence Directorate, the Political Security Directorate and the General Security Directorate and have insisted that the leadership of these institutions shall be suspended and replaced at the outset of the preparatory transitional phase.
6. The wide executive powers of the Presidency under the 2012 Syrian Constitution have also been identified as an element of concern.
 - a. During the transition, these powers are devolved to the TGB. The Presidency may retain ceremonial powers.
 - b. The Draft Geneva Communiqué Implementation Framework includes provisions for a constitutional review process. This process is expected to address the issue by maintaining a ceremonial presidency [as per Lebanon's Ta'if Agreement] or by changing the nature of the political system. Under the provisions of the Framework and in line with the Syrian Constitutions, these changes have to be decided by Syrians.

Anchoring transitional institutions in Syrian history and practice.

7. The Draft Geneva Communiqué Implementation Framework draws on the history of Syria to establish a Syrian National Congress (SNC) responsible for discussing the broad orientations of a future Syria through 1) a national dialogue and 2) a constitutional review process.
8. The SNC will not have legislative powers but it will serve as a consultative body to the TGB.

Proposals for institutional reform

9. According to the Draft Geneva Communiqué Implementation Framework, the following essential principles will anchor institutional reform:
 - a. Equal right of appointment within the public sector;
 - b. Public authorities including the police shall serve all communities fairly and equally;
 - c. Inclusive and representative institutions
10. To ensure the inclusivity and representative nature of the TGB and End State governments, various (cumulative) options may be considered:
 - d. Every government must include at least [x] % of office holders hailing from each governorate,
 - e. Every government must include a minimum percentage of office holders within each party who are identified with each of [name group] [with percentages for each group];
 - f. Every government must include at least [x] % of office holders from [the major cities] and [x] % from [outside the major cities];
 - g. A combination of Option i, ii, and iii]
11. To ensure the inclusivity and representative nature of the security sector various (cumulative) options may be considered:
 - h. Include in the Constitution that the ranks of the security forces shall at all levels reflect the diversity of the Syrian population.
 - i. Create a Commission for Recruitment and a Commission on Appointments mandated to ensure diversity and professionalism;
 - j. Adopt a legal provision that the officer corps shall include a minimum percentage of persons identified with a particular [named] group.]

END

Five Elements Towards a Political Solution for Syria

Moving towards the Rapid Implementation of the Geneva Communique

ONE	<p>Focused dialogue</p> <ul style="list-style-type: none"> • Intensive consultations with a broad range of Syrian stake-holders are continued, now with a focus on four specific issue areas; • Thematic working groups are established by the SE, representing all key Syrian constituencies, including government, opposition and others. The groups may meet directly or, initially, in an indirect format, facilitated by the SE; • The working group process will lead to consensus on the modalities of implementing the Geneva Communique or, where consensus is lacking, to a set of clear options for implementation; • The working groups generate individual reports on their findings and proposals. A Steering Committee composed of members of the working groups coordinates the work of the working groups with facilitation from the SE and generates an overall report on outcomes.
TWO	<p>Framework Document</p> <ul style="list-style-type: none"> • The Steering Group, if needed augmented by representatives of the government and opposition, meets in an intensive format with SE facilitation to move from the report to the creation of a <i>Framework Document on the Implementation of the Geneva Communique</i>; • The SC may wish to endorse the Framework Document. • A mechanism for broader Syrian endorsement could also be considered
THREE	<p>Establishment of an International Support Mechanism, leading to a Contact Group</p> <ul style="list-style-type: none"> • Regional and International actors would be called upon to support the efforts of the Special Envoy. Actors would employ their ties with Syrian interlocutors to strengthen their readiness to implement commitments and obligations, provide a platform for discussions regarding a political settlement and the fight against terrorism, and support implementation of a Framework Agreement once it has been reached.
FOUR	<p>Cease-fire, TGB, Stabilization and Syrian National Dialogue</p> <ul style="list-style-type: none"> • A comprehensive cease-fire takes hold as the TGB is established according to the modalities foreseen in the <i>Framework Document</i>; • Disengagement of forces, military stabilization, termination of foreign intervention, withdrawal of foreign forces, joint action against terrorism and terrorist groups, etc, takes place; • Protection of vulnerable groups, urgent humanitarian assistance, release of the detained; continuity of public services and reform of institutional practices is assured; • Preparation for, and holding of, the Syrian National Conference. All segments of Syrian society convene to agree on the future of the Country within the parameters set out in Geneva Communique and the guiding principles agreed in the earlier consultation phase; • The Syrian National Congress adopts a report providing the key elements for constitutional review or a new constitution
FIVE	<p>Constitutional Drafting and Elections</p>

- The findings of the Syrian National Congress are converted into a new constitution;
- A constitutional Referendum is held;
- Electoral preparations are made;
- Elections are held.

Explanatory Memorandum

Five Elements Towards a Political Solution for Syria

Moving towards the Implementation of the Geneva Communiqué on Syria

The range of consultations conducted by the SE for Syria with a broad range of Syrian stakeholders has been completed. This note adds detail to the outline of the further steps that may be undertaken towards the implementation of the Geneva Communiqué on Syria. This is a Syrian owned process and subject to Syrian decision-making.

The Geneva Communiqué and the associated pronouncements of the Security Council provide guidance on the settlement process:

- The aim of the process is to achieve a political agreement on a transition that meets the aspirations of the Syrian people and enables them independently and democratically to determine their own future;
- The process leading towards such agreement will be Syrian-led, supported by UN Secretary-General and his Special Envoy;
- Any settlement will be concluded on the basis of the Geneva Communiqué, including the establishment of a Transitional Governing Body by mutual consent, a national dialogue process, constitutional drafting and elections and the other steps and measures provided for in the Communiqué;
- The process of transition will be irreversible and ensure the safety and security for all, including vulnerable groups, along with the continuity of governmental institutions and public services under a leadership that inspires public confidence.

The consultations held thus far have shown that there is agreement on the general aspects of a settlement for Syria in line with the Geneva Communiqué of 30 June 2012. A listing of these principles has been appended to this note. The challenge remains to translate this general agreement into a more specific consensus on the individual steps necessary to implement the Communiqué.

As part of the Geneva Communiqué, establishment of the Transitional Governing Body (TGB) remains a priority. However, it is necessary first to agree on the modalities for its establishment and other key issues relating to its functioning. In addition, there needs to be clarity about the other key steps to be performed under the authority of the TGB according to the Geneva Communiqué. To this end, the sides will need to agree on a *Framework Document on the Implementation of the Geneva Communiqué*. (Framework Document). Adoption of the Framework Document would facilitate the establishment of a comprehensive cease-fire and the TGB.

At present, circumstances do not yet permit a formal launch of negotiations towards this end. Nevertheless, the urgency of the situation makes it imperative that all efforts must be undertaken to help the sides to engage in substantive dialogue and to agree the necessary *Framework Document*. It is therefore proposed to ease the sides into the negotiating process.

Overall the plan for moving towards the implementation of the Geneva foresees of five elements:

1. Focused consultations, possibly in thematic working groups, addressing the key aspects of the Geneva Communiqué;
2. Generating a *Framework Document for the Implementation of the Geneva Communiqué* by a Steering group on the basis of the working group process;
3. Establishment of an international support mechanism leading to a Contact Group to assist the Special Envoy in these efforts
4. Establishing a cease-fire, Transitional Governing Body and preparing for and holding a Syrian National Congress - —a major and fully inclusive national dialogue conference about the future of the state;
5. Transforming the outcomes of the Syrian National Congress into a new constitution, holding a constitutional referendum, undertaking the necessary electoral preparations and holding fresh elections according to the new constitution;

It is clear that this plan can only be implemented if it commands the strong support from the Security Council and its members, and if it is supported by key regional states and organizations. While the SG/SE will devote their full energy towards the discussions with the Syrian sides, they will also be fully engaged with these external actors. This includes the key regional states whose support is necessary in order to bring this initiative to fruition. Over time, a Contact Group may be formed in support.

Point 1: Focused Consultations and Thematic Working Groups

At present, the sides have been reluctant to engage in formal negotiations. However, the consultation process that has now been completed has been fruitful. It has allowed for engagement with a very broad range of stake-holders. This has included the government, the armed groups and opposition, religious and other groups, civil society and women's association, and notable individuals. This dialogue has revealed a number of common concerns and principles, reproduced in the annex to this document. Moreover, it has highlighted four thematic issue areas that need to be addressed through more focused consultations and discussions:

- a. *Military and Security Issues*: combatting terrorism, cease-fire, disengagement, early release of the detained, withdrawal of foreign fighters and combatting terrorism and removal of elements alien to Syria, cessation of foreign intervention, integration of forces, etc;

- b. *Safety and Protection for All*: urgent humanitarian priorities, medical supplies and services, protection of vulnerable groups, returnees, release of the detained, etc;
- c. *Continuity of Public Services and Reconstruction and Development*: all institutions continuing to deliver public services under a top leadership acceptable to all and acting according to principles of good government and human rights, steps to safeguard the national wealth, priorities for rehabilitation and reconstruction, coordination of international aid, economic and financial development, regional wealth sharing, etc;
- d. *Political and Constitutional Issues*: basic principles of the state, the transitional governing body, preparations for the Syrian national conference, transitional justice, constitutional drafting, referendum, electoral preparations and elections.

It is proposed to sharpen the focus of further consultations in relation to these four themes. This process will advance the possibility of consensus in relation to key issues arising in each thematic area. To advance this process further, the SE will aim to establish thematic working groups addressing each of the four areas as the consultations progress. It is hoped that the working group process will evolve naturally from these further, subject-specific consultations.

The participants in each thematic group will be determined by each relevant constituency group, according to representativeness and subject competence. Individuals whose presence may inhibit dialogue should not be put forward. The SE may invite additional Syrian individuals of national standing to offer contributions. The SC and the Contact Group might consider calling on the sides to ensure freedom of movement and security for all participants in the process.

Membership in each working group may differ according to the subject area and the interest of the respective constituencies in it. The format for engagement may also differ from one group to another. In relation to some issue areas, the SE may be able to bring the participants together earlier. In relation to others, initial consultations may need to be held with representatives individually before direct working group meetings can commence.

The working groups will be convened by the SE and be led by facilitators under his direction. Where possible, rapporteurs may be appointed by mutual consent from the membership of the group, to support the process of shaping a report for each group, ideally generated by consensus. The reports should focus on how the implementation of the Geneva Communique can be best facilitated in relation to each of the four issue areas. If no consensus can be achieved, the reports might highlight different options and positions in the specific issues under discussion.

As the working group process develops, a Steering Committee drawn from the membership of all four working groups can be established. The initial task of the Steering Committee is to assist in the coordination of the work of the four groups, and to pull the conclusions of the groups together in a single document. The individual working group reports and the overall report are not binding on the sides, but should inform their further deliberations.

As appropriate, the Working Groups, but particularly the Safety and Protection for All Group will be encouraged to fast-track their work related to lifting sieges, provision of humanitarian assistance, release of detainees and missing people. Relatedly, the Military and Security Group will be encouraged to fast-track its work on cease-fires where feasible to facilitate the ending of violence and provision of humanitarian assistance.

Should it have been impossible to generate consensus or to form the groups, the SE will offer his observations to the SC, drawing on the focused consultations he will have conducted with the individual sides.

Point 2: Establishing a Framework Document

If the process has generated constructive outcomes, the Steering Committee will be convened by the SG/SE in an intensive format with a view to generating a *Framework Document on the Implementation of the Geneva Communiqué*. These discussions will be based on the Geneva Communiqué and will be informed by the working group deliberations. The Syrian sides may augment their membership in the Steering Committee to ensure appropriate representation of the various constituencies and commitment of the sides to the outcomes of the discussions.

The *Framework Document* could be submitted to the SC for endorsement. The SC would consider at that point what support might best be given to Syria and the Syrian sides for the implementation of the *Framework Document*, concerning the tasks outlined immediately below.

Should the sides be unable to move towards the adoption of a *Framework Document*, the Secretary-General and his Special Representative will so report to the Security Council and offer any additional recommendations or suggestions for a way forward.

Point 3: Establishment of an International Mechanism, leading to a Contact Group

Regional and international actors would be called upon to support the efforts of the Special Envoy in this regard. It is expected that regional and international actors would employ their ties with Syrian interlocutors to strengthen their readiness to implement commitments and obligations, provide a platform for discussions regarding a political settlement and the fight against terrorism, and support implementation of a Framework Agreement once it has been reached. Over time, as regional dynamics continue to evolve, a Contact Group would be established.

Point 4: Comprehensive Cease-fire, TGB, and Syrian National Congress

With the adoption of the *Framework Document*, a comprehensive cease-fire comes into force. At that point, the TGB will be established by mutual consent and start to exercise its full executive powers.

The following period will be dedicated to:

- Stabilizing the cease-fire, disengagement of forces, integration of forces, withdrawal of foreign fighters and ending foreign intervention, joint action to fight terrorism and alien groups that have imposed themselves on Syria, etc;
- Providing safety and protection for all, including vulnerable communities and groups, preventing revenge attacks, protecting public and private property and safeguarding national resources and historic treasures;
- Delivery of humanitarian assistance throughout Syria, provision of medical services, return of the displaced or refugees, release of the detained, etc;
- Ensuring continuity of the institutions of government and public services under a leadership acceptable to all, transparent governance and respect for human rights, rehabilitation of the public infrastructure, steps to safeguard the national wealth, priorities for rehabilitation and reconstruction, coordination of international aid, economic and financial development, regional wealth sharing, etc;
- Preparations for and holding of A Syrian National Congress. A Syrian National Congress will be held over a period of one month. It will offer the nation the opportunity to come together, to agree the key parameters for a new constitution based on accountable government on the basis of the rule of law and genuine democracy, to consider issues of transitional justice and reconciliation, and to establish the priority for governmental action over the upcoming period of reconstruction.

Point 5: Constitutional Drafting and Elections

Following the Syrian National Congress, the rest of this phase will be dedicated towards implementing the remaining key steps foreseen in the Geneva Communiqué. These include:

- Transforming the conclusions of the Syrian National Congress into a new constitution, public consultation on the constitution, and holding of a referendum;
- Adapting the public institutions to the requirements of the new constitution;
- Implementing reform of the civil service, including ensuring adequate representation of all, without disrupting continuity;
- Review of electoral legislation in view of the new constitution, establishment of electoral bodies as may be required, voter registration, free and fair electoral campaign and elections held under UN auspices.

The UN and regional organizations or arrangements and other international bodies would likely be involved in supporting all of the above tasks.

*
* *

It is hoped that the SC might be encouraged to endorse this plan and call upon the sides to:

- Collaborate urgently and in good faith in the further consultations and thematic discussions to be facilitated by the SC and his Special Envoy;
- Nominate empowered representatives for this purpose;
- Ensure freedom of movement and security of those participating in these consultations and discussions;
- Reduce violence, release the detained and offer humanitarian access in accordance with existing SC resolutions.

ANNEX

Key Principles revealed during Consultations with Syrian Stake-holders

1. Preservation of the sovereignty, independence, territorial integrity and unity of Syria;
2. One Syria for all Syrians and no exclusion of communities from the state;
3. A democratic state under civilian rule, whose institutions represent all communities in Syria;
4. A non-sectarian, pluralistic, democratic and multi-party state;
5. Transparent and accountable governance based on the rule of law and human rights;
6. Respect for dignity and religious, ethnic and linguistic diversity, non-discrimination, equal representation of all in public services and equal chances and opportunity for all;
7. Equal rights of men and women;
8. Balancing continuity of state institutions and public services with the need to achieve change in their practices and build trust in their leadership and performance;
9. Establishment of an independent and inclusive judiciary and a Syrian-owned approach to transitional justice including accountability, reparation, and reconciliation;
10. Representation of Syrian people and local authorities in the formation of national policies and policies specifically affecting them;
11. An electoral system ensuring effective representation of the various components of Syrian society, including women.
12. A transition towards the above that is managed, rather than chaotic, and is irreversible.

Recommendation Two, Annex on Thematic Groups

Thematic discussions, deriving from the Geneva Communiqué and the subsequently Geneva Consultations, would be held in working groups. The below sketches out the composition of these working groups, the selection of participants, the topics and labels of the thematic discussions, the location and timing of these discussions, the role and selection of facilitators and the expected outcomes. Again, details below are subject to decision-making.

A. Forming Working Groups

Before delving into the details of the working groups, it is important to acknowledge that, at this juncture, there is little reason to believe that the difficulties that have prevented the holding of direct negotiations between Syrian 'sides' would not also pose challenges to the formalization of working groups. Thus, in those cases in which working groups could not be formed right away, facilitators may need to engage in shuttling between the various interlocutors, at least at the outset. This shuttling can have the objective of Engaging with the various stakeholders on the issues to build consensus and use the emerging consensus as a possible way to gain the consent of the various stakeholders to each other's participation in the working groups. This implies that the working groups would only convene formally at the end of the shuttle process, and only if the latter builds sufficient consensus.

B. Composition of the working groups

The outcome of thematic discussions must have sufficient legitimacy to serve as the basis of 1) final direct negotiations and 2) the establishment of transitional authorities entrusted with the implementation of the framework developed in the working groups.

It is therefore important, during early engagement with the various stakeholders and potential participants in the thematic discussions, to verify that they agree with and commit to 1) the need for political solution to the conflict in Syria and 2) the essential principles embedded in the Geneva Communiqué and which have emerged from the consultations.

For the outcome of the working groups to be legitimate, their composition needs to be inclusive and representative. The larger the working groups, the easier it will be to ensure inclusivity and representativeness. However, for the working group discussions to be manageable, these groups must also be limited in size [to 20 to 30 participants per group]. A compromise between larger but less manageable and smaller but less representative working groups can be found by defining additional criteria for participation. These criteria can include:

- 1) Relevance – ensuring the inclusion of the actors/stakeholders most directly involved in the issue at hand;
- 2) Expertise – ensuring the inclusion of actors with technical expertise or prior experience with finding solutions to the kind of issues at hand;

3) Usefulness – including participants who may not, at first hand, meet either of the two earlier criteria but who, in the course of the Geneva consultations, expressed interesting ideas that could contribute to bridging gaps. From previous experience (Geneva II, the Geneva Consultations) that major political actors may claim the right to select 'legitimate' (or exclude 'illegitimate') representatives of the other side, oversee the composition of the working groups, or (for certain opposition groups, e.g. SOC) seek monopoly of representation. These problems can be partially overcome by mixing several selection methods [self-selection/regional or local selection/appointment]. The acuteness of the problems will also depend on the process through which the thematic discussions will be conducted.

- Option 1: If the discussions are conducted through shuttling between the various stakeholders, the problem does not apply. It will be up to the UN/OSE to oversee the definition and respect of criteria.
- Option 2: The facilitator/OSE asks the various stakeholders to select representatives based on a set of criteria.
- Option 3: The facilitator/OSE discusses criteria with parties and together they develop a consensus on a list of names.

It may be the case that some stakeholders will have to be represented in all four groups [i.e. probably the GoS and the SOC]. It may also be the case that the selection of participants may require the participation of regional members to overcome hurdles and to ensure the protection space needed for some participants to be able to attend.

C. Themes

The proposed themes and topics of the Working Groups are derived from the Geneva Communique and were reaffirmed by the Geneva Consultations. Moreover, some of the themes below also reflect issues which are not included in the Geneva Communique but which have emerged since the adoption of the Geneva Communique by the Security Council, such as the need to combat terrorism.

- a. *Military and Security Issues:* Although there currently is no movement to break the deadlock and start a formal negotiation process, all Syrian participants in the Geneva Consultations expressed a renewed and shared sense of urgency regarding the spread of ISIS, increased fragmentation and the need to end violence. As long as the fighting forces on the ground remain fragmented and engaged in fighting on multiple fronts, it will be difficult to develop a coherent counter-terrorism strategy. To this effect, parties must be able to discuss the conditions required to achieve and maintain cease-fires, to collaborate in combating terrorism, in the withdrawal of foreign forces, integration of forces, combatting terrorism, cease-fires, and the release of detainees,

- b. *Safety and Protection for All:* At the Geneva Consultations, the protection of civilians was at the forefront of the concerns of most Syrian interlocutors. Interlocutors singled out the use of barrel bombs, canisters, other indiscriminate weapons against populated urban areas, the lack of medical supplies, the use of sieges as starvation tactics, the direct attacks on hospitals and schools, as well as the use of rape and sexual violence as intimidation tactics. The protection of vulnerable groups, humanitarian access and supplies and the restoration of essential services would ease the suffering of the Syrian people. Discussing them separately contributes to not holding them hostage to progress over other issues. However, nothing prevents these discussions to contribute to or be linked with discussions of local ceasefires or, when the time is ripe, discussions of a general ceasefire. Thus, this working group will look at such issues as addressing urgent humanitarian priorities, provision of medical supplies and services, protection of vulnerable groups, return of refugees and displaced, and release of the detained and missing persons.
- c. *Continuity of Public Services and Reconstruction and Development:* In spite of the differences that continue to separate Syrian stakeholders, there is general agreement that gradualism is needed to help preserve state institutions. While gaps are still wide, there is growing reference to the need for a managed, phased, gradual or controlled transition. Syrian stakeholders generally agree that the continuity in the public services and (most if not all) public institutions must be ensured. Syrians must however discuss how to achieve this while ensuring the inclusivity and the accountability of state institutions to Syrian society. They must also devise ways of improving the performance of state institutions in the service of citizens and according to human rights and standards of good government. Thus, this group will focus on ensuring all institutions continuing to deliver public services under a top leadership acceptable to all and acting according to principles of good government and human rights, steps to safeguard the national wealth, priorities for rehabilitation and reconstruction, coordination of international aid, economic and financial development, regional wealth sharing, etc;
- d. *Political and Legal Issues:* The Geneva Consultations confirmed that most Syrians share the vision, outlined in the Geneva Communiqué, of a future Syria united, sovereign, independent, non-sectarian, and multi-confessional. An all-inclusive state with territorial integrity, guaranteed human rights and the rule of law, preserved and reformed state institutions, including the political, security and judiciary sectors. What is needed to translate this vision into reality? This last working group will consider the political and legal issues including the essential principles of the state, transitional governing body, preparations for a Syrian national conference, transitional justice, potential modifications to the Syrian Constitution with an eye to, among other things, reinforcing the rule of law and ensuring the equality of all citizens, the accountability and transparency of state institutions and the principle of civilian oversight. The Group will

also consider and elaborate principles for additional mechanisms such as a National Dialogue and Transitional Justice, referendum and electoral preparations, and elections.

D. Process

The working groups will meet in parallel. A sequential approach risks privileging one set of issues and giving the upper hand to one stakeholder over the rest; some stakeholders can also use a sequential approach as a delaying tactic.

If the various stakeholders agree to formal meetings, it will be important for the SE and his team to develop, in consultation with the Syrian parties, a code of conduct to be used as a guideline during the thematic discussions (and potentially later as well).

It is important to allow for maximum flexibility to acknowledge the possibility that some discussions may be easier and progress more rapidly than others. Working groups may want to establish sub-groups to deal with different issues on their agenda.

It is equally important to ensure the integration of the thematic discussions into one larger process. Facilitators will be essential to this integration. They will have to develop a system to share information in as timely a manner as possible to 1) leverage progress in other groups to help ease discussions in their working group; 2) identify and address potential bottlenecks; 3) ensure the development of integrated and mutually compatible solutions across working groups and thematic discussions. They may also establish joint sub-groups if they decide that an issue crosses over multiple thematic discussions.

It is important to consider what to do should parties agree to talk on some but not all the themes identified for the proposed working group. One could argue that the momentum ought to be seized, no matter what. One could equally argue that excluding one or more topics is equivalent to moving from a parallel to a sequential process. We know from past experience (Aleppo Freeze and Geneva Consultations) that the opposition is extremely reluctant to engage in discussions unless it can see the 'end of the tunnel'. We also know that the GoS prefers to start discussions on security and counter-terrorism and would rather leave discussions of the constitution and political transition until a future phase. In order to maintain impartiality and to ensure that neither party holds the process hostage, the only theme that could be discussed separately and ahead of the others would be the safety, protection and basic needs of civilians and related security measures.

Finally, it is important to say a word about decision-making in the working groups. Consensus is the preferred mode of decision-making for two reasons: 1) because it allays the fears of participants about underrepresentation and 2) because of the nature of the process and of the national stakes involved in the thematic discussions. If consensus is not possible, then a super-majority of two-thirds or more must be achieved. As a final resort, the UN could present bridging proposals as needed, following consultations.

E. Facilitators

The role of facilitators is essential to the good functioning of the working groups and to the progress of the thematic discussions. Selected with care (see criteria below), the facilitators will work under the direction and guidance of the OSE. The facilitators, in consultation with the parties, will define the agenda, sequence discussions, decide on whether and when to shuttle or meet as a group and when to progress to the next phase.

The choice of facilitators must be guided by a number of considerations, of which the following four are paramount: 1) perceived impartiality; 2) facilitation skills; 3) knowledge of the issues (preferably but not necessarily in the Syrian context); 4) command of Arabic; and 5) availability to devote full- or near-full time efforts to this process. Facilitators must also enjoy respect as seasoned professionals in their fields. As it may be difficult to find facilitators who meet all five criteria, it may be necessary to work with teams of facilitators. (2-3 per working group).

A dedicated cell will be established within the OSE to support the process logistically, liaise with technical experts when need be, provide analysis, follow the development of the process, and report on progress. Facilitators may, as needed, call on members of the group of senior advisers to weigh in on issues and debates.

F. Location

The working groups will meet in a single location to facilitate the integration of their parallel efforts. Geneva has been suggested as a possible location. The choice of location will have to be decided with an eye to three criteria: 1) Political symbolism: the location ought not to be identified too closely with one of the sides to the conflict; 2) Protection space: there ought to be sufficient means of ensuring the safety of participants; 3) Logistics: ease and cost of transport and accommodation will also have to be factored in.



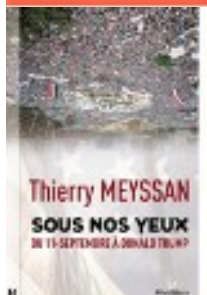
Vor unseren Augen. Hintergründe der Kriege im vorderen Orient nach 9/11
(Weltbuch, 2025).



Before Our Very Eyes, Fake Wars and Big Lies : From 9/11 to Donald Trump
(Progressive Press, 2019).



De la impostura del 11 de septiembre a Donald Trump. Ante nuestros ojos la gran farsa de las "primaveras árabes" (Orfila Venetini, 2017)



Sous nos yeux. Du 11-Septembre à Donald Trump (Éditions Demi-Lune, 2017).



Sotto i nostri occhi. La grande menzogna della « Primavera araba ». Dall'11 settembre a Donald Trump (La Vela, 2018)



Преступления глубинного государства. От 11 сентября до Дональда Трампа (AST, 2017).



Gözlerimizin önünde « Arap Baharları » Dehşetengiz Hilesi 11 Eylül'den Donald Trump'a (Voltaire İletişim Ağı, 2017)