

Working Paper on Syrian-Syrian Dialogue

Introduction

Since February 2017, The Shaikh Group (TSG) has convened a series of workshops as part of the Joint Track within its Syria Track II Dialogue Initiative, bringing together a small group of loyalists based inside Syria (participating with the approval of the government) alongside others who have previously been actively involved in the Initiative. Those coming from inside Syria (hereafter the “**Damascus Group**”) are societal figures from the fields of medicine, academia, and civil society, as well as former officials. They participate as independent representatives of their communities and not in any official capacity. Those previously involved in the Initiative (hereafter the “**Stockholm Group**”) are opposition and independent figures representing political, civil society and diaspora groups, as well as members of armed opposition groups. They contributed to the development of the “Draft Framework on Interim Arrangements for Constitutional Reform and Transition” (hereafter, “Draft Framework paper”), which details the findings of recent workshops within the broader project.

During these meetings, participants agreed to form a **Working Group to focus principally on developing proposals for a broadened Syrian-Syrian dialogue as part of a renewed political process**. This Working Group (composed, for now, of participants in these meetings), has begun to discuss options for how such a dialogue could complement and support current international efforts and help build momentum towards a sustainable political settlement - as called for in United Nations Security Council Resolution 2254 (UNSC Resolution 2254). These discussions have focused largely on three key issues: the precise mandate of a Syrian-Syrian dialogue as part of a renewed political process, its organization and modalities, and the main criteria for participation.

Joint Proposal

Participants from both the Stockholm and Damascus Groups have agreed a joint proposal, outlining the essential steps in such a political process, and the place of a Syrian-Syrian dialogue within it. Those steps, in the sequence indicated here, are as follows:

1. The Syrian government and opposition undertake and accelerate the implementation of confidence building measures, including
 - i. Agreement on a comprehensive ceasefire (with effective mechanisms for monitoring and implementation) covering all Syrian territory, excluding terrorist groups as designated by UN Security Council resolutions, and all those that reject the political process, or who do not recognise the territorial integrity of Syria;
 - ii. The release of all detainees and abductees arrested the context of the crisis, on both sides excluding the UN designated terrorist groups;
 - iii. Lifting sieges on all Syrian territories and ensuring unhindered humanitarian access to all areas;
 - iv. Combatting terrorism and extremism (those groups designated in Security Council resolutions.
2. The Syrian leadership changes the current government to form a technocratic government in accordance with the current constitution (or mixed government, i.e. including technocrats and more political figures) that works with all parties to prepare the environment for the coming change and for a Syrian-Syrian dialogue, undertaking measures to improve and stabilize the security situation,

improve the economic and social environment, and prepare policies for the safe and voluntary return of those displaced. Meanwhile, the opposition supports the lifting of economic sanctions in that affect the lives of Syrians. In this period, measures to ensure citizens' rights, in terms of access to justice and personal dignity and security, should include:

- i. Ensuring that the principle of the sanctity of citizens' freedom and dignity is upheld in practice and that violations of this principle are limited, in accordance with current judicial mechanisms and measures;
 - ii. Ensuring the activation of constitutional provisions stipulating the independence of judiciary and its oversight of the work of security agencies in a way that strengthens the rule of law. For example, arrests should be made only by judicial warrant – removing the power of judicial police from security agencies.
3. To overcome the political deadlock in the official negotiations track, announce an agreement on beginning a Syrian-Syrian dialogue (without preconditions) on the basis of an open ceiling – which does not exclude any subject from being proposed or discussed – under international supervision and guarantees. This dialogue is to lead to a political agreement and a new constitution that ensures democracy (with free and fair elections under international oversight), freedom of expression, the rule of law and independence of the judiciary, and complete separation of powers, thereby achieving sustainable national reconciliation.

An indicative timeframe proposed by participants would be six months for the first and second steps, and 18 months for the third step.

The organization of a Syrian-Syrian Dialogue

There is agreement across the Working Group on the central importance that a broadened Syrian-Syrian dialogue could play in building the ground for a sustainable settlement to the conflict, based on a vision for meaningful political change. There is emerging consensus among members of the Working Group that any such dialogue should be organised in line with the following principles:

4. The Syrian-Syrian Dialogue should be facilitated and sponsored by the UN. P5 members of the Security Council – most critically Russia and the United States – should act as guarantors, while other regional states and interested parties (including Turkey, Saudi Arabia, Iran and Egypt) will be involved as observers.
5. The Dialogue would be launched on the basis of the proposal set out above (point 3) by the consent and agreement of the Syrian parties, without the need for a new UN Security Council resolution. A new, binding Security Council resolution should be issued to endorse the outcomes of the Dialogue and commit the parties to their implementation.
6. The location of the Dialogue should be set by the facilitator (the UN) and agreed by all sides. [While it may need to begin outside Syria, its resolution and any subsequent national dialogue or should take place on Syrian territory.]
7. The Dialogue must include representatives of all strands and components of Syrian society, including the political centre ground. Selection of participants should be undertaken in a spirit of inclusiveness, focusing on criteria of integrity and competence, as well as political or social weight and influence. Active participation of the government and the opposition would be critical. Members of UN-

designated terrorist groups should be excluded. Individuals directly responsible for serious crimes should also be excluded [though the precise criteria and method for determining such responsibility remains unclear]. Effective and meaningful participation of women in the Dialogue must be ensured.

8. The process for establishing the Dialogue must be driven by Syrian consensus and leadership. An Organizing Committee should be formed, upon agreement by the parties, including representatives of the government, opposition and civil society in equal proportion. [As per an alternative proposal, the Committee would be composed of non-political experts/technocrats]. This Organizing Committee (of roughly 30-60 participants) would nominate participants [to be agreed by two-thirds majority / full consensus] and set a draft agenda for the Syrian-Syrian Dialogue, and issue invitations in cooperation with the UN. The role of the Organising Committee's should end upon the start of the Dialogue.
9. The sequencing and substantive focus of the Dialogue would be as follows:
 - i. A Syrian-Syrian Dialogue is launched on the basis of the proposal set out in Point 3.
 - ii. The Dialogue will work toward a political agreement between the sides that includes a statement of General Principles that organise the political process, and signifies the point of a full cessation of hostilities. These principles, resulting from the agreement, will order public life until the drafting of a new constitution for the country. The political agreement will have constitutional weight, ensuring its national and international legitimacy, in accordance with constitutional mechanisms. All parties continue to operate under the status quo until the political agreement and statement of General Principles is agreed.
 - iii. The political agreement will also establish the process for drafting a new constitution and holding a National Dialogue, leading to national reconciliation.

An indicative agenda for the Syrian-Syrian Dialogue

Following the agreement and implementation of a comprehensive ceasefire, and the implementation of confidence building measures, a Syrian-Syrian Dialogue is to be launched as previously outlined. An indicative agenda of the Dialogue working toward a political agreement is suggested as follows:

These agenda items are to be tackled in parallel.

1. General Principles
 - A statement of essential principles on character and shape of the future state, and the protection of rights and freedoms of individuals and all social and ethnic components.
2. The shape of the future state / reform measures
 - Governance (structure of state; the presidency, power-sharing; distribution of powers between the center and localities, including specifically:
 - i. Agreement on the principle of the separation of powers and identifying the necessary mechanisms to ensure the implementation and oversight of this principle.
 - ii. A clear definition of presidential powers so as to guarantee the principle of a separation of powers. Identifying mechanisms for accountability of the president (supreme constitutional court and parliament).
 - iii. A clear definition of the criteria and qualifications of the office of the president.

- iv. Defining the mechanisms and procedures of nominating candidates for the position of the presidency, to guarantee the full and transparent rotation of this office.)
 - Institutions (commitment to/measures for maintaining state institutions)
 - Security institutional reform (security governance; plans for reform or restructuring security agencies; powers of security institutions; cancellation of certain laws)
 - Judicial reform to ensure independence of the judiciary
 - A mechanism for monitoring implementation of reforms
3. The roadmap for drafting of a new constitution
4. A process for national reconciliation, based on national dialogue
5. Security arrangements
 - Measures for continuing to combat terrorism
 - Discussion of the status of legitimate and illegitimate foreign forces
 - Measures for withdrawal of foreign fighters
 - Demobilization, reintegration and rehabilitation of non-state armed forces
6. The safe, voluntary and dignified return of refugees and IDPs
7. Relations with / role of regional states and international community
8. Declaration of a full end of conflict.

END/-