

# Statement of Basic Principles

Agreement for a Political Settlement from the Geneva Peace Conference

9<sup>th</sup> of February 2014

## **Statement of Basic Principles**

### **Agreement for a political settlement from the Geneva 2 Peace Conference:**

In accordance with UN Security Council Resolutions 2042 (2012), 2043 (2012), 2059 (2012), and 2118 (2013); in fulfilment of the Final Communiqué of the Action Group for Syria of 30 June 2012 (the Geneva Communiqué); the Syrian opposition delegation to the Geneva Conference affirms that the participation of the two parties at the conference will not alone move the peace process forward; furthermore, the process requires the full implementation of the legal obligations resulting from international decisions and Security Council resolutions, in addition to the full and earnest implementation of general obligations of international humanitarian law, which will provide for the alleviation of the suffering of all of Syria's civilians, without discrimination; the appalling humanitarian situation on the ground must be improved; the implementation of these obligations will serve to build the Syrian people's confidence in the political negotiation process, in which both parties must show good faith and the political will to pursue the negotiations seriously; the primary objective of the Geneva 2 peace conference is the full implementation of the Geneva Communiqué of 30 June 2012, beginning with the establishment, on the basis of mutual consent, of a Transitional Governing Body with full executive powers over all ministries, agencies, and institutions of the State, including agencies, instrumentalities, and branches of the intelligence services, the military, armed forces, security forces and instrumentalities, and the police (thereby complying with Articles 16 and 17 of Security Council Resolution 2118 (2013)); the negotiations for the establishment of an interim Transitional Governing Body with full executive powers, and for the achievement of a political solution, will be guided by the following principles:

1. A political solution will be agreed upon by the two Syrian parties participating in the Geneva 2 peace conference, which will be considered an interim constitutional declaration.
2. The Transitional Governing Body will preserve the sovereignty and independence of the Syrian state and the full unity and territorial integrity of Syria. The Transitional Governing Body will take whatever decisions and steps are necessary to ensure the withdrawal of all external military groups and foreign fighters from the entire territory of Syria.
3. The Transitional Governing Body will constitute the sole legal representative of the sovereign and independent Syrian state, and it will be the only authorized representative of the Syrian state in international forums, and in all matters related to foreign affairs, and it will be bound by all international treaties and agreements signed by the Syrian state.
4. The primary objective of the Transitional Governing Body is the creation of a neutral environment for a political transition that will satisfy the legitimate aspirations of the Syrian people, in accordance with Articles 16 and 17 of Security Council Resolution 2118 (2013) and its second annex.

5. The Transitional Governing Body will implement, steer, and preside over an agreement to bring an end to violence in all its forms, and whereby it will take immediate steps to end armed violence, with a view to protecting civilians and achieving national stability, in the presence of international observers under the auspices of the United Nations.
6. The Transitional Governing Body will be obliged to carry out the transitional process in a way that provides security for all, in an atmosphere of stability and peace, which will require:
  - I. The establishment of complete peace and stability, which requires all parties to cooperate with the Transitional Governing Body in guaranteeing a permanent end to violence, and will also include the completion of withdrawal operations, and addressing the matter of disarming and disbanding armed groups, or the integration of their members into the armed forces or public and civil services.
  - II. Taking proactive steps to guarantee the protection and inclusion of all the constituent groups of the Syrian people, including Arabs, Kurds, Turkmens, Assyrian Syriacs, and others, in the transition process, to rebuild confidence and mutual respect, and to encourage political and social consensus with respect to the unity and stability of the Syrian state, territory, and people, similar to, for example, the agreement between the Syrian National Coalition and the Kurdish National Council.
  - III. The continuity of state institutions, the employment of properly qualified state employees, and public services and institutions must be preserved, and they must be brought up to perform under international professional standards and in compliance with international human rights and labor laws. This will be done by studying and reforming their organizational structure and mission. These institutions will include the military and armed forces, all agencies and branches of the intelligence services, and the security apparatus. As a general principle, all state and public sector employees will keep their jobs. They will be returned to their positions, and guaranteed training programs, including retraining to increase their capacity if necessary. The state will remain committed to the creation of jobs and will maintain sources of income for all those currently employed. All the institutions of state, including the military, armed forces, intelligence services, and security services must operate in accordance with the rule of law and international professional and human rights standards. They will work under senior leadership that inspires public confidence, completely under the authority of the Transitional Governing Body.
7. The Transitional Governing Body will undertake a comprehensive economic, social, political, judicial and military strategy to bring about an end to violence by armed groups aligned with either of the two parties, or any other political, ideological, religious, sectarian or criminal persuasions, and prevent these groups from committing further violence.
8. The Transitional Governing Body will have full authority to allow immediate and full humanitarian access throughout the territory of Syria to international humanitarian organizations. No party will hinder the provision and delivery of humanitarian or medical assistance. All parties must cooperate under the leadership of the Transitional Governing Body to enable the evacuation of the wounded, and the return of refugees and displaced persons to their homes in Syria, with support from all parties.

9. The Transitional Governing Body will have the full power and authority to obtain lists of the names of all political prisoners, prisoners of conscience, prisoners arrested for participating in peaceful protests, and other detainees, and to provide for their release. Similarly, the Transitional Governing Body will have the right to review all criminal legislation issued after 15 March 2011, and the right to grant general and individual amnesty in accordance with law. The parties to this agreement are obliged to treat all detainees in accordance with international standards of human rights, until such time as these prisons, jails and detention centers are placed under the jurisdiction of the Transitional Governing Body. Likewise, they are obliged to report the location of all places of detention, jails and prisons, and not to obstruct international observers from visiting these locations. Likewise, all parties are obliged to communicate the fate of the missing and the kidnapped, the names of those who have died in these prisons, and their locations of burial.
10. The Transitional Governing Body, in order to achieve justice and strengthen the transition to peace and stability, will establish mechanisms to hold accountable those responsible for violations of human rights and international humanitarian law. The Transitional Governing Body will direct and lead all efforts aimed at achieving transitional justice and resolving social conflict according to the principles of justice and national reconciliation, and lead efforts to establish civil peace, and remove the seeds of discord among political parties and between civil and military groups at local levels. These goals will be realised through strong international support.
11. The Transitional Governing Body will have the full authority to ensure the rights, integration, and participation of all Syrians, regardless of religion, ethnicity, national origin or sect, in the process of decision-making and the implementation of its decisions.
12. The Transitional Governing Body will have full authority to ensure that the settlement agreement will be fully compatible with international standards of human rights, international law, humanitarian law, and democratic principles, and will contribute to regional security.
13. The Transitional Governing Body will put in place the main foundations and principles for implementation of the settlement agreement, in accordance with the democratic aspirations of the Syrian people and the rule of law.
14. The Transitional Governing Body will respect and guarantee: freedom of expression; the right to form associations, civil society organisations, and political parties; freedom to gather and hold peaceful protests and demonstrations; freedom of political participation; freedom of the press; and access by all Syrians to the media.
15. The Transitional Governing Body will guarantee the full participation and complete equality of Syrian women, in all rights and responsibilities.
16. The Transitional Governing Body will guarantee the right of equal citizenship for all Syrians without discrimination on the basis of their gender, religion, sect, ethnic origin, political affiliation or social status.

17. The Transitional Governing Body will take the appropriate steps to enable the Syrian people to decide its own future. This will include the participation of all sectors and components of society in a national reconciliation conference, which independent, international civil society organisations will be invited to observe, in accordance with agreed mechanisms. This process will include all Syrians, be of the highest national import, and will produce a body of principles that will serve as the foundation of the new constitution that will be agreed by a future elected constituent assembly.
18. The Transitional Governing Body will make arrangements for the election of a constituent assembly in accordance with the electoral system decided in the settlement agreement, with observation by independent international civil society organizations.
19. The Transitional Governing Body will make arrangements for the conduct of a referendum on the constitution drafted by the constituent assembly, which will be supervised under the auspices of the United Nations, and the constitution will need to be ratified by a two-thirds majority of voters.
20. After the establishment of a new constitutional regime by the Syrian people through referendum, the Transitional Governing Body will undertake preparations for free and fair multi-party elections in accordance with the terms of the constitution, under the direct supervision of the constituent assembly and observation by international civil society organizations.
21. The Transitional Governing Body will dissolve immediately upon the assumption of constitutional powers by the elected executive bodies.
22. The constituent assembly will disband immediately upon the holding of the first parliamentary session of the elected parliament.
23. The Transitional Governing Body will work to coordinate with the UN Security Council and the international community on ensuring compliance with its decisions and to guarantee complete support for the Transitional Governing Body from Arab, regional, and international actors.
24. The Transitional Governing Body will apply such neutral and independent standards and metrics as are recognized by the UN Security Council, for the evaluation of the application of the agreement, as well as any subsequent agreements in accordance with Articles 16 and 17 of UN Security Council Resolution 2118 (2013). In case of non-implementation of the agreement, application of measures provided in Chapter 7 of the UN Charter will be necessary (as stipulated by Article 21 of UN Security Council Resolution 2118 (2013)).