

**A COMMON VISION**



**CSOS IN NESYRIA**  
**ON THE PROCESS AND THE OUTCOME OF THE**  
**CONSTITUTIONAL COMMITTEE**

December 27, 2021

# **Northeast Syria—for peace and common destiny in Syria**

A common vision of  
**CSOs in NESyria**  
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**Constitutional Committee**

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The process of drafting a new constitution has not been a stable process. In one sense, it did not manage to achieve a ceasefire in Syria as it was stipulated in the 2254 resolution on political settlement in Syria. And meanwhile, all parties to the Syrian conflict, especially the Syrian government, who agreed to participate in this process continue to hinder the process and further expand the areas under their control and increase their influence, through leveraging and violating clauses 5, 6, 7, and 8 of the 2254 resolution which was unanimously adopted by United Nation Security Council on 18 December 2015, which endorses a road map for a ceasefire a political settlement in Syria.

**The organizations signing this statement, while underlining the importance of implementing the of 2254 Resolution clause through a comprehensive cessation of all hostilities in Syria and halt all violations of human rights committed by the parties to the Syrian conflict and their supporters, believe that:**

1. The process by which the Constitutional Committee established and its members was selected was not appropriate as we believe that constitutions can't be written forcefully by one party without the participation of other parties, or in the dark to serve the interest of one institution over another, because the absence of the main parties in Northeast Syria—whether the Syrian Democratic Council, political parties, and community figures participating in the Autonomous Administration of North and East Syria or civil society organizations in the region—from participating in the political solution and the constitutional process will lose its legitimacy according to Resolution 2254, which stipulated the need for the success of negotiations between the Syrians, under UN supervision, and to establish a credible, inclusive, and non-sectarian governance, and according to a letter from the UN Secretary General to the President of the Security Council, on 26th of September 2019 stating that: “Terms of Reference and Core Rules of Procedure for a Syrian-led, Syrian-owned, credible, balanced and inclusive Constitutional Committee facilitated by the United Nations in Geneva”
2. The announcement timing of the Syrian Constitutional Committee despite the ongoing hostilities and the lack of commitment to implementing clauses 5,6,7,8 of Resolution 2254, devoid the political solution of any meaning or content, and will derail the constitutional process from its intended path—the constitution cannot be the result of a conflict so much as it is a document.
3. The committee's sources were confined and imposed on the Constitutional Committee in the absence of agreement among the Syrians on basic principles that represent all Syrians and their aspirations. Despite producing several documents, such as the Four Baskets and the Twelve Living Intra-Syrian Essential Principles, on which the United Nations relies with regards to political process in Syria, points of contention remained clear and inconclusive. For instance, the Twelve Living Intra-Syrian Essential Principles contained a repeated mention to Syria as ‘Syria/Syrian Arabic Republic’, which is one example of the many points of contention. Also, the sources for the work of the Constitutional Committee missed what we believe to be the main source of legislation in Syria, which is the clear and unequivocal emphasis that human right conventions will be one of these sources.
4. The absence of transparency and the absence of any briefing by the Constitutional Committee to the Syrian people throughout the first five rounds, and it was limited to resignations from the Committee and the release of statements by several individual representatives. That is, of course, due to the absence of the specialized sub-committees in the Committee, which began its work without such sub-committees. Furthermore, members of the Constitutional committee were not appropriated according to specific topics in the Constitutional process. If Such sub-committees existed, there would

have been a media sub-committee representing the Committee and providing joint briefings that have been agreed on by its members, rather than briefings by individual members to their specific audience, and therefore, exacerbating the already dire situation, increasing divisions in Syrian, and derailing the Committee from its course as a Syrian Constitutional Committee for all Syrians, to a body that represents the views of each party parties to the conflict alone.

**For a serious peace process between Syrians, and out of our belief in common Syrian destiny as core to attainment of peace in Syria, the organizations signing this statement, with the goal of saving the Syrian Constitutional process from its failure and dark tunnel, call for:**

1. The full and undiminished participation of Northeast Syria through the participation of the Syrian Democratic Council and representatives of the Autonomous Administration of North and East Syria, giving the significant impact of this participation on strengthening peace in Syrian and the on the common destiny of Syrians, since this region is an integral part of a united Syria.
2. The participation of Syrian women in the Constitutional Committee and all its sub-committees and components, and this participation should not be less than 30%, and must include the chairs of the sub-committees, and in case of a joint presidency, we call for it to be 50 % between Syrian women and men for each.
3. Civil society organizations in Northeastern Syria to be able to elect their representatives to the Constitutional Committee—under the observation of the United Nations—freely and in accordance with standards agreed upon by civil society organizations in Northeast Syria on selecting their representatives to the Committee as legal entities with autonomous status, not as individuals.
4. We call on the United Nations, represented by the office of the UN Special Envoy for Syria, Mr. Geir Pedersen, to take the following into consideration:
  - a. Addressing the absence of a reserve list for the Constitutional Committee by creating a reserve list for its members
  - b. Democratic and practical considerations in the process of drafting the constitution, to give the various components of society the right to determine the scope from which the members of the Constitutional Committee will be selected, by bodies representing those components, which confirms items 1 and 2.
  - c. The importance of establishing substantive sub-committees to the Constitutional Committee, which we believe should be according to the following substantive issues:
    - i. Sub-committees in accordance with international constitutional norms: Preamble – citizenships and declaration on rights – principles and regulations of the political, economic, social, and cultural system – distribution of state’s natural wealth and resources – public rights and freedom – woman sub-committee – children and people with disabilities sub-committee – citizens abroad – electoral system – the three branches of government – rule of law and the independence of the judiciary – defence and national security – public resources and its distribution – national institutions – the supreme constitutional court – questioning of ministers, prime minister and the president – amendment to the constitution – transitional provisions – committee on the rights of minorities
    - ii. Sub-committees in accordance with the Syrian case: the following two sub-committees to be added to the sub-committees in accordance with the international constitutional norms
      - a. A specialized Kurdish sub-committee
      - b. A sub-committee on the rights of minority, to be selected by minority groups in Syrian (Yazidi, Syriac, Armenian, Druze, Turkmen, Circassian, and others)

5. The Syrian Constitutional Committee should define the general principles that will be addressed in the Constitutional Document, which should include the following principles:

- a. Principle of the independence and sovereignty of State.
- b. Principles of popular sovereignty and democracy
- c. Principle of self-determination of peoples
- d. Principle of the devolution of power and the right to political participation
- e. Principle of the rule of law and citizenship
- f. Principle of equality and non-discrimination
- g. Principle of freedom and human dignity
- h. Principle of the independence of the judiciary
- i. Principle of separation of powers.
- j. Principle of respect for human rights in accordance with international conventions on human rights
- k. Principle of compensation for damage and reparations for victims
- l. Principle of the primacy of international conventions over the constitution
- m. Rules of constitutional monitoring over laws and the function of public authorities
- n. Accountability rules over ministers, prime minister, and the president and the term limit for the president of the republic
- o. Principle of protection of the rights of minorities and ethnic minorities and all components of Syrian society.
- p. Criminalization of genocide, crime against humanity, war crimes, torture, enforced disappearance, extra-judicial killings. Moreover, these crimes should never be subject to a statute of limitations, or be a subject to amnesty or reconciliation agreements/decisions

6. The Constitutional Committee in its work should include, in addition to the current sources, the following sources:

- a. Previous constitutional documents as a guidance
- b. Constitutions of regional and international countries as a guidance, especially constitutions of post-conflict states such as the federal Iraqi constitution
- c. The committee shall be guided by international norms for protecting and promoting human rights as a main for its work

**Finally, civil society organization in Northeast Syria affirm its support and endorsement for the United Nation resolution 2254 and the implementation of its paragraphs, because it guarantees achieving peace in Syria, the success of the Syrian Constitutional process, an end to the tragedy in Syria and to remedy its repercussions, especially those regarding human right violations. Additionally, the effective participation of all Syrian in decision-making and policy-making is the best way to ensure the implementation of the paragraphs in the 2254 resolution, which can't be achieved without the participation of Northeast Syria as an integral part of united Syria.**

**Northeast Syria  
December 27, 2021**

1. Adel Center for Human rights
2. AL- Diyar Society
3. Al- Hasakah Organization for Relief and Development
4. Albaghooz hope for Development
5. Amaal Center for Civil Activities
6. Amal Humanitarian Team
7. Anwar ALghad organization
8. Aras Charity Associatin
9. ASHNA for Development
10. Atyaf Development
11. Civil ambulance system
12. Civil Society Support Center
13. Development Seeds Center
14. Educational Fund Ethnic Organization
15. Ezdina organization
16. Field Response Team
17. Fraternity Foundation for Human Rights (FFHR)
18. Furate for Relief and Development organization
19. Holm Organization for Development
20. Hope Links Association for Development HLD
21. Hope Without limits
22. Human Rights Organization in Syria - MAF
23. Jasmine Association
24. Jomard Organization
25. Kurdish Committee for Human Rights-Rased
26. Manara Organization
27. Mari Association for Culture, Arts,and enviromental
28. Medical Skills organization
29. Mitan Center for the Revival of Civil Society
30. Nabd Team organization
31. Organization to remove the smile
32. Peace and Civil Society Center(PCSC)
33. Peace Land
34. PEACE SHE - LEADERS NETWORK
35. Qanadil ALAmal Association
36. Restore Hope Association
37. Road organization
38. Rusafa for Development
39. Sanabel ALfurat Development
40. Sanad Humanitarian organization
41. Shawishka Women's Association
42. Swaeadna Organization for Relief and Development
43. Syria Organization for Development and peace making
44. Syrian Civil Association- Roeya
45. Syrian woman council
46. Tayif Humanitarian organization
47. The Four Seasons Organization
48. To gether for Deir ez- Zor
49. Union of Al Jazeera Intellectuals
50. Violations Documentation Center in Northern Syria

