

Statement of Basic Principles

Agreement for a Political Settlement from the Geneva Peace Conference

9th of February 2014

Statement of Basic Principles

Agreement for a political settlement from the second Geneva Peace Conference:

In accordance with UN Security Council Resolutions 2042, 2043 and 2059, issued in 2012, and Resolution 2118 issued in 2013, and in fulfilment of the closing statement of the Syria Working Group on 30th June 2012, known as The Geneva Communiqué, the Syrian Opposition Delegation to the Geneva Conference confirms that the involvement of the two sides at the conference will not alone move the peace process forward. The process also requires the fulfilment of the legal obligations that result from international decisions and Security Council resolutions, in addition to the open and honest implementation of the general principles of international human rights law, which will include an end to the suffering of Syria's civilians, without discrimination. The appalling humanitarian situation on the ground must be improved. This will serve to build the Syrian people's confidence in the process of political negotiation. Both sides must show their good intent, and that they have the political will to embark upon the negotiations with serious intent.

The chief objective of the Second Geneva Peace Conference is the full implementation of the Geneva Communiqué of 30th June 2012, beginning with the establishment of a Transitional Governing Body with executive power over, and the complete cooperation of, all ministries and institutions of the State. These include all parts of the intelligence services, the armed forces, and the police and security services. This is in accordance with articles 16 and 17 of Security Council Resolution 2118, issued in 2013.

The delegation also confirms that the negotiations for the establishment of a temporary Transitional Governing Body with full executive powers, and for the establishment of a political solution, will be guided by the following principles:

1. A political solution will be agreed upon by the two Syrian parties taking part in the Second Geneva Peace Conference. This will constitute a temporary constitutional declaration.
2. The Transitional Governing Body will maintain the sovereignty and independence of the Syrian state and ensure peace throughout Syrian territory. The Transitional Governing Body will take whatever decisions and steps are needed 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 only legal representative of the sovereign, independent Syrian state. It will be the only legitimate representative of the Syrian state at international events, and in all foreign affairs-related matters. It will be bound by all international treaties and agreements signed by the Syrian state.
4. The chief objective of the Transitional Governing Body is the creation of a neutral environment for a political transition to take place that will meet the legitimate aspirations

of the Syrian people, in accordance with articles 16 and 17 of Security Council Resolution 2118, issued in 2013. (attachment number 2)

5. The Transitional Governing Body will implement, steer, and preside over an agreement to bring an end to violence in all its forms. 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 from the UN.
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 peace and stability. This will require:
 - a. The establishment of complete peace and stability: this requires all sides to cooperate with the Transitional Governing Body in guaranteeing a permanent end to violence. This will include the completion of withdrawal operations, and addressing the matter of armed groups laying down their weapons, disbanding, and the integration of members into the armed forces or public and civil services.
 - b. Taking firm steps to guarantee the protection and inclusion of all the constituent groups of the Syrian people 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, Syrian territory, and the Syrian people.
 - c. The continuity of state institutions and of the employment of those state employees who are properly qualified: public services and institutions must be preserved. These institutions must be brought up to global professional standards and made to conform with international human rights and labour law. This will be done by reviewing and reforming their organisational structure and mission. These institutions will include the armed forces, all parts 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 programmes, including retraining to raise capacity if necessary. The state will remain committed to the creation of jobs and will maintain sources of income for all those currently in work. All the institutions of state, including the army, the armed forces, the intelligence services, and the 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 commands the respect of the people, and entirely under the authority of the Transitional Governing Body.
7. The Transitional Governing Body will adopt 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 sides, or any other political, ideological, religious, sectarian or criminal persuasions. These elements will be prevented from committing any further violence.
8. The Transitional Governing Body will have full power to authorise the immediate delivery of aid to all parts of Syria by international humanitarian organisations. No side will hinder humanitarian or medical access. All sides will have to cooperate under the leadership of the Transitional Governing Body to achieve the evacuation of casualties and the return of refugees and displaced persons to their homes in Syria. This will occur with support from all sides.

9. The Transitional Governing Body has the full power and authority to obtain lists of the names of all political prisoners, prisoners of conscience, prisoners arrested for participating in peaceful protest, and other detainees. The Transitional Governing Body has the right to free all of them. Equally, the Transitional Governing Body has the right to review all criminal legislation issued after the 15th March 2011. It also has the right to decree general and individual amnesty in accordance with law. The parties to this agreement are obliged to treat all prisoners in accordance with international standards of human rights, until such time as these prisons, jails and detention centres 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 to not obstruct international observers from visiting these locations. Equally all sides are obliged to communicate the fate of the missing and the kidnapped, the names of those who have died in these prisons, and where they are buried.
10. The Transitional Governing Body, in order to achieve justice and strengthen the transition to peace and stability, will establish mechanisms to hold to account 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. It will also lead efforts to establish civil peace, remove the seeds of discord among political parties, and between civil and military organisations at local level. These aims will be realised through strong international support.
11. The Transitional Governing Body has the full authority to guarantee the rights, integration and participation of all Syrians regardless of religion, ethnicity, national origins and sect, in the process of decision-making and the implementation of such decisions.
12. The Transitional Governing Body has full powers to assure the application of the settlement agreement, in conformity with international standards of human rights, democratic principles and international law. The Transitional Governing Body will participate actively in ensuring regional stability.
13. The Transitional Governing Body will put in place the main bases and principles for implementation of the settlement agreement, according to the aspirations of the Syrian people of democracy and legal rule.
14. The Transitional Governing Body will respect and guarantee freedom of expression; the right to form associations, civil society organisations, and political parties; to gather and hold peaceful protests and demonstrations; freedom of political participation; and freedom of the press. It will also ensure that all Syrians have access to the media.
15. The Transitional Governing Body guarantees the full participation and complete equality of Syrian women, in all spheres of rights and responsibilities.
16. The Transitional Governing Body guarantees 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 their 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, and which will be conducted in accordance with agreed mechanisms. This process will include all Syrians, of the highest national import, and will produce a body of principle 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. Independent civil society groups will observe the election.
19. The Transitional Governing Body will make arrangements for the conduct of a referendum on the constitution drawn up by the constituent assembly. This will be supervised by the United Nations and the constitution will have to be ratified by a two-thirds majority of the electorate.
20. After the establishment of a new constitutional regime by the Syrian people through a referendum, the Transitional Governing Body will undertake preparations for free, impartial, multi-party elections in accordance with the terms of the constitution. The constituent assembly will directly supervise the election, which will be observed by international civil society groups.
21. The Transitional Governing Body will dissolve immediately after the elected executive bodies have assumed their constitutional powers.
22. The constituent assembly will disband immediately, following 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 regional, Arab and international actors.
24. The Transitional Governing Body will apply such neutral and independent standards and measurements as are recognised by the UN Security Council, for the evaluation of the application of the agreement, as well as any further progress that is agreed upon, in accordance with articles 17 and 18 of UN Security Council Resolution 2118, issued in 2013. In case of non-implementation of the agreement, application of the measures provided in Chapter 7 of the UN Charter will be required (as stipulated by article 21 of UN Security Council Resolution 2118 in 2013).