

# Vevey Options

Vevey, Switzerland, January 2022

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Europäisches Zentrum für Kurdische Studien  
European Center for Kurdish Studies



Disclaimer: The principles in this paper reflect the discussions of the workshop. This does, however, not mean that all participants agree on all points of this document.

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## Introduction

The UN Security Council Resolution 2254 (2015) requests the General-Secretary “through his good offices and the efforts of his Special Envoy for Syria” to convene representatives of the Syrian government and the opposition “to engage in formal negotiations on a political transition process on an urgent basis” with a view to a lasting political settlement of the crisis. The Resolution mentions the target of January 2016 for the initiation of the talks. By the Resolution, the Security Council expresses its support “for a Syrian-led political process” that is facilitated by the United Nations and “within a target of six months, establishes credible, inclusive and non-sectarian governance and sets a schedule and process for drafting a new constitution”. It also expresses its support for free and fair elections, based on the new constitution, “to be held within 18 months and administered under supervision of the United Nations”.

The Resolution while providing for meaningful steps to lasting peace suffers from a number of shortcomings:

- (1) the timeline was tight, unrealistic and was not respected or implemented from the start; the Resolution is outdated in regard to the timeline foreseen leaving a process with no time constraints or deadlines;
- (2) the mandate of the UN (facilitating the talks) allowed multiple interpretations and was weakened by a variety of actors over time; as the mandate, the UN was not able to initiate or sustain formal negotiations leading to a lasting political settlement of the crisis; in addition, practice weakened the mandate over time and produced a highly asymmetric situation;
- (3) the Resolution reflects the conflict situation of 2015. Since then, the conflict structures on the ground have fundamentally changed. The Resolution offers no answer to more recent facets of the conflict, such as new dynamics of international involvement, regional and international geopolitical priorities, cross-cutting bilateral interests, external control of territory, presence of multiple actors on the ground, including five different armies, Sunni-Shia divides through the involvement of Iran, quasi-independence of the North-East, Kurdish-Kurdish conflicts, etc. The Resolution 2254 therefore has become ill-suited to deal with the current conflicts but remains the only consensual UN mandate for the UN special envoy and diplomatic common ground until today.

Starting from this assessment, the following options to revive the Syrian constitution-building process can be considered. This paper does not take sides for any of the options, but only collects them. Some of the options are contradictory, other could be considered together. Moreover, several options, if not all, will face considerable opposition from inside and outside of Syria due to the current diplomatic climate and under the given military constellations. However, this should not restrict open discussions on all possible scenarios for the next steps of the Syrian constitution-building process.

## Options for the Syrian constitution-building Process:

- 1) Ask for a new UN Security Council Resolution setting a new timeframe, providing for a stronger role of the UN, and being adapted to the conflict and the regional and geopolitical situation of today.

The advantage of this option would be to draw attention to the fact that the foundations of the process are partly outdated and need to be adjusted. A new SC Resolution would establish a new binding framework for the peace process. This option involves the risk that a new Resolution provides for a different roadmap and does not focus anymore on meaningful political change in Syria that would improve the human rights situation and living conditions of the Syrian people. A new Resolution may run the risk, for instance, of no longer centering on political, governance, electoral and constitutional change but of dealing with security issues exclusively.

- 2) Ask for an annex to the Resolution 2254. The annex could provide a more stringent timeframe, adjust and elaborate the process and the expected outcomes and deal with the current regional and geopolitical challenges.

The annex would not question the roadmap but provide more details and could, potentially, foresee a stronger role for the UN. There is, however, a risk that the annex would cause more problems than it would solve, for instance by questioning the roadmap or by further legitimizing the role of the regime and respecting its priorities.

- 3) Change the composition of the Syrian Constitutional Committee (SCC) and/or amend the rules of procedures. The composition of the SCC could be more representative of relevant political powers and expertise, it could be more inclusive and provide for better representation of minorities and youth. This would require stronger UN involvement and the exclusion of interference by outside countries. In addition, the mainstreaming of the interests of vulnerable groups should be strengthened; in particular the Women's Advisory Board should be complemented by Advisory Boards for Minorities and Youth. New rules of procedures could, for instance, challenge the fact that the agenda must be agreed upon by the two co-chairs, ask for the right of a group or a number of representatives of two groups to raise issues, clarify the role of the middle third, i. e. empower the middle third to play a relevant role, question the majority requirements.

A new composition of the SCC will be confronted by serious resistance, is likely to raise legitimacy issues and to seriously delay the process. In contrast, the establishment of additional Advisory Boards and/or an amendment of the procedural rules would allow the process to continue. Seen the making of the rules, changing them would be politically challenging but would offer the chance of serious talks to begin.

- 4) Give a stronger role to the UN and allow the Special Envoy and its team (or other mandated actors) to set the framework, impact on the agenda, propose principles and norms for debate, and more generally, have a stronger hand in the process. At least, the UN could

provide clarity in regard to the binding international legal framework, in particular in the field of human and minority rights and freedoms.

Giving a stronger role to the UN would not necessarily need to be seen as questioning the Syrian-owned and Syrian-led process. First, the Syrian crisis is a regional and geopolitical conflict involving numerous international actors – its settlement is not a purely domestic matter. Second, Syria like all other UN member states is bound by international law. Third, the role of the SCC is not to make the constitution but to produce a draft. The new constitution would gain democratic legitimacy for Syrians by being free, fair and transparent, by allowing for popular participation and consultation, and by being accepted, at the end, in a popular vote.

- 5) Question the baskets and the priorities, for instance by opening all four of them simultaneously again.
- 6) Request the ending of the current process, accept the fact that the process cannot produce the expected result of a new constitution, and pressure the UN to recognize the failure.

For the members of the Constitutional Committee this includes the option of stepping back from the committee – if possible, collectively – to get media /and international attention.

The process should not continue if the ambition of solving the Syrian crisis has been given up. Syrians and their hopes and aspirations should not be instrumentalized to send messages to other conflict zones and involved actors. If the process fails, key actors responsible for it should be named and shamed.

- 7) Ask for a general stalling of constitutional amendments. Demand a commitment of the regime to not change the constitution through a unilateral domestic process, in particular get a commitment not to amend Art. 88 on the presidential term, have Russia and other actors back the commitment (instead of constitutional change, a moratorium on constitutional change). Wait for 2028 – and try again...

In the meantime, other efforts should be pursued on other urgent issues.

- 8) Continue the so-called process as it is; accept the blockage; continue workshops, capacity building, dialogue in whatever form possible. Strengthen track 2 negotiations, pressure the UN to cooperate with and empower track 2 processes. Promote national dialogues, work on truth and reconciliation, prepare the ground for future negotiations, work for civic peace and social cohesion.

- 9) Increase pressure on Russia and Turkey (and Iran) through the UN and their membership in the UN to commit to the UN Resolutions and constructively contribute to peace efforts. A new format should be institutionalised which recognises the relevance of the Astana process, and includes actors such as the United States and the European Union (and selected member states). The key issue is to include all current external actors and potential spoilers in constitutional debates in addition to discussions on security.

An international peace conference should be organized, which should focus on: (1) ending the violence across Syria and ensure immediate access for humanitarian aid; (2) decide a strict timeline with fixed deadlines for a constitutional process that is Syrian-led and Syrian-owned and constrained by key constitutional principles as agreed at the international conference; (3) strengthen the mandate of the UN to enforce and protect the peace agreement across Syria and oversee the transitional process.

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