

CSSR Regional Consultations

Outputs and Recommendations

– *Third Group*

June 24-25, 2021

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FIRST SESSION: THE POLITICAL FILE AND CONSTITUTION

1. Inputs and contextual analysis

- ◆ The Syrian issue is not a crisis of the constitution, but of the domination of operational instruments over it.
- ◆ There is a problem of intractability in the constitutional text and application, but this intractability is political, not constitutional.
- ◆ The constitutional issue is part of the political solution, but seeing it as a transitional gateway to a political solution has become questionable, and it is becoming more of a gateway to gain time rather than to break through the intractability characterising it.
- ◆ The guarantor is still UN Security Council Resolution 2254, but its translation is still one-sided. It is necessary to adopt a strategy that is more committed to the resolution's content, develop procedures that prevent it from being used to gain time, and adopt a timetable for its implementation.
- ◆ The term "Syrian ownership" is important and key, but the reality confirms the shrinking of the extent of this ownership and the transition to the desire for a resolution to the Syrian issue that occurs outside of Syrian control. Therefore, the Special Envoy's statements emphasise international support to facilitate the transition, and the step-by-step strategy has become more difficult due to the large numbers of external stakeholders and interventions.
- ◆ Securing a safe environment is an important condition for completing a successful constitutional process. What we are witnessing is a disruption in the constitutional process and the restoration of an atmosphere of escalation aimed at further disruption, and then the presidential elections were designed to torpedo any chances of a solution.
- ◆ A constitution is a social contract and a component of a political solution, but what is happening in Syria is something different. No constitution can be produced in a violent environment. The general course of events and the failure to make any progress in the confidence-building process are further exacerbated by ongoing violence. A possible resolution of the constitutional issue is not a guarantee that this violence will not continue.
- ◆ The first step to starting any political process must be preceded by the release of detainees and knowing their fate

2. General recommendations on this topic

- ◆ The constitutional drafting process should be based on a set of fundamental principles, including transparency, participation, a prevailing spirit of compromise and consensus, and under national custodianship (i.e. it should be a process in the hands of Syrians and for Syrians) and international facilitation.
- ◆ A transitional legal framework should be created that guarantees fundamental rights and freedoms, and provides a roadmap for the negotiation process on the drafting of a permanent constitution and the provision of constitutional guarantees, both of which need to be agreed upon by all concerned.

3. Recommendations for civil society and civil society organisations

- ◆ Steps should be taken to expand the circle of public debate at the community level and prepare for a public debate in the event of a transition to the drafting stage that would turn the constitutional debate into rules for building the social contract.
- ◆ Despite the problems arising from the lack of clear mechanisms for representation and standards – e.g. the fact that the

personalities in the Middle Third of the Constitutional Committee were appointed through international consensus – there is no problem in strengthening channels of communication with members of the Middle Third who want to open spaces for discussion, vision and interaction. The CSSR should create effective communication channels to ensure that the core societal issues under discussion are communicated. Legislation should also be enacted that protects the civil action space as part of the system of freedoms.

- ◆ The issue of public freedoms can be linked to the political detention file, the exclusion of prisons from the need for accountability for human rights violations, and accountability on the issue of missing and forcibly disappeared persons.
- ◆ Any progress in the work of the Constitutional Committee, especially if it conforms to civic values and is a gateway to political transition, can be supported. In return, any disruption and intractability require civil society groups to identify clear positions with respect to the functioning of the Constitutional Committee. In addition, as many members as possible from the Middle Third should be engaged in the CSSR.

SECOND SESSION: HUMANITARIAN AND PROTECTION ISSUES

Pressing and sensitive issues include the following:

1. Humanitarian aid routes/corridors

- ◆ The concept of "crossing the lines" should be rejected, because the issue is not only one of the movement of goods, and the legal framework for project management is also important, as well as the privacy of beneficiaries and their data.

- ◆ The most prominent problem is protection, and if humanitarian issues are resolved, the problem of protection will in turn be resolved.
- ◆ Those responsible for artillery and air strikes across the lines cannot be trusted to transform themselves into those who can ensure fair assistance across the lines.
- ◆ The overall military activities of the regime and its allies are aimed at paralyzing the humanitarian aid system and implementing a policy of depriving and dismantling the aid infrastructure and service-provision system. Evidence of this is overwhelming. All demands to entirely separate the humanitarian file from the political process have not succeeded. The continued turning of humanitarian issues into sources of international tension and subjects for negotiations, and the use of these issues as tools of war apply to the detainees, disappeared, and forced displacement file.
- ◆ All stakeholders should stop targeting vital infrastructure and protect humanitarian facilities, while the mechanism for releasing the coordinates of aid routes should be reassessed.
- ◆ A safe environment should be established as an urgent requirement in light of the violations and escalation we are currently witnessing. This should be done not only to complete the constitutional process, but also to preserve the lives of the population and avoid the waves of displacement that are re-emerging, together with the resulting humanitarian and economic implications.
- ◆ The situation of refugees in Turkey is grave. Fear, anxiety and instability are increasing in that country, especially now, with the use of the migrant file in disputes between Turkish political forces, or its use in negotiations on the European partnership. Hate speech is escalating and the Turkish opposition forces hold Syrian immigrants responsible for price inflation and currency depreciation. The issue of the non-politicizing of the refugee file remains an important focus and must be raised in various forums, particularly at the Brussels Conference, in order to ensure the future of Syria and the region as a whole.
- ◆ The economic situation and the deteriorating living situation in the camps (especially after the decrease in funding), the COVID-19 pandemic, and the unprecedented drought pose a major threat to society.

2. Legal issues with humanitarian dimensions

- ◆ The rights of civilians should be protected from unconstitutional laws (e.g. the legalization of confiscation and the perpetuation of displacement by expropriation laws).
- ◆ There are concerns about the right to legal documentation (ID documents, passports) and the manner in which this right is being used as a tool for pressure and extortion. Such practices should be closely controlled.
- ◆ The issue of detainees, including demanding their release, knowing their fate, and working on this file, should be among the priorities of the Special Envoy, his Deputy and the international community, and an effective mechanism must be put in place to resolve this issue and judicial committees must be formed to document arrests.
- ◆ To deal with the worst-case scenario of a Russian veto extending the Security Council resolution on cross-border aid, we propose the following:
 - ❖ Transfer the funding of UN agencies to international NGOs that distribute the support provided to local civil society organizations (CSOs) and relief associations while ensuring the wider participation of local

organizations in implementing projects in order to apply the principle of community empowerment agreed upon under the Grand Bargain.

- ❖ Instead of the UN Humanitarian Fund, establish a humanitarian funding fund that is specific to Syria, and establish key coordination mechanisms in the areas of Syria not controlled by the Assad regime.

THIRD SESSION: CIVIL SPACE AND ROLES

1. Unused peacebuilding resources

- ◆ The civil space, like other areas of action and public affairs, lacks the dynamism of the younger generation of Syrian youth. Youth constitute more than half the population, but the decision-makers are older and old-fashioned, and belong to old and exclusionary political schools of thought. This is reflected in these decision-makers' traditionalism and lack of inclination to renew their thinking, not to mention their cognitive rigidity and their inability to keep up with global developments.
- ◆ Without the direct involvement of youth and women in public affairs issues, the dream of a promising Syrian future seems an impossible one.
- ◆ Great potential has been freed up over the past decade and has provided bright examples of volunteerism and constructive initiatives. Those who have demonstrated this potential deserve wider access to decision-making positions and confidence in their experience. There is no doubt that their taking over of this space of influence will have a clear impact on the creation and invention of bold and creative solutions. There must be no hesitation in efforts to secure more opportunities.
- ◆ The role of voluntary teams and unlicensed youth initiatives should be recognized as the platform that brings together the largest proportion of young people, but young people are not sufficiently present in organizations, which is up to a point normal because they are at university or working in voluntary teams. Therefore, it is necessary to develop mechanisms for their representation that go beyond the legal and administrative procedures of traditional organizations or to create a legal framework that allows them to play a greater role.
- ◆ The file of persons with disabilities must be dealt with seriously, but this file will continue to expand as long as there are military operations, mines and ammunition residues.
- ◆ Here we are talking about 28% (HNAP) of Syrians, whose representation in decision-making circles is also important, as well as the need for these circles to listen carefully to the visions and roles of disabled Syrians in the solution to the problem of disability. These people are possible sources of societal peace whose potential to participate productively in the peace process has scarcely been tapped.

2. Service provider or policy influencer?

- ◆ The identity of Syrian organizations continues to oscillate between that of service provider, which compensates for the absence of a responsible and influential state, and normal civil action. The pressure

of an ongoing emergency environment serves to inhibit the transition from the first role to the second. The same applies to the pressure on CSOs to align their activities with the policies of some donors and the modernity of the civil experience in general. A positive step would be to encourage participatory action initiatives, rebalance the relationship with the forces shaping Syrian society, and defend the integrity and honor of civil action by providing more positive examples that are subject to transparency, accountability and accurate assessment of the extent of their success.

FOURTH SESSION: CSSR GOVERNANCE

1. Representation issues

- ◆ The mechanisms for selecting representatives and defining roles in the CSSR should be further defined. Questions that should be answered include: Is there a coordinator for the CSSR? Are there set roles for members of the CSSR? How are the working groups formed? How are their topics selected?
- ◆ We understand the difficulties of ensuring a fair representation of the civil reality, but that does not prevent us from asking for more inclusion.
- ◆ Unfortunately, the widespread inclusion was not due to the modernization of the structure of selection criteria and mechanisms, but because of the COVID-19 pandemic. The circle of participation must continue to be expanded and should not be returned to a micro and selective system of representation.
- ◆ It is important to discuss the qualitative additions to the CSSR, and to assess the CSSR's performance and the kind of expansion that will support its objectives.
- ◆ Representation can be further enhanced by a special capacity-building programme that puts newly enrolled people through an intensive preparatory programme.
- ◆ Young people, teams and unauthorized organizations should be included in the civic space and in the CSSR more broadly.
- ◆ Women's/female representation should not be reduced to the Women's Advisory Board, and other channels of communication should be opened with women both inside and outside Syria.

2. Role issues

- ◆ The CSSR is an important process and does not conflict at all with any initiatives aimed at supporting civil coordination and developing the solidarity movement among organizations in different areas.
- ◆ Good governance does not require creating a new body; rather, an agreed-upon limit that ensures extensive coordination is required.

- ◆ A transition is needed from generality to specialisation, as well as a policy of effective coordination according to individual competence.
- ◆ The oversight role will need a more coherent civilian structure – in particular a close relationship with Syrian society – that should be supported and protected by the societal base.
- ◆ Important practical and knowledge papers have been produced by Syrians, and the knowledge that has been generated should be adopted by the peace process. Lobbying for this to happen should therefore take place at the society level.
- ◆ Dialogues are important as a step towards building practical field programmes. The CSSR does not negotiate positions, but promotes civic values, provides fresh visions, and identifies and corrects erroneous or impractical ideas and processes. However, it is not only a dialogue or knowledge club, and has to be procedural as well.
- ◆ Regional consultations are an important element in clarifying the specifics of the local reality, but they do not replace the need for the intersection of paths and visions in order to build a widely accepted Syrian vision.

3. Accountability issues

- ◆ A feedback and evaluation mechanism should be developed, i.e. a means of disseminating information from the CSSR and sharing it with the civil space, as well as a means to ensure that feedback is taken into consideration.
- ◆ There is currently no link between the work of the CSSR and the civil space. The CSSR operates in a narrow and enclosed environment. The boundaries of this environment need to be broken down in order for the CSSR to be accountable firstly to the organisations it represents and secondly to the wider Syrian society.
- ◆ The civic dialogue platform may help to fill this gap in a limited way, but organisations should play a broader oversight role over those who participate in the CSSR's activities. There is a need for a minimum phased planning process for follow-up on and the evaluation of the material produced by the CSSR.
- ◆ It is important to focus on the common values that are far wider than narrow political sphere. This does not mean removing the civil space from politics; on the contrary, the role of civil society in politics is to be an influencer, rather than being influenced by political tensions.
- ◆ The mission of the CSSR is to communicate the voice of society to the decision-making circles within the UN-led process, which is a fully political input. The process of accounting for the CSSR's work begins here and should be focused on the degree to which the CSSR is successful in conveying this voice.

CONCLUSION & SUMMARY

Over two days and four sessions, the participants discussed a number of work streams, drew a number of conclusions, and made various recommendations dealing with pressing issues on the Syrian track and the reality of civil action. Based on the proposals of the organisers, the topics for discussion and procedures were amended in the following ways:

1. Given the small size of the group, it was agreed to work throughout all the sessions as a team and not break up into sub-groups.

2. Four topics were approved, and one session was allocated to each topic as follows:

- ◆ Political Framework and Constitutional Process
- ◆ Humanitarian Framework and Protection Issues
- ◆ Civil Space and Roles
- ◆ CSSR Governance

3. At the beginning of the first session a set of questions and reservations were recorded on the subjects of:

- ◆ the mechanism for selecting facilitators, which remained incomprehensible, since participants had no knowledge of the selection criteria.
- ◆ the division of the five groups according to their geographical location or place of residence, which reduces the opportunity to deepen the intra-Syrian discussion.
- ◆ the failure to take the attendees' wishes into consideration, because some attendees are activists located in particular areas, but their work activities occur in other areas; and
- ◆ the desire of some to create a more comprehensive picture by identifying the contexts of other regions.

Participants expressed their desire to discuss and clarify these points with the organisers so that the event can be better organised in future.

CSSR, 2021

The Civil Society Support Room (CSSR) was established in January 2016 by the Office of the Special Envoy for Syria as a mechanism to consult with a broad and diverse range of civil society actors. Through the CSSR, civil society actors can meet, interact and provide their insights and ideas to the Office of the Special Envoy, relevant United Nations actors, as well as international stakeholders.

This mechanism aims at rendering the UN mediation process more inclusive.

The overall supervision and guidance of the CSSR rests with the OSE-Syria. NOREF Norwegian Centre for Conflict Resolution and Swiss Peace foundation have been mandated by the OSE to provide methodological expertise, operational and technical support to the process.

The views expressed in this report are those of the authors and do not necessarily reflect the UN standpoint.

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