

Istanbul III-Paper

Summary of the Discussion at the Workshop in Istanbul from 10-13 November 2017

This discussion is based on the Istanbul Paper II, which had summarized in 23 points the results of the workshop from 27-30 May 2017. The delegates present at the November meeting suggested the following amendments and additions to the points outlined in the first paper:

1. Syria is a democratic state. All state power is based on the will of the people and is exercised for the benefit of the population.
2. Syria is a constitutional state that respects the principles of separation of powers. The law is the basis and gatekeeper of all state power.
3. Syria is a federal state that shares power and resources between the national, regional, and municipal levels.
4. Syria respects, protects, and promotes the diversity of its population. All ethnic, religious, and linguistic groups are a part of Syria's identity and are recognized as an integral part of Syrian society. All groups big or small have the same claim to the respect and protection of their rights, preservation, and support of their cultural identity and to the heritage as well as the right to preserve and promote their cultural identity and equal opportunity in the state.
5. In determining the name, flag, the anthem and further traits of the Syrian state the diversity of its population will be taken into consideration.
6. Syria respects, protects, and fulfils internationally recognized human rights and minority rights. Actions and statements directed against the fundamental principles of the constitution or inciting hate and violence, are prohibited.
7. Syria's territorial integrity is guaranteed.
8. All levels of the Syrian state guarantee the equal participation of all groups in the state and its institutions and ensure equal political, economic and social opportunity for all citizens. The administration at all state levels is inclusive and represents all groups in accordance with their proportion of the overall population. An overrepresentation of very small and dispersed groups is permitted.
9. On the national level the following languages are recognized as equal official languages: Arabic, Kurdish, Turkmen, and Assyrian. The needs of other language groups will be taken into consideration. In every region at least one national language must be recognized as an official language. The regions can designate one or more additional languages as official languages.
10. Syria guarantees equal rights and responsibilities for men and women, and ensures the adequate representation and co-determination of women in all institutions of the Syrian state. In all federal, regional and municipal institutions the representation of women must be at least 30 percent.
11. Syria is a democratic civil state that is based on a separation of religion and state. Freedom of religion and conscience for all is respected and protected by the national constitution. The

state treats all religious groups with respect and constitutionally recognizes the religion of the Yazidi.

12. Syria has a constitutional court that monitors human rights, the rights of all ethnic, religious, and linguistic groups, and the division of power and resources; it also protects the values of the constitution. The constitution determines the number of judges, their term in office, and the requirements of eligibility for election. The second chamber elects the judges with a two-third majority. An independent electoral commission prepares the election and receives the recommendations from the president, the first chamber, the regional governments, and the ethnic, religious, and linguistic groups, the parties, and the lower court. During the election and the preparations for the election it must be ensured that the different regions of Syria and the ethnic, religious, and linguistic groups are adequately represented. At least one constitutional judge has to be a native speaker of Arabic, Kurdish, Turkmen, and Assyrian. If there is a draft bill or another parliamentary directive, one quarter of the members of the second chamber, one quarter of the members of the second chamber, the president, or two regions can call on the constitutional court to make a decision on the constitutionality of the draft within a specific time period. Regions, municipalities, and other state actors as well as natural and legal persons that address a violation of the constitution can file a grievance to the constitutional court. The grievance can address government actions or nonfeasance. The constitutional court annuls laws and rulings that violate the constitution. In the case of an emergency it reviews the adherence to the emergency laws. The constitutional court decides quickly. It carries out a preliminary review to ensure that an urgent procedure is treated with the appropriate urgency and that abusive procedures are met with rebuff. If the trial court delays the process for undue reasons, the plaintiff can appeal directly to the constitutional court. The constitutional court has personal and institutional independence and financial resources that allow it to function efficiently.
13. An independent electoral commission plans, organizes, and carries out the elections. The Syrian president is elected directly. That person is elected when he or she obtains the majority of votes of the entire population and the approval of the majority of the regions. The president's function is mainly representative and symbolic. The president appoints a member of parliament to the role of prime minister. The latter takes office when a two-third majority in parliament shows a vote of confidence. The prime minister forms a cabinet, which must be approved by the parliament.
14. The Syrian parliament is comprised of two chambers. In the first chamber all groups are represented according to their demographics. The representatives are elected directly. In the second chamber all regions are represented with the same number of votes. The regions decide how their representatives are chosen. The election process in the regions ensures an adequate representation of all ethnic, religious, and linguistic groups. The Assyrian and Yazidi communities as well as other very small and dispersed groups have an additional claim to a representative in the second chamber. Decisions that affect regional responsibilities, as well as projects in the common interest of the Syrian state, require the approval of two-thirds of the members of the second chamber.
15. The national level is only responsible for the areas assigned to it by the constitution. This includes:
 - a. Defence

- b. Currency
 - c. Citizenship
 - d. Political Foreign Relations
 - e. Criminal Law
 - f. Property Law, Contractual and Commercial Law, Debt collection and Bankruptcy Law, Banking law and Stock Exchange Law
 - g. The planning and implementation of projects that are in the common interest of the Syrian state; the national level works closely with the regions particularly affected by these projects and takes their interests into consideration.
16. The remaining state functions fall under the responsibility of the regions, notably education, health, police, civil law, family law, and inheritance law, the planning and implementation of regional infrastructure and development and culture. The regions are responsible for protecting the environment and cultural assets, as well as for realizing Syria's obligations under international law.
17. The regions are responsible for education and operate schools and universities independently. They recognize the right of ethnic, religious, and linguistic groups to self-determined education and respect and protect the autonomy of the university. They authorize and supervise private educational institutions. The regions design the education system and determine the curricula in accordance with the International Convention on the Rights of the Child and other obligations Syria has under international law. To facilitate the mutual recognition of educational qualifications, the regions coordinate the levels of education and general educational objectives. The national level can support university teaching and research and coordinate international cooperation; in doing so it respects the responsibilities of the regions and the autonomy of the universities.
18. The regional governments are responsible for the police. The national level is in charge of the federal police, whose job is to protect the national constitution and guarantee international police cooperation.
19. Political foreign relations are the exclusive responsibility of the federation. Syria respects international law and fosters peaceful relations to its neighbours and to the international community.
20. Regions can work together with other regions or international actors to fulfil their functions and areas of responsibilities and to this end negotiate contracts. They are required to inform the national level about these activities. If a region or the majority of the first chamber is of the opinion that this cooperation is violating the constitution or is damaging Syrian interests, it can call on the second chamber. The latter decides with a two-thirds majority if the cooperation is permissible.
21. The military, the security agencies, and the police are under civil control and are accountable to the national and regional parliaments respectively. The secret service is subject to supervision by a parliamentary commission.

22. Together the national and regional levels ensure for the highest standards of social security. The national level regulates old age and survivor benefits, health and accident insurance as well as unemployment insurance. The regional level carries out the regulations. An appropriate share from the revenues of natural resources is available for social security and supplements the revenue as a premium. Every person in need has a claim to state assistance and care.
23. The national and regional levels ensure the provision of water, energy, and means of communication to the population.
24. Every region has its own constitution and its own administration. The regional constitutions as well as the regional laws cannot contradict the higher laws of the country and international laws.
25. The borders of the regions will be redrawn. A commission made up of domestic and international experts works out proposals for a redrawing of the borders under UN direction. This redrawing takes into consideration ethnic, religious, and linguistic criteria and consultations are carried out. Building on the proposals of the commission the first parliamentary elections for both chambers and the presidential elections take place. The second chamber appoints a border commission from their members in which all ethnic, religious, and linguistic groups are represented. The border commission receives applications for changes to the regional borders, consults with the domestic and international experts and works on proposals for the second chamber. The proposed boundary changes take effect when all members present in the second chamber approve them. In the absence of a consensus in the second chamber, referenda take place in the regions under question. The border commission plans and monitors the implementation of the referenda and can entrust the UN with the monitoring.
26. Independently of their place of residence, ethnic, religious, and linguistic groups enjoy the right to cultural self-determination, in particular in the areas of education, religious practice, and fostering culture. To this end, they can establish institutions that ensure cross-border cooperation.
27. The regions recognize the rights of all groups to local self-government. The borders of the municipalities will be redrawn if need be and ethnic, religious and language criteria will be taken into consideration.
28. The national level is responsible for customs, value added tax, and the special exise tax. The regions levy direct taxes on the incomes of natural and the net income of juridical persons. The natural resources belong to the regions and all of Syria; the regions administer the natural resources in the interest of the entire state. The revenue from the natural resources serves to cover the needs of all regions. The region that has the natural resource has a claim to an appropriate share of the revenue from that resource. The financial compensation between the federal and regional levels as well between the regions ensures that all state communities have access to the funds they need to fulfil their functions. The following criteria are decisive for the compensation: population numbers, need for social benefits, economic development, need for reconstruction and compensation for past injustices. An independent financial commission keeps watch over state financial resources and annually

work on proposals for the parliament on financial compensation. The commission is comprised of independent experts for public finances and is appointed by both chambers of parliament.

29. All levels of state are obliged to share information, to loyal cooperation, and to peacefully put aside conflicts.
30. An independent commission compiles suggestions for the parliament concerning the transitional justice and ensures that the crimes of the past are being prosecuted.
31. The process of drafting a constitution must align with the principles laid out in this document and take into consideration the legitimate interests of all ethnic, religious, and linguistic groups. The claim of all Syrian components to equal participation in the state also applies to the process of drafting a constitution. The following constitutional principles must not be limited or repealed: democracy, rule of law, human rights, the rights of ethnic, religious, and linguistic groups, the Social State Principle, and federalism.