



Security Council

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Letter dated 26 September 2019 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 2254 (2015), as well as to my remarks to the press on 23 September 2019 regarding the Syrian Arab Republic, and to bring to your attention the “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” (see annex). The Terms of Reference and Core Rules of Procedure were agreed by the Government of the Syrian Arab Republic and the Syrian Negotiation Commission with the facilitation of my Special Envoy for Syria, Geir O. Pedersen.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(Signed) António Guterres

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Annex

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

1. Consistent with the Charter of the United Nations and its principles and purposes and all relevant Security Council resolutions on Syria and based on a strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic;
2. In the discharge of his mandate in Security Council resolution 2254 (2015), including to facilitate intra-Syrian negotiations that, *inter alia*, sets a constitutional process to develop a new constitution, pursuant to which free and fair elections under United Nations supervision shall take place in line with the resolution; and with full respect of Syria's national sovereignty;
3. Recalling the Twelve Living Intra-Syrian Essential Principles which emerged from the Geneva process;
4. Giving effect to the Sochi Final Statement as a contribution to the Geneva process with the support of the Sochi co-conveners;
5. Stressing the importance of the broader political process moving forward to build trust and confidence and implement Security Council resolution 2254 (2015);
6. The United Nations Special Envoy for Syria looks forward to convening under United Nations auspices, in Geneva on 30 October 2019, and facilitating a credible, balanced and inclusive Syrian-led, Syrian-owned Constitutional Committee that operates in accordance with these Terms of Reference and Core Rules of Procedure:

Article 1: Mandate

7. The Constitutional Committee shall, within the context of the UN-facilitated Geneva process, prepare and draft for popular approval a constitutional reform, as a contribution to the political settlement in Syria and the implementation of Security Council resolution 2254 (2015). The constitutional reform shall, *inter alia*, embody in the constitution and constitutional practices of Syria the letter and spirit of the Twelve Living Intra-Syrian Essential Principles.
8. The Constitutional Committee may review the 2012 Constitution including in the context of other Syrian constitutional experiences and amend the current constitution or draft a new constitution.

Article 2: Composition and Structure

9. The Constitutional Committee shall have a large and a small body.

10. The large body shall comprise 150 men and women - 50 nominated by the Government; 50 nominated by the Syrian Negotiations Commission; and 50 civil society.

11. The small body shall comprise 45 men and women - 15 nominated by the Government from among its 50; 15 nominated by the Syrian Negotiations Commission from among its 50; and 15 from among the 50 civil society.

12. The small body shall prepare and draft the constitutional proposals and the large body shall adopt them. The large body may be convened, in parallel or periodically as the work of the small body proceeds, to discuss and adopt proposals.

Article 3: Decision-making

13. The Constitutional Committee should be governed by a sense of compromise and constructive engagement aimed at reaching general agreement of its members which would enable the outcome to receive the widest possible support by the Syrian people, and to this end the Constitutional Committee large and small bodies move forward and take decisions by consensus where possible but otherwise by voting requiring support of a minimum of 75% of members in the respective body (i.e. 113 members present and voting in the large body, 34 members present and voting in the small body). The 75% voting threshold shall be a fixed one.

Article 4: Chairing

14. The Constitutional Committee shall have balanced chairing arrangements with two Co-Chairs – one nominated by the Government of Syria and one nominated by the Syrian Negotiations Commission.

15. Co-Chairs shall proceed in consensus in chairing the large and small bodies.

16. Co-Chairs shall in consensus exert the prerogatives necessary for ensuring the observance of the rules of procedure and the good functioning of the Constitutional Committee. Their functions may include:

- chairing and guiding meetings and sessions;
- proposing and ensuring observance of rules of procedure;
- facilitating and proposing an agenda and work-plans that enable all issues to be considered and does not make consideration of issues dependent on agreement on other issues;
- identifying and inviting speakers;
- promoting gender mainstreaming;

- receiving and putting forward ideas on the work as may be appropriate;
- coordinating with the Special Envoy to ensure that his facilitation is at their disposal in the discharging of their duties.

Article 5: Facilitation

17. The Special Envoy shall facilitate the Syrian-led and Syrian-owned Constitutional Committee's work, including by supporting the Co-Chairs to reach consensus and by bringing closer viewpoints among the members through exerting his good offices when needed.

18. The Special Envoy shall regularly review progress through his reporting to the Security Council.

Article 6: Confidence, safety and security of Constitutional Committee members

19. There is a strong and shared commitment to build confidence beginning with guaranteeing that members of the Constitutional Committee and their relatives or political and civil society organizations and entities of which they are part are not subject to threat or harassment or actions against person or property directly related to their work in the Constitutional Committee and to addressing and resolving any incidents and concerns should they arise.

Article 7: Additional Provisions

20. Consistent with these Terms of Reference and Core Rules of Procedure enjoying the consent of the Syrian parties, the Constitutional Committee may agree on further rules of procedure within the Constitutional Committee process to ensure its efficient and sustainable work on all issues without preconditions.

21. The Syrian parties agree that, in the interests of the Syrian people alone, the Constitutional Committee shall work expeditiously and continuously to produce results and continued progress, without foreign interference, including externally imposed timelines.

22. The Constitutional Committee may agree on any adjustments that may be necessary along the road in these Terms of Reference and Core Rules of Procedure to enable the Constitutional Committee to move forward, and it may seek the good offices of the Special Envoy as may be needed.

23. The Constitutional Committee shall agree on the means of popular approval and transposition into the Syrian legal order of the constitutional reform adopted by the Constitutional Committee, and it may seek the good offices of the Special Envoy as may be needed.

END