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Situation in Syria: prospects for a political solution?

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Ms Theodora BAKOYANNIS, Greece, Group of the European People's Party

Summary

The report analyses the impact of eight years of Syrian conflict, in particular the humanitarian consequences for the Syrian people and the destabilising effects on the Middle East and the Arab World, as well as on Europe. It also discusses the complex balance of powers and spheres of influence of the international actors who joined the conflict and outlines recent developments in the peace process.

Arguing that the political process has now reached a critical stage, the Committee on Political Affairs and Democracy puts forward a number of recommendations, focusing on humanitarian assistance, conflict resolution, accountability for serious violations of international law and human rights, as well as on the humanitarian situation of refugees in neighbouring countries.

In addition, the international community is urged to adhere to the peace road map, in line with the Syrian-led political process, and to support the efforts of the newly appointed United Nations Special Envoy for Syria, with a view to setting up a legitimate, credible, diverse and balanced constitutional committee, as a necessary mechanism of political transition towards a democratic post-war Syria.

1. Reference to committee: Bureau decision, Reference 4275 of 27 January 2017.

Contents **Page**

A. Draft resolution 3
B. Explanatory memorandum by Ms Theodora Bakoyannis, rapporteur 5
1. Introduction 5
2. Key facts with focus on 2018-2019 6
3. The humanitarian consequences of the conflict 8
4. International involvement: a complex balance of powers and spheres of influence 10
5. Recent developments in the peace process 11
6. Concluding remarks and recommendations 12

A. Draft resolution[2]

1. Eight years after it started, the war in Syria has led to one of the worst humanitarian crises the world has faced since the Second World War. It continues to have devastating consequences for the Syrian people and has so far claimed over 400 000 lives and driven some 11.7 million to flee their homes, including over 5.6 million to seek refuge in neighbouring countries and beyond.

2. The conflict is not only having a destabilising impact on the Middle East and the Arab World, but also on the European continent, notably through: the exacerbation of political and sectarian differences within Syria; the involvement of international actors pushing their own interests and adding to the complexity of the conflict; the growth of Daesh and other violent terrorist groups, which also led to the foreign fighters phenomenon and the challenges arising when they return to their countries of origin.

3. Since the political process has now reached a critical stage, the Parliamentary Assembly urges the international community to unite and engage in serious efforts to reach a common agreement without further delay, and to support the efforts of the newly appointed United Nations Special Envoy for Syria, Mr Geir O. Pedersen, with a view to setting up a constitutional committee, as a necessary mechanism of political transition towards peace and stability, based on the Geneva Communiqué of 30 June 2012 and United Nations Security Council Resolution 2254 (2015).

4. The Assembly is extremely alarmed about the situation of the 13 million Syrians in need of humanitarian assistance, of which one third live in areas that cannot be accessed from inside Syria, including 2 million internally displaced persons in the so-called Idlib de-escalation zone.

5. While welcoming the progress made in taking back areas of Syria from Daesh and other terrorist groups, the Assembly urges all parties involved in military operations against them to:

5.1. take all necessary precautions to avoid harm to the thousands of civilians who are trapped in the middle of air strikes and ground fighting, in accordance with their obligations under international humanitarian law;

5.2. maintain de-escalation in the agreed demilitarised zone and protect civilians.

6. The Assembly welcomes the progress made in the negotiations by the former United Nations Special Envoy for Syria and the international community, including within the Astana framework, and urges all parties to the conflict to:

6.1. reinforce the ceasefire in all areas of the country, allow humanitarian convoys to proceed, and facilitate safe, rapid, unhindered and sustained humanitarian assistance;

6.2. mobilise financing for immediate, life-saving needs in support of the Syrian people, and particularly children, including to ensure respect of their rights to life, adequate food, shelter and medical care;

6.3. continue to take steps, consistent with international law, to prevent and suppress the flow of foreign terrorist fighters to Daesh and other terrorist groups, as determined by the United Nations Security Council, also in line with Resolution 2091 (2016) and Recommendation 2084 (2016) on foreign fighters in Syria and Iraq;

6.4. create conditions for the safe, voluntary and dignified return of refugees and displaced persons, in compliance with internationally accepted human rights and humanitarian law norms and standards, relating to housing, land and property rights.

7. The Assembly also urges Council of Europe member States to repatriate captured foreign fighters, and their families, who fought with Daesh in Syria, and to bring them to trial.

8. Furthermore, the Assembly urges all parties to adhere to the peace roadmap, in line with the Syrian-led political process, under the auspices of the United Nations Special Envoy for Syria, and seize the current opportunity to find lasting peace, by:

8.1. making progress on the establishment of a legitimate, credible, diverse and balanced constitutional committee to draft a constitutional reform, as a contribution to the political settlement and the establishment of a democratic post-war Syria, in line with the Sochi final statement of 30 January 2018;

2. Draft resolution adopted by the committee on 5 March 2019.

8.2. ensuring that the constitutional committee allows for the inclusive participation of political opposition and of civil society, including delegates representing Syrian experts, non-governmental organisations, tribal leaders and a minimum of 30% of women, as proposed by the United Nations.

9. The Assembly considers that the Council of Europe could contribute to the efforts of the United Nations, bearing in mind its expertise in institutional matters and the objectives set by the United Nations Security Council Resolution 2254 (2015). The constitutional committee could avail itself of the experience and expertise of the European Commission for Democracy through Law (Venice Commission) in the future constitutional reform process.

10. Accountability for serious violations of international humanitarian law, human rights violations, particularly the persecution of religious and ethnic communities, war crimes and crimes against humanity is central to achieving sustainable peace in Syria and facilitating a national reconciliation process and transitional justice. Therefore, the Assembly:

10.1. calls on all parties to the conflict, in particular the Syrian Government, Council of Europe member and observer States and States whose parliaments enjoy observer or partner for democracy status with the Parliamentary Assembly, civil society and the whole international community to co-operate fully with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, set up by the United Nations General Assembly, in particular by providing relevant information and documentation;

10.2. calls for the situation in Syria, including the crimes against humanity or even possible genocide committed by Daesh, to be referred to the International Criminal Court (ICC) by the United Nations Security Council, based on article 13(b) of the Rome Statute of the ICC.

11. Deeply concerned about the latest allegation of a chemical attack in Aleppo on 24 November 2018, the Assembly:

11.1. condemns in the strongest possible terms the use of chemical weapons by anyone, under any circumstances, stressing that any use of chemical weapons is unacceptable and contravenes international norms and standards, including the 1997 Chemical Weapons Convention, ratified by 192 States including Syria;

11.2. deems it imperative to ensure that those responsible for the use of chemical weapons are identified and held accountable, and fully supports the work of the Organisation for the Prohibition of Chemical Weapons (OPCW).

12. Furthermore, the Assembly stresses that the Syrian refugee crisis is the responsibility not only of neighbouring States and of Europe, but of the whole international community. It expresses its deep appreciation for the significant efforts that have been made by neighbouring countries Lebanon, Jordan, Turkey and Iraq and to accommodate Syrian refugees, and in line with Resolution 2224 (2018) on the humanitarian situation of refugees in the countries neighbouring Syria, reiterates its call on Council of Europe member States to:

12.1. step up financial contributions to the United Nations Regional Refugee and Resilience Plan, to satisfy funding requirements to support national efforts in Turkey, Lebanon, Jordan and Iraq;

12.2. achieve more effective sharing of responsibility through the implementation of resettlement programmes and other forms of legal admission of refugees from the region to their countries;

12.3. use all available diplomatic means to encourage fairer responsibility sharing with non-European Union countries.

13. Finally, the Assembly fully shares the goal of the United Nations to end the suffering of the Syrian people and find a sustainable and peaceful solution to the conflict through an inclusive and Syrian-led political process that leads to the establishment of a multi-ethnic society that includes all religious and ethnic groups in Syria and meets the legitimate aspirations of the Syrian people.

B. Explanatory memorandum by Ms Theodora Bakoyannis, rapporteur

1. Introduction

1. Following the departure of Mr Tobias Zech from the Parliamentary Assembly, I was appointed rapporteur on 25 January 2018. Despite having worked only one year on my report, in January 2019 I asked for the committee's agreement to adopt the report on 5 March. I believe that this is a critical time for the political process in Syria, which deserves an Assembly debate as soon as possible.

2. As Mr Staffan De Mistura, former United Nations Special Envoy for Syria, stressed at the end of his mandate in December 2018, "we need a renewed sense of common purpose and concerted action in the United Nations Security Council, if 2019 is to be the real turning point for Syria". As the new Special Envoy, the Norwegian Geir Pedersen, started his consultations in Damascus in January 2019, our Assembly should provide its input and put forward concrete proposals for a post-war phase in Syria.

3. The bloody conflict, which has left more than 400 000 dead and obliged millions to flee since 2011, has become ever more complex over the past eight years with the involvement of international players as well as with changing internal factors.

4. Since 2012, the Assembly has analysed the Syrian conflict and related issues in a series of texts, starting with Resolution 1878 (2012) on the situation in Syria.[3] In June 2018, the Assembly adopted Resolution 2224 (2018) on the humanitarian situation of refugees in the countries neighbouring Syria, to which I refer for a thorough analysis of the refugee issue.

5. On 25 November 2016, following a request for an urgent debate, the Assembly also adopted Resolution 2138 (2016) and Recommendation 2096 (2016) on the situation in Aleppo. The report by Mr Jean Claude Mignon[4] discussed the political and humanitarian consequences of the conflict and offered several recommendations to the players involved.

6. The Committee of Ministers took note of Recommendation 2096 (2016) and adopted a reply on 31 May 2017 at the 1287th meeting of the Minister's Deputies.[5] Referring to their own Declaration on the situation in Syria adopted in 2012, the Committee of Ministers reiterated that only a political solution can end the conflict and underlined that support for a genuine political transition based on the Geneva Communiqué of 30 June 2012 and United Nations Security Council Resolution 2254 (2015) would pave the way for a new constitution and free and fair elections.

7. Since the adoption of Resolution 2138 (2016), the Syrian Government has recaptured Aleppo and other core areas of the country, with the help of Russian air power and Iranian-sponsored militias. Daesh lost control of Raqqa, a city they had declared as their capital in Syria, and other key areas and the conflict has spilled over Syria's borders with increased military intervention from multiple sources. Peace talks in Geneva, Astana and Sochi have achieved some results, which I will discuss in this report, and opened a window of opportunity for a credible political transition.

8. I intend to focus primarily on the impact of the Syrian conflict, including the multiple humanitarian concerns and ongoing peace talks, as well as the role of international actors and the effects on surrounding countries.

9. On 24 October 2017, the Committee of Political Affairs and Democracy held an exchange of views with Mr Christian Springer, founder of the non-profit organisation Orienthelfer. Hearings of experts, with the participation of Mr Tarek Mitri, Director of the American University Beirut, Mr Julien Barnes-Dacey, from the European Council of Foreign Relations, and Mr Haid Haid, of Chatham House, also took place on

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3. Moreover, on 3 October 2013 the Assembly adopted Recommendation 2026 (2013) with respect to the Framework for Elimination of Syrian Chemical Weapons. In October 2014, the Assembly adopted Resolution 2016 (2014), based on my report on "Threats against humanity posed by the terrorist group known as 'IS': violence against Christians and other religious or ethnic communities". In Resolution 2107 (2016), a stronger European response to the Syrian refugee crisis was examined. Resolution 2091 (2016) and Recommendation 2084 (2016) were adopted in January 2016 as a result of the involvement in the crisis of young people in the West as outlined in the report on "Foreign fighters in Syria and Iraq". On 12 October 2017, the Assembly adopted Resolution 2190 (2017) on Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh. In April 2018, the Assembly adopted Resolution 2211 (2018) "Funding of the terrorist group Daesh: lessons learned".

4. Doc. 14197.

5. Doc. 14331.

14 November 2017, with Mr Eugenio Dacrema, from the Italian Institute for International Studies (ISPI), on 12 March 2018 in Paris, as well as with Mr Sotirios Roussos, Associate Professor at the University of Peloponnisos, on 22 May 2018 in Athens.

10. On 24 January 2018 and on 26 April 2018, the Assembly held two current affairs debates: on Europe's role in peace-making initiatives in Syria, which was opened by Ms Rósa Björk Brynjólfsdóttir (Iceland, UEL), and on the Turkish military intervention in Syria, opened by Mr Tiny Kox (Netherlands, UEL). These discussions have greatly informed my report and I thank our colleagues for their contributions.

11. Furthermore, on 24 October 2018, I paid a visit to Jordan and expressed our wholehearted appreciation for the contribution of Jordan in hosting over 1.3 million Syrian refugees. My visit confirmed our common view that Jordan, as well other surrounding countries such as Lebanon and Turkey, deserve greater international support to deal with this delicate issue.

12. Finally, the committee organised an exchange of views with the participation of Mr Salam Kawakibi, Director of the Arab Centre for Research and Political studies, on 5 March 2019 in Paris.

13. At this critical time for the negotiations, it is essential for our Assembly to support United Nations efforts and, in particular, to stress the need to include all Syrian political forces, experts, civil society, religious and tribal leaders and women in the future constitutional committee, as a necessary political transition based on the Geneva Communiqué of 30 June 2012 and United Nations Security Council Resolution 2254 (2015). I therefore proposed to change the title of my report as follows: "The situation in Syria: prospects for a political solution?".

2. Key facts with focus on 2018-2019

14. Syria began its descent into civil war in early 2011, when government security forces shot and killed protesters in the context of what seemed then to be the "Arab Spring". The brutal crackdown on these demonstrations provoked new waves of protests. Between August and November 2011, the United States, the European Union, Turkey and the Arab League countries imposed economic sanctions against the Syrian regime for its crackdown on civilian demonstrators. In June 2012, the fighting spread to Aleppo, Syria's second largest city and its commercial hub.

15. Over the past years, the jihadist group Daesh and other affiliated terrorist groups joined the conflict. Daesh grew out of what was al-Qaeda in Iraq, which was formed by Sunni militants after the United States-led invasion in 2003 and became a major force in the country's sectarian insurgency. In 2011, Daesh joined the rebellion against President Assad in Syria, where it found a safe haven and easy access to weapons. In February 2013, armed groups, including Daesh, seized control of strategic locations in the Raqqa province and conquered the city a month later. The fall of Raqqa to Daesh was followed by a campaign of attacks on civilians in the countryside, arrests of activists and kidnapping of foreigners.

16. Throughout the conflict there have been multiple attempts at countrywide peace talks backed by the United Nations or the Russian Federation, but most of them have achieved limited results. Likewise, the United Nation's Independent Commission of Inquiry on Syria has issued nearly a dozen reports chronicling wartime atrocities. Commission member Ms Carla del Ponte, who left the Commission in August 2017, was quoted as saying: "At first there was good and bad: the opposition on the side of good and the government in the bad role. However, today everyone in Syria is on the bad side. The Assad government has perpetrated horrible crimes against humanity and used chemical weapons. And the opposition is now made up of extremists and terrorists." She added: "Believe me, the terrible crimes committed in Syria I neither saw in Rwanda nor ex-Yugoslavia" and concluded that she had "no power as long as the Security Council does nothing".[6]

17. The period 2011-2017 has seen an alternation of de-escalation, tension, continuous fighting and negotiation talks, which saw the involvement of Russia, Iran and Turkey, key vetoes by Russia of UN Security Council resolutions calling for sanctions against the Syrian Government in response to the use of chemical weapons, US military attacks on Syrian bases and support to Kurdish forces, and Turkey's reactions.

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6. www.npr.org/sections/thetwo-way/2017/08/07/542034643/-i-give-up-frustrated-war-crimes-expert-resigns-from-u-n-syria-inquiry. www.swissinfo.ch/eng/politics/stalemate_un-syrian-commissioner-del-ponte-to-resign-over-lack-of-political-will/43391828.

18. Since the beginning of 2018, according to UN reports, the warring parties carried out battles in Aleppo, northern Homs, Damascus, and in the Rif Damascus, Dara'a and Idlib governorates, which collectively displaced more than 1 million Syrian men, women and children. As at 5 February 2019, thousands of people had fled the last Daesh-held areas in Hajin, in Syria's south-eastern Deir Ezzour governorate. Those fleeing report many civilian casualties, including women and children, large-scale destruction of civilian infrastructure and shortage of food and medicine.[7]

19. There have been a series of worrying escalations, including inside the de-escalation zones established by the "Astana guarantors" (Russia, Iran and Turkey) and outside them, a return to back-and-forth competition over territory and heavy and sustained airstrikes across the northwest and in besieged Eastern Ghouta. There have also been several allegations of chlorine attacks in Ghouta, Idlib, Afrin and Douma.

20. On 20 January 2018, Turkey launched an incursion into Syria, which it called "Operation Olive Branch", to sweep the Syrian Kurdish People's Protection Units (YPG) militia from its southern border. The assault had dire humanitarian consequences for the people in Afrin and created the risk of a potential direct conflict with the United States.

21. Turkey, the United States and Russia, as well as the Syrian regime and the Kurds, who have used the civil war to set up an autonomous region in what they hope to be a post-war federal Syria, are competing for control of northern Syria, which is strategically adjacent to Iraq and Turkey, with important oil resources.

22. Despite United Nations' calls for a ceasefire early in February 2018, the suffering of civilians worsened in 2018. Fighting also involved pro-government air strikes on the opposition enclave in eastern Ghouta outside Damascus, which was the last major rebel bastion[8], and an offensive against rebels in the north-western Idlib province, both previously declared "de-escalation areas". The two-month assault on Eastern Ghouta sparked an international outcry, culminating in a suspected chemical attack on 7 April 2018, with the UN Secretary General describing the conditions endured by civilians there as "hell on Earth".

23. On 14 April 2018, the United States, the United Kingdom and France launched what they called "precision strikes" in Syria in response to the suspected chemical attack of 7 April. President Putin condemned the strikes as an "act of aggression" and denied evidence of a chemical weapons attack, adding that the strike would have a destructive effect on the entire system of international relations.[9]

24. For its part, the European Union reiterated its strongest condemnation of the repeated use of chemical weapons by the Syrian regime, as confirmed by the Organisation for the Prohibition of Chemical Weapons (OPCW)/United Nations Joint Investigative Mechanism (JIM), and, referring to the United States, French and United Kingdom airstrikes, stressed that the sole objective of those measures was "to prevent further use of chemical weapons and chemical substances as weapons by the Syrian regime to kill its own people".[10]

25. In June and August 2018, the Syrian Government launched an offensive in the eastern part of the southern province of Daraa and on Idlib, where some 2.9 million people lived. However, in September 2018, Russia and Turkey agreed to avert a threatened Syrian offensive on Idlib, which could have propelled another wave of refugees into Turkey, where nearly 4 million have already fled.

26. On 19 December 2018, proclaiming the "defeat of Daesh", US President Trump announced plans to withdraw all of the approximately 2 000 American troops from Syria. On 17 February 2019, he also asked the United Kingdom, France, Germany and other European allies to take back and put on trial more than 800 Daesh fighters being held by Kurdish-led forces. In January 2019, the United Nations was still expressing its concern over reports that civilians, including women, children and medical workers, had been killed and injured due to ongoing intense hostilities between non-State armed groups in the north-west part of the country. Recent fighting has also been reported in northern Hama, in the southern part of the Idlib governorate, and on the Iraqi border at Baghuz.

27. At the end of January 2019, the Turkish Foreign Minister signalled that Turkey might agree to a limited Russian-backed Syrian offensive to retake Idlib, which would be a major policy reversal for Turkey, which has backed Syrian opposition forces throughout the war. Three million people live in the Idlib Governorate, where the risk of military escalation still looms.

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7. www.un.org/press/en/2019/db190205.doc.htm.
8. Britain-based Syrian Observatory for Human Rights said it was the highest 48-hour death toll in the Syria conflict since a 2013 chemical attack on Eastern Ghouta: www.syriahr.com/en/?p=85284.
9. http://en.kremlin.ru/events/president/news/57257.
10. www.consilium.europa.eu/en/press/press-releases/2018/04/14/declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-targeted-airstrikes-in-syria/.

28. Last but not least, we must bear in mind that the capture of Daesh-held territory does not mean an end to its ideological and terrorist threat as Daesh forces are already regathering in Iraq, notably Mosul.

3. The humanitarian consequences of the conflict[11]

29. The direct casualties of the conflict have been estimated to be over 400 000 depending on the source, including over 11 000 in 2017[12] and 19 799 in 2018.[13] This figure does not include the thousands of people who might have died at sea or on land trying to cross international borders to escape the war.

30. According to the Office of the United Nations High Commissioner for Refugees (UNHCR),[14] over 5.6 million people have fled Syria since 2011, seeking safety in Lebanon, Jordan, Turkey and beyond, while only 10% have sought safety in other, European countries. 6.6 million people are displaced inside Syria, 13.1 million people are in need and 2.98 million are in hard-to-reach and besieged areas. 85% of Syrians live in poverty, with the vast majority of them living in abject or extreme poverty. The parties involved in the conflict have exacerbated the situation by not allowing humanitarian agencies access to many of the people in need.

31. While warring parties made some progress in reducing violence through de-escalation zones, they continue to perpetrate unthinkable crimes against civilians in blatant violation of international law, including forced displacements, deliberate attacks and the use of chemical weapons.

32. On 21 December 2016, the UN General Assembly established the International, Impartial and Independent Mechanism (IIIM) to "collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses and to prepare files in order to facilitate and expedite fair and independent criminal proceedings … in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes".[15]

33. On 10 February 2018, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, said that the "prevailing climate of impunity has to be addressed and civilians must be protected. After seven years of paralysis in the Security Council, the situation in Syria is crying out to be referred to the International Criminal Court, as well as for a much more concerted effort by States to bring peace. The conduct and management of this war has been utterly shameful from the outset, and the failure to end it marks an epic failure of global diplomacy".[16]

34. On 22 February 2018, together with Ms Sevinj Fataliyeva (Azerbaijan, EC), former rapporteur on protecting children affected by armed conflicts, I issued a statement calling all parties to the conflict to put an end to the humanitarian tragedy in Eastern Ghouta, in particular for the sake of children, the most vulnerable group.[17]

35. The Independent International Commission of Inquiry on the Syrian Arab Republic, established in August 2011 by the Human Rights Council, identified around 34 documented incidents of the use of chemical weapons by various parties to the conflict, which are strictly prohibited under international law, including the 1997 Chemical Weapons Convention, ratified by 192 States including Syria.[18] According to a study of the Berlin-based Global Public Policy Institute of February 2019, at least 336 chemical weapons attacks have occurred since 2012.[19] The most recent allegation of a chemical attack in Aleppo dates to 24 November 2018. According to the 63rd monthly report of the Organisation for the Prohibition of Chemical Weapons (OPCW) of December 2018, toxic chemicals are still being used as weapons in Syria.[20] In this context, we

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11. I refer to the Assembly's work concerning the human rights of refugees and general principles underlying the management of mass population displacement, which is fully relevant and applicable to the situation in Syria's neighbouring countries and surrounding region, and in particular: Resolution 2164 (2017) on possible ways to improve the funding of emergency refugee situations; Resolution 2109 (2016) on the situation of refugees and migrants under the EU–Turkey Agreement of 18 March 2016; Resolution 2089 (2016) on organised crime and migrants; Resolution 2099 (2016) on the need to eradicate statelessness of children; and Resolution 2136 (2016) on harmonising the protection of unaccompanied minors in Europe.
12. www.iamsyria.org/death-tolls.html.
13. www.syriahr.com/en/?p=111056.
14. https://data2.unhcr.org/en/situations/syria.
15. www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_res_71_248.pdf.
16. www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22647.
17. http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6973&lang=2&cat=9.
18. www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22939&LangID=E.
19. Global public policy institute, Nowhere to hide – the logic of chemical weapons use in Syria, February 2019, www.gppi.net/media/GPPi_Schneider_Luetkefend_2019_Nowhere_to_Hide_Web.pdf.
20. www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2018_1166.pdf.

must underline that it is the responsibility of the UN Security Council to act by referring the situation in Syria to the International Criminal Court (ICC). As Syria is not a State Party to the ICC, a referral by the Security Council based on article 13(b) of the Rome Statute is necessary to give jurisdiction to the ICC to investigate crimes committed that may fall under its jurisdiction.[21]

36. Life under Daesh rule has also been marked by summary executions, child recruitment and severe corporal punishment of civilians accused of violating the group's ideology, and the destruction of cultural heritage sites, including the Tetrapylon in Palmyra.

37. Across northern Syria, Kurdish People's Protection Units (YPG) or Syrian Democratic forces (SDF) have displaced communities in order to clear areas mined by Daesh. In some cases, YPG or SDF forces did not provide adequate humanitarian aid to displaced communities. YPG forces persist in forcibly conscripting men and boys for military service.

38. Speaking before our committee, Mr Springer, founder of the non-profit organisation Orienthelfer, discussed the dire situation of refugees, in particular in Lebanon where there are two main refugee camps and 2 000 informal settlements. Lebanon, a country of 6 million people, has received approximately 1.5 million refugees. Non-governmental organisations (NGOs) have an 80% shortfall of money because people think that it is possible for refugees to go back to Syria. [22]

39. The security and peace structures of the countries receiving refugees have been challenged not only in Lebanon, but also in Jordan and Iraq. Jordanian officials I met in Amman last October confirmed that the demanding task of receiving Syrians fleeing the war has pushed Jordan to the brink of its capabilities and might lead to a re-examination of Jordan's refugee policy.

40. In October 2018, a few days prior to my visit, two key border crossings with Syria's neighbours, Israel and Jordan, reopened. According to the UNHCR, up to 250 000 Syrian refugees could return to their homeland in 2019, while many others face problems with documentation and property that the Syrian Government must help resolve. However, a survey conducted by NAMA Strategic Intelligence Solutions in November 2018, in partnership with the Konrad Adenauer Stiftung, covering 1 306 Jordanians and 600 Syrian refugees, found that 33% of Syrian refugees said that they "will never go back" and 24% said they "probably will not go back".

41. Instability constitutes a major obstacle to their return. This suggests that priority should be given to the security, stability and reconstruction of Syria to build stronger pull factors to encourage refugees to go back from Jordan, Lebanon, Turkey and other European countries, to reduce the radicalisation and polarisation of European politics towards the far-right and to ease tensions in resource-poor countries neighbouring Syria.[23]

42. The deal struck by the European Union with Turkey on migrants has not solved the problem as Syrian refugees seem trapped in conditions that violate their most basic rights even in Europe. For instance, inhumane conditions in detention camps in Greece have been criticised by the international community and NGOs.

43. The education of Syrian children is also an issue, not to mention the psychological trauma caused by the war. Even though several European projects are providing education through NGOs, at least one third of Syrian children are not going to school, increasing their risk of radicalisation.

44. What is more, the United Nations Population Fund conducted an assessment of gender-based violence in Syria in 2017 and concluded that humanitarian assistance was being exchanged for sex in various governorates in Syria.[24]

45. The European Union is a leading donor and has allocated over €10.8 billion in humanitarian, economic development and stabilisation assistance since the start of the crisis. In July 2017, it announced it would provide €1.5 million to support the Independent International Commission of Inquiry on the Syrian Arab Republic[25] and in April 2018 mobilised humanitarian aid to Syrians inside the country and in neighbouring

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21. See also Resolution 2134 (2016) "Co-operation with the International Criminal Court: towards a concrete and expanded commitment" and Resolution 2190 (2017) on prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh.
22. See also Resolution 2150 (2017) on the situation in Lebanon and challenges for regional stability and European security.
23. www.jordantimes.com/opinion/fares-braizat/syrian-refugees-returning.
24. www.humanitarianresponse.info/system/files/documents/files/2017-12_voices_from_syria_2nd_edition.pdf.
25. UN General Assembly Resolution 71/248.

countries, including for hosting communities, through pledges totalling €3.5 billion for 2018, as well as multi-year pledges of €2.7 billion for 2019-2020.[26] At the EU Foreign Affairs Council of 18 February 2019, EU Ministers reiterated that the European Union will be ready to assist in the reconstruction of Syria only when a comprehensive, genuine and inclusive political transition is firmly under way. The "Brussels 3" conference on "Supporting the future of Syria and the region", scheduled from 12 to 14 March 2019, will aim at mobilising the international community behind humanitarian and resilience efforts for the Syrian people and host communities.[27]

46. In December 2018, UN agencies and NGO partners released the 2019-2020 Regional Refugee and Resilience Plan (3RP), a US$5.5 billion plan designed to support national efforts in Turkey, Lebanon, Jordan, Egypt and Iraq to deal with the continued impact of the Syria crisis. As stressed by the UNDP, as the international community, we must do our utmost to show solidarity with these vulnerable hosts who are giving so much despite their own difficulties in making ends meet. Our collective response must also ensure that host countries are supported to pursue development.[28]

4. International involvement: a complex balance of powers and spheres of influence

47. The conflict has degenerated over the years into more than a civil war between those for and against the Assad regime. Sectarianism in Syria was nurtured under Assad rule, eventually creating animosity amongst different religious communities. The war translated this segmentation between religious and ethnic groups. Sectarianism is considered as an important contributing factor to the war and the difficulty in finding a political solution.[29]

48. Furthermore, the involvement of international actors has created even more complex alliances and conflicting interests. For instance, the Shia and Sunni division, Iranian, Saudi Arabian, Russian and US interests, and the rivalry between Turkey and the Kurds, affect the balance of powers and add to the complexity.

49. Initially, a number of political opposition factions came together into the "Syrian National Coalition" with the goal of overthrowing the Assad regime. Subsequently, there have been four main factions of fighting groups within the country: Syrian government forces (mainly the Syrian Arab army), Syrian opposition (various armed groups constituting the Syrian National Coalition), Kurdish forces, Daesh and other terrorist groups such as Jaish al Fateh, an alliance between the Al Nusra Front and Ahrar-al-Sham.

50. Shia power in Iran is believed to be spending billions of dollars to support the Alawite-dominated government and provides military advisors and weapons as well as credit and oil transfers. Syria is the main transit point for Iranian weapon shipments to the Lebanese Shia Islamist movement Hezbollah, which has also sent thousands of fighters to support government forces.

51. Relations between Iran and Israel have become more tense over the past year. Israel sees its greatest strategic threat in the growing presence of Iranian-affiliated groups near its borders, as well as in Iran's nuclear and ballistic missile ambitions.[30] The planned US withdrawal from Syria also means that Israel could lose its strongest support against Iranian forces.

52. Sunni-ruled Saudi Arabia is believed to have provided military and financial assistance to the Syrian rebels. It views Iran's support for Shia groups as a direct threat to Saudi interests.

53. Since 2014, the United States has provided military assistance to the Syrian opposition and the Kurdish armed groups, fearful that advanced weapons might end up in the hands of jihadists. This has also created direct confrontation between the United States and Turkey. It is possible that the withdrawal of the US military from Syria may inspire Daesh to return. French President Macron stated that Daesh is not yet defeated and reaffirmed his engagement in Syria throughout 2019.[31]

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26. www.consilium.europa.eu/en/press/press-releases/2018/04/25/brussels-ii-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/.
27. www.consilium.europa.eu/en/meetings/fac/2019/02/18/?utm_source=dsms-auto&utm_medium=email&utm_campaign=Foreign+Affairs+Council%2c+18%2f02%2f2019.
28. www.3rpsyriacrisis.org/wp-content/uploads/2018/12/ENG_Summary_20dec.pdf.
29. For a thorough analysis of the Syrian religious and ethnic groups, I refer to the excellent report by Mr Pietro Marcenaro, which led to Resolution 1878 (2012) on the situation in Syria, Doc. 12906.
30. www.ecfr.eu/mena/battle_lines/.
31. www.diplomatie.gouv.fr/en/the-ministry-and-its-network/events/2017/article/president-emmanuel-macron-new-year-greetings-to-the-diplomatic-corps-04-01-18.

54. While Daesh has lost nearly all the territory it once held, experts estimate that it still has thousands of fighters who have returned to their insurgent roots and can still mount attacks. Daesh has been accused by the United Nations of conducting a campaign of terror, inflicting severe punishments on those who transgress or refuse to accept its rules, including hundreds of public executions and amputations. Its fighters have also carried out mass killings of rival armed groups, members of the security forces, civilians and religious minorities and beheaded hostages, including several Westerners. Several challenges remain in a post-war Syria, namely the fate of former Daesh fighters and supporters and whether there should be an integration process allowing those people to live peacefully in the area after having worked on changing their violent mentality.

55. The planned US withdrawal may also cause concerns for the safety of the Syrian Kurds, who felt betrayed, especially after the Turkish President announced a new military operation targeting Kurdish territory east of Manbij. The Assad government and its allies want the territory to fall back under the control of Damascus.

56. Over the years, Turkey has backed rebel groups against the Syrian Government. However, by 2015, its position shifted as the Kurdish People's Protection Units (YPG) carved out a large chunk of territory in northeast Syria. Recently, President Erdoğan stated that Turkey's "sole purpose" was to fight groups such as Daesh and the YPG and Foreign Minister Mevlüt Çavuşoğlu added that Turkey would consider working with President Assad if he won democratic elections.[32]

57. Russia entered the conflict in September 2015, carrying out bombings against Assad opponents, but had allegedly been providing funding to Assad behind the scenes earlier on. Russia has always stressed that it would only target "terrorists".

58. Even among the regime's supporters, there are substantial divisions: Russia would like to see a strong State that could provide stability and security within Syria while Iran aims to create a model similar to Lebanon and Iraq, with strong non-State actors allying with Iran and a weak State.

59. As a sign of normalisation, at the end of December 2018, the United Arab Emirates and Bahrain re-opened their embassy in Damascus. The Syrian regime and Iran are likely to use this rapprochement to promote their "victory narrative" in Syria.[33]

5. Recent developments in the peace process

60. Although since 2011 there have been several international initiatives that aimed to bring an end to the war, the two main diplomatic tracks have been the UN-sponsored talks in Geneva, and the talks in Astana, facilitated by Russia and Turkey.

61. As mandated by UN Security Council Resolution 2254 (2015), the UN-sponsored talks have focused on governance, a schedule and a process to draft a new constitution and the holding of elections as the basis for a Syrian-led, Syrian-owned a process to end the conflict. Discussions also include counter-terrorism strategies. The United Nations has convened eight rounds of intra-Syrian talks since 2016.[34]

62. In parallel, the parties were convened in Ankara, in December 2016, by Russia, Turkey and Iran, and agreed to a nationwide ceasefire that began on 30 December 2016. Throughout 2017 and 2018, the parties attended Astana talks in Kazakhstan. These talks, convened by the three guarantors, Russia, Turkey and Iran, resulted in an agreement to create four "de-escalation zones" in Syria. So far results have been mixed. Astana has produced partial ceasefires, which have been frequently violated by all sides, and there has been no headway on issues like humanitarian access to besieged areas.

63. Former UN Special Envoy, Staffan de Mistura, repeatedly stressed that the peace process would be based on UN Security Council Resolution 2254 (2015), which called for the end of attacks on civilians, the exclusion of Daesh and the al-Nusra Front, the establishment of a multi-ethnic society that includes all religious and ethnic groups in Syria, the creation of a new constitution of Syria, and the holding of free and fair elections within 18 months. The Special Envoy has constantly affirmed Syria's sovereignty and stressed that the political process must be owned and led by Syrians.

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32. www.aljazeera.com/news/middleeast/2019/01/erdogan-assad-friendship-damaged-repair-190126174026594.html.
33. www.aljazeera.com/indepth/opinion/uae-bahrain-open-embassies-syria-190107165601089.html.
34. Intra-Syrian talks – Key dates of the peace process: www.unog.ch/unog/website/news_media.nsf/(httpPages)/E409A03F0D7CFB4AC1257F480045876E?OpenDocument.

64. The establishment of a 150-member constitutional committee for Syria was agreed at peace talks held in Sochi, Russia, in January 2018,[35] with a view to creating a new more inclusive system of governance in Syria, in line with the Syrian-led and Syrian-owned political process mandated by Security Council Resolution 2254 (2015).

65. At a UN Security Council briefing in October 2018, Mr de Mistura noted that the Government of Syria had proposed that the United Nations withdraw its list of 50 individuals put forward to serve on the committee with a view to creating a more democratic post-war Syria. This "Middle Third List" included delegates that represented Syrian experts, civil society, independents, tribal leaders and women. The other delegates were to be drawn from the government and the opposition.

66. The Syrian leadership views the constitutional reform as an internal matter and has underlined the principle of non-interference, adding that the constitution is a sensitive matter of national sovereignty. I fully agree with the former Special Envoy that the Security Council alone is responsible for the maintenance of international peace and security. It has mandated the United Nations to facilitate the intra-Syrian political process for the implementation of Resolution 2254. That is the only way to enable Syrians to determine their own future.[36]

67. According to the United Nations, the composition of the middle third group must meet the criteria of inclusiveness, credibility and diversity, include people who side neither with the government nor the opposition, and a minimum 30% of women. Women's participation in peace processes is critical. A 2015 study by the Graduate Institute of International and Development Studies in Geneva on 40 peace processes found that when women participate, peace agreements are 35% more likely to last for at least 15 years.

68. On 27 June 2018, our committee held an exchange of views with the participation of Ms Rajaa Altalli, co-founder and co-director of the Center for Civil Society and Democracy in Syria, who also attended a side-event organised by the Conference of International Non-governmental Organisations (INGOs) on the implementation of UN Security Council Resolution 1325 (2000) on Women, Peace and Security. Ms Altalli is also a member of the Syrian Women's Advisory Board, set up by the United Nations in 2015 to advise the Special Envoy. The Board met in Geneva but did not take part in the official negotiations. Our exchange confirmed the need to include women in conflict prevention, conflict resolution and reconciliation efforts to ensure that women's interests and lived experiences are fully reflected in peace processes, and that women are equally considered in recovery efforts in the aftermath of conflicts.

69. Some progress has been made during numerous meetings that took place in late 2018 and early 2019, including among and between representatives of the Astana guarantors' group on Syria (Iran, Turkey and Russia)[37], among participants in the quadripartite meetings (Germany, France, Russia and Turkey), as well as members of the so-called Small Group (Egypt, France, Germany, Jordan, Saudi Arabia, United Kingdom and the United States). These consultations have confirmed once more the necessity to establish a Syrian-owned, Syrian-led, UN-facilitated constitutional committee to draft a constitutional reform for popular approval.

70. On 15 January 2019, the newly appointed UN Special Envoy for Syria, Geir O. Pederson, began rounds of consultations in Damascus to gather support for a UN-facilitated political solution, addressing all issues related to governance, the constitutional process, and the need for UN-supervised elections.

6. Concluding remarks and recommendations

71. What began as a brutal crackdown by Syria's security forces on civilian demonstrators dissatisfied with the Assad regime in early 2011 has resulted in eight long years of bloody war, one of the worst humanitarian crises the world has faced since the Second World War.

72. The conflict continues to have devastating consequences for the Syrian people and has so far claimed over 400 000 lives and driven some 11.7 million people, that is 50% of the Syrian population, from their homes, including over 5.6 million to seek refuge into neighbouring countries and beyond. It is also having a destabilising impact on the Middle East and the Arab World, as well as on Europe through the exacerbation of political and sectarian differences and the spread of terrorism.

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35. Sochi final statement, S/2018/121, 31 January 2018, www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2018_121.pdf.
36. www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_8434.pdf.
37. Recently, at the end of the Sochi Summit on 14 February 2019, the Presidents of Iran, Russia and Turkey issued a joint statement stressing strong commitment to the sovereignty, independence, unity and territorial integrity of Syria. https://en.mehrnews.com/news/142523/Joint-statement-by-presidents-of-Iran-Russia-and-Turkey-at-end

73. The humanitarian situation continues to be extremely worrying, with 13 million Syrians in need of humanitarian assistance, of which one third live in areas that cannot be accessed from inside Syria, including 2 million internally displaced persons in the so-called Idlib de-escalation area.

74. The impact of armed conflict on civilians in Syria, in particular in the north-west, north-east and south-east of the country, remains deeply alarming. While welcoming the progress made in taking back areas of Syria from Daesh and other terrorist groups, we must also urge all parties involved in military operations against them to take all feasible precautions to avoid harm to the thousands of civilians who are trapped in the middle of air strikes and ground fighting, in accordance with their obligations under international humanitarian law. In Idlib and the surrounding areas, we must appeal to all parties to maintain de-escalation and the agreed demilitarised zone, and to protect civilians.

75. Our Assembly should welcome the progress made in the negotiations by the UN Special Envoy and the international community, including within the Astana framework, and call on the international community as a whole to unite as one to enable the political process, as mandated by the UN Security Council, to move forward. It should call on all sides in the conflict to:

– reinforce the ceasefire in all areas of the country, allow humanitarian convoys to proceed, and facilitate safe, rapid, unhindered and sustained humanitarian assistance;

– mobilise financing for immediate, life-saving needs in support of the Syrian people, and children in particular, including their rights to live, adequate food, shelter and medical care;

– continue to take steps, consistent with international law, to prevent and suppress the flow of foreign terrorist fighters to Daesh and affiliated terrorist groups, as determined by the UN Security Council;

– create conditions for the safe, voluntary and dignified return of refugees and displaced persons, in compliance with internationally accepted human rights and humanitarian law norms and standards, relating to housing, land and property rights.

76. Severe human rights violations, such as unlawful killings, including of children, of medical personnel and hospital patients, torture, arbitrary arrest, disproportionate and indiscriminate shelling of civilian areas, kidnappings, executions, the systematic denial, in some areas, of food and water and the prevention of medical treatment, have been some of the most prominent issues raised by the international community.

77. Accountability for serious violations of international humanitarian law, human rights violations, war crimes and crimes against humanity is central to achieving sustainable peace in Syria and facilitating a national reconciliation process and transitional justice. Therefore, our Assembly must:

– call upon all parties to the conflict, in particular the Syrian Government, civil society and the United Nations system to co-operate fully with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, in particular by providing relevant information and documentation;

– call for the situation in Syria to be referred to the International Criminal Court by the UN Security Council, on the basis of Article 13(b) of the Rome Statute.

78. I am also deeply concerned about the allegation of a chemical attack in Aleppo on 24 November 2018. The use of chemical weapons by any party, under any circumstances cannot be justified. Our Assembly should reiterate its strongest condemnation of the repeated use of chemical weapons, which are strictly prohibited under international law, including the 1997 Chemical Weapons Convention, ratified by 192 States including Syria. It is imperative to identify the perpetrators and hold them accountable.

79. Furthermore, the Assembly should also urge all parties to adhere to the peace roadmap, in line with the Syrian-led political process, under the auspices of the UN Special Envoy for Syria, as mandated by UN Security Council Resolution 2254 (2015) and the Geneva communiqué of 30 June 2012, and seize the current opportunity to find lasting peace, in particular by:

– making progress on the establishment of a legitimate, credible, diverse and balanced constitutional committee to draft a constitutional reform, as a contribution to the political settlement and a more democratic post-war Syria, in line with the Sochi final statement of 30 January 2018;

– ensuring that the constitutional committee allows for the inclusive participation of the political opposition and of civil society, including delegates representing Syrian experts, non-governmental organisations, religious and tribal leaders and a minimum of 30% of women, as proposed by the United Nations.

80. The Council of Europe could contribute to the efforts of the United Nations, bearing in mind its expertise in institutional matters and the objectives set by UN Security Council Resolution 2254 (2015). The constitutional committee could avail itself of the experience and expertise of the European Commission for Democracy through Law (Venice Commission) in the future constitutional reform process.

81. Last but not least, I wish to stress that the Syrian refugee crisis is the responsibility not only of neighbouring States and of Europe, but of the international community as a whole. I express my deep appreciation for the significant efforts that have been made by Lebanon, Jordan, Turkey, Iraq and Egypt, to accommodate Syrian refugees. As at 24 January 2019, there were 3.5 million Syrians registered by the Government of Turkey, 2 million Syrians registered by the UNHCR in Egypt, Iraq, Jordan and Lebanon, as well as more than 33 000 Syrian refugees registered in North Africa. In line with Resolution 2224 (2018) on the humanitarian situation of refugees in the countries neighbouring Syria, we must reiterate our call on Council of Europe member States to:

– step up financial contributions to the United Nations Regional Refugee and Resilience Plan, to satisfy funding requirements to support national efforts in Turkey, Lebanon, Jordan and Iraq;

– achieve more effective sharing of responsibility through the implementation of resettlement and other forms of legal admission of refugees from the region to their countries;

– use all available diplomatic means to encourage fairer responsibility sharing with non-European Union countries and those involved in the Middle East process.

82. Finally, our Assembly should fully support the efforts of the newly appointed UN Special Envoy for Syria, Mr Geir O. Pedersen, and share the goal of the United Nations to end the suffering of the Syrian people and find a sustainable and peaceful solution to the conflict through an inclusive and Syrian-led political process that meets the legitimate aspirations of the Syrian people.