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## The situation in Syria

### Report<sup>1</sup>

Committee on Political Affairs and Democracy

Rapporteur: Mr Björn von SYDOW, Sweden, Socialist Group

### Summary

Members of an Assembly of a human rights organisation may feel a bit frustrated: justice has not been done in Syria. In Resolution 2118, recently adopted by the United Nations Security Council, there is no reference to war crimes or warfare laws, no reference to the International Criminal Court, nobody is blamed for the 21 August chemical attack and the text does not foresee automatic recourse to measures under Chapter VII of the United Nations Charter.

However, by agreeing on complex disarmament procedures and strict regular reviews, United Nations Security Council member States have finally assumed a long-term responsibility and they have probably been more effective in renewing hopes for an end to the conflict than any military strikes.

The success of the international community's role, after two and a half years of failures and missed opportunities, a hundred thousand deaths and millions of refugees and displaced persons, will not be so much the disarmament process itself but the very end of the civil war.

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1. Reference to committee: Urgent debate, Reference 3981 of 30 September 2013.

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## A. Draft recommendation<sup>2</sup>

1. The Parliamentary Assembly recalls its [Resolution 1878 \(2012\)](#) on the situation in Syria, in which it firmly condemned “the widespread, systematic and gross human rights violations amounting to crimes against humanity committed by Syrian military and security forces” and “the human rights violations committed by some of the armed groups combating the regime”.
2. It is appalled by the fact that, since then, violation has escalated, resulting in a full-fledged civil war and a humanitarian tragedy: more than 100 000 people have died since the beginning of the conflict, 2 million have taken refuge abroad, 4.25 million are internally displaced persons and a total of 6.8 million people are in need of humanitarian assistance. The Assembly condemns in particular the large scale use of chemical weapons on 21 August 2013 in the Ghouta area of Damascus, which reportedly resulted in many hundreds of deaths, particularly among civilians and including several hundred children.
3. Once again the Assembly insists that there can be no impunity for those who commit crimes against humanity, whoever and wherever they are. All allegations of violations and crimes committed throughout the Syrian conflict, by virtue of the 1949 Geneva Conventions and the 1925 Geneva Protocol banning the use of chemical and biological weapons, must be properly investigated and their perpetrators, whoever and wherever they may be, brought to justice, including, as appropriate, before the International Criminal Court.
4. The Assembly notes in this respect the fact that the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic, which presented its report on the Ghouta attack on 16 September confirming the use of chemical weapons, has now returned to Syria to complete investigations on allegations of six additional chemical attacks which occurred before or after that of 21 August.
5. The Assembly welcomes the fact that, against the background of Western threats of military strikes, political developments have taken the upper hand and intensive diplomatic efforts have led, by mid-September 2013, to a United States-Russia framework agreement on the elimination of Syrian chemical weapons and the adoption of a resolution by the United Nations Security Council (UNSC) laying out the modalities of its implementation. UNSC Resolution 2118, adopted on 27 September immediately after the decision of the Organisation for the Prohibition of Chemical Weapons (OPCW) on special procedures for an expeditious and verifiable destruction of Syria’s chemical weapons by mid-2014, renews hopes for peace and a political settlement to the conflict.
6. The Assembly also welcomes the acceptance by the Syrian authorities of the agreement, highlighted by Syria’s accession to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and by the handing over by the Syrian authorities of information about its chemical weapons and related infrastructure, according to the agreement. The UNSC resolution obliges the Syrian authorities to accept personnel designated by the OPCW or the United Nations and provide them with immediate and unfettered access to – and the right to inspect – any and all chemical weapons sites.
7. The Assembly is well aware of the huge technical difficulties and legal obstacles on the way towards elimination of Syria’s chemical weapons and of the fact that the ongoing civil war in the country increases them immensely. Strong political will is needed to work out the details of implementation, and strict compliance by both the Syrian authorities and the opposition are indispensable for its success. Pending cessation of the hostilities, ceasefires should be implemented to allow for inspections of chemical weapons sites, as well as for the transportation and destruction of chemical weapons.
8. In this respect, the Assembly recommends that the Committee of Ministers urge the governments of Council of Europe member States to:
  - 8.1. put pressure on all sides so as to ensure respect for the ceasefires necessary for the implementation of the agreed plan;
  - 8.2. provide additional resources to the OPCW to carry out its challenging task.
9. The Assembly notes that whereas the international community’s agreement on a process aimed at the elimination of Syria’s chemical weapons has the merit of renewing hopes for peace, it does not stop the war, which may continue with the use of conventional weapons. Therefore, reiterating that the possibility of eliminating violence and embracing the change for which so many lives have been sacrificed can only be

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2. Draft recommendation adopted unanimously by the committee on 1 October 2013.

opened up to Syria though a political solution to the conflict, the Assembly supports wholeheartedly the organisation in Geneva of an international peace conference on Syria (Geneva 2) and hopes that it may be convened before the end of 2013.

10. The road map for a political transition in Syria, which was endorsed by the UNSC, should gradually lead to the creation of conditions for a Syrian-led political process and eventually for free and fair elections, on the basis of the Kofi Annan peace plan and the Geneva Communiqué of June 2012. The Syrian people should be free to build their own future.

11. In this respect, the Assembly is, however, concerned over the growing rifts within the Syrian opposition as well as between its political and military branches. The increasing presence of jihadists and other extremist groups, including terrorist groups, among those who are fighting the regime fuels legitimate fears among the various religious and ethnic minorities about their future in a post-conflict Syria. Sadly, the adoption of UNSC Resolution 2118 seems to have deepened divisions among the opposition groups. The Assembly also warns against external players, which, because of specific geopolitical interests or for sectarian reasons, are providing political, military and financial support to extremist groups.

12. The Assembly therefore recommends that the Committee of Ministers urge the governments of Council of Europe member States to:

12.1. make use of their bilateral relations with Arab and other States in the region to secure their support for a ceasefire in preparation of the international peace conference on Syria (Geneva 2);

12.2. engage in all international efforts aimed at uniting those Syrian opposition groups which favour democracy and tolerance and bringing them to the negotiations table;

12.3. support the emergence of a democratic, inclusive and stable state in Syria respectful of human rights and the rights of ethnic, cultural and religious minorities – rather than the fall of the current regime;

12.4. make preliminary plans to address the devastation to the physical infrastructure resulting from the war.

13. The Assembly reiterates that the mosaic of ethnic, cultural and religious groups which forms the Syrian population, religious tolerance, as well as the sovereignty and territorial integrity of Syria, must be preserved in a future post-conflict Syria.

14. The Assembly further believes that the emerging unity of the international community, as witnessed by the adoption of UNSC Resolution 2118, should now focus on tackling the dramatic humanitarian consequences of the conflict. In this respect, recalling its [Resolutions 1902 \(2012\)](#) on the European response to the humanitarian crisis in Syria and [1940 \(2013\)](#) on the situation in the Middle East, as well as its current affairs debate, held in April 2013, on “Syrian refugees in Jordan, Turkey, Lebanon and Iraq: how to organise and support international assistance?”, the Assembly:

14.1. calls on the Council of Europe member States to show solidarity and share responsibility by taking the necessary measures to cater for Syrian refugees as effectively as possible. In this respect, it welcomes the Swedish authorities’ decision to grant permanent residence permits and the right to family reunion to all Syrian refugees currently in the country as well as to those who will arrive and obtain a resident permit. It encourages other member States to consider taking similar measures;

14.2. reiterates its gratitude to the receiving countries, in particular the Jordanian, Turkish, Lebanese and Iraqi authorities, for hosting and assisting Syrian refugees;

14.3. calls on the Council of Europe member States, as well as the international community as a whole, to respond urgently to the calls for funds, including additional funds to United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to assist the Syrian refugees and also the neighbouring countries receiving them, as well as the displaced persons within Syria. Noting the recent sharp increase in the arrival of Syrian refugees in European non-neighbouring countries, international solidarity and assistance should also be extended to these countries;

14.4. underlines that the problems posed by the dramatic situation of refugees and displaced persons in Syria and in receiving countries can only be solved if there are prospects for peace and a political solution to the conflict;

14.5. encourages therefore the Council of Europe member States to ensure that the humanitarian consequences of the Syrian conflict and the need for urgent international assistance are put on the agenda of the forthcoming international peace conference on Syria (Geneva 2).

## **B. Explanatory memorandum by Mr von Sydow, rapporteur**

### **1. Introduction**

1. At its meeting in Paris on 5 September 2013, the Committee on Political Affairs and Democracy held an exchange of views on the situation in Syria in the wake of a large scale attack with chemical weapons in the outskirts of Damascus, on 21 August 2013, and threats of air strikes by the United States of America.
2. As a conclusion of its discussions, the committee decided to request that an urgent debate be held during the forthcoming part-session of the Assembly (30 September – 4 October 2013) and appointed me as rapporteur for this urgent debate, subject to the decision by the Bureau and the Assembly. This decision has now been taken and so my task is confirmed.
3. When the committee discussed Syria at the beginning of September, the issue at stake was the response of the international community to the (then still alleged) chemical attack, including whether or not a military intervention would be appropriate and, if yes, by whom and under which conditions. Diverging views were expressed but a large majority of members seemed to agree that the solution for the problem was political, not military, and regretted the incapacity of the United Nations Security Council (UNSC) to act and the need for a peace conference was underlined. The committee welcomes the Swedish authorities' decision to grant permanent residence permits and the right to family reunion to all Syrian refugees currently in the country as well as to those who will arrive and obtain a resident permit. It encourages other member States to consider taking similar measures.
4. Today, a few weeks after our Paris meeting, the situation is much different and is changing every day, if not every hour. After an intensive month of diplomacy, the UNSC, unanimously adopted a resolution on Syria only a couple of days ago opening the road not only for the destruction of the chemical weapons of Syria, but hopefully also for peace negotiations and a political solution.
5. Therefore I will limit myself to briefly presenting the background which led to the Assembly's decision to hold such a debate and political developments which have since taken place and led to the adoption of UNSC Resolution 2118. In my concluding remarks I will focus on the short-term and medium-term challenges as they appear at present.

### **2. Background and the earlier position of the Parliamentary Assembly**

6. Since the uprising began some two and a half years ago, the war between the regime of Mr Bashar el-Assad and different groups which oppose it in Syria has already killed more than 100 000 and has resulted in more than 2 million refugees and more than 4 million internally displaced persons.
7. Both sides have been accused of atrocities. Allegations of the use of chemical weapons by both sides had been made before and a United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic was in the country on 21 August 2013. The UN Mission, headed by the Swedish scientist Ake Sellström and composed of experts from the Organisation for the Prohibition of Chemical Weapons (OPCW) and the World Health Organisation (WHO), had begun its mission two days earlier, on 19 August.
8. Ever since the beginning of hostilities, the UNSC had found itself unable to adopt a resolution on the situation in Syria, as France, the United Kingdom, and the United States, on one side, could not come to an agreement with China and the Russian Federation, on the other.
9. For its part, the Assembly held its first debate under urgent procedure on Syria in April 2012 on the basis of a report prepared by our committee ([Doc. 12906](#), Rapporteur: Mr Pietro Marcenaro, Italy, SOC). This led to the adoption of [Resolution 1878 \(2012\)](#) on the situation in Syria, whereby the Assembly firmly condemned "the widespread, systematic and gross human rights violations amounting to crimes against humanity committed by Syrian military and security forces". It equally condemned "the human rights violations committed by some of the armed groups combating the regime" and reiterated "that there can be no impunity for those who commit crimes against humanity, whoever they are". For the Assembly, all allegations of violations and crimes should be "properly investigated and their perpetrators brought to justice, including, as appropriate, before the International Criminal Court".

10. The Assembly further called for “the creation of a space where democratic changes can be brought about in Syria in a peaceful manner. The conditions should thus be gradually created to allow for a ‘Syrian-led political process’ ... and eventually for free and fair elections. The Syrian people should be free to build their own future”. In this respect, the Assembly called on the UNSC “to urgently put into place an embargo on the importation of all weapons and military material into Syria”.

11. The Assembly also stated that “[t]he dictatorship which has oppressed the Syrian people for decades has no future” and expressed its support to “all efforts, both at international and domestic level, to help build a new, democratic and pluralist Syria, respectful of human rights and the rights of ethnic, cultural and religious minorities”; it called “on the Council of Europe member States to respond positively to the appeals launched by the relevant agencies of the United Nations in order to address the humanitarian needs of the ... refugees fleeing from Syria ... as well as of the ... people affected by the crisis in Syria itself” and “to provide individual Syrian asylum seekers with appropriate protection”.

12. A few months later, in October 2012, the Assembly held a further debate under urgent procedure on Syria and adopted [Resolution 1902 \(2012\)](#) on the European response to the humanitarian crisis in Syria. In that resolution, the Assembly “regrets the dramatic deterioration of the conflict, which has escalated into a full-fledged civil war, and its continuing grievous threat to security and stability in the entire region and in particular the bordering countries”.

13. The visit to the Za’atri Syrian refugee camp in Jordan, on 6 April 2013, by our Sub-Committee on the Middle East, prompted a current affairs debate at the April 2013 part-session of the Assembly on “Syrian refugees in Jordan, Turkey, Lebanon and Iraq: how to organise and support international assistance?”. The Committee on Migration, Refugees and Displaced Persons has been entrusted with the task of preparing a report on this theme and its rapporteur, Mr Jean-Marie Bockel, carried out a visit to Lebanon and Turkey in August 2013.

14. Last but not least, in its [Resolution 1940 \(2013\)](#) on the situation in the Middle East, adopted in June 2013, the Assembly expressed its concern “about recent acts of hostility of the Assad regime against Israel and other neighbouring countries and about the immense influx of weapons into the area and warned “against an escalation of the conflict”.

15. The Assembly also expressed its gratitude to the receiving countries, in particular the Jordanian, Turkish and Lebanese authorities, for hosting and assisting ... Syrian refugees” and called “on the Council of Europe member States, observer States and those with partner for democracy status, as well as the international community as a whole, to increase their financial assistance to Jordan, Turkey and Lebanon in view of the immense daily needs of the Syrian refugees”.

### **3. The mosaic of the Syrian society and of the Syrian opposition**

16. It is worth recalling that Syria has a population of 23 million, of which 90.3% are Arab and 9.7% are Kurds, Armenians, and other. Languages spoken in the country are Arabic (official language), Kurdish, Armenian, Aramaic and Circassian. Islam is the official religion: 74% of Syrians are Sunni Muslim, other Muslim make up 16% of the population (including Alawi and Druze). Christians of various denominations represent 10% and there are small Jewish communities in Damascus, Al Qamishli and Aleppo.

17. Under President Assad, the Sunni majority has been substantially marginalised with the Alawi minority holding the political and military control. Christians have been granted guarantees of a peaceful cohabitation and even representation in governmental structures. The regime has harshly repressed minorities, for instance Kurds, which, with their claims for self-government, were putting at risk the balance of power.

18. In its [Resolution 1878 \(2012\)](#), the Assembly underlined that “the mosaic of ethnic, cultural and religious groups”, which formed the Syrian population, “together with the territorial integrity of Syria, must be preserved in a future post-Assad Syria”.

19. Noting the significant divisions within the Syrian opposition, the Assembly called on its various groups to unite “in order to be considered as a legitimate alternative offering all Syrian citizens, irrespective of their ethnic origin, culture or religion, the prospect of a peaceful, democratic and pluralist Syria”. It also insisted that “any post-Assad future must guarantee the religious tolerance that Christians have enjoyed until now”.

20. Underlining “that respect for human rights, the recognition of ethnic, cultural and religious minorities and the choice in favour of dialogue and democracy are not mere declarations of principle but the prerequisites for uniting and strengthening the opposition”, the Assembly appealed to the international community to support initiatives aimed at uniting the opposition with a view to bringing about democratic change in Syria. At the same time, the Assembly urged caution vis-à-vis those forces which, because of geopolitical interests or for sectarian reasons – in Syria as in other countries of the Arab Spring – were providing political and economic support to extremist groups.

21. Today, more than a year after the adoption of [Resolution 1878 \(2012\)](#), and two and a half years after the beginning of the uprising in Syria, the opposition is increasingly deeply divided. With the upcoming peace conference, it is important to try to understand the complex “who is who” of the Syrian opposition.<sup>3</sup>

22. There are a wide variety of political groups, exiled dissidents, grassroots activists and armed militants which have been unable to join efforts. Several groups, however, have tried to form coalitions to unite opposition supporters in Syria and gain international help and recognition.

23. The Syrian National Council (SNC) was the first coalition of opposition groups formed in October 2011, to “offer a credible alternative to the Syrian government” and to serve “as a single point of contact for the international community”. It is dominated by Syria's majority Sunni Muslim community/Muslim Brotherhood.

24. The SNC has been challenged by the National Co-ordination Committee (NCC), which represents the internal political opposition groups that reject violence and want to negotiate with the government. It is made up of 13 left-leaning political parties, two Kurdish political parties, and independent political and youth activists and is led by longstanding dissidents, some of whom are wary of the Islamists within the SNC. Several members of the SNC have also complained about its ineffectual leadership. The SNC has also had difficult relations with the Free Syrian Army (FSA).

25. In November 2012, US Secretary of State Hillary Clinton said the SNC could “no longer be viewed as the visible leader of the opposition” and called for an opposition leadership structure that could “speak to every segment and every geographic part of Syria”.

26. The National Coalition for Syrian Revolutionary and Opposition Forces (NC) was created, in November 2012, to replace the Syrian National Council (which nevertheless continues to exist). The NC includes members from within Syria and abroad and members of the Local Co-ordination Committees (LCC), a network of grassroots opposition activists, as well as representatives of the local revolutionary councils. It also has the support of the rebel Supreme Military Council and Free Syrian Army (FSA). It has been recognised as “the legitimate representative” of the Syrian people by more than 100 countries.

27. However, it does not include the NCC and several militant Islamist groups fighting alongside the rebels.

28. In May 2013, a coalition of leading rebel groups issued a joint statement sharply criticising the NC, accusing it of failing to fulfil its duties and of allowing itself to be taken over by regional and international players. The effectiveness of the NC has also been hindered by a struggle for influence between those supported by Qatar and those supported by Saudi Arabia.

29. The FSA was formed in August 2011 by army deserters. It is based in Turkey and is led by General Salim Idriss. While the FSA has claimed to have as many as 40 000 men under their command, analysts believe there may be no more than 10 000. They are also still poorly armed, and many have had only basic military training. The FSA has admitted that it is unable to directly confront the Syrian army, which is estimated to have 200 000 soldiers. Nevertheless, a growing number of defections, partly caused by sectarian division, are weakening the military, strengthening the FSA and increasing the violence. The army's rank and file is largely Sunni while its leadership is mainly Alawi.

30. US officials and Arab intelligence officers told the *New York Times* in June 2013 that automatic rifles, rocket-propelled grenades, ammunition and some anti-tank weapons were being funnelled to the FSA, mostly across the Turkish border, by way of a “shadowy network of intermediaries”, including Syria's Muslim Brotherhood, Saudi Arabia and Qatar.

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3. The following paragraphs are based on a guide published by the BBC: see [www.bbc.co.uk/news/world-middle-east-15798218?print=true](http://www.bbc.co.uk/news/world-middle-east-15798218?print=true).

31. The FSA has functioned primarily as an umbrella group for army defectors, civilians who have taken up arms and Islamist militants. The UN Human Rights Council said it had documented instances of gross human rights abuses committed by members of various FSA groups. The FSA's leadership had also found it difficult to work with the SNC, which had publicly stated that it wanted to safeguard the uprising's "non-violent character".
32. However, in January 2013 the two groups agreed to co-ordinate their operations more closely through a liaison office and the SNC has appealed to the international community to support the rebels "by means of military advisers, training and provision of arms to defend themselves".
33. Many groups within the framework of the FSA are Islamist in character, and the rhetoric is often religious in tone, making it difficult to distinguish between those who sympathise with moderate political Islam, and ultraconservative Salafist extremists. This lack of clarity is one of the main reasons why Western governments have been so unsure about whether to arm rebel groups.
34. There are other groups, not formally working within the FSA framework, whose fighting tactics and ideological aims prove their extreme Salafist orientation. These include The Nusra Front or Jabhat al-Nusra, arguably the country's most powerful jihadist group. It has claimed responsibility for a number of high-profile attacks in Syria's main cities and also the execution of a 14-year-old boy in Aleppo and the kidnapping of the Italian priest Paolo Dall'Oglio. It was founded early in the conflict with help from al-Qaeda in Iraq. The United States has designated the Nusra Front a terrorist organisation. Another jihadist group is the Islamic State of Iraq and Syria (ISIS), which declared war on FSA affiliated groups (including the Farouk Brigades in Aleppo and Ahfad al-Rasoul). Violent clashes were reported on 18 September 2013 between these groups and the ISIS in the north and east of Syria. This is in line with al-Qaeda's Ayman al-Zawahiri warning that his followers in Syria should avoid co-operation with secular groups allied to the West.
35. The Syrian Islamic Front is an umbrella group comprising the 12 other Salafist groups fighting in Syria. Like the Nusra Front, these groups all seek to establish an Islamic emirate in Syria. The most high profile is the Salafist militia Ahrar al-Sham, which originated in the north of the country. Ahrar al-Sham fighters are said to have been present at every major assault in the country since mid-2012. While the Nusra Front and Ahrar al-Sham were allied until August 2013, clashes between the two groups started in September.
36. While most of these more extreme groups have worked in tandem with regular FSA fighters, disputes over resources and territory have started to cause conflict between them. The murder of an FSA commander at the hands of an Islamist group in July 2013 has highlighted the dangerous risk of further splits. Jihadists, including foreign fighters, have been increasing their presence in Syria although, for some analysts, they do not represent more than 10% of the overall Syrian opposition.
37. According to recent estimations, there are as many as 1 000 rebel groups, who between them have 100 000 fighters. There are about 10 000 jihadists fighting for Isis and the Nusra Front, and another 30 000 to 35 000 hard-line Islamists. A further 30 000 to 40 000 fighters belong to groups with a more moderate Islamist affiliation.
38. On 25 September, 11 Islamist rebel groups, including some which are members of the FSA, announced that they did not recognise the authority of the National Coalition.
39. A point of division among the opposition groups has also been their stand on the proposed international peace conference. Just a couple of days before the adoption of UNSC [Resolution 2118](#) on Syria, the President of the National Coalition accepted to participate in such a peace conference, but this position has not been backed by other opposition groups.
40. The Kurdish Democratic Union Party (PYD) militias, active along the Turkish border, and the Kurdish National Council (KNC) have recently agreed to join forces with the NC. On 30 September 2013, in Strasbourg, I met a representative of the PYD, who confirmed their wish to participate in the peace conference. Due to their secular stand for democracy and human rights, they are accused of being pro-western by the radical Islamist groups. They insisted that they were fighting for an inclusive Syria and that they did not have a separatist agenda.

#### 4. What happened on 21 August and immediate international reactions

41. The report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons on the incident that occurred on 21 August 2013 in the Ghouta area of Damascus was referred to the UNSC on 16 September 2013. According to the note by the Secretary General of the United Nations accompanying the report, chemical weapons were used on a relatively large scale on 21 August 2013 in the Ghouta area of Damascus, resulting in numerous casualties, particularly among civilians and including many children.

42. The Mission “collected clear and convincing evidence that surface-to-surface rockets containing the nerve agent sarin were used in the Ein Tarma, Moadamiyah and Zalmalka in the Ghouta area of Damascus.” It was however “unable to document the full extent of the use of chemical weapons on 21 August or to verify the total number of casualties”. Many hundreds of deaths, including several hundred children, were reported.

43. Mr Ban Ki-Moon added in his note: “This is a war crime and a grave violation of the 1925 Protocol and other rules of customary international law. I trust all can join me in condemning this despicable crime. The international community has a responsibility to hold the perpetrators accountable and to ensure that chemical weapons never re-emerge as an instrument of warfare.”

44. To preserve impartiality, and as that was never part of its mandate, the report of the UN Mission does not identify the culprits. A number of factors indicated in the report seem however to exclude the insurgent forces as perpetrators.

45. In the immediate aftermath of the attack and pending the publication of the report, the international community was not unanimous in its accusations. While the Syrian regime rejected responsibility for the attack, the United States, France and the United Kingdom clearly accused it, referring to compelling evidence. For Russia, the Syrian Government’s responsibility had not been proved.

46. President Obama had stated that the use of chemical weapons was a “red line” which should not be crossed and threatened punitive US-led strikes against Syria as an immediate response to the attack of 21 August. He decided, however, to ask for a vote in the Senate.

47. On 29 August 2013, a vote in the House of Commons rejected possible British military action against Syrian President Bashar al-Assad’s government to deter the use of chemical weapons.

48. French President Hollande declared that France was ready to take part in international action against Syria. On 4 September, the French Parliament held a debate without a vote on the issue.

49. Meeting in Dubrovnik on 2 September 2013, the Bureau of the Parliamentary Assembly issued a statement on Syria condemning the use of chemical weapons on 21 August 2013. It stated that “any use of chemical weapons anywhere by anybody, under any circumstances, constitutes a violation of international law and a crime against humanity” and it called “on the international community to take action to pressurise those countries which have not yet done so to sign the Chemical Weapons Convention” and “for urgent action to bring the stocks of chemical weapons in Syria under international control to prevent access to them by those supporting or opposing the current Government”. The Bureau also called all parties concerned, both inside and outside the country, to move, without further delay, beyond their differences towards a peace conference on Syria, stating that “the use of arms can never lead to sustainable peace and is therefore not an option; only a political solution can put an end to the spiral of violence, but also to the dramatic situation of refugees and displaced persons”.

#### 5. Chemical weapons in international law<sup>4</sup>

50. The use of chemical and biological weapons in international armed conflicts was already banned in 1925 with the Protocol (to the Hague Conventions of 1899 and 1907) for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, usually called the “Geneva Protocol”, which entered into force in 1928. The Geneva Protocol prohibits the use of “asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices” and “bacteriological methods of warfare” but at present it is understood as a general ban on the use of chemical and biological weapons.

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4. See [www.opcw.org/](http://www.opcw.org/).

51. The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) entered into force in 1997 “to exclude completely the possibility of the use of chemical weapons” but also to cover aspects not covered by the Geneva Protocol, namely production, storage or transfer. The OPCW is the implementing body of the CWC. With the entry into force of the CWC for Syria on 14 October 2013, one month after accession (which took place on 14 September 2013), the OPCW will have 190 member States, which are working together to achieve a world free from chemical weapons. They share the collective goal of preventing chemistry from ever again being used for warfare, thereby strengthening international security.

52. To this end, the convention contains four key provisions:

- destroying all existing chemical weapons under international verification by the OPCW;
- monitoring chemical industry to prevent new weapons from re-emerging;
- providing assistance and protection to States Parties against chemical threats;
- fostering international co-operation to strengthen implementation of the convention and promote the peaceful use of chemistry.

53. As existing declared stockpiles are destroyed, the OPCW will continue to work hard to persuade the remaining handful of non-member States to renounce chemical weapons and join the convention. At the same time, the OPCW must prevent the re-emergence of a chemical weapons threat, whether from State or non-State actors.

54. The OPCW has been given the mandate to achieve the object and purpose of the convention, to ensure the implementation of its provisions – including those for international verification of compliance with it – and to provide a forum for consultation and co-operation among States Parties. The Technical Secretariat is responsible for the day-to-day administration and implementation of the Convention, including inspections, while the Executive Council and the Conference of the States Parties are decision-making organs designed primarily to determine questions of policy and resolve matters arising between the States Parties on technical issues or on interpretations of the convention.

55. Until 14 September 2013, Syria was, together with Angola, Egypt, North Korea and South Sudan, one of the five countries in the world which had neither signed nor ratified to the convention. Israel and Myanmar signed it 20 years ago but have not ratified it.

## **6. Recent diplomatic efforts leading to the adoption of UN Security Council Resolution 2118**

56. Against the background of threats of US-led punitive strikes on Syria and an apparently offhand remark by the United States Secretary of State, John Kerry, the Russian Minister of Foreign Affairs, Sergey Lavrov, launched an important diplomatic initiative proposing the identification and total destruction of Syria’s chemical weapons. His proposal aimed at averting any possible immediate US-led military intervention in Syria and bringing the parties and the international community to the negotiations table. After intensive consultations in Geneva, an agreement was reached between Mr Kerry and Mr Lavrov on 14 September 2013, on a plan whereby Syria would account for its chemical weapons within a week and ensure their destruction by mid-2014.

57. For such a plan to have a chance of success, a clear resolution of the UN Security Council should ensure a robust and independent monitoring and verification mechanism, and enforceable deadlines. The agreement reached in Geneva states that: “The United States and the Russian Federation concur that this UN Security Council resolution should provide for review on a regular basis the implementation in Syria of the decision of the Executive Council of the OPCW, and in the event of non-compliance, including unauthorized transfer, or any use of chemical weapons by anyone in Syria, the UN Security Council should impose measures under Chapter VII of the UN Charter.”

58. The international community welcomed this plan wholeheartedly and the Syrian President declared that he was prepared to implement it (he stated however that it would take a year and would cost a billion dollars to destroy Syria’s chemical weapons). As a consequence, President Obama annulled his request for a Senate vote on strikes.

59. Also on 14 September, Syria acceded to the CWC. It will become the 190th State Party to the convention on 14 October 2013.

60. As of mid-September, negotiations started on the drafting of a UN Security Council resolution. The main bone of contention has been whether or not the resolution would invoke Chapter VII, a clause that allows UN member States to use all possible means, including military action, to enforce a resolution. This seemed to have been agreed in Geneva, but later Russia's Foreign Ministry rejected a French proposal for a draft resolution because of the Chapter VII reference, as well as the suggestion that the resolution would blame the Syrian Government for deploying chemical weapons.

61. Another issue at stake was whether the resolution should include a referral to the International Criminal Court (ICC). According to Human Rights Watch, "The resolution the United Nations Security Council is considering about the August 21, 2013 chemical weapon attacks in Syria should include a referral to the International Criminal Court (ICC). An ICC referral of the situation in Syria would be a major step toward achieving justice for victims of the attack and other atrocities by all sides in Syria's armed conflict".

62. On 21 September 2013, Syria submitted some documents concerning its chemical weapons programme to the OPCW, which met a week later, on 27 September, and agreed on an accelerated programme for achieving the complete elimination of Syria's chemical weapons by mid-2014. This decision, which the Executive Council called "historic", requires inspections in Syria to start as of 1 October 2013. Interim milestones for destruction would be set by the Executive Council of OPCW by 15 November. The UN Mission went back to Syria on 25 September.

63. Syria is believed to possess more than 1 000 tonnes of chemical agents and pre-cursor chemicals, including sulphur mustard and sarin and VX nerve agents. The destruction process proposed for Syria differs in several important aspects from the one outlined in the convention. Technical difficulties and legal obstacles are huge and the ongoing civil war in the country increases immensely the difficulty of the process. Political will is needed to work out the details of the plan and strict compliance by both the Syrian authorities and the opposition are indispensable for its implementation. Also additional resources should be made available to the OPCW, which is faced with the unique challenge of supervising the destruction of chemical weapons while a war is ongoing. Several States, including Council of Europe member States, have announced that they will contribute to the OPCW's Syria fund and more should follow.

64. In parallel with negotiations concerning the planned destruction of Syria's chemical weapons and possible sanctions in case of non-compliance with the agreed plan, talks have also been ongoing in the last couple of weeks on the proposed international peace conference on Syria, which Russia and the United States, meeting on 7 May 2013 in Moscow, agreed to convene as a follow-up to an earlier Geneva meeting held in June 2012. They had then agreed on the principle of a political transition, but were unable to stop the war.

65. The Geneva 2 Middle East peace conference (or "Geneva 2") was proposed as a United Nations-backed peace conference that would take place in Geneva in late 2013 with the aim of stopping the Syrian civil war and organising a transition period and post-war reconstruction. The key aim of Geneva 2 would be to get all parties to agree on the principle of a political solution, and then build on Kofi Annan's peace plan and the June 2012 meeting.

66. On 19 September, the media reported that, speaking on behalf of Syria's Government, the Deputy Prime Minister said that the civil war had reached a stalemate, with neither side strong enough to win. He added that at the proposed peace talks in Geneva, in which the Syrian Government had already announced that it was ready to take part without any preconditions, Damascus would call for a ceasefire with the armed opposition. Later in the week, the Minister denied having made such a declaration.

67. A few days later, on 22 September 2013, the Syrian opposition National Coalition president Ahmad Jarba, announced that his group was prepared and ready to attend a peace conference in Geneva to establish a transitional government to end the conflict in the country. Jarba's letter to the United Nations Security Council represents the first clear commitment from the opposition to attend the proposed conference that is sponsored by the United States and Russia. Until now, the opposition had remained divided over the issue, refusing to take part unless President Assad stepped down.

68. On 26 September 2013, in a meeting with United Nations and Arab League special envoy for Syria, Lakhdar Brahimi, Iranian President Rouhani said that, "if invited without any preconditions, Iran will participate in the [Geneva 2] conference in order to help resolve the Syrian crisis" as "everyone should make efforts to end the war and bloodshed in Syria at the shortest possible time".

69. Against this background and just a few hours after the decision of the OPCW on special procedures for an expeditious and verifiable destruction of Syria's chemical weapons arsenal by mid-2014, the UNSC, in a breakthrough late evening meeting, unanimously adopted Resolution 2118, which, after two and a half years of a bloody civil war with dramatic humanitarian consequences, renews hopes for peace and a political settlement to the conflict.
70. The UNSC determines that the use of chemical weapons anywhere constitutes a threat to international peace and security, and calls for the full implementation of the above-mentioned 27 September decision of the OPCW. The OPCW document now forms part of the UN resolution which sets out to govern the whole process.
71. In its binding resolution, the 15-member Council prohibits Syria from using, developing, producing, otherwise acquiring, stockpiling or retaining chemical weapons, or transferring them to other States or non-State actors, and underscores also that no party in Syria should use, develop, produce, acquire, stockpile, retain or transfer such weapons. Syria should comply with all aspects of the OPCW decision, notably by accepting personnel designated by OPCW or the United Nations and providing them with immediate and unfettered access to – and the right to inspect – any and all chemical weapons sites. Further, the Council decided to regularly review Syria's implementation of the OPCW Executive Council decision and its own resolution.
72. The UNSC Resolution, fully endorsing the Geneva *Communiqué* of 30 June 2012, calls for the convening, as soon as possible, of an international conference on Syria to implement that Communiqué. Thus, the Security Council has endorsed a road map for a political transition in Syria. The UN Secretary General has also set a target date for the Geneva 2 peace conference of mid-November.
73. As regards the above-mentioned issues of contention, Resolution 2118 reflects an inevitable compromise: although the draft refers to Chapter VII of the UN Charter, which allows the use of military force or other punitive measures, a second resolution, adopted under Chapter VII and authorising such a move would be needed in case of non-compliance.
74. The resolution neither attributes guilt for the 21 August attack nor refers to the International Criminal Court. Responsibility for the massacre of 21 August thus remains a point of contention.
75. For his part, the United Nations Secretary General, Ban Ki-moon, while describing the adoption of the UNSC Resolution as “the first hopeful news on Syria in a long time”, underlined, that even if it marked an important step, “we must never forget that the catalogue of horrors in Syria continues with bombs and tanks, grenades and guns”. He said the plan to eliminate Syria's chemical weapons was “not a license to kill with conventional weapons”.
76. Also, stressing that the perpetrators of the chemical attacks in Syria must be brought to justice, Mr Ban Ki-moon said that the United Nations mission which had returned to Syria to complete its fact-finding investigation would conclude its work by the beginning of October, and he would promptly transmit a report to all member States.
77. The UN Secretary General pressed the Security Council to capitalise on its newfound unity by focusing on two other equally crucial dimensions of the conflict: the dire humanitarian situation and the political crisis. For their part, the Syrian sides should engage constructively towards the creation of a democratic State, while regional actors should challenge those who sought to undermine that process.
78. US Secretary of State John Kerry said the United Nations demonstrated that “diplomacy can be so powerful that it can peacefully defuse the worst weapons of war”. He said the resolution would for the first time seek to entirely eliminate a nation's chemical weapons capacity and underlined that the Syrian regime bore the burden of meeting the terms of the resolution.
79. For his part, Russian Foreign Minister Sergey Lavrov also hailed the adoption of the resolution, saying Moscow was ready to take part in “all operations” in Syria. However, he stressed that the success of international efforts was “not only on Damascus' shoulders” and that the Syrian opposition should also cooperate. He also emphasised that the resolution set requirements for all countries, especially Syria's neighbours, which should report on moves by non-State actors to secure chemical weapons.
80. US President Barack Obama earlier said agreement on the issue by Security Council members would be a “potentially huge victory for the international community”.

81. United Kingdom Foreign Secretary William Hague also hailed the adoption of “a ground-breaking resolution”. The French Minister of Foreign Affairs, Laurent Fabius, said he was “satisfied” about the adoption of the UNSC Resolution which he considered to be a “step forward”. He noted that things were progressing “although slowly”.

82. Reacting to the vote, Syria's UN Ambassador, Bashar Jaafari, said the resolution covered most of Damascus' concerns. But he stressed that countries supporting Syrian rebels should also abide by the adopted document.

83. In view of the increasing rift within the Syrian opposition and the various rebel groups, there is no official position of the latter on the UNSC Resolution. The stand of the opposition is however crucial. The conditions for the implementation of the resolution and in particular for the safe access of personnel designated by the OPCW or the United Nations to chemical weapons sites, according to the agreed plan, cannot be met if ceasefires are not respected by all sides.

## **7. A brief overview of the dire humanitarian situation**

84. As UN Secretary General Ban Ki-moon said, the dire humanitarian situation is one of the two other critical dimensions of the Syrian conflict, together with the political one, on which the international community should now focus.

85. According to figures provided by the United Nations High Commissioner for Refugees (UNHCR) in a briefing note prepared for our discussions, as of 25 September 2013, there are 2 116 000 refugees who have fled Syria since the beginning of the conflict and have sought protection in neighbouring countries: 763 097 in Lebanon, 525 231 in Jordan, 494 330 in Turkey, 192 396 in Iraq, 126 717 in Egypt and 14 289 in countries of North Africa.

86. The UNHCR draws attention to the fact that, despite the massive presence of 29 refugee camps in Turkey, Jordan and Iraq, over 75% of Syrian refugees are living outside camps in towns and villages among host countries. This largely invisible urban population faces additional challenges, such as high rental prices, rising costs of living and limited livelihood opportunities.

87. According to the UNHCR, some 4.25 million people are displaced inside Syria (IDPs) and some 6.8 million people are in need of humanitarian assistance. However, of the US\$249 million laid out in the 2013 IDP Response budget, 72% remain underfunded.

88. Growing numbers of Syrians are also arriving in Europe. According to the UNHCR, approximately 47 000 asylum claims by Syrians have been registered in the European Union as well as in Norway, Liechtenstein, Iceland and Switzerland since the beginning of the crisis. In some countries, between 3 000 and 5 000 asylum seekers from Syria are arriving every month. According to UNHCR recent data, Italy is seeing a sharp increase in Syrians arriving by boat mainly from Egypt and Turkey. 3 300 Syrians, including over 230 unaccompanied children, entered Italian territory mainly through Sicily, over a 40-day period.

89. On a positive note, the Swedish Government decided to grant permanent residence permits and the right to family reunion to all Syrian refugees currently in the country as well as to those who will arrive and obtain a resident permit. It encourages other member States to consider taking similar measures. German authorities, for their part, decided to grant asylum to 5 000 Syrian refugees who will be given two-year residence permits renewable depending on the situation in Syria.

90. Already a year ago, in its [Resolution 1902 \(2012\)](#) on the European response to the humanitarian crisis in Syria, the Assembly had drawn attention to the fact that the situation in the refugee camps in Turkey, Lebanon, Jordan and Iraq was becoming “dramatic owing to shortages of food and hygiene products and lack of housing”, noting that this was the case in certain areas of Syria itself.

91. The members of the Sub-Committee on the Middle East had the opportunity to witness with their own eyes the difficulties faced by both the Syrian refugees and the Jordanian authorities in view of the immense daily needs of refugees in the Za'atri camp.

92. Following his visits to Turkey and Lebanon, Mr Jean-Marie Bockel prepared a memorandum<sup>5</sup> in the context of the preparation of his report on “Syrian refugees in Jordan, Turkey, Lebanon and Iraq: how to organise and support international aid?”, which he kindly shared with me. Mr Bockel’s report aims at alerting, yet again, the international community to the extremely precarious situation in which Syrian refugees find themselves. He stresses that they need to be provided with decent living conditions, with particular focus on key aspects such as education, health and housing. He also emphasises the particularly tragic situation of women and children, with the latter making up 53% of the refugees.

93. Drawing from [Resolution 1902 \(2012\)](#), Mr Bockel intends in his report to ask again Council of Europe member States to show solidarity and share responsibility by taking the necessary measures to cater for Syrian refugees as effectively as possible.

94. The international community should make a generous and most urgent response to the calls for funds to assist the Syrian refugees and also the neighbouring countries receiving them. The humanitarian consequences of the Syrian conflict and the need for urgent humanitarian assistance should be clearly tackled at the planned Geneva 2 peace conference which, following the adoption of UNSC Resolution 2118, may be convened in the coming six weeks with higher prospects of success than one could have imagined a few weeks ago.

95. As the Assembly has already stressed in its [Resolution 1902 \(2012\)](#), the problems posed by the dramatic situation of refugees and displaced persons in Syria and in neighbouring countries can only be solved if there are prospects for peace. And this will only be possible through a political solution to the conflict at which the future Geneva talks aim.

## 8. Concluding remarks

96. Since the committee meeting in Paris at the beginning of September, the dynamics have changed significantly: from considering the possibility of military strikes against Syrian Government forces, despite the absence of a decision by the United Nations Security Council, we have moved to an agreement on multinational co-operation recognising a central role for the United Nations, as well as the OPCW. This, in itself, is a welcoming development.

97. At the same time, we are faced with a sad reality: even if there will be no use of chemical weapons in Syria, people, including civilians, women and children, will continue to die every day by means of conventional weapons.

98. There is also a feeling of frustration, especially shared by members of a parliamentary assembly belonging to a human rights organisation: justice has not been done. In the recently adopted UNSC Resolution 2118, there is no reference to war crimes or the warfare laws, no reference to the International Criminal Court, nobody is blamed for the 21 August chemical attack and the text does not foresee automatic recourse to measures under Chapter VII of the United Nations Charter (although it leaves the possibility open in case of future non-compliance).

99. However, by agreeing on complex disarmament procedures and strict regular reviews, United Nations Security Council member States have assumed a long-term responsibility. And they have probably been more effective in renewing hopes for an end to the conflict than any military strikes. This point was accurately made by Dr Jean Pascal Zanders, Disarmament Consultant at The Trench and Former Senior Research Fellow at the European Union Institute for Security Studies, during the hearing before the Committee on Political Affairs and Democracy on the situation in Syria.<sup>6</sup>

100. If the process in Syria succeeds, it may also open up the possibility for wider disarmament opportunities in the Middle East and may contribute to putting an end to the stalemate over Iran’s nuclear programme.

101. The success of the international community’s role, after two and a half years of failures and missed opportunities, a hundred thousand deaths and millions of refugees and displaced persons, will, however, not solely depend on the success of the disarmament process – difficult from a technical and legal point of view in itself.

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5. Document [AS/Mig \(2013\) 30](#).

6. See Dr Jean Pascal Zanders, The Situation in Syria: the Chemical Weapons Dimension, hearing before the Committee on Political Affairs and Democracy, Strasbourg, 30 September 2013, [www.the-trench.org](http://www.the-trench.org).

102. The ultimate test will be the very end of the civil war and – an even more challenging long-term task – the emergence of a democratic, inclusive and stable State in Syria. To succeed in this respect requires not only exercising pressure on the current Syrian regime, but also on the opposition groups; contributing to uniting those opposition groups which favour democracy and tolerance; eliminating extremist groups, including terrorist ones; marginalising external actors which finance and provide political and military support to extremist groups; bringing to the negotiations table all parties concerned; and making the international peace conference (Geneva 2) the beginning of a new era for Syria.