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Human rights situations that require the Council's attention

Written statement* submitted by The Next Century Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



The Idlib crisis: an examination of the way forward

As the war in the Syrian Arab Republic (Syria) enters its tenth year, the United Nations estimates total war dead as over 400,000. The Next Century Foundation estimates that some 48% of those war dead are civilian non-combatants. The United Nations (UN) lists a total for registered refugees from Syria as 5.6 million however the true figure will be higher as many refugees who have resettled are not registered. The Next Century Foundation additionally estimates over 6.5 million Syrians are displaced within Syria. Pre-war there were around 26 million Syrians with six million in Damascus and just under six million in Aleppo. Today almost half of that population have lost their homes.

The last rebel strong-hold is in Idlib, North West of the country. This province borders Turkey and contains over three million Syrians, three times its population before the start of the war. Conditions in Idlib are dire. People live in makeshift camps and have endured freezing winter temperatures and flooding. The situation is exacerbated by the spread of Covid-19 and limited access to humanitarian assistance.

UN Security Council Resolution (UNSCR) 2254 endorsed a road map for a Peace Process in Syria, and was approved in December 2015. Five years later, Syrians remain without tangible steps towards a peace agreement.

The agreement aimed to ensure a peace agreement, constitutional reform and free and fair elections. None of these objectives has been achieved. The Next Century Foundation respectfully proposes actions that would move all parties towards achieving the aims of the resolution:

Ceasefire

The ceasefire between the Russian Federation (Russia) and Turkey agreed as part of the Astana framework in March 2020 is holding. The relative calm means it is the time for these parties to formulate a peace agreement that can be implemented and includes Syrians in the process.

Peace Process Based on Resolution 2254

The current forum for tripartite Astana talks is encouraging as the first steps towards an agreement. However it is now imperative that a body that is representative of Syrians in opposition is included in future talks.

The Sochi agreement between Turkey and Russia, delimited a buffer zone fifteen to twenty kilometres deep in Northern Syria, running along the M4, which Turkey and Russia patrol.

Turkish forces are present in the area of Idlib. Turkey, Russia and the United States of America should be given an official peace keeping mandate to maintain peace in the area north of the buffer zone. This is neither to divide Syria nor create a permanent presence, but to provide a safe zone in the province of Idlib. This area could and should be administered locally by Syrians in Idlib provided there is a mechanism in place that gives Damascus an indirect virtual right of access to information. Within five years of the date of parliamentary elections subsequent to the approval of a new constitution under the terms of the process approved in UNSCR 2254 all of Idlib Province should be returned to Syrian government control.

This process will meanwhile permit the repatriation of Syrians displaced into Idlib back to their homes. All those displaced who can establish that they have homes to return to, or indeed other homes to go to, could and should be granted amnesty by the Government of Syria and allowed to travel home at the earliest possible moment.

Humanitarian Borders

The provision of humanitarian aid should not be a military tactic. Such aid is critical to the humanitarian needs of Syrians that have been displaced from across the country to Idlib, and for those residing in the area prior to the war.

The adoption of UNSCR 2533 on 11 July 2020 effectively closed the Bab Al-Salam border crossing and only authorised the delivery of cross-border humanitarian aid through the Bab al-Hawa border crossing. The resolution is applicable for twelve months, after which moves to renew it are anticipated. UNSCR 2533 restricts essential humanitarian aid from being delivered and thus contravenes international law and all norms of human decency. Indeed it contravenes the basic underpinning of the UN declaration of Human Rights. Increasing the deliveries through the Bab Al-Hawa border to compensate for the aid that cannot be transported through the Bab Al-Salam border crossing is logistically more difficult, and increases the traffic in the area, compounding problems by exacerbating the spread of Covid-19. The continuation of the closure of the Bab Al-Salam border will make it more difficult to get humanitarian provisions to the 1.3 million Syrians in North Aleppo. It is therefore imperative to reauthorize access through previously used UN crossing points and avoid any further such resolutions for political gain at the expense of humanitarian assistance, in particular when the shameful UNSCR 2533 expires in July 2021.

Refugee Camps

The Refugee camps in Syria that house former ISIS fighters, their wives and children cannot continue to be disregarded by Security Council members. The Al-Hol camp is the largest of three detention camps in northern Syria. It is estimated that there are 63,000 women and children in detention at al-Hol camp. Around 9,000 of the detainees are non-Iraqi and non-Syrian foreigners. 41,000 of the camp's residents are children under eighteen, of whom 7,000 are foreign. Ninety-five per cent of the children in the camp are under the age of twelve. These children are the forgotten generation of the war. The situation needs to be addressed through repatriation to their country of nationality, through whose legal system repatriated adults can be prosecuted if they were complicit in criminal activity. The children entrapped in these camps, through no fault of their own, need to be protected under the United Nations Convention on the Rights of Children, an agreement that all but three UN member states have ratified (sadly the United States of America is one such country). This convention acknowledges that every child has a right to life, survival and development; and protection from violence, abuse and neglect. All United Nations member states should honour their obligation under this treaty, and repatriate their nationals. Governments of the permanent members of the UN Security Council have an obligation to set an example in this regard. Some governments compound this problem by unilaterally withdrawing citizenship from the families of former ISIS fighters held in these camps. The United Kingdom of Great Britain and Northern Ireland is particularly notable in this regard and is a nation whose historic role in the region is noted by other states and whose example is followed.

New Constitution Draft

The process of establishing a new constitution for Syria has been slow. The movement toward constitutional reform based on the Geneva Communiqué in June 2012 of the U.N. backed Action Group for Syria, was reiterated more strongly in the unanimously approved U.N. Security Council Resolution 2254 of December 2015. It has taken a further five years to reach an agreement to form a Syrian Constitutional Committee. The delays have been on agreeing what should be included in the national and constitutional principles, and are exacerbated due to Covid-19.

Without a process that is credible to all, the recruitment of individuals to violent extremist ideology is more likely. Credibility needs to be shown through decisions actually made by the Syrian negotiating committee responsible for agreeing a constitution. Decisions should

be binding and limited by deadlines, which is currently not the case. The use of virtual meetings should be encouraged to ensure more regular rounds of talks.

Election

The UN Security Council Resolution 2254 notion of a free, fair, and internationally monitored election in Syria needs to be adhered to. To provide any legitimacy to the Presidential elections in Syria scheduled for 2021, these need to be conducted freely and fairly, and the only means to achieve this is through internationally monitored elections. These monitors' independence and neutrality must be ensured.

Resolution 2254 called for the inclusion of the Syrian diaspora in these elections. Many Syrians that have fled the country have found sanctuary in refugee camps. This should not hinder them from participating in their country's elections. Member states that have provided refuge for these Syrians should assist in making the electoral process easy for them, enabling them to express their voice through the electoral ballot at designated official buildings in the country concerned through which the voting can be monitored. The practical steps in making this possible may require time and planning and as such the forthcoming Presidential elections should be postponed. However, a date should be set that allows for all eligible candidates to put forward their nominations, as well as making the electoral process inclusive of the Diaspora. This timetabling for the elections should be a priority for the Constitutional Committee.
