



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 October 2013

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LIMITE

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COMAG 101
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NOTE

From: General Secretariat of the Council
To: COREPER/Council
Subject: Draft Council conclusions on Syria

1. At its meeting on 21 October 2013, the Political and Security Committee agreed the draft Council conclusions on Syria, as set out in Annex I.
2. There are outstanding issues in brackets in paragraphs 2 and 5.
3. COREPER is therefore invited to confirm and approve the draft Council conclusions and to transmit them to the Council for adoption.

DRAFT COUNCIL CONCLUSIONS ON SYRIA

1. The EU continues to be extremely concerned by the deteriorating situation in Syria, which makes it all the more urgent to put an end to all violence and to the suffering of the Syrian people, and find a political solution that meets their legitimate aspirations. The EU condemns the unprecedented use of force by the regime. It also condemns the continuing widespread and systematic violations of international humanitarian law and human rights in Syria, including increasing attacks on religious and ethnic communities. Only a political solution that results in a united, inclusive and democratic Syria can end the terrible bloodshed, and grave violations of human rights.
2. The EU welcomes the call of UNSG Ban Ki-Moon for a peace conference in Geneva before the end of November. It urges both sides of the conflict to respond positively to this call and to adhere publicly to a credible political transition based on the full implementation of the Geneva Communiqué. [The EU reiterates that the objective of the Conference must be the swift establishment, by mutual consent, of a transitional governing body (TGB) with full executive powers and control of all governmental and all security institutions.] [The TGB should not include those whose presence would undermine the credibility of the transition.] [The EU also considers that, in line with the Geneva Communiqué, the parties will have to agree during the Conference on clear and irreversible steps and a short timeframe for the political transition that would lead to a genuine constitutional process and truly free and unhindered elections. Any election in Syria will have to be organized in this framework.] International participants of Geneva II should adhere to the principles included in the Geneva Communiqué.

The EU calls on the opposition to come together and participate actively at the conference and encourages the National Coalition of the Syrian Revolutionary and Opposition Forces (SOC) to take a leading role during negotiations. The EU stands ready to continue engaging with and to support the Coalition in these endeavours and its relations with the international community at large.

3. The EU stood united in condemning in the strongest terms the horrific chemical attack perpetrated on August 21. That attack constituted a blatant violation of international law, which amounts to a crime against humanity and a war crime under the Rome Statute of the International Criminal Court (ICC). These crimes, as well as other atrocities and human rights violations and abuses must be investigated and perpetrators and those ordering these crimes must be held accountable. The EU reaffirms that there should be no impunity for any such violations, including those committed with either chemical and conventional weapons or other means, and recalls that the UNSC can refer the situation in Syria to the ICC - as requested in the Swiss letter to the SC of 14 January 2013 - at any time.

The EU is seriously concerned with the growing involvement of extremist and foreign non-state actors in the fighting in Syria, which is further fueling the conflict and posing a threat to regional stability. The EU calls on all relevant parties to halt the support to these groups.

4. The EU welcomed the OPCW Executive Council Decision and UN Security Council resolution 2118 (2013) on 27 September, which decided that the Syrian Arab Republic shall eliminate all chemical weapons material and equipment by the first half of 2014. The Syrian Arab Republic must now meet all its obligations in the most complete, diligent and transparent manner. The EU calls on all sides to ensure free and unfettered access of inspectors to all sites. The EU is concretely supporting the UN-OPCW joint mission in carrying out its important and urgent tasks and stands ready to consider further support.

5. The EU reaffirms its commitment as the largest donor to providing assistance, including humanitarian aid, to the Syrian people on a continuing basis, which now amounts to close to €2 billion, [and agrees on the attached common messages on humanitarian aspects of the Syria crisis]. All efforts must be made to ensure that humanitarian aid reaches all people in need in Syria and that full access is granted to humanitarian aid agencies. The EU welcomed the October 2nd presidential statement of the Security Council on the humanitarian situation in Syria (S/PRST/2013/15). This presidential statement must be fully implemented, and the EU welcomes the efforts that are being made by the UN, in particular OCHA, in this regard. All parties, in particular the Syrian authorities, must take all appropriate measures to facilitate safe and unhindered humanitarian access to populations in need of assistance in the entirety of the Syrian territory, including across conflict lines and across borders from neighbouring countries. The EU calls on the two sides of the conflict to allow for local ceasefires to facilitate humanitarian work and to respect all obligations under international humanitarian law.

The EU expresses deep concern for the fate of millions of Internally Displaced Persons (IDPs) and refugees, and commends those countries that keep their borders open in order to provide safe haven for the refugees. The EU renews its commitment to respond to humanitarian needs in Syria and its neighbouring countries. The EU recognises that the dramatic situation of refugees affecting neighbouring countries is also of growing concern to and is having an impact on countries beyond the immediate vicinity of Syria.

6. To facilitate an effective settlement of the crisis, the EU will continue its engagement with and support to the SOC, including in areas under its control. The EU welcomes the creation of the Syria Recovery Trust Fund by the Group of Friends of the Syrian People as an important step to ensure that the assistance needed by the people of Syria is properly delivered.
7. The EU supports a vision of Syria which will live up to the legitimate demands of the Syrian people for a free, open and inclusive political system, in which all Syrians will be involved and enjoy equal rights regardless of their origin, affiliation, religion, beliefs and recognising an important role of women in society.

**EU COMMON MESSAGES ON
THE HUMANITARIAN ASPECTS OF THE SYRIA CRISIS**

1. All efforts to facilitate an agreement in the UNSC on the need for unfettered humanitarian access and full respect of IHL must be supported.
2. Recognising the central role of OCHA in coordinating humanitarian assistance, the way forward presented by the ERC/USG to the UN Security Council, which is fully in line with the Foreign Affairs Council Conclusions of 27 May 2013, in particular paragraphs 4 and 5 (respect of IHL, protection of civilians, medical personnel, open borders), must be welcomed and supported.
3. The absolute and urgent necessity of the following must be emphasised:
 - All parties to the conflict must respect in full, and be held accountable for violations of International Humanitarian Law and their obligations to protect civilians. There must be zero tolerance by all parties regarding the killing, maiming, abduction and recruitment to armed groups of children, and regarding sexual and gender based violence, noting the particular risks faced by women and children;
 - All parties must ensure the safety and protection of all humanitarian workers and medical personnel. They should facilitate free passage of medical supplies to all areas, and safeguard all health facilities and ambulances;
 - Syria should provide the necessary authorisation to scale up humanitarian operations within the country while all parties must facilitate unimpeded access for humanitarian workers to people in need throughout Syria through all possible channels, including cross-border assistance as required by operational necessity;

- All neighbouring countries should be encouraged to maintain or re-establish open borders in order to provide safe haven for, and equal treatment to refugees, including Palestinian refugees. For their part, all donor countries should in accordance with the principles of burden sharing ensure the fulfilment of pledges already made and, in recognition of the immense burden placed upon, and risks to neighbouring countries continue to provide financial support to enable host countries to respond to the growing humanitarian needs of refugees. All parties should facilitate the delivery of aid based on a transparent, efficient and accommodating regulatory framework;
 - A regional strategy must be developed to strengthen linkages between humanitarian and development assistance across the region, in association with development actors and international financial institutions, one of the main priorities being the reinforcement of local capacities in order to cope with the essential needs of both refugees and affected local populations;
 - Humanitarian aid must be channelled in a way which fully respects the humanitarian principles of neutrality, independence and impartiality.
4. Efficiency and effectiveness of aid is a key issue given the urgency of the situation and the severe financial constraints. The efforts undertaken by OCHA to ensure regular and accurate reporting from all implementing partners, including information on humanitarian needs, ongoing operations and identified gaps, must be strongly supported. All humanitarian partners of the EU and its Member States must be urged to reinforce monitoring of their operations, to participate in coordination mechanisms and to share operational data, to the extent possible. The request from implementing partners not to publicly disclose specific information should be respected, in order not to put local and international staff at risk.
5. The EU and its Member States should increase efforts to coordinate their response in a strategic and operational manner, to avoid duplication and to foster a more coherent and complementary approach. The Commission will take practical measures to that end.

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