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To: Delegations

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Subject: Council Conclusions on Syria
– Council Conclusions on (16 April 2018)

Delegations will find in the Annex the Council Conclusions on Syria, adopted by the Council at its 3613rd meeting held on 16 April 2018.

DRAFT COUNCIL CONCLUSIONS ON SYRIA

1. The Syrian conflict has entered its eighth year of continuous and widespread violence, persistent and brutal violations of international law, including abuses of human rights and international humanitarian law, by all parties as well as the repeated use of chemical weapons by the Syrian regime and by Da'esh. The Syrian regime bears the overwhelming responsibility for the catastrophic humanitarian situation and the suffering of the Syrian people. We strongly condemn the continued and repeated use of chemical weapons by the regime in Syria, including the latest attack on Douma, which is a grave breach of international law and an affront to human decency. In this context, the Council understands that the targeted US, French and UK airstrikes on chemical weapons facilities in Syria were specific measures having been taken with the sole objective to prevent further use of chemical weapons and chemical substances as weapons by the Syrian regime to kill its own people. The Council is supportive of all efforts aimed at the prevention of the use of chemical weapons. This is the position expressed on behalf of the EU at the OPCW.
2. In this context, recalling previous Council Conclusions on Syria, notably those of 4 April 2017, the Council agrees that the objectives of the "European Union Strategy on Syria" remain valid.

3. We underline that the momentum of the current situation should be used to reinvigorate the process to find a political resolution of the Syrian conflict. The European Union reiterates that there can be no military solution to the Syrian conflict. Contrary to this, since last year, the Syrian regime, supported by its allies Russia and Iran, has intensified its military operations without regard for civilian casualties. The EU condemns in the strongest terms all attacks, both deliberate and indiscriminate, against civilian populations, and civilian infrastructure, hospitals and schools. The continued deliberate denial and obstruction of humanitarian access to those in need is in blatant violation of international humanitarian principles and must stop. The EU deplores the Russian-backed regime offensive which has caused devastation in Eastern Ghouta and calls for airstrikes to cease immediately, especially in Idlib and the south of Syria. The EU calls upon all parties to the conflict, especially the regime and its allies, to implement the ceasefire to ensure humanitarian access and medical evacuations as unanimously agreed in UNSC Resolution 2401. In this context, the prospects for a political solution are being put further away. Also, the Turkish military operation in north-western Syria has further complicated the situation, led to significant displacement of the local population and is another source of grave concern. In this regard, the EU deplores repeated violations of the so-called de-escalation areas and urges the Astana guarantors, Russia, Iran and Turkey, to ensure cessation of hostilities and unhindered, safe and sustainable humanitarian access throughout all of Syria, and to fulfil their commitments towards achieving a nationwide ceasefire in Syria as well as sieges to be lifted. The EU voices strong concerns about reports of social and demographic engineering in areas throughout Syria.

4. The military escalation since the beginning of this year has further aggravated the already dire humanitarian situation inside Syria. In particular, the situation in Eastern Ghouta and Idlib has significantly deteriorated. 13.1 million people are in need of assistance and face serious protection concerns, with 6.1 million internally displaced and close to 3 million people trapped in besieged and hard-to-reach areas. The protection of civilians is a legal obligation, a moral duty, as well as a matter of urgency. Contamination by explosive devices also causes grave concerns. The EU remains committed to saving lives and alleviating suffering by addressing the needs of the most vulnerable persons across the country. The protection of the civilian population, which is the primary responsibility of the Syrian regime, and ensuring aid is delivered in a timely manner and in accordance with humanitarian principles, are urgent priorities. In this context, the EU strongly condemns the parties to the conflict for the persistent blocking and denial of humanitarian access to people in need, including of urgent medical evacuations and the consistent removal of medical items from humanitarian convoys by the Syrian regime. This must end. The EU demands that all parties to the conflict, especially the Syrian regime, grant unhindered, unimpeded, country-wide, safe and sustained access to the people in need wherever they are, in compliance with international humanitarian law. Welcoming the adoption of UNSC Resolution 2393 in December 2017 which offers a lifeline to millions of Syrians in need by allowing cross-border assistance, the EU will spare no efforts to deliver humanitarian assistance to all population in need across Syria through the most direct routes. The EU condemns the use of starvation of civilians as a method of warfare through the besieging of populated areas, as well as the forced displacement of populations, both of which may amount to war crimes or crimes against humanity. The EU will continue intensive humanitarian diplomacy, including at the Brussels II Conference, to explore all options to improve access and protection as well as to promote humanitarian principles for the delivery of aid. The EU also expresses deep concern about the deteriorating humanitarian situation in north-western Syria, in particular in the region of Afrin following the Turkish military operation, and stresses the urgent need for humanitarian organisations to be provided with safe, unhindered and immediate humanitarian access. In this region and across the country there is an urgent need to create the conditions for a safe, voluntary and dignified return of IDPs and refugees.

5. The EU repeats that any sustainable solution to the conflict requires a genuine political transition in line with UNSCR 2254 and the 2012 Geneva Communiqué negotiated by the Syrian parties within the UN-led Geneva process and remains committed to the unity, sovereignty and territorial integrity of the Syrian state. In this context, the EU commends the tireless efforts of the UN Special Envoy for Syria Mr Staffan de Mistura to facilitate the implementation of all relevant UNSC resolutions. The Syrian-led constitutional committee under UN auspices in Geneva should be implemented now as a priority and further steps should swiftly follow to enable a negotiated political transition process. The EU deplores the Syrian regime's obstruction strategy in the UN-led talks and calls upon the regime's allies to ensure that the Syrian regime fully engages in this UNSC-mandated process. The European Union will spare no efforts in support of a peaceful solution to the Syrian conflict. A lasting peace in Syria is the ultimate objective of the EU.

6. The EU continues to support the Syrian political opposition in its constructive engagement in the political process in Geneva and its work with civil society. The EU supports the full and effective participation of women in the political process and welcomes the work of the opposition to further this goal. The EU commends the work of the Syrian Negotiation Commission, the united inclusive opposition delegation in the UN-led negotiations, and its commitment for a negotiated solution to the conflict.

7. Syria's destiny lies in peace, democracy, equal citizenship and the rule of law. The European Union will continue to work for this with determination and with consistency, for the Syrian people. The EU will continue to work with Syrian civil society, as essential stakeholders in an inclusive process, to promote democracy and human rights in support of peace and stability in Syria.

8. The EU continues to support the efforts of the Global Coalition to counter Da'esh and reiterates that only a genuine political settlement in line with UNSCR 2254 and 2012 Geneva Communique that addresses the root causes of violent extremism and terrorism will lead to its lasting eradication in Syria and the wider region. The EU underlines that all actors in Syria must focus on the fight against Da'esh which is not yet over. Preventing the resurgence of the terrorist organisation remains a priority. To contribute to the enduring defeat of Da'esh, the EU will engage in stabilisation efforts in the areas liberated from Da'esh by the Global Coalition in north-eastern Syria. Inclusive, independent and representative local governance will be an important factor for the deployment of more comprehensive, sustainable, and inclusive European stabilisation efforts.

9. The EU calls upon all parties to release all persons who are detained contrary to International Humanitarian Law and of the political detainees held mostly in the regime's prisons as well as detention centres, in line with UNSCR 2268. It calls for information on cases of forced disappearances. Access to all detention facilities in Syria should be granted to independent monitors. The EU provides its full support to the UN efforts to create a secretariat to solve this issue as part of the Geneva process.

10. Accountability and transitional justice based on due process that facilitates a genuine national reconciliation are a prerequisite for a lasting peace in Syria. The Council underlines the need for accountability and the EU will remain at the forefront of the accountability efforts and relentlessly pursue accountability for the atrocities committed in the Syrian conflict. All those responsible for breaches of international law, in particular of international humanitarian law and human rights law, some of which may constitute war crimes or crimes against humanity, must be held accountable, including those committing crimes against religious, ethnic and other groups and minorities. Impunity for such crimes is unacceptable and thus the EU will continue to support the documentation of human rights violations and efforts to gather evidence in view of future legal action. In this respect, the EU supports the important role of the Commission of Inquiry and the International, Impartial and Independent Mechanism, and stresses the importance of increased cooperation and of providing sufficient financial resources for them to continue their vital work to ensure accountability in Syria. The EU reiterates its call to have the situation in Syria referred to the International Criminal Court. In the absence of avenues for international justice, the prosecution of war crimes under national jurisdiction where possible represent an important contribution towards securing justice. The EU and its Member States are fully committed to preventing impunity and will seek to explore possibilities of concerted action in the pursuit of justice for violation of international law committed in the Syrian conflict. The EU will continue to consider further restrictive measures against Syria as long as the repression continues.

11. The EU reiterates its strong condemnation of the repeated use of chemical weapons by the Syrian regime and by Da'esh as confirmed by the OPCW/UN Joint Investigative Mechanism (JIM) and reported by the Commission of Inquiry. The EU is also concerned by continuing reports of regime use of chemical weapons in Eastern Ghouta and other areas in Syria in recent months, including the most recent reports of a devastating chemical attack on Douma. The EU stresses its grave concerns about the violations in Syria of the Chemical Weapons Convention and the universal prohibition of the use of the chemical weapons. The EU fully supports the work of the OPCW's Fact Finding Mission to continue examining reports on the use of chemical weapons and of the Declaration Assessment Team to continue examining the gaps and discrepancies of Syrian declarations until it is satisfied that Syria's chemical weapons programme is irreversibly dismantled. In July 2017 and in March 2018, the EU imposed additional restrictive measures on Syrian high-level officials and scientists for their role in the development and use of chemical weapons and is ready to consider imposing further measures going forward. In this respect, the EU urges the UNSC to rapidly re-establish an independent attribution mechanism to ensure accountability for perpetrators of chemical weapons' attacks. In this regard, the EU regrets the Russian vetoes of the renewal of the JIM mandate in November 2017. The EU calls upon all countries to use their influence to prevent any further use of chemical weapons and supports the International Partnership against Impunity for the Use of Chemical Weapons.

12. The EU will continue to support the resilience of the Syrian population, in line with the EU Strategy on Syria. Work will address needs related to safe and equal access to civil documentation, housing and property rights to ensure that the rights of Syrians are preserved and that those displaced are provided the basic conditions to be able to return to their homes in a dignified, safe and voluntary way when conditions allow. The EU will continue to provide resilience support through the provision of education, job creation, support for local civilian governance structures in opposition held areas, including by working with the Syrian Interim Government, and work to avoid the collapse of the state administration. The EU will seek to increase assistance, combining cross-border assistance with support from inside Syria and will aim at delivering aid as part of a larger effort to address the needs of the population all across Syria, to prevent violent extremism and sectarianism and to build local resilience. EU assistance must benefit the population of Syria and avoid benefits accruing to the Syrian regime that would legitimise its national and local governance. The EU will not engage in early recovery/stabilisation efforts in any part of Syria that could support social and demographic engineering.
13. The EU reiterates that it will be ready to assist in the reconstruction of Syria only when a comprehensive, genuine and inclusive political transition, negotiated by the Syrian parties in the conflict on the basis of UN Security Council Resolution 2254 (2015) and the 2012 Geneva Communiqué, is firmly under way. The EU continues to actively support the UN in its coordination of post-agreement civilian stabilisation planning and will maintain its work with International Financial Institutions and other donors. Special responsibility for the costs of reconstruction should also be taken by those who have fuelled the conflict.

14. The EU is conscious of the effects the Syrian conflict has on neighbouring states who have demonstrated their commitment and resilience in hosting millions of Syrian refugees over the past few years, and confirms its commitment to provide them with support. The Council welcomes the achievements reached through the EU as well as Member States assistance, including the EU Regional Trust Fund in response to the Syrian crisis, and the progress made in the implementation of the EU-Jordan and EU-Lebanon Compacts, to address the crucial needs of the Syrian refugees and their host communities in the region. The EU notes that the conditions for the repatriation of Syrian refugees, as defined by UNHCR, are currently not in place. The situation in the hosting countries remains critical and there is an obvious need to sustain efforts to help these countries in coping with the challenges linked to the refugee crisis, including with regard to the needs of Palestine refugees.

15. The Council welcomes the second Brussels Conference on "Supporting the Future of Syria and the Region" that will be held on 24-25 April 2018 under the co-chairmanship of the European Union and the United Nations, following up the Brussels conference of April 2017, the London conference of February 2016, the Kuwait pledging conferences of 2013-15, the Berlin and Helsinki Conferences of 2014 and 2017. The overarching objective of the Conference is to maintain the attention of the international community to the Syrian conflict and enhance support for the populations affected. The specific conference objectives are 3-fold: It will deliver a message of ongoing broad international support to UN-led efforts towards finding urgently a political solution to the conflict, in line with the relevant UN Security Council resolutions, including UNSCR 2254 and the Geneva Communiqué, It will address the worsening humanitarian situation inside Syria, and reiterate the EU's and the international community's continued strong support to the neighbouring countries hosting more than 5.6 million Syrian refugees. The Conference will also take stock of the implementation of international commitments made for Syria and the region a year ago at Brussels I and will seek new financial pledges aimed at addressing the growing needs in Syria and in the region. The EU and its Member States as the leading donors helping to mitigate the worse effects of the Syrian crisis, with more than EUR 10.6 billion in assistance provided since 2011 and accounting for two thirds of the EUR 5.6 billion Brussels I pledge, will again deliver a substantial pledge at Brussels II, encouraging the international community to share the burden, in particular through further pledges to the UN humanitarian response plan.
