

Policy brief Syrië voor RBZ

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Aanleiding

Op 5 februari spreekt u met de minister van Buitenlandse Zaken over de Raad Buitenlandse Zaken die op 10 februari in Brussel zal plaatsvinden. Ten behoeve van deze bespreking zouden wij u enige gedachten en adviezen mee willen geven met betrekking tot Syrië.

Uithongering als oorlogsstrategie

Uithongering als oorlogsstrategie wordt nog steeds toegepast tegen burgergemeenschappen, in de eerste plaats door de Syrische regering. In Geneve lukte het nog niet om een overeenkomst over humanitaire toegang tot Homs te bereiken. Ondertussen worden daar mensenlevens bedreigd door honger en gebrek aan medische zorg. Onder hen is de Nederlandse pater Frans van der Lugt.

Er is ook goed nieuws. Op lokaal niveau worden soms staakt-het-vurens overeengekomen waardoor er naar bepaalde belegerde gemeenschappen weer humanitair verkeer mogelijk is. In Yarmouk (kamp van Palestijnse vluchtelingen) wordt vandaag voor de 5e achtereenvolgende dag hulp toegelaten. Daarmee zijn alle gezinnen in Yarmouk tijdelijk van voedsel voorzien. Het kamp blijft echter belegerd en de Syrische autoriteiten bepalen wie en wat er in en uit het kamp mag. Maar dergelijke staakt-het-vurens ontstaan op meer plekken en het is belangrijk dat deze lokale fragiele pogingen de weg banen voor langduriger oplossingen.

Dit betekent dat internationale druk werkt en deze dus moet worden opgevoerd, zoals ook door minister [Ploumen werd aangegeven in de media](#) op 3 februari. Met name grotere druk op het Assad-regime is nodig, zolang dat doelbewust een strategie van uithongeren toepast. Opmerkelijk in dit verband is immers dat er na internationale druk wel een corridor mogelijk bleek om chemische wapens te vervoeren in Syrië, maar kennelijk niet om humanitaire hulp te verstrekken aan verhongerende burgers. Zoals wij eerder beschreven, is het doelbewust uithongeren van burgerbevolking één van de ernstige schendingen (grave breaches) van de 4de Geneefse conventie en kan daarmee als oorlogsmisdaad aangemerkt worden¹.

- De Nederlandse delegatie in Sotsji, onder leiding van premier Rutte, zou niet alleen over homorechten moeten praten met de Russische regering, maar ook over de noodzaak van ondubbelzinnige druk door Rusland op de Syrische regering om het bewust uithongeren van burgers stop te zetten en humanitaire toegang mogelijk te maken.
- De EU Raad Buitenlandse Zaken zou de verantwoordelijkheid van het Assad-regime voor uithongering van de burgerbevolking expliciet en publiekelijk moeten benoemen in haar Raadsconclusies en Assad moeten oproepen een einde te maken aan deze praktijk.
- De EU Raad Buitenlandse Zaken zou publiekelijk moeten bevestigen dat het onthouden van een burgerbevolking van voedsel een ernstige schending is van de Vierde Geneefse Conventie en daarmee een oorlogsmisdaad. Vervolging van de verantwoordelijken is dus noodzakelijk.

¹ <http://www.icrc.org/eng/resources/documents/misc/57jp2a.htm>

Bescherming van burgers tegen het gebruik van verboden wapens en explosieve wapens in dichtbevolkte gebieden

Er zijn problemen bij het uitvoeren van de chemische wapenovereenkomst. Ten eerste is er vertraging in de uitvoer van de overeenkomst. Verder zet de overeenkomst het Assad-regime onder druk om volledige controle te krijgen over de gebieden waardoor het vervoer van de wapens moet plaatsvinden. Daardoor is bijvoorbeeld in de Qalamoun-regio tussen Damascus en Homs de strijd toegenomen.

Het Assad-regime blijft bovendien haar burgerbevolking bombarderen en heeft herhaaldelijk verboden wapens waaronder clustermunitie ingezet. Clustermunitie die door het merendeel van de internationale gemeenschap verboden zijn vanwege de onacceptabele humanitaire gevolgen voor burgers. Ook terwijl de onderhandelaren in Genève om de tafel zaten, bombardeerde het Assad-regime steden als Zabadani en Darayya met explosieve wapens. Daarbij werden zogenaamde “vatenbommen” gebruikt, die vanwege de grote explosie en reikwijdte van de ontploffing, veel burgerslachtoffers eisen en hele gebouwen wegvagen.

- Een *No Harm* beleid bij diplomatieke overeenkomsten zoals de overeenkomst rond chemische wapens is nodig. Daarbij moet de bescherming van burgers het belangrijkste criterium zijn.
- Internationaal zou er intensiever moeten worden samengewerkt ter bescherming van burgers in Syrië. Het documenteren en tegengaan van het gebruik van verboden wapens of wapens met ernstige gevolgen voor de burgerbevolking is daarbij een eerste prioriteit.

Bijlagen

HRW World report 2014: Syria:

Syria was by far the deadliest armed conflict of 2013. Now in its third year, the uprising-turned-civil war stood out for the ruthlessness of the government’s military strategy. Rather than targeting only opposing combatants, as international humanitarian law requires, the government indiscriminately attacked civilians in areas held by the armed opposition. One of its apparent aims appeared to be to drive away as many civilians as possible so rebel forces would not deploy among them or live off a functioning economy. It also used collective punishment to turn people against the opposition and to send a message to all Syrians that life will be miserable if they let the opposition prevail where they live.

The most outrageous example of this strategy was the August 21 sarin attack on Ghouta, an opposition-held suburb of Damascus, which evidence strongly suggests was carried out by government forces. Hundreds of civilians were killed that night, including many children in their pajamas. Local monitoring groups report that roughly 5,000 individuals are being killed by conventional weapons each month, many the result of laws-of-war violations, with civilians constituting some 35 percent of the deaths. Opposition forces have also been responsible for atrocities, and concern about their conduct has grown as Islamist extremists, some linked to Al-Qaeda, gain ascendancy in their ranks. But the vast majority of civilian deaths result from government attacks. Syrian troops have used ballistic missiles, rockets, artillery shells, cluster bombs, incendiary weapons, fuel-air explosives, barrel bombs, and regular aerial bombardment, as well as chemical weapons to indiscriminately attack populated areas

in opposition-held territory and sometimes to target functioning bakeries, medical facilities, schools, and other civilian structures.

Government forces have also massacred civilians and fighters in their custody, and horror stories have emerged about the fate of the countless individuals who have been arbitrarily detained, tortured, and in some cases killed in Syrian detention facilities. As Syria's population has become increasingly displaced (approximately 2.3 million outside Syria and 6.5 million within) and needy (an estimated 10 million depend on humanitarian aid), the government has erected countless obstacles to delivering humanitarian supplies to civilians in opposition-held territory, despite a UN Security Council presidential statement in October that urged these barriers be lifted.

The international community's response to this slaughter and suffering has been painfully narrow. Amid questions about whether US President Barack Obama would enforce his declared "red line" over the use of chemical weapons and his threat to use military force, the United States and Russia brokered an agreement in September according to which Syria is to surrender those weapons. Reports indicate Syria is largely cooperating. But the accord addresses the method responsible for a small fraction of the civilians killed in the conflict. Insufficient pressure is being put on Syria to stop killing civilians by conventional means, and to permit humanitarian access to besieged towns and cross-border humanitarian assistance as the easiest and surest way to reach many of those in need in opposition-held areas.

In recent months, international efforts to address the Syria conflict have focused mainly on peace talks known as Geneva II. But while the likelihood of reaching a political accommodation among the warring factions anytime soon is remote, the fear of doing anything that might dissuade Damascus from participating in Geneva II has become the latest excuse for not putting real pressure on Syria to stop killing civilians by conventional means and to permit the free flow of humanitarian aid. The US has also been reluctant to pressure Russia—as Syria's primary backer, the government with the greatest influence over Damascus—because of other priorities, most recently ensuring its help in implementing the chemical-weapons deal to avoid renewed calls for the military action that President Obama was so eager to avoid. Iran's support for Syrian President Bashar al-Assad has been overshadowed by negotiations over its nuclear capacity. The consequence is diplomatic complacency about the Syrian government's largely unimpeded, murderous strategy for Syrian civilians.

What pressure might help to curb the slaughter? Western and Arab governments so far have been unwilling to deploy more aggressive banking sanctions of the sort that have proven so powerful elsewhere. Russia has been unwilling to countenance the UN Security Council referring Syria to the International Criminal Court (ICC), imposing an arms embargo, or even condemning government atrocities. In the case of the ICC, Washington also has not publicly backed a role for the court, apparently guided partly by a desire to avoid the unlikely possibility that Israeli officials would be prosecuted for transferring people to the relatively static settlements on the Israeli-occupied Golan Heights. (The expanding West Bank settlements are a different matter, but a Syrian referral would not confer ICC jurisdiction there).

Governments in the region have also been unhelpful. Lebanon, Iraq, and Egypt have reportedly refused to enforce Arab League sanctions, sending oil to keep Syria's killing machine running. Gulf countries, including Saudi Arabia and Qatar, have reportedly armed and

funded extremist groups that have been responsible for repeated atrocities, and along with Kuwait, have closed their eyes to funding by their citizens. Iran and Hezbollah continue to back the Syrian government.

The international community seems all too willing to let the killing of Syrian civilians continue. Some governments reinforce their apathy by promoting the narrative of ruthless combatants killing each other, whether the Syrian military, Hezbollah, or jihadists. Arab governments, particularly in the Gulf, see the conflict mainly through the prism of Sunni-Shia relations, and a simmering conflict between Saudi Arabia and Iran over regional hegemony. But to a horrifyingly large extent, this is a war on civilians. Urgency, rather than complacency, should be the order of the day.

EWIPA:

Report of the Secretary-General on the protection of civilians in armed conflict, 22 November 2013

Op 22 November 2013, in zijn rapport over POC aan de Veiligheidsraad herhaalde UNSG Ban ki Moon zijn oproep aan staten om in het kader van explosieve wapens in dichtbevolkte gebieden data te verzamelen, nationaal beleid te bekijken en het gebruik van explosieve wapens met een wide area effect in dichtbevolkte gebieden te voorkomen.

<http://reliefweb.int/sites/reliefweb.int/files/resources/Report%20of%20the%20SG%20on%20the%20protection%20of%20civilians%20S2013-689.pdf>

Relevante stukken daaruit en de letterlijke aanbevelingen aan staten:

“Thousands of civilians have been subject to direct and indiscriminate attacks, including the widespread use of explosive weapons in populated areas and the illegal use of chemical weapons in the Ghouta area of Damascus on 21 August.”

“I have consistently drawn attention to the mounting concern on the part of the United Nations, ICRC, civil society and an increasing number of Member States at the need to further strengthen the protection of civilians from the use of explosive weapons in populated areas. In my previous report, I recommended that parties to conflict should refrain from using explosive weapons with wide-area effect in such areas and that Member States and other relevant actors should intensify their consideration of the issue.”

“There is increased understanding of the disastrous short-term and long-term impact on civilians of the use of explosive weapons in populated areas.”

“(a) Member States are strongly encouraged to engage proactively in these efforts, including by supporting organizations undertaking research in this area and engaging in a process aimed at developing a political commitment and guidance with regard to reducing the short-term and longer-term impact on civilians of explosive weapons in populated areas;

(b) More immediately, parties to conflict should refrain from the use in populated areas of explosive weapons with wide-area effect and the Security Council, whenever relevant, should call upon parties to conflict to refrain from such use."

Clustermunitie:

131 staten, waaronder Nederland hebben gebruik van clustermunitie door Syrische regime veroordeeld. (<http://www.stopclustermunitions.org/news/?id=4023>)

EU statement waarin gebruik CM Syrië veroordeeld wordt tijdens Meeting of State Parties in Zambia, september 2013:

<http://www.clusterconvention.org/files/2013/09/EU.pdf>

"In its report of 18 July 2013, the independent International Commission of Inquiry on the Syrian Arab Republic underlined that Government forces conducted their military operations in flagrant disregard of the distinction between civilians and persons directly participating in hostilities, by using, among other weapons, cluster munitions. We call upon the Syrian regime to refrain from the indiscriminate use of cluster munitions."