Proposed draft General Assembly resolution on the situation in Syria – REV4

Agenda item 34
Prevention of armed conflict

**The situation in the Syrian Arab Republic**

PP1 *Recalling* its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012 66/253 B of 3 August 2012, and 67/183 of 20 December 2012, and Human Rights Council resolutions S 16/1 of 29 April 2011, S 17/1 of 23 August 2011,3 S 18/1 of 2 December 2011, 19/1 of 1 March 2012, 19/22 of 23 March 2012,5 S 19/1 of 1 June 2012, 20/22 of 6 July 2012, 21/26 of 28 September 2012, and 22/24 of 22 March 2013,

PP2 *Recalling also* Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,

PP3 *Recalling further* all resolutions of the League of Arab States relating to the situation in the Syrian Arab Republic, in particular resolution 7595 of 6 March 2013, in which the League reviewed the very serious situation in the Syrian Arab Republic due to the escalating violence and killings in most of the Syrian territory, and the continuation of grave violations of human rights by the Syrian authorities using heavy weapons, warplanes and Scud missiles to bomb neighbourhoods and populated areas, which has seriously increased the number of victims, caused human displacement inside the Syrian Arab Republic and an influx of thousands of Syrians to the neighbouring countries fleeing violence, which targets children and women who have been subjected to frightful massacres, threatening thus to lead to the collapse of the Syrian State, and endangers the security, peace and stability of the region,

PP4

*Recalling also* Organization of Islamic Cooperation resolution 2/4-EX (IS) of 15 August 2012 on the situation in the Syrian Arab Republic, in which the Organization called for the immediate implementation of the transitional plan and the development of a peaceful mechanism that would allow the building of a new Syrian State based on pluralism and a democratic and civilian system, where there would be equality on the basis of law, citizenship and fundamental freedoms,

PP5 *Expressing* grave concern at the continuing escalation of violence in the Syrian Arab Republic, in particular the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including those involving the continued use of heavy weapons and aerial bombardments, such as the indiscriminant use of ballistic missiles and cluster munitions, by the Syrian authorities against the Syrian population, and the failure of the Government of the Syrian Arab Republic to protect its population,

PP6 *Expressing* outrage at the rapidly increasing death toll of at least 70,000 casualties in the Syrian Arab Republic as reported by the High Commissioner for Human Rights on 12 February 2013,

PP7 *Recalling* the statements made by the United Nations High Commissioner for Human Rights before the Human Rights Council and the Security Council that crimes against humanity are likely to have been committed in the Syrian Arab Republic, *stressing* that the Syrian authorities have failed to prosecute such serious violations, and *noting* the repeated encouragement by the High Commissioner to the Security Council to refer the situation to the International Criminal Court,

PP8 *Welcoming* the extension of the mandate of the International independent commission of inquiry on the Syrian Arab Republic and *deeply regretting* the lack of cooperation of the Government of the Syrian Arab Republic with the commission,, in particular the persistent denial of access to its members to the Syrian Arab Republic,

PP9 *Expressing concern* at the occurrence of grave violations against children in the Syrian Arab Republic, that children were among the victims of military operations carried out by Government forces, including the Syrian armed forces, intelligence forces and shabbiha militias, and that children were victims of killing and maiming, arbitrary arrest, detention, torture, ill treatment, sexual violence, and used as human shields, as well as recruited and used in the conduct of hostilities in violation of international law, and *welcoming* the intent of the Special Representative of the Secretary General for children in armed conflict to pay a second visit to the region, *demanding* that all parties grant her full and unfettered access to all areas in the Syrian Arab Republic, and *calling* on neighboring countries to provide her with all necessary assistance,

PP10 *Expressing* concern at the vulnerable situation of women in Syria, including being subjected to discrimination, sexual and other physical abuse, violation of their privacy and arbitrary arrest and detention in raids, including to force their male relatives to surrender, *recalling* that such acts of sexual and gender-based violence could amount to war crimes and crimes against humanity, *underlining* the importance of preventing all sexual violence and violence based on gender, and *welcoming* the intent of the Special Representative of the Secretary General for Sexual Violence in Armed Conflict to visit the Syrian Arab Republic to investigate these violations and abuses,

PP11 *Deploring* also the failure of the Syrian authorities to release all arbitrarily detained persons and grant access to detention centers to relevant humanitarian organizations with a view toward ensuring humane treatment of detainees;

PP12 *Deploring* the further deterioration of the humanitarian situation and the failure to ensure the safe and timely provision of humanitarian assistance to all areas affected by the fighting,

PP13 *Expressing deep concern* at the more than one million refugees and millions of internally displaced persons fleeing as a result of the extreme violence,

PP14 *Welcoming* the efforts by neighboring countries and other countries in the region to host Syrian refugees while acknowledging the socioeconomic consequences of the presence of large-scale refugee populations in these countries, notably Jordan, Lebanon, Turkey, Iraq, and Egypt, and *calling* member states, based on burden sharing principles, to host the Syrian refugees in coordination with the UNHCR,

PP15 *Welcoming* the contributions to humanitarian efforts already provided by member states, and notably by regional countries, while *recalling* the urgent need to provide financial support to the Syrian Humanitarian Response Plan and the Regional Refugee Response,

PP16 *Expressing* its determination to seek ways and means to provide protection to the Syrian civilian population,

PP17 *Expressing* grave concern at the threat by the Syrian authorities to use chemical or biological weapons, as well as at allegations of reported use of such weapons, and *welcoming* the Secretary-General’s decision to investigate all allegations of their use in the Syrian Arab Republic,

PP18 *Stressing* that rapid progress on a political transition represents the best opportunity to resolve the situation in the Syrian Arab Republic peacefully, and *reaffirming* its support for the engagement of the Secretary-General, the Joint Special Representative of the United Nations and the League of Arab States, and all diplomatic efforts aimed at reaching a political solution to the crisis, reaffirming also the role of regional and subregional organizations in the maintenance of international peace and security, as set out in Chapter VIII of the Charter, and *welcoming* the relevant resolutions of the League of Arab States to address the situation in the Syrian Arab Republic,

PP19 *Recalling also* all meetings of the group of friends of the Syrian people, in particular the fourth Ministerial Meeting held in Marrakech on 12 December 2012, where the National Coalition for Syrian Revolutionary and opposition Forces was acknowledged as the legitimate representative of the Syrian people,

PP20 *Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter of the United Nations,

PP21 *Recalling* that all Members of the United Nations shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations,

PP22 *Reaffirming* the purposes and principles of the Charter, the Universal Declaration of Human Rights and relevant international human rights law, including the International Covenant on Civil and Political Rights, and recalling the obligation of the Syrian Arab Republic to protect human rights and fundamental freedoms,

INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS

1. *Strongly condemns* the continued escalation in the use by the Syrian authorities of heavy weapons, including indiscriminate shelling from tanks and aircrafts, as well as the use of ballistic missiles, and other indiscriminate weapons, against population centres, as well as the use of cluster munitions;

2. *Strongly condemns* all violations of international humanitarian law and the continued widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and the Government affiliated shabbiha militias, such as those involving the use of heavy weapons, aerial bombardments and other force against civilians, attacks on schools, hospitals and places of worship, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, violations of the right of the child, including recruitment and use of children in the conduct of hostilities in violation of international law, unlawful interference with access to medical treatment, failure to respect and protect medical personnel, torture, systematic sexual violence, including rape in detention, and ill treatment, including against children, as well as any human rights abuses or violations of international humanitarian law by anti-Government armed groups;

3. *Condemns also all* violence, irrespective of where it comes from, and c*alls* upon all parties to immediately put an end to all forms of violence, including terrorist acts and acts of violence or intimidation that may foment sectarian tensions, and to comply strictly with their obligations under international law, including international humanitarian law;

4. *Demands* all parties immediately to put an end to all violations of international humanitarian law, including those involving attacks against civilians, *further demands* that the Syrian authorities end immediately all violations of international human rights law, and meet its responsibility to protect the population and to fully comply with their obligations under applicable international law, including international law applicable to the rights and protection of women and girls as well as the Convention on the Right of the child, *calls* upon all parties to the conflict to issue clear orders against sexual violence through their respective chains of command and to undertake investigations to hold perpetrators of sexual violence to account, and call upon all parties to the conflict to facilitate immediate access for survivors of sexual violence to available services; and, urge donors to support services that address the health, psychosocial and protection needs of survivors;

5. *Demands* the Syrian authorities to release immediately all persons arbitrarily detained, including the members of the Syrian Centre for Media and Freedom of Expression, to publish a list of all detention facilities, to ensure that conditions of detention comply with applicable international law and to immediately allow access of independent monitors to all detention facilities;

6. *Strongly condemns* the shelling as well as the shooting by the Syrian armed forces into neighbouring countries, which led to casualties and injuries of the civilians of those countries as well as of Syrian refugees, and *underlines* that such incidents violated international law, *stresses* the grave threat of the crisis in the Syrian Arab Republic on the security of its neighbours and on regional peace and stability, as well as its grave implications for international peace and security, and *calls upon* the Syrian government to respect the sovereignty of neighboring states and meet its international obligations in this regard;

7. *Demands* that the Syrian authorities grant the International independent commission of inquiry and individuals working on its behalf immediate, full and unfettered entry and access to all areas of the Syrian Arab Republic, and *demands* also that all parties cooperate fully with the commission of inquiry in the performance of its mandate to investigate all alleged violations of international human rights law since March 2011, as well as with other UN special procedures, and *invites* the Commission of Inquiry to brief the General Assembly on the situation of human rights in the Syrian Arab Republic;

8*. Stresses again* the importance of ensuring accountability and the need to end impunity and hold to account all those responsible for serious violations of international humanitarian law and serious violations and abuses of international human rights law, including those that may amount to war crimes and crimes against humanity, as recommended by the United Nations High Commissioner for Human Rights;9. *Encourages* the Security Council to consider appropriate measures in this regard;

9.bis. *Underscores further* the importance that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law and based up on the complementarity principle, the domestic process and mechanisms to achieve reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for the victims; 10. *Demands* that the Syrian authorities strictly observe their obligations under international law with respect to chemical and biological weapons, including Security Council resolution 1540 (2004) and the Protocol for the Prohibition of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925 and further demands that the Syrian authorities refrain from using, or transferring to non-State actors, any chemical and biological weapons, or any related material, and that the Syrian authorities meet their obligations to account for and to secure all chemical and biological weapons and any related material;

11. *Further demands* that the Syrian authorities grant full and unfettered access to the Secretary-General’s investigation into all alleged use of chemical weapons and *calls* on all parties to cooperate with the investigation;

HUMANITARIAN SITUATION

12. *Deplores* the deteriorating humanitarian situation and the failure to ensure safe and timely provision of humanitarian assistance to all areas affected by the fighting;

13. *Reiterates its call upon* the Syrian authorities to immediately and fully implement the agreed humanitarian response plan, and for all parties to the conflict to grant immediate, safe, full and unimpeded access of humanitarian personnel to all populations in need of assistance in all parts of Syria, in particular to medical facilities, and *calls* upon those parties to cooperate fully with the United Nations and relevant humanitarian organizations to facilitate the provision of humanitarian assistance through the most effectives routes;

14. *Demands* the Syrian authorities to facilitate access of humanitarian organizations to all people in need through the most efficient routes, including by providing authorization for cross-border humanitarian operations as an urgent priority, and *encourages* all parties in Syria to facilitate the delivery of assistance in areas under their control, including across conflict lines, in order to implement fully the Syria Humanitarian Assistance Response plan;

15. *Strongly condemns* all attacks and threats of violence against humanitarian and medical personnel, as well as medical facilities and vehicles, in violation of international law, as well as the use of medical civilian facilities, including hospitals, for armed purposes, and *calls* for all medical facilities to be free of weapons, including heavy weapons, consistent with applicable international law;

16*. Also condemns* all attacks on, detentions of, and threats of violence against, UN personnel, and *recalls* allpartiesin this regard to respect the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfillment of the mandate of a United Nations operation;

17. *Expresses* grave concern at the increasing numbers of refugees and internally displaced persons as a result of the ongoing violence, which could undermine the capacities of the neighboring countries in providing the Syrian refugees with adequate humanitarian needs;

18. *Reiterates* its appreciation of the significant efforts that have been made by neighboring countries and the countries of the region to assist those who have fled across the borders of the Syrian Arab Republic as a consequence of the violence, and urges all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, and other donors and humanitarian actors to provide urgent and coordinated support to Syrian refugees and their host countries;

19. *Welcomes* the Government of Kuwait’s hosting of the January 30 pledging conference for the UN Joint Appeal;

20. *Requests* the Special Rapporteur on the human rights of internally displaced persons, in cooperation with the Secretariat, to report to the General Assembly, within 60 days, on the very dire situation of internally displaced persons in the Syrian Arab Republic in terms of safety, and their basic rights and livelihood, and provide recommendations with a view to meeting assistance and protection needs and strengthening the effectiveness of the international response to displacement;

21. *Urges* the international community to provide urgent financial support to the host countries to enable them to respond to the growing humanitarian needs of Syrian refugees and affected communities, as well as to consider addressing the refugee issue through appropriate means and measures, while emphasizing the principle of burden sharing;

22. *Urges also* all donors to provide expeditiously financial support in the context of the Syria Humanitarian Response Plan and the Regional Refugee Response Plan to UN and international humanitarian organizations, as well as the host countries, so that they can implement more actively the humanitarian response plan inside the country;

23. *Calls* upon Member States to provide all support to the Syrian people, and encourages Member States to contribute to the United Nations humanitarian response efforts;

POLITICAL TRANSITION

24. *Reiterates* its call for an inclusive Syrian-led political transition to a democratic, pluralistic political system, in which citizens are equal regardless of their affiliations or ethnicities or beliefs, including through the commencement of a serious political dialogue between credible, empowered, and mutually acceptable interlocutors representing the Syrian authorities and the Syrian opposition;

25. *Welcomes* the establishment of the National Coalition of the Syrian Revolution and Opposition Forces on 11 November 2012 in Doha, State of Qatar, *notes* the wide international acknowledgement of the Coalition as the legitimate representative of the Syrian people, and *welcomes* the communiqué issued by the Coalition on February 15 and 23, 2013, which endorsed the principle of a political transition leading to a civil democratic, and pluralistic Syria, where all citizens are equal regardless of gender, religion, or ethnicity;

26. *Welcomes* the efforts of the League of Arab States towards a political resolution of the situation in the Syrian Arab Republic and *welcomes all* relevant League of Arab States resolutions in this regard;

27. *Reaffirms* its support for the mission of the Joint Special Representative of the United Nations and the League of Arab States to Syria, and d*emands*, in this regard, that all Syrian parties work with his Office to implement rapidly the transition plan set forth in the final communiqué issued by the Action Group for Syria on 30 June 2012,in a way that marks a clean break with the past, assures the safety of all in an atmosphere of stability and calm, notably through the establishment of a consensus transitional governing body with full executive powers in which all functions of the Presidency and Government, including those pertaining to military, security, and intelligence issues, are transferred to this body, a review of the Constitution on the basis of an inclusive national dialogue, and free and fair multiparty elections held in the framework of this new constitutional order;

28. *Requests* the Secretary-General to provide support and assistance to the implementation of the transition plan set forth in the final communiqué of the Action Group for Syria, and *encourages* Member States to provide active diplomatic support in this regard;

29. *Requests* that the Secretary-General, working in close co-ordination with international financial institutions, relevant regional and international organizations, including League of Arab States, other relevant international actors, and representatives of the Syrian people, initiate planning to provide support and assistance to Syrian-led transition planning, and be granted appropriate resources in this regard;

30. *Requests* the Secretary-General to report within thirty days on the implementation of the present resolution.