



**NOTEBOOKS OF ARMADILLA SCS ONLUS**

# **Syria: a new Constituent Assembly for the restoration of the rule of law and for peace**

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## Introduction

Armadilla is a non-profit organization of social utility committed to international development cooperation. ([www.armadilla.coop](http://www.armadilla.coop))

It also carries out training and information activities on the 2030 agenda of the United Nations, for the defence of human rights and for the achievement of the 17 objectives for sustainable human development: <https://www.unric.org/it/agenda-2030>

In this context these Notebooks want to contribute to disseminate among the students and the public opinion to which Armadilla addresses, information, critical analysis, possible answers to the priority problems that are faced.

**The collection of all the Notebooks from 2015 to today can be found at:**  
<http://armadilla.coop/quaderni/>

In this Notebook we want to update information and analysis on the situation in Syria and the possible path to build peace and respect for the human rights of Syrian citizens.

In Syria, Armadilla has been active in international cooperation and humanitarian aid since 2004. It has as its main local partner the association of women "Zaharet Al Madan - ZAM". He also collaborates with OCHA, the United Nations Coordination Office for Humanitarian Affairs and with UNICEF, with "Otto per Mille" office of the Italian Waldensian Church, the Italian Agency for Development Cooperation and the Autonomous Province of Trento.

Despite the dramatic events affecting the Syrian country for almost eight years, Armadilla continues to carry out its action in Damascus as part of emergency humanitarian aid coordinated by UN entities. The decision not to leave the country, following the beginning and subsequent aggravation of the situation, stems from the belief that support for the local population cannot be lacking, but rather must be strengthened, at this very delicate and complex stage. It emerges, first of all and with extreme evidence, that the civilian population is the main victim of these tragic circumstances, hit on the one hand by internal violence, oppressed on the other by the consequences of sanctions imposed by the international community and the multiple effects of the internal crisis (loss of work, incessant increase in the prices of basic necessities, reduction of basic social and health services). And the duty to guarantee humanitarian support to preserve human lives at risk.

Armadilla follows in its work the code of ethics of the International Red Cross and the Principles of reference of Good Humanitarian Donorship which is always useful to remember:

1. The objective of humanitarian aid is to save lives, alleviate suffering and maintain human dignity in the course of and following the occurrence of crises caused by man and natural disasters, to prevent such crises and to reinforce their preparation for them.
2. Humanitarian Action must be guided by the principles of i) humanity - which affirms the priority of the salvation of human lives and the mitigation of suffering wherever they are; ii) impartiality - which implies the implementation of humanitarian actions exclusively on the basis of need, without discrimination between or within the affected populations; iii) neutrality - according to which humanitarian action should not favour any party involved in an armed conflict or other dispute; iv) independence - which affirms the autonomy of humanitarian objectives from political, economic, military or other objectives.
3. Humanitarian Action includes the protection of civilians and those who have abandoned hostilities, the provision of food, water and environmental hygiene, shelters, health services and other means of assistance, to the benefit of the affected populations and to facilitate their return to normal life.
4. Respect and promote the implementation of International Humanitarian Law, the Conventions on Refugees and Human Rights.

Just in line with these principles, since 2011, Armadilla operators have expressed the opinion that the choice of war and the militarization of the conflict was not an appropriate choice to solve it and they always hoped that the United Nations efforts to find a peaceful and mediated solution, prevailed.

In his latest report to the Security Council, the UN Special Envoy, Staffan de Mistura, recalled some key points of diplomatic mediation:

**"... Respect for Syrian sovereignty has never been questioned by the UN. Resolution 2254 is explicitly prefigured by the strong commitment to the sovereignty, independence, unity and territorial integrity of Syria and clarifies that what is proposed in the resolution must be guided by Syria to which ownership belongs. But let us also remember that this is a constitutional discussion in a context of one of the most tragic, brutal, cruel and ruthless armed conflicts of this century. The Syrian people must therefore be enabled in an independent and democratic way to determine their own future, which is called popular sovereignty. For this reason, this Council - in the same resolution - has given the UN a mandate to convoke the political process and the program for the drafting of a constitution ... "**

**"... The United Nations is ready for the establishment of the constitution committee and I personally will not spare any effort until the last day of my mandate to achieve this goal".**

Staffan de Mistura will leave the post at the end of the year and will be replaced by the Norwegian diplomat Geir Pedersen, the fourth UN envoy to Syria since the beginning of the war in 2011.

The establishment of a constitutional committee was part of the proposals approved by the Security Council in Resolution 2254 of 2015. It is currently being discussed and mediated to find an agreement for its composition. A list of components presented by the Syrian government, one

from the oppositions that participated in the peace process and a third (and on this there is no government agreement) presented by the United Nations.

**To reinforce this process, it would be very important to reopen diplomatic channels between Syria and the member states of the European Union to directly involve and legitimize from the international community all the different actors involved in the formulation of the new constitutional principles of Syria and its reconstruction.**

As for Italy, the current undersecretary for foreign affairs, Manlio Di Stefano, has repeatedly, in recent years by the opposition, argued that "... the solution of the Syrian issue cannot ignore the involvement of the Syrian government and this also with reference to the expansion of Da'esh on the territory, and to the massive migration wave following the crisis itself, **asks the Government what initiatives it intends to undertake to restore diplomatic relations with Syria**, also through a European engagement aimed at the removal of the embargo towards the government of Assad, stressing that this request moves in particular from the need to help the Syrian population, victim not only of the ongoing war, but also of the same dramatic consequences of the sanctions decreed against Syria, which have also proved completely ineffective. " Now that it is in the government of the country it would be useful to re-propose that this decision is taken.

**The President of the Foreign Senate Committee, Vito Petrocelli, also called on the Italian government to create as soon as possible the conditions for the reopening of a diplomatic channel with the Syrian Arab Republic and the end of the embargo.**

Position also defended by Elmar Brok, president of the Foreign Affairs Committee of the European Parliament, who hopes that the European Union will also promote a confrontation with the Syrian authorities. "The climate has changed. Assad returns to be a partner that needs to be reckoned with".

It is urgent that the international community as a whole abandon the mad choice of war and continue the diplomatic dialogue, which is the only one able to ensure a political solution - and therefore lasting - to the war in Syria.

In the previous weeks, there were persistent rumors that some Arab countries would also embark on re-establishing diplomatic relations with Damascus, such as the United Arab Emirates.

## **1.Eight years of war and a difficult process of peace**

Over 500,000 people have lost their lives in Syria. 1.5 million civilians reported permanent disability due to the conflict. Among them, 86,000 people were mutilated in their legs or arms. 5.3 million Syrian children urgently need humanitarian assistance. Almost 10,000 Syrian children and adolescents find refugees abroad without family members in tow: many of them are exposed to the risk of various forms of exploitation, including child labour, due to the lack of legal documentation. In 2017, the United Nations tested 175 armed attacks against personnel or health

and educational facilities. Among Syrian refugees in Lebanon and Jordan, 80% of injuries are a direct consequence of the war. It is estimated that around 13 million people currently need humanitarian assistance, including 5.2 million people in desperate conditions. As in the previous eight years, the violence, insecurity and change in the control of areas by the various players are the main driving force behind migratory flows, both inside and outside the country, with a consequent increase in humanitarian needs.

The capacity of humanitarian partners to reach the millions of people in need continued to be hampered by intense hostility, interruption of the main access routes, unexploded ordnance, bureaucratic obstacles, restrictions by control bodies and lack of funds from the international community.

From the Mid-Year Monitoring Report (June 2018) compiled by the Whole of Syria, it is clear that compared to the estimates in the Humanitarian Needs Overview of November 2017, only 72% of those in need have been reached by interventions to restore food security. Even more dramatic data concern the interventions concerning Child Protection and Gender Based Violence (respectively, reached only 6% and 3% of vulnerable individuals).

Less than half of the health complexes (hospitals, clinics, health posts) are operational, due to the heavy destruction resulting from the conflict. Approximately 6.5 million people are in conditions of food insecurity. It is estimated that an additional 4 million are at risk of food insecurity, due to the exhaustion of economic resources necessary for the purchase of food. 97% of the communities monitored need protection from one or more risk factors and 59% of communities on the territory urgently need services and protected areas due to risks inherent in violence and sexual abuse against women and children.

Between January and September 2018, the United Nations has verified the killing of 870 children: **the highest number ever in the first nine months of any year since the beginning of the conflict in 2011**. These unfortunately are only the cases verified, the actual numbers they could be much higher.

The full text of this resolution can be read at the following site: <https://bit.ly/2P448g4>

It "expresses **its support for a political process led by the Syrians that is facilitated by the United Nations and establishes a reliable**, inclusive, non-sectarian government and establishes a program and procedure for drafting a new constitution, **and also expresses its own support for free and fair elections**, compliant with the new constitution, to be held under the supervision of the UN, so that they are satisfactory for the government and are characterized by the highest international standards of transparency and accountability, with the participation of all Syrians, including members of the diaspora ... "

**Recognizes the close connection between a truce and a parallel political process and expresses its support for a nationwide truce in Syria to come into force as soon as Syrian and opposition**

**government representatives have taken the first steps towards a political transition under the UN auspices.**

**Emphasizes the need for all parties to take measures to build mutual trust in order to achieve a political process and a lasting truce, and calls on all states to do everything in their power to the Syrian government and opposition to promote the peace process, measures to strengthen confidence and progress towards the truce;**

**It calls on the parties to immediately allow free, fast and secure access throughout Syria to humanitarian agencies through the most direct roads, with immediate effect, to bring humanitarian support to anyone in need,** particularly in all besieged and difficult areas to be reached, and to free all illegally detained persons, especially women and children, invites states to do as much as they can to achieve these goals...

The arduous journey towards peace has not made significant steps and we are still far from being able to say that the aforementioned resolution has been fully implemented.

The government asked who represents the so-called "unified opposition" and what their legitimacy of representation of the Syrians was based on. On the other hand, the opposition demanded the immediate decedence of President Bashar al Assad as a pre-condition for the initiation of a dialogue. In this game of conditions, preconditions and mutual vetoes, a possible mediation has so far been impossible.

De Mistura has always reiterated that the fundamental step is to ensure that all stakeholders recognize each other as legitimate to discuss how to get to the pacification of the country and to participate in the constituent process proposed in Resolution 2254.

But, since this is not the best of all possible worlds, any mediation that facilitates the suspension of armed conflict and the safeguarding of human lives is nevertheless considered positively. In this sense the results obtained by the Memorandum of Astana and subsequent meetings in Sochi were evaluated by the United Nations, where Iran, the Russian Federation and Turkey agreed to create four areas to reduce the intensity of the conflict (de-escalation) between the warring parties.

The four identified areas are those of greatest criticality and under the control of different factions:

- The Idlib Governorate (until Latakia, Aleppo and Hama). This area borders on Turkey, and (after the defeat of the last pockets of jihadists, hundreds of thousands of refugees who are scattered throughout the country can be allocated to it.
- The area north of Homs, where the jihadist component has been very present.
- The eastern part of Damascus (East Goutha) today under government control after the expulsion of the Al Nusra brigades.
- The area of Dar'a and Al Quneitra close to the Golan, where Israel is willing to prevent direct access by Shiite groups (Hezbollah above all).

## **2. In December 2018, in Syria ...**

In recent years Syria's geopolitical scenarios have changed many times and the goals of the various actors have also adapted to these changing changes. Currently, beyond propaganda statements, no one thinks about overthrowing Assad immediately. The duel continues to guarantee territorial influences between Russia, Iran, Turkey and the United States (and their regional allies).

In the last year there has been an almost complete elimination of the presence of the Islamic State from almost all the regions of the country. The competition between the government forces and the Syrian Democratic Forces (FSD) remains in the north-east, a sign of Kurdish-Arab fighters controlled by the People's Defence Forces (YPG) and supported by the United States.

All offensives were concluded with agreements to evacuate part of the opposition fighters and their civilians. Most of these were relocated to the Idlib governorate, the last territorial pocket in the opposition's hands. In the last two years Idlib has dominated Hay'at Tahrir al-Sham (also known simply as Tahrir al-Sham), a Salafist group with ties to the international al-Qaeda network previously known as Jabhat al-Nusra. Tahrir al-Sham has so far emerged victorious from the internal struggles that have opposed several rebel alliances present at Idlib and that have determined the partition of the territory between several more or less radical groups. Today the jihadist group, although not entirely dominating the entire territory of Idlib, controls the main access points and the main urban areas.

Despite the remarkable show of strength given in the last few months, the FDS, and in particular the Kurdish YPG, are however today in a very delicate situation. The green light given by Russia to Turkey for the invasion of Afrin confirmed the precariousness of the alliances that the YPG had been able to create in previous years, above all with the two main international powers of the United States and Russia.

The latter, in fact, until the Turkish intervention had been guarantor of the territories under Kurdish control to the west of the Euphrates, in particular the governorate of Afrin, a guarantee however withdrawn suddenly after the repeated pressures of Ankara.

Similarly, the US administration of Donald Trump has declared on several occasions its willingness to withdraw from the Syrian scenario as soon as possible; the United States seems to be particularly concerned by the serious deterioration in its relations with Turkey, a key member of NATO. The prospect of US disengagement would leave the YPG alone to address its many local and regional enemies, starting with Turkey, which is why its leaders are now moving to negotiate a compromise agreement with the Damascus government through the mediation of Moscow.

An agreement between the government of Damascus and the YPG is particularly supported by Russia and the United States, which would like to grant some form of autonomy for the northern Kurdish territories. The prospect of even partial decentralization is however viewed with hostility by the Syrian government, which has so far resisted any hypothesis in this sense. However, the position of Damascus could soften by virtue of three crucial factors: first, an agreement with the YPG would allow the rapid return of the governorate of Raqqa and the main oil fields of the East under government control. Secondly, this agreement would eliminate one of the last remaining obstacles for a total American disengagement from Syria. Third, an autonomous YPG but under

control could emerge in the future as a useful card to be used against Turkey, which still controls large territories in Syria and has emerged as the main sponsor of the opposition. A definitive agreement between Damascus and Kurdish militants is in fact seen with apprehension by Ankara, which, if its interests were not guaranteed, could also implement new military operations and diplomatic pressure to prevent its signature.



Map of Laura Canali of LIMES

And these days the denunciation of use of chemical weapons in Aleppo and an increase in war actions in Idlib. The three million inhabitants, civilians and fighters, this time they would not have another Syrian territory in which to be relocated in case of surrender. This would mean for most of them the choice between two options: a new escape, this time presumably towards the territories currently controlled by Turkey or towards the Turkish territory itself, or a desperate and extremely bloody resistance. The Turkish president Erdoğan therefore aims first and foremost to avoid new waves of refugees heading to their borders and to the Syrian territories under his control, in which he even relocates at least part of the Syrian refugees in Turkey.

### 3. Constituent Assembly and Peace Agreements

An initial draft for the new constitution is already on the Syrian table. Russia has proposed a strongly decentralized structure, which at least partially accepts the demands of autonomy of the Kurds. The long strip of territory that they control in the north-east of Syria, and which they call Rojava, has been under independent administration by Damascus for years, making its supporting pillar autonomous. For the Kurds it is the model that the whole country should adopt. But both the Assad government and the opposition fear that it could undermine the territorial unity of the

country. It is proposed that the official name of the Republic of Syria be changed by removing the adjective "Arabic". Broad cultural and linguistic rights are required for all ethnic and religious minorities. The Kurds are guaranteed a particular level of autonomy, but it is the whole institutional architecture that is decentralized. The system is constituted by the Constituent Assembly of the Regions, which goes to support the parliament and that would be the expression of the territories. The administrative decentralization supported by the Kremlin rests with the local councils, which are the most forgotten and betrayed expression of the peaceful demonstrations of 2011. Since then, hundreds of Syrian cities have arisen these self-governing bodies, which follow democratic procedures, indicate elections local and have always tried, even under the bombs, to represent a concrete alternative to the lack of democratic participation becoming a reference point for part of the population.

**To consolidate these hopes for peace and return to diplomatic and political dialogue, it is to be hoped that, after almost seven years of interrupting diplomatic relations between numerous European countries and Syrian authorities, the chancelleries of the member countries and the European Union itself may consider the consequences positive of a possible return of their staff in the Syrian capital.**

This would allow them to have a direct role to facilitate the achievement of the results proposed in UN Security Council Resolution 2254 and to give the opportunity, even to European entities, to participate in the reconstruction of Syria by recovering the economic role that many European companies they had in the country.

Regarding, in particular, Italy, there is in Parliament and in the government those who proposed the resumption of diplomatic relations with Syria. This is what international cooperation organizations and businesses wish for.