



The Human Rights Impact of Illicit Trade in the cases of Syria and Iraq

Final recommendations

For a human-rights approach to combat illicit trade: the case of Syria

Introduction

Exacerbated by a complex and intertwined regional conflict, illicit trade flourishes in Syria, increasing criminal and terrorist profits, contributing to political instability and feeding mechanisms that favour impunity, fuel human suffering and ultimately prolong the conflict. In this context, No Peace Without Justice, in partnership with the Budapest Centre for Mass Atrocities Prevention and the Sant'Anna School of Advanced Studies, conducted extensive field analysis and research in Syria and neighbouring countries, in collaboration with local human rights defenders and civil society groups, to investigate and assess the direct and indirect human rights impact of illicit trade on individuals and local communities and its interference with conflict resolution.

In light of its long-standing work with Syrian CSOs and on the basis of the results of the field work with the Syrian civil society community, NPWJ and its partners have formulated a series of recommendations for the international community, regional organisations, civil society and the private sector. These recommendations are designed to summarise and express the needs and expectations collected during the field work as a basis for advocacy and policy making, implementing a participatory approach to combat illicit trade. They propose action to address the fact that war economies and illicit trade have serious and tangible costs for human rights and for the erosion of the rule of law, increasing the suffering of civilians, contributing to political instability and feeding mechanisms that favour impunity.

War offers ample opportunities to undertake illicit activities and the profits gained from illicit activities provide ample resources for war. Therefore, illicit trade and all its implications, including human rights violations, can be fought effectively only by putting an end to the armed conflict through a Syrian-led and Syrian-owned political transition. Global actors, including the Permanent Members of the United Nations Security Council, must revitalise efforts to find a political and diplomatic solution to the war in Syria.

The following recommendations address international institutions, regional organizations and national actors in Syria and the private sector. Local and international civil society are considered natural allies in the implementation of these recommendations.

International Community

a. Global Level

Increase and raise awareness on the nexus between illicit trade, human rights violations against individuals and communities and conflict, to enhance political will within international organisations and UN Member States to apply consistently the tools available in the fight against illicit trade and human rights violations, including mass atrocity crimes. In this context, international organisations are invited to revisit and evaluate the implementation of their relevant policies and programs.

Ensure an holistic approach and enhance the exchange of information and other forms of collaboration between international organisations fighting illicit activities, international actors defending and protecting human rights and international agencies acting in the domains of development and humanitarian aid.

Devote specific attention to the link between illicit trade and human rights violations in preparing risk assessments of and responses to conflict situations. To that end, international institutions and agencies acting in the field of security, human rights, development and humanitarian aid are invited to include indicators relating to illicit trade activities and the transition out of illicit economies in the early warning and response kits.

Take into account the specific needs of women and people belonging to particularly vulnerable groups (children, elders, people with disabilities, etc.); consult them, within a safe and culturally-sensitive environment, during the assessments of risks, the design of countermeasures and evaluation exercises, since illicit economies disparately affect the enjoyment of human rights by members of these groups.

Give priority to the supply of alternative livelihood in humanitarian aid as illicit actors misuse primarily shortages in production and trade of goods for daily consumption and the hardships of civilians during armed conflicts. Population living in extreme poverty and those undertaking low- and unskilled labours are particularly vulnerable to human rights abuses, human trafficking, forced labour and sexual exploitation.

Governments should revise and review existing global, regional and bilateral instruments obliging States to criminalise various conduct related to illicit trade, with the aim to include as aggravating factors human rights violations and abuses, in particular against civilians in armed conflict areas.

Support Syrian civil society organisations in collecting evidence and documenting the human rights costs of illicit trade. In this framework, support the effort of national prosecutorial and judicial authorities to hold to account people responsible for serious crimes based on universal jurisdiction, taking into account the connection between war economies, illicit trades and international crimes.

Internationally established mechanisms tasked to monitor and report the massive human rights violations perpetrated in Syria, such as the UN Independent International Commission of Inquiry (CoI) and the International, Impartial and Independent Mechanism (IIIM), should consider and include in their work the grave effects that illicit trade has on human rights, erosion of the rule of law and political instability.

The International Criminal Court (ICC) should consider in their investigations the grave effects that illicit trade has on human rights and erosion of the rule of law, both to contextualise crimes and with a view to presenting them as aggravating factors in sentencing, for instance bringing charges of starvation under crimes against humanity when this is the consequence of illicit trade; or charges for pillaging in relation to the exploitation of certain resources or goods.

Intensify diplomatic and political actions to relaunch the international efforts aimed at developing a political solution to the conflict in Syria, including by supporting the “Political Declaration on

Suspension of Veto Powers in Cases of Mass Atrocities”¹, launched by France and Mexico in 2015 at the 70th session of the United Nations General Assembly, which propose a collective and voluntary agreement among the Permanent Members of the Security Council to refraining from using the veto in case of mass atrocities².

b. Regional Level: League of Arab States

Convene a ministerial-level meeting to discuss the challenges of the fight against illicit trade and the link with human rights violations and conflict in the region and elaborate a roadmap in this context.

Develop a Regional Action Plan to enhance the cooperation of national criminal justice actors in the region with the view to address human trafficking more effectively through the sharing of best practices and intelligence information.

Enhance the regional framework for collaboration between authorities in neighbouring countries in both tracking and combatting illicit trade given the especially close cooperation of illicit actors and transnational organised crime along the borders.

Organise regional workshops and roundtables to discuss the implementation of the Arms Trade Treaty adopted in 2014 and make recommendations for improving national and regional control systems from the perspective of prevention of illicit and unregulated arm transfers in the region, including into Syria.

Consider launching an initiative similar to the Paris Pact in Afghanistan to combat drug trafficking and the abuse of drugs in Syria.

Initiate a national dialogue process in Syria for eliminating illicit trade, corruption and human trafficking through broad consensus of the society.

c. Regional Level: European Union

Convene a meeting of the relevant committees of the European Parliament (Committee on Foreign Affairs, Subcommittee on Security and Defence, Subcommittee on Human Rights, Committee on International Trade and Committee on Development) to discuss the challenges of illicit trade and its human rights implications and encourage EU institutions and Member States to revisit the standards when approving partnerships in arms sales and security.

Organise roundtables with the representatives of the European External Action Service and European Commission to discuss the challenges and tasks for intensifying the fight against illicit trade with a focus on the Middle East and Syria.

Introduce issues relating to the challenges of the fight against illicit trade and the link with human rights violations and conflict in the discussions of the relevant European Council working groups, such as Working Party of Foreign Relations (RELEX), Working Party on Public International Law

¹ <https://www.globalr2p.org/wp-content/uploads/2020/01/2015-Political-Declaration-on-the-Suspension-of-the-Veto-En.pdf>

² currently 103 UN Member States and 2 UN Observers have signed the declaration

(COJUR), United Nations Working Party (CONUN) and Working Party on Human Rights (COHOM).

Enhance and update the EU sanctions regime and consider the elaboration of a “European Caesar Act” introducing secondary sanctions as a tool to reinforce the fight against illicit trade and oppose any form of normalisation with the Syrian authorities.

Ensure an holistic approach and integrated manner when addressing the challenges of illicit trade and tailor the tools and measures to the local needs, culture and conditions. To that end, rely increasingly on the information and views of local actors and communities.

Develop mechanisms of regular consultation with local civil society organisations, women and people belonging to particularly vulnerable groups (children, elders, people with disabilities) and the private sector, to ensure the effective implementation of the gender and vulnerability-sensitive perspectives, which is of particular significance in relation to illicit economies.

Encourage civil society and the private sector in Europe to facilitate a dialogue process in Syria for shaping consensus and common approach towards the fight of illicit trade.

Syria

Engage in dialogue with local people before addressing illicit activities in Syria in order to tailor the requirements, expectations and tools to fight them to the local conditions.

Apply the principle of “do no harm” to an increased extent in Syria where local conditions differ substantially even within the country and take into account the close links and cooperation between illicit actors, on the one side, and the local political leadership, law enforcement and population, on the other side.

Connect the fight and transitions out of illicit trade with the efforts for halting human rights violations, including the adverse trends leading to mass atrocities. Given the extra profit gained from illicit trade, particularly in war conditions, social and economic inequalities increase within the population which may become the source of polarisation, exclusion and discrimination on ethnic and religious basis and may fuel hatred and lead to identity-based conflicts, violence and ultimately, to mass atrocity crimes.

Private Sector

Encourage the private sector to engage actively with international, regional and local authorities to promote initiatives and mechanisms aimed at developing holistic approaches to counter illicit activities at regional level and make use of their experience and overview of the situation in the entire region.

Involve representatives of the private sector in advocacy and awareness raising on combatting illicit trade and benefit from their experience in the field of advertisement campaigns both at global, regional and local levels.

Foster consultation mechanism between foreign companies and Syrian civil society to exchange information on the impacts of illicit trade on human rights.