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“Protection of Civilians in Conflicts”

Rapporteur: Hon. Nathalie Amoratti-Blanc

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I. INTRODUCTION

1. In conflict situations, civilians often find themselves at the receiving end of the violence. Current humanitarian crises in the Mediterranean basin are numerous and often vast in scope. The humanitarian impact caused by the Syrian conflict is the largest of our time, yet not the only one. In Libya, civilian suffering was accelerated by militia infighting, and during the summer war in Gaza many were displaced and became homeless.
2. Civilian casualties often result from indiscriminate bombing by, both, governments and militias, terrorist hostage taking, intelligence failures, as well as from using civilian infrastructure of public utility (schools, hospitals, power stations) for military purposes, thereby putting these buildings at risk of becoming enemy targets. These practices are contrary to International Humanitarian Law, which requires parties to distinguish between civilians and combatants during military activities, use proportional force, and take every precaution to minimize the civilian casualties.
3. Civilian casualties continued to mount in the Mediterranean region in 2014. The summer saw a new surge in the Israel-Hamas conflict, culminating in mutual shelling as well as a ground offensive in Gaza in July and August, which resulted in 1462¹ civilian deaths according to OCHA. The Syrian crisis continues to bring in the most civilian casualties, with a rough estimate of 75,000 civilian casualties as of November 2014. However, the true numbers are hard to verify, especially due to rapid expansion of the Islamic State in Iraq and Syria. Libyan instability is on the rise again in the fall of 2014, but with lower levels of civilian casualties than other regional conflicts. The general lack of security, the *de facto* loss

¹ OCHA 2014

of control by the Libyan Government of major urban centres, and ongoing fighting by Libyan militias remain factors of great concern.

4. Civilians want to save their lives and those of their families, hence they often flee the conflicts. This results in three main types of movements: refugee flows to neighboring countries, internally displaced people, and migrants who try to get to far away countries, often using maritime routes and human trafficking channels. There is a number of key issues that civilians face in these conflicts, but there are also strategies to prevent or ease their suffering.

II. REFUGEES

5. The conflict in Syria and Iraq has resulted in an unprecedented amount of refugees. The latest numbers show that there has been over 3 million Syrian refugees registered with the UNHCR². There are also wide ranging estimates that cannot be confirmed for unregistered refugees.
6. The vast number of refugees stemming from the Syrian war is putting a tremendous strain on the region. Lebanon, Turkey and Jordan are the three main recipients of Syrian refugees. Lebanon has hosted 1,123,000 registered Syrian refugees, Turkey is hosting just over a million, and Jordan is accommodating around 620,000 registered along with an estimated additional 700,000 unregistered refugees. Other destinations include Iraq, Egypt, Algeria and various countries of the European Union.
7. Lebanon's intake of 1.1 million Syrian refugees comes as a demographic shock to a population of only 4.5 million people. A substantial number of refugees coming from Syria to Lebanon are Palestinian, which means that they find themselves as refugees for the second time. Lebanon is not a signatory to the 1951 Refugee Convention, therefore the legal status of refugees is limited. UNHCR was granted the permission to register refugees in Lebanon, but other protective rights, such as the ability to apply for asylum are not granted. Official refugee camps are also not set up in Lebanon. Limited legal status causes severe mobility restrictions out of fear of arrest at ad-hoc checkpoints.
8. There are societal tensions between the Lebanese population and the Syrian refugees. Many Lebanese believe that Syrians are undercutting labour costs and taking domestic jobs because the refugees have the ability to afford lower wages since they are also eligible for humanitarian aid, unlike the impoverished Lebanese. Lebanon also has underlying sectarian and political tensions, which are similar to those driving the conflict in Syria, which are sometimes highlighted with the presence of Syrian refugees. On the other hand, in the

² <http://data.unhcr.org/syrianrefugees/regional.php>

absence of refugee camps, many Syrians end up living with host families and are forging strong bonds out of these relationships.

9. Jordan's overall population is now estimated to be 40% foreign, because in addition to the recent Syrian refugees, there are also two million Palestinians and tens of thousands of Iraqi refugees. Jordan is also not a signatory to the 1951 Refugee Convention, but has more experience and a better track record of dealing with refugees from previous wars, like that of the Palestinian conflict. At the moment Jordan is struggling to find funding to aid Syrian refugees, and this financial burden does not resonate well with certain elements of the Jordanian public, causing tensions.
10. During the PAM mission to the Middle East in 2013, and while in Amman, the PAM delegation met with H.E. Nasser Judeh, Minister of Foreign Affairs of Jordan. On that occasion, the Foreign Minister expressed his concern over the influx of refugees in Jordan and highlighted the urgent need for using relief funds towards infrastructure projects, such as building of schools, hospitals and homes, rather than conventional immediate humanitarian aid.
11. There has been an enormous humanitarian effort on behalf of the international community to address the regional refugee crises that stems from the wars in Syria and Iraq. The response is being led by the UNHCR, joined by governments, NGOs and other agencies. In many ways, the response has been effective, however there are still many difficulties. One of the biggest difficulties is the gap in funding. As of the end of October 2014, only 51% of the 3.7 billion funding requirement for 2014 have been raised. One of the results of this shortcoming in funds is that the World Food Programme has to drastically cut its operations within Syria and regional states harbouring refugees. The resulting food insecurity in the region is likely to contribute to greater instability.
12. Parliamentary diplomacy is a platform that must be used to address this issue, and remind lawmakers to keep their pledge promises or make additional ones in order to ensure regional stability. This was one of the issues discussed by PAM delegates at the NATO Parliamentary Assembly in Catania in October 2014.

III. INTERNALLY DISPLACED PERSONS (By Greece)

13. Another key issue is the displacement of civilians in conflict zones. Syrian conflict is once again the biggest source of population movement of our time, not only regionally but on a global scale. According to the UNHCR, so far, the conflict resulted in 3 million refugees and over 6.5 million internally displaced people, together accounting for the majority of Syria's population. Major cities, notably Aleppo, are practically deserted as fighting continues. In

both Gaza and Libya, many are also left homeless or displaced as a result of significant damage to infrastructure and homes.

14. In the Syrian war, siege warfare is a common tactic used by all sides of the conflict. This is particularly distressing for civilians, because they often find themselves literally trapped in a hot conflict area, unable to flee and unable to receive any aid. There is an estimated 240,000 people living under a siege in Syria.
15. Displaced civilians in Syria face a breakdown of the healthcare system in large parts of rebel held Syria, destruction of the economic system and scarcity of essential resources.
16. Women face particular challenges, as they often fall victim to rape, or are forced to trade sexual favours to meet basic survival needs. They are often driven into unwanted marriages due to economic factors. It has been reported that in conquered areas, the Islamic State would check the marital status of Muslim women, and would coerce the single ones to marry jihadi fighters. Meanwhile, the treatment of women amongst conquered religious minority communities has been even harsher, and many women have been turned into slaves
17. Meanwhile, men also face unique challenges. They are often subject to coercive recruitment to fight for militia groups, notably the Islamic State, which appears to grow significantly in numbers, as they advance in territory, raising speculation over how many of the fighters are genuine volunteers. Even if some of these men manage to remain civilian, they are often presumed as militants by the virtue of their age and gender and this affects their status in a variety of ways. These prejudices often continue even after these men have left Syria, where they are often detained and heavily interrogated, and often denied humanitarian aid in host countries.
18. On the other hand, in parts of Syria which are firmly under regime control, there is mandatory conscription for men. Moreover, as part of an enforcement strategy, all men between the ages of 18 and 42 need explicit permission to leave the country, regardless of whether they had completed their military service or not. This is yet another barrier that may prevent people from fleeing to safety, or to remain neutral in the conflict.

IV. MIGRANTS AND HUMAN SMUGGLING (By Greece)

19. European countries are often the target destination for civilians who are fleeing war in the Mediterranean. However, due to the large numbers of people seeking asylum, the chances of them succeeding through legal means are very slim. Desperation forces thousands of migrants to seek alternative ways to reach Europe and organized crime takes advantage of these situations by establishing highly dangerous human smuggling channels via the Mediterranean Sea. (By Greece)

20. With the increase in regional conflict, maritime migration flows from north to south have increased. 2014, has proven to be a very troubling year. The central Mediterranean route has seen an increase in irregular migration of 288% compared to 2012. Frontex reports that Italy saw an increase of 500% in the first seven months of 2014 compared to 2013. On average, about 40,000 migrants cross the Mediterranean per year (1998-2013), however up until mid-September of 2014, 130,000 people have crossed.
21. Maritime migration is an extremely dangerous endeavour. Old fishing boats which are not sea worthy, are often overloaded with desperate migrants to increase the profit margins by criminal human trafficking rings. In the time period between January of 2014 and mid-September, over 2500 migrants perished at sea. Additionally, in mid-September, reports by survivors have suggested that in a single event up to 500 people have perished near Malta en route from Egypt to Italy, when the smugglers deliberately sank a boat full of migrants. This past event highlights that the range of disaster is not confined to death due to poor safety precautions and overcrowding, but also deliberate mass murder. Some media have dubbed the Mediterranean Sea as the world's "deadliest border"³.
22. In the wake of the tragedy at Lampedusa in October 2013, Italy set up a search and rescue operation called "Mare Nostrum". Although originally it was designed to be an emergency short term action, it ended up operating for one year. During this time it produced remarkable results: 150,810 migrants were rescued, 5 motherships have been seized, and 330 alleged smugglers were brought to justice. Mare Nostrum operation has ended in November 2014 and has been replaced by EU's Frontex run operation called Triton.
23. People who oppose Mare Nostrum type operations say that the humanitarian efforts increase the pull factor for migrants to take risks, and that Mare Nostrum is one of the main factors behind the significant increase in Mediterranean refugee traffic. Proponents, on the other hand, point to the increase in regional conflict as the explanation for increased traffic.
24. However, many critics fear that Triton is not a sufficient replacement due to the fact that it has a budget that is less than a third of that of Mare Nostrum, and it states that its primary mission is border management rather than search and rescue. The European Parliament's Directorate General for External Policies issued an analysis which showed concern that EU's approach to Mediterranean border management was being overly militarized, and projected scepticism on whether these changes will help save lives.
25. Further complications in the transition from Mare Nostrum to Triton surfaced when the EU challenged Italian Navy's request to take a leading role in the operation in mid-November 2014. Operation Triton is likely to utilize vessels from all participating states. However, without the full support of the Italian Navy, Triton, which limits its patrols within 30 NM from the Italian coast, will indeed fail.

³ <http://www.mirror.co.uk/news/ampp3d/mediterranean-deadliest-border-world---4541726>

26. On 22 October, in Brussels, OHCHR issued a framework of Recommended Principles and Guidelines on Human Rights at International Borders. The Guidelines stress to formulate border policy around human rights principles, and to use border management institutions to assist people and protect them from harm without discrimination, and to evaluate each case individually. Most notably, the guidelines specifically stress maritime borders as places of concern, and urge states not to ignore their Human Rights commitments in maritime border management. OHCHR stresses that Human Rights must take precedence over law enforcement and migration management objectives.
27. Apart from the tragedies that migrants face at sea, additional issues arise once migrants arrive on European shores. Many migrants wish to journey on to Northern European countries, often to be re-united with family or other networks they may have there. However, the Dublin 2 Regulation has changed the policy for processing asylum claims, making the country of initial contact the sole responsible state to process an asylum claim. This is a significant burden for the migrants who often end up stuck in detention centres for extensive time periods and for the states which are hosting them to deal with the bureaucratic process.
28. The costs of rescue missions, migrant hosting and asylum processing are increasingly hard to handle for Mediterranean States in Southern Europe. Given the dramatic increase in maritime migration, and the common border policy within the EU, the issues surrounding the Dublin 2 regulation are back in the spotlight.

V. TARGETING OF JOURNALISTS, AID WORKERS, AND OTHER CIVILIAN PROFESSIONALS

29. There is an alarming issue of deliberate targeting of civilian professionals whose jobs are related to conflict, but are neutral. Humanitarian workers are often a prime target for militants. There is still a lack of verifiable data for 2014, but 2013 has shown to have a sharp increase in humanitarian workers targeted in conflict, resulting in record setting numbers. In 2013 there were 251 separate incidents that targeted 460 workers out of whom 155 were killed and 134 were kidnapped. That is a 66% increase in the number of total victims and a 220% increase in the number of dead aid workers in comparison to just the previous year. The Syrian conflict is the second leading warzone, behind Afghanistan, in regards to aid worker targeting.
30. Journalists are another example of a conflict-related civilian profession that is sometimes targeted by combatants. A watchdog organization is reporting that as of November there had been 42 confirmed motive murders of journalists in 2014. Syria and Iraq are the leading locations in 2014 for violence against journalists. Also some journalists are missing, and may be held hostage by militants.

31. In 2014 the Islamic State carried out a number of beheadings in response to coalition forces' war efforts, which were widely publicized online to magnify the terror effect. The executions explicitly used western journalists (James Foley, Steven Sotloff) and aid workers (David Hanes, Allan Henning) as their targets. These events were widely regarded as a new moral low and they were heavily condemned by world leaders and the public.
32. Targeting of journalists is highly problematic for various reasons. First, it is a gross violation of human rights and international humanitarian law, because they are not combatants and therefore deserve neutral immunity from violence. Second, due to high dangers associated with covering ongoing conflicts, many journalists are deterred from doing so. Major press agencies such as AFP and GlobalPost no longer accept freelance work from certain warzones, such as Syria. This results in a void of information reporting. The void of media oversight thereby enables further human rights violations to go on undocumented, likely increasing the incentive for militants to do so. This can prevent a timely response to such acts, as well as increase the difficulty of prosecution of the offenders.
33. During its 69th Session, the Third Committee of United Nations General Assembly passed - for the second consecutive year -, on 17 November 2014, Resolution A/C.3/69/L.50/Rev.1 on the "Safety of Journalists and the Issue of Impunity" (a joint initiative by Argentina, Austria, Costa Rica, Greece and Tunisia), which strengthens the relevant international legal framework, by posing emphasis on awareness raising, as an essential part for adequate protection. Additionally, the Resolution proclaims the 2nd of November as the International Day to End Impunity for Crimes against Journalists. Moreover, during its 27th Session, the United Nations Human Rights Council passed, on 19 September 2014, Resolution A/HRC/27/L.7 on the "Safety of Journalists" (a joint initiative by Austria, Brazil, France, Greece, Morocco, Qatar and Tunisia). (By Greece)
34. Targeting of humanitarian workers is similarly problematic. Humanitarian workers are not only civilian themselves, but their purpose is to help other civilians in their wartime suffering. Therefore the targeting of humanitarian workers magnifies the overall suffering of civilians. Similar to journalists, aid workers may be deterred from going to dangerous warzones.
35. On 29 August 2014, the United Nations Security Council passed resolution 2175 on protection of civilians. The resolution reminded states about the Geneva conventions, and other relevant obligations under international law that govern the rules of war, especially in relation to civilians. The resolution specifically focused on the role of humanitarian workers in conflict. Despite a strong call for all parties to respect international humanitarian law, the lack of proactive measures in the resolution exposed the limitations of international law in current conflict situations on the ground.

VI. THE RESPONSIBILITY TO PROTECT AND THE ROLE OF PARLIAMENTARIANS

36. In 2005, the United Nations General Assembly unanimously adopted a normative framework of Responsibility to Protect (R2P). The concept of R2P had to be scaled down from its original proposal to be adopted, and its embracing is not legally binding, nor does it introduce legal reforms to the Security Council mechanism of the UN. Nonetheless, it has been considered a milestone adoption in regards to outlining the responsibility of states to protect civilians in times of conflict. Since its adoption, the normative framework had been used a number of times, most notably as a basis for the UNSC decision to intervene in Libya in 2011.
37. Most of the attention in relation to the adoption of R2P had been on the second pillar of the framework, which puts the responsibility on the international community to use all of its powers, including invoking provisions outlined in Chapter VII of the UN charter for the external use of force. However, it is important to note that the first pillar of R2P emphasises that it is the primary responsibility of the state in question to protect the civilians within its borders.
38. On 11 February, 2013, at the 128th Assembly of the Inter-Parliamentary Union, the First Standing Committee on Peace and International Security adopted a resolution titled “Enforcing the Responsibility to Protect: the Role of Parliament in Safeguarding Civilians’ Lives.” The resolution reaffirmed world parliamentarians’ strongest commitment to the principles of R2P.
39. Furthermore it stressed that while the separation of powers with the executive branch should be upheld, parliamentarians do have a strong role to play in protecting civilians. It encouraged governments to review their commitments under international law and specific treaties to which they are party to, and then to take a more proactive approach to enforce these commitments. The resolution specifically indicates that minority groups as well as journalists require special protection due to their vulnerability in times of war.
40. PAM is strongly committed to the R2P Principle and continues to urge its member parliaments to do all in their power to achieve this goal. PAM acknowledges that a lot of these issues are regional in nature and cooperation is vital, thereby PAM continues to provide an intergovernmental platform for such cooperation. For instance, PAM facilitated communication between the EU, neighbouring countries and the Syrian authorities during its 2013 mission to Syria. PAM conducted consultations on the ground regarding specific strategies to improve the humanitarian situation in Syria. A similar mission to Gaza is planned as soon as the security conditions on the ground permit.

41. Due to the evolving nature of humanitarian crises, UN Secretary General Ban Ki Moon has called upon UN Office for the Coordination of Humanitarian Affairs (OCHA) to coordinate the efforts leading to the organization of the World Humanitarian Summit, which is set to take place in Istanbul in 2016. In preparation for the summit, the UN is currently conducting an extensive two year consultation process. PAM is in the preparation stages to actively participate in the upcoming summit, where its role will be to provide the regional parliamentary dimension to the discourse. PAM will be attending the European regional consultations on 3-4 February 2015 in Hungary and MENA region consultations in Jordan on 3-5 March 2015.
42. On 24-25 April, 2014, PAM held a meeting of the Third Standing Committee on Dialogue among Civilizations and Human Rights. The meeting was hosted by the Grand National Assembly of Turkey in Antalya, Turkey. The meeting covered the following issues: human trafficking and modern day slavery; the consequences of displacement on women and children in conflicts – protection and assistance; and PAM’s engagement in Human Rights. A number of key conclusions were made, while further details and follow-up in regards to this meeting and its outcome can be found in the other report of this committee titled “The Role of PAM Parliamentarians in Promoting Human Rights”.
43. One of the key outcomes of the Antalya meeting was the proposal of setting up Rapid Deployment Teams (RDTs) composed of PAM MPs to travel when necessary, and often at short notice, to hot spots to engage in de-escalation of tension/violence. Particularly, PAM RDTs will exercise the instrument of soft diplomacy and confidence building measures to support humanitarian operations, promote protection of civilians and advocate for the respect of Human Rights.
44. Due to the nature of PAM, the RDT delegates will have access to top officials in capitals and sensitive areas. RDTs activities will be characterized by PAM’s impartial and inclusive role in regional disputes, its commitment to Human Rights and its firm belief in finding political solutions to conflicts.
45. The establishment of PAM’s RDTs was discussed in details in a meeting with the Chief of MENA Section at the Office of the UN High Commissioner for Human Rights. PAM received full support from OHCHR, as well as UNHCR, UN-OCHA, the Norwegian Refugee Council and others.
46. The RDT program is scheduled to become operational in late 2015 following the Plenary Session in Monaco. Member states will nominate MPs who would be willing to take on this challenging role. The nominated MPs will then comprise a pool of delegates from which the Rapid Deployment Teams will be formed, depending on the context of the situation. The MPs will receive additional training hosted by the UN in Geneva in the spring of 2015.