



Declaration Regarding Illegitimate Contracts with the Syrian Government

This model declaration could be issued by the United States, the United Kingdom, and other governments to implement preemptive contract sanctions in Syria.

The documentation of grave violations of international human rights laws and norms by Syrian government forces is extensive and compelling and we take note of UN Secretary-General Ban Ki-moon's statement to the General Assembly on June 7:

[It is] evident that President [Bashar] Assad and his Government have lost all legitimacy. The recent slaughter in El-Houla brought this fact into horrifying focus.¹

The Government of the Syrian Arab Republic is already subject to a wide range of economic sanctions imposed by our governments, but some international trade and financial flows continue and provide material support for the Assad regime's violations of international law. In light of all this, it is the position of the undersigned governments that any new contracts with this government that support the ongoing violations, such as those relating to arms or oil, are illegitimate.

The United Nations is on the record documenting and repeatedly condemning the appalling human rights violations by the Syrian government. An Independent Commission of Inquiry appointed by the UN Human Rights Council issued its initial report in November 2011, finding that:

The substantial body of evidence gathered by the commission indicates that these gross violations of human rights have been committed by Syrian military and security forces since the beginning of the protests in March 2011. The commission is gravely concerned that crimes against humanity have been committed in different locations in the Syrian Arab Republic during the period under review.²

The report noted that "customary international law provides that a State is responsible for all acts committed by members of its military and security forces" and concluded that the Syrian Arab Republic "has failed its obligations under international human rights law." The commission called on the Government of the Syrian Arab Republic "to put an immediate

1. http://www.un.org/apps/news/infocus/sgspeeches/statments_full.asp?statID=1562

2. A/HRC/S-17/2/Add.1

end to the ongoing gross human rights violations, to initiate independent and impartial investigations of these violations and to bring perpetrators to justice.”

The commission updated its report in May, concluding that “gross violations” were continuing unabated and that “[m]ost of the serious human rights violations documented by the Commission in this Update were committed by the Syrian army and security services.” The report provided evidence of unlawful killings, torture, and violations of children’s rights.³

At the beginning of June, the UN High Commissioner for Human Rights Navi Pillay condemned the massacre in El-Houleh in which more than 100 people, mostly women and children, were killed, and noted that, while responsibility had not yet been proven, “[t]hese acts may amount to crimes against humanity and other international crimes, and may be indicative of a pattern of widespread or systematic attacks against civilian populations that have been perpetrated with impunity.”⁴

Given this flagrant disregard for the rights and interest of its citizens, President Assad’s continued intransigence in complying with UN resolutions or cooperating with its designated representatives, and given that external resources to the Assad regime are being used to support the violent suppression of those rights, we, the undersigned, hereby declare that our governments will not consider contracts [relating to arms or oil] with the current Government of Syria after this date as binding on future Syrian governments.

As such, we will:

- Discourage our legal systems from being used to enforce claims against future Syrian governments for non-payment of debts contracted after [fill in date].
- Not retaliate against future Syrian governments that refuse to honor other contracts signed by the existing Syrian government after [fill in date].
- Take the position in any future debt relief negotiations with a new Syrian government that debt contracted after [fill in date] is illegitimate and instruct our representatives in multinational institutions to behave in accordance with these principles.
- Support the decision of a new government that arises in Syria to refuse to honor contracts entered into *after* the date of this declaration and take the position, through our representatives at multilateral institutions such as the World Bank and the IMF, that this is a legitimate action of the new government

3. <http://www.ohchr.org/Documents/HRBodies/HRCouncil/SpecialSession/CISyria/PeriodicUpdateCISyria.pdf>

4. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12210&LangID=E>