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### ANNEX

## **Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe**

### **Exceptional Assistance Measure regarding Syria**

#### **1. IDENTIFICATION**

Action:	Support to peace and accountability efforts in Syria
Action Reference:	NDICI CR 2023 / 22
Cost:	EUR 6 500 000 (European Union (EU) contribution).
Budget Line:	14 02 03 10
Duration:	Maximum 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 23(6) of Regulation (EU) 2021/947. Maximum 18 months
Lead service:	FPI

#### **2. ACTION SUMMARY**

Twelve years on from the start of the conflict, Syria continues to be plagued by protracted and overlapping crises at humanitarian and political levels. While the prospects for a peaceful solution outlined in United Nations Security Council Resolution 2254 of 2015 (UNSCR 2254) are weakened by the stalled peace talks in Geneva, the EU remains committed to preserve this resolution as a reference point, considering an inclusive political transition process as the only viable path towards a lasting peace and reconciliation.

This 18-month measure continues the EU financial and political support to ongoing efforts to find a political solution, as well as to support international accountability efforts for crimes committed in Syria. Three components are foreseen:

The first one is the support to the EU Syria Peace Initiative (SPI) – co-funded by the EU, Germany and Denmark. Currently in its fourth phase, it remains a unique tool to respond in a flexible manner to new political developments integrating multiple initiatives linked to UNSCR 2254 into a coherent programme.

The second component will renew the support to Syrian women leaders as well as the Women's Advisory Board (WAB), that have gradually become one of the most inclusive advisory

structures in the political process by bringing together female voices from all constituencies and all zones of control in Syria.

Finally, the third component of this measure will contribute to the overall support to the UN International, Impartial and Independent Mechanism (IIIM), which has been key to support justice actors around the world with investigations into the most serious crimes committed in Syria under international law – through sharing of information, preservation of evidence and analytical products, in an effort to promote accountability and the fight against impunity for a credible transition to a sustainable peace.

These components will build on achievements under past iterations implemented by be Gesellschaft für Internationale Zusammenarbeit (GIZ), UN WOMEN, and the IIIM respectively.

### **3. BACKGROUND AND RATIONALE**

#### **3.1 BACKGROUND**

The European Union considers that the only path to a sustainable peace for Syria is a political solution in line with UNSCR2254 that will require the engagement of all parties involved in the conflict in credible negotiations for a peaceful and democratic transition in Syria and in order to keep the international attention high on Syria.

To this end, the Syria Peace Initiative (SPI) – co-funded by the EU, Germany and Denmark currently in its fourth phase, has continued to support the outreach activities of the Syrian Negotiation Committee based in Geneva in the expectation of resuming political negotiations. The SPI has been instrumental in supporting Syrian civil society’s efforts to build Syrian-led bridges across geographical and political divides with the ultimate objective to promote local and national peace.

The EU support to the Women Advisory Board (WAB), has contributed to make significant progress in ensuring the participation of Syrian women in the peace process by advancing the women, peace, and security agenda and advising the UN Special Envoy to Syria. As it turns seven in 2023, the WAB has become widely recognized as one of the most inclusive structures in the political process, with its members, 15 women representing different Syria constituencies offering valuable expertise on various issues related to the Syria crisis and political process, such as decentralization, constitution making, early recovery, education and enforced disappearance.

Since its establishment in 2016, the IIIM has grown into a credible entity capable of collecting, consolidating and preserving information and evidence related to war crimes committed in Syria, while advocating for International Criminal Court’s jurisdiction to investigate those crimes committed by all sides. It has also demonstrated its added value as a justice facilitator by receiving increased requests for support by more than 15 competent universal jurisdictions investigating and prosecuting war crimes, human rights abuses and violations of international humanitarian law.

### 3.2 RATIONALE FOR CRISIS RESPONSE ACTIONS UNDER THE RAPID RESPONSE PILLAR OF THE NEIGHBOURHOOD, DEVELOPMENT AND INTERNATIONAL COOPERATION INSTRUMENT

Twelve years on from the start of the conflict in Syria, the prospects for a peaceful solution outlined in UNSCR 2254 are weakened by the stalled peace talks in Geneva, constituting an exceptional and unforeseen situation in the sense of Article 4(4) (a) of the NDICI Regulation. An adequate response cannot be provided under any other European Union Instrument due to the urgency with which the funds are required and due to available resources already being firmly committed.

Annex IV, paragraph 1, second paragraph, points (a), (b) and (e) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to (a) support, through the provision of technical and logistical assistance, for the efforts undertaken by international, regional and local organisations and by State and civil society actors in promoting confidence-building, mediation, dialogue and reconciliation, transitional justice, women’s and youth’ empowerment, in particular with regard to community tensions and protracted conflicts; (b) support for the implementation of UNSCRs on women, youth, peace and security; and (e) support for international criminal tribunals and ad hoc national tribunals, truth and reconciliation commissions, transitional justice and other mechanisms for the legal settlement of human rights claims and the assertion and adjudication of property rights.

### 3.3 RISKS AND ASSUMPTIONS

In light of the most recent geopolitical dynamics, the action builds also on the assumption that the geopolitical events do not fundamentally alter the political trajectory of the Syrian crisis.

Risks	Risk level (high, medium, low)	Mitigation measures
Security risks for those projects implemented inside Syria.	Medium	The security situation will be closely monitored. In case of security concerns, the implementing partners will take the needed precautionary measures based on pre-defined standard operating procedures.
Political risk: changing political developments in Syria have an impact on the governance of the targeted activities and locations.	Medium	The Action will be subject to regular risk analyses and monitoring. Activities are to be conducted as per guidelines set in the EU Strategy for Syria. These will be suspended if the political situation does not allow implementation of the Action with the planned stakeholders. A vetting process of the local partners will allow the sufficient level of political neutrality.

<b>Risks</b>	<b>Risk level (high, medium, low)</b>	<b>Mitigation measures</b>
Operational risk: lack of coordination among donors resulting in duplication of efforts or inefficient allocation of resources.	Low	The measure has been designed in close coordination with other funding streams within and beyond the EU.

## 4. OBJECTIVES

### 4.1 OVERALL OBJECTIVE

The overall objective of the action is to support peace and accountability efforts in order to facilitate a transition to peace and national reconciliation in Syria.

### 4.2 SPECIFIC OBJECTIVES

- 4.2.1 To strengthen the capacities of actors involved in the peace negotiation process to pursue peacebuilding efforts in Syria through the Syria Peace Initiative;
- 4.2.2 To support the participation of Syrian women in the peace process by advancing the women, peace, and security (WPS) agenda;
- 4.2.3 To promote accountability for crimes against humanity with a view to support a national reconciliation process and transitional justice in Syria.

## 5. ACTION COMPONENTS AND EXPECTED RESULTS

The foreseen activities may be refined over time based on updated need assessments, in consultation with the EU Delegation to Syria, other Commission services, and other likeminded actors.

The main expected results/outcomes include:

**Expected Result (1):** The capacities of actors involved in the peace negotiation process to pursue peacebuilding efforts in Syria through the Syria Peace Initiative (SPI) are strengthened.

Activities (indicative):

- 5.1.1 Support operational activities of the Syrian Negotiation Commission and other relevant opposition groups to leverage their position in the peace negotiation process;
- 5.1.2 Support international and local civil society actors to advice and provide feedback to key stakeholders involved in the peace process;
- 5.1.3 Produce and release fact-based and conflict-sensitive research and local analyses relevant for SPI interlocutors, other EU Member States and donors.

**Expected Result (2):** The participation of Syrian women in the peace process is supported by advancing the women, peace, and security agenda.

Activities (indicative):

- 5.2.1 Increase access of the Women Advisory Board to the political process and decision-making, and influence the political talks via the UN Office of the Special Envoy;
- 5.2.2 Increase the capacity of women-led civil society organizations to influence the political process and decision-making, through increased knowledge, financial and technical resources.

**Expected Result (3):** Accountability for crimes against humanity is promoted with a view to facilitating a national reconciliation process and transitional justice in Syria.

Activities (indicative):

- 5.3.1 Prepare, preserve and share evidence files with competent national, regional or international courts or tribunals that have or may in the future have jurisdiction over crimes, human rights abuses and violations of international humanitarian law committed in Syria;
- 5.3.2 Collect and store additional evidence or information, including interviews, witness testimony, documentation and forensic material, as appropriate in accordance with international criminal law standards;
- 5.3.3 Further develop IIIM's operational capacity to directly interact with civil society, victims and survivors through dedicated thematic strategies on gender, children and youth;
- 5.3.4 Support broader justice objectives, in particular efforts to clarify the fate and whereabouts of missing persons.

## **6. IMPLEMENTATION**

### **6.1 IMPLEMENTATION MODALITIES**

The Commission will ensure that the appropriate EU rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>1</sup>.

#### **6.1.1 Indirect management with a pillar assessed entity**

This action may be implemented in indirect management with the *Gesellschaft für Internationale Zusammenarbeit* (GIZ), UN Women, and the International, Impartial and Independent Mechanism (IIIM).

**GIZ** will implement Specific Objective 1, Expected Result 1 in section 4 and 5, namely to contribute to a negotiated political transition in Syria, through strengthened dialogue, mediation and peacebuilding initiatives between Syrian conflict parties. The envisaged entity has been selected using the following criteria: strong credentials as an EU Member State development Agency working in supporting the peace process; established presence and network in Beirut,

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<sup>1</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu) Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website, it is the OJ version that prevails.

Istanbul and Geneva; successful management of the previous four phases of the present Syria Peace Initiative (see section 3.1 Background).

**UN Women** will implement Specific Objective 2, Expected Result 2 in sections 4 and 5, namely to encourage the participation of Syrian women in the peace process by advancing the women, peace, and security (WPS), including through the support of the activities of the Women Advisory Board to the Office of the Special Envoy to Syria. The envisaged entity has been selected using the following criteria: exclusive mandate as a UN Agency, established experience and network in Beirut and Geneva; successful management of the first phase of the same project.

**IIIM** will implement Specific Objective 3, Expected Result 3 in sections 4 and 5, namely to promote accountability for crimes against humanity with a view to facilitating a national reconciliation process and transitional justice in Syria. The envisaged entity has been selected based on its exclusive mandate to collect, consolidate, preserve and analyse evidence of crimes reportedly committed in Syria, as well as to build up files in order to facilitate and expedite fair and independent criminal proceedings in courts or tribunals that have or may have in the future jurisdiction over these crimes, as per UN General Assembly Resolution 71/248.

The entrusted international organisations identified above are currently undergoing the ex-ante assessment of their systems and procedures. Based on their compliance with conditions in force at the time previously other indirect management actions were awarded to the organisations and based on a long-lasting problem-free cooperation, the international organisations can also now implement action under indirect management, pending the finalisation of the ex-ante assessment, and, where necessary, to appropriate supervisory measures in accordance with (FR) Article 154(5).

If negotiations with the above-mentioned entrusted entities fail, that part of this action may be implemented in direct management in accordance with the implementation modalities identified in section.

The Commission authorises that the costs incurred may be recognised as eligible as of 1 September 2023 due to the crisis context and the political sensitivity of certain activities that may require early implementation.

**6.1.2 Changes from indirect to direct management**

Should the negotiations with the proposed entities fail, this action may be implemented in direct management through a grant award without a call for proposals is justified because **the action entails crisis management aid as referred to in Article 195(a) and as defined in Article 2(21) of the Financial Regulation** at the date of the Financing Decision. The grant(s) should contribute to achieving the overall objective and results foreseen in sections 4 and 5.

**6.2 INDICATIVE BUDGET**

The total European Union contribution under this Financing Decision **will not exceed EUR 6 500 000**. A breakdown among components is provided hereunder and is indicative.

**Indicative budget breakdown**

Components	EU contribution (amount in EUR)	Indicative third party contribution, in
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		<b>currency identified</b>
Component 1/Objective 4.2.1 To strengthen the capacities of opposition actors, civil society and research entities to pursue peacebuilding efforts in Syria through the Syria Peace Initiative.		
6.1.1 – Indirect management with GIZ	3 500 000	6 300 000
Component 2/Objective 4.2.2 To support the participation of Syrian women in the peace process by advancing the women, peace, and security agenda.		
6.1.1. – Indirect management with UN WOMEN	1 000 000	
Component 3/Objective 4.2.3 To promote accountability for crimes against humanity with a view to facilitating a national reconciliation process and transitional justice in Syria.		
6.1.1. – Indirect management with IIIM	2 000 000	
<b>Total</b>	<b>6 500 000</b>	<b>6 300 000</b>

### **6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES**

The action shall be implemented under indirect management for all three specific objectives and expected results outlined in sections 4 and 5. It will be devolved and sub-delegated to the **European Union Delegation in Syria**, with the support of the Commission for the conclusion of the contracts implementing the action.

### **6.4 PERFORMANCE AND RESULTS MONITORING AND REPORTING**

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final report. Each report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and outcomes) as measured by corresponding indicators, using as reference the logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

## **6.5 EVALUATION**

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

The Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the other donors, and/or the implementing partner.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

## **6.6 AUDIT**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

## **6.7 COMMUNICATION AND VISIBILITY**

The 2021-2027 programming cycle has adopted a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions, and agencies of EU member states.

The 2022 "Communicating and Raising EU Visibility: Guidance for external actions" reference document shall be used to establish the appropriate contractual obligations.

## **7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP**

The European Union's Syria strategy puts a strong emphasis on supporting a political transition in Syria to put an end to the conflict, including through the support to women in peacebuilding and accountability efforts.

The overall coordination on this action will be ensured through regular exchanges between the EU Delegation to Syria, other EU Services and EU Member States, especially Germany and Denmark that are contributing to this action.

Regarding the first component on the continuation of the Syria Peace initiative, given its political nature and the numerous non-governmental organisations involved, close monitoring and coordination will continue to be ensured through the existing information mechanism that include a coordination group and a steering committee overseeing the initiative. In this context, systematic exchanges of information and consultations will continue to take place between the implementing partner, the EU and the other donors.



The implementing partners of the second and third components (UN Women and IIIM) will have coordination systems in place with other likeminded actors implementing related initiatives.

In particular, the IIIM is complementary to the Independent International Commission of Inquiry on the Syrian Arab Republic. Accordingly, while the Commission focuses on directly collecting information, publicly reporting recent broad patterns of violations, abuses and emblematic incidents and making recommendations, notably to States, the IIIM primarily builds on the information collected by others, in particular the Commission, by collecting, consolidating, preserving and analysing evidence and prepares files to facilitate and expedite fair and independent criminal proceedings in national, regional or international courts or tribunals. IIIM will also closely coordinate with the Office of the High Commissioner for Human Rights (OHCHR), especially in its efforts for the establishment of an Independent Institution on Missing Persons in Syria as per UN General Assembly Resolution of 26 June 2023.