

Context

Over the past 13 years, businesses have contributed to supporting and financing the Syrian regime and prolonging the conflict in Syria. To address the seriousness of the role that businesses may play in Syria's future, we present here a set of recommendations and practical steps that could help commercial enterprises take an active role that respects human rights in the future, in light of the legal obligations stipulated by international law.

Under international law businesses play an equally important role with states to protect from human rights abuses, as acknowledged by the United Nations Guiding Principles on Business and Human Rights (UNGPs), they have a responsibility to respect human rights. The UNGPs are the most authoritative set of international standards outlining the obligations of states and businesses in relation to business-related human rights abuses.

What business enterprises must do when doing business in Syria if they are to respect human rights and avoid harm, and how can they be compliant with international obligations?

Legal Obligations:

Under international law businesses play an equally important role with states to protect from human rights abuses, as acknowledged by the United Nations Guiding Principles on Business and Human Rights (UNGPs), they have a responsibility to respect human rights.

- **Respect for Human Rights:** Businesses must respect all human rights, avoiding adverse impacts on individuals and communities, including HLP rights.
- **International Standards Compliance:** Businesses should prioritize international human rights and humanitarian law, especially in conflict-affected settings, in cases of conflict with national laws.
- **Avoid Unlawful Appropriation:** Businesses must not acquire or use property unlawfully seized, particularly during armed conflict, to avoid complicity in HLP rights violations.
- **Prevent Complicity:** Companies should mitigate risks of involvement in human rights abuses or international crimes, especially regarding land dispossession or discriminatory practices.
- **Procurement Integrity:** Transparent and ethical procurement practices should ensure businesses do not support entities implicated in human rights abuses including HLP rights violations.
- **Address Historical Grievances:** Businesses must recognize how past land dispossession and marginalization fuel social tensions and strive to operate in ways that support social cohesion and trust.

- **Prevent and Remedy Harm:** Companies must establish mechanisms to prevent human rights abuses including HLP rights violations, and provide remedies for harms caused directly or through business relationships.

Business Accountability for Human Rights Abuses:

- Company managers and employees could incur legal liability for complicity in international crimes.
- Businesses could be held accountable for complicity in international crimes in domestic courts pursuant to domestic legal frameworks, be it criminal or civil.
- Businesses operating in conflict-affected areas must respect international humanitarian law. Failure to do so could lead to accountability for violations.
- Businesses can be held accountable for breaching human rights, environment, or due diligence laws in their home states or in the states they operate in.
- Businesses may face reputational harm through public scrutiny of their unlawful conduct by human rights NGOs.

Action Options:

- **Adopting Human Rights Policies:**
 - Businesses should adopt and publish human rights policies that commit to respecting internationally recognized rights and identify rights most relevant to their operations.
 - High-risk businesses, such as those operating in Syria, should consult with affected groups while developing policies.
 - Embedding policies into all operations is crucial for meaningful implementation.
- **Conducting Human Rights Due Diligence:**
 - Due diligence should cover both the business's operations and its relationships (partners, state entities, supply chains).
 - This process should start early, be ongoing, and adapt to operational or contextual changes.
- **Providing Remediation:**
 - Businesses must establish or participate in effective grievance mechanisms to address failures in preventing human rights impacts.
 - Businesses contributing to reconstruction in Syria should conduct due diligence and monitor their human rights impact, engaging with stakeholders for effective implementation.
- **Mitigating Human Rights Risks:**
 - Conduct regular human rights impact assessments and implement plans to mitigate risks arising from operations.

- Ensure comprehensive human rights policies regulate commitments of employees and executives.
- Reflect human rights policies in all decisions and operations.
- **Transparency and Accountability:**
 - Publish due diligence policies, human rights policies, and assessment results.
 - Disclose business partners and operational areas in Syria to demonstrate accountability and commitment to human rights.
- **Avoiding Complicity in International Crimes:**
 - Follow and comply with sanctions regimes of international actors.
 - Investigate business operations of partners, including their subsidiaries, parent companies, and supply chains.
 - Avoid contracts with businesses complicit in international crimes or rights violations.
- **Engaging Local Stakeholders:**
 - Collaborate with local civil society, businesses, and councils to assess and address potential and ongoing human rights impacts.
 - Involve local actors in reconstruction efforts to uphold their right to self-determination.

For further information:

- On reconstruction: SLDP, International Law and Reconstruction in Syria: A Cautionary Note for Businesses, <https://sldp.ngo/en/blog/323>
- On human rights and business: SLDP, The Human Rights and Business Toolkit for Syria, <https://sldp.ngo/en/blog/324>
- On HLP rights and business in Syria: SLDP, Policy Brief: HLP Rights, Migration and Business Activity in Syria, <https://sldp.ngo/wp-content/uploads/2024/11/Policy-Brief-HLP.pdf>
- On UN procurement contracts: SLDP, UN Procurement Contracts in Syria: A few Bad Apples? A Study of The Top 100 Suppliers, https://sldp.ngo/wp-content/uploads/2022/12/SLDP_OPEN-UN-Procurement-in-Syria-En.pdf