

**SECURITY IN TRANSITION:**  
AN INTERDISCIPLINARY  
INVESTIGATION INTO THE  
SECURITY GAP



# The role of the EU in the Syrian conflict

Rim Turkmani and Mustafa Haid

Paper commissioned by the Human Security Study Group

**FRIEDRICH  
EBERT  
STIFTUNG**

**SiT/WP/05/16**



**Rim Turkmani** is Senior Research Fellow at the London School of Economics and Political Science working on war economy in Syria and means to transforming it to peace economy, and on the role of Syrian civil society in brokering peace and creating stability from the bottom up. She is co-founder of the Syrian Civil Coalition, which supports the role of the Syrian civil society in peacebuilding and democratic transition.

**Mustafa Haid** is Chairperson of Dawlaty Foundation, a Syrian nonprofit organisation that works with nonviolent activists on capacity building for democratic transition and transitional justice in Syria. He was previously a Syria consultant for Human Rights Watch and the Office of the UN Special Adviser on the Prevention of Genocide and Responsibility to Protect. He is a spokesperson of Planet Syria Campaign, a coalition of 100 groups and NGOs inside and outside Syria.

**Contact**

Rim Turkmani: [r.turkmani@lse.ac.uk](mailto:r.turkmani@lse.ac.uk)

Mustafa Haid: [mustafa@dawlaty.org](mailto:mustafa@dawlaty.org)

**Security in Transition**

February 2016, London

## Abstract

This report traces the EU’s policy response to the conflict in Syria. It argues that in the EU’s efforts to assert influence against the Assad regime through threatening – and eventually – withdrawing from EU-Syrian partnership agreements and imposing sanctions, the EU has actually reduced its influence in the region. Instead this dis-engagement has exposed the EU to increasing humanitarian costs (particularly with the refugee crisis), and increasing threat of extremism. This report thus considers what the EU should do in responding to the conflict in Syria, particularly in engaging with justice approaches to conflict resolutions, including an engagement with civil society.

## Table of Contents

Abstract	Error! Bookmark not defined.	
<b><u>1</u></b>	<b><u>INTRODUCTION</u></b>	<b>4</b>
<b><u>2</u></b>	<b><u>THE CONFLICT DYNAMICS IN SYRIA</u></b>	<b>4</b>
<b><u>3</u></b>	<b><u>EU POLICIES ON SYRIA AND THEIR IMPACT</u></b>	<b>5</b>
<b>3.1</b>	<b>PRIOR TO THE CONFLICT</b>	<b>5</b>
<b>3.2</b>	<b>AFTER THE CONFLICT AND BEFORE ANY STRATEGY:</b>	<b>6</b>
<b>3.3</b>	<b>THE NEW STRATEGY</b>	<b>10</b>
<b>3.4</b>	<b>JUSTICE</b>	<b>11</b>
3.4.1	OVERVIEW OF THE EU POLICY ON JUSTICE IN SYRIA	12
3.4.2	WHAT DID THE EU DO ON JUSTICE	12
3.4.3	WHAT CAN THE EU DO	13
<b><u>4</u></b>	<b><u>SANCTIONS (UNILATERAL COERCIVE ECONOMIC MEASURES)</u></b>	<b>14</b>
<b>4.1</b>	<b>OVERVIEW OF EU SANCTIONS ON SYRIA:</b>	<b>15</b>
<b>4.2</b>	<b>THE PURPOSES OF SANCTIONS</b>	<b>15</b>
<b>4.3</b>	<b>THE IMPACTS OF SANCTIONS:</b>	<b>16</b>
<b>4.4</b>	<b>SUMMARY</b>	<b>18</b>
<b><u>5</u></b>	<b><u>INFLUENCING LOCAL PROCESSES</u></b>	<b>19</b>
<b>5.1</b>	<b>LOCAL CEASEFIRES</b>	<b>19</b>
<b>5.2</b>	<b>THE RISE OF CIVIC POWER</b>	<b>19</b>
<b><u>6</u></b>	<b><u>DISCUSSION AND RECOMMENDATIONS</u></b>	<b>20</b>
<b><u>7</u></b>	<b><u>THE EU AS A DONOR IS THE SYRIAN CRISIS</u></b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>MADAD:</b>		<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>HUMANITARIAN POLICIES (ECHO)</b>		<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>THE EU’S INSTRUMENT CONTRIBUTING TO STABILITY AND PEACE (ICSP)</b>		<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>EU SYRIA REGIONAL TRUST FUND</b>		<b>ERROR! BOOKMARK NOT DEFINED.</b>

## 1 Introduction

---

Although the European Union is severely affected by the conflict in Syria, it has not, up till now, played a very significant role. Prior to the conflict, the EU had rather extensive relations with Syria and through the Euro-Mediterranean Partnership and the European neighbourhood policy was applying a range of instruments, with some limited effect, aimed at bringing about political and economic reform. These efforts were abandoned when the conflict began, and instead the EU focussed on the application of sanctions, scaling down its mission in Damascus, and taking extreme political measures that led to the loss of political leverage.

What is needed are policies aimed at improving the situation of ordinary people and countering the structural dynamics of the conflict. EU policies did just the opposite. Sanctions worsened the condition of ordinary people and accelerated the development of the predatory war economy. Moreover, the EU did not give sufficient emphasis to justice and accountability – something that is crucial if the underlying political and social structures that give rise to conflict are to be addressed.

In what follows, we start by describing the dynamics of the conflict. We then provide a brief overview of the EU-Syrian relationship. The paper then focuses on justice and sanctions. And in the penultimate section, we describe some of the salient local processes that might offer a way to challenge some of the dynamics of the conflict. The conclusion puts forward an alternative approach to the conflict based on second generation human security.

## 2 The conflict dynamics in Syria

---

Although the Syrian conflict developed into a very complex combination of revolution, civil war, proxy and direct regional and international war and terrorism, the roots of the conflict and the public resentment is due to political oppression.

Most of the actions taken by external powers did not help in easing this political oppression. The situation grew ever more complex leading to the collapse of the governance system, the economy and the development of a war economy. Before long the resulting humanitarian crisis developed into a refugee crisis that is affecting Europe itself.

### 3 EU policies on Syria and their impact

---

We present in this section a chronological review to the EU-Syria relationship, and the steps taken and statements made regarding Syria before and after the conflict.

#### 3.1 Prior to the conflict

---

Prior to the conflict the 1977 EU-Syria Co-operation Agreement governed relations legally and Syria was a full participant in the Euro-Mediterranean Partnership.<sup>1</sup>

The framework for the economic, political and social dimensions of the EU-Syria partnership is outlined in the EU-Syria Association Agreement. It was meant to lead eventually to Syria's full participation in the European Neighbourhood Policy (ENP). The Association Agreement was initialised in 2004 but was never signed; yet according to the EU *"The Syrian government used the agreement as a reference for developing its reform agenda and continues using it as a guide for the country's modernization process"*. In 2009, the EU Member States agreed that they wished to sign the Association Agreement, but the Syrian government requested time to further examine the agreement, which eventually was never signed or ratified.

The strategy framework of EU co-operation with Syria before the conflict was outlined in the *"Syria: Country Strategy Paper (2007-2013) and National Indicative Programme (2007-2010)* which was published in 2007.<sup>2</sup> The framework identified that:

*"There is mutual benefit in a closer relationship between the EU and Syria. Syria is a key factor in regional stability and plays a pivotal role as a transit country between the EU and the Middle East. Syria and the EU have privileged cultural links and there is strong potential for further strengthening economic relations. Through its co-operation, the EU also wishes to assist Syria in its efforts to improve the welfare of its population."*

The (2007-2013) strategic framework objectives of the EU co-operation with Syria were *"to build upon the achievements and lessons of past cooperation and to prepare Syria for full participation in the European Neighbourhood Policy in the medium-term."* The financial engagement however was set to be incremental and the co-operation with other tools was conditional on reaching a *"satisfactory level of accountability [that] is reached in the management of public finance, budget support."* This seems to have been guided by EU experience with the Syrian government.

Financial commitments made by the EU were intended to encourage reform, especially political reform, and Syria was encouraged to take advantage of the *"Governance*

---

<sup>1</sup> Syria also It approved the Euro-Med Five-Year Work programme for 2006-2010 and the Code of Conduct on Countering Terrorism at the Barcelona 10+ Conference in November 2005.

<sup>2</sup> <http://www.enpi-info.eu/library/content/syria-country-strategy-paper-2007-2013-and-national-indicative-programme-2007-2010>

Facility” which rewards partners who are performing well with increased financial assistance.

The political context was addressed by stressing commitment to *“extending political pluralism and citizens’ participation in political life, improvement of the situation of stateless people, civil society development, decentralisation/local democracy, respect for human rights and the rule of law,”* all of which are stressed in the Euro-Mediterranean Programme.

The strategy identifies the following as the key internal political challenges in Syria, which is to *“[i]nstigate the process of political reform; achieve good governance and separation of powers; strengthen the protection of human rights and develop democracy, while maintaining the remarkable diversity in society and peaceful inter-religious and inter-community relations.”* And although the strategy was very critical of the political system, the strong presidential system in Syria, the role of the Baath party, and the corruption which hinders among many other things the judicial authority, it still concluded that *“[g]enuine democratic participation nevertheless remains a possibility, as a new multi-party law was announced at the highest level.”*

The EU was the main donor in Syria. €286.5 million were committed to bilateral co-operation with Syria between 1995 and 2016 and since 2000, a total of € 925 million in loans of the European Investment Bank (EIB) has been committed for Syria between 2000 and 2007.

Before the conflict there was rather little criticism of the human rights situation in Syria. These were limited to condemnations of the arbitrary arrests in 2008<sup>3</sup>, condemnations of the arrest and sentencing of human rights defenders in July 2010,<sup>4</sup> and condemnation on February 2011 of the sentencing of Tal Al-Mallouhi to five years in prison<sup>5</sup>. On March 15, the EU issued a statement by the High Representative, Catherine Ashton, welcoming the release of the lawyer Haitham al Maleh as a “positive first step that I hope will be followed by the full restoration of his civil rights, including the right to travel freely outside Syria and return”, and expressing deep concerns about the sentencing of Mr. Ali Al-Abdullah<sup>6</sup>.

### 3.2 After the conflict and before any strategy

---

Shortly after the beginning of the public protests in Syria in March 2011 accompanied by a brutal government crackdown, the EU issued several statements condemning the

---

<sup>3</sup> [“Declaration by the Presidency on behalf of the European Union on the human rights situation in Syria”](#) 13202/08, 19 September 2008

<sup>4</sup> [“Declaration by High Representative Catherine Ashton on behalf of the European Union on Syria Human rights cases”](#), 12617/1/10, 27 July 2010.

<sup>5</sup> [Local EU Statement on the sentencing of the young blogger Tal Al-Mallouhi to five years in prison”](#) 17.02.2011

<sup>6</sup> [“Statement by the High Representative, Catherine Ashton, on the release in Syria of Mr Al Maleh and the sentencing of Mr. Ali Al-Abdullah”](#), A 107/11, 15 March 2011.

*“violent repression of demonstrators” and “urging the authorities to exercise the utmost restraint across the country and to meet the legitimate demands and aspirations of the people with dialogue and urgent political and socio-economic reforms.”*

In May 2011, two months after the beginning of the uprising in Syria, the EU took its first actions against the Syrian government. The steps, which were taken included:

1. Suspending the bilateral cooperation programmes between the EU and the Syrian government under the European Neighbourhood Policy.
2. Freezing the draft EU-Syrian Association Agreement.
3. Suspending the participation of Syrian authorities in EU's regional programmes and the loan operations and technical assistance by the European Investment Bank to Syria
4. Imposing unilateral targeted restrictive measures (sanctions) which were later expanded .

The EU delegation to Syria remained open on a regular basis until December 2012, after that it was scaled down for security reasons but the head of the delegation continues to visit Damascus occasionally.

The Syrian foreign minister responded in June 2011 by promising in a statement to the media that *“We will forget that there is Europe on the map, and I shall recommend the leadership to suspend our membership in the Union for the Mediterranean, we have already frozen our dialogue on the European partnership, we will instead look eastward and southward and in every direction that extends its hands to Syria. The world is not only Europe”*. Indeed, shortly after word Syria did suspend its membership in the Union for the Mediterranean, and it did look at other directions for support, mainly from Iran, China and Russia.

It should be noted that all these measures were taken before any specific strategy towards Syria was outlined. A new strategy for Syria was outlined more than two years after imposing these measures in the *“towards a comprehensive EU approach to the Syrian crisis”* published in June 2013<sup>7</sup>.

Until 4 August 2011 the EU statements on Syria continued to *“urge President Assad to listen to the international community, to finally stop the violence, to protect the Syrian people and to address the EU's repeated calls to grant fundamental freedoms”*.

August the 18<sup>th</sup> was a turning point in the EU policy towards Syria. Following *“large-scale use of military force in the cities of Hama, Deir al-Zour and Lattakia.”* The EU announced, *“The President's promises of reform have lost all credibility as reforms cannot succeed under permanent repression. The EU notes the complete loss of Bashar*

---

<sup>7</sup> [“Towards a comprehensive EU approach to the Syrian crisis](#), joint communication to the European parliament, the council, The European economic and social committee and the Committee of the regions” Brussels, 24.6.2013.

al-Assad's legitimacy in the eyes of the Syrian people and the necessity for him to step aside." The move seems to have been orchestrated, as on the same day the US president Obama, the British Prime Minister David Cameron, French president Nicolas Sarkozy and German chancellor Angela Merkel, all demanded that Assad immediately resign.

The logic behind the move was that if other leaders followed this move then it would force President Assad to resign. Hilary Clinton commented on this move saying "If Turkey says it, if King Abdullah says it, if other people say it, there is no way the Assad regime can ignore it."<sup>8</sup>

From that date until the end of 2013 when the new strategy was announced, all the EU statements regarding Syria were a repetition of the following:

1. Insisting that President Assad to step aside: From August the 18th until the end of 2012 the EU repeatedly made such statements, as "President Assad must step aside to allow a political transition to take place in Syria."<sup>9</sup> or "President Assad has no place in the future of Syria"<sup>10</sup>
2. Pledging a new partnership after the stepping down of the president: Nearly at the end of each statement asking the president to step aside, with the following pledge being added: "As soon as President Assad steps aside and a genuine democratic transition begins, the EU is ready to develop a new and ambitious partnership with Syria across all areas of mutual interest, including by mobilizing assistance, and strengthening trade and economic links."
3. Gradually assigning legitimacy to exile opposition: Shortly after the EU started noting the opposition in its statement, but limiting this in particular to the exile opposition, namely the Syrian National Council. For example in October 2011 the Foreign Affairs Council meeting noted "the EU notes the creation of the Syrian National Council as a positive step forward. The EU welcomes the SNC's commitment to non-violence and democratic values." On 10 December 2012 Ashton met with the President of the National Coalition for Syrian Revolutionary and Opposition Forces, and announced that it accepts this coalition as "which the EU accepts as legitimate representatives of the Syrian people." The EU recommendations for the coalition were "The EU encourages the Coalition to continue working on these goals and to remain committed to the respect of the principles of human rights, inclusivity, democracy and engaging with all opposition groups and all sections of Syrian civil society. The EU encourages the Coalition to engage with the UN/LAS Special Representative and to put forward its programme for a political transition with a view to creating a credible alternative to the current regime. The EU stands ready to

---

<sup>8</sup> "Obama: Syrian president Assad must step down", The Washington Post 18, 08, 2011.  
<http://wapo.st/1IXszal>

<sup>9</sup> For example in the October 10 2011, 3117th Foreign Affairs Council meeting

<sup>10</sup> June 2012 Foreign Affairs Council meeting



continue engaging with and to support the Coalition in these endeavours and its relations with the international community at large.”

4. Repeatedly commenting on the UNSC, either welcoming its resolutions or expressing deep regrets in its inability to agree to a resolution.
5. Repeatedly announcing support to the Arab League efforts
6. Repeatedly announcing its support to the UN and its special envoys.
7. Announcing the increase of its financial support for humanitarian assistance
8. Adding more restrictive measures (sanctions)
9. Condemning the use of violence by the regime
10. Announcing its support for the political solution based on Geneva communiqué of 20 June 2012.

The EU also occasionally referred to the situation of civilians and to civil society. In October 2012, for example, “The EU commits to strengthening its support in building the capacity of civil society to participate in a future Syria, in line with the legitimate demands of the Syrian people for a more free, open and inclusive political system involving all Syrians. In this context, the EU also acknowledges the importance of the work of the local civilian bodies throughout Syria.” And in July 2012 the EU started becoming alerted about the increased militarisation of the conflict: “EU warns against further militarisation of the conflict and sectarian violence which can only bring further suffering to Syria and risks having a tragic impact on the region. In this regard, the EU expresses concern about the protection of civilians, in particular vulnerable groups and religious communities. The EU is also concerned about the influx of weapons into Syria. Therefore, the EU calls on all States to refrain from delivering arms to the country. The EU is seriously concerned about the potential use of chemical weapons in Syria.”

ON 22 April 2013 and after that the oil fields in Syria came under opposition control the EU lifted the oil embargo, “so as to help the civilian population and support the opposition in that country” and demanded that transactions in regard to buying this oil should go through the opposition: “Before approving any such transaction, competent authorities will consult with the Syrian National Coalition for Opposition and Revolutionary Forces.”

On May 2013 the EU eased the embargo on the provision of arms, “With regard to the possible export of arms to Syria, the Council took note of the commitment by Member States to proceed in their national policies as follows:

- The sale, supply, transfer or export of military equipment or of equipment which might be used for internal repression will be for the Syrian National Coalition for Opposition and Revolutionary Forces and intended for the protection of civilians;

- Member States shall require adequate safeguards against misuse of authorisations granted, in particular relevant information concerning the end-user and final destination of the delivery;
- Member States shall assess the export licence applications on a case-by-case basis, taking full account of the criteria set out in Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment.

### 3.3 The new strategy

---

It was not until June 2013 that the EU put in place a new strategy for Syria to replace the earlier 2007 strategy. The new strategy entitled "*Towards a comprehensive EU approach to the Syrian crisis*" outlined the main aims for the EU on Syria including:

- Support a political settlement through a robust EU position at the up-coming 'Geneva II' international conference.
- Engage with the opposition so it takes part in the 'Geneva II' conference and is represented by legitimate interlocutors that can make commitments.
- Further work to ensure the access of humanitarian assistance to all conflict-affected areas.
- Develop further exemptions to the sanctions regime to provide support to the Syrian population.
- Increase EU budget financial assistance by EUR 400 million in 2013 to cover priority needs of affected population in Syria and the region.
- Increase support for hosting communities in the countries neighbouring Syria, in order to support and enhance their capacity to deal with the refugees.
- Continue urging the United Nations to deal with claims of violations of human rights, international humanitarian law and fundamental freedoms.
- Encourage solidarity with particularly vulnerable persons who may be in need of resettlement.
- Prevent the radicalisation of EU citizens and deal with EU 'foreign fighters' that have travelled to the conflict zone.
- Prepare for the post-conflict reconstruction and rehabilitation phase.

The strategy also included supporting the US/Russia efforts to revive political negotiations on the basis of the June 2012 Geneva towards a Syrian led solution with "*conditions conducive to a Syrian-led political settlement which would first require seeking a common approach on the representatives of the two sides, which need to be legitimate interlocutors that can make commitments.*" The strategy continued the promised support to the exile opposition, as "*[t]he EU stands ready to assist the different components of the National Coalition for Syrian Revolutionary and Opposition Forces (SOC) to prepare for the conference.*"

Notably the strategy didn't include any reference to President Assad.

With the failure of Geneva II, the political process was halted again. Most of the EU contributions since then were increased humanitarian funds, support for the opposition in exile, funding civil society, and adding more sanctions.

On the 4<sup>th</sup> of June 2014 the EU commented in an official statement<sup>11</sup> on the presidential elections in Syria: "*The election on 3 June cannot be considered as a genuinely democratic vote*", it called on the regime to "re-engage in genuine political negotiations that will produce conditions allowing for a real expression of the will of the Syrian people."

The emergence of Al Qaeda affiliated extreme organisations in Syria, namely Jabhat al Nusra (JAN) and the Islamic State in Iraq and the Levant (ISIL) led to the development of "Syria and Iraq: Counter Terrorism/Foreign Fighters Strategy" in October 2014. 'Terrorism' and the refugee problem were the main new concerns, and increasingly more action and statements addressed these two issues rather than the political process, which the EU insisted that it cannot play a leading role in it, but can only support the UN efforts.<sup>12</sup>

The EU stressed in a statement on 12 –October 2015 that "*the Assad regime cannot be a partner in the fight against Dae'sh.*"<sup>13</sup>

### 3.4 Justice

---

The extremely high number of atrocity crimes, and also economic crimes committed in Syria makes it a very challenging case for transitional justice. Yet, accountability should always remain an essential part of the peace process in Syria for several reasons, most importantly the deterrence of further atrocities, especially by security forces, and to prevent revenge. Accounting for economic crimes is also essential to curb the well-established war economy in the country.

Although political and armed Syrian opposition often refer to the atrocities committed by government forces, the most important recent statement they issued was "[t]he final statement of the meeting of the revolutionary forces and the Syrian opposition" issued in Riyadh on 10 December 2015, which did not include any mention of justice and accountability. The Syrian civil society on the other hand continues to push for this issue. In a recent joint statement<sup>14</sup> that was delivered to the ISSG and the UN special envoy to Syria, Syrian organizations working on human rights documentation, accountability, and transitional justice in Syria pressed this issue very clearly and asked not only for

---

<sup>11</sup> Statement on the presidential elections in Syria. 4 June 2014.  
[http://eeas.europa.eu/statements/docs/2014/140604\\_03\\_en.pdf](http://eeas.europa.eu/statements/docs/2014/140604_03_en.pdf)

<sup>12</sup> See the response of Mogherini on the idea of the EU leading Peace conference for Syria.  
[http://eeas.europa.eu/statements-eeas/2015/150923\\_02\\_en.htm](http://eeas.europa.eu/statements-eeas/2015/150923_02_en.htm)

<sup>13</sup> <http://www.consilium.europa.eu/en/press/press-releases/2015/10/12-fac-conclusions-syria/>

<sup>14</sup> "A Statement issued by Syrian organizations working in the field of documentation, accountability, and transitional justice". 4/2/2016 <http://bit.ly/1PJCrGC>

transitional justice but also asked for property restitution and asked for “national reparations program for both individual and collective reparations to all civilians affected by the conflict”.

In spite of the fact that the EU is committed to justice and accountability in Syria, the EU role has faced the ‘dilemma’ between seeking accountability and ending the conflict in Syria. The rest of this section explores what the EU did, and should do, on justice and accountability in Syria. It presents the need for a comprehensive approach to accountability, highlighting the fact that accountability in Syria is essential for achieving a durable peace.

### 3.4.1 Overview of the EU policy on Justice in Syria

---

The EU policy on Justice in Syria can be summarized in the response package JOIN (2013) 22 titled: *final joint communication to the European parliament, the council, the European economic and social committee and the committee of the regions towards a comprehensive EU approach to the Syrian crisis* issued in Brussels, 24.6.2013.<sup>15</sup> This response package (RP) mentioned that it aimed to bring together the EU and its Member States’ policies and instruments in order to, “[..] contain and resolve the Syrian crisis (and) to promote access to justice and accountability”. On paragraph 1.3 titled *Justice and accountability*, the RP explains how the EU engaged in “*multilateral fora in order to ensure that the on-going and systematic violations of human rights, international humanitarian law and fundamental freedoms are addressed.*”<sup>16</sup> The RP proceeds that the EU played a ‘leading role’ and worked on convincing the United Nations Human Rights Council (UNHRC) to establish a UN Independent Commission of Inquiry. The RP, also, mentioned that the EU, “*should ensure that its concerns regarding the widespread violations of human rights are addressed as an integral part of the process to bring an end to the conflict.*” Furthermore, the EU position should remain that, “*if concerns about war crimes and crimes against humanity are not adequately addressed on a national level, the International Criminal Court should deal with the situation.*”

### 3.4.2 What did the EU do on Justice

---

In February 2013, the UNHRC issued its fourth report calling the member states to act ‘*urgently to ensure accountability*’ and the UN Security Council to ‘*take appropriate action*’ and refer the crimes in Syria to the International Criminal Court (ICC).<sup>17</sup> However, almost a year before, in June 2012, the government of Switzerland asked UNHRC for referring the Syrian case to the ICC. Then, on 14 January 2013, Switzerland drafted a letter to the UNSC, signed by 57 countries requesting a referral to the ICC. All EU member states signed the letter except for Sweden, which considered that the referral

---

<sup>15</sup>[http://eeas.europa.eu/statements/docs/2013/130624\\_1\\_comm\\_native\\_join\\_2013\\_22\\_communication\\_from\\_commission\\_to\\_inst\\_en\\_v10\\_p1\\_7332751.pdf](http://eeas.europa.eu/statements/docs/2013/130624_1_comm_native_join_2013_22_communication_from_commission_to_inst_en_v10_p1_7332751.pdf)

<sup>16</sup> Ibid

<sup>17</sup> The current human rights situation in the Syrian Arab Republic in the context of recent events’, Human Rights Council, Resolution S-16/1, 29 April 2011.

would pose an obstacle to the negotiations with the Syrian regime concerning a settlement to the conflict. Soon after that, the EU approach shifted towards accepting and adopting the view that accountability might conflict with achieving a durable peace in Syria.

The chemical attacks on August 2013 triggered the alarm that ignoring accountability leads to more atrocities, and more escalation in the conflict. The United Kingdom and France initiated a draft in the UNSC for a referral of the situation in Syria to the ICC. The initiative resulted in a UNSC resolution (2118), however, with no specific measures. It was very clear that Russia and the United States (US) would not support a referral to the ICC.<sup>18</sup>

It is now not clear, whether the EU will support a referral to the ICC, or will give priority to a top down peace agreement at the cost of accountability and justice.

Most recently, and within the context of the Vienna peace process for Syria, the EU became member of what is known as the International Syria Support Group (ISSG), which is the catalyst of the process. The ISSG issued two statements in Vienna, one on 14/11/2015<sup>19</sup>, and “The final declaration on the results of the Syria Talks in Vienna as agreed by participants” on 30/10/2015<sup>20</sup>. Both statements do not include any reference to the need for commitment to accountability and justice and transitional justice mechanisms. These statements later became the backbone of the UNSC resolution 2254<sup>21</sup> issued in 19/12/2015, which also excluded any mention of justice and accountability.

### 3.4.3 What can the EU do

---

After nearly five years of the conflict in Syria, it is clear by now that ignoring accountability for the sake of negotiation and peace is not the right approach. On the contrary, the failure to hold the Syrian regime accountable for the atrocities and war crimes in 2011 and 2012 may have encouraged the Syrian regime to commit brutal atrocities such as the chemical attacks.<sup>22</sup> Moreover, the absence of accountability permitted the armed opposition to commit atrocities as well. As a result, there was no accountability and justice in one hand, and the conflict in Syria escalated on the other hand.

---

<sup>18</sup> International Justice and the Prevention of Atrocities Case Study: Dilemmas of Justice, Accountability and Peace in Syria by Anthony Dworkin ECFR background paper, November 2013  
[http://www.ecfr.eu/page/-/IJP\\_Syria.pdf](http://www.ecfr.eu/page/-/IJP_Syria.pdf)

<sup>19</sup> <http://www.un.org/undpa/Speeches-statements/14112015/syria>

<sup>20</sup> [http://eeas.europa.eu/statements-eeas/2015/151030\\_06.htm](http://eeas.europa.eu/statements-eeas/2015/151030_06.htm)

<sup>21</sup> <http://www.un.org/press/en/2015/sc12171.doc.htm>

<sup>22</sup> <https://www.hrw.org/news/2013/12/17/syria-criminal-justice-serious-crimes-under-international-law#IV-Conclusion> DECEMBER 17, 2013 Syria: Criminal Justice for Serious Crimes under International Law

The EU needs to review its policy on the accountability and justice in Syria and take initial steps to deliver a message of support for justice in Syria such as:

1. The EU can lead a call on the UNSC to refer the situation in Syria to the ICC. It is unlikely to succeed in getting the referral because of the veto; however, this will give a good signal of commitment toward Justice.
2. The EU needs to review the policy on Justice in Syria and to make a clear commitment towards ensuring that accountability is central to any transition plan for Syria, does not involve in any effort to grant impunity to those who committed serious atrocities in Syria, and commitment to ensuring neutral and impartial justice in Syria.
3. Encourage the member states to investigate and prosecute suspects in national courts where they could invoke universal jurisdiction or another basis for prosecution.
4. Facilitate cooperation in criminal matters internally, and with third countries to create a foundation for justice and accountability processes, especially through investigation and documentation of activities since these are most effective when conducted as soon as possible after the commission of the crimes.
5. Establish a witness protection programme that could support future criminal prosecutions, considering whether prosecution might take place at international, hybrid or domestic courts.
6. The EU could push the UN to consider economic offences, such as looting and smuggling antiquities, that are central to the commission of international crimes and that are not currently proscribed under international law in order to determine the most effective way for suppressing and criminalizing these offences under international law.
7. Increase the technical and financial support to professional documentation efforts, including the safeguarding of evidence and documents that could be used in accountability procedures in future.
8. The EU can provide more technical and financial support to the Syrian Civil Society Organisations (CSOs) who are working on initiatives and activities related to transitional justice, and support advocacy missions for them in Europe and inside the UN.
9. EU member states should examine the claims about some of the Syrian asylum seekers who might be accountable for serious crimes and start prosecuting them.

#### **4 Sanctions (Unilateral coercive economic measures)**

---

The EU has increasingly relied on the use of sanctions in its external policy even if they were outside the UN framework. The EU sanctions included targeting individuals, such

as freezing assets and implementing travel bans, and embargoes among others. However, the growing use of sanctions by the EU has not been “*accompanied by an attentive evaluation of their effectiveness.*”<sup>23</sup>

This section reviews the effectiveness of EU sanctions on Syria by evaluating its role in the foreign policy strategy; its purpose and impacts.

#### 4.1 Overview of EU sanctions on Syria:

---

The EU, since May 9<sup>th</sup> 2011, has launched sanctions in Syria aiming at increasing the pressure on the Syrian government to end its use of violence against civilians.

The sanctions applied an assets freeze to a black list of featured individuals and an energy embargo, specifically banning the import of oil from Syria, which is an unusual action to adopt by the EU without a UNSC mandate. “*While the sanctions process often takes years, a whole set of sanctions against Syria have accumulated in just a few months.*”<sup>24</sup>

According to the Council of the EU, the sanctions applied against Syria involve 17 sets of restrictive measures.<sup>25</sup> The EU implemented diverse sanctions in order to affect the Syrian regime and people differently:<sup>26</sup>

- One set targets the Syrian government, mainly through the ban of payments and assistance by the European Investment Bank (EIB).
- One set targets the individuals involved in the repression, the ban from entering the EU, and freezing their assets in EU.
- One set targets the repressive bodies of the Syrian regime, mainly the arms sector such as the transfer of weapons and equipment, in spite of the fact that the supplies from European countries stopped already in the early nineties. However, the EU arms embargo did not aim to have any key effect as the main weapons suppliers of Syria are Russia and Iran, who in fact have increased their supply to Syria since 2011.<sup>27</sup>
- One set targets the energy sector; mainly ban the import of oil and petroleum products from Syria.
- Another set targets trade, mainly a ban on cargo-only flights and the export of certain materials such as gold and precious metals.

#### 4.2 The purposes of sanctions

---

---

<sup>23</sup> The effectiveness of EU sanctions: An analysis of Iran, Belarus, Syria and Myanmar (Burma) E P C I S S U E P A P E R NO. 7 6 - N O V E M B E R 2 0 1 3, By Francesco Giumelli and Paul Ivan

<sup>24</sup> The EU’s Sanctions against Syria: Conflict Management by Other Means - Clara Portela

<sup>25</sup> Council of the European Union “The EU and Syria: Fact Sheet”, Press Release, 20 August 2012.

<sup>26</sup> For the text of the legal instruments, consult

[http://eeas.europa.eu/cfsp/sanctions/docs/measures\\_en.pdf](http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf), in particular Council Decisions 2011/782/CFSP, 2012/122/CFSP and 2012/206/CFSP.

The EU aimed at the beginning of the Syrian conflict, in 2011, to change the behaviour of the Syrian government. EU officials considered that the policy of sanctions on Syria “seems to make the functioning of the government more difficult.”<sup>28</sup> However, without making such sanctions mandatory by means of a UNSC Resolution, these measures would be less effective. Moreover, certain measures, such as the ban on “luxury goods” can hardly be expected to affect a policy change in Syria.

Initially the EU did not include Assad himself on the travel ban list. Assad was given “the opportunity to cooperate while retaining a central role in the process.”<sup>29</sup> The same approach was adopted by the EU on other issues as well, such as justice and accountability. Later on, following the regime’s resilience to change, the EU added Assad and his family to the list in order to pressure and limited their actions.

### 4.3 The Impacts of sanctions:

---

The EU sanctions on Syria that started on May 2011 have been constantly expanded and amendments up to the present. Meanwhile the Syrian regime and its supporters, (mainly Iran and Russia) found ways to minimize the impact of sanctions. For instance, the Syrian regime managed to spread its trade to different markets, mainly to Iraq and Lebanon, and relies on the Russian banking sector to alleviate the EU financial and EIB sanctions.<sup>30</sup> Moreover, the oil embargo was the toughest set of sanctions, however, the Syrian government managed to secure alternative supplies from Iran and Russia. This shows clearly the limits of the EU sanctions as autonomous measures.<sup>31</sup>

In April 2013, the EU introduced an amendment to the oil embargo requested by the Syrian opposition in order to minimise the impact on Syrian civilians. The Amendment allowed “the import of Syrian crude oil and petroleum products to the EU; however, given that the regime controls the oil pipelines and the existing export terminals on the Mediterranean Sea, this change has had few consequences in terms of exports.”<sup>32</sup> Simultaneously, the Syrian government started to lose control of the oil wells to extreme groups like Jabhat al-Nusra, al-Qaeda affiliated, and ISIS.<sup>33</sup> So in so far as it helped anyone it helped the extremist groups.

---

<sup>28</sup> Mahony, H. “EU Ministers set to beef up Syria arms embargo”, EUObserver, 20 July 2012.

<sup>29</sup> The effectiveness of EU sanctions: An analysis of Iran, Belarus, Syria and Myanmar (Burma) E P C I S S U E P A P E R NO. 7 6 - N O V E M B E R 2 0 1 3, By Francesco Giumelli and Paul Ivan

<sup>30</sup> Sonni Efron, "In Syria, try banks before bombs", Reuters, 29 August 2013. Available at <http://blogs.reuters.com/great-debate/2013/08/29/in-syria-try-banks-beforebombs/> [02.09.2013].

<sup>31</sup> Jessica Donati and Julia Payne, How Russia, Iran keep fuel flowing to Syria, Reuters, 26 April 2012. Available at <http://www.reuters.com/article/2012/04/26/syria-russia-iran-idUSL6E8F800V20120426> [20.09.2013].

<sup>32</sup> The effectiveness of EU sanctions: An analysis of Iran, Belarus, Syria and Myanmar (Burma) E P C I S S U E P A P E R NO. 7 6 - N O V E M B E R 2 0 1 3, By Francesco Giumelli and Paul Ivan

<sup>33</sup> Julian Borger&MonaMahmood, “EU decision to lift Syrian oil sanctions boosts jihadist groups”, The Guardian, 19 May 2013. Available at <http://www.theguardian.com/world/2013/may/19/eu-syria-oil-jihadist-al-qaida> [11.10.2013] and Vivienne Walt, "Syria's Opposition Hopes to Win the War by Selling Oil", Time, 1 May 2013. Available at <http://world.time.com/2013/05/01/can-syrias-rebellion-win-the-war-by-selling-oil/>[11.09.2013].



Some of the direct and indirect impacts and side effects of the sanctions on Syria include:

- **Socioeconomic impact:**
  - The Syrian government tried to reduce subsidies by increasing the prices of basic goods and services, which resulted in substantial socioeconomic impact on poor families.
  - More poverty and people in need of support because of the raise in the cost of basic goods such as bread.
  - High inflation of the national currency with unpredictable exchange rates and high rate of unemployment.
- **Breakdown of the Syrian economy:**
  - Systematic breakdown and collapse of the foundations of the Syrian economy, the infrastructure and institutions.
  - The Syrian economy fragmented and new forms of war economy emerged and became a barrier that stands in the way for peace.
  - The Syrian government increasingly relied on individuals and private sectors, and adopted further liberal procedures to minimise the impact of sanctions.<sup>34</sup>
- The Syrian government allocated more resources to military and security, and less resources to basic and key services, which resulted in the collapse of education. As a result, half of all school-age children did not attend school during 2014-2015.<sup>35</sup>
- Increasing dependency on external support, which resulted in the loss of the national economic security.
- **Accelerating war economy:**
  - -Destruction and fragmentation of the domestic economy across the country, which significantly contributed to the emergence of and growth of black markets, and warlords who controlled and dominated institutions and resources. Warlords preserved their dominant capacity to buy followers and loyalty with increasing profit from the violence and its persistence. Moreover, warlords along with the smugglers profited from the siege and the violence, and intentionally tried to ruin any attempt to lift sieges, or to reach limited truces and became a barrier that stands in the way for peace.<sup>36</sup>
  - The collapse of the economy and the growing unemployment pushed some people to find other ways of income-generating activities that often rely on to fuel the war economy. Others joined armed groups and militia, or engaged in illegal activities that contribute to violence.

---

<sup>34</sup> See: <http://bit.ly/1PLgdTi> for several papers on the sanctions in Syria

<sup>35</sup> The World Bank: World Development Indicators 2014 database.

<sup>36</sup> <https://drive.google.com/folderview?id=0B7-kmVrV7UQbSXd3RWdvc09Samc&usp=sharing&tid=0B7-kmVrV7UQbb1NSMDdsY29rSGc>

- New national and regional actors coped with the conflict in Syria and created new livelihoods that contributed to war economy and conflict in Syria.

#### 4.4 Summary

---

Restrictive measures or sanctions are a policy imposed by the EU to manage and pressure actors in crises. The Council of the EU used this policy in Syria and imposed a variety of sanctions since May 2011. In April 2013, the EU applied an amendment to the oil embargo, and in May 2013, the Council decided to drop the arms embargo. Albeit the fact that the EU reviews the sanctions dropping some and adding others, however, the restrictive measures policy has not been *accompanied by an attentive evaluation of their effectiveness*.<sup>37</sup>

The lack of such evaluation can be seen in the absence of a *common understanding of what sanctions can and cannot do with regard to foreign policy*.<sup>38</sup> Even if we applied simple criteria to assess the effectiveness of the sanctions on Syria by asking the questions: Did the sanctions change the behaviour of the Syrian government accordingly? Did the EU fulfil the overall purpose of the sanctions?

The answer is: despite the sanctions, the conflict in Syria continued and escalated. Moreover, the sanctions on Syria did not prevent the Syrian regime from using chemical weapons against the civilian population in 2013.

The case of Syria shows that imposing sanctions alone cannot change the regime behaviour and end the conflict. Moreover, with such significant external support that the Syrian regime enjoys, sanctions are more likely to affect the civilians than the Syrian regime. However, sanctions could be more effective when they target individuals and certain institutions and act in tune with UN and Syria's neighbours. In this case, the purpose of sanctions is simply to condemn repression and violence, and contain the conflict along with other measures and procedures.

Despite their good intentions and being swiftly imposed to show the EU condemnation of the repression, and to limit the Syrian regime's resources, sanctions on Syria helped to accelerate the war economy. The sanctions also contributed *to an increase of unemployment and thus indirectly provided human resources for the war*.<sup>39</sup>

---

<sup>37</sup> The effectiveness of EU sanctions: An analysis of Iran, Belarus, Syria and Myanmar (Burma) E P C I S S U E P A P E R N O. 7 6 - N O V E M B E R 2 0 1 3, By Francesco Giumelli and Paul Ivan

<sup>38</sup> The effectiveness of EU sanctions: An analysis of Iran, Belarus, Syria and Myanmar (Burma) E P C I S S U E P A P E R N O. 7 6 - N O V E M B E R 2 0 1 3, By Francesco Giumelli and Paul Ivan

<sup>39</sup> Syrian Centre for Policy Research, <https://drive.google.com/folderview?id=0B7-kmVrV7UQbSXd3RWdvc09Samc&usp=sharing&tid=0B7-kmVrV7UQbb1NSMDdsY29rSGc>

## 5 Influencing local processes

---

### 5.1 Local ceasefires

---

The end of 2013 and beginning of 2014 witnessed many local ceasefires in Syria. Although they came amid very bad conditions including sieges, many have led to an improvement in the humanitarian situation.<sup>40</sup> The EU played no direct role in the ceasefires. In April 2014 it issued a statement criticizing these ceasefires: “The EU is concerned with cases of forced surrender, labelled as local ceasefires, imposed by the regime through starvation sieges. The EU calls on the regime to allow effective third-party monitoring of ceasefires to sustain them, to allow safe and unhindered evacuations of civilians on a voluntary basis and the passage of humanitarian convoys and personnel.” In fact, not all the ceasefires were cases of surrender, but even where they did mean surrender, they provided an opportunity to help civilians.

The EU rightly identified the third party monitoring as key factor in sustaining these ceasefire, yet it is not known that it did anything to provide this monitoring. For example, it did not push for a mandate from the UNSC for a new UN monitoring mission after the last one was pulled out in 2013. Neither did they send a monitoring mission from the Common Security and Defence Policy, as was discussed.

### 5.2 The rise of civic power

---

During the last two years, many areas in Syria came under the control of the armed opposition. A gradual shift of power from armed groups towards civic actors has taken place within the last two years in these areas, the dynamic usually goes as follows:

- Armed groups take control of an area from the regime, and the governance system and service provision collapses. These armed groups try to run civic affairs by providing services and controlling the distribution of aid; they fail in this task.
- New local civic organized powers rise in response to need, mainly Local Administrative Councils and CSOs.
- They then start dialogue and negotiation with the armed groups to take over the running of civic affairs based on the argument “If you can’t provide it, let us do it.” Gradually the civic authorities gain control of the civic sectors and become more powerful. Their effective performance and their response to public needs, together with their ability to bring in international donor support, give them popular legitimacy.
- This new more legitimate and authoritative civic body uses its power to offset that of armed actors. The balance of power between armed and civic actors depends on the level of security and stability in the area. The more stable the

---

<sup>40</sup> For more details see “[Hungry for Peace: positives and pitfalls of local truces and ceasefires in Syria](#)” Turkmani et al. May 2015.

area( with no active fighting fronts and no aerial bombardment), the more power civic actors have.

- The presence of extreme actors like JAN acts as a spoiler to this organic dynamic, but still the rise of civic power helps limit the power of extreme actors, and makes the environment in general less favourable for extremism.

In such an environment, some of the projects the EU funded which supports good governance and Local Administrative councils (such as Tamkeen project)<sup>41</sup> has helped empower the right actors and promote a positive trend that empowers civic actors over armed entities.

## 6 Discussion and Recommendations

---

The EU rightly identified in its 2007 strategy paper that *“Syria is a key factor in regional stability and plays a pivotal role as a transit country between the EU and the Middle East”*.

Europe’s main instrument to influence Syria when the uprising started in 2011 was the EU-Syria Association agreement, its economic relations, the bilateral cooperation programmes under the ENP, and partnership in the EU's regional programs, and the loan operations and technical assistance by the European Investment Bank. The EU lost all of these leverage tools on one day less than two months after the beginning of the Syrian uprising. The theory of change that assumes that the regime is going to change its behaviour should such measures be imposed has not only proved to be wrong, but to the contrary these measures produced the opposite outcome.

Three months later the EU lost what was left in its ability to leverage the regime when it followed the lead of the US in asking President Assad to step down. The EU repeatedly, and embarrassingly, reiterated the call for the president to step down and promising at the same time the revival of economic relations after he resigns. Neither was President Assad ready to step down, nor was there a power structure in Syria that would have allowed those who would see the economic benefits from the EU relations to force the president to step down. Neither Europe nor even the US was in a position to force President Assad to step down. Such step requires the cooperation of the countries that support the Syrian government, mainly Iran, Russia and China.

The decision to focus the attention on the head of the state, and put on hold any cooperation with any other level meant that the EU lost its ability to influence the Syrian government, and to influence processes at the local level.

The EU did not play any leadership role in resolving a conflict that affected Europe more than any of the other international actors involved. In a conflict that had a very strong international element, involving in particular the US and Russia, the EU was the

---

<sup>41</sup> <http://www.project-tamkeen.org/>

party, which covered most of the humanitarian costs, dealt with substantial part of the refugee crisis, suffered from growing extremism, but at the same time, was not the party that is able to resolve the conflict that created these problems.

For the EU to regain its potential as fundamental actor in resolving the conflict in Syria and its consequences we suggest the following recommendations:

1. Putting the EU economic tools on the negotiation table: All the EU instruments such as the Association agreement, economic relations, the bilateral cooperation programmes under the ENP and partnership in the EU's regional programs and the loan operations and technical assistance by the European Investment Bank and lifting the sanctions: all of these can be introduced as gradual incentives in a Geneva I based political negotiations with the aim of encouraging compliance.  
This could have the triple benefits of: a) legalising the formal economy, which is a crucial step to combat the war economy, b) enhancing the humanitarian and economic situation of the Syrian people who are hit hardest by these measures, and c) lifting these measures as an incentive for the Syrian government to comply with specific human rights measures, such as ending the shelling of civilian areas and releasing detainees.
2. The EU could consider sending monitoring mission from the Common Security and Defence Policy (CSDP) to monitor local ceasefires in Syria, especially in areas where the security situation allows for such mission to be deployed.
3. The EU should upscale its support for the newly emerging legitimate local actors, particularly the LACs, and put strong emphasis on supporting good governance.

4. The EU should play a pivotal role not only on supporting civil society and the local civic authorities in Syria, but also should put its weight behind making them an essential part of the solution, and ensuring their presence at the heart EU should show and commit to justice and accountability and take the lead on this side.