Conclusions and Policy Recommendations Based on the Workshop
‘The Responsibility to Protect in Syria – What Can the European Union Do?’
organised by Heinrich-Böll-Stiftung European Union and IKV Pax Christi The Netherlands on 5 December 2012

The workshop ‘The Responsibility to Protect in Syria – What Can the European Union Do?’ brought policymakers from NGOs, think tanks and the European Institutions together with Syrian citizens to discuss the need and possibilities for the involvement of the European Union and its Member States in Syria. The debate which focussed on human rights, human security and humanitarian help prompted the following conclusions.

The participants were united in their commitment and willingness to push the European Union and its Member States to do more than it has done so far in the conflict in Syria.

I. Human Rights

The hope that the UN Security Council will agree to a referral of the Syrian case to the International Criminal Case (ICC) should not be given up. Besides the moral sign, it could actually help speed up Assad’s departure and prevent him and others to sit at the table for possible future negotiations about Syria’s future. The argument that involving the ICC will cut off possibilities for the Assad regime to step down and, therefore, complicate political transition is invalid – the same argument was also heard in the case of the conflict in Yugoslavia. Another example for proving these arguments wrong is the case of former Liberian president Charles Taylor, whose arrest-warrant actually speeded up the negotiations for ending the civil war. However, the EU can only convince others to support the ICC referral if it can speak with one voice. There is some hope that it might be possible to challenge Russia’s stance, considering the referral is the only independent measure for the UNSC to take and that there have been constructive remarks by Russian authorities about it in the recent past.

In the meantime, one should focus on the Swiss initiative to build cross-regional coalitions to support a referral to the ICC. It would be important to involve non-European countries in order to avoid the accusation of a Europe-centred approach; especially countries with similar experiences in their own history (e.g. Argentina or South Africa). At the same time, the possibilities to pursue Syrian cases in countries which have national provisions on universal
jurisdiction (like Belgium, Spain or Germany) should be thoroughly researched and used whenever possible.

II. Human Security

As an intervention by the international community to protect civilians in Syria seems unlikely and, also, the proposal to create a ‘no-fly zone’ could not find substantial support, the only realistic alternative is to help the Syrian opposition to protect themselves. The recent formation of the Syrian National Coalition for the Forces for Opposition and Revolution (SOC) has opened new perspectives for the European Union and its Member States to play a constructive role. They should leave their wait-and-see stance and take a more proactive approach. The EU and more of its Member States should follow the U.K.’s and France’s example and recognise the SOC as ‘the sole legitimate representative of the Syrian people’ being fully aware of the fact that the Coalition is and cannot be perfect. It is crucial not to take a ‘wait and see’ approach, but to engage with the Coalition right now, to help them to develop the conditions for international cooperation and support and improve human security in the liberated areas. Local civil councils need to be assisted to rebuild civil institutions in liberated areas; they also need material support and capacity building to be able to fulfil their role. Support is also needed in the attempt to establish civil control over the armed groups in order to prevent retribution and acts of revenge. Transition is already taking place in these liberated areas, the process will be determining for the future of Syria. Finally, ways have to be found to prevent further airstrikes and artillery attacks by the Assad regime.

III. Humanitarian Help

A gap could be observed between Syrian expectations and what the international community and EU are currently able to deliver. The Syrian side, understandably, asks for a less bureaucratic and more-confidence based approach, whereas for the EU there are restrictions concerning monitoring and issues of transparency in its attempt to help people inside Syria and in the neighbouring states and do justice to all of them. Another difficulty is how to identify the needs, how to address them and how to get the help there where it is needed. Also, and related to this difficulty, the impression prevails on the Syrian side that there is a gap between the commitment of the international community and the actual fulfilment of this commitment.

A serious concern is the issue of neutrality to which humanitarian help is obliged. It has to be pointed out that the more complex the situation is the more difficult it gets to be neutral if one wants to help those who are trapped in situations which are characterised by different layers of complexity. This is a problem not easily to be solved in warzones.

The challenging question for the EU and its Member States is finally: how open are the European borders? Is there any willingness to take in Syrian refugees as Syria’s neighbouring countries have reached their limits and will there be any movement in changing the current visa policy regarding Syria which practically makes it impossible for Syrians to enter the EU even if they are not planning to ask for asylum? This question about a European ‘open border policy’ towards Syria should be taken up urgently with the responsible authorities. It is important to give a clear and strong signal to the Syrian people that they are not left alone.
Briefly after the Workshop, on 10 December 2012, the Foreign Affairs Council of the EU once more discussed the situation in Syria. The Council met with Mouaz Al Khatib, president of the Syrian National Coalition for the Forces for Opposition and Revolution. After the Council meeting the German government and the governments of the BeNeLux countries announced they would recognise the Coalition as the legitimate representative of the Syrian people. The Heinrich-Böll-Stiftung European Union and IKV Pax Christi welcome this recognition as an important step in the engagement with the Syrian opposition and hope other EU Member States will follow.

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