What Can the European Union Do in Syria?
A Joint Policy Paper

Chapter I: Human Security

The Syrian Revolution turning into civil war
More than two years ago the Syrian Revolution started as a popular and largely peaceful protest against the brutal dictatorship of the Assad regime and the Baath Party. Even now, although the revolution has turned into a violent struggle for power, the popular call for rights, human dignity and a free and inclusive Syria are still part and parcel of the revolutionary movement. Yet, in two years time, the Revolution has turned into a civil war.

Although the Assad-regime still clings to power in part of the country, in particular the Damascus and coastal regions, the struggle for the future of Syria after Assad has already started. The Syrian Opposition Coalition (SOC), led by Mouaz al Khatib, has broad support among civil activists and can count on the loyalty of armed groups loosely organised under the umbrella of the Free Syrian Army. Yet, other armed groups, including Salafist and specific Kurdish armed groups do not share the loyalty to the SOC. The Salafist armed groups, in particular al Nusra, although still a minority in the revolutionary movement, are better armed and gaining ground. Clashes between different armed groups have already taken place in parts of the country. The Assad regime itself is withdrawing its army more to the Damascus-region, the coastal areas and the main roads to the coast and Beirut, leaving other parts of the country to regime-loyal armed groups. The USA and Jordan have accelerated training of Syrian Opposition forces amid concerns that moderate forces may be overtaken by extremist forces in southern Syria. Even if the Assad regime will lose its power in Damascus, the role of the regime-loyal armed groups, the Shabiha, might not be over.

The price of inaction
The international community has been unable and unwilling to intervene militarily in Syria for fear of getting entangled in a war similar to those in Iraq or Afghanistan and aware of the well-armed Syrian government forces fighting in densely crowded neighbourhoods. However, the current situation in Syria underlines that the choice not to intervene also causes enormous risks. Firstly, the on-going humanitarian crisis reaches a level where the bloodletting is simply too awful to ignore. Neighbouring countries are reaching the limits of what they can handle in terms of refugees and spill-over risks. Inaction also enabled radical and criminal groups to gain presence on the ground in Syria.

The rise of Jabhat al-Nusra is directly related to lack of consensus within the Security Council, risk-aversion after Iraq and Afghanistan and hesitations to support the divided opposition. Moreover, regional powers such as Iran and Saudi Arabia have gained ground inside Syria and this bears the risk of another proxy war similar to the one in Iraq or Lebanon. The sectarian dynamics of the conflict also become stronger the longer the conflict lasts. To conclude, the West’s inaction directly contributed to the prolonging and deepening of the
conflict and increased the risks for the whole region. Syrians have the growing feeling that the international community and in particular Western countries have failed them.

**The Syrian Opposition Coalition has a strong case for claiming sovereignty over Syria**

Sovereignty is granted to a government by its people, it is conditional and not a given. Sovereignty implies accountability to two separate constituencies, internally to the Syrian people; and internationally, to the community of responsible states and in the form of compliance with human rights and humanitarian agreements. Any state has the responsibility to protect its own civilian population from gross violations of human rights and threats to their human security. A government that commits war crimes and crimes against humanity and violates fundamental human rights cannot claim sovereignty in an effort to keep the outside world from stepping in to offer protection and assistance. When a government massively abuses the fundamental rights of its citizens its sovereignty should be suspended.²

We argue that the Syrian Opposition Coalition has a far stronger case for claiming sovereignty over Syria and its people. With the increasing threat to human security coming from some of the armed rebel groups, the Syrian Opposition Coalition headed by Mouaz Al Khatib is the only party in the conflict who at least has the willingness to protect the civilian population.

The continuing demands of the international community to the oppositional actors on the ground and the SOC to adhere to certain standards, to guarantee a united state and an inclusive society and to establish civil control over its armed forces have reached its limits. No further gains, just prolonged suffering can be expected by not granting a roadmap to recognition of the SOC as representative of the Syrian state. The coalition needs this recognition to further implement these justified demands and be effective. Rather than putting even more preconditions on the SOC, the International Community should take further steps in the engagement with the SOC to prepare it for its role as the future government of the post-conflict Syria. In order to enable the SOC to take its role as de facto governing body and to perform administrative functions in the areas under opposition control, the SOC needs substantial support to ensure the protection of civilians in these regions.

**Roadmap for full recognition of the Syrian Opposition Coalition**³

So far, more than hundred countries have recognised the Syrian Opposition Coalition as the legitimate representative of the Syrian people. This political recognition gives political legitimacy to the struggle of the SOC against the repression of the Syrian regime; allows the group to speak for the Syrian people at international forums; creates space for the SOC to open ‘representation offices’; and opens channels for giving financial and humanitarian support. However, this political recognition leaves intact the international legal status of the Assad regime being the de jure government of the Syrian state. Many states as well as the EU now combine political recognition of the SOC with maintaining diplomatic relations with the Assad led state. The Assad regime’s membership of international organisations such as the UN remains untouched.

In this respect, the League of Arab States (LAS) took an interesting step in upgrading its recognition of the SOC when adopting, on March 6th, a resolution inviting the SOC to take a seat in the LAS, after it had expelled the Syrian regime in 2011. Another unprecedented step is the opening of Syria’s Opposition Coalition’s first embassy in the Qatari capital Doha.

Western states have so far been reluctant to take similar steps and create a future perspective for upgrading their political recognition of the SOC to recognition of the SOC as

---

² Francis M. Deng et al, Sovereignty as Responsibility, Washington 1996
³ For more info: “International Recognition of Governments in Exile; Legal Memorandum; Prepared by the Public International Law & Policy Group; February 2013
future representatives of the Syrian state. Such steps could include bilateral recognition, EU-recognition or even UN membership for the SOC. Recognition of the SOC representing the Syrian state implies a de facto de-recognition of the current Syrian regime. Reluctance to do so is understandable. An important factor is that de-recognition of the regime might make dialogue initiatives between the opposing parties less likely. However, time is running out for waiting for Assad to make a conciliatory move. Suspension of the legal representative status of the present government of Syria leaves sufficient room for Assad’s associates to open backchannels for dialogue. Time has come to further increase pressure on Assad and to develop a strategy of further marginalising his regime by enabling the SOC to begin acting as the interim government of Syria, as a precursor to a fully empowered transitional government.

In practice, states of the international community will only extend recognition to the SOC as representing the Syrian state if the SOC achieves effective control, which means that its executive has the power and ability to govern administration and policies of (a part of) the Syrian population and territory effectively. While behind the scenes hard work is being done to create an SOC government, it remains to be seen if this government will in practice be able to gain control over the so-called liberated areas in the short term. Protection from airstrikes by the regimes army is one of the crucial conditions for establishing effective control by the SOC.

So, while full recognition of the SOC is premature at this stage, on a mid-term basis, we believe that Western states should create a clearer perspective ─ a roadmap ─ for the SOC to develop into a viable government, which can replace the Assad government as the legitimate representative of the Syrian state.

Creating a roadmap towards future recognition of the SOC representing the Syrian state would have the following advantages:

- It shows a clear commitment by Western countries to the Syrian people – and its representative, the SOC – that they have the future, and the Assad regime has not.
- By doing so, it would give leverage on the SOC to build a transitional government based on values such as inclusiveness, gender equality; respect for international humanitarian and human rights law.
- It will clear the way to invest jointly in developing an executive ‘on the ground’ in Syria’s areas under opposition control, including its ability to protect civilians.
- It would increase pressure on the Assad regime to take the last opportunity to enter into a dialogue for a political solution, as being proposed by special UN/LAS envoy Brahimi, but also give the message that patience is running out.
- Future UN General Assembly status of the SOC would increase the political weight of its calls for support to protect the civilian population in areas under its control. UNGA status for the SOC in itself would not contribute to the legality of military assistance to the SOC. However, UNGA status could increase the legitimacy for a coalition of states (for example NATO) to militarily support, if invited by the SOC.

Working towards legal recognition of the SOC as representing the Syrian state in the future and further marginalising the Assad regime, including at the UN level, is an important strategic choice Western states should make at this point.

Protection of civilians in Syria
The Assad regime has lost effective control over substantial parts of the country and population, but still continues to threaten the security of civilians in these areas with airstrikes and bombardments. Since the beginning of the year, the regime fired up to 90 Scud missiles

---

4 As an interesting recent precedent, legal status was granted by a number of states, including Italy and France, to the Libyan National Transitional Council, eventually leading to its acceptance by the UNGA in September 2011 as representing the Libyan state and denying the Kaddafi government any authority over Libyan territory.
on residential areas according to the Turkish Foreign Minister Davutoglu.\textsuperscript{5} The Syrian Observatory for Human Rights has recorded 40 ballistic strikes since last December. Human Rights Watch researchers on the ground have confirmed some of these missile attacks on civilian areas under opposition control. Cities that liberate themselves are collectively punished with shelling, as happened recently in Raqqa, the first provincial capital to come under full control of the opposition. Amnesty International has documented evidence that the airstrikes do not serve any military purpose, but target civilians and fighters alike.\textsuperscript{6} Human Rights Watch concluded in its recent report “Death from the skies”\textsuperscript{7} that the Syrian regime has committed gross violations of Human Rights and International Law since “The Syrian Air Force has repeatedly carried out indiscriminate, and in some cases deliberate, air strikes against civilians.”

The Syrian Opposition Coalition and local revolutionary committees and armed factions supporting it are at least willing to protect the Syrian civilian population, but are currently incapable. The newly elected Prime Minister of the SOC Ghassan Hitto has two important tasks that will determine his ability to win support of the people inside Syria. The first is to secure service delivery to the areas under control of the opposition. This is a huge challenge given the on-going bombardments and missile attacks by the Assad regime. As long as Assad continues to bomb, reconstruction and providing services become extremely difficult. As long as Assad enjoys air supremacy the transitional government will not be able to build a real presence in the areas under opposition control. The second key task is to unite the political and military approaches and formulate a unified political-military strategy to ouster Assad and to protect Syrian civilians. In recent months steps have been taken to unite armed groups and bring them under control of the SOC. But the opposition will only succeed if it is able to develop a unified strategy to transform Syria into a democratic state for all its citizens. It needs to combine political strategies to make the Assad regime irrelevant with trust building among the people in the areas under opposition control. Its military strategies should focus on the protection of civilians. In the liberated areas it needs to start replacing Assad regime institutions by democratic ones.

**Arming the opposition?**

Some countries among the Friends of Syria have realised that the EU arms embargo has in fact mainly hurt the position of the SOC and the armed groups recognising its authority. With supply of weapons from respectively Russia and Iran or the Gulf States, neither the regime nor the jihadist armed groups have been touched seriously by the EU weapons embargo. Currently France and the UK are proposing to lift or amend the EU arms embargo for the Syrian opposition and to start arming the Free Syrian Army in a “very carefully controlled” way as stated by UK’s foreign secretary William Hague. In fact, there already have been arms supplies through Croatia\textsuperscript{8}. Other European countries, most notably Germany and also Austria with 400 soldiers participating in the UN peace force in the Golan Heights, Czech Republic, Finland, Luxembourg and Sweden remain very reluctant to amend the EU embargo.

The Center for Civilians in Conflict has considered different options for military involvement or intervention in Syria focussing specifically on the costs and benefits for human security\textsuperscript{9}. The options include:

\begin{itemize}
\item \textsuperscript{5} http://www.hurriyetdailynews.com/syria-fired-up-to-90-scuds-says-turkish-fm-.aspx?pageID=238&nID=42360&NewsCatID=338
\item \textsuperscript{7} http://www.hrw.org/sites/default/files/reports/syria0413webcover_1.pdf
\item \textsuperscript{8} http://brown-moses.blogspot.nl/2013/02/more-background-on-croatian-weapons-in.html http://www.nytimes.com/2013/02/26/world/middleeast/in-shift-saudis-are-said-to-arm-rebels-in-syria.html?pagewanted=all&_r=0
a. Train and equip the armed opposition;
b. Conduct limited airstrikes targeting military objectives, in particular Syrian aircraft on the ground and Syrian regime’s runways;
c. Deploy patriot batteries close to the Syrian border to potentially engage Syrian aircraft;
d. Standoff no-fly zone (enforcing a no-fly zone without crossing into Syrian airspace) or full no-fly and no-drive zones;
e. Deployment of an international security force post-conflict.

All options contain the risk of retaliatory escalation by the regime. Therefore examination of potential negative impact on civilians is a minimum requirement for all military options. From the different options, the option of arming the opposition was considered the worst military intervention option for minimising harm to civilians, mainly due to misuse and unintended proliferation. Additionally, weapons become almost impossible to track and might pose an increased risk for post-conflict proliferation and facilitate post-conflict violence. Moreover, the lack of a unified command structure and uncontrolled arms provision might form an extra risk to civilians. The SOC should clearly express its aims at transforming the armed groups into an army with respect for Human Rights and International Law and willing to put mechanisms for accountability in place. The FSA is developing into a better organised and coordinated revolutionary army, yet it still has many characteristics of irregular local armed groups. Amnesty International documented serious human rights violations and crimes by opposition armed groups, including some connected to the FSA.\(^\text{10}\)

**Intervention to protect civilians**

Meanwhile several NATO countries are working on contingency plans for possible military action, apparently including limited airstrikes, deploying the NATO Patriots deployed in Turkey and a no-fly-no-drive zone. However, prior to NATO involvement, American officials emphasised, there would have to be a U.N. Security Council resolution, a regional agreement, and agreement among the alliance’s 28 nations. “So within NATO channels, what we are focused on is defending that border with Syria”.\(^\text{11}\)

In an earlier stage of the conflict, France and Turkey, individual analysts, as well as many Syrian activists, have proposed a no-fly zone as a way to protect civilians in areas under opposition control. Russia and China, still shocked by the effects of a no-fly zone in Libya, immediately opposed in the UN Security Council. But most other countries in the region and in the West also show very little appetite in a costly and risky operation. Contingency planning for military intervention may however add to the pressure on the Assad regime.

The air supremacy the regime holds forms an unacceptable threat for the civilian population in areas under opposition control in cities such as Raqqa, Deir Alzour and Aleppo. The regime’s indiscriminate and disproportional air strikes are clearly violating fundamental norms of International Humanitarian Law, civilians are deliberately targeted. The increasing use of ballistic missiles and continuing air bombardment intentionally targeting civilians and aid distribution must and can be stopped. Limited air strikes or a no-fly zone would considerably improve human security.

A careful but determined escalatory politico-military strategy should be considered by the EU and the Friends of Syria. This strategy should be aimed at disabling the regime’s capacity to harm its own people by denying the regime access to the airspace over at least the areas under opposition control, with the inclusion of halting ballistic missile attacks. The political message should be determined, unambiguous and clear, with the military and political capital to back it up and see it through when necessary. NATO has already placed Patriot missiles at the Turkish border. During the Arab Summit in Doha in March 2013, the SOC leader Mouaz al Khatib indeed called for the deployment of the Patriots, which so far has been

---


rejected by NATO. Using the Patriots would have sent a clear message to the Assad regime, that the use of ballistic missiles and aerial bombardments are no longer accepted. The risk of causing more civilian harm would have been very low, but because of their limited range, the positive effect of protection by Patriots would have been limited as well.

A more effective step would be limited air strikes, starting with the targeting of major Syrian airfields and surface-to-surface missile facilities, well chosen as to minimise civilian casualties. These strikes are possible without prior campaigns to disable Syrian air defence systems deployed in residential areas. Analysts however emphasised that these limited strikes require extensive intelligence and were likely to have only moderate success rates. Limited airstrikes will not be effective in proactively and completely stopping civilians from being killed, injured and threatened but could significantly reduce the capacity of the regime to harm its citizens. The Civilians in Conflict report considers limited airstrikes as the most effective option for the protection of civilians with the least risk of causing more harm.

This option may be the most feasible from a political point of view. But even limited airstrikes are not a ‘light version’ of intervention; it would in fact demand active involvement of the Turkish Army and other NATO allies, including the U.S. to realise the airstrikes effectively and would involve high material and economic costs. One should also realise that limited airstrikes would certainly lead to responses by the Syrian regime and possibly its allies. The operation should be politically backed also by Arab states and the League of Arab States. However, the positive effect on the human security situation would be considerable. If the areas under opposition control are secured from air strikes, it could give the Syrian opposition a better chance to start rebuilding these towns and cities.

We believe that countries in the Friends of Syria coalition should seriously consider the option of limited airstrikes to protect the civilian population in at least the areas under opposition control and allow the SOC to start rebuilding civil institutions on the ground. Turkey and other NATO countries should start looking into the legality or at least legitimacy for such an operation. Ideally Russia and China should cooperate. In the present circumstances that would be unlikely and an alternative form of legitimisation of such an operation would need to be investigated.

**Legality and legitimacy of an intervention**

We are well aware that current international law provides no legal basis for an intervention in Syria as long as the Security Council is unwilling, for political reasons, to intervene by force to protect Syrian citizens. However, we believe that due to large-scale violations of fundamental rights in Syria and their effect on regional stability, the moment is coming nearer that it may no longer be possible to ignore the increasing need to intervene in Syria.

The concept of state sovereignty, as incorporated into the UN Charter when it was drawn up 1945, has been changing considerably in practical terms. We attach great importance to the responsibility of the international community to protect Syrian citizens against grave war crimes and crimes against humanity. At the same time, the ban on the use or threat of force has remained firmly anchored in the UN Charter and has proved a vital contributing factor to the international peace and stability of relations between states. We are also aware that an explicitly recognised justification for intervention without a Security Council mandate may be abused by states to further their own political aspirations.

We acknowledge the occurrence of situations involving such grave, large-scale violations of human rights that states feel compelled to intervene militarily to protect civilians. The intervening states will then have to account to the UN for their intervention, for in international law such intervention constitutes an infringement of the international rule of law. Such an infringement can only be justified if the intervening states can demonstrate that they had to act as they did in order to prevent or oppose a far graver infringement of that self-same rule of law.

The foregoing implies that, if the permanent members of the Security Council are unable to reach agreement on the protection of civilians in Syria, the maximum degree of legitimacy
must be obtained by other means. The soundest procedure for doing this is that states should first of all attempt to obtain formal Security Council authorisation for the use of force for protection of civilian purposes by means of a draft resolution. This should have as detailed terms of reference as possible. Should this attempt to obtain Security Council authorisation fail, the next logical step is to submit the matter to the General Assembly, taking the procedure laid down in the Uniting for Peace resolution as a basis.

Chapter II: The Humanitarian Situation

Recent reports about the humanitarian situation in Syria draw a dire picture. In February 2013, the UN assessed that more than 70,000 people had died in the conflict. In early March 2013, the UN established the number of registered refugees in neighbouring countries and North Africa at one million. With the high number of unregistered refugees, the actual figure might be much higher and according to Doctors without Borders (MSF) in recent months, every day 7,000 Syrians have left the country. The number of internally displaced persons (IDPs) was estimated to be double or even triple of that.\(^\text{12}\)

These figures indicate clearly a deterioration of the situation, which is mainly due to four factors. First of all, there are no safe zones. Areas under opposition control remain subject to daily aerial strikes and in areas that for a long time remained under government control – the city centre of Damascus and the coastal areas – more and more places are heavily contested, besieged or otherwise cut off from delivery of goods. Large parts of the infrastructure have been destroyed. Second, the harsh winter and the shortage of affordable basic goods such as diesel (for transport and heating), electricity and cooking gas have contributed to the demise. Third, the government is hardly allowing any NGOs to work in Syria and their outreach remains geographically limited. Fourth: the overall insecurity, in rebel-held as well as disputed areas, does not make access easy. The diversity of sometimes competing groups on the ground and the absence of centralized structures makes the delivery of aid and support difficult in the whole country.

In March 2013, Valerie Amos the UN's under-secretary general for humanitarian affairs and emergency relief coordinator, said that so far only 20% of the pledges had materialised, urging donors to transfer the money in order to avoid a deepening of the humanitarian crisis. She also mentioned the necessity of establishing humanitarian corridors, allowing for better access to people in need and said that for this a UN resolution would be needed.\(^\text{13}\)

Poverty is increasing in Syria while prices are rising and many goods are hardly available at all. Those living from the tourism sector or Syrian industry have basically lost their income. Government employees have little chance of receiving a salary if they are in areas under opposition control, and in the disputed territories or those under governmental control, they have had to accept reductions.

The issue of neutrality

Under the given circumstances, it seems impossible for humanitarian organisations to live up to the ideal of neutrality. This is partly due to the government's – unofficial – policy of rejecting cooperation with those organisations that operate in areas under opposition control.\(^\text{14}\) Doctors without Borders (MSF) has, despite repeated requests, not been allowed


\(^{13}\) Read more: http://www.digitaljournal.com/article/345932#ixzz2NyRbsjIS

\(^{14}\) Only in 2007, the Syrian government accepted international NGOs at all to Syria, back then it admitted selected NGOs to assist Iraqi refugees on the condition that they were cooperating with SARC and get SARC's approval. When international organizations during the revolution indicated their readiness to work in areas under opposition control, the Syrian government made clear to the respective organizations that this would mean the end of operating in areas under the regime's control.
to work in Syria but has managed to establish three field hospitals in the north. The UNHCR was able to assist only 700,000 refugees, the majority of which are based in areas controlled by the Syrian government. The UN agencies and other international NGOs depend largely on information and services provided by the Syrian Arab Red Crescent (SARC) which has hardly any access to areas under opposition control. In contrast to the practice in other countries, SARC does not provide lists of the beneficiaries to the donor organisations, which makes it difficult to know what exactly is distributed to whom. The largest funds pledged in humanitarian aid will be distributed mostly in governmental controlled areas. Apart from the diplomatic impediments to send aid to areas under opposition control, access is not safe there, most donors have legal restrictions preventing them from working with non-registered entities and it is also not easy to know about reliability and capacities of organizations. Citizens in areas under opposition control therefore benefit less from international assistance and are at the same time more vulnerable.

Sanctions
Sanctions on the Syrian Central Bank have made it near to impossible for the Syrian regime to buy products outside, including food and other essential goods. The shortage has resulted in skyrocketing prices for cooking gas (40§ a bottle in December 2012 which is six times as much as before and many citizens complained that the bottles were only half-filled), Diesel for cars and heating, and food –while Syrians have had less and less opportunities to earn their living. Due to the ban on bank transfers, money cannot be transferred into Syria and Syrians in the region are not allowed to open bank accounts unless providing a service letter from their employers, which in absence of work permits is difficult. While the ban on bank transfers seems to make sense on the political level, for many of Syria’s citizens it is an additional hardship because even if they have relatives outside, these can hardly financially support them.

Regarding the embargo on the export of arms, the current approach indirectly privileges the Syrian government. The effect of lifting restrictions on the arms ban is difficult to assess. The EU should put serious effort in preventing arms deliveries to the Syrian government. In a similar fashion that pressure is being exerted on Iraq, it should be considered for other states through whose harbours or air space deliveries for the Syrian regime are being transported.

Education in Syria
According to UNICEF’s education assessment – conducted in December 2012 – at least one fifth of the country’s schools has suffered direct physical damage and 2,400 schools have been damaged or destroyed. Over 1,500 schools are being used as shelters for displaced persons. Some schools have been used by conflict parties. In the most conflictive areas, some children have already missed out on almost two years of schooling; in Aleppo the attendance rate at school has dropped to 6%. Parents are reluctant to send their children to school, fearing for their safety. In areas hosting high numbers of displaced families, classes are overcrowded, sometimes hosting up to 100 students. Also, in neighbouring countries, arrangements for schooling of child refugees have not been able to keep pace with the constantly growing demand. With education being a central pillar for a better future of the country, the European Union should make a serious effort to help in this sector.

Universities partially stopped operating. Especially after the shelling of Aleppo University during the exams with the high number of casualties, security concerns keep students from following their careers.

Medical facilities
Estimates are that more than 50% of Syrian hospitals have been destroyed. Many more have been damaged or suffer from a lack of even basic medical equipment. Already early in the revolution, medical ethics were violated by threats against doctors and nurses treating

---

15 See report or MSF, March 7, 2013.  
http://www.doctorswithoutborders.org/publications/article.cfm?id=6669&cat=special-report
wounded and sick regardless of their political affiliation. Doctors and patients from hospitals have been arrested and persecuted, some of them tortured to death. Field hospitals set up in areas under opposition control are operating in poor conditions due to a lack of infrastructure and funding. The treatment of combatants has often priority. People in need of treatment for diabetes and other chronic diseases are in a bad situation, maternal health has become nearly impossible to obtain. MSF also mentions that due to 18 months now without vaccination programmes for children in many areas, diseases spread and make children additionally vulnerable.

Another question is the accessibility of medical facilities. While there are medical facilities close to the Turkish border, in order to be eligible for treatment in Turkey, Syrians need either a passport to enter – which many Syrians do not have – or they have to register as refugees even though they do not want to stay in Turkey.

**Neighbouring countries**

Travel inside Syria has become more and more difficult, with the country's increasing division and higher level of violence, which also means the geographic location of people inside Syria often determines where they can seek refuge outside. Syrians from the north tend to go to Turkey, from the centre it is mostly Lebanon and from the south it is Jordan.

All neighbouring countries have received Syrian refugees but have different capacities in handling the issue and all are pursuing different policies towards letting them enter and accommodation. In none of the neighbouring countries, Syrians are eligible for work permits, which makes them dependent on support from the respective countries, on third party funding or forces them to live off savings.

The conflict has pushed many of the one million Iraqi refugees that were still hosted by Syria back to **Iraq** and a smaller number (about 60,000) Syrian refugees into Iraq, mainly the Kurdish north and the province of Anbar. With domestic turmoil and violence continuing in Iraq it is ill prepared for offering shelter. All border crossings have been closed, with the northern one altering between open and closed.

In **Jordan**, refugees are not allowed to cross at the official border crossing, where on a frequent basis they are told to go back and cross illegally in order to obtain refugee status. Those who came during the first year of the revolution have been allowed to freely choose their location. In July 2012, a camp opened in Zaatari and a new law was released stating that any refugees from Syria should live in organised camps. Due to its location in barren land exposed to harsh weather conditions, in winter 2012 several children froze to death in the camp; weeks later the camp also suffered from being flooded. Both shows that conditions in this camp are particularly difficult and that Jordan needs more support in providing all necessary services.

Conditions in camps in **Turkey** are described as much better. With more resources on its own, **Turkey** has been able to manage the camps better, but as in Jordan, there are concerns regarding tensions especially in the province of Hatay. While the local population tends to feel more sympathetic with the regime, many of the refugees who come here are supporters of the revolution. Turkey's generous attitude towards cross-border activism has also instigated fears of militant or extremist actors among refugees which are seen as affecting the social fabric of the region. Recently it was reported that Turkey deported 600 Syrian refugees – which the Turkish government denied – and Turkey has become more restrictive as to who and how many Syrians can enter. Other than before, a passport is needed for crossing the border, and increasingly refugee camps are set up on the Syrian side of the border, like in Atme and Bab Salaam.

**Lebanon** keeps its borders open, with the additional advantage that for entering Lebanon, Syrians need an ID only, not a passport. In this border it is the Syrian authorities who are still in control of the crossings and who often prevent Syrians from leaving the country. Only the Masnaa border crossing between Beirut and Damascus is open for families and even here, there are restrictions. Since about a year, governmental employees need a permit by the
Ministry of Interior to leave the country and particularly women travelling with children are often prevented from leaving Syria, since it is assumed that they will not return. In Lebanon, no central shelters have been established and provision of goods to refugees largely remains a responsibility of the municipalities. The impact of a continued stream of refugees means a strain on all concerned countries, both in social-economic as in political terms. In case of Lebanon, the impact of developments in Syria is higher than in any other, because two major sources of income of the Lebanese economy, namely tourism and the export of agricultural products that used to take place mainly through Syria, have nearly ceased. With Lebanon's society consisting of a similar religious mosaic as the Syrian, concerns raise that the number of refugees and their different affiliations might enhance tensions or spark unrest also in Lebanon. This is happening on a smaller scale, particularly in northern Lebanon and in the border region. With the resignation of the Lebanese Prime Minister Najib Mikati on March 22, 2013, Lebanon is facing political and economic challenges that need to be taken seriously. Many Syrians who come to Lebanon do not register as refugees. The more privileged have rented apartments; the much higher living cost in Lebanon in comparison with Syria, however, makes this difficult on the long-run. Palestinian refugees from Syria often found shelter in Sabra, Chatila and other Palestinian camps that are already overcrowded. The Lebanese experience with political dynamics evolving within Palestinian camps under dire socio-economic conditions makes the whole issue of refugees and particular the issue of camps difficult to discuss.\textsuperscript{17}

Officially, Syria withdrew from Lebanon in 2005 but always kept a certain level of control, through intelligence and Hezbollah. While this seems to be fading, refugees and their positioning towards the Syrian government is a very sensitive issue and Syrians in Lebanon are careful about their movements and political visibility.

Israel has not received Syrian refugees but has on a small scale been treating rebels wounded in the border area.

The EU's current approach to encourage the countries in the region to keep their borders open would need to be backed-up with more funding, especially to keep pace with the increased numbers of refugees. Restrictive visa policies of the EU still make it difficult for Syrian voices to be heard, because many can simply not enter and advocate their cause.\textsuperscript{18}

**EU policies regarding refugees in EU countries**

The European Union so far has not found a joint approach regarding Syrian refugees in the EU, an issue highlighted in two statements of human rights organisations in December 2012 and January 2013 respectively, which call upon the EU and its member countries to streamline their approaches to the crisis. Human Rights Watch described seeking asylum in the European Union as a “protection lottery”\textsuperscript{19}. While in some countries, most Syrian asylum seekers are automatically granted some form of protection, other countries are rarely offering protection. In the worst cases, Syrians were detained upon arrival and held for periods between days and months and some countries even returned a limited number of refugees or considered doing so. HRW has called upon all EU Member States to follow binding EU directives establishing reception standards and refrain from routine detentions. In the same statement, HRW also points to the possibility of the EU to invoke the ‘Temporary Protection Directive’ which would enable Member States to grant residence permits (and work permits) for the duration of an established protection period, thus enabling Syrians to earn their own living and reduce their vulnerability by granting them access to medical services.

\textsuperscript{17} The Lebanese state is afraid that inside camps, political entities could develop a potentially harmful 'state within the state' dynamics.

\textsuperscript{18} This, of course, does not refer to refugees as such, but it is one factor that prevents local activists from discussing the needs with European decision makers.

Chapter III: Recommendations for EU measures:

In General

1. Develop together with the Friends of Syria and the SOC a roadmap towards recognition of the SOC as representative of the Syrian state, including a future perspective towards full UN General Assembly membership. This roadmap should include steps towards the establishment of an inclusive, humanitarian law and human rights observing, gender equality oriented and truly representative governing body based on effective control in the areas under opposition control.

2. Use this roadmap as a means of pressuring the Assad government, granting it a last chance to engage in a true effort to find a political solution.

3. Maintain the EU arms embargo at this stage, as the SOC and FSA cannot yet meet the criteria for responsible armament.

4. Start preparation of and building consensus over, contingency plans for military options to stop the regimes aerial bombings and ballistic missile attacks on civilians. These plans may include options for limited air strikes and/or a limited no fly zone as potentially the most effective ways to disable the regime’s capacity to harm its own people and to protect Syrian citizens in areas under opposition control from the most severe crimes against humanity and violations of the laws of war.

5. Keep advocating for humanitarian access with the Syrian regime and for a UNSC resolution. Ideally, there should be a humanitarian UNSC resolution, however it’s feasibility is dependent on the circumstances on the ground.

6. Fundraising. This crisis has become so extraordinarily large that it is necessary to think in large dimensions. This includes development cooperation assistance in neighbouring countries whose economy is suffering anyway from the Syrian crisis and which often does not have the means to support the high – and ever growing – number of refugees.

7. Give the opportunity to the ‘assistance co-ordination unit’ (ACU) and other Syrian NGOs to participate in conferences that discuss/address the humanitarian needs in Syria and to be part of planning, coordinating and implementing the response plans.

8. Maintain the ‘humanitarian track’ established with the Syria Humanitarian Forum. The EU should continue to ensure that humanitarian aid in Syria is not politicised but serves only those in need on the ground, in particular the most vulnerable among them.


10. Explore possibilities for large-scale grant making for Syrian university students in Europe.

In Syria:

11. Strengthen the efforts to build a network of all committees/groups/NGOs that work in the relief field.

12. Assist in building the capacity of the Assistance Coordination Unit (ACU) to be able to play a leading role in coordinating all assistances provided to Syrians in areas under opposition control.
13. Assist in renovating the damaged schools especially in the areas under opposition control and assist the alternative school initiatives (home schools, camp schools etc.).


In the neighbouring countries:

15. Explore the possibilities to establish a liaison office in Gaziantep that can function as a hub for donors and beneficiaries for the areas under opposition control.

16. Offer more health facilities in neighbouring countries and offer treatment of severely wounded in third countries.

17. Secure access for Syrians inside Syria to health facilities in the neighbouring countries and put a stronger emphasis on psychological support, including expertise in working with torture victims, and gender based violence.

18. Explore possibilities to support the education sector in order to ensure schooling for the high number of children among the refugees.

For more information please contact:

Marianne Ebertowski, Director Common Foreign and Security Policy, Heinrich-Böll-Stiftung European Union, (+32) (0)02.743 41 05, marianne.ebertowski@eu.boell.org

Dr Bente Scheller, Director Heinrich-Böll-Stiftung Regional Office Middle East, Beirut, Lebanon, (+96) (0)1-56292612, bente.scheller@lb.boell.org

Jan Jaap van Oosterzee, Advisor Public Affairs Middle East, Netherlands (+31) (0)6 48981486, vanoosterzee@ikvpaxchristi.