

PRESENTATION POLICY PAPER

What Can the European Union Do in Syria? ¹

As a follow-up to the closed workshop “The responsibility to protect in Syria – What can the European Union do?” organised by the Heinrich Böll Stiftung European Union and Dutch peace organisation IKV Pax Christi on 5th of December 2012, both organisations will present a joint policy paper focussing on human security and humanitarian aid. With Members of the European Parliament and representatives of the EEAS and the European Commission, we want to look at what has happened in the last four months, whether our recommendations (http://www.boell.eu/downloads/Policy_Recommendations_Workshop_Syria%281%29.pdf) have been taken on board by EU policy and decision makers and what the current situation in Syria requires from EU policy and decision makers. The war in Syria has entered its third year and the death toll has reached 80,000. With more than one million registered refugees in the neighbouring countries and two to three million internally displaced persons, the human security and the humanitarian situation are close to catastrophic. In spite of the European Union’s commitment in the area of humanitarian aid and its acceptance of the Syrian National Coalition for Revolutionary and Opposition Forces as legitimate representatives of the Syrian people, the Member States remain divided over the role the EU should play. The voices for more robust measures e.g. a lifting of the arms embargo, are getting louder, even though the fears that this would lead to more deaths, greater radicalisation and more instability in the region are not unfounded. What exactly is it the European Union can and should do in Syria?

¹ The paper was presented by **Haid Haid**, Programme Manager Regional Office Middle East (Beirut), Heinrich-Böll-Stiftung and **Jan Jaap van Oosterzee**, Advisor Policy and Public Affairs Middle East and Caucasus; IKV Pax Christi. Discussants were Johannes **Luchner**, Head of Unit ECHO B/4, European Commission; **Judith Sargentini**, Member of European Parliament (GREENS/EFA); **Marietje Schaake**, Member of European Parliament (ALDE) and **Maciej Golubiewski**, European External Action Service, Desk Syria. **Annette Riedel**, Brussels Correspondent Deutschlandradio was the moderator. The event was held under Chatham House Rule. The opinions expressed do not necessarily represent the opinions of the hosting organisations.

Humanitarian aid

As far as **humanitarian assistance** is concerned, it needs to be underlined that most international NGOs have no access to conflict zones or opposition controlled areas. They have to choose whether they operate in government controlled areas or channel assistance across the Turkish border. There are Syrian community initiatives but they generally have little experience and are not registered, which makes their work difficult; Syrian Arab Red Crescent (SARC) has hardly access to opposition controlled areas and in contrast to the practice in other countries does not provide lists of beneficiaries to the donor organisations, which makes it difficult to say what exactly is distributed to whom. The largest share of international aid is thus distributed in government controlled areas. ***It is necessary to build the capacity of local initiatives, deliver assistance to all vulnerable groups, encourage self-reliance initiatives and provide the needed resources.***

When it comes to **economic sanctions**, it needs to be said that sanctioning bank transfers seems reasonable from a political point of view, but it has had negative impacts on ordinary Syrian people in and outside of Syria. Syrians in neighbouring countries cannot open bank accounts without a recommendation from their employer (although most work illegally) and Syrians inside Syria cannot benefit from their relatives' support due to the restrictions on transfers to Syria. Therefore, ***bank constrictions should not be inflicted on civilians.***

Concerning **education** the situation is that in some areas of Syria there is only a six percent attendance rate in schools. Schools are damaged, serve as shelters for internally displaced persons (IDP) or have been occupied by conflict parties. Moreover parents fear for the safety of their children, there are financial difficulties and there is a lack of resources. In opposition-controlled areas some people have restarted schooling or do home schooling; schools are being renovated and there are alternative schooling initiatives. Some teachers in these areas are still being paid by the government; others are not and have stopped working to look for other means to survive.

Finally, as far as **medical facilities** are concerned, more than 50 percent of Syrian hospitals are destroyed; many more suffer from a lack of basic medical equipment. Doctors and patients from hospitals have been arrested and persecuted; some of them have been tortured to death. People in areas controlled by the opposition do not feel safe to go to hospitals in areas controlled by the government, they mainly go to poorly equipped field hospitals; when surgery is needed, they try to sneak into one of the neighbouring countries or wait for a doctor to come to their area. Consequently, many die waiting for help. ***Hospitals need to be equipped and medical assistance should be given in Syria's neighbouring countries.***

The politicisation of the conflict and its consequences

The conflict in Syria is totally politicised even when humanitarian aid is concerned. The conflict has been politicised by many actors right from the beginning, first and foremost by Assad but also by others. It took a lot of pressure to have the situation in Syria recognised as no longer a human rights crisis (at the end of 2011, beginning of 2012) but as an internal conflict (with the consequence that international law is applicable). Again it took quite some time and effort to

have it declared a humanitarian crisis. In the third week of the bombing of Homs (when it was clear that there were urgent humanitarian needs) nobody had yet declared this an internal conflict or a humanitarian crisis. It was then that the European Commission took a decision in this direction. The issue at stake was also that there were 100,000 Iraqi refugees (taken care of by the UN HCR) in Syria and 500,000 Palestinians (taken care of by UNRWA); and both organisations were concerned about the consequences for their own work caused by any movements the international community might make, as at this point Damascus still denied that there was a humanitarian crisis.

From a humanitarian aid perspective one has to take different actors in account. The Assad regime in Damascus, France, the UK (which has said that the arms embargo should be reconsidered), there is the US (which has never denied that it is together with the Jordan government training soldiers in Jordan, later to be infiltrated into Southern Syria) and there are also huge arms shipments from Croatia, supposedly financed by Saudi Arabia, going to the rebels either. What this means on the ground is that in the area around Daraa (south of Syria), where you have the FSA but also Al Nusra, is no longer accessible to the Humanitarian Aid and Civil Protection department of the European Commission (ECHO) or their partners; it is impossible to work there due to the violence. Everybody had been hoping throughout the conflict for a political solution: but, in fact, the only option on the table for such a solution is the Geneva Protocol (which was signed by the US, Russia et al.) If you look at the last leaked General Assembly (GA) resolution drafts drafted by western countries together with Qatar, this protocol is no longer mentioned. However, the Geneva Protocol is the basis on which Mr Brahimi tries to negotiate; so, the so-called friends of Syria themselves are not clear if they want to win a war or if they want to find a political solution. This has serious consequences for ECHO's contingency plan and daily action.

The situation has reached the point where ECHO can basically no longer take responsibility for providing humanitarian aid. SARC which had all along been criticised for being Assad's humanitarian tool is now being demolished by the Syrian government. SARC volunteers are in jail and it has no longer the right to authorise humanitarian operations, nor is it allowed to cross lines anymore, something they have done so far under great difficulties. One has to wait and see what the UN and the International Committee of the Red Cross can negotiate with the Syrian government; but as long as it is politicians and ministers in Damascus who decide about humanitarian operations, these operations can no longer take place because they would simply serve the Syrian army. Syrian authorities are now regularly checking any medical supply trucks crossing lines and take out surgery equipment; they regard humanitarian aid as a tool of war. Working under these circumstances is a huge challenge.

The EU and the UN have come to the conclusion that they have never been able to provide for people inside Syria by crossing lines, which has actually happened more than was reported. Fact is that you will not reach people who need assistance by doing that; the only alternative are cross-border operations. Some are taking place, but they are minuscule compared to the need. An additional problem is that Turkey, which is a key player in that, has a policy of denying the existence of these operations. In order to get access to the free zone we have to work with the authorities in Turkey; so far these operations have been valuable but far too small. Cross-border

operations by the UN and SARC would be needed as was also mentioned in a UN Security Council press statement of 18 April (http://www.securitycouncilreport.org/monthly-forecast/2013-05/status_update_9.php).

There is a lot of talk of **liberated areas** (which are contested areas at most). The notion seems to be that they are areas where you can walk around and build capacity, but this is not the case: it is simply not safe to cross the Turkish border. The EU wants to do capacity building but cannot do it on the government's side because they do not want it; the government has reduced the number of NGOs with whom the EU can work to 27 (from a 100); humanitarian workers going into Syria are not really afraid of air strikes, they are afraid of the 56 checkpoints they have to pass to get to Damascus, half of them by the opposition.

Still, the interim government envisions the inclusion of civilians in the military; generals will nominate three or four civilians which will then be approved by Prime Minister Hito. This is an interesting commitment, which was made publicly so there is at least theoretical interest in civilian control but at the moment it does not exist. There is also a problem of **negotiations**: if some persist in the attitude – even after Assad is gone – that they will not negotiate because they want to win a war, which means that this war will continue even after Assad is gone. Some seem to want to win a proxy war between the Gulf States and Iran. How do you want to organise a buffer zone without a creating pool factor? This crisis has been totally underreported from a humanitarian point.

An additional problem is the situation of the **Palestinian refugees** in Jordan and Lebanon. They or their family have fled in '48 or '67, they found refuge in Syria and now they have to flee again. They are not welcome in Jordan, they are more or less welcome in Lebanon, but Lebanon cannot deal with them. They will probably never return to Syria, which is a risk for Jordan and for Lebanon because these countries are getting completely destabilised. In Jordan most of the inhabitants are already of Palestinian descent, but the King and his surroundings are not and therefore would not like to see an increasing imbalance. The international community will also have to think about what to do with this situation.

There are a few things that would be possible if the EU, the US and the Arab League take the lead. We have to start focussing on the region as more and more people are leaving Syria and there is the danger that the conflict spreads and a regional proxy war might break. Analysts say that we have never been closer to it. A mandate that has to be found in the UNSC is one for access to humanitarian aid. It is surprising that this has not been pushed for earlier but it is the least political of all the options and it should be tried. The EU and the US should pressure Russia and we have to see if that is not something that Russia would not block. However, humanitarian trucks would need protection, so what kind of signal would this send? Will the people that protect be provoked? What do you do when somebody shoots at a convoy with armed protection? We really have to think in detail about what could happen. The topic of humanitarian aid is the most viable and urgent – we need to find more money and make it available. Kristalina Georgieva, European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response does a great job, but funds are running out. The EU and the Member States have to do more. In the European Parliament this will put on the political

agenda and, hopefully, lead to a resolution. The Arab countries must be pressured to come forward with the money they committed; it is absurd and unacceptable that only such a small part of the money was actually transferred.

Human security

There is an agreement among European countries that state sovereignty is conditional. One of the main conditions is that a state should protect its people from war crimes and crimes against humanity. The Syrian government not only fails to do that, it is intentionally killing its own citizens and has proven to be the worst enemy of its own people. The real number of victims dead or injured is probably much higher than accounted for so far. This is a Responsibility to Protect (R2P) situation: the government is not protecting its own civilian population; the international community does not manage to protect the Syrian people either, even though much is done in the humanitarian field. The Syrian Opposition Coalition (SOC) in spite of all the challenges they have to face and all the problems of overcoming their own internal divisions and with only part of the militia loyal to them, at least have the protection of civilians on their agenda. At least they seem willing to protect. Any policy to create a bit more human security in Syria should therefore start with trust in the SOC. ***The recognition of the Coalition should be upgraded; it should take Syria's seat in the UN General Assembly and be recognised as the governing body of at least that part of the country which the government no longer controls.*** Obviously, this is a long process but we should engage in it. We have to understand that this is an enormous task: even if they are willing to, the question is whether they will be capable of protecting civilians.

There are discussions, especially in Europe, whether the arms embargo should be partially lifted. Everybody realises that the way it works now, the SOC and the Free Syrian Army (FSA) militia are the parties most hurt by the embargo, not the regime. It is therefore understandable that they ask to be armed. However, from the R2P perspective and analysing the different options, there are still challenges and problems when it comes to provide the SOC with weapons. At this point we would not advocate it; other ways have to be found to protect people. Part of our work is to think about the question, what will happen after Assad is gone. Therefore, arming the opposition is not helpful: it implies not only risks right now but also risks in the future after Assad has gone: it is risking another civil war with weapons which have been brought into the country before.

Finally, there is a problem with the concept of sovereignty and R2P, because, whereas in Europe one might agree, in the international community there is no agreement. R2P has been evoked only once in a UN mandate and this was in Libya. In that case Russia and China felt that the rest of the international community has overstepped its limits with that mandate and has pushed for regime change. That is why now they are reluctant to grant such a mandate again.

No-fly zones and safe zones

One of the other key problems in this respect is the continuation of ***air strikes*** in the areas no longer in control of the government; we should find ways to deny the Syrian air force access to this air space. This cannot be achieved over night. There are legal challenges to overcome and

it will be difficult to find international consensus. Yet, if we do not start thinking about it and put the option on the table, the message to Assad is: we may not like what you are doing but you can continue. This should not be the message we send.

Still, how do we go about this when there is no UNSC agreement on a no-fly zone? Also, as far as the no-fly-zone is concerned: NATO has always pointed out that it does not want to be involved. We have to be aware of the fact that a no-fly-zone would not only mean protecting people, it would involve a destruction of the anti-aircraft of the Syrian army and therefore requires military capacity and risks and people to fly over to actually enforce this no-fly-zone. Especially Turkey, NATO's second largest army, is not eager to see this happening. We get the feedback that the installing of Patriots had led to some more calm in that region but the capacity and the mandate to install a no-fly-zone is not a real option at the moment and Russia and China are responsible for this. Most practical options are blocked by Russia and China in the SC. How much support does a political alternative have? Can there be a silent diplomacy with Russia in a way that they do not say out loud that they allow it and they we will protest, but not react to it? Do we envisage such a deal with a country like Iran?

The question is whether it is at all possible to establish a safe zone. At her Meeting with the Committee on Foreign Affairs (AFET) and the Committee on Development (DEVE) of the European Parliament on 23 April, Commissioner Georgieva said that the establishment of safe zones has not worked out yet because there are no boots on the ground, no blue helmets to protect people. Without that a 'safe zone' is either a place where you can find people to slaughter or where soldiers from all sides come to rest and then continue to fight.

There are two red lines for the **Obama administration** (not clear if this also counts for the EU, but maybe they should be): the 'Srebrenica moment' and the use of chemical weapons (even local if confirmed) would make a military intervention necessary. The EU military staff believes if we did deliver weapons even of the defensive kind, this would create a 'Balkanisation' of the conflict. You would have a consolidation of gangs but no outlet to victory. It would not be possible to create a breakthrough just on the basis of weapons.

Most important things to be done

Asked which would be the one thing they would like to see happen in or for Syria, the panellists mentioned:

- **funding** (delivering and not only pledging);
- **support for building up a parallel state**: we have seen efforts both from outside and inside Syria to build a parallel state. We should help this parallel state by recognising the SOC;
- **capacity building**: build the capacity of Syrians to help each other, because no one from outside will be able to do it;
- Europe should provide wide possibilities for young Syrians to **study in Europe** (to build capacities) and create a new elite for the future and the **European resettlement of refugees** needs to be improved: we might have to resettle people for the rest of their lives and not only give them temporary humanitarian aid;

- invest in liaising with the different representatives from different factions to **prevent ethnic conflicts for the day after**;
- **strengthening of the Coalition**: Local capacities (health, water, sewage, electricity) have to be restored and the Coalition has to be forced to think more constitutionally about themselves. We have to insist that they have a true transition plan, that they are committed to a political solution. This has partly been achieved in the last Friends of Syria Meeting in Turkey, but there has to be more follow-up on the ground (seen the tactical agreements they made with Al Nusra).

Prepare for the day after

The notion that this crisis would almost be over if only the opposition was armed or if only the people received enough humanitarian aid has been around too long. The perspective taken is too short, even though it is also forwarded by the opposition themselves who claim that they would win the war in a month if properly armed. The knowledge we have from the ground and political decision-making have to be brought together; everyone is focusing on their own part of the problem because new problems are emerging every day but there has to emerge a bigger picture. Many opposition leaders do not help their own case but maybe this is a manifestation of lack of experience: can you expect political wisdom from a general? Do people have the capacity to build up living under a dictatorship? How do you want the opposition to organise when they are busy surviving and do not even have food, electricity, means of communication etc. Also, it is difficult to get public support: people think that this is a man-made disaster and that extremists are involved. We have to invest in pluralism, cohabitation, representation of the different people living in Syria to prevent a sectarian war the day after.

Conclusions

It has proven extremely difficult during the last years to prevent the bloodshed in Syria and we have to come to the conclusion that we are nowhere near the end. It is important to know that there is a lot of thinking on the political level but there is no agreement on what is feasible and on how to act; it is central to try to narrow the gap between ideals and reality, which is not only the reality on the ground but also the political reality.

The risk of **Lebanon** being dragged into the conflict is very eminent: we have not yet realised the potential drama happening there because we have focused on Syria a lot; there are UN troops in the south of Lebanon, but what can they do in the region? Can they be strengthened to maintain stability in the country?

We have to change the narrative in the Western countries: the media tend to focus on people from our societies travelling to Syria to fight the jihad there but this is not the whole picture of what is happening to people in Syria. It is aid organisations and organisations like the Heinrich-Böll-Stiftung (hbs) and IKV Pax Christi that need to present the bigger picture;

The paper IKV Pax Christi and the hbs European Union and Middle East presented makes a good intellectual case for pressuring Assad and changing his calculations on the ground, though the argument is theoretical and legal problems would be possibly unsurpassable. If we tried to

change Assad's political calculations by derecognising him or recognising the opposition, would this really inflict costs that would force him to the negotiating table? One can argue that there would still be diplomatic costs as long as Assad is de facto in control of the territory; as long as he holds control over most of the territory this will not be costly enough for him. Also, we are committed to the **Geneva Communiqué** (there should be more time given to the draft). Derecognising Assad would not help the process.

Finally, concerning some issues of the opposition itself, the situation is very different from the one in Libya. The Coalition is largely 'external' and its influence on the ground is limited. They try to go in, but mostly with humanitarian aid. The political authorities will eventually start working but with what kind of legitimacy? Also, a lot of money is needed: people go where the money is, which means that many still work for Assad. There is still some partial legitimacy to Assad and the strength of the army cannot be underestimated: there have hardly been any defections. The EU has to work politically among itself to get a unity of approach. We have to look at what Brahimi said: people have to talk to stop fighting. We have to get used to the idea that Assad and his cronies have to sit down at the negotiating table if you want peace. We have to look into the possibility of restructuring the Geneva Communiqué and making it focus on achieving peace. In that sense the paper offers only theoretical but no practical solutions - solutions will only emerge from a dialogue.



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