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## Fruitless cherry picking? EU engagement with the Syrian opposition (Etilaf)

This policy brief examines the EU's engagement and relationship with Syria's main political opposition umbrella, the Coalition for Syrian Revolutionary and Opposition Forces (Etilaf), which was founded in late 2012. It discusses the EU's engagement strategies with the Etilaf and their impact on its development in the context of the Syrian conflict. The brief highlights that the EU did not substantiate the international legitimacy it granted the organisation early on during the conflict with policies that would have allowed it to expand its domestic legitimacy and capabilities. This policy contributed to developments in which the Etilaf rapidly lost its original potential. While the Etilaf today faces a range of structural and operational challenges that need to be addressed, the brief nevertheless recommends EU institutions and Member States to increase their support for the Etilaf and the Interim Government linked with it, if a number of conditions can be met. Such support will help maintain and develop these bodies into a viable centre of political opposition to the Assad regime. Practically speaking, this objective can be pursued by piloting conditional EU support to areas of northwestern and northern Syria that are nominally under the control of the Interim Government. It also requires building a partnership with Turkey to jointly support local Syrian administration(s) in the same areas.

### Introduction

Eight years after its foundation in November 2012, Syria's main opposition umbrella, the Coalition for Syrian Revolutionary and Opposition Forces (the Etilaf, see Box 1 below), finds itself in a difficult position. Initially, many Syrians and the international community welcomed the organisation as a ray of hope in Syria's divided opposition landscape. It later became the backbone of the Syrian Negotiation Commission (SNC), the body that represents the opposition in

the UN-sponsored Geneva peace process. Over the past few years, however, the Etilaf has lost significant support from the international community due to a general lessening of interest in the Syrian conflict, the organisation's eroding legitimacy inside Syria, and its alignment with Turkey. At the same time, it lost momentum within Syria due to the military advances of the Assad regime, internal conflicts, and its crumbling alliances with both armed and

### Box 1 A short backgrounder on the Etilaf

The Etilaf (Arabic for ‘coalition’) was founded in Doha in November 2012. It is a coalition of Syrian opposition groups and officials that includes members of the former Syrian National Council, representatives of local councils, armed groups, the Kurdish National Council, the Assyrian Democratic Organization (ADO), other minorities such as Syrians of Turkmen origin, and individuals who played a role in the Damascene Spring of 2000 and the Damascus Declaration of 2005.

The Etilaf intends to govern opposition-held territory, unite the Syrian armed opposition under an overall military command, establish a transitional government, including a functional judiciary, and manage the opposition’s international relations.

While its headquarters are based in Istanbul, Turkey, the Etilaf and its Interim Government also maintain offices in the Turkish-controlled areas of northern Aleppo. The Etilaf has a total of 86 members, spread across its Presidency, Political Committee and General Assembly.

The ‘Syrian Interim Government’ that was established in 2013 represents the Etilaf’s temporary executive branch. It consists of nine ministries (interior, defence, finance, health, education, justice, local administration, services, agriculture), which are intended to oversee and support local and provincial councils in opposition-held areas.

*Source(s): <https://en.etilaf.org/> (accessed 25 May 2021); Sayigh, Y., *Endgame for the Syrian National Coalition, 2020, online* (accessed 25 May 2021); Three interviews with Syrian opposition figures (conducted between January and March 2021).*

civil opposition groups. As this brief shows, the international and domestic dimensions are interdependent, which has caused somewhat of a vicious circle to evolve.<sup>1</sup>

Today, the Etilaf and its Interim Government operate in Turkish-controlled areas in northern Aleppo province and in a stretch of land between Tel Abyad and Ras al A'in,

walking a tightrope between maintaining some independence, being a partner of Turkey, and functioning as Ankara’s proxy. The Etilaf’s role in the SNC is also fraught with challenges. Given the continuing deadlock of the UN track due to the intransigence of the Assad regime, the entire effort runs the risk of becoming irrelevant (including the SNC). While the EU supports the Etilaf in its capacity as key contributor to the SNC, it refuses to support the Etilaf’s Interim Government to prevent indirect legitimisation of Turkey’s incursions into northern Syria, which the EU considers illegal.<sup>2</sup>

The EU is unlikely to abruptly abandon the Etilaf, but the nearly-collapsed peace process will negatively affect assessments in Brussels

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1 This policy brief is based on social/online media analysis, review of official documents and literature research, as well as 19 interviews conducted between October 2020 and May 2021. Of these interviews, 2 were with civil society representatives, 1 with a humanitarian coordinator of a Syrian NGO active in northwest Syria, 2 with members of the Syrian National Army (SNA), 2 with members of the Etilaf, 6 with politically involved Syrians and 6 with EU diplomats. I would like to thank Aron Lund (Middle East analyst) and Erwin van Veen (Clingendael) for their constructive review of the brief. Its contents naturally remain my own responsibility.

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2 European Parliament, *European Parliament resolution of 11 March 2021 on the Syrian conflict, 2021, online* (accessed 21 May 2021).

and European capitals about the need to keep supporting it. But little thought has so far been given to alternatives, which is problematic given the EU's enduring refusal to engage with the Assad regime unless and until a 'meaningful political transition' is initiated. While it is understandable that many eyes rest on the new US presidency and any fresh initiatives it may bring, the EU risks being bereft of any Syrian political body on which to anchor its long-term strategy. This brief examines the history of EU engagement with the Etilaf and outlines a path towards a durable political engagement strategy.

## The early years: Recognition of the Etilaf, but with caveats

European support for the Etilaf began with a big political gesture in the immediate aftermath of its creation in November 2012. In December of the same year, more than 100 government delegates and representatives of international organisations, including the EU, recognised the Etilaf as 'the legitimate representative of the Syrian people' at the Friends of Syria Conference in Marrakesh, Morocco.<sup>3</sup> Contrary to the Etilaf predecessors<sup>4</sup> failure to

include a wide array of opposition elements, the Etilaf's more inclusive approach fitted with the EU's need to find a partner for the political transition that was envisaged in the Geneva Communiqué<sup>5</sup> of 30 June 2012. However, the creation of the Etilaf was not based on a new understanding between opposition groups that would have allowed for tighter and more effective collaboration, but rather on increasing the number of groups participating in it.

As politically significant as the gesture of international recognition was, it had few legal and practical consequences. Contrary to the wording at the Friends of Syria conference, the EU shifted to referring to the Etilaf only as 'a legitimate representative' or as 'legitimate representatives' of the Syrian people shortly after the Marrakesh conference. Most importantly, the recognition did not mean that the EU saw the Etilaf as the representative of the Syrian state. Contrary to the situation in Libya in 2011, where France and other EU members promptly established diplomatic relations with the Libyan opposition's National Transitional Council (NTC),<sup>6</sup> the EU did not grant the Etilaf such practical diplomatic recognition.

Inside Syria, a large number of local councils and armed factions operating under the umbrella of the Free Syrian Army (FSA) initially supported the Etilaf, although with certain reservations, for two reasons. First, local councils and armed groups hoped that the Etilaf's Interim Government (established in March 2013) would support them with funds and arms. Secondly, these same stakeholders expected the Etilaf to be able to secure decisive Western military intervention in Syria. However, when the Obama administration did not enforce its stated red line following the Assad regime's large-scale

3 Moroccan Foreign Ministry, *The Fourth Ministerial Meeting of The Group of Friends of the Syrian People*, 2012, [online](#) (accessed 21 May 2021).

4 The Syrian National Council was the most significant opposition organisation until it joined the Coalition of Syrian Revolutionary and Opposition Forces (Etilaf) in November 2012. Founded in August 2011 in Turkey, the Syrian National Council included a variety of political blocs such as the Syrian Muslim Brotherhood, signatories of the Damascus Declaration of 2005, some Kurdish factions, representatives of local coordination committees, as well as some other parties and/or platforms such as the National Blog or individuals that participated in the so-called Damascus Spring movement (2000). See: <https://carnegie-mec.org/publications/?fa=48334> (accessed 2 May 2021). While Syrian National Council members were mostly political exiles (i.e. outside of Syria), the Etilaf also included representatives of Syria's local councils and armed opposition factions, and provided greater room for minorities and

independents (for the initial list of members from 2012. See: <https://carnegie-mec.org/publications/?fa=50104> (accessed 4 May 2021).

5 Action Group for Syria, *Final communiqué of the Action Group for Syria*, Geneva, 2012, [online](#) (accessed 3 May 2021).

6 See: <https://www.france24.com/en/20110310-France-NTC-national-transitional-council-embassy-Libya> (accessed 18 June 2021).

chemical attacks against East and West Ghouta in August 2013 (at least not in the view of many among the Syrian opposition), many armed factions lost hope in a Western military intervention and withdrew their support for the Etilaf. Three months later, the Islamic Front, a coalition of powerful Islamist armed groups, was established and attacked weapon depots controlled by the Etilaf's Interim Government's Supreme Military Council (SMC). The rise of radical armed groups subsequently proved to be a key factor in ending the overt military role of the Etilaf between late 2013 and early 2014. An ancillary consequence was that the Interim Government struggled to exert influence in opposition-held areas. A lack of military capability quickly translated into a lack of political influence.

Interestingly, the EU did not anticipate increasing the capabilities or relevance of the Etilaf on the ground in Syria in its new Syria strategy of 2013, but sought only to enable it to strengthen its emergent international legitimacy so that it *'takes part in the Geneva II conference and is represented by legitimate interlocutors that can make commitments'*. The EU did commit to *'assist the different components of the National Coalition for Syrian Revolutionary and Opposition Forces [Etilaf] to prepare for the conference'*.<sup>7</sup>

## UNSCR 2254 as lode star

In October 2015, new diplomatic developments underscored the need for a reasonably legitimate and capable Syrian opposition. Spurred on by Russia's open military intervention on the side of the Assad regime and cautious rapprochement between Iran and the US on the Joint Comprehensive Plan of Action (JCPOA), the International Syria Support Group (ISSG), including Saudi Arabia, Qatar, Turkey, France, the UK, the US, Russia and Iran, negotiated what would become UNSCR 2254, which was unanimously adopted by the UN Security

Council in December 2015.<sup>8</sup> The resolution called for a cease fire as well as a political process to achieve a negotiated end to the conflict. Such negotiations required a counterpart to the Assad regime, but initially the Etilaf refused<sup>9</sup> to negotiate with it. In July 2015, for example, the Etilaf had rejected a UN initiative for dialogue with the regime because it did not stipulate that Bashar al-Assad would leave office.<sup>10</sup> To overcome this deadlock, and in order to create a negotiation body that included a wider array of opposition groups, the international community supported the creation of the High Negotiations Committee (HNC)<sup>11</sup> during the Riyadh-I conference, which was granted a mandate to represent Syria's opposition in Geneva. This development stripped the Etilaf of its position as 'sole representative' of the Syrian opposition in Geneva. However, it retained a dominant<sup>12</sup> role in the HNC and thus remained an indispensable partner to develop the political transition stipulated in UNSCR 2254.

Beyond international recognition and partnership, the EU continued its policy of not offering support to strengthen the Etilaf in terms of its practical capabilities inside

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7 European Council, *Towards a comprehensive EU approach to the Syrian crisis*, Brussels, 2013, [online](#) (accessed 21 May 2021).

8 United Nations Security Council, *Resolution 2254*, New York, 2015, [online](#) (accessed 21 May 2021).

9 It should be noted that the Etilaf has always been dependent on its backers (first and foremost Qatar in 2015), and that Qatari influence, according to two individuals close to the negotiations interviewed for this publication, determined the Etilaf's decision to reject the UN-initiative to a large extent.

10 See: <https://www.al-monitor.com/originals/2015/10/syria-opposition-political-military-reject-demistura.html> (accessed 8 May 2021).

11 The HNC's 34 seats were distributed among armed opposition groups (11), including armed Islamist groups outside the Free Syrian Army's orbit; independents (8); the Etilaf (9); and, most notably, the National Coordination Committee for Democratic Change (6), a Damascus-based opposition coalition tolerated by the Government of Syria. On the National Coordination Committee: <https://carnegie-mec.org/publications/?fa=48369> (accessed 4 May 2021).

12 With its own 9 seats and its good relations with the armed factions and independents, the Etilaf was usually able to secure a majority of votes in the HNC.

of Syria. This would have required political, technical, and financial support, but also military engagement. The EU was not able to provide this while its member states were largely unwilling to do so.<sup>13</sup> At this point, the EU's ambivalent stance towards the Etilaf can be explained in part by the troubled relationship between the EU and the HNC. Riad Hijab, a member of the Etilaf and head of the HNC between 2015 and 2017, did not reach out much to the EU but instead considered Qatar, Saudi Arabia and Turkey as his key allies. The consequences of the continuing gap between international provision of political recognition on the one hand, and the absence of international administrative and military support on the other, deepened: internal rifts within Syria's moderate political and armed opposition grew while those willing to escalate militarily, i.e. Russia and Iran, rendered the Etilaf increasingly less relevant. The Etilaf's limited governance capabilities inside opposition-held areas also produced a further vicious Catch-22 situation since it made the organisation less suitable as the EU's humanitarian partner. Acting as such could have increased its domestic legitimacy which, in turn, would have boosted its international credentials. Combined with considerable shortcomings on the part of the Etilaf itself (addressed below), this produced further erosion of the organisation's legitimacy inside Syria.

An EU 2016 risk assessment hit the nail on the head by observing that *'should the space for peacebuilding initiatives shrink again, negotiations fail and local peacebuilding be undermined by military activity, then most, if not all, of the activities which could be implemented by the [SPPI] programme'*<sup>14</sup>

*would be at risk.*<sup>15</sup> Yet, at the time it was written, the danger had already materialised. The Russian military intervention of September 2015 and the following reduction of opposition-held territory left no room for peacebuilding at the national or local level. Moreover, well-resourced violent extremist groups rapidly extended their control, unhindered by the insufficient levels of international support for the armed factions operating under the banner of the Free Syrian Army.

## The Etilaf as international friend, but local stranger

From 2016 onwards, Turkey's military incursions in northwest Syria once again upended the mosaic of territorial control. While the EU was supportive of Operation Euphrates Shield in 2016/17, it criticised Operation Olive Branch against the Syrian Kurdish People's Protection Units (YPG)-held Afrin in 2018 and condemned Operation Peace Spring in its entirety in 2019.<sup>16</sup> The diplomatic conflict between Turkey and the EU also affected the EU's stance towards the Etilaf.

In 2017, in an astute political move, Turkey granted the Interim Government nominal control over the Turkish-held areas in northern Aleppo province. Ankara hoped to secure and develop these areas as its own, to improve border security, enable refugee return, and block the Syrian Kurdish YPG. At the same time, handing nominal control to the Interim Government allowed Ankara to frame its incursion as a joint project

13 Van Veen, E. et al., *Band-aids, not bullets EU policies and interventions in the Syrian and Iraqi civil wars*, The Hague: Clingendael, 2021.

14 The Syria Peace Process Support Initiative (SPPI) was launched in 2016 by the EU and the German Federal Foreign Office. It is funded from the Instrument Contributing to Stability and Peace (IcSP) with the aim of bringing together actors from different sides of the various conflict fault lines and to promote the role of women in political and societal developments. See: <https://ec.europa.eu/>

[fpi/news/eu-reiterates-its-commitment-peaceful-future-syria-un-general-assembly\\_en](https://www.efpi.europa.eu/news/eu-reiterates-its-commitment-peaceful-future-syria-un-general-assembly_en) (accessed 3 May 2021).

15 European Commission, *Commission implementing decision on the exceptional assistance measure in favour of Syria – Comprehensive Syria Peace Support Initiative*, Brussels, 2016, [online](#) (accessed 21 May 2021).

16 European Parliament, *European Parliament resolution of 24 October 2019 on the Turkish military operation in northeast Syria and its consequences*, Strasbourg, 2019, [online](#) (accessed 21 May 2021).

### Box 2 A brief outline of the ‘Moscow’ and ‘Cairo’ platforms

The ‘Moscow’ platform advocates for democratic reform and rejects foreign meddling but is supportive of Russia’s intervention. It emerged as a result of the National Dialogue Conference in Tehran in 2012 and negotiation processes in Moscow in early 2015, and with the support of the Popular Front for Change and Liberation, a faction of the Syrian Social Nationalist Party, the Kurdish National Youth for Justice and Development party, and representatives of parties that are part of the National Progressive Front. It should be noted that some of these parties and alliances are not organised political entities but rather loose and temporary creations. The Moscow platform is headed by Qadri Jamil, a former deputy prime minister in the Assad government who now heads the People’s Will Party.

The Cairo platform was formed in Egypt in early 2015. It includes prominent figures such as Ahmad al-Jarba, a former President of the Etilaf, who now heads Syria’s Tomorrow Movement. The Tomorrow Movement’s formation was attended by representatives of both the Assad regime and Russia. It maintains good relations with the Damascus-based National Coordination Committee for Change but has also engaged in other coalitions such as the Peace and Freedom Front, which includes the Kurdish National Council (a member of the Etilaf).

Although the Moscow and Cairo platforms have little influence on the ground, Russia uses both to influence the UN track in Geneva and to manage its relations with the Syrian Democratic Forces (SDF). For example, the SDF’s political wing, the Syrian Democratic Council (which is excluded from the UN track due to Turkish objections) has lately considered participating in negotiations within the framework of the Cairo or Moscow platforms.

*Source(s): Lund, A., Go or Not to Go: Syria’s Opposition and the Paris, Cairo and Moscow Meetings, 2020, online (accessed 25 May 2021); Interview with Anton Mardasov, 25 May 2021; two interviews with Syrian opposition figures, March 2021.*

under the auspices of the recognised Syrian opposition, thus countering accusations of a ‘Turkish occupation’. The EU viewed matters differently, however, and, especially after the Etilaf’s open support for Operation Peace Spring in 2019, drew its own conclusions. According to EU diplomats, direct EU support for the Etilaf was terminated with the result that the organisation, as well as its Interim Government, became more dependent on Turkey and Qatar.

On the international stage, the EU remained committed to supporting the HNC, which transformed into the Syrian Negotiation Commission (SNC) at the Riyadh-II conference in November 2017. Under Russian pressure, the Russia-friendly Moscow and Cairo platforms (see Box 2 below) both received four seats on the SNC, despite

heavy protests from the Etilaf.<sup>17</sup> The EU wanted to keep the SNC alive, and Russia soon provided reasons to stick to this goal. Although 2017 was characterised by deadlocked UN-led discussions in Geneva and parallel trilateral negotiation efforts by Russia, Iran and Turkey in the Astana/ Sochi formats, early 2018 raised hopes of a return to the UN process as Russia initiated the so-called Constitutional Committee (an element of UNSCR 2254). It subsequently requested the UN to officially assist the Committee (Staffan de Mistura, then UN special envoy to Syria, had already

17 See: [https://syrianobserver.com/resources/21726/renowned\\_opposition\\_groups\\_issue\\_statement\\_rejecting\\_outcomes\\_riyadh\\_ii.html](https://syrianobserver.com/resources/21726/renowned_opposition_groups_issue_statement_rejecting_outcomes_riyadh_ii.html) (accessed 3 May 2021).

been involved in the planning process). The Etilaf played a key role in composing the opposition delegation (its former President, Hadi al-Bahra, serves as the Constitutional Committee's co-chair) and had some say in the nomination of delegation members.

With time, EU support helped to transform the Constitutional Committee's opposition delegation into an effective and competent negotiation team. Yet the EU was unable to act when the Assad regime and its allies crushed the so-called de-escalation zones starting in early 2018.<sup>18</sup> It was also powerless when Hayat Tahrir al-Sham (HTS) took over Idlib at the expense of the Interim Government, local councils and less radical armed groups in early 2017<sup>19</sup>. HTS's expanding influence directly affected an ongoing pilot project (2018–mid-2019) of the European Commission (EC) in opposition-held areas of Syria. The EU's 2017 Syria strategy<sup>20</sup> explicitly mentioned the Interim Government and pledged to support it. In that context, the EC funded humanitarian projects of the Assistance Coordination Unit (ACU), a relief organisation affiliated with the Etilaf, in order to strengthen the Interim Government's legitimacy through its coordination role in these projects. However, the EC ultimately arrived at the conclusion that the Interim Government's limited influence on the ground did not enable it to act as an effective partner.<sup>21</sup>

Overall, military developments on the ground seriously weakened the UN-sponsored political process, undid EU-investment in the Syrian political opposition and, most importantly, undermined both the legitimacy and the international negotiating position of the Etilaf.<sup>22</sup>

## Taking stock of EU engagement and Etilaf performance to date

In the main, it is safe to say that a virtuous cycle developed between EU support and Etilaf performance as negotiator in the UN-led Geneva process. Internationally, SNC delegates are considered competent negotiators who learned from their past mistakes and who are doing a professional job. The fact that the Assad regime refuses to engage in meaningful negotiations does not detract from this assessment. As the EU continues to pursue a 'genuine political transition' in line with UNSCR 2254, and as re-expressed in its 2017 Syria strategy,<sup>23</sup> it continues to grant considerable technical and political support through the Syria Peace Process Support Initiative (SPPI) to the Etilaf-dominated Syrian Negotiation Commission via the EC.

However, a more detrimental cycle developed between EU support and Etilaf performance with regards to governing and/or administering opposition-held

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18 Hauch, L., *Syria's Constitutional Committee in Review*, 2020, [online](#) (accessed 21 May 2021).

19 The local councils in Idlib and surroundings were affiliated with the Interim Government before HTS took over. While some local council members had to resign since HTS considered them too close to the Interim Government and/or the Etilaf, most of the local councils continued their work on the condition of recognising the HTS-backed Salvation Government.

20 See: <https://www.consilium.europa.eu/en/press/press-releases/2017/04/03/fac-conclusions-syria/> (accessed 8 May 2021).

21 A humanitarian coordinator of a Syrian NGO who was involved in the project in northwestern Syria noted, however, that its unsatisfactory results were first and foremost a consequence of poor project design that ignored a number of realities on the ground.

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22 Etilaf domestic legitimacy was also undermined by its lack of a credible commitment to secularism and equality between sects and genders, insufficient inclusion of women, its initial failure to provide a clear and inclusive position towards Syria's Kurds, and an economic vision that did not address the concerns of socially deprived Syrians as well as public sector employees. In addition, internal power struggles, clientelism and a lack of political experience of many of its members weakened the Etilaf from the inside. See for instance: Daher, J., *Pluralism lost in Syria's uprising*, 2019, online (accessed 21 May 2021).

23 See: <https://www.consilium.europa.eu/en/press/press-releases/2017/04/03/fac-conclusions-syria/> (accessed: 3 May 2021).

areas inside Syria. Here, the EC<sup>24</sup> considers the Etilaf and its Interim Government insufficiently capable – a perspective shared by representatives of Syrian civil society groups and aid workers interviewed for this publication. The Etilaf and its Interim Government are seen as lacking local legitimacy, management expertise, and planning capabilities.<sup>25</sup> The Interim Government's administration employs competent technical staff but, in Brussel's view, this is not sufficient since project implementation also requires management abilities and local legitimacy. Some humanitarians interviewed for this brief went further, pointing to low levels of governance and resource utilisation transparency – a red flag for most Western donors – as well as undemocratic practices and mismanagement. Civil society representatives interviewed generally supported these assessments, adding that the Etilaf lacks commitment to human rights, independence, and the inclusion of diverse (political) voices, especially with regard to the representation of women. As noted, one consequence of this negative EU view of the Interim Government has been that it channels much of its humanitarian aid through local partners, coordinated from EU offices in Gaziantep and Beirut, which further sidelines the Interim Government.

This negative view of the Etilaf and the Interim Government worsened in tandem with the deteriorating relationship between the EU and Turkey, which was hardly the fault of the Etilaf. As the latter is hosted by Turkey and operates predominantly under Turkish direction, it has inevitably needed to take Ankara's wishes into account and has become more closely associated with

– and dependent on – it. While on the technical level, working relations between Europeans and their Turkish counterparts are fairly amicable, the political relationship is poisoned. Since the EU considers Turkish incursions into northern Syria illegal and views the Etilaf and its Interim Government as dependent on Turkey, it does not support their nominal governance role in Turkish-controlled Afrin, in northern Aleppo province, or further east between Tel Abyad and Ras al Ain. This EU view extends even to the Euphrates Shield area (northern Aleppo province), which Turkey took as part of an operation initially supported by the EU.

On the issue of Turkey's dominance of the Etilaf and Interim Government, interviews<sup>26</sup> conducted for this brief suggest that the Interim Government operates under the administration of the Turkish governors of Gaziantep and Kilis, who oversee the area's local councils. Turkey is also making sure that the local governance and security structures remain sufficiently divided and/or under-resourced in order to control them.<sup>27</sup> For example, although the Interim Government maintains in the city of Azaz and nominally oversees the local councils in the Euphrates Shield region, Turkey refuses to hand over control of revenues from shared border crossings to the Interim Government, which would allow the latter to gain more control over the armed groups that now make up the (Turkey-controlled) Syrian National Army (SNA).

Even though EU views of, and support for, the Etilaf have suffered from rock-bottom EU-Turkish relations, and even though most interviewees recognised that Turkey's dominance over the Etilaf leaves it with little room for more independent development on the ground, the question remains as to why the EU considers Turkish oversight of the Etilaf/Interim Government so problematic. The EU fields the argument that Turkey's

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24 Note that the EEAS leads the EU's political engagement in Geneva while the European Commission leads EU humanitarian, governance, human rights, and recovery efforts. In brief, there are also different priorities and views in play within the EU institutions.

25 How realistic it is to expect such capabilities to be acquired shortly after emerging from conditions of pre-war political repression and under conditions of actual warfighting, is a different matter beyond the scope of this brief.

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26 See Hauch, L., *Formal and informal political and security structures in the Euphrates Shield area*, 2021, unpublished.

27 Al-Hilu, K., *The Turkish Intervention in Northern Syria: One Strategy, Discrepant Policies*, 2021, [online](#) (accessed 22 May 2021).

presence in Syria is against international law and that therefore engagement with Turkey and the Etilaf/SIG has legal limitations. However, this is an argument of convenience insofar that the EU does not follow a consequent policy of non-support in cases of breaches of international law, as the examples of Morocco, Libya and Israel show.

After all, Ankara's Spring Shield offensive in February/March 2019 showed it is the only international actor willing to intervene decisively against the Assad regime. If the EU is serious about the 'meaningful political transition' it calls for, Turkey is an essential partner to create leverage and the Etilaf and Interim Government important bodies to engage with. While Ankara's anti-Kurdish incursions are deeply problematic for the harm they have done, the EU could differentiate between support for Operation Euphrates Shield areas and Idlib on the one hand (more positive), and Afrin plus parts of the Tel Abyad-Ras al Ain area on the other (more negative).

### **The vicious circle: No legitimacy without support, no support without legitimacy**

Throughout the eight years of its existence, the Etilaf has faced a thorny problem. Western actors (the EU especially) demanded a high degree of domestic legitimacy as a condition for political, technical and financial support. However, to be able to govern and administer in a manner that would have enabled it to gain such legitimacy, the Etilaf first needed large-scale support, including military assistance. Neither the EU nor other Western actors have seriously sought to resolve this issue by piloting large-scale support. The result is that the Etilaf has increasingly been marginalised and/or has had to rely on Turkey, which inevitably linked it to Ankara's agenda.

On balance, continuous EU support for the Syrian Negotiation Commission (SNC) did not counter the eroding position of the Etilaf inside and outside the country. After all, no matter how much international legitimacy the EU and its partners confer upon the

Etilaf and the SNC at the international level, any agreement that the SNC might one day sign will not be seen as legitimate as long as it does not enjoy domestic legitimacy. In addition, while the EU's assessment that negotiations need to have two sides is correct, it never absorbed the empirically observable fact that the Assad regime was not willing to seriously negotiate. The near collapse of the Constitutional Committee in 2021 was just the latest illustration of this position, which has been evident throughout the conflict. President Assad's consistent refusal to table a transitional government body, as stipulated by UNSCR 2254, as part of the Geneva agenda has also been indicative.<sup>28</sup>

### **Settling down for the long haul? Parameters for EU re-engagement with the Etilaf**

The Assad regime and its backers are not willing to enter into serious negotiations in Geneva based on UNSC Resolution 2254, which remains the legally binding international consensus on how to end the Syrian conflict.<sup>29</sup> The EU refuses to engage with the regime as long as this is the case. The result of these two positions is a stalemate in which regime-held areas will recover slowly and selectively from the war, if at all, while US- or Turkey-backed areas will remain separate and potentially recover more rapidly. As the US-backed areas are run by the Syrian Kurdish YPG, which is not part of the Etilaf, they fall outside the scope of this brief. In consequence, here we assess only how the EU should consider the role of the

<sup>28</sup> See Hauch (2020), *op.cit.*

<sup>29</sup> Scharf, Sterio and Williams note that 'the international legal community is largely in agreement that (...) UN Security Council resolutions are legally binding under UN Charter Article 25'. Hence, the relevant UN Security Council resolutions on Syria contain 'legally entrenched commitments to a transitional government, new constitution, and cessation of violence'. (Scharf, M., Sterio, M. & Williams, P., *The Syrian Conflict's Impact on International Law*, Cambridge: Cambridge University Press, 2020, p. 152.)

Etilaf in Turkish-backed areas in relation to its overall Syria strategy.

While there is currently no window for effective negotiations between the Assad regime and the Syrian opposition, the EU's approach is based on an assumption that an opportunity might arise in the future. However, there is a substantial risk that there will be no opposition left, at least not in a relatively representative and impartial form. If the EU is serious about a 'meaningful political transition', it is not in its interest to let this happen. In turn, this requires re-engaging the Etilaf and Interim Government with regard to their role and presence inside Syria. The long-term objective could be the development of a representative and legitimate Syrian political opposition that provides high-quality governance in at least some areas of Syria. This can serve as a rallying point for Syrian political activity, administer the recovery of such territories, and develop capable individuals to help govern a re-united Syria at some point in the future. Yet, the pitfalls are many and include all the Etilaf's noted internal shortcomings, Turkey's current sway over it, and Ankara's mistreatment of Kurdish populations in Syria. This makes it essential that any EU re-engagement is based on a set of core principles:

- **Focus support on the northern Aleppo area:** As this is where the Interim Government is currently based, Turkey has full control, Ankara's presence is least disputed (the EU initially supported Operation Euphrates Shield), and many Syrians reside, it makes sense as a point of departure for piloting EU support to the Etilaf. Once Idlib is brought under full Turkish control and/or HTS co-opted, engagement could grow. Before considering any extension of support to the Afrin and Tel Abyad-Ras al-A'in areas, the EU should ensure that Turkey and the Interim Government/Syrian National Army make emotional and material reparations for atrocities committed against the Syrian Kurds in these areas.

- **A partnership with Turkey based on Syrian local priorities and legitimization:** The EU and Turkey would both need to act as sponsors of the Etilaf based on a shared intention to prioritise Syrian recovery priorities and representative processes, where possible by applying UNSC Resolution 2254, as a precondition for large-scale European technical and financial support. Such a partnership needs to be based on a clear political agreement, regular dialogue, and verifiable practices. A high-level monitoring body might be considered. Importantly, this needs to include a commitment to bringing all existing Syrian National Army factions under effective control of the Etilaf with stringent (and capacitated) Syrian civil society monitoring of the quality of accountability and oversight.
- **A commitment from the Etilaf to an internal improvement plan:** The current Etilaf would have to agree to an assessment of its organisational and administrative structures, as well as its election policies and practices, representation (including an increase in women's participation and the adoption of a gender-sensitive approach), policy-making and policy-implementation practices, as a basis for negotiating an improvement plan to the way in which it operates. This is vital to ensure that it restores both domestic legitimacy and international accountability for funds it receives. Syrian civil society organisations should be involved in this process.
- **Direct oversight of financial support and administration:** The EU and Turkey would have to apply a joint twinning approach in which oversight and capacity building of Syrian local administration go hand in hand and are executed onsite in the form of embedded technical experts as well as triple sign-off procedures for expenses. This can be put in place for a transitional period, the end of which is contingent on the capabilities, standards and culture required for accountable administration of funds and recovery efforts being in place.

- **Long-term engagement starting as a pilot:** As trust, working practices and capabilities between the EU, Turkey and Syrian actors need to build gradually, a long-term engagement is essential. Yet, given current difficulties and different viewpoints, this will be a slow process replete with argument and mistrust. If it is designed based on an experiential logic that allows for regular critical discussion informed by data-driven feedback loops and endowed with channels for gradual escalation, it can combine stability of commitment with adaptability of implementation.

Naturally, any strategy based on these principles requires, first and foremost, the political flexibility of mind to put the tense situation between the EU and Turkey aside insofar as it concerns Syria. This may not be possible. Subsequently, any EU

re-engagement with the Etilaf must also be integrated into the EU's broader strategy on Syria, including sanctions, humanitarian aid, and relations with Syria's Arab neighbours and the Gulf states. Finally, agreement with Turkey based on these principles may be difficult to achieve at the operational level.

Nevertheless, helping to revive an organisation that can represent millions of Syrians and improve the lives of those residing in Turkish-held areas would seem an essential element to create leverage over the Assad regime and, eventually, conduct any future negotiations on the governance of Syria. Provocatively put, if the EU is not willing to consider such a step, it needs to revise its entire pursuit of a 'meaningful political transition' since it will at some point be hard to find organised and legitimate political opposition that can join it.

### About the Clingendael Institute

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