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Hope springs eternal: EU options for dealing with the Assad regime

A re-orientation of European Union (EU) policy towards the Assad regime is a matter of time, since the EU will face growing pressures to upgrade its current minimalist and largely ineffective approach. Such pressures include a re-entrenching regime that exports instability, deepening humanitarian misery extending to Europe, Syria's neighbours wishing to turn the page, lawlessness in southern Syria, the Kurdish question and the durability of the regime. A strategy to contain the broader fallout of the Syrian civil war should be enacted with urgency. This is likely to be the most effective choice out of the range of policy options assessed in this brief.

Such containment should consist of seven measures: 1) refit humanitarian support inside Syria to reduce the extent of regime capture; 2) increase such support to address growing poverty; 3) provide more refugee support in the region to improve legal rights to residency and work; 4) accept more Syrian refugees in Europe to demonstrate solidarity; 5) intensify global efforts to hold the Assad regime accountable; 6) rebuild the relationship with Turkey as a key buffer and partner; and 7) lift general EU sanctions to help prevent economic collapse in Syria.

The aim of creating greater stability in this manner is to prevent the situation from getting worse, without ignoring the wartime behaviour of the Assad regime and its allies. The forthcoming Brussels-IV conference and discussions about a new EU Special Representative for Syria offer opportunities to initiate a policy upgrade. The Syrian conflict *does* have a military solution. It is being implemented in front of our eyes. Not being prepared for its consequences would amount to a sizeable failure of European foreign policy.

1 Setting the scene

The Syrian civil war is entering its ninth year, and the revolution against President Bashar al-Assad has been effectively suppressed.¹ What remains of the opposition includes

mostly armed groups backed by Turkey, radical Islamist groups, the Syrian National Coalition (SNC), the Kurdish National Council (KNC), and a number of hard-to-

¹ We are grateful to Mohammad Kanfash (an independent researcher), several diplomats, Rem Korteweg, Samar Batrawi, Engin Yüksel and Rena Netjes (all Clingendael) for their feedback. The brief also benefited from 10 anonymised interviews with researchers, Syrian activists and

representatives of Western companies about the impact of sanctions, reconstruction challenges and the regime's political economy in the autumn of 2019, as well as from an expert workshop in March 2020. The brief's contents naturally remain the responsibility of its authors.

define groups in the south.² Within Syria, these entities play a marginal role or are indebted to foreign actors. With the help of its allies, Iran and Russia, the Assad regime is re-establishing itself as a more networked version of the brutal, centralised police state it was.³ It has accepted wholesale destruction of the country as an acceptable price for its survival.⁴ Meanwhile, the regime attempts to rewrite history by circulating images of a presidential family concerned with the welfare of the nation and by initiating an ‘oral history project’. It is also busy repaying its allies with economic concessions and rewarding its cronies with lucrative business deals.⁵ Russia cheerleads the idea that this is all part of a process of ‘normalisation’ to convince the world that Syria is a regular post-conflict country that qualifies for international re-legitimation and reconstruction support.

Against this backdrop, the EU⁶ continues to chase a ‘genuine political transition’ on

the basis of UN Security Council Resolution 2254 (2015).⁷ The EU expects it can leverage sanctions, reconstruction finance and diplomatic recognition to pressurise the Syrian regime into accepting more pluralistic and rights-based governance. However, the regime that would supposedly make such political concessions just fought a nine-year civil war to perpetuate its autocratic rule, mobilising nearly every means of violence imaginable, including industrial-scale murder, chemical weapon attacks, barrel bombs and rampaging militias. In other words, this transition will not happen, and democracy will not break out in Syria anytime soon.

Combined with its refusal to engage militarily, the EU has largely sidelined itself.⁸ While its policy incantation offers a useful roadblock against political disunity inside the bloc, it is also becoming risky and harmful in view of a regime that is re-entrenching itself and a set of negative externalities that is growing. Leaving the tricky matter of conflict resolution aside, this brief explores policy options for dealing with the Syrian regime on the basis that it is there to stay. A re-orientation of EU policy is a matter of time; the question is about the extent of the change.

2 Analysing the foreign policy triangle

To be realistic, foreign policy advice must consider three elements: a) the nature of the foreign situation, b) its international context, and c) one’s own domestic politics. Starting with the first element, *the nature of the Syrian civil war*, recent analysis suggests that the Assad regime today can be understood as a collection of networks of security men,

Netherlands. This simplification allows the brief to focus on broadly relevant options for dealing with the Syrian civil war. In reality, there are, of course, foreign policy divergences between EU Member States.

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- 2 The Kurdish Democratic Union party (PYD, including its People’s Defence Units) was never part of the opposition. It maintained an informal ‘gentlemen’s agreement’ with the regime after 2011, which resulted in the handover of key regime security assets, a non-aggression ‘pact’, exchange of intelligence and a range of business deals. While strengthening the PYD might improve the latter’s bargaining position with Damascus in respect of its final status, it is unlikely to create a durable new statelet or beget political concessions from the regime. In any case, the EU, the regime and Russia share a desire to maintain Syria’s territorial integrity.
 - 3 A comparison of : Khalifé, M., *La coquille : prisonnier politique en Syrie*, Paris : Actes Sud, 2007 with Le Caisne, G. *Opération César : Au cœur de la machine de mort syrienne*, Editions Stock, 2015 in respect of regime treatment of political dissent; and of Seurat, M., *Syrie, l’Etat de barbarie*, Paris : Presses universitaires de France, 2012 with Hadidi, S., Z. Majed and F. Mardam-Bey, *Dans la tête de Bachar al-Assad*, Paris : Solin/Actes Sud, 2018 in respect of regime rule points to countless authoritarian continuities over the past decades.
 - 4 For example: Dagher, S., *Assad or we burn the country*, New York: Little, Brown & Company, 2019.
 - 5 See for instance: <https://twitter.com/ahmadalissa/status/1079090435375665154> or <https://twitter.com/maytham956/status/879412464202469376> (both accessed 13 February 2020).
 - 6 The brief refers to the ‘EU’ as a unified actor with policy preferences identical to those of the

- 7 See: <https://www.consilium.europa.eu/en/press/press-releases/2018/04/16/syria-council-adopts-conclusions/> and <http://unscr.com/files/2015/02254.pdf> (accessed 13 February 2020).

- 8 As highlighted by the recent Turkish offensive in Idlib and the [opinion article](#) of 14 EU foreign affairs ministers published on 26 February 2020.

profiteers and entrepreneurs of violence, backed by foreign-supported military forces, which shows incipient signs of recovery and re-centralisation.⁹ These regime elites are convinced that they pursue an existential cause based on a legitimate 'right to rule', and prioritise their own survival over everything else. To this end, they intend to reconquer the whole of Syria, punish disloyalty and maximise their own benefits with all coercive means imaginable.

The Syrian regime does not view itself as being beyond the pale, having scraped together a victory or being desperately in need of external financial support. Instead, it sees itself as having done the necessary. The relentless continuation of security practices such as forced conscription, torture and execution; civil practices such as expropriation and exclusion; and economic practices such as profiteering, cronyism and corruption offers ample proof.¹⁰ These practices are mostly repeat

patterns of regime policies from before 2011, amplified or distorted by the binary logic of conflict.¹¹ They also indicate that a victorious regime is likely to cause – in some cases instrumentalize – a number of negative externalities, such as a permanent refugee population, extremism, regional instability, humanitarian culpability, further erosion of international accountability, and potentially even an implosion of Syria's economy that might trigger conflict within the regime.¹² While the Syrian regime may accept Western diplomatic re-engagement – were it on offer – it will only do so if it is on the basis of equality and without prior conditions.

Continuing with the second foreign policy element, *the international context of the Syrian civil war*, the relations of the EU and its Member States with Syria's main allies, Iran and Russia, are poor. In Iran, the EU has little credibility because of its inability to defend the nuclear deal in the face of US pressure. In turn, the EU considers Iran a regional troublemaker, a view that has deepened recently due to the suppression of protests in both Lebanon and Iraq by Iran-linked groups. In any case, Iran is currently under too much pressure to make concessions in Syria since Syria is one of the core pillars of its regional defense strategy. EU-Russia relations remain blocked by the lack of de jure acceptance of Russia's annexation of the Crimea, MH17 legal proceedings, and a stalemated Minsk-2 process.

Furthermore, neither Russia nor Iran necessarily has significant leverage over the regime itself. While both countries have considerable weight on the ground in terms

9 For example: Hadidi et al. (2018), *op.cit.*; Dagher (2019), *op.cit.*; Khatib, L. and L. Sinjab, *Syria's Transactional State: How the Conflict Changed the Syrian State's Exercise of Power*, London: Chatham House, 2018. An indicator of recovery and re-centralisation is the 'anti-corruption' campaign of late 2019, which saw the Ministry of Finance submitting an inventory of those 'not abiding by laws' to the presidential palace which, in turn, resulted in measures against Rami Makhlof and Tarif Abdel Basset al-Akhras (both close to Assad), presumably to reign them in. Interestingly, neither was accused of corruption, but of non-compliance with existing legislation. See: <https://syrianobserver.com/EN/news/55100/reports-of-precautionary-freeze-on-rami-makhlofs-assets.html> (accessed 9 March 2020). Other indicators are the growing weight of the Ministry of the Interior under its newly-appointed head, Mohammad Khaled al-Rahmoun (who used to head the Political Security Directorate), as well as making good use of the 5th corps of the Syrian Arab Army to disband and/or integrate militias such as the Desert Hawks (Jaber brothers), the Tiger Forces and Al-Bustan-linked armed forces (Makhlof). See: Solomon, C., *The Syrian Desert Hawks: Flying no more*, The Hague: Clingendael, 2020; <https://damascusv.com/archives/20793> (accessed 9 March 2020).

10 See: Batrawi, S., *Pandora's box in Syria: Anticipating negative externalities of a re-entrenching regime*, The Hague: Clingendael, forthcoming.

11 Neep, D., *Why hasn't the Assad regime collapsed? Lessons learned from Syria's history of tyranny*, Brandeis University: Middle East Brief No. 128, 2019; see also Seurat (2012), *op.cit.*; Hadidi et al. (2018), *op.cit.*

12 A negative externality here refers to an indirect and costly consequence for the EU that results from a decision taken by the Syrian regime and its backers, but that is insufficiently accounted for in EU policy because its effects manifest in a diffuse manner and in the longer-term. See: Batrawi (forthcoming), *op.cit.*

of coercive capabilities, businesses and diplomatic influence, they are hardly in a position to force the regime into political decisions that are not in its interests.

For example, while Russia clearly forced the regime to participate in the Constitutional Committee negotiations under the auspices of the UN, it has procrastinated ever since – with Assad making it very clear that the Syrian government would not be bound by the result of these negotiations.¹³ From the perspective of the Syrian regime, Iran and Russia are partners rather than principals.

Then there is the paradox of Turkey to consider – Astana partner of Iran and Russia, opponent of the Syrian regime and frosty NATO ally of the EU. Relations between many European countries and Turkey are threadbare due to persistent mutual recriminations, refugee blackmail and Turkey having become a combatant in the Syrian civil war. While the Russian-Turkish conflict in Idlib may yet open the door to more positive EU-Turkish engagement, this remains to be seen. In short, influencing the Syrian regime via the ‘Astana parties’ does not offer a short-term alternative to the EU’s lack of direct leverage over the regime.

Closing with the third foreign policy element, *EU domestic politics*, both EU institutions and most of its Member States have demonstrated that they are not willing to intervene in the Syrian civil war in ways that would engage a coherent set of diplomatic, economic and military capabilities commensurate with the size of the problem. After hoping for too long that a deal could be negotiated via the UN-Geneva mediation track, the EU essentially substituted more intrusive forms of intervention for the uncritical provision of humanitarian aid, pursuit of a diverse range of accountability initiatives,¹⁴ and the imposition of economic

sanctions.¹⁵ These reactive measures were irrelevant to the course of conflict and its humanitarian aid even helped the regime.¹⁶

The major exceptions to the EU’s hands-off policy were when it was hit directly and significantly by externalities generated by the Syrian civil war, most notably radical extremism between 2014 and 2018¹⁷ and a refugee peak in 2015. In response to radical extremism, EU Member States mobilised military capabilities to fight Islamic State as part of the US-led Global Coalition. Much to the delight of the Syrian regime, this completed the transformation of a civil uprising against autocracy into another episode of the global war on terror. In response to the refugee peak of 2015, EU Member States rapidly struck a realpolitik-type deal that literally bought cooperation from Turkey while dumping the remainder of the refugee problem on Greece.¹⁸

(a private initiative), the European Centre for Constitutional and Human Rights (ECCHR) (a not-for-profit initiative) and the Violations Documentation Center (VDC) (Syrian activists).

- 15 Our interviews suggest that the effect of *general* sanctions is particularly hard to assess. First, the socioeconomic effects of respectively the Assad regime’s economic mismanagement from before the war, wartime economic destruction, the Lebanese financial crisis, and general sanctions are hard to disentangle. Second, it is unclear to what extent general sanctions affect the regime. Our interviews indicate that sanctions may also have strengthened relations between Syria and its allies (greater dependency), as well as domestic patronage networks (alternative illicit circuits).
- 16 Haid, H., *Principled Aid in Syria: A Framework for International Agencies*, London: Chatham House, 2019; Leenders, R., *UN’s \$4bn aid effort in Syria is morally bankrupt*, the Guardian, [online](#), 29 August 2016 (accessed 11 February 2020); Leenders, R. and K. Mansour, ‘Humanitarianism, State Sovereignty, and Authoritarian Regime Maintenance in the Syrian War’, in: *Political Science Quarterly*, Vol. 133, Issue 3, Summer 2018.
- 17 Especially the attack on the weekly ‘Charlie Hebdo’ and the Bataclan theater in 2015.
- 18 For instance: Van Liempt, I. et al., *Evidence-based assessment of migration deals: The case of the EU-Turkey Statement*, Utrecht: Utrecht University, [online](#), December 2017 (accessed 13 February 2020).

13 See for example: <https://www.reuters.com/article/us-mideast-crisis-syria-constitution/syrias-assad-pledges-no-bargaining-over-constitution-idUSKCN1Q60HY> (accessed 9 March 2020).

14 Consider the International Commission of Inquiry (UN Human Rights Council), the International Impartial and Independent Mechanism (IIIM) (UN General Assembly), the Commission for International Justice and Accountability (CIJA)

The EU's reactive stance nevertheless enabled the fiction that it pursues a meaningful policy towards the Syrian conflict. Domestic debate in a number of parliaments, such as Germany and the Netherlands, shows there is a political preference for keeping this fiction alive as long as it keeps extremists and refugees at bay. This is apparent in the refusal to accept a controlled return of foreign fighters that are European citizens to face criminal justice back home. It is also on display in the willingness to pay for keeping refugees in Turkey, Lebanon and Jordan. Some European political parties even seek serious debate on whether Syria is 'safe for return' to avoid permanent residency of Syrian refugees – despite the manifest dangers of return.¹⁹

It is safe to assume that the appetite of the EU and its Member States to intervene in the Syrian conflict, in ways that could influence the regime's calculations, remains zero. As a result, the EU will have little to no leverage over the Syrian regime in the near future. Figure 1 below illustrates the space for EU foreign policy towards the Assad regime. It suggests two points of departure:

1. Any EU policy seeking to influence the Assad regime – directly or indirectly, via Iran, Russia or Turkey – will first need to create the relations and transmission routes for doing so. Developing such channels are likely to carry a price tag.
2. The EU's negative relations with the Assad regime's allies neither arose from, nor are limited to, the Syrian civil war. EU policy towards Syria can therefore not be designed in isolation but must be part of a broader strategic re-appraisal.

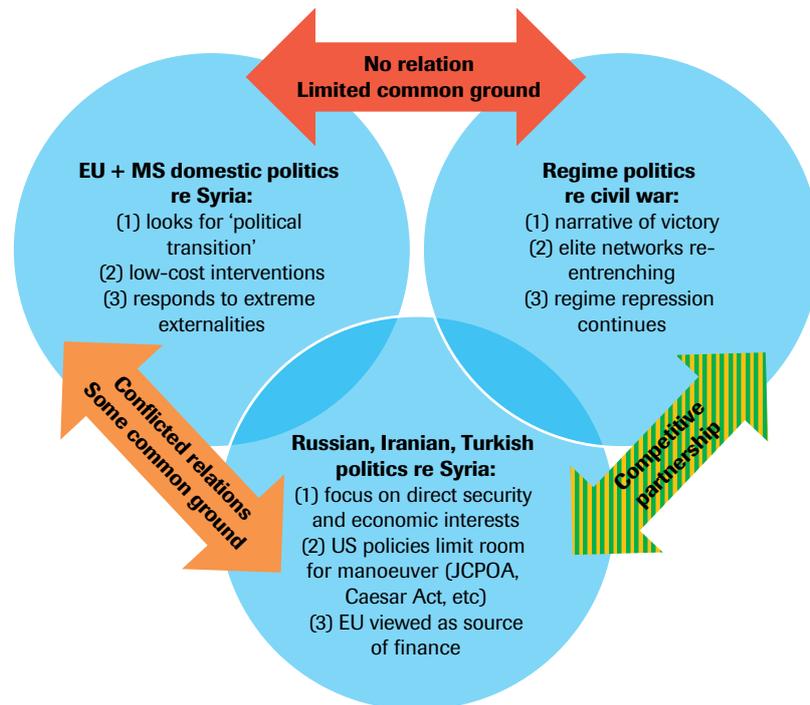


Figure 1 The space for EU foreign policy in relation to the Assad regime

19 Yahya, M., J. Kassir and K. El-Hariri, *Unheard Voices: What Syrian Refugees Need to Return Home*, Beirut: Carnegie Middle East, 2018.

3 What do the EU and its Member States want?

Given the preceding analysis, exploring feasible EU policy options for dealing with the Syrian regime requires some second-guessing of longer-term EU objectives. We outline five such objectives below that range from the pursuit of an elusive political transition to prioritizing regional stability via full re-engagement with the Assad regime. Subsequently, we explore the benefits, costs and risks of the policies needed to achieve these objectives.

Policy objective 1: Aspire to a 'meaningful transition' (policy status quo)

The current EU policy mix towards the Syrian civil war is mostly reactive. In part, it seeks to alleviate human suffering caused by the conflict by providing humanitarian aid largely uncritically and by isolating the refugee issue in the region. In other part, it intends to put pressure on the Syrian regime to make political concessions by applying non-military means such as sanctions²⁰ and pursuing accountability initiatives. The default is to continue this mix of instruments on the assumption that, even if no concessions are forthcoming – which the preceding analysis has shown to be likely – that the conflict's worst externalities can be kept at bay – refugees in the region and extremists at the border.

20 The legal basis for EU sanctions (technically: restrictive measures) on Syria is provided by Council Regulation (EU) No [36/2012](#) of 18 January 2012, Council Decision No [2012/739/CFSP](#) of 29 November 2012 and Council Decision No [2013/255/CFSP](#) of 31 May 2013. The EU releases updates on a continuous basis.

Policy objective 2: Narrow damage control of the conflict

In a modest upgrade, this policy option offers more focus on alleviating human suffering and limiting negative externalities (such as extremism and regional instability), with greater attention to existing conflict realities. Achieving these objectives requires a substantial re-fitting of humanitarian aid so that fewer benefits of such aid accrue to the regime and more to the Syrian population, while also providing more structural, long-term support to help Jordan, Lebanon and Turkey deal with a permanent and large refugee presence. Such support would in part be financial and in part diplomatic to press for more rights for refugees and better protection.²¹

Policy objective 3: Contain broader fallout of the conflict

This policy option combines better and more meaningful support for refugees – both in the region and in Europe as per option 2 above – with a lifting of general EU sanctions to generate some economic breathing space in Syria.²² This is likely to help prevent greater poverty among Syria's population and reduce the risk of conflict between different factions of the regime (should an economic implosion occur), which would trigger externalities such as greater refugee flows and growing extremism.²³ This option requires stronger EU support for Turkey in particular – recognizing the fact that it hosts the lion's share of Syrian refugees and shares a long land border with Syria that must be adequately guarded – but without further escalation of Turkey's conflict with Democratic Union Party (PYD)-linked Syrian Kurds.

21 See: <https://www.clingendael.org/publication/big-idea-better-response-syrian-displacement> (accessed 9 March 2020).

22 A worsening humanitarian situation in regime-held areas might convince European countries to lift general sanctions if the regime relaxes some of its restrictive practices on aid provision. See for example: Haid (2019), *op.cit.*

23 Economic breathing room in Syria will remain constrained by the regime's predatory economic practices, wartime destruction, the effects of the US Caesar Act, lack of fuel and skilled workers, and SDF control over the northeast.

Policy objective 4: Prevent warlord-style rule and fragmentation

In a break with the previous three options, this policy option is informed by the premise that things could get worse if the regime is left to its own devices and Syria becomes a regional ‘black hole’ that attracts illicit business, enables a cabal of security men to run their fiefdoms, and remains indebted to Russia/Iran while very partial reconstruction creates growing destitution among Syria’s remaining population. Syria could combine Egyptian-style autocracy with Somalia-style warlordism. To counter such dangerous developments, this policy option entails measures such as re-establishing diplomatic contact with the regime,²⁴ lifting all general sanctions *en bloc* and targeted sanctions on a case-by-case basis, and providing small-scale reconstruction support to probe what interventions produce a reasonable return on investment in terms of improving the socio-economic conditions and safety of the Syrian population. Its key problem are regime capture of aid and a host of human rights concerns.

Policy objective 5: Cultivate another reliable autocrat

Policy option 5 cuts all ‘losses’ from the EU’s current policy towards the Syrian conflict, embraces the winner of the civil war and re-engages largely unconditionally with Damascus on the assumptions that either things could get much worse or that renewed dealings could generate some positive gains, such as refugee return or better relations with Russia. It accepts the high costs that would come with the provision of reconstruction support (because of regime capture, corruption and re-legitimation) in exchange for minimised externalities and improved relations with Russia and Iran, which could produce benefits elsewhere. In this scenario, Syria might become an outsized version of Transnistria – a shadowy borderland with strong Russian and Iranian influences where European interests nevertheless factor in the equation.

The table below summarises these five policy objectives in terms of their consequences, main policy thrust, core components, advantages and disadvantages.

Table 1 EU options for dealing with the Assad regime

Policy objective	Main consequence	Core components	Key advantages	Key disadvantages
1. Maintain policy status quo of aspiring to a ‘meaningful transition’	Accepts most negative externalities caused by the Syrian regime	<ul style="list-style-type: none"> • Maintains existing sanctions and humanitarian support • Reinforces domestic migration and intelligence capabilities 	<ul style="list-style-type: none"> • Frees up resources • Acknowledges lack of leverage • Gains some credits in Washington as US ‘policy follower’ 	<ul style="list-style-type: none"> • Allows Russian + Iranian consolidation • Supports regime indirectly • Enables regime capture of humanitarian aid • Ignores major externalities
2. Narrow damage control of the conflict	Mitigates those externalities with the most negative short-term impact	<ul style="list-style-type: none"> • Refits, then increases, humanitarian support inside Syria • Increases refugee support in the region • Increases accountability efforts 	<ul style="list-style-type: none"> • Alleviates the regional human cost of the conflict • Minimises engagement with a corrupt and autocratic regime 	<ul style="list-style-type: none"> • Allows Russian + Iranian consolidation • Ignores risk of economic implosion triggering intra-elite conflict in Syria • Ignores regional conflict risks

24 While the Syrian state features both a ‘regime’ and an ‘administrative apparatus’, the latter does not have independent authority. As a result, conflict-influencing or reconstruction approaches that rely on working with the ‘administration’ to circumvent the ‘regime’ will fail. The same can be said for local authorities or local organisations. There is no such thing as local independence of the regime in Syria.

Policy objective	Main consequence	Core components	Key advantages	Key disadvantages
3. Contain broader fallout of the conflict	Mitigates most negative externalities	<ul style="list-style-type: none"> As above, but also accepts more refugees in Europe Rebuilds relations with Turkey Lifts general sanctions <i>en bloc</i> 	<ul style="list-style-type: none"> Somewhat improves socioeconomic conditions in Syria and the region Doesn't require re-engagement and remains politically marketable 	<ul style="list-style-type: none"> Ignores risk of regional conflict Lifts general sanctions without political concessions Indirectly supports regime Is vulnerable to Turkish manipulation
4. Prevent 'authoritarian warlordism'	Supports a conditional rebuilding of Syria	<ul style="list-style-type: none"> Re-establishes contact with regime Lifts general sanctions Lifts targeted sanctions on case-by-case basis Negotiates scalable reconstruction support (basic services) 	<ul style="list-style-type: none"> Improves socioeconomic conditions May lead to small improvements in governance May create modest space for constructive engagement 	<ul style="list-style-type: none"> Boosts regime legitimacy and resources Does not realise significant governance improvements Has serious financial costs Is vulnerable to regime capture
5. Cultivate another reliable autocrat	Gradually transitions to business as usual	<ul style="list-style-type: none"> Re-establishes diplomatic relations Lifts all sanctions Exchanges business delegations Offers a mix of concessional loans and aid 	<ul style="list-style-type: none"> Makes Syria a more predictable 'state actor' Improves relations with Russia and Iran May generate intelligence May generate economic benefits 	<ul style="list-style-type: none"> Whitewashes the Assad regime Has serious financial costs Risks conflict relapse: autocracy led to the 2011 revolution

Note: Policy option 4 would feature forms of reconstruction support, policy options 3 and 5 could.

In sum, policy options 1 (maintain status quo) and 2 (narrow damage control) effectively amount to 'isolate and ostracise'. They retain the self-righteousness of non-engagement but do not influence the (post-)conflict situation, including the possibility of new conflict. Policy options 3 (contain broader fallout) and 4 (prevent warlord-style fragmented rule) amount to much stronger containment based on the premise that things could get worse and that creating more breathing space in the region and in Syria itself can limit this risk. Policy option 3 aims to accomplish this without re-engaging Assad, policy option 4 does include re-engagement. Finally, policy option 5 (cultivating another autocrat) means re-establishing diplomatic relations on the basis that there might be benefits from dealing with the devil you know.

4 Routes to realising EU foreign policy objectives

Only policy options 1 (maintain status quo) and 2 (narrow damage control) can be exclusively implemented by the EU and

its Member States. These options do not require direct interaction with the regime or its allies. While these policy options are anti-regime, they do not require investing much political capital into confronting it. As a result, they can shift into a more accommodating stance towards the Syrian regime with comparative ease, if and when events so require. It may be tempting for the EU and its Member States to continue pursuing either one of these policy options, but they come with significant risks. These include enabling Russian, Iranian and, to a lesser extent, Turkish consolidation in Syria, with the consequence that Syria would be likely to turn into another unfriendly country in the EU's direct neighbourhood. Another risk is that both policy options ignore – albeit to different degrees – most negative externalities likely to arise from the conflict and will face a litmus test at some point when regional instability, refugee flows and extremism inevitably affect European interests with greater force.

Implementation of policy option 3 (contain broader fallout) requires rebuilding the EU's relations with Turkey since the latter's geographical position makes it a critical

platform to manage a number of negative externalities that are likely to arise from the Syrian civil war and its aftermath. One key challenge here is the need for a more coherent and sustainable policy towards the 3.6 million Syrian refugees – one that creates better prospects for long-term settlement via greater legal protection and smoother economic integration. Another key challenge is securing the Turkish border with Syria to block a number of negative externalities from affecting Europe. Finally, there is the matter of preventing Turkey from further aggravating its conflict with the PYD through a mix of advocacy and co-optation.

President Erdogan may not be well liked in the EU, but there is more to Turkey than his personality and the country remains both a NATO ally and an EU neighbour. Realistically, the price for enabling policy option 3 (contain broader fallout) will be financial (following the template of the EU-Turkey deal), economic (e.g. deepening the existing customs union and extending it to include EU free trade agreements), and political/symbolic – in the sense that the EU will have to demonstrate greater understanding of Turkish security concerns in respect of the PKK while also supporting the legitimate desire among Turkish Kurds for greater cultural autonomy and better

political representation. If the EU can engage Turkey more geopolitically – a key selling point of the Von der Leyen Commission – based on these elements, capture or manipulation of this policy option by Turkish interests can be avoided.

An additional matter that needs to be considered for policy option 3, as well as 4 and 5, is how relevant EU sanctions (including their potential lifting) still are now that the US Congress has passed parts of the Caesar Syria Civilian Protection Act as part of its FY2020 National Defense Authorization Act. The short answer is that they remain somewhat relevant, both symbolically and practically. Any EU support for the reconstruction of Syria is likely to come from official development assistance budgets (ODA), which are managed by ministries or implementing agencies of EU Member States. These are hard to sanction without creating an immediate diplomatic firestorm. This is the crucial difference with US sanctions on Iran, which relied on coercing private European enterprises with financial exposure in US markets to desist from investing in Iran. Should EU governments be willing to defy the US on the reconstruction of Syria, they could work with implementing partners from the region that have no exposure to US markets, such as Turkish, Iraqi and Egyptian companies.

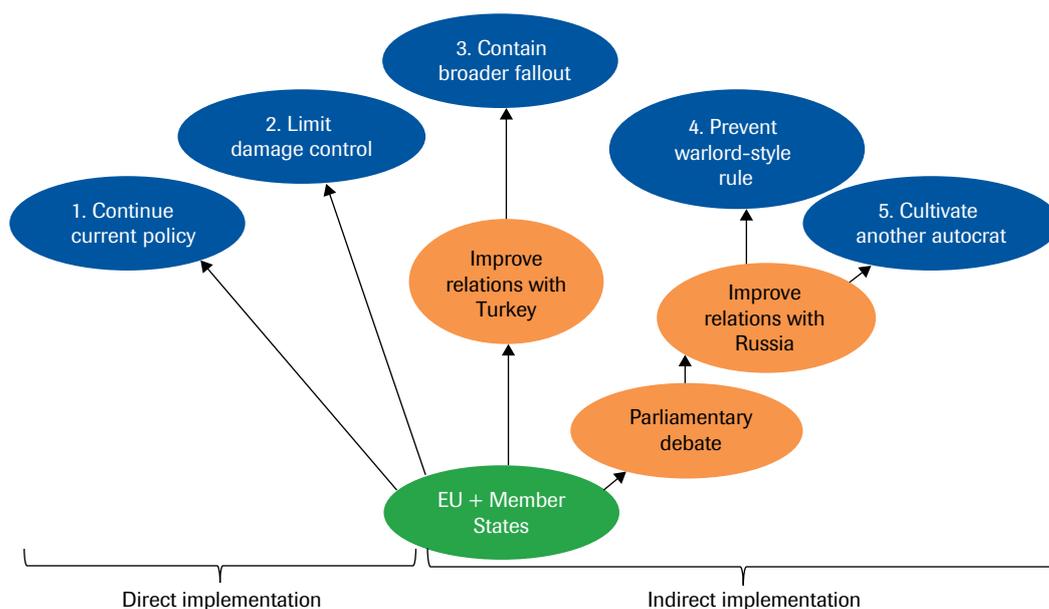


Figure 2 Implementation routes for EU policy options related to the Syrian regime

Finally, the implementation of policy options 4 (prevent warlord-style fragmented rule) and 5 (cultivating another autocrat) requires mending at least some fences with Russia to secure its services as broker that can make initial introductions to the regime. Alternatively, direct relations with the Syrian regime would need to be restored, perhaps on the back of the Czech diplomatic presence in Damascus. Given the benefits of reconstruction to the Assad regime, Russia would probably welcome EU engagement and keep it separate from the MH17, Ukraine or Crimean questions. However, securing the same compartmentalisation on the part of EU Member States – such as the Netherlands, Poland, the Baltic States and Germany – will require forging a new parliamentary consensus in each of these countries.

5 Cutting the Gordian knot?

Considering the limited effectiveness of current EU policy towards the Syrian regime, the likely durability of the regime²⁵ and the growing set of negative externalities that a re-entrenching regime is likely to generate, a re-orientation of EU policy is mostly a matter of time. The question is what degree of change circumstances will dictate. From an analytical point of view, the task is to be as clear as possible about the likely effectiveness of different policy options, considering conflict realities, domestic constraints and policy risks. Table 2 appraises the options discussed in this brief, employing a scoring scale of ‘very low – low – medium – high – very high’.

Table 2 The likely effectiveness of the five policy options discussed in this brief

Policy objective / option	A. Degree of realism To what extent are conflict realities reflected?	B. Domestic feasibility Likelihood of sufficient domestic support?	C. Policy risk What core issues are not addressed?	D. Likely success
1. Continue current policy	Very low <i>Essentially an ostrich policy</i>	Very high <i>Caters to the fiction of a Syria policy</i>	Very high <i>Ignores major externalities, no post-conflict influence</i>	Very low – low
2. Narrow damage control	Low <i>More realistic band-aid</i>	High <i>Light upgrade of current policy</i>	High <i>Ignores major externalities, no post-conflict influence</i>	Low
3. Contain broader fallout	Medium <i>Mitigates most external effects of regime victory</i>	Medium <i>Lifting general sanctions + Turkey elements are sensitive</i>	Medium <i>Ignores risk of regional conflict, strengthens regime somewhat</i>	Medium
4. Prevent warlord-style rule	Very high <i>Anticipates worse may be to come</i>	Low <i>Amounts to support for a brutal regime</i>	Medium <i>Legitimacy and financial boost for regime, core conflict drivers remain</i>	Medium
5. Cultivate another autocrat	Medium <i>Recognises Assad as victor</i>	Very low <i>Amounts to full regime legitimisation</i>	High <i>Whitewashes regime, core conflict drivers remain</i>	Low

25 During an expert workshop in March 2020, there was consensus that the Syrian regime (not necessarily Assad) is there to stay as long as it is fully backed by Russia and Iran, retains strategic control over the existing plethora of pro-regime forces, and remains capable of working around the worst economic effects of sanctions.

In the short term, the EU has no good options for dealing with the Assad regime. It will nevertheless face growing pressure to upgrade its current minimalist approach. Such pressure will come from different corners: a re-entrenched regime that acts as exporter of instability; deepening humanitarian misery that will extend to Europe; Syria's neighbours that will wish to turn the page; lawlessness in southern Syria; and the Kurdish question as a source of permanent instability. If the EU does not start considering its options and preparing the ground for a policy upgrade now, it will likely face either a slow-motion or a sudden crisis that it will struggle to contain at some point²⁶ – akin to the recent escalation of hostilities in Idlib until the Turkish-Russian cease fire. Unlike the US, the EU is not separated from Syria by the transatlantic ocean and neither scenario serves its interest.

Based on the evidence discussed in this brief, a policy to contain broader fallout of the conflict should be urgently enacted (policy option 3),²⁷ possibly as a prelude to limited re-engagement with the regime (policy option 4). It is likely to be the most effective option for now, as it can make a positive difference and because it can be realistically enacted. Its seven main elements include:

1. refit humanitarian support inside Syria to reduce the extent of regime capture;
2. increase such support to address growing poverty;
3. provide more refugee support in the region to improve legal rights to residency and work;
4. accept more Syrian refugees in Europe to demonstrate solidarity;
5. intensify global efforts to hold the Assad regime accountable;
6. rebuild the relationship with Turkey as a key buffer and partner; and
7. lift general EU sanctions to help prevent economic collapse in Syria in exchange for a relaxation by the regime of current restrictions on the provision of humanitarian aid.

The aim is to create greater stability to prevent worse, without ignoring the wartime behaviour of the Assad regime and its allies. Looking ahead, two factors should be monitored to gauge the need for an upgrade to policy option 4 (preventing warlordism), namely: the actual effectiveness of option 3 (contain broader fallout) and the risk of elite conflict within Syria.

The forthcoming Brussels-IV conference and the discussion about a new EU Special Representative for Syria (EUSR) offer opportunities to initiate the required EU foreign policy shift. The conference programme could be designed in ways that allow creative ideas to be developed on how a broad containment strategy can be operationalised. The mandate of a new EUSR should provide him/her with levers and resources for effective refugee policy advocacy among Syria's neighbours, authorisation to serve as the fulcrum for a strategic and broad EU dialogue with Turkey, and leave open the possibility of establishing informal and discrete contacts with Damascus.

The Syrian conflict does have a military solution. Not being prepared for its likely outcome and consequences amounts to even greater foreign policy failure than the one that EU foreign policy absenteeism towards the Syrian conflict already represents. Now is the time to turn the page.

26 Consider the impotent idea of creating a monitored, but-not-enforced, no-fly zone by the Dutch Foreign Minister of 4 March 2020. See: <https://www.government.nl/latest/news/2020/03/04/minister-blok-stop-humanitarian-catastrophe-with-a-no-fly-zone-over-idlib> (accessed 9 March 2020).

27 Situated on the range of existing policy recommendations, this approach sits comfortably between the somewhat greater engagement argued for by European Council on Foreign Relations (ECFR) and the International Crisis Group (ICG), and the more limited engagement proposed by Chatham House. See: Samaha, N., *Can Assad win the peace?*, ECFR: [online](#), 2019; ICG, *Ways out of Europe's Syria Reconstruction Conundrum*, Brussels: ICG, 2019., *op.cit.*; Khatib and Sinjab (2018), *op.cit.*; Khatib, L., *Bashar al-Assad's Hollow Victory*, Foreign Affairs, [online](#), January 2020 (both accessed 14 February 2020).

About the Clingendael Institute

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