Syria: Sanctions Should Not Be Lifted, but They Must Be Improved

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While not the chief cause of Syria’s economic crisis, sanctions have exacerbated difficulties faced by the Syrian people. New medical and humanitarian needs arising from the COVID-19 pandemic and uncertainty over the impacts of the Caesar Act have worsened the harmful effects of sanctions on ordinary Syrians. However, sanctions are essential to the preservation of justice and accountability efforts and the protection of human rights within Syria, and suspending them would create significant risks for Syrian civilians and serious repercussions on justice efforts. Instead, key improvements should be made to address current obstacles impeding the effective use of humanitarian exemptions and lessen the negative impacts of sanctions on the Syrian people.

Sanctions on Syria, the Caesar Act, and COVID-19

As Syria struggles to cope with an unprecedented currency collapse, economic sanctions imposed on the country have become the subject of intense debate. The Syrian pound, which traded at 940 pounds to the dollar in January, fell to 3,500 on 18 June - a record low - largely due to anxieties over a new round of US sanctions and the banking crisis in neighbouring Lebanon. The financial turmoil in Syria has caused food prices to soar, with the price of a food basket recently reaching the highest levels recorded since the start of the crisis at 15.8 times the five-year pre-crisis average. Given that more than 80 per cent of Syrians are estimated to be living below the poverty line, the recent economic volatility and inflation rate undeniably threaten the ability of ordinary Syrians to afford basic goods and essentials.

Syria’s precarious position is worsened by the potential of a COVID-19 outbreak, further raising the stakes of economic sanctions. While the presence of the COVID-19 virus in Syria is currently minimal in comparison to other countries (though it must be noted that testing for the virus remains very limited in the country), the devastating impact of the war on Syria’s public healthcare system...
has left the country deeply vulnerable to the pandemic. For example, internally displaced persons are at an extremely high risk of contracting and transmitting the virus in overcrowded camps; detainees are at similarly high risks in prisons and detention facilities, and only 50% of the country’s hospitals and medical facilities are operational.

The debate over whether sanctions have a disproportionately negative impact on the Syrian people has intensified following the recent entry into force of the US Caesar Syria Civilian Protection Act, which added another layer of sanctions onto the comprehensive sanctions regimes already in place. The Caesar sanctions are designed to take a “sectoral approach”, targeting foreign companies and individuals investing in or otherwise involved in Syrian industries like fuel and construction. On the same day the Caesar Act entered into force, the State Department and Treasury Department announced the designation of 39 individuals and entities. Of these 39, the State Department designated 15 targets under Executive Order 13894, several of whom had already been designated under prior sanctions. The Treasury Department designated the remaining 24 targets, primarily using Executive Order 13573 (being agencies or instrumentalities of, or being owned or controlled by, the Government of Syria) and 13582 (materially assisting or supporting the Government of Syria). Of this total, the US Office of Foreign Assets Control (OFAC) designed nine targets under the specific provisions of the Caesar Act, primarily targeting individuals and entities involved in large real estate development projects.

The newly implemented Caesar designations - with their focus on real estate - sent a chilling signal to foreign companies considering investing in Syria’s reconstruction. The looming worries surrounding a potential COVID-19 outbreak have sparked fresh discussions regarding the role of economic sanctions on Syria. Sensing an opportunity, the Syrian government and its allies have called for the lifting or temporary suspension of sanctions against Syria. The Syrian government claims that the sanctions are the main source of economic instability negatively impacting ordinary Syrians and are impeding the provision of critical medical and humanitarian relief needed to contain the coronavirus.

Calls to lift sanctions are misguided and...
There is undeniably some truth to the fact that economic sanctions have some negative impacts on the Syrian economy as a whole and consequently on the Syrian people. Moreover, as has been flagged by some prominent members of the humanitarian and medical communities, it is similarly true that the “humanitarian carve-outs” in sanctions regimes are hindered by serious issues that need to be urgently addressed. Ultimately, however, anti-sanctions rhetoric promulgated by the regime and its allies is misleading, both oversimplifying the complex issues preventing the efficient and equitable distribution of aid throughout Syria and tending to ignore the dangerous risks suspending sanctions would have on efforts to pursue human rights, justice, and accountability for war crimes committed in Syria. The anti-sanctions narrative deliberately obscures the major role the Syrian government and its allies play in weaponizing humanitarian aid, impeding the timely delivery of medical relief, and worsening the financial crisis.

Lifting sanctions would not necessarily, or even likely, result in a sufficient medical and humanitarian response to the COVID-19 situation. This fact is underscored by hard evidence that the Syrian government has diverted and weaponized aid in the past, effectively co-opting the multi-billion dollar humanitarian relief effort from international donors for Syria. The Syrian government’s pattern of manipulating the flow of humanitarian aid to punish perceived enemy populations and benefit government loyalists was detailed in reports published by Human Rights Watch and Chatham House last year, while documents obtained by the Syria Justice and Accountability Centre specifically outlined how Syrian intelligence agencies have played a central role in diverting humanitarian aid efforts in the country. There is no basis to assume that this pattern would change merely because of a potential COVID-19 outbreak.

Moreover, if sanctions were to be temporarily suspended, the international community would still lack any leverage or possess any mechanism by which to guarantee the fair and equitable distribution of humanitarian and medical relief for COVID-19 efforts across Syria, nor any ability to monitor the same.
The Syrian government has repeatedly demonstrated its lack of credibility and its inability or unwillingness to make policy decisions that prioritize the health and welfare of its citizenry. Examples to support this are both longstanding and continuous. For instance, the Syrian government and its allies have continued to attack civilian targets including schools, hospitals, and medical facilities as recently as early 2020, which undermines the credibility of their calls to lift sanctions for the benefit of relief efforts.

In the absence of efforts to improve aid delivery, there is no credible basis supporting the narrative that lifting sanctions would result in positive trends in the provision of humanitarian and medical aid in Syria. On the contrary, there is nearly a decade worth of evidence that strongly suggests the opposite conclusion.

Sanctions are critical to human rights, justice, and accountability efforts

Critics often focus on the fact that sanctions have not historically proven effective at coercing regime or policy change. While sanctions are indeed designed with the ultimate goal of coercing policy change, failure to achieve this does not render sanctions useless or ineffective. On the contrary, even where sanctions fail to bring about their ultimate goal, their imposition functions as an important deterrent to continued human rights abuses perpetrated by the target government, deters foreign complicity in the same abuses, and prevents targeted individuals and entities from benefiting from violations of international law.

The Caesar sanctions are a strong example of how sanctions effectively protect human rights, even if a sanctions regime as a whole fails to bring about radical policy change. By targeting foreign individuals and entities, particularly the allies of the Syrian government and potential reconstruction investors, the Caesar sanctions help prevent the possibility of allied governments benefitting from gross violations of international law. Russian forces, for example, allegedly carried out attacks on three healthcare facilities, a school, and a refuge for children in northwest Syria in 2019, and just recently Moscow announced its withdrawal from a UN humanitarian notification system intended to protect humanitarian sites like hospitals and health centres. Sanctions, particularly the new Caesar sanctions,
will prevent companies and individuals - particularly those from countries accused of perpetrating war crimes in Syria - from benefiting and profiting off of those same crimes.

Second, sectoral sanctions like those envisioned by the Caesar Act help lay the groundwork for future justice and accountability efforts. While preventing reconstruction efforts may initially seem counterintuitive, critics should bear in mind that the sanctions are specifically designed to target government-led reconstruction projects. The Syrian government’s efforts to court foreign investment for reconstruction have not been focused on the areas hardest hit by the war nor on rebuilding basic infrastructure for the benefit of the wider Syrian population. On the contrary, the government’s reconstruction efforts have focused on luxury developments built by regime-affiliated elites, often on confiscated land. Sanctions preventing and deterring government-led reconstruction therefore may help to protect the land and property rights of those forcibly displaced by the war and complement efforts to combat impunity.

While legal repercussions may be distant, the sanctioning of specific individuals and entities is essential in providing some level of political and financial accountability for those either complicit in or content to profit from violations of international humanitarian and human rights law. Protecting human rights and safeguarding ongoing justice and accountability efforts is paramount, and would be dangerously jeopardized if sanctions were removed.

**To address urgent needs, sanctions regimes on Syria must be improved**

However, it is clear that existing sanctions regimes need to be adjusted and improved, particularly in light of the COVID-19 pandemic and deteriorating economic situation. While sanctions regimes provide for humanitarian “carve-outs”, these intended exemptions are not working effectively in practice. Humanitarian exemptions must be modified to address issues consistently experienced by the groups, companies, and organizations that use them. Factors complicating the use of humanitarian exemptions, like burdensome compliance requirements, overly general assurances, and time-consuming application
processes should be urgently addressed in light of COVID-19.

A number of key improvements can be made to sanctions regimes in order to alleviate the suffering of the Syrian people, especially during the pandemic. Humanitarian and medical groups frequently making use of the exemptions have suggested, for example, the issuance of specific “comfort letters” by license-issuing bodies like the Office of Foreign Assets Control of the US Treasury Department. General licenses supplemented by specific comfort letters would address fears of risk-averse banks and financial institutions by offering tangible protection from the possibility of future prosecution for sanctions violations.

Another issue of particular relevance to medical relief efforts in the current context is the problem of dual-use goods and services, like raw materials or technical parts commonly used in medical equipment but also able to be used for nefarious purposes. These items, such as nitrous oxide for anaesthetics in hospitals, chlorine products used for water purification and sanitation, and spare parts needed for dialysis machines, present a problem for medical and humanitarian groups attempting to use the sanctions exemptions, delaying license applications and thereby worsening shortages of essential items and equipment. A third problem with sanctions is the effect on remittance payments from the Syrian diaspora, urgently needed by ordinary Syrians within the country during the current financial crisis.

Clear, precise, and comprehensive information and messaging would also help counter the negative impacts sanctions have on the Syrian people. As it stands, there is little knowledge or understanding of the sanctions regimes among the Syrian public, who have instead been bombarded with misinformation and the politicized narrative promulgated by the Assad government. Fears and anxieties regarding the Caesar sanctions have been compounded by the lack of efforts made by the US and the EU to promote awareness of the humanitarian exemptions or clarify the expected effects of the new sanctions. Guidance specifically crafted to address misconceptions of sanctions among the Syrian public would greatly improve perceptions and help allay anti-sanctions sentiment.

It is fundamental that Syria sanctions remain in place: removing sanctions would further endanger the human rights of the Syrian population, undermine ongoing
justice and accountability efforts, and tacitly endorse impunity for severe and repeated violations of international law. To lift sanctions and normalize relations with the Syrian government would constitute a betrayal of Syrian individuals and civil society groups who have documented human rights violations and fought for accountability at great personal risk over the course of the war. Though sanctions remain timely, necessary, and justified by the behaviour of the Syrian government and its allies, key adjustments to sanctions regimes should be made in order to mitigate their negative impacts on the Syrian people and improve the provision of medical and humanitarian aid within Syria during COVID-19.
Endnotes


5. Ibid.

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