

# Impact of sanctions on the humanitarian situation in Syria

## SUMMARY

As the civil war in Syria enters its 13th year, and amidst ongoing political instability and armed clashes, the humanitarian and economic situation in the country continues to deteriorate. Half of the country's 22.1 million population is internally or externally displaced and 15.3 million people – nearly 70 % of Syrians – are in need of humanitarian assistance. Following the deadly earthquake in early February 2023, the humanitarian situation has deteriorated further.

Since the beginning of the conflict there in 2011, Syria has been under one of the most extensive sets of sanctions in the world. Since the early days of the conflict, the European Union (EU) imposed sanctions on members and supporters of the regime of Bashar al-Assad as well as sectors of the economy benefiting the regime; since then, the scope of the measures has been expanded further. EU sanctions are designed to have minimal impact on the civilian population, and contain exceptions (exemptions and derogations) to the prohibitions, to avoid impeding the delivery of humanitarian assistance to and inside the country. Nevertheless, humanitarian operators report that unintended 'side-effects' of the sanctions have complicated their activities. To mitigate this, the EU has been engaging with all stakeholders to find solutions.

The EU has been at the forefront of providing humanitarian, development, economic and stabilisation assistance, channelled through humanitarian operators to the Syrian population. Together with its Member States, the EU is the biggest donor to the Syrian people. However, in line with its strategy on Syria, the EU does not provide reconstruction assistance to the Syrian regime, pending implementation of concrete steps outlined in United Nations Security Council Resolution 2254 (2015).

The European Parliament has been vocal in expressing its concerns over the deteriorating human rights and humanitarian situation in Syria, condemning the violence and attacks, including on humanitarian aid workers, mostly by the Syrian regime, but also by other parties. Parliament supports the EU's approach to sanctions, and advocates the scaling-up of humanitarian assistance.



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## Introduction and overview of the humanitarian situation

More than 12 years of conflict in Syria have developed into one of the world's largest humanitarian disasters. Amidst ongoing hostilities and instability and the destruction of Syria's infrastructure, the country's humanitarian and economic indicators continue to deteriorate. The COVID-19 pandemic, an ongoing [cholera outbreak](#) and other recurring disease outbreaks challenge collapsing health services. Climate shocks (e.g. excessive heat and [drought](#) in summer, particularly [onerous winters](#)) compound an already dire [situation](#). The disastrous 7.7 magnitude earthquake on 6 February 2023 resulted in a massive loss of life and a further deterioration of the humanitarian situation, affecting at least [8.8 million](#) Syrians, especially in the most-impacted parts of northern Syria not controlled by the government. Even before the earthquake, [15.3 million](#) people – nearly 70 % of the 22.1 million Syrian population – were in need of humanitarian assistance, including more than 4 million people in extreme or catastrophic need. Nearly half (46 %) of those in need were [children](#) (0-17 years old). In addition, almost 35 % of people in need were internally displaced people (IDPs) – 6.8 million, or almost a third of the Syrian population. In the aftermath of the earthquake, the [numbers](#) of displaced people, and those in need of medical and humanitarian assistance, [has risen further](#). To meet skyrocketing acute needs, the UN issued a complementary [Flash Appeal](#) in February 2023 for additional funding needed to scale-up the humanitarian response through the expansion of the existing [programmes](#).

In the context of the Syrian regime's brutality and its violation of international humanitarian and human rights law as well as a [plethora](#) of other international law provisions, the EU, the United Kingdom ([UK](#)), United States (US), [Canada](#), [Switzerland](#), [Australia](#), and other countries have imposed targeted individual and sectoral restrictive measures (sanctions) on Syria (see below). At the same time, the same countries are active humanitarian assistance donors.

Numerous experts [claim](#) that the Syrian regime and its allies bear primary responsibility for impeding the delivery of humanitarian aid (see below). They have repeatedly **politicised humanitarian aid** by routinely [obstructing](#) operators' access to some territories, especially those held by anti-Assad groups. According to many, including the [European Parliament](#), the Syrian regime also bears **responsibility for attacks on humanitarian workers**.

### Political situation

In 2011, Syrian President Bashar al-Assad and his regime responded to nationwide anti-government protests and pro-democracy demonstrations in Syria with violent indiscriminate repression. With the spiral of violence escalating rapidly, the conflict evolved into a full-blown civil war between the government and the heterogeneous opposition forces, which became a breeding ground for radicalisation and terrorism. All the parties to the conflict have reportedly targeted civilians. The Syrian regime resorted to [extreme](#) brutality, including the use of [chemical weapons](#) on densely populated civilian neighbourhoods. The conflict was internationalised, as five countries (Russia, Turkey, Iran, Israel, and the United States) intervened militarily.

A number of the internationally brokered political initiatives aimed at ending the ongoing fighting between the Syrian regime, which controls two thirds of the territory, and the remaining opposition which controls the north-west of Syria, have failed. According to the Global Peace Index ([GPI](#)), in 2022, Syria remained the third-least-peaceful country in the world. In addition, the prolonged [instability](#), hostilities, terrorist threat, damaged infrastructure and disturbed economic activity [have exacerbated](#) the already weak economic and humanitarian situation in the country, resulting in a humanitarian disaster that is unparalleled in the 21st century.

## EU sanctions on Syria

On 29 April 2011, following the escalation of violence in Syria, including the use of live ammunition by regime forces, the EU expressed its 'grave concern' about the situation in Syria and [condemned](#) the Syrian regime's violent repression of peaceful protests. Subsequently, in May 2011, the Council of the EU adopted [conclusions](#) urging 'the Syrian authorities to respond to the legitimate demands of the Syrian people by launching an inclusive and genuine national dialogue and by implementing without delay and through a concrete timetable, meaningful political reforms'. The EU also [suspended](#) all its bilateral cooperation with the Government of Syria, including under the European Neighbourhood Policy Instrument (ENPI) and other regional programmes. In line with the EU's restrictive measures, the European Investment Bank (EIB) also [ceased](#) to provide loans and technical assistance to Syria.

In parallel, on 9 May 2011, the Council of the EU adopted [Decision 2011/273/CFSP](#) and [Council Regulation \(EU\) No 442/2011](#) on a series of **autonomous restrictive measures** against Syria and against persons responsible for the violent repression of the civilian population in Syria. The acts provided for an arms embargo, a ban on equipment which might be used for internal repression, and restrictions on the admission to the EU of certain persons and entities responsible for the violent repression against the civilian population in Syria and the freezing of their funds and economic resources. The Council expanded the scope of its measures by way of consecutive Council decisions and regulations, as well as making amendments and additions to the list of targeted persons and entities through successive Council implementing regulations.

Council [Regulation \(EU\) No 36/2012](#) of 18 January 2012 consolidated all the measures into a new legal act. On 31 May 2013, the Council of the EU adopted [Decision 2013/255/CFSP](#) concerning restrictive measures against Syria, including against specific sectors of the Syrian economy that finance the Syrian regime. It provided for restrictions on exports and imports, financing of certain enterprises, infrastructure projects, financial support for trade, financial and transport sectors, restrictions on admission, and freezing of funds and economic resources. As of today, these two acts – Council Regulation (EU) No 36/2012 and Council Decision 2013/255/CFSP as amended – form a package of measures addressing the continued violation of human rights in Syria. The EU sanctions regime on Syria include:

- An oil and arms embargo;
- Restrictions on financial support for trade, the financial sector and certain investments;
- A freeze on Syrian central bank assets held in the EU;

### United Nations

The UN does not currently impose sanctions directly targeting Syria as a country or directly targeting the Syrian government. However, two provisions of UN sanctions affect Syria:

**Prohibition on trade in antiquities.** To preserve Syria's cultural heritage following widespread reports of looting by the Islamic State group and criminal gangs, UN Security Council Resolution (UNSCR) 2199 (2015) prohibits any trade in antiquities removed from Syria since 15 March 2011. The EU transposed the restrictive measure into its sanctions regime on Syria, adopting [Council Regulation \(EU\) 2015/827](#) on 28 May 2015.

**Sanctions on the Islamic State group (ISIL/Da'esh)** [UN Security Council Resolution 2253 \(2015\)](#) imposes sanctions on ISIL/Da'esh and Al-Qaeda, including both ISIL/Da'esh as an organisation and individual, named IS members, and prohibits trade and commerce with IS and named members. UNSCR 2199 further calls on states to take measures to ensure they are not purchasing IS oil or otherwise engaging in oil trade with IS. As part of its security response and the fight against terrorism, the EU also implements UN Security Council sanctions. On 20 September 2016, the Council adopted a [legal framework](#) that allows the EU to apply sanctions autonomously to ISIL/Da'esh and Al-Qaeda and persons and entities associated with or supporting them.

- Export and import restrictions on specified goods, including equipment and technology that might be used for internal repression, as well as on equipment and technology for the monitoring or interception of internet or telephone communications. EU sanctions also generally prohibit the provision of services related to the export of prohibited goods to Syria, even if the goods come from a third country;
- Targeted sanctions on a wide range of Syrian government officials, military leaders, businesses, pro-government businessmen, political leaders, and militia leaders. Following Council Decision [\(CFSP\) 2023/847](#) of 24 April 2023, the list of people and entities subject to sanctions in view of the situation in Syria now includes 322 persons, targeted by both an assets freeze and a travel ban, and 81 entities subject to an assets freeze. In addition, EU persons and entities are forbidden from making funds available to both listed individuals and entities.
- Restrictions on the transport sector. Member States are required to prevent access to airports under their jurisdiction for all exclusively cargo flights operated by Syrian carriers and all flights operated by Syrian Arab Airlines.
- Prohibition on participating in or providing technical assistance or financing or financial assistance for the construction of new electric power plant;
- Restrictions on financing of certain enterprises (e.g., enterprises engaged in Syrian oil industry exploration or construction of new electric power plants).

The EU sanctions on Syria, which have to be renewed annually, were most recently [extended](#) on 25 May 2023, for the period up to 1 June 2024. The Council has repeatedly [confirmed](#) the 'Union's commitment to continue its policy of imposing additional measures against the regime as long as the repression continues'.

### Sanctions imposed by the United States

The US sanctions, many of which [predate](#) the current crisis, are broader than those imposed by the EU. In [1979](#), the US designated Syria as a state [sponsor](#) of international terrorism. In the 2000s, the US imposed successive additional sanctions in response to Syrian activity in Lebanon and Syria's weapons of mass destruction programme. More comprehensive sanctions followed the outbreak of civil war.

Currently, the US [imposes](#) both primary and secondary ([extraterritorial](#)) sanctions on Syria. The primary [sanctions](#) amount to an embargo on almost all trade and financial ties (e.g. arms embargo, ban on the export of most US-origin goods and services, financial and investment restrictions, ban on petroleum trading/handling, prohibition on official government assistance, sanctions on the Syrian government, including the Central Bank of Syria, targeted sanctions and targeted travel bans (Syrian airlines and listed persons), and an entry ban with limited exceptions). **Secondary sanctions** were substantially expanded by Congress in December 2019 by passing the 'Caesar Syria Civilian Protection Act,' (['Caesar Act'](#)). The act requires the US executive branch to impose sanctions on a variety of third-country individuals and entities that engage in specific types of business with Syria, the Syrian government, and other entities under sanctions in Syria.

As for the exceptions to the prohibitions, the US provide general and specific licences. The general licence, which does not require prior-authorisation, is applied to food, specified medicine and basic medical supplies exports to Syria. The general licence also authorises sending non-commercial, personal remittances to (non-sanctioned) individuals in Syria. Importantly, the US general licence allow non-governmental organisations (NGOs) to engage in certain charitable activities, including providing humanitarian relief and educational services to the Syrian people, non-commercial development projects that benefit the Syrian people, and preserving historical and cultural sites. Meanwhile, a specific licence may be granted to specific organisations or companies to engage (upon prior authorisation) in generally prohibited activities.

Like the EU, the US is a leading [donor](#) of humanitarian assistance for Syria. Since 2011, the US has provided US\$14.1 billion in humanitarian assistance and US\$1.3 billion in stabilisation assistance to the people of Syria.



## Other EU sanctions regimes that affect Syria

In 2012, Syria publicly [acknowledged](#) that it possessed chemical weapons. As international law bans chemical weapons, the EU has repeatedly [condemned](#) their [use](#) by the Syrian regime in its [attacks](#) on rebel and opposition forces, which also resulted in loss of civilian life. The EU adopted a regime of restrictive measures to address the use and proliferation of chemical weapons in 2018, which [targets](#) individuals and entities involved in chemical weapons use and proliferation. The list of sanctioned individuals currently [includes](#) two individuals and one entity involved in chemical weapons proliferation and delivery in Syria. Measures include freezing assets and banning travel.

## Humanitarian exemptions and derogations

All three biggest sanctions regimes – the [UN](#), the [EU](#) and the [US](#) – include provisions to mitigate sanction impacts on humanitarian assistance. [Article 214\(2\)](#) of the Treaty on the Functioning of the EU requires that humanitarian aid operations are conducted in compliance with the principles of international law and with the **principles of impartiality, neutrality and non-discrimination**. In environments in which sanctions apply, therefore, the EU's humanitarian aid operators have to [comply](#) not only with the applicable sanctions regime, but also with humanitarian principles. Thus, EU sanctions should not impede the delivery of humanitarian assistance.

Accordingly, the EU's restrictive measures on Syria **do not prohibit EU exports of food, medicines, medical equipment or medical assistance** to the country, and do not target its healthcare system. Moreover, to avoid impeding the provision of humanitarian assistance, the EU sanctions regime provides two broad types of [exceptions](#) to the prohibitions – exemptions and derogations. **Exemptions** allow humanitarian operators to proceed with their activities without delay, based on a self-assessment and do not require authorisation. However, in case of ex-post verification, humanitarian operators must be able to demonstrate that the activity falls within the scope of the exemption. **Derogations** aim at allowing actions falling under the scope of the sanctions regime that are necessary for providing humanitarian aid. Unlike in the case of exemptions, humanitarian operators have to apply for prior authorisation from the national competent authority of the EU Member State in which they are established.<sup>1</sup> That said, humanitarian operators cannot begin such an activity without authorisation, which may result in delays.

Table 1 – Examples of exemptions and derogations

	Exemption	Derogation
Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011	<p>Article 6a(1)</p> <p>The prohibitions set out in Article 6a(1) <b>'shall not apply</b> to the purchase or transport in Syria of petroleum products or to the related provision of financing or financial assistance by public bodies or by legal persons, entities or bodies which receive public funding from the Union or Member States to provide humanitarian relief or assistance ... provided that such products are purchased or transported for the <b>sole purposes of providing humanitarian relief</b> in Syria or assistance to the civilian population in Syria.</p>	<p>Article 2a(2)</p> <p>By way of derogation from paragraph 1, the competent authorities in the Member States... <b>may grant, under such terms and conditions as they deem appropriate</b>, an authorisation for a transaction in relation to equipment, goods or technology as listed in Annex IA, provided that the equipment, goods or technology are <b>intended for food, agricultural, medical or other humanitarian purposes</b>, or for the benefit of United Nations personnel, personnel of the Union or its Member States.</p>

Data source: [Council Regulation \(EU\) No 36/2012](#) of 18 January 2012.

As regards individual measures, exceptions allow for funds and economic resources to be made available to designated persons and entities, where such funds or economic resources are necessary solely for providing humanitarian relief in Syria or assistance to the civilian population in Syria. Following the 6 February 2023 earthquake, the humanitarian exceptions were strengthened to further facilitate speedy delivery of humanitarian assistance to the Syrian population. Through [Council Regulation \(EU\) 2023/407](#), the EU has [waived](#), for an [initial](#) period of six months, the need for specified categories of humanitarian operators to seek prior authorisation from EU Member States' national competent authorities to make transfers or provide goods and services intended for humanitarian purposes to listed persons and entities.

#### UNSC resolution 2664 (2022)

In [December 2022](#), the UNSC adopted [Resolution 2664 \(2022\)](#) providing for a legally binding **humanitarian exemption** to asset-freezing measures in UN sanctions regimes. The [exemption](#) allows humanitarian actors to proceed with certain activities without applying for an authorisation/licence. The exemption is broad in terms of the excluded activities: the provision of funds and assets necessary for humanitarian assistance and activities to meet basic human needs. However, the introduced exemption is not a 'blanket' exception, as it only applies to financial sanctions. In addition, the [exemption](#), which requires transposition into domestic law, only applies to sanctions adopted by the UN Security Council and therefore does not apply to autonomous sanctions adopted by other entities. Numerous stakeholders, especially humanitarian [operators](#), expecting the act may further [facilitate](#) humanitarian action by mitigating de-risking behaviour by banks and other actors, [welcomed](#) the resolution.

The UNSC resolution also requires the UN Secretary-General to issue a written report on the unintended adverse humanitarian consequences of UNSC sanctions measures, with recommendations on ways to minimise and mitigate such consequences, by 9 September 2023 (within nine months of adoption of the resolution). The resolution also expresses the UNSC's intent to consider further steps to tackle unintended adverse consequences.

**Transposition into EU law.** On 14 February 2023, two EU legal acts ([Council Decision 2023/338](#) and [Council Regulation 2023/331](#)) transposed the humanitarian exemption into six UN sanctions regimes implemented by the EU (on Somalia, Central African Republic, Yemen, Haiti, Iraq, and Lebanon). Subsequently, on 31 March 2023, two further legal acts ([Council Decision 2023/726](#) and [Council Regulation 2023/720](#)) completed the transposition of the exemption into EU law, allowing the humanitarian carve-out to apply to the eight mixed sanctions regimes implemented by the EU (on Iran, the Democratic Republic of Congo, Sudan, South Sudan, Libya, the Democratic People's Republic of Korea, Mali, as well as ISIL/Da'esh and Al-Qaeda). Importantly, to provide a clear framework for operators within the mixed sanctions regimes, an **exemption was also introduced to the EU complementary measures** concerning the freezing of funds and economic resources additional to the measures imposed by the UNSC or its Sanctions Committees. However, as the **EU sanctions regime on Syria is not mixed (or complementary to the UN)**, but fully autonomous, the humanitarian exemption introduced by UNSC Resolution 2664 (2022), does **not apply to the relevant legal acts** (Council Regulation (EU) No 36/2012 and Council Decision 2013/255/CFSP).

Stakeholders and experts have underlined this limited scope. In an [article](#) published by Chatham House, Emanuela-Chiara Gillard suggests that the 'states and the EU should consider including a similar exception in their autonomous financial sanctions'.

## The impact of sanctions on humanitarian assistance

Even though exceptions to certain restrictive measures are specifically designed to stop them impeding humanitarian activity and exacerbating the humanitarian situation, sanctions are nevertheless [documented](#) as having both a direct and an indirect impact on humanitarian operators and situations alike. A 2021 [survey](#) carried out by [VOICE](#) (Voluntary Organisations in Cooperation in Emergencies), concluded that numerous stakeholders find that, in practice, reconciling respect of international human rights law and humanitarian principles with compliance with obligations stemming from EU sanctions can be challenging. For instance, [humanitarian operators](#) highlight that prohibitions, complex exception frameworks, and extensive export control requirements and

associated due diligence, as well as risk management expectations, often [require](#) costly legal analysis. This is particularly the case where humanitarian operators navigate in regimes under heavy sanctions such as Syria. The biggest heterogeneous sanctions regimes complicate the challenge even further. Combined, US and EU sanctions on Syria are some of the most complicated and far-reaching sanctions regimes ever imposed.

Numerous [humanitarian organisations](#) report that the [sanctions](#) on Syria have [altered](#) their programmes or/and way of working to some extent. For instance, often-lengthy and complex application procedures for derogations to allow them to carry out their humanitarian activities, or lengthy goods procurement due to import and export restrictions can result in operational delays, impeding time-sensitive action. The costly legal and regulatory analysis needed to navigate the multi-layered sanction regimes may also divert scarce resources from humanitarian projects. While these challenges are not specific to navigating the sanctions on Syria, they are particularly prominent in the Syrian context, due to the comprehensive yet heterogeneous sanction regimes.

A key challenge facing humanitarian actors in contexts where sanctions regimes apply is banks' **de-risking** and **over compliance**, including by risk-averse correspondent banks. In Syria, the combined impact of sanctions and legal and regulatory requirements, coupled with the challenging operational risk environment, has resulted in banks' widespread refusal to process any transfers for which Syria is the final destination. The Global Non-profit Organizations (NPO) Coalition [discovered](#) '62 % of Damascus based international NGOs reported facing difficulty receiving funding in Syria, 12 % of transactions being rejected outright, 32 % of international NGOs facing delays of transfers of 3–10 months' in 2021. As a result, humanitarian actors [report](#) this translates into challenges to the transfer of funds that may, on the one hand, impair their ability to pay staff and suppliers, while risking the credibility of the organisation and often the security of their staff at stake. On the other hand, this may prevent timely humanitarian action or, in some cases, even result in its cancellation.

The **complex plurality of sanction regimes** on Syria has also resulted in a broader '**chilling effect**' as numerous financial institutions, donors, and aid workers often resort to a degree of self-imposed restriction, due to fear that a technical sanctions violation could occur accidentally. As a precaution, many opt for de-risking and some are unwilling to engage in transactions related to a sanctioned country or individual, even for legitimate activities. This may further hamper humanitarian activity already obstructed by the Syrian regime and extremists, and restrict supply of essential humanitarian aid. This is particularly the case for humanitarian operators focusing on early recovery, as many find it difficult to estimate whether their activity falls within the indirectly prohibited support for early recovery, or within the scope of 'reconstruction of Syria', which is broadly prohibited by several sanction regimes, including the EU.

The [European Commission](#) itself notes that its partners report sanctions sometimes have a broader impact on the delivery of humanitarian assistance and unintended consequences. Likewise, in its [conclusions](#) of 20 May 2021 on the Commission [communication](#) on EU humanitarian action, the Council reaffirmed its commitment '**to avoid and where unavoidable, mitigate to the maximum extent any potential unintended negative impacts of Union restrictive measures** on principled humanitarian action'. The Council stressed that the EU's restrictive measures comply with all obligations under international law, in particular international human rights, humanitarian and refugee law. In February 2023, the Council [underlined](#) that 'the Union restrictive measures, including those adopted in view of the situation in Syria, are not meant to stand in the way nor impede the supply of humanitarian aid, including medical assistance'.

## Controversy regarding UN assessment of sanctions impacts

While 'side-effects' of the sanctions have been reported, it is difficult to quantify or even estimate their unintended impacts, as amidst a multidimensional crisis, such as in Syria, the causal link between sanctions and the humanitarian situation on the ground remains to be established. In this context, evaluating both the desired and especially the unintended impact of sanctions is a sensitive and often highly politicised issue, with various actors, some guided by-self-interest, proposing different solutions. For instance, in November 2022, Alena Douhan (Belarus), UN-appointed [Special Rapporteur](#) on the negative impact of the unilateral coercive measures on the enjoyment of human rights, urged states to lift unilateral sanctions against Syria, warning that they are perpetuating and exacerbating the destruction and trauma suffered by ordinary citizens. In a [statement](#) following her 12-day visit to the country, the UN-appointed expert (known for her [controversial](#) rhetoric and whose methodology is often questioned), presented detailed information on the 'catastrophic effects that sanctions are having on all aspects of life'. Concerning the legality of the measures, the expert argued that unilateral sanctions against Syria do not conform to a broad number of international legal norms.

The experts' preliminary findings received a [mixed to negative reaction](#), with numerous legal experts and even Syrian activists opposing the statement, arguing the expert misrepresents the situation, and that her conclusions play into the hands of authoritarian governments. Secretary-General of the Syrian Opposition Coalition (SOC), Haytham Rahmeh, [denounced](#) calls from the UN Special Rapporteur to lift the sanctions 'under the pretext of eliminating the impact of sanctions on human rights'. He stressed that these calls represent bias towards the Syrian regime and its allies and pointed out that Douhan's methodology was not impartial, as she ignores 'the countless crimes that the Assad regime and its allies committed in Syria'. Similarly, NGO Syrians for Truth and Justice (STJ) [argued](#) that although the sanctions affect the access of those in need to humanitarian aid, the main reason civilians continue to suffer is not the impact of the sanctions, but rather the 'discriminatory and politicised policies' of the Syrian regime, as well as its 'deliberate denial of consent for humanitarian access'. In parallel, while agreeing that sanction side effects do affect civilians, the Syrian Network for Human Rights (SNHR), an NGO group founded in 2011, [underlined](#) 'it is not possible to punish a dictatorship like the Syrian regime ... without affecting Syrian society'. In this light, the group called for further sanctions on the Syrian regime and its supporters. The SNHR not only expressed strong reservations regarding the expert's findings, but also questioned her motivation, methodology and the track-record. Similarly, [United Nations Watch](#) regretted that the report focuses on international sanctions, instead of blaming those responsible for abuse. The NGO also points out that, according to the 2021 [UN annual report on facts and figures](#) with regard to the special procedures, the UN expert (in accordance with UN rules) received financial support from China (US\$200 000), the Russian Federation (US\$150 000) and Qatar (US\$25 000). While United Nations Watch accuses Alena Douhan of prioritising the interests of human rights-violating regimes, the UN Human Rights Office of the High Commissioner [stresses](#) that their Special Rapporteurs 'undertake to uphold independence, efficiency, competence and integrity through probity, impartiality, honesty and good faith'.

## Further mitigating the impact of sanctions

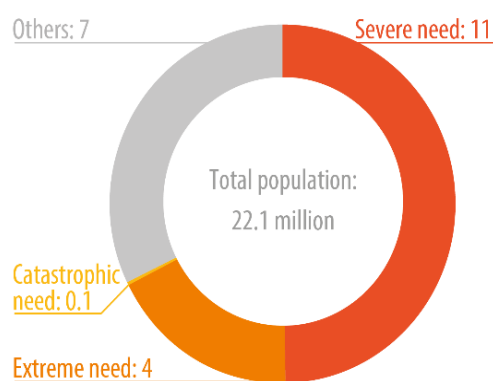
The need for entities, individuals and operators to navigate and comply with the international community's multi-layered sanctions network is one of the most challenging 'side effects' of the restrictive measures. To facilitate this challenge, the EU, both in collaboration with other entities and alone, [promotes](#) continual dialogue between all parties involved in humanitarian assistance and provides **platforms for information exchange**. In parallel, the European Commission publishes **guidance documents**, outlining the measures and explaining the procedural and practical aspects. In February 2019, a year-long multi-stakeholder [dialogue](#) concerning technical compliance for Syria-related humanitarian payments took place with Commission support. Participants included UN agencies active in Syria, the EU, the International Committee of the Red Cross, humanitarian NGOs and state representatives. The dialogue led to the publication of a [guidebook](#) on risk-management principles for sending humanitarian funds to Syria, offering background information and practical tips on how to maximise outreach to civilians in need of assistance in Syria, while navigating sanctions and wider regulatory obligations. During the COVID-19 pandemic, the Commission added a [guidance note](#) to the existing [FAQ](#) on sanctions on Syria, specifically addressing the practicalities of providing humanitarian aid to fight the pandemic in sanctioned regimes, including Syria.



To further minimise the impact of sanctions on civilians while maximising their impact on the regime, experts and stakeholders have issued their own recommendations. For instance, in its [recommendations](#), the Arab Reform Initiative, an independent think-tank, suggested that the 'Western countries should agree on a set of detailed objectives within the agreed framework of [UNSC resolution] 2254 to resolve the conflict and tie sanctions to measurable and attainable goals'. According to the think-tank, certain sanctions policies could be tied to specific improvements on human rights issues such as releasing detainees, setting up independent visits to detention facilities, and stopping arbitrary detentions by security agencies to give civil society initiatives an appropriate and safe working environment. The Arab Reform Initiative also suggested that other goals could be more political including progress on key aspects of the constitution or focus on reforms and accountability efforts in the security sector. According to the think-tank expert, to minimise the impact on ordinary Syrians, 'one possibility is to provide direct financial support for traditional businesspersons and SMEs (small and medium-sized enterprises) in Syria by opening parallel financial channels with them as a substitution of the formal ones which are sanctioned and controlled by pro-regime entities and individuals.'

## EU humanitarian assistance

Figure 1 – Estimated number of people needing humanitarian assistance in Syria, 2023



Source: EPRS, chart based on UN Humanitarian Needs Overview 2023.

The EU provides **humanitarian, development, economic and stabilisation assistance** to the Syrian population in compliance with international law, the principles of impartiality, neutrality and non-discrimination, and in line with the **EU strategy on Syria**, adopted in April 2017. Since 2011, the EU and its Member States have provided [€27.4 billion](#) in humanitarian, development, economic and stabilisation funding to address the crisis resulting from the Syrian civil war, including for the 5.4 million registered Syrian refugees in neighbouring countries, including Turkey, Lebanon, Jordan, Iraq and Egypt. In 2022 alone, the European Commission mobilised €150.7 million in humanitarian aid to assist millions of people inside Syria.

The European Commission's European Civil Protection and Humanitarian Aid Operations ([DG ECHO](#)) – the 'humanitarian arm of the EU' – has a limited presence in Damascus. As its [report](#) on the evaluation of EU humanitarian assistance in Syria in 2016-2018 concludes, DG ECHO is able to operate in all parts of the country through its wide network of implementing partners, its set-up and its own field staff, who are able to access, directly or indirectly, all hotspots to provide needs-based responses. The assistance is channelled through the EU's humanitarian partners (UN agencies, NGOs and the International Red Cross and Red Crescent movement), who focus on ensuring assistance and responding to the primary needs of the most vulnerable, providing shelter, healthcare, food, livelihood support, water, sanitation and hygiene services, psychosocial support, education, and protection. Importantly, DG ECHO plays a lead role in donor coordination, acting as a bridge between humanitarian partners and donors, as well as engaging with other EU institutions and Member States.

To reduce the risk of ['donor fatigue'](#) and provide financial, institutional and capacity-building support to Syria's civil society and to offer continued support to UN efforts, the EU launched the **annual Brussels Conferences** on 'Supporting the Future of Syria and the Region' in 2017. The [seventh](#) conference takes place on 14-15 June 2023. During the sixth edition in May 2022,

participants renewed [assurances](#) that their sanctions programmes relating to Syria 'neither banned the flow of humanitarian supplies nor targeted medicine and medical supplies'. Many called to address over-compliance and welcomed commitments to step up outreach towards all parties involved in humanitarian assistance to ensure they can operate in Syria without hindrance.

#### EU humanitarian support to Syria in the wake of the February 2023 earthquake

Following the February 2023 earthquake, the European Commission waived the requirement for humanitarian operators to seek prior permission to make transfers or provide goods and services intended for humanitarian purposes to listed persons and entities for six months. The Commission also [mobilised €75 million in humanitarian assistance](#) for the emergency response in government and non-government controlled areas. The funding supported search and rescue operations and is helping those affected with shelter, water and sanitation services, healthcare, and basic needs. The EU cooperated closely with its humanitarian [partners](#) across the country. The EU also sent supplies from [European Humanitarian Response Capacity](#) warehouses to support the aid effort. The [EU Civil Protection Mechanism](#) was activated two days after the earthquake. The EU has contributed an additional [€5 million](#) in humanitarian funding to UNICEF's delivery of emergency cash assistance to earthquake-affected families. Besides the emergency funding, the EU has provided more than €55 million in humanitarian funding for UNICEF's support to children across the country since 2016.

As the [Council Conclusions](#) of 16 April 2018 noted, all EU assistance has to benefit the Syrian population and **avoid benefits accruing to the Syrian regime** in a way that would legitimise its national and local governance. Meanwhile, as for the country's reconstruction assistance, the EU has repeatedly [stated](#) that it would assist 'only when a comprehensive, genuine and inclusive political transition, negotiated by the Syrian parties in the conflict on the basis of UN Security Council [Resolution 2254 \(2015\)](#) and the [2012 Geneva Communiqué](#), is firmly under way'. The EU also stands firm on its [position](#) that 'no normalisation, lifting of sanctions or reconstruction would be possible until the Syrian regime engages in a political transition'. To facilitate the process, as the Council Conclusions note, the EU supports the Syrian political opposition in its constructive engagement in the political process in Geneva and its work with civil society.

#### Security Council Resolution 2254 (2015)

Security Council Resolution 2254 (2015) calls for a ceasefire and a political settlement in Syria. It mandates the UN to facilitate a 'Syrian-owned, Syrian-led' political peace process by engaging the representatives of the Syrian government and the opposition in formal negotiations on a political transition process, and to draft a constitution. In the context of the UN-facilitated Geneva process, the UN Special Envoy for Syria facilitated the [establishment](#) of the Syrian-led Constitutional Committee, consisting of three representative blocs: the opposition Syrian Negotiations Committee (SNC), the 'Middle Third' bloc (civil society), and the Syrian government. Eight sessions have taken place since the Committee was launched on 30 October 2019, with the ninth session originally scheduled for July 2022, but cancelled after a [dispute](#) over the meeting location. Syrian opposition representatives and the UN's special envoy for Syria urged the Committee to resume its duties; however, [some](#) fear that the Committee, whose decisions are neither binding nor limited by deadlines and which has made no tangible [progress](#) in previous rounds, may have reached an impasse.

## Politicisation of aid by the Syrian regime

Numerous experts, political figures and humanitarian operators highlight that the Syrian regime has politicised and instrumentalised humanitarian aid by [repeatedly](#) obstructing, [impeding](#) and diverting assistance. As Human Rights Watch [underlines](#), the 'Syrian government has for many years weaponized aid and obstructed it from crossing front lines from government-held parts of the

country into nongovernment-controlled territory'. Similarly, Dareen Khalifa, a senior policy analyst for International Crisis Group (ICG), [notes](#) that the Syrian regime 'has been using aid as a war tool'. Dr Carsten Wieland, diplomat and associate fellow at the Geneva Centre for Security Policy, also

*'At the highest level, Syrian diplomats are galvanizing support on the international stage for the government's position to subjugate humanitarian assistance to inviolable sovereignty. On the ground, the government has worked to cleanse the ranks of the aid community and beneficiary lists to control every aspect of the aid response.'*

Natasha Hall, [Rescuing aid in Syria](#), CSIS, 2022

[argued](#) that the Syrian government 'made besieging and starving a part of its warfare'. A [report](#) published by the Center for Strategic & International Studies (CSIS) highlighted that 'the Syrian government has grown increasingly skilled at turning humanitarian assistance into a political instrument' and claims that, as a result, the 'global efforts to support the Syrian people increasingly have the effect of politically and financially strengthening the Syrian government'. In this context, during the UN Security Council [meeting](#) of 25 January 2023, several delegations, including France and Albania, stressed that the Syrian regime bears the responsibility for the dire situation in the country. Moreover, Syria's [allies](#) have [impeded](#) the provision of humanitarian assistance. For

[example](#), Russia [used](#) its [veto](#) at the UNSC to restrict UN aid deliveries to the opposition-held north to one border crossing instead of four. Aided by its state-controlled media, the Russian regime has persistently [spread](#) disinformation aimed at [discrediting](#) EU action in and policy towards Syria.

## European Parliament position

Through its non-legislative resolutions, the European Parliament has been [vocal](#) in expressing its concerns over the situation in Syria since [2011](#), condemning the use of violence and the violation of human rights perpetuated by the Syrian government, the attacks on humanitarian workers, and supporting the sanctions and demanding humanitarian assistance is scaled-up.

Parliament's [resolution](#) of 11 March 2021 on the Syrian conflict calls on all Member States to support principled humanitarian assistance, without normalising relations with the Syrian regime. The resolution also **calls on Member States to maintain sanctions** on individuals and entities involved in repression in Syria. In parallel, it stresses the importance of **avoiding**

**any unintended negative consequences** of sanctions by granting exemptions for principled humanitarian action. Parliament highlights the importance of addressing banking over-compliance challenges jointly with the US.

Parliament also repeatedly warns against investing EU financial assets 'whether directly or indirectly' in Syria's general reconstruction, as long as the Syrian regime refuses to implement a credible political process. It also calls on the EU High Representative/Vice President, to **develop a robust human rights due diligence policy** for future rebuilding in close cooperation with Syrian civil society.

The European Parliament has also highlighted the situation in Syria through numerous initiatives. For instance, Parliament's committees have [held](#) numerous [exchanges](#) of views with the Syrian opposition and civil society, as well as organising [hearings](#). In 2011, it [awarded](#) the Sakharov Prize

European Parliament [resolution](#) of 11 March 2021

The European Parliament 'strongly condemns all atrocities and violations of human rights and international humanitarian law, in particular by the Assad Regime, but also by Russian, Iranian and Turkish actors ... [and] condemns the actions of those UNSC members that have sought to limit humanitarian access for political purposes.

'... firmly condemns attacks on humanitarian workers by all sides, especially by the Syrian regime and ISIL/Daesh; points out that the Syrian regime bears particular responsibility for targeted killings of humanitarian workers since 2011.'

for freedom of thought to five representatives of the Arab people in the context of the Arab Spring – two of whom were Syrian activists ([Ali Ferzat](#) and [Razan Zaitouneh](#)).

## ENDNOTE

- <sup>1</sup> The humanitarian operator must prove to the relevant national authority that the conditions for granting an authorisation for derogation are fulfilled.

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