SANCTION THE PALACES SOLIDARITY WITH THE PEOPLE

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Imprint

Adopt a Revolution

Adopt a Revolution is a German-Syrian human rights organisation that supports non-violent emancipatory projects in Syria and in the Syrian Diaspora in Germany. Based on our work in the context of the Syrian revolution, we champion solidarity with emancipatory movements and support their struggles for self-determination and against authoritarianism. We strive towards a society in Germany that is based on solidarity and demand a German domestic and foreign policy guided by the protection of human and fundamental rights.

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Table of Contents

01 | Chronology of the Syria Sanctions

1979
The US imposes sanctions on the regime of Hafez al-Assad because of its support for Hezbollah and other terrorist groups.

2001
The US imposes sanctions on particular Syrian businessmen and military personnel in the context of the attacks of September 11th, 2001, and the war in Iraq.

2004
The US bans the export of US goods to Syria – except for medical goods and food. The background is Syria's weapons of mass destruction, the occupation of Lebanon and Syria's support for terrorist groups.

2005
The US imposes sanctions on the state-run Syrian Scientific Studies and Research Center, which is responsible for the production of chemical and biological weapons.

April 2011
The US imposes sanctions related to the repression of the Syrian movement for democracy. The sanctions are directed against several individuals associated with the Assad regime who are responsible for crimes against humanity or war crimes.

May 2011
The EU imposes the first sanctions against Syria, in particular a trade ban on goods that could be used against the civilian population. Before 2011, Syria and some EU states had close trade relations.

August 2011
The US imposes sectoral sanctions banning US citizens from exporting goods to Syria, from importing Syrian oil and from investing in Syria.

September 2011
The EU imposes an embargo on the Syrian oil industry.

November 2011
The Arab League imposes sanctions on Syrian banks and freezes Syrian government funds.

February 2012
The EU announces further sanctions, including on the energy and financial sectors, freezes funds of Syrian individuals and imposes entry bans.

April 2017
As a result of the sarin attack on the city of Khan Sheikhoun, the US tightens its sanctions against the Syrian Scientific Studies and Research Center.

December 2019
The US government passes the Caesar Law for the Protection of Syrian Civilians.

November 2021
The US sanctions agency Office of Foreign Assets Control (OFAC) issues exemptions for NGOs to facilitate humanitarian work and development projects.

May 2022
OFAC decides on exemptions for certain economic sectors in the two parts of the country that are not controlled by the Assad regime, northwest Syria and northeast Syria.

Introduction

IMPUNITY IS NOT AN OPTION

By Daniel Steinmaier and Christin Luettich

If we do not want to stand idly by and watch war crimes and crimes against humanity, we as a civil society committed to peace policy must discuss economic sanctions - and what role we want to play in their political enforcement and design.

◂ A Syrian Family in the city of Ariha/Idlib Province in May 2020. Photo: Aaref Watad / AFP / Getty-Images

Artillery shelling of residential areas, targeted airstrikes on hospitals, sieges and starvation, massacres, torture, deportations - the war crimes that Russian president Vladimir Putin‘s army is committing in Ukraine look frighteningly familiar to observers of the Syrian war. In cooperation with Syrian dictator Bashar al-Assad, the Russian army spent several years in Syria rehearsing what is now happening in Ukraine.

The central reason that this repetition has been allowed to happen is impunity. As long as war crimes and crimes against humanity go unpunished and, in fact, even pay off militarily, politically and economically for the aggressors, they will be repeated. This is true for the Russian government, which, by the way, has never been sanctioned for its crimes in Syria. But it is also true for many other states around the world.

No military intervention - but then what?

Civil society movements in the West often vehemently reject military interventions to stop or punish war crimes, and understandably so. But how to sanction war crimes using non-military means is barely discussed by the very same civil society movements, nor by the broader public.

To put it bluntly, when it comes to sanctions, the trade associations potentially affected by such measures send out their lobbyists, the aggressors intensify their propaganda, and an entourage of war criminals moves their assets to a safe haven. Meanwhile, many civil society actors who consider themselves anti-war and pro-peace either fall into a deep sleep or switch into defensive mode. Then they either reject sanctions for being ineffective, they consider sanctions a lethal weapon of imperialism, or they believe them to be a danger to the average German worker.

If we, as a civil society committed to peaceful policies, reject military interventions but don’t want to accept impunity, we must discuss how “economic sanctions” – with potential to become blunt or poorly targeted instruments - can be sharpened, and

how they can be supported with other non-military measures. We also have to discuss what role we want to play in their political enforcement and design.

What is our role as civil society actors?

So how can we, as civil society actors, ensure that sanctions actually impact those responsible for war crimes and eventually force a change in behaviour? How can we avoid, or at least mitigate, side effects on civilian populations of sanctioned states? How can we convey that sanctions are necessary, even if they bring socio-economic disadvantages for societies in the sanctioning states? And above all, what political strategy should sanctions pursue?

This aim of this publication is to engender a long overdue debate on this topic. It reports, reflects and discusses key aspects related to sanction regimes imposed on Syria by the EU, the US and other states. It also looks at the effect on, and the role of, civil society actors in this context.

What can we, as civil society actors, do to enforce non-military, effective sanctions with as few side effects as possible? And how can we do this, while also countering the financial or business interests that have such a powerful voice when it comes to conversations around sanctions?

Solidarity from below

We are discussing sanctions through the lens of the Syrian example due partly to our support for Syrian civil society and our fight against impunity for crimes that have been committed against Syria's civilian population for more than a decade now. Syria is not the only failure in a values-driven foreign policy, but it is a stark example. In Syria, we see how a dictatorship holds onto power day after day, through the commission of war crimes and crimes against humanity, and yet that dictatorship still has a chance of international rehabilitation. Syria has been, and continues to be, a lesson for other dictatorships and authoritarian regimes. And for this very reason, it should be a lesson for us as well. What can we learn from the sanctions on Syria and the processes that led to them?

Our publication offers perspectives from three experts on Syria-related sanctions, all of whom are either part of, or close to, Syrian civil society. One of the most important aspects of this publication is to motivate civil society actors, such as ourselves, from sanctioning states to engage with civil society actors from inside the sanctioned states. Instead of debating from the geostrategic heights of patriarchal power politics, we want to foster an exchange with the populations affected by these crimes as well as by sanctions, and to lay the foundations for international solidarity. ■

02 | Why do the Syria sanctions exist?

Syrian and international human rights organisations as well as several UN institutions meticulously document the crimes that have been committed in Syria since 2011. The sheer amount of evidence collected in those reports is crushing. They show that all armed parties in the Syrian conflict have committed war crimes. In quantitative terms, however, no party to the conflict has committed anywhere near as many war crimes and crimes against humanity as the Assad regime. These include massacres of unarmed people, a system of arbitrary detentions, disappearances and torture, systematic starvation of civilians, airstrikes on civilian targets and the use of outlawed weapons ranging from barrel bombs to the poison gas sarin.

For further sources: p. 89

NO SANCTIONS WITHOUT CONTRADICTIONS

by Dr. Salam Said

When it comes to sanctions, the closer you look, the more complex and contradictory it becomes. However, we cannot avoid dealing with sanctions. Because the alternative options for action are almost always much worse.

◂ Mohammad Jaber, war profiteer and militia founder, has been on the EU sanctions list since 2011. Photo: Christian Werner/Zeitenspiegel

Sanctions have always been a foreign policy tool for putting pressure on states in order to induce governments to change their behaviour. After all, they are a non-violent and comparatively inexpensive alternative to far more controversial, risky and expensive military interventions.

However, some of the more prominent examples from recent history raise doubts about the effectiveness of sanctions. The US trade embargo against Cuba has been in place since 1962 and changes in behaviour have not been apparent within the Castro regime. Saddam Hussein's rule in Iraq did not end because of the embargo imposed on the country in 1990; things changed as a result of the US-led invasion of the country in 2003. The Iranian regime has been sanctioned since the 1970s but also continues to hold onto power.

However, if you look more closely - as this publication does with regard to sanctions on Syria - the argument that sanctions are ineffective is weakened. Invariably, the effectiveness of sanctions depends on their scope and the context, and particularly on the how interdependent the sanctioning and the sanctioned states are economically. The greater the dependence of the sanctioned state and the more extensive the sanctions, the more effective and painful their effects.

Contradictions and collateral damage

As far as Syria is concerned, sanctions have significantly increased economic and financial pressure on the regime. Although so far, they have failed to achieve the goal of fundamental political reform or regime change, they have also prevented Syrian leader, Bashar al-Assad, from being able to rehabilitate his image on the international stage. Just the threat of sanctions alone has caused a number of important businesspeople to turn their backs on Assad. *(Please see discussion from p. 24).*

But it is also true that in some respects, sanctions have the opposite of their intended effect. Authoritarian regimes know how to circumvent sanctions and use them as a propaganda tool for

03 | Do sanctions work – generally speaking?

The believe that sanctions only harm the civilian population and achieve no political effect is widespread – but this cannot be scientifically proven. An analysis by the New York Times based on the "Global Sanctions Database" shows that sanctions achieve their goals in roughly half of all cases. However, quantitative data is of limited informative value when it comes to measuring the success of sanctions. Moreover, sanctioned authoritarian regimes are more willing to prioritise maintaining their own power over economic prosperity, which decreases the chances of success of sanctions.

For further sources: p. 89

their own purposes – that is, to bring their closest supporters even closer, to justify the repression of their own populations because of the "imperialist threat" and to divert attention from their own responsibility for sanctions in the first place. Western actors often fall for the latter. *(Please see opinion piece by Ibrahim Olabi p. 72)*

Sanctions are controversial primarily because of their side effects. As a rule, sanctions hit the poorest parts of a civilian population before the country's political and economic elites ever feel any pressure. Even so-called "smart sanctions," which target specific industries or individuals, have negative effects on a country's overall socioeconomic situation. *Please see discussion p. 24 and interview with Dr. Joseph Daher p. 60)*

In authoritarian states, oligarchs often control large parts of the domestic economy, providing jobs and producing or importing important goods. So, when they shut down their businesses or move them "offshore" to circumvent sanctions, this also puts pressure on low income earners in the country. Elites, on the other hand, often escape largely unscathed thanks to their power and money. (Please see info box 16)

The fact that sanctions imposed by Western states explicitly allow the import of humanitarian goods or trade in food or medical supplies only slightly mitigates side effects for the civilian population. The sanctions imposed in 2011 on Syria's central bank to cut off the Assad regime and its oligarchs from the international financial system also impedes the work of international NGOs and prevents foreign remittances from getting to needy Syrian families. *(please see interview with Dr. Joseph Daher p. 60 and text by Dr. Salam Said p. 50)*

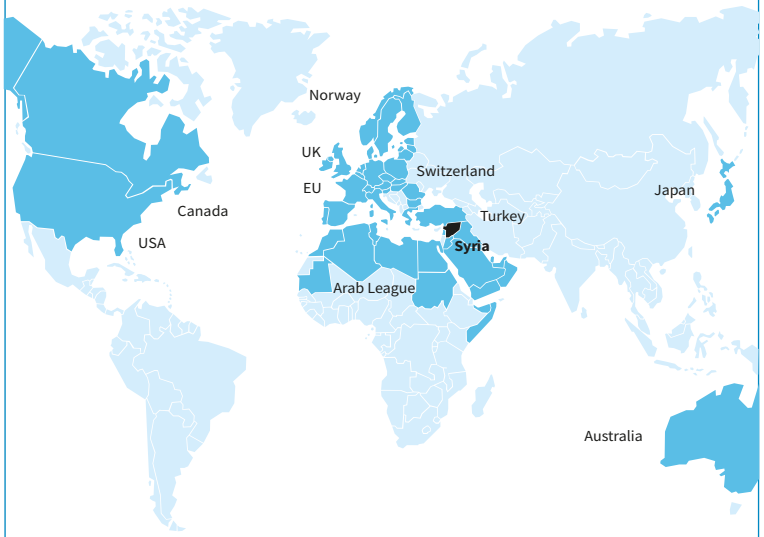
High costs, limited impact?

In addition to the undesirable side effects, sanctions can also cost more than expected. In an interconnected world, economic sanctions against economically strong states or important raw materials suppliers can mean considerable disadvantages for many. In Germany, this is particularly evident right now. Due to Germany's dependence on cheap fossil fuels, sanctions on Russia are extremely costly for Germans, as well as for some other sanctioning countries. (Please see discussion from p. 24)

But this is not the only reason that economic sanctions in an interdependent world are increasingly being questioned. Previously the West's economic hegemony meant Western sanctions were often hugely effective. But this is now being challenged by the rise of China and emerging economies like India because it means that even economically weak states like Syria have a good chance of finding alternative trading partners. This is also because companies that trade mainly outside of Western-dominated markets have no fear of sanctions.

The number of economies sanctioned by the US and the EU is also increasing worldwide. So sanctioned states are now able to form economic alliances among themselves, to become more resistant to Western sanctions. The recent cooperation between the Assad regime and Russia in transporting wheat allegedly stolen from Ukraine's Black Sea through Syrian and Lebanese ports is just one striking example.[1]

04 | UN sanctions and bilateral sanctions



Only the UN can impose globally binding sanctions. In the case of Syria, Russia and China vetoed UN sanctions in the UN Security Council. The Syria sanctions are therefore bilateral sanctions. The following countries and actors have imposed bilateral sanctions against Syria: EU, USA, UK, Canada, Australia, Switzerland, Norway, Japan, Arab League, Turkey.

If the costs of sanctions increase while their effectiveness decreases, then two other options for foreign policy become more realistic. That is, using military force or simply doing nothing. Both are much worse alternatives. And if for no other reason, then this is why civil society actors need to adequately address the complex instrument that is “economic sanctions”, no matter how contradictory and complicated the issue may be. ■


المخبز العربي الآلي

ARE SANCTIONS ON SYRIA WORKING - OR SHOULD THEY BE LIFTED?

On one hand, sanctions impact those close to the authoritarian regime of Bashar al-Assad. On the other hand, they also indiscriminately affect low income communities and victims of the country's civil war. There's no easy answer to the question of sanctions, say Syrian experts and lawyers in conversation with Adopt a Revolution. But there are some things that could be done better.
We asked three Syrian experts on sanctions, who are close to independent Syrian civil society, to discuss sanctions on their country and whether these are having any impact or bringing about positive change.

◂ Aleppo, June 2019: People queue for bread.
Photo: Meridith Kohut

THE SPEAKERS

DR. JOSEPH DAHER completed a doctorate in development studies at SOAS, University of London, in 2015 and a doctorate in political science at Lausanne University, Switzerland, in 2018. He currently teaches at Lausanne University and is a part-time affiliate professor at the European University Institute in Florence, Italy, as part of the Wartime and Post-Conflict in Syria Project. Daher is also the author of the 2016 book, "Hezbollah: Political Economy of Lebanon's Party of God" and 2019's "Syria After the Uprisings: The Political Economy of State Resilience".

DR. SALAM SAID studied economics in Damascus and received her doctorate from the University of Bremen in Germany. She has been teaching at German universities since 2009. She currently works as a policy adviser for Syria, Lebanon and Libya at the Friedrich Ebert Foundation in Berlin. There she is also responsible for issues around asylum and migration, and political feminism. Said has published several papers on the political economy of Syria and the economic policies of Arab states.

IBRAHIM OLABI is a lawyer specializing in international law with a regional focus on the Middle East and Syria. He is the founder of the UK-based Syrian Legal Development Programme which produces legal studies on Syria and disseminates them to Syrian NGOs through trainings. In addition, Olabi advises state authorities and international organisations on sanctions and other issues related to the Syrian conflict. He is a barrister in the UK with Guernica 37 Chambers, which specializes in international law.

This discussion was conducted by **Christin Luettich** and **Daniel Steinmaier** in June 2022. The written transcript of this interview has been edited for length and clarity.

DANIEL STEINMAIER: The argument that a lot of people have made – and especially from out of left wing political circles – is that sanctions don't work. They impact the wrong people, they don't achieve anything and they should be lifted completely. But as Syrian experts on this topic, how do you feel about this?

JOSEPH DAHER: Regarding Russia's war against Ukraine, this is a very important debate today. I always stress that I am agnostic when it comes to sanctions.

It depends on the nature of the state, the context and what kinds of sanctions. I know there are left wing voices who are against all kinds of sanctions but often they don't know their own history, they forget that there were leftist movements asking for sanctions - for example, regarding the apartheid regime in South Africa and today, the BDS [boycott, divestment, sanctions] movement in the Palestinian context. There are also left-wing voices asking for sanctions against Egypt and Saudi Arabia.

If people from the left wing argue against sanctions on Syria, that is a double standard.

For me, sanctions are one tool among many. When it comes to sanctions against criminals or businesspeople or state institutions involved in war crimes, I'm in favour of sanctions. Regarding sectoral sanctions, I'm more critical. That's as an academic and as an internationalist. Because in many cases we have seen sectoral sanctions result in negative consequences on the general population, while the big names are able to bypass these kinds of sanctions.

SALAM SAID: Sanctions are a tool to influence a situation, they're not only about punishment but they're a way to influence an undesirable situation on the ground. I would say that if you have another tool with fewer side effects, that's great. But if you don't have any other tools, then you risk being blamed for doing nothing.

05 | List-based, sectoral, and secondary sanctions

Sanctions are divided into three categories:

Sectoral sanctions prohibit persons residing within the jurisdiction of a sanctioning state from exporting or importing certain goods or services to or from the sanctioned state. Trade with certain goods, industries or sectors of the sanctioned states is prohibited.

List-based sanctions are directed against individuals or institutions that are on sanction lists. The associated punitive measures typically include:

> Freezing of accounts or other resources held by listed persons in sanctioning states
> Entry and transit bans for listed persons
> A prohibition on providing resources to sanctioned persons or helping them to circumvent sanctions.

Secondary sanctions prohibit third parties outside the jurisdiction of the sanctioning states from trading with sanctioned persons, institutions or sectors.

So I would answer this question with another question: What is the alternative? If we lift all sanctions, then how do we want to deal with crimes that are ongoing in Syria? How do you want to show that you believe these crimes should be stopped and that people be held accountable for them? What I am asking is this: How do we do that without sanctions?

IBRAHIM OLABI: Usually people who say all sanctions should be lifted believe they are claiming a moral high ground. So it's important to pre-empt that and say that nobody wants to see their country sanctioned, everybody wants peace and prosperity. But in Syria's case, this is not possible because there are war criminals and warlords and profiteers and so on.

Unfortunately, in wars and conflicts there are always pros and cons [to sanctions] because criminal perpetrators will use civilians as human shields. During the fighting, they used them as physical human shields and now they use them as economic human shields.

So to say "let's lift all the sanctions" actually means "let's further reward the war criminals".

I would also pick up on Salam's point and ask what are the alternatives? Of course, I'd say let's make the sanctions more effective and let's reduce the side effects. It's not always black and white.

But a very quick answer would be this: If the sanctions don't work against those individuals, then why are they using legal means in the US and UK courts to get off the sanctions' lists? Obviously, there is an impact.

DO WE HAVE TO ACCEPT SANCTIONS' SIDE EFFECTS?

STEINMAIER: Those who claim that moral high ground might then argue that the impact on the perpetrators doesn't justify the side effects on the general population. So how much collateral damage is acceptable?

OLABI: First of all, it's tough to assess what collateral damage there is to sanctions. If I'm a soldier and I see civilians near the target, I calculate the risks [of hitting them] and then decide what to do. But the Syrian regime doesn't provide the economic data needed to assess the situation properly. After all, they're responsible for the destruction of a huge part of the Syrian economy. So I can't assess the collateral damage. But what collateral damage is acceptable, and what is not, is a very subjective matter. For civil society actors, it is really important to be brave enough to accept that we are working in a very complex, wartime situation. We must accept that civilians will be harmed because the regime uses them as human shields in a sanctions situation, and that if sanctions are lifted, that will also harm other Syrians' human rights by empowering the war crime economy.

There are difficult decisions to be made and this isn't something where you just advocate for one side or the other. It is important to constantly reflect upon which measures are correct, which are effective, which are damaging the targeted individuals and so on. If you are looking for a one-line answer, then you won't find it in this debate. I would also like to flip this question and ask why collateral damage even exists? It exists because the Syrian regime drew sanctions upon itself, due to its own behaviour. That means that ultimately the regime is responsible for any collateral damage. Of course, we should try to reduce the side effects but it's not the sanctions themselves that are responsible for any hardships. Ultimately that is the regime's responsibility.

HOW BAD ARE SANCTIONS' SIDE EFFECTS?

CHRISTIN LUETTICH: Salam and Joseph, from your perspective as economists, is there any way that the side effects of the sanctions could be assessed?

SAID: It is clear there are lots of side effects but it's hard to isolate those from other impacts. This is because, parallel to sanctions, there is ongoing destruction, there are various military operations, there's societal discrimination, an unfair distribution of income and cronyism and criminality within the Syrian economy. So you can't really say it's the sanctions that have caused this, or that other problem, or this or that other side effect.

DAHER: It's absolutely certain that sanctions contribute to the economic crisis in Syria but it's impossible to put an actual number on it. As Salam said, there are many factors in

play - corruption, effects of the war, the Lebanese financial crisis, the COVID-19 pandemic and also now, the Russian invasion in Ukraine. Sanctions are undeniably having a negative impact on the Syrian population – for example, on basic infrastructure around water, electricity and education. Any kind of economic recovery is impeded by the sanctions. That's why I oppose larger sectoral sanctions and why I'm very critical of the US-imposed Caesar Sanctions. Politically I think sanctions are widening the gap between the Syrians inside and outside the country, something that adds to internal divisions in Syrian society.

STEINMAIER: Have Syrians in exile shifted their focus because of this? For example, are they more focussed on trying to mitigate the impact of sanctions than demanding that more be imposed, because they see the hardship its causing inside Syria?

DAHER: Yes, I think so. Over the past two years I've witnessed a change within Syrian civil society compared to the generalised support there was for sanctions in the beginning. I see that in Europe and especially in Turkey, where previously sanctions were strongly supported by [civil society] initiatives and NGOs.

Today, the debate is much calmer. This is also because people have to deal with the side effects of sanctions in their own work or in their daily lives because, for example, they may find it difficult to send money to somebody inside Syria because they [the recipients] may well have had their bank account closed. That doesn't only impact Syrians inside Syria but also those trying to send them help. In my opinion, the whole debate has become more nuanced among exiled Syrian civil society actors.

OLABI: Absolutely. At the start, there was a hard division. Now discussions on this topic are more fruitful, more substantial, even if there is no solution as yet. Now you are not immediately called a traitor if you talk about lifting specific sanctions. Neither are you called a criminal, if you want to keep all sanctions in place. Things are better, there is a more open discussion. [Daher nods in agreement.] On the other hand, there is also more debate on sanctions because the regime is pushing the debate. Everywhere they go, they talk about lifting the sanctions. At the constitutional committee, at the UN, in New York and in Geneva. They put this topic on the table whenever they get the chance to do so.

LUETTICH: How successful are they in doing this?

OLABI: In terms of getting sanctions lifted, they're not successful. But they do keep it on the table. It plays a big role in their propaganda. It's easy for them to appeal to the Western public on humanitarian grounds and it's easier for charities and for Russia to blame the West. However, I do think that

06 | What is the Caesar Act?

The Caesar Syria Civilian Protection Act, which came into force in 2020, takes its name from military photographer who deserted with the alias Caesar, who smuggled thousands of photos out of Syria, of people tortured to death, exposing to the world the scale of the crimes for which the Assad regime is responsible. The US legislative package includes penalties for international companies and actors doing business with the Assad regime or sanctioned individuals. These "secondary sanctions" make it more difficult to rehabilitate the Assad regime internationally and are therefore an effective instrument against the threat of impunity for the regime's crimes. At the same time, they have clear side effects for the Syrian population because they generally restrict business related to Syria – even if food, medical goods and other humanitarian aid supplies are exempt from the Caesar sanctions.

after the Russian invasion of Ukraine, that narrative became far less effective because everybody saw through what the Russians were doing.

STEINMAIER: I'd like to dig a little deeper into the idea that the side effects from sanctions can be mitigated. Joseph, you argued that sectoral sanctions do a lot of harm. Salam, would you also agree on lifting sectoral sanctions?

SAID: I think it's important to look at the effects of the sanctions and check what changes are needed. In my view, the most painful impact for the regime, but also beyond the regime, is the problem of money transfers to Syria. This is what hits the regime and the business community hard. But it also impacts a lot of sectors that are not sanctioned. For example, humanitarian work, financial transactions for medical supplies, food deliveries - especially from abroad.

It's not a problem to export goods to Syria, the problem is conducting the financial transactions with Syrian banks. On the other hand, if it was easier to deal with Syrian banks, you would also be enabling the regime and the war criminals to do business. So this is very difficult to control.

That's why a lot of experts have proposed solutions, like a "whitelist" or exemptions for specific recipients. Again, there are a lot of challenges to solutions like that. For example, how [can humanitarian or other organizations] be active on the ground without having the regime connected to those activities.

LUETTICH: You've talked about ways to mitigate the side effects of sanctions. If you could choose one of these tools, which would you choose?

SAID: We definitely need exemptions in favour of the poorer parts of the population, for certain regions and in certain sectors. Regarding the regions, there are exemptions in place now for the northwest and the northeast of the country because these areas are not under regime control. But one could also argue for an exemption for the rural and very poor parts of Damascus, which are under the control of the regime.

STEINMAIER: But let's say there is an exemption for rebuilding infrastructure in eastern Ghouta, an area in rural Damascus that was besieged and bombed for years and, in 2018, nearly completely destroyed by the Assad regime with help from Russian air force. Wouldn't the regime use any help coming in for eastern Ghouta to help itself? We know that the regime profits from humanitarian aid and dictates who receives it and who doesn't.

SAID: Yes, it can be counterproductive if certain sanctions are lifted or modified. Even if you only want to support those suffering, the regime and their clients may well take advantage. There is no easy solution. You have to balance the risks and benefits. And that's very challenging because the regime has learned to adapt to sanctions.

HOW TO OVERCOME OVER-COMPLIANCE

DAHER: I worry that such exemptions – even those for the northwest or northeast – only assist the power structures already in place there. This is the case in the northwest, looking at Hayat Tahrir al-Sham in Idlib or at the Turkish occupied zone and to be honest, I don't see how this is much better [than the Assad regime]. How do we make sure that economic recovery and humanitarian assistance does not just strengthen those in power and that it really helps those in need?

My favourite mitigation tool would involve reducing the problem of overcompliance within humanitarian organizations. Because if you approach private banks to transfer

07 | Exceptions for humanitarian aid

According to the US and the EU, their sanctions are designed in a way that they do not interfere with the delivery of humanitarian aid. The export of food, medicine and medical equipment is therefore excluded from the sanctions in addition to several specific exemptions for humanitarian purposes. In practice, however, humanitarian actors report huge problems. Sanctions have a chilling effect on commercial actors' willingness to engage in trade with actors in sanctioned countries. This is called the "chilling effect".

money to Syria for humanitarian reasons, they refuse because they are scared of sanctions, even if the humanitarian work you want to do with this money is perfectly legal. Banks are scared because they were sanctioned after dealing in dollars with Iran. So they're not willing to take risks for a very small profit. After all, they are commercial businesses, not charities.

So what I suggest is an independent financial institution that is in charge of organizing money transfers to all the humanitarian actors working in Syria, as well as in other conflict zones where they face problems getting money into a country to fund their work. This would only work with an institution outside of the commercial financial system. It could be a direct, short-term solution. The problem with exemptions is that they only allow for a solution, case by case. What's needed is systematic structural change and that's something we don't just need for Syria, but for many war-torn countries.

OLABI: There is one tool that's worth thinking about. This happened primarily because of the COVID-19 crisis and before that I didn't think it was possible. But I saw governments giving assurances to businesses and corporations

to protect them from things that could go wrong. All that banks and businesses really want is an assurance from the government that if they work in this area, they won't get into trouble. So, basically reassurance that if you work with specific NGOs in Syria, there won't be any problems. For example, a government could say we won't prosecute this NGO if they work in Syria and if you provide a bank account for them, you won't have any problems with sanctions either. This kind of indemnity could be given to a specific set of trusted suppliers. That might be a step forward. It's similar to what was done regarding COVID-19 vaccines. They gave indemnities to businesses so they could move forward.

DAHER: I understand this but there are two issues with it. Firstly, the US government's Office of Foreign Assets Control [OFAC] already gave that kind of assurance in a statement in November 2021, where they basically said that OFAC won't prosecute any kind of humanitarian or economic recovery assistance in Syria. But the problem persists.

Despite such assurances, the banks are still scared – because, for example, sanctions are not the only risk. If you provide humanitarian assistance in the northwest and you

08 | Overcompliance and de-risking

Private individuals, companies or even humanitarian organisations often face issues when transferring money to Syria, even if their transactions are not legally sanctioned. Checking whether a transaction could entail sanctions is so time consuming for the banks that their risk reduction strategy often involves rejecting such transfers completely. This banking practice is called overcompliance or de-risking and makes humanitarian aid, among other things, more difficult.

have only one beneficiary who is affiliated to Hayat Tahrir al-Sham, which is listed as a terrorist organization by the UN, then you might not have trouble with sectoral sanctions, but you'll be dealing with anti-terrorist legislation. So it's still risky and banks simply shy away from these kinds of risks.

SAID: Bank transfers are a problem. But if you look at the billions of dollars which came to Damascus via UN agencies you will see that sanctions on the Syrian banks were not an obstacle in delivering this huge amount of money. And all the NGOs have somehow found ways to deal with this problem. Everyone knows that once in a while someone with a big bag of money crosses the border from Turkey into Syria and that this big bag of money is for financing legal activities on the ground. I know this is complicated and risky for NGOs and I don't want to understate the effects of sanctions on this sector, but I also want to point out that there are workarounds. That means the removal of sanctions on this sector would be good, but I doubt it would change everything.

For money transfers to families, there are many invisible or unofficial money transfer methods that have developed in Syria since sanctions were imposed, to avoid dealing with official banks. Beside the "hawala" network [unofficial money transfers through trusted individuals] which was used before the war, money is also moved through personal networks.

The hawala system is an informal, cost effective and unbureaucratic money transfer system, which developed in countries that already had underdeveloped banking infrastructure. Hawala is used largely to transfer the remittances of migrant workers back to their families at home.

LUETTICH: Let's move from side effects of sanctions to their apparent lack of efficacy. It seems the regime has no real reason to admit any kind of defeat because of sanctions and, in fact, we have even seen a kind of "rally around the flag" effect. The regime's cronies have been forced to get even closer to the regime because they can't do anything abroad anymore. The Syrian regime's behaviour doesn't seem to have changed much, if at all, and it seems unlikely to, right? So what strategies do you think could be used to make sanctions more effective?

CONTEXT MATTERS

SAID: Before we talk about how to make sanctions more effective, we have to take into consideration that the sanctions imposed on Syria were not UN sanctions. They were imposed by the US, the EU, the UK, Arab countries and some others. Sanctions can be more effective if they are imposed by the UN. But Assad doesn't have this problem. Russia supports him, Iran supports him and a lot of other countries, like China and India, have not even imposed any sanctions against him.

The other thing is that the UN recognizes the regime in Damascus as the only legal representative of Syria, so humanitarian aid from the UN and everything else from the UN must pass through the regime.

This is only the tip of the iceberg. It is not only that the bulk of UN aid programs is unfairly distributed by Damascus, but UN activities in Syria feed businesses associated with the regime. For example, the UN spent almost US$70 million on accommodating staff at the Four Seasons Hotel in Damascus. This hotel belongs to a regime crony. So, on one hand there are sanctions targeting the cronies but on the other hand, there is a whole system led by UN activities that actually funds the cronies and the regime. The inefficacy of sanctions is not just caused by their design but also by the context in which they are being imposed.

LUETTICH: In fact, we've seen no sign that regime cronies are distancing themselves from the regime. Being on the sanctions lists seems to be a sign of loyalty in Assad's Syria. So what should be done to motivate behavioural changes among Assad's supporters?

DETERRENCE WORKS

SAID: I think that in reality sanctions do discourage a lot of businesspeople and other Syrians who more generally support the regime. Whereas those who stick so tightly with the regime are often the people who most benefit from the regime's clientelist system. They have now come even closer to the regime because they can't do business outside Syria and depend only on the regime. But beyond this circle, nobody wants to be affiliated with the regime. It's not only about the economy but also about reputation and image.

OLABI: It's very difficult to measure. Whether, and how, someone was more distant from the regime prior to getting sanctioned is not something that is easy to see. There are so many Syrian businesspeople who moved to Lebanon, Turkey, Egypt, the Gulf states or to Europe. They may all have been potential warlords, right? We cannot know the main motivation behind their moves away, but sanctions clearly played a role for many of those people.

DAHER: Whole business networks that were close to the regime left the country in 2011 and 2012 because they wanted to protect their businesses from the effects of the war. For some, they didn't want to be sanctioned.

After all, they wanted to live and travel outside of Syria. There are many industrialists and presidents of commercial chambers who were close to the regime but who have also left the country. For example, Mohammad Sabbagh Sharabati left Syria in 2012. He's the former head of the Aleppo Chamber of Industry. Now he's one of the biggest manufacturers in Egypt and in fact, the whole of Africa. Because so many of these people left Syria, the regime now depends on just a few businesspeople. Their names are known and they cannot leave the country.

DIFFERENT GOALS

OLABI: When we talk about whether sanctions are effective, we need to divide that discussion in two. Are sanctions effective at holding people to account? Or do they simply encourage a change in behaviour? The problem with EU sanctions is that they conflate both of these aims.

On one hand, sanctions are supposed to be a reaction to calls for accountability and on the other hand they are supposed to be about changing behaviours. But these are two different goals and they require different strategies. In order to make sanctioned individuals change their behaviour, you need a clear de-listing policy [that is, have them taken off the sanctions list]. Sanctioned Individuals need to know what they have to do, in order to get de-listed.

STEINMAIER: But of course, there are also people on these sanctions lists who have so much blood on their hands, they should probably never be de-listed…

OLABI: Exactly. And that's exactly what makes measuring the effectiveness of sanctions so difficult, when you mix accountability and behavioural change together. That was our key recommendation to the EU: Make up your mind about what you are using sanctions for. We suggested different listing criteria or different lists for those who should be listed forever and another list where we hope to encourage a behavioural change.

You wouldn't de-list Bashar al-Assad even if he changed his behaviour. But you might de-list businesspeople who are not linked to attacks on civilians. They may be linked to the regime and they probably helped finance a few operations, albeit not completely. So there might be a list of people where we could try to change behaviour.

If this is not the intention, then OK, let's say that. Let's say that the intention is accountability. But then you should make the sanctions effective as mechanisms to increase accountability and make sure that for the people who are targeted like that, there are also options for secondary sanctions. Basically, everyone who deals with these people should be afraid of getting sanctioned themselves. You would track, and crack down, on their safe havens, or on family members and employees who may be being used as frontpeople. But those sanctions are not to change behaviour. Conflating these two things is the main problem.

LUETTICH: You have previously said that in order to make sanctions more effective they need to be adaptable. Could you explain what you mean by that in more detail?

THE POWER OF DE-LISTING

OLABI: We must remember that sanctions are a tool and that they should be an interim tool. But policy makers tend to turn them into ongoing policy. It's an easy way out for politicians to sit back and do nothing. It's more difficult for them to monitor the sanctions, to adapt them and to use them more flexibly.

I have worked a lot with sanctions officers within various governments and there are usually one or two staffers that list the people to be sanctioned. These staffers are the ones who collect information and then build a dossier, before sending it to the legal department. They review these dossiers every six months or annually. But in general, nobody is actively trying to use the sanctions as a dynamic tool to, for example, check whether they should speak to this person before they list them to try and motivate behavioural changes – of course, all with safeguards in place beforehand guarding against asset flight and so on.

But none of this is happening. There's no dynamism. These officers are hardworking, they do a fantastic job, but they are not close to Syria, they don't speak Arabic and they don't know what is happening on a daily basis with its businesspeople. And diplomats and civil servants are obviously very scared of speaking to anyone who is, or who might be, listed, or to send them messages. In fact, it would be great progress if they just published information on what it takes to be de-listed.

I honestly think the regime would be in panic mode if the US or UK came out saying, "if you do these things – for example, leave the regime and three or four other things - you might get de-listed".

Because it will shake that core of people around the regime. A lot of them are opportunists and they're thinking "how can I get more money?" If an opportunity came up to make even more money, they might take that action.

At the very least, we should have an ambition to create those kinds of situations. That's the dynamism I'm talking about. I know this is risky and requires courage. Given the political sensitivity around Syria and the fact that Syria is not a political priority for most countries at the moment, ministers do shy away from making these decisions. Because listing and de-listing is a ministerial decision. So this takes time and consideration and, of course, they have many other problems on their table right now.

09 | EU sanctions at a glance

The EU's Syria-related sanctions lists currently include almost 300 individuals and around 70 companies or institutions (as of May 2022). In addition, the EU imposed an oil import ban, the freezing of funds of the Syrian Central Bank and issued export bans on goods that can be used for repression or surveillance.

CHANGE THE REGIME'S BEHAVOIR?

LUETTICH: When we talk about the regime itself, what would be needed to make them change their behaviour?

DAHER: If it comes to the state, I wonder if, even if you had sanctions like you did in Iraq, would that provoke behavioural change? In the case of Iraq, it ended with the US invasion and not with behavioural change. I think without a relevant movement from below, it's unlikely we will witness behavioural change from the Syrian regime in the near future. Especially now that it controls 70% of the territory and that most countries have accepted that. In mid-2012, the opposition was at the gates of Damascus. But even then, the regime did not negotiate. So why should they do that now?

STEINMAIER: You have criticized the fact that often sanctions are seen as a strategy whereas they are really just a tool. Which obviously means there is a lack of strategy. If you were in charge, how would you design a strategy for the countries doing the sanctioning?

PRESSURE ON THIRD COUNTRIES

SAID: I think regarding sanctions, de-listing is the most important thing to consider. A de-listing strategy should be carefully designed and should consider that third countries may well counter the sanctions system. To give just one example: Since 2012, Dubai has hosted the family of Assef Shawkat, Bashar al-Assad's brother-in-law, a deputy defence minister, head of military intelligence and also responsible for the torture of thousands of Syrians. His family lives in luxury and Dubai makes that possible. So far, neither the US nor the EU have put pressure on the emirate to do anything about that, such as, for example, freezing the assets of any of the Syrian elite who happen to be living there.

CHANGE THROUGH TRADE TIES?

STEINMAIER: Regarding campaigns against collaboration with authoritarian states like those in the Gulf states, we will always face the argument that it's the wrong approach to cut our economic ties because then we lose leverage over them. That's the idea behind the now somewhat infamous German policy known as "Wandel durch Handel" or "change through trade". Of course, that policy was first developed during the Cold War to try to help change Soviet Russia. That's now seen as somewhat controversial for obvious reasons.

DAHER: With regard to the argument that we should keep up connections with authoritarian states in order to have leverage over them, we need to look at the results. And I would say they are zero. Over the past decade, Germany has had a former Chancellor sitting on the board of the Russian state-owned energy company, Gazprom. All the while, Russian authoritarianism has increased under [Russian president Vladimir] Putin. This is just one example. Saudi Arabia is another one. So with regard to this sort of "leverage", just show me the final bill. Human rights violations have increased in all of these countries.

LUETTICH: At the beginning of the Russian invasion of Ukraine, German politicians argued for imposing sanctions step by

step, and even now as we are speaking, there is still no real oil or gas embargo, something that would be very important. Also, in this case the strategy of retaining some ties to the opponent so that they still have "something to lose" doesn't seem to have worked either.

SAID: The problem is that the cost of sanctions on Russia, or on the Gulf states, would be very high for the EU. That approach seems less based on strategy and more on the fear of high costs.

STEINMAIER: Of course, it comes at a high cost. But if we look at the costs of doing nothing, weighed up against the destruction and loss caused by Russia's war in Ukraine, as well as the issues on an international level, and if we regard sanctions as a tool in foreign policy, then shouldn't we push the state to put their money into this? It makes sense even if we compare the costs of sanctions on Russia to military costs. For example, Germany has said it wants to invest billions more in its army now.

SAID: I believe that, at the moment, this is just about internal politics in Germany. The societal and political costs of scarcity in energy or high-cost energy seem so big that there is no room for harsh sanctions on Russia, or political pressure on Gulf states, in the medium term.

DAHER: The situation could be an incentive to invest massively in renewable energy. But instead, to secure replacements for Russian fossil fuels, [former UK Prime Minister] Boris Johnson went to Saudi Arabia, [Germany's economics minister] Robert Habeck went to Qatar and the EU's foreign minister, Josep Borrell, went to Israel. To push for renewables and end dependency on fossil fuels from dictators could be seen as a left-wing agenda. But you can also see it as a big project to evolve very necessary economic and ecologic transformation.

10 | Lifting conditions of Caesar's Law

The Caesar Law imposes clear conditions on the Assad regime. For the sanctions to end, the Assad regime and its allies would have to

- cease airstrikes on civilian targets,
- end all sieges and siege-like conditions,
- release political prisoners and give international observers access to the prisons,
- meet the conditions of the Chemical Weapons Convention,
- enable refugees to return safely and
- allow for the independent prosecution of war crimes and crimes against humanity.

A "regime change" is thus not an explicit condition for the lifting of Caesar sanctions. However, an independent prosecution of human rights violations in Syria would inevitably lead to Assad and numerous leading figures of the regime being convicted of war crimes and crimes against humanity.

DOUBLE STANDARDS AND STRATEGY

LUETTICH: Left-wingers might accuse the West of double standards and ask why sanction Syria, if Saudi Arabia isn't also sanctioned for war crimes in Yemen? Are these kinds of double standards due to a missing Western strategy on sanctions?

SALAM: There are always double standards and unfortunately the values of justice and democracy are treated as abstract values and are often not implemented when implementing them would risk a country's strategic interests. I understand this frustration. It's disappointing indeed to see US President Joe Biden turning a blind eye to the assassination of [Saudi dissident] Jamal Khashoggi and paying a visit to the royal family of Saudi Arabia in July. This sort of pragmatism reflects the urgent need for political support and for fossil-fuel-producing partners in the conflict with Russia.

STEINMAIER: But from a civil society perspective, if we push for sanctions against Syrian perpetrators, don't we lose credibility if we don't push for sanctions against others who violate human rights too, even if those others have strong ties to the West?

JOSEPH: I totally agree. That's why I'm always pushing for coalitions between civil society groups from different countries: We have more weight, we can learn from one another. And perhaps most importantly, it prevents us from any strategy that supports one state over another, without recognizing that every state has its own agenda.

We need to keep those nationalist interests at a distance in order to focus on what we really want – and that is human rights for all. If we are supporting how one state uses sanctions as a tool, that doesn't mean we can then be uncritical towards that state or apply double standards.

In particular, I think this is a problem when we see members of the Syrian opposition call for sanctions against certain regime insiders while at the same time, they're writing Facebook posts in favour of [the Turkish President] Erdogan or the kingdom of Saudi Arabia. So we do have to work together with human rights groups and civil society groups from other regions, to learn from them and to hear their perspectives so that we can avoid double standards. This strengthens our own cause.

One example: When [Egypt's President Abdel-Fattah] el-Sissi came to Berlin to talk to the German government about economic exchange and weapons exports, there was a demonstration opposing his presence. If I'd been in Berlin, of course I would have joined the protest. That's not only because of the links between the Syrian regime and el-Sissi but also as an act of solidarity with the Egyptian pro-democracy activists.

Obviously, it is not easy to build civil society coalitions. In fact, it can be very challenging, with regard to politics. That's why we must have a clear position based on democratic principles. Wherever you see human rights violations, you denounce it. It's as simple as that. And we should call for sanctions against the perpetrators [of those violations] and refuse the normalization of ties with states that violate human rights. That's why we should try to build a large coalition to express these demands, even if the conditions to do so are very difficult today.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3. Opinion

VOLUNTARY AND INVOLUNTARY ACCOMPLICES

by Dr. Salam Said

Syria-related sanctions are being rendered ineffective not only by Russia and Iran, but also by the United Nations. The Assad regime has benefited massively from UN aid programs to Syria and continues to do so to this day.

◀ UN convoy in the old city of Homs, 2017. Source: UNICEF/UN056256/Ebo

Unlike in Libya, in 2012 the international community decided against a no-fly zone over Syria, something that would have protected civilians. Instead of countering the Assad regime's attacks on civilians by air strikes or even troops on the ground, the US, EU and other Western states imposed wide ranging sanctions against the Syrian regime. These were further extended over the ensuing years of the conflict. In particular, sanctions against individuals from the military and security apparatus as well as against businesspeople or companies close to the regime were ramped up. In this way, perpetrators were supposed to suffer the consequences of their actions, businesspeople were encouraged to switch sides, and the regime was to be deprived of funds to further finance its crimes.

With the enactment of the US-imposed Caesar Syrian Civilian Protection Act, which came into force in mid-2020, so-called secondary sanctions also came into play, significantly tightening punitive measures against the regime. The so-called Caesar sanctions aimed to impose sanctions on governments and companies outside the US, if they did business with the regime headed by autocratic Syrian leader, Bashar al-Assad. Their main purpose is to prevent the regime from rehabilitating itself internationally and emphasize that the reconstruction of war-damaged parts of Syria while Assad is still in power, only cements his policies of extermination and expulsion.

Consequences of support by Iran and Russia

While these secondary sanctions do deter potential international business partners and make it more difficult for the Assad regime to rehabilitate itself, the sanctions' other goals have only been achieved to a very limited extent. Thanks to the consistent Russian and Iranian support for the Syrian regime, the latter has not only recaptured almost three-quarters of the country since the Russian intervention began in 2015, but it is also making ends meet, financially and politically.

Russia and Iran have helped the Assad regime circumvent or evade sanctions. For example, Syria has received oil from Iran

and other goods from Russia. Investments by sanctioned private companies from Russia - like Stroytransgaz into phosphate and fertilizer production and the port of Tartus - has enabled Syria to export millions of dollars. It has done so with the help of a Serbian offshore company, among others.[2]

Like many other sanctioned regimes, the regime has developed profitable illicit and war economy businesses to compensate for its economic losses. The export-oriented production of the drug Captagon earned the Syrian regime at least $3.46 billion (€3.53 billion) in 2020 alone.[3] Another example is the smuggling of gold from Sudan to Russia by the Russian paramilitary organization known as the Wagner Group.

Continued profits for businesspeople close to the regime

The damage that sanctioning states intended to inflict on the Assad regime was also limited because, instead of driving them away, some of the Syrian oligarchs remained by his side. Sanctions had the opposite effect on them. Many tied themselves even more closely to the regime, and newcomers like Hussam and Bara al-Qatarji, Wassim al-Qattan or Ali Kheder also joined Assad's entourage because the profits to be made under the regime's protection have remained high.

This also shows that, contrary to some opinions, the misery of the normal population is by no means caused by sanctions alone, but primarily by the politically motivated, extremely unjust distribution of resources. While in many cases, the warlords and oligarchs close to the regime have become even richer, 60% of the Syrian population suffers from food insecurity, more than 70% remain dependent on humanitarian aid and around 90% of Syrians live in poverty, according to the UN and the World Food Program.[4]

It is not those Syrians who struggle for their daily bread, heating oil and medical care who benefit from investments or imports by Russian or Iranian companies. It is the Russian and Syrian oligarchs.

The austerity measures for electricity and diesel only apply to civilians, but not to the military or security, both of which continue to use violence against the civilian population.

Regime benefits massively from UN aid

Another reason for the ineffectiveness of Syria sanctions is the international community's inconsistent approach to the Assad regime. While the sanctions aim to isolate the regime internationally, it is also the interlocutor and main recipient of aid provided under Western-funded UN programs – including UNICEF, UNDP, UNHCR and other international aid programs like the World Food Program, or WFP.

According to a European University Institute study, more than half of UN aid since 2014 has been delivered to Damascus and distributed through "non-governmental organizations" that are actually effectively controlled by the Assad regime. At most, 18% of this aid reached the target group, the report said.[5] The rest remained with the Assad regime and its supporters. This is based on different strategies the regime has, in which it systematically uses international aid for its own purposes. Aid money is transferred in dollars to state banks, which transfer the dollars at the official exchange rate for the Syrian pound, which is far below the unofficial value of the national currency on the black market.[6]

Far more important is the fact that the "non-governmental" charities that are supposed to pass on UN aid to the suffering population are closely linked to the regime. For example, the Syrian Trust for Development, an organization led by the President's wife, Asma al-Assad, received about $5 million (€5.11 million) between 2016 and 2018.[7]

Other charitable organizations run by oligarchs close to the regime also received large sums with which they would supposedly carry out relief efforts. Instead, this helps the regime reward loyal milieus for their allegiance while simultaneously excluding actual or supposedly disloyal segments of the population from aid, as well as replacing social services that should be provided by the

state itself with UN-funded programs. In this way, the international community effectively helps the regime mobilize more resources for its military and security apparatus.

The extent to which the UN's actions in Syria counteract sanctions is impressively illustrated by the case of the Four Seasons hotel in Damascus. A 2021 policy brief by the US thinktank, the Foundation for Defence of Democracies, calculates that between 2014 and 2020, the UN paid more than $70 million (€71.5 million) for housing staff and other services to the Four Seasons. The hotel is owned by a sanctioned, regime-affiliated, Syrian businessman, Samer Foz.[8]

Lack of strategy when lifting sanctions

Finally, there is the lack of a comprehensive or focused strategy when it comes to sanctions on Syria. This is true of coordination between various sanctioning states, of the monitoring of the consequences of sanctions, and the conditions under which sanctioned actors can hope for sanctions to be lifted. At present, it is unclear to what extent sanctions can motivate actors remaining in Syria to change their positions or make a constructive contribution towards resolving this conflict.

Because when sanctions are lifted, the reasoning often remains obscure. For example, as recently as July 2022, the EU decided to remove the Assad-linked airline, Cham Wings, from the sanctions list. Why they did so, remains unclear.[9] Cham Wings is accused of flying fighters from Syria to eastern Libya in 2021 on behalf of Russia's Wagner Group. The latter was deployed in Libya to help the Russia-backed warlord, Khalifa Haftar.[10]

11 | Sanctions and reconstruction

The Syria sanctions make the reconstruction of Syria under Assad much more difficult. This is politically intended. The Assad regime's reconstruction plans are not oriented towards the needs of the bombed-out and displaced population but cement the consequences of the displacement policy. Modern real estate complexes are to be built on the land of displaced parts of the population, which are unaffordable for most of the population and primarily satisfy the interests of Assad's entourage and his Iranian and Russian supporters. These "reconstruction plans" completely disregard half of the Syrian population who had to flee to northern Syria or abroad and are still unable to return due to the ongoing persecution in Syria

For further sources: p. 89

Are "no sanctions" an option?

Given the shortcomings of sanctions in general, as well as their specific weaknesses, there are often calls to reject them altogether. Despite everything though, sanctions remain an important signal to authoritarian regimes, and also to their victims, that war crimes and human rights violations will not go unnoticed. Every day we hear cries for help from independent civil society actors inside authoritarian-ruled countries.

Their message is always the same: Human rights violations and political repression must not remain without consequences for the perpetrators. They appeal to the UN, to democratic states and to their civilian populations to refrain from any cooperation with their tormentors. They ask for protection from violence and support for their striving for democratic change. If Europe's civil society wants to show even the minimum of international solidarity, it must not ignore these voices.

Consequently, civil society actors in democratic states must engage in a nuanced debate on sanctions. This means critically reviewing existing sanctions regimes in terms of their effectiveness and side effects, then pushing for necessary reforms. At the same time, it also means working toward a policy that no longer places economic interests above human rights.

Additionally, UN institutions and EU states should identify, check and sanction private companies and business networks

12 | Syria and UN aid

The UN has a dubious reputation in Syria – not only because the UN was unable to offer the Syrian civilian population protection from the ongoing war crimes due to the Russian and Chinese vetoes in the Security Council, but also because the UN aid programmes have been massively instrumentalised by the Assad regime. The Assad regime was able to divert many millions of dollars of aid, mainly donated by the USA and the EU, to itself and its entourage, and delegates responsibilities of the state to UN institutions. This in turn freed up resources to repress the revolution, and to dictate to the UN which population groups are to receive aid and which will not. In besieged regions such as eastern Ghouta or Daraya, people were dying of hunger or easily treatable diseases, while a few kilometres further on, bulging warehouses filled with UN aid supplies were waiting.

For further sources: p. 89

engaged in criminal behaviours, organisations like Yevgeniy Prigozhin's Wagner Group paramilitary, at a far earlier stage.

For years, the Russian government's informal networks have been deliberately exploiting raw materials such as gold and oil in fragile, conflict-riven countries dominated by authoritarian regimes. Sudan, Libya and Mali are examples. They invest these profits into Russia's war machine and into non-state militias involved in horrific wars around the world, such as in Ukraine and Syria. Unless such networks are monitored and countered with punitive measures, economic sanctions cannot achieve their goals.[11]

Russia's war of aggression against Ukraine must finally make Germany realize how dangerous economic cooperation with authoritarian regimes is, and also that it is important to react to aggression as early as possible. If European states - and Germany, in particular - had responded to Russia's attack on Georgia in 2008, the annexation of Crimea in 2014 and Russia's ongoing war crimes in Syria since 2015, with tough sanctions, the world would look very different today ■

4. Interview

NAVIGATING HUMANITARIAN WORK THROUGH SANCTIONS-RELATED HURDLES

Interview with Joseph Daher, June 2022

To what extent do sanctions affect the work of humanitarian non-governmental organisations? Why is the reconstruction of even simple infrastructure hardly progressing? And what measures could be taken to change this? A conversation with Joseph Daher on the problem of overcompliance in the banking sector, dysfunctional paradigms of the UN and the interests of the Assad regime.

◀ Huda Khayti, director of a women's centre and long-time partner of Adopt a Revolution, during the Corona-Awareness campaign in a camp for displaced people in Idlib. Source: Women Support and Empowerment Center

DANIEL STEINMAIER: Many Syrians in exile worry that sanctions increase the economic hardship their family members are dealing with back in Syria. Is this true?

JOSEPH DAHER: Yes. To give an example, I have a good friend in a European country who supports his parents in Syria. Because sending money directly is difficult, he sends money to his sister in Saudi Arabia first. In the transaction form, he wrote "transfer to parents in Syria". His bank account was almost closed because the final destination for the money was Syria.

This sort of thing happens a lot. Even if the transfers are not sanctioned, banks refuse them simply because they are so scared of the sanctions. For them, it's not worth taking a risk for a small profit so they'd rather just refuse any transaction connected to Syria. This is called "overcompliance" and it's one of the major problems when it comes to sanctions.

To get around this, people often either try to bring cash into the country physically when they're visiting or they use in-

13 | Civil society advocates for sanctions

Syria's civil society opposition has been advocating internationally for the sanctioning of the Assad regime since the beginning of the conflict. The Caesar sanctions in particular are the result of years of advocacy by Syrian-US civil society organisations, including survivors of the Assad regime's torture prisons. Their goal: To hold perpetrators accountable and to build as much pressure as possible to rescue people who have been forcibly disappeared in the regime's prison system. A core demand of the sanctions package to the regime is therefore the release of political prisoners and to grant international observers access to these prisons – for example to Sednaya prison, which Amnesty International described as a human slaughterhouse.

For further sources: p. 89

formal networks. On average, people send between US$70 to US$100 (around €100) every month to support their families in Syria. In most cases, that covers a family's basic needs, as well as medicines, assistance for education or to help young male relatives pay the fee that exempts them from military service. This fee can be as high as US$8,000 (€8,008).

But we lack exact numbers on remittances sent back to Syria because most people use those unofficial channels to transfer the money.

Money transfer problems for civil society organizations and NGOs

STEINMAIER: Given the principles of transparency that donors and third-party funders usually demand, NGOs and civil society organizations often cannot use those informal channels though, can they?

DAHER: The transfer of money is an issue for them, even from European bank accounts to the bank accounts of NGOs in Turkey or Lebanon. Some NGOs I've spoken with, have a long checklist of things they are supposed to be complying with, but they often still have to get in contact with their bank before they can send money. So they also have to deal with this problem of overcompliance. This costs the NGOs a lot of time and money.

STEINMAIER: By rights, the countries doing the sanctioning should be helping to make bank transfers easier, given they are often also the main donors to the organizations doing the aid work on the ground in Syria. Why are they not pushing for a more practical and durable solution?

DAHER: Governments focus on exemptions and lack a systematic, long-term approach. They tell the banks to facilitate transactions for humanitarian actors and in certain cases, they are happy to vet particular organizations in order to allow transfers. But it doesn't resolve the main issue and that is that banking institutions are very scared to deal with anything that's related to Syria.

Governments have suggested a number of solutions within the framework of the financial system. But neither the OFAC statement from 2021 nor the OFAC decision of May 2022, which allowed financial support for recovery in areas that were not under regime control, managed to resolve that core problem.

There are two reasons for that. First of all, many countries have implemented anti-terrorism laws that also tie in financial laws.

In Idlib, for example, all the NGOs are worried because Hayat Tahrir al-Sham [or HTS, which controls this area] is listed as a terror organization. If the end financial beneficiary is not cleared, the NGOs could be accused of assisting a terrorist group. And secondly, private banking institutions are private actors. Governments can speak to banks, but banks obviously have their own business interests to worry about. If asked by the state to undertake certain financial transfers to humanitarian actors, the banks may well respond something like, "look, you've enacted these particular

14 | US measures to reduce side effects

In November 2021, the US sanctions agency Office of Foreign Assets Control (OFAC) adopted new exemptions for NGOs to facilitate humanitarian work and development projects. This was followed in May 2022 by exemptions for certain economic sectors in the two parts of the country that are not controlled by the Assad regime, northwest Syria and northeast Syria.

laws against money laundering and to fight terrorism, and now you're asking us to disregard them, even though possible end beneficiaries could be linked to HTS".

An independent banking institution?

STEINMAIER: You have suggested a solution in the form of an independent financial institution, one that is set up by the countries who placed the sanctions, to facilitate financial transactions. This could replace private banks. Do you think this might happen?

DAHER: Unfortunately, I'm not very optimistic. I've promoted the idea to a couple of European officials and because many sanctioned countries face similar limitations, I thought this could be a solution that went beyond just Syria. But the governments don't want to establish a parallel financial network or an institution that sidelines other banks. I'm afraid there's no political will out there for this.

STEINMAIER: You've also raised the idea of a common lobbying group made up of civil society organizations from different war zones or zones of crises, where sanctions have been imposed. But where do you see a common interest between different sanctioned nations – for example, like Syria, Iran or Venezuela?

DAHER: For the past 10 years, despite a lot of talk and many Western nations' generally positive attitude towards civil society organizations in Syria, there's been no progress on the question of financial transactions for humanitarian assistance.
Civil society organizations and other initiatives in these countries definitely have different political opinions, strategies and political affiliations. But I believe they do have a common interest when it comes to facilitating financial transactions.

They might not have the same political visions, but they would definitely be stronger if they lobbied as a coalition. Particularly because they would be a group of international institutions suggesting ideas to facilitate aid for the people most in need.
It would be interesting to start at the regional level, say in the Middle East and North Africa, featuring a coalition involving Syrian, Palestinian and Lebanese organizations. It wouldn't be easy though.

Early recovery and reconstruction

STEINMAIER: Then again, continuously sending humanitarian aid isn't sustainable anyway. Shouldn't the international community be doing more to strengthen Syria's recovery and assisting with reconstruction, instead of just sending food packages?

DAHER: First of all, I want to say that I consider the regime to primarily be responsible for the destruction of Syria, its infrastructure and its economy. But sanctions, among other factors, also contribute to a lack of investment there. That then has an impact on reconstruction and also more generally on early economic recovery.

Regarding reconstruction, it is clear that sanctions represent an obstacle to the regime's ability to turn its reconstruction fantasies into reality.

Reconstruction in Assad's terms basically means building huge luxury apartment blocks on the ruins of destroyed neighbourhoods and towns. The regime is not interested in rebuilding houses for those who were displaced, or infrastructure for those in need. They want to accumulate capital, to serve their security objectives and also potentially reward those who supported them – so that's warlords, loyal

businesspeople or Russian and Iranian investors, or even future potential allies like investors from the Gulf states.

When we talk about the so-called "early recovery" in Syria, we need a more nuanced debate. I think that humanitarian assistance and early recovery needs to continue and expand because of people's needs in Syria. We need these to have a more developmental and sustainable perspective.

Unfortunately, donors still don't have a lot of desire for "early recovery" efforts. Instead, they continue to ask humanitarian actors to focus on an ongoing "emergency response".

STEINMAIER: What would be your own assessment on what should be done when it comes to early recovery, and also perhaps what should not be done?

DAHER: Any assistance that predominantly benefits the criminal institution that is the regime should not be implemented at all. But when it comes to basic infrastructure like electricity and water, those sorts of public goods should be supported.
For example, if people don't have water for 10 days, then private companies will deliver water. But that's much more expensive. And this potentially only brings new income for profiteers, who may well be affiliated with the regime somehow.
So no matter what, the regime and its cronies will find a way to benefit. That's why decisions need to be well thought out and carefully weighed. We have to check if the positive impact for the general population outweighs the negative side effects.

STEINMAIER: Why is it so difficult for UN institutions and other NGOs to support the general population without strengthening the regime?

DAHER: The UN has to deal with organizations and suppliers registered with, and recognized by, the official Syrian government. Obviously, many of these are loyal to the Assad regime, or at the very least they're not opposed to it.
The biggest organization providing humanitarian assistance in Syria is the Syrian Arab Red Crescent. While not all the employees are pro-regime, the institution itself is affiliated with the regime. So the UN has to cooperate with authorities who don't want to see UN assistance distributed equitably across various regions. The regime has always blocked or lessened humanitarian assistance into the areas outside of its control. So you end up with this inequality, and the regime works to profit from this.
This problem is not distinct to Syria. It's the way the UN is built. They have to work with institutions controlled by a state in order to implement assistance.
Then I'd say that the second big problem is the neoliberal paradigm inside the UN. Since the 1990s, it has been promoting entrepreneurship and the private sector as key elements for post-conflict reconstruction.

STEINMAIER: Could you explain what you mean by that?

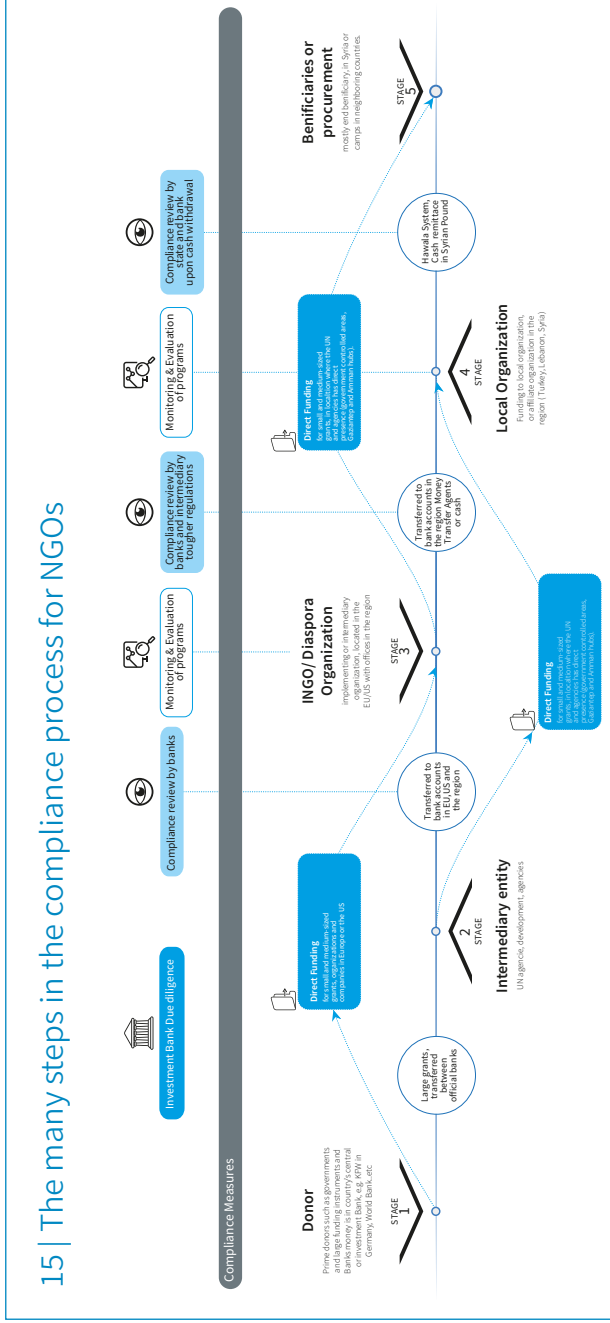
DAHER: Since the 1990s the UN has been pushing the idea of free market competition and has encouraged entrepreneurship as the basis for development or recovery.
This also created a kind of parallel economy of NGOs and associated businesses that were funded by the UN in US dollars. We saw this in Palestine, Lebanon and many other countries.
But privileging private sector actors doesn't prevent authoritarian regimes, like the Assad regime, from profiting because they decide who can run a business and who can't. So those businesspeople getting that UN assistance may well be affiliated with the existing power structure.
At the same time, this policy is also a way of disengaging from the state. This is very much supported by large sectors

within independent civil society. But it is not helpful. One example: Many people condemned the UN Development Program for funding the reconstruction of a Syrian state-owned yeast factory in Homs, saying it was helping the Assad regime. But this industry is not a military institution nor does it offer any kind of opportunity for massive capital accumulation for the regime. It really is basic infrastructure. The political-economic orientation of most of the UN institutions prevent a real recovery because the country will remain dependent on foreign funding and end up sustaining parallel economic networks. Real recovery would need state-provided infrastructure and state-led investment schemes to help the productive sectors of the economy recover and expand.

Another example: Today there is very specific investment by NGOs or other institutions. They may, for instance, provide a solar panel for one farmer. But if you want to make this into a more general trend, you need a wider political and economic strategy, one that involves state investments and state infrastructure alongside the transfer of advanced technologies from foreign countries.

But the Syrian regime is not willing to make massive investments in the productive sectors of the economy. This is why I always say sanctions are not the only problem. The regime also bears responsibility because it does almost nothing to assist early recovery ■

15 | The many steps in the compliance process for NGOs



This graphic was taken from the study 'Invisible Sanctions: How overcompliance limits humanitarian aid in Syria (2020)' by IMPACT - Civil Society Research and Development e.V. with IMPACT's permission. https://www.impact-csrd.org/invisible-sanctions/.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HQ TR-15
220

DON'T TAKE THE EASY WAY OUT: TELL ASSAD TO END SANCTIONS, NOT THE WEST

by Ibrahim Olabi

Civil society actors, who are concerned about the indirect consequences of sanctions on ordinary Syrians, tend to the blame the sanctioning states. But they won't blame the individuals that started it all, those in and associated with the Assad regime. That is a problem.

◀ Relief supplies from the Syrian Arab Red Crescent in March 2018 under the supervision of Syrian regime soldiers. Photo: Enab Baladi

In a statement released in March 2021, Syrian groups from across the world, including victim and survivor associations, called for an immediate end to sanctions on the Assad regime.[12]

Using a clear and simple chronology, they showed how, after UN reports of systematic abuses in Syria, such as the killing and torture of anti-government protestors, Western nations imposed a sanctions regime on the Syrian state that includes clear stipulations on how the regime itself can put an end to the sanctions. The exit route involves genuine engagement from the Assad regime in a political process, as outlined by the UN Security Council's Resolution 2254 of 2015. This includes ending human rights violations and fostering accountability.

Why won't civil society actors mention Assad's role in sanctions?

The statement was an important message for many different international NGOs. Leaving aside disingenuous actors, propaganda trolls and misinformed ideologs, it is true that ever since sanctions were imposed, many NGOs have called for an end to them, citing their impact on innocent civilians. Usually, this advocacy has focused on the more receptive, accessible and accountable actors in this equation - countries in the West - instead of the authoritarian, inaccessible and unaccountable head of state in Syria, Bashar al-Assad.

There are several reasons for this. Firstly, fear. Peaceful human rights defenders inside Syria who raised any issues about the regime have been disappeared, tortured and killed. So of course, actors operating in Syria are afraid of even bringing up the topic of sanctions because they obviously fear torture, death and imprisonment.

Secondly, advocacy in authoritarian regimes and dictatorships is extremely challenging. So Assad-supporters outside Syria choose the easy and comfortable way out by calling exclusively on Western countries to end sanctions rather than focusing on the regime that

attracted sanctions in the first place, thanks to its brutal crimes against its own population. In the United Kingdom, for example, Baroness Caroline Cox, who has supported Assad,[13] consistently raises this issue in the House of Lords.[14] In the United States, a faith group known to be pro-Assad,[15] sent a letter to President Joe Biden calling on him to find alternatives to sanctions. Because they know very well that in Western countries, public pressure and lobbying efforts can, and have, changed the policy of governments. A government's policy may change while it is in power. Then there are the more radical changes we have recently seen in countries like the US and Germany, where newly elected governments brought completely new strategies with them. This makes a democratically elected government a far more attractive partner for advocacy than a regime that has been in power for 40 years and which has never switched from its policy of oppression nor made any meaningful concessions over those decades. But just because one side is easier to approach than the other, does not mean that is the right thing to do.

Thirdly, an ideological perspective on sanctions that disregards the specific Syrian context. Some genuine actors seem to view the Syrian sanctions regime through the lens of other previously imposed sanctions regimes, like on Iraq in the 90s, rather than according to the current realities in Syria. It is true that previous Western sanctions regimes, and some current ones too, are driven primarily by political goals rather than ambitions to improve human rights. Of course, one can argue that anything and everything is political. But context is important and each situation needs to be analysed on its own merits. In Syria's case, the sanctions programme is linked largely to the Assad regime's human rights abuses.

Fourth, the calls to remove sanctions often involve the notion of "let's stay out of politics". This is an argument favoured by actors who are usually opposed to sanctions because of humanitarian imperatives. They are particularly cautious about not wanting to engage in anything that could seem "political". But issues arise with this approach. Many of the sanctions on Syria have been imposed in support of human rights demands, not political demands. For example, Section 7431 of the US' Caesar Syria Civilian Protection Act lists conditions under which the sanctions would end. This includes the release of detainees and not using chemical weapons.

Additionally, if the argument is about not being "political" then it is puzzling why such actors don't mind raising the topic with Western governments – after all, these are political entities too – but won't raise the subject with the Assad regime or the regime's allies, who also happen to be political entities.

Why all of this is fundamentally problematic

Focusing on the consequences rather than the cause helps build a skewed narrative that reverses history and makes the oppressor look like the oppressed. In prolonged conflicts, narrative and truth is key. Truth is often the first victim of conflict and genuine actors should not be fuelling half-truths.

This focus also takes pressure off the actor that attracted the sanctions in the first place, due to their human rights abuses, their crimes and their refusal to submit to international justice.

If sanctions against the Assad regime do actually end due to pressure on Western governments rather than by pressure on Assad, it is certain that any economic gain will be used to reward the Syrian warlords that supported the Syrian government in its crimes. We know this because of the many crimes committed by the regime since 2011. If sanctions do end, it is Assad who should end them - by refraining from human rights abuses, engaging in the UN-agreed political process and submitting to justice.

Those who are genuinely concerned about the side effects of sanctions, should channel their efforts towards those who could end the sanctions regime tomorrow. That begins and ends with the Assad regime and its allies. If they are unable to address the Assad regime itself, due to security concerns or lack of access, then they should be brave enough to admit that they are focussing on the more receptive actors in this situation, the actors that will not torture them for speaking out. At least that way, it will go down in history that they did not focus on the oppressor in their lobbying efforts simply because they preferred to take the easy way out ■

6. Conclusion

COUNTERING THE URGE TOWARD INACTION

By Daniel Steinmaier and Christin Luettich

Whether it is Russia's attack on Ukraine, the brutal repression of women protesting in Iran or serious human rights violations committed by other authoritarian regimes, democratic states often react too late or in too weak a way. But a powerful antidote exists: International solidarity and targeted and informed political pressure from civil society. The Syrian case offers some lessons.

In September 2022, tens of thousands of people took to the streets of Berlin in solidarity with the Iranian protest movement. Fifty thousand protestors were expected by the organisers but at least eighty thousand turned up.[18] This was a strong sign to the German government.

Despite her commitment to a "feminist foreign policy", Germany's Foreign Minister Annalena Baerbock has been hesitant in reacting to the brutal repression by Iranian security forces. So far, sanctions imposed by the EU in response to the repression of the protests have been comparatively minimal.[19]

As always, realpolitik explains the lack of a larger response. Neither the German government nor the EU want to jeopardise negotiations with the Iranian regime on a new Iran nuclear deal. In the context of the Russian invasion of Ukraine, a number of European governments, including Germany, put the brakes on a European embargo of Russian oil and gas for economic reasons – that is, until Russia closed the gas tap all on its own, in order to put pressure on the EU population. That's despite the fact that, in early October 2022, 31% of the German population considered existing sanctions against Russia to be appropriate and 36% found them insufficient.[20]

The Iranian and Russian examples show that despite talk of a lack of solidarity among the German population, a majority does actually reject any impunity for serious human rights violations and war crimes, realpolitik or not.

Sanctions against impunity

Consequently, a human rights-oriented civil society is tasked with a clear objective. If governments hesitate to address massive human rights violations abroad because of economic or political interests, civil society groups must ensure that the general population's sense of justice is not frustrated, that it does not translate to powerlessness, indifference or resentment. Instead, that sense of justice should lead to political action. Addressing the issue of sanctions,

and what they can and cannot achieve, is key in this context.

What happened in Iraq is no longer relevant

The example of Syria may not provide transferable insights for other conflicts in every respect, especially due to Syria's low level of economic interdependence with Europe. But it does provide numerous important impulses. For example, we learn to talk about a current case and we no longer just talk about the historical Iraq sanctions, which have dominated academic and public debates on sanctions since the 1990s. The Iraq sanctions were based on the callous notion that a regime could be pressured into change by deliberately plunging its population into misery. Fortunately, this approach to sanctions has now been abandoned, as the Syria sanctions show. Today we can, and should, have a more nuanced debate about sanctions as a policy instrument.

Exchange with those affected by sanctions

Perhaps the most important impulse this publication gives is in its approach. Any exchange on sanctions should be an exchange with the independent civil society within or from the sanctioned countries, and with those communities who are victim to the crimes being sanctioned.

They will have different positions but their voices provide important inputs that need to be weighed up. Consider the following example: There are voices in Russia's independent civil society strongly in favour of imposing the most effective sanctions possible on Putin's entourage. They also provide much needed information for what might be the most effective measures.

At the same time, other civil society organisations, who are also opposed to the Putin regime, warn about the side effects of sanctions. For example, they say the withdrawal of international information technology companies from Russia means that civil society actors will be cut off from international communication channels, something that clearly serves the Kremlin's interests.

The role of civil society actors in sanctioning states should be to ensure that the voices of their counterparts in the sanctioned states are heard, and that their concerns are taken into account.

All about trade-offs

Utilising the Syrian case as a prime example, this publication demonstrates that sanctions inevitably bring difficult trade-offs. No matter how well sanctions are designed, adverse side effects cannot be ruled out. Conversely, where sanctions are eased in an attempt to alleviate undesirable side effects, those who have been the primary target of sanctions will also benefit. That is why a civil society debate on sanctions must engage with the topic of difficult trade-offs. Those discussing this must not shy away from often complex and sometimes technical debates on the topic.

Sanctions are not a strategy

These difficult deliberations happen against the backdrop of a broader political strategy of which sanctions are usually just one part. But what is this strategy supposed to look like? The example of Syria shows the danger of sanctions being put in place simply to show that a government is "doing something" but without a broader strategy.

Civil society organisations should question the broader strategy and, above all, they should point out that sanctions must always be accompanied by other measures – especially measures that actively support a regime's victims on a humanitarian or political level. This should be a core task for international civil society because sanctions alone will neither topple authoritarian regimes nor help those who suffer from their brutality.

Accountability or behavioural change?

As the Syrian example shows, when it comes to sanctions' strategic goals, two different notions are often muddled. On one hand, there

is the goal of bringing the perpetrators of war crimes or crimes against humanity to justice in order to have a deterrent effect on other potential perpetrators. That is, accountability.

On the other hand, there is also the goal of persuading certain actors to change their behaviour. For example, persuading businesspeople close to the regime to stop their support for it, through a mix of threats via sanctions and incentives. That's behavioural change.

While the former goal requires the maintenance of a long term pursuit of the sanctioned individuals, the latter goal requires skilfully designed incentives as well as transparency about the conditions under which sanctions could be lifted. Civil society actors need to be aware of this distinction so they can critically assess sanctions.

Sanctions need resources

In order to have the greatest possible impact, sanctions must be implemented dynamically, meaning they must constantly adapt to new developments. The behaviour of sanctioned warlords or businesspeople close to a repressive regime must be monitored so that incentives work as intended. Sanctioning states need resources for this, something the relevant authorities often lack. Given the general lack of awareness about the dearth of resources for things like monitoring, civil society actors in sanctioning states should not only try to point out these shortcomings to authorities, but also demand that the relevant offices and organisations be better equipped.

Reduce side effects

Better equipping authorities responsible for sanctions would also be important for the reduction of sanctions' undesirable side effects. There should be regular reviews of whether the intended effects of sanctions are proportionate to their undesirable side effects, or whether adjustments are necessary.

16 | Offshore markets, shell companies and front companies: How a lack of financial market controls enables sanctions evasion

Whether in the Panama, Pandora or Paradise Papers – many names from the Assad regime's entourage appear in the leaks revealing the jet-set's dealings in offshore havens. While European elites mostly use their offshore companies for tax evasion, the elite of the sanctioned states uses them to circumvent sanctions.

The Syrian Legal Development Programme (SLPD) has investigated the methods used by the Assad regime's networks to circumvent sanctions – for example, by using and setting up wealthy businessmen as frontmen who, once they themselves are sanctioned, use other frontmen. Alternatively or in addition, the sanctioned persons or institutions use networks of front companies.

In the case of Russia, the phenomenon is particularly extreme. The richest 0.01 per cent of the Russian population own a full 12 per cent of Russia's private wealth. They have parked 60 per cent of their wealth "offshore". Among Russia's super-rich are also sanctioned oligarchs. Thomas Piketty et al. therefore pleaded for a European Wealth Register. Political commitment to controlling the international financial markets would therefore not only pay off in terms of increasing tax justice, but also improve the effectiveness of sanctions.

For further sources: p. 89

Civil society organisations could also push for new mechanisms to combat the common causes of side effects. For example, a non-profit financial institution that could help transfer funds for humanitarian work to sanctioned regions in order to reduce the effects of overcompliance. In any case, civil society organisations should not leave the debate around sanctions' side effects to those who are demanding that all sanctions be lifted, likely in the interests of the sanctioned regimes.

Address criticism correctly

Criticisms of sanctions' side effects must not invert the roles of perpetrator and victim. This happens when civil society organisations blame sanctioning states for the side effects and don't talk about the reasons for the sanctions being imposed in the first place and how, in fact, sanctions could be lifted by the sanctioned persons or institutions. Those criticising the side effects of the Syrian sanctions, for example, should also address the fact that side effects are largely due to the Assad regime not changing its behaviour.

Financial market control is better

The effectiveness of sanctions always depends on their context. But generally speaking, any international alliance that sanctioned regimes can maintain, as well as all the tax havens that oligarchs, warlords and kleptocrats like to use, harm sanctions' effectiveness. This is why pushing for better regulation of international financial markets would not only reduce tax evasion and money laundering, but also make it more difficult for sanctioned parties to circumvent sanctions - thereby increasing their effectiveness.

Problems with the UN's aid payments

In the case of Syria, the aid programmes of the United Nations work against sanctions that have been imposed. Due to problems in the UN Security Council, the UN has no mandate to act independently in Syria and must deal with the Assad regime. The regime effectively dictates which parts of the population receive UN aid, as well as which organisations and service providers are to deliver UN aid. This is how the regime instrumentalises humanitarian aid and enriches itself. The UN urgently needs regulations that base aid provision exclusively on needs and prevent political interference as well as mechanisms that prevent cooperation with sanctioned persons or institutions.

Harness the power of the moment

Psychological studies[21] about what is known as "the moral repetition effect' show that the more times an individual hears about a transgression, the less outraged that person may eventually be. This contributes to the normalisation of even the most serious war crimes or crimes against humanity. At the same time, sanctions are only effective if they are imposed quickly and harshly. If sanctions are imposed after months of discussions in successively small packages with long intervals between, as was the case with EU sanctions against Russia, the sanctioned parties are given plenty of time to adapt. While politicians often drag their feet because of lobbying efforts from potentially affected industries, civil society voices should speak out as early and as loudly as possible.

Put human rights at the centre of economic and foreign policy

It is clear that human rights violations should not be sacrificed for economic or political interests. Even if the debate surrounding a feminist foreign policy has not yet addressed the tool of sanctions – which seems painfully clear looking at the current example of Iran – establishing a foreign policy based on core values is a step in the right direction. Human rights must become a permanent, central issue of foreign policy. This requires a big shift away from a patriarchal, geopolitical perspective focused mostly on economic interests. Civil society needs to push for this paradigm shift in foreign policy to be translated into concrete action. Such an intention for change should not be allowed to wither away with a few political declarations and academic debates.

Criticise double standards instead of cultivating 'whataboutery'

This includes criticising economic and political cooperation with

authoritarian regimes considered Western allies. In a traditional understanding of foreign policy, Russia's war in Ukraine may leave other states with no choice but to form alliances with authoritarian states as, for example, energy suppliers. However, this will only encourage new human rights violations, unleash new security risks and undermine the credibility of sanctions against Russia, Iran, Syria or other states. Whatever dilemmas democratic governments face, civil society should be vocal about its opposition to such deals and should always demand justice. Such criticism would be exactly the opposite of what we often observe in the sanctions debate: namely that Western states or allies also commit human rights violations, which distracts from crimes committed by the Assad government in Syria, by Russia or by other sanctioned regimes. This debating tactic – known as "whataboutery" - should stop. Instead all double standards should be criticized.

Promote solidarity

Whether civil society actors succeed in advocating for a human rights-oriented foreign policy depends above all on whether they can promote solidarity. A human rights-oriented foreign policy presumes that the population of democratic states is willing to forego economic gains or other opportunities to stand by those suffering elsewhere. At the same time, the Russian example also shows how important internal solidarity is inside sanctioning states. There will be those who face hardship in Europe, whether that be because of rising energy prices or other economic disadvantages, due to sanctions in Russia. If people worry about heating their homes or filling their fridges, then it's hard to maintain solidarity.

The craven assumption that most people would walk over the dead bodies of people elsewhere just to maintain their own personal wealth is mistaken, as multiple opinion polls have indicated. But both the sanctioned regimes and the industry lobbyists have considerable interest in nourishing that belief. In the current crisis, civil society must resolutely show solidarity, promote it and demand it. This is ultimately the very best basis for fighting impunity ■

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