The Syria donor conference: A still-born initiative of the EU’s new strategy?

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As the devastating and intractable war in Syria entered its seventh year, US President Donald Trump momentarily stepped into the fray, citing the red line on the use of chemical weapons that his predecessor laid down but shied away from enforcing. While Obama worked with Russia in 2013 to get rid of Syria’s chemical weapons, Trump’s air-strike on one of Bashar al-Assad’s military bases thought to have been used for the chemical attack on Khan Sheikhoum, a small town in Idlib province, has now pitted the US against Putin’s Russia, which backs the regime. Trump’s security advisers have said that Assad can’t be involved in the future of Syria. In barely one week’s time, Trump thus effectively did a double volte-face, reverting to the Obama doctrine – all but in name, of course – and going against his alleged puppet master in the Kremlin.

“When elephants fight, the grass suffers.” This Asian proverb applies as much to the fight between the cold war warriors and their proxies, as it does to the plight of Syrians who are trapped in the conflict or have been forced to find refuge elsewhere. It also applies to the European Union, which is not a military player in the conflict and seems sidelined – again – to play the role of payer. It’s not that the EU shies away from providing humanitarian assistance. On the contrary, the EU institutions and member states derive immense prestige from collectively being the world’s largest donor to the Syrian people. High Representative Federica Mogherini relished being in the spotlight of the Syria donor conference which she co-hosted in Brussels on 4-5 April. Building on previous years’ conferences in Kuwait and London, representatives of more than 70 countries and international organisations gathered to pledge €5.6 billion for this year and an additional €3.47 billion until 2020. If and when paid, the co-chairs of the donor conference (the EU, UN, Germany, Kuwait, Norway, Qatar and the UK) will have pledged the lion’s share of the €7.36 billion requested by the UN for 2017 to cover assistance and protection needs inside Syria and its neighbouring countries.

Sadly though, this provisional success was overshadowed by the chemical attack on Khan Sheikhoum on the eve of the Brussels event. While the conference issued a call that “the use of chemical weapons by
anyone, anywhere, must stop”, Russia subsequently vetoed a draft resolution of the UN Security Council (for the eighth time) condemning the Syrian government for the use of these weapons. This consistent denial of international law and responsibility stands in sharp contrast to the EU Council’s conclusions from April 3rd that those responsible for violations of human rights and international humanitarian law “must be held accountable” and the call by the co-chairs of the donor conference to support the implementation of UN General Assembly Resolution 71/248 establishing an International Impartial and Independent Mechanism (IIIM). This mechanism, an initiative of Liechtenstein and Qatar, ought to ensure accountability for systematic, widespread and gross violations and abuses of international humanitarian law and human rights in Syria. The IIIM will collect, consolidate, preserve and analyse evidence; and prepare files on individual suspects, in order to facilitate and expedite fair and independent criminal proceedings in national, regional or international courts, in accordance with international law. Given that alternative paths towards international criminal accountability are currently blocked, the creation of the IIIM is a valuable step towards transitional justice for Syria and deserves support.

Driven by the recognition that more needs to be done, the European Commission and the High Representative published a joint communication with “elements” for an EU strategy for Syria, which the Council complemented with conclusions and adopted as a strategy on the eve of the Brussels donor conference. The EU’s aim was to seek endorsement for its brand-new strategy at the conference, thereby defining internationally how the EU could play a bigger role in contributing to a lasting political solution in Syria under the existing UN-agreed framework (including UN Security Council Resolution 2254 and the 2012 Geneva Communiqué), help build stability and support post-conflict reconstruction once a credible political transition is underway. The latter element of the strategy includes the EU’s insistence on the “special responsibility for the costs of reconstruction [that] should be taken by those external actors who have fuelled the conflict”. While it is understandable that the EU does not want to pay for what other external actors have destroyed, it is difficult to see how the EU will make Russia and others pay for laying waste to Aleppo and other places. A first step towards greater accountability would be to enable the creation of effective tools to verify any complicity in fueling the conflict. From this perspective, it is mind-boggling that the EU, as a co-chair calling for support of the IIIM, has not (yet) committed to financially support it.

However difficult it may be for the EU to implement its new Syria strategy, the military and political fallout of the chemical attack on Khan Sheikhoun has delivered an immediate blow to the EU’s strategic aims, which were to be served by the donor conference in strengthening international support for the UN-led political process. The failure of the EU to attain this political objective works to the obvious benefit of Bashar al-Assad and his overlords in Moscow and Tehran, who are engaged in the Astana talks with Turkey and its Syrian proxies to determine the conditions for a ceasefire to the conflict. In spite of having been endorsed by UNSCR 2336 and supported by the EU, the Astana talks in practice do not aim to complement the Geneva process but rather to replace it by determining the conditions for a military ‘solution’ to the conflict, without too much external interference. Suspicions of such a tactic were confirmed when Moscow tried to take advantage of the presidential transition period in the US by putting forward the idea of Russian experts drafting a new Syrian constitution.

Russia and its allies are engaged in a race against the clock, knowing that the military tide has turned in their favour but that the proof of their heinous crimes is being collected and will become harder to ignore and deny if the IIIM becomes operational. Perhaps the thinking in Moscow, Damascus, Tehran
and Ankara is that a ticket out of such international criminal responsibility might lie in a peace deal brought about by them. Rather than allowing war criminals to determine the contours of a final agreement, the EU should push harder for the ceasefire talks to be brought back into the fold of the Geneva Process, where Russia co-chairs the International Syria Support Group with the US.

Apart from recalibrating its tactical posture, the EU should more actively promote transitional justice for the Syrian people. As stated by Human Rights Watch: “Justice is an antidote to continued crimes. It can motivate people not to join armed groups opposing Assad, and it can motivate people to defect from Assad’s forces.”\(^1\) As a confidence-building measure, and as a signal sent to both the victims and the perpetrators of human rights violations and war crimes, the EU should therefore commit financial support to the International, Impartial and Independent Mechanism, facilitate its establishment, and assist in every way possible to secure its success.