



# Sanctions on Syria: existing EU/UK measures

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A brief overview of the main sanctions against Syria and some comments on possible changes.

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## 1 Sanctions imposed in response to the unrest

Wide-ranging sanctions, including an arms embargo, were originally imposed on Syria in May 2011.<sup>1</sup> In January and June 2012, further restrictions were imposed, including on equipment for monitoring and intercepting telecommunications and certain goods that might be used for the manufacture and maintenance of equipment which might be used for internal repression.<sup>2</sup> Another Decision in July required member states to inspect vessels and aircraft passing through their territory towards Syria if they had reasonable grounds to suspect that the cargoes were embargoed items.<sup>3</sup>

On 22 April the Foreign Affairs Council of the EU agreed to soften sanctions against Syria and to introduce further waivers in a move to boost the Syrian National Coalition,<sup>4</sup> which had been recognised as the “legitimate representatives of the Syrian people.”

US sanctions were amended in June 2013 to allow the export of US goods to liberated areas of the country, to be judged case-by-case by the Commerce Department:

The waiver will authorize the Department of Commerce to process license applications for export and re-exports of commodities, software, and technology, including but not limited to those related to water supply and sanitation; agricultural production and food processing; power generation; oil and gas production; construction and engineering; transportation; and educational infrastructure. These items are intended to help address the critical needs of the Syrian people and facilitate reconstruction in liberated areas. Of note, the export of food and medicine does not currently require a license and medical devices are covered under an existing waiver.<sup>5</sup>

The amendment to the sanctions also allowed oil imports from rebel-held areas.

## 2 The modification of the arms embargo

On 27 May, after lengthy discussions, the EU Foreign Affairs Council decided to lift the arms embargo part of the package of restrictive measures on Syria. The council said that Member States had agreed to the following conditions for the transfer of arms to Syria:

- the sale, supply, transfer or export of military equipment or of equipment which might be used for internal repression will be for the Syrian National Coalition for Opposition and Revolutionary Forces and intended for the protection of civilians;
- Member States shall require adequate safeguards against misuse of authorisations granted, in particular relevant information concerning the end-user and final destination of the delivery;
- Member States shall assess the export licence applications on a case-by-case basis, taking full account of the criteria set out in Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment.

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<sup>1</sup> Council Decision 2011/273/CFSP and Council Regulation No 442/2011

<sup>2</sup> Council Regulation (EU) 36/2012 18 January 2012 and Council Regulation (EU) 509/2012 16 June 2012

<sup>3</sup> Council Decision 2012/420/CFSP (23 July 2012)

<sup>4</sup> [COUNCIL DECISION 2013/186/CFSP of 22 April 2013](#) amending Decision 2012/739/CFSP concerning restrictive measures against Syria

<sup>5</sup> [‘Sanctions Eased for Syrian Opposition’](#), US Department of State Media Note, 12 June 2013

### **3 Remaining sanctions**

Council Decision 2013/255/CFSP<sup>6</sup> is the main EU legislation setting out the current EU sanctions against Syria. These restrictions amount to a discouragement of general trade but not a general ban, except for in areas such as oil. Even with oil imports and the arms embargo, there are exceptions for areas held by rebel forces.

In overview, the restrictions are as follows:

#### **3.1 Arms and items that might be used for repression**

- embargo on certain goods which might be used for the manufacture and maintenance of products which could be used for internal repression and ban on the provision of related services
- import ban on arms and related materiel and a ban on provision of certain related services
- embargo on telecommunications monitoring and interception equipment and services

#### **3.2 Oil industry**

- import ban on crude oil and petroleum products and ban on the provision of related services
- embargo on key equipment and technology for the oil and natural gas industries
- ban on certain investment (in the oil and natural gas industries, in construction of power plants for electricity production)

#### **3.3 Financial system and trade**

- ban on provision of new Syrian banknotes and coins
- ban on trade in gold, precious metals and diamonds with the Government of Syria
- restrictions on issuance of and trade in certain bonds
- prohibition for the European Investment Bank to make certain payments
- restrictions on establishment of branches and subsidiaries of and cooperation with Syrian banks
- restraint on commitments for public and private financial support for trade with Syria and ban on new long term commitments of Member States
- ban on new commitments for grants, financial assistance and concessional loans to the Government of Syria
- restrictions on provision of insurance and re-insurance
- restrictions on access to airports in the EU for certain flights

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<sup>6</sup> OJ L 147, 1.6.2013, p. 14. See [European Union Restrictive measures \(sanctions\) in force](#), 31 July 2013

- inspection of certain cargoes to Syria and prior information requirement on cargoes to Syria

### **3.4 Luxury goods**

- embargo on luxury goods

### **3.5 Individuals**

- restrictions on admission of certain persons
- freezing of funds and economic resources of certain persons, entities and bodies
- prohibition to satisfy claims made by certain persons, entities or bodies

There are 179 individuals listed as targets of travel restrictions and asset freezes under the EU sanctions. The listed persons include all senior government ministers and a number of former ministers and government advisers.

Also included are important members of the Assad family, including Asma al-Assad, the President's wife, his sister, his mother Anisa, his cousin Nizar, his brother Maher (who is also commander of the Republican Guard and the Army Fourth Division) and Maher's wife. Various members of the Makhouloufs (the family of Bashar's mother and probably the second most powerful family in Syria) are also included along with business associates of both families.

The other important category of listed individuals is military and intelligence personnel: most of the top generals and intelligence chiefs are on the list. Other restrictions

There are also other provisions, such as those relating to individuals connected with the assassination of Rafiq Hariri. These were imposed before the outbreak of the current unrest in 2011.

## **4 Could there be stronger sanctions?**

As is usually the case with broad economic sanctions, the general restrictions on Syria hurt ordinary citizens while their effectiveness at achieving political goals in the short term is questionable. Some people say that targeted sanctions that apply restrictions to individuals or entities such as companies are fairer and possibly more effective.

### **4.1 Individuals**

There have been calls for more members of the armed forces to be subjected to travel bans and asset freezes, especially after any allegations of war crimes or serious human rights abuses, as this might change behaviour on the ground and remind soldiers that their actions have consequences. It is worth bearing in mind, however, that in Iraq the whole of the government and armed forces was overturned after the invasion in 2003, contributing to massive instability in the country. After the events, many thought that more of Iraq's security structure should have been preserved. The mass listing of members of the armed forces might make this more difficult.

### **4.2 US restrictions**

Since the implementation of the *Syria Accountability and Lebanese Sovereignty Restoration Act* in 2004, the US prohibits the export to Syria of most goods (excluding food and medicines) containing more than 10% US-manufactured component parts and all items on

the US Munitions List. All Syrian airlines are also prohibited from take-off, landing, and over-flight of the United States.<sup>7</sup> Under separate legislation connected with money-laundering, US financial institutions are obliged to sever correspondent accounts with the Commercial Bank of Syria.

The result is a stronger set of trade sanctions on Syria from the US than is the case with the EU. Much of this was in place before the current unrest and was based on Syria's status in US law as a proliferator of weapons of mass destruction and a state sponsor of terrorism.

There are also further measures which could be implemented by the US administration in the future:

- Ban on US businesses investing or operating in Syria;
- Restriction on travel of Syrian diplomats to within a 25-mile radius of their posting in the United States;
- Reduction of diplomatic relations with Syria; or
- Blocking US persons or entities from engaging in any property transactions with the Syrian government.

#### **4.3 A new type of sanction?**

One group has suggested that a new type of sanction could be used against Syria: the pre-emptive contract sanction:

The basic idea for pre-emptive contract sanctions is a simple one. In the face of repression and severe human rights abuses, the United Nations, a regional body, or an ad hoc coalition of concerned countries, such as the Friends of Syria, would declare that the designated regime is illegitimate and that commercial contracts entered into after the date of the declaration will not be binding on a legitimate successor government. It would furthermore direct that these contracts will not be enforceable in the courts of those issuing the declaration and that there will be no retaliation against a future government that chooses to repudiate contracts signed after the date of the declaration.<sup>8</sup>

## **5 Diplomatic relations**

Although the British Embassy in Damascus is suspended and the staff withdrawn, the UK maintains formal diplomatic relations.

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<sup>7</sup> [Frequently Asked Questions on the U.S. Trade and Financial Sanctions Against Syria](#)

<sup>8</sup> 'Could a pre-emptive sanctions tool increase pressure on Syria?', *Guardian*, 28 August 2013; Centre for Global Development, [Preemptive Contract Sanctions](#)