

### Syrian war at the crossroads: curbing arms flow, imposing a no-fly zone and opening al-Yarubiyan border crossing

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# Syrian war at the crossroads

## Curbing arms flow, imposing a no-fly zone and opening al-Yarubiyah border crossing

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### Policy recommendations to EU member states

#### \ Impose a comprehensive arms embargo to secondary conflict parties

Suspend the transfer of weapons, ammunition and military equipment to secondary conflict parties, such as Turkey and Saudi Arabia, to stop illegal re-transfers to the Syrian war zone. Existing national agreements to suspend certain arms exports to Turkey (2019) by Norway, Finland, the Netherlands, France, the United Kingdom and Germany, as well as the export moratoria of limited duration for Saudi Arabia (2018), should be extended to a comprehensive, not time-limited EU arms embargo.

#### \ Buy and destroy the still existing stocks of former Yugoslav weapons

Many of the weapons that are re-exported to Syria are old arms, produced in former Yugoslavian countries or the Soviet Union. To date, partially uncontrolled and illegal stocks of old arms exist on the Balkans and in eastern European states. To prevent further proliferation of these weapons to Syria and other war zones, the European Commission should set up an initiative to buy and destroy these weapons.

#### \ Establish a UN-mandated no-fly zone in northern Syria

To stop the cycle of mass displacement and attacks against civilians, a UN-mandated no-fly zone must be established in northern Syria. If a no-fly zone is not successful in protecting civilians in northern Syria, a UN-mandated safe zone must also be considered and ultimately implemented.

#### \ Extend humanitarian cross-border aid (UNSCR 2165) and reopen the al-Yarubiyah border crossing

EU member states must call on the UN Security Council to vote for continuing humanitarian cross-border aid (UNSCR 2165) and to reopen the al-Yarubiyah border crossing with Iraq in north-eastern Syria to prevent the humanitarian situation from deteriorating further.

# Syrian war at the crossroads: Curbing arms flow, imposing a no-fly zone and opening al-Yarubiyah border crossing

## Introduction

The war in Syria, now in its tenth year, has resulted in more than 500,000 victims, 6.2 million internally displaced persons (IDPs) and 5.7 million refugees. 11.7 million people are in need of humanitarian assistance. In particular, the current heavy fighting in Idlib between the Syrian government, supported by Russia, and the oppositional non-state armed groups (NSAGs), which are actively backed by Turkey, exacerbates the situation for civilians. The region already hosted 1.12 million IDPs in November 2019 and saw the displacement of another 959,000 IDPs in the first three months of 2020, of whom 80 per cent are women and children, many of whom remain without shelter. This constitutes the largest mass displacement since the start of the war in March 2011.

Moreover, the targeted destruction of vital civilian and medical infrastructure by the Syrian regime and Russia further aggravates the present situation in Idlib. According to the Syrian Network for Human Rights, 752 attacks on vital civilian infrastructure were recorded in 2019 (2020, p. 6). In the light of Russia's recent withdrawal from the UN-run humanitarian deconfliction system<sup>1</sup>, it will be even harder to hold Russia accountable for those attacks which are illegal under international humanitarian law. Furthermore, the UN-mandated humanitarian cross-border operation (resolution 2165) expires by 10 July 2020, which previously had been renewed annually since 2014. In January 2020, however, it was re-authorised for just two of the four border crossings (Bab al-Salam and Bab al-Hawa in Idlib) for only six months. The al-Yarubiyah border crossing in north-eastern Syria was closed to humanitarian aid.

To stop the humanitarian disaster and to address the pressing needs for civilian protection, this *Policy Brief* suggests four concrete measures for EU member states:

- 1\ Impose a comprehensive arms embargo to secondary conflict parties;

<sup>1</sup> \ Humanitarian deconfliction is, for example, sharing GPS coordinates of hospitals with armed actors.

- 2\ Buy and destroy the still existing stocks of former Yugoslav weapons;
- 3\ Establish a UN-mandated no-fly zone in northern Syria and
- 4\ Extend humanitarian cross-border aid (UNSCR 2165) and reopen the al-Yarubiyah border crossing.

These four measures must be taken at the same time. Stopping the arms flows is important, but without a no-fly zone and extended humanitarian aid, the Syrian regime could benefit disproportionately, which would increase current risks to civilians.

## Impose a comprehensive arms embargo to secondary conflict parties

When violence in Syria escalated in 2011, all conflict parties received arms from abroad. Russia and Iran supplied weapons and military equipment to the Syrian government forces. Western countries—especially the United Kingdom, France, the Netherlands, and the United States—decided to support ‘moderate’ NSAGs within Syria. This began with the lifting of the EU arms embargo in May 2013 that paved the way for further exports of lethal and non-lethal equipment to NSAGs on a large scale, besides the arms export of Saudi Arabia and Qatar that had already taken place.

France provided 12.7mm machine guns, rocket launchers, night-vision goggles and communication systems in 2013 to empower main ‘moderate’ NSAGs that had joined together under the label Free Syrian Army (FSA). Between 2013 and 2017, the United Kingdom delivered non-lethal equipment worth over €38 million to the FSA, including communication, medical and logistics equipment, body armour, and armoured vehicles. From 2015 to January 2018, the Dutch government supported NSAGs with non-lethal equipment like pick-up trucks, uniforms and laptops worth €70 million.<sup>2</sup> However, Western countries had no agreed definition of what constituted a ‘moderate’ and a ‘radical’ NSAG—some joint agreements evolved

<sup>2</sup> \ The United States announced in June 2013 their CIA vetting process ‘Timber Sycamore’ for Syrian oppositional NSAGs, although they had secretly supported armed groups since 2012. The CIA programme included light weapons, military training, salaries and TOW anti-tank missiles. It ended in July 2017.

around the idea that NSAGs must be secular and have no ties to ‘terrorist’ groups.<sup>3</sup> This lack of clarity resulted in direct and indirect arms exports to various NSAGs. Also ‘radical’ NSAGs have gained access to Western lethal and non-lethal equipment, mainly due to changing alliances, joint military operations and the merging of ‘moderate’ and ‘radical’ NSAGs. At the same time, several Gulf countries developed their own vetting process, with Qatar and Saudi Arabia preferring ‘radical’ NSAGs. Consequently, large numbers of different weapon systems were delivered to various oppositional NSAGs in Syria.

Saudi Arabia, until today, is one of the main backers of the insurgency against President Bashar al-Assad as it supplies non-state armed groups with money and weapons. These weapons consist of a variety of Soviet-type weapon systems and equipment from Europe and are routed from eastern European and Balkan countries—among them Bulgaria, Croatia, Slovakia, Romania, Bosnia and Herzegovina and the Czech Republic (plus Montenegro and Serbia)—to the Arabian Peninsula (mostly from Black Sea ports through the harbour of Jeddah), and then smuggled into Syria via Jordan and Turkey.<sup>4</sup> In recent years, thousands of assault rifles such as AK-47s, mortar shells, rocket launchers, anti-tank weapons and heavy machine guns have been delivered through this arms pipeline to NSAGs. Their fighters are seen with Osa M79 anti-tank rockets from Croatia, former Yugoslav six-shot 40mm grenade launchers, BM-21 GRAD rocket launchers and OT-64 SKOT armoured personnel carriers from Bulgaria.

As already mentioned, European weapons are also in the hands of ‘radical’ NSAGs. Ahrar al-Sham, for example, received large numbers of AK rifles, PK machine guns, RPG-7 rocket launchers, SPG-9 recoilless guns and ammunition from the old stockpiles of former Yugoslav countries. Jabhat al-Nusra, the predecessor of HTS—both are designated ‘terrorist’ groups by the United

States due to their alleged linkages to al Qaeda—also used weapons produced in the former Yugoslavia, including 90mm anti-tank rocket launchers and 82mm recoilless guns that have been transferred by Riyadh.

This export policy continues until today. In 2018 and 2019, the Saudi Ministry of Defence acquired significant amounts of Soviet-type weapon systems and equipment, for instance from Bulgaria, and has diverted them to NSAGs in Syria. Weapon transfers like these are in violation of the EU Common Position on exports of military technology and equipment, which states that no transfers should be approved when there is “the likelihood of the military technology or equipment being used other than for the legitimate national security and defence of the recipient” and when there is a “risk of such technology or equipment being diverted to ‘terrorist’ organisations” (European Union Council, 2019).

Qatar and Turkey have similarly re-exported European weapon systems to Syrian NSAGs. Both countries prefer to support ‘radical’ NSAGs and thereby consciously support groups like Ahrar al-Sharqiya, whose fighters are mainly former members of Jabhat al-Nusra and Ahrar al-Sham. Tonnes of old Warsaw Pact weaponry have been delivered from Romania and Bulgaria to military facilities in Turkey, including heavy machine guns, rocket launchers, mortars, anti-tank guided weapons and grenades—weapons that have been used to train ‘moderate’ NSAGs or transferred onto the Syrian battlefield.

#### Box 1

##### NSAG Nour al-Din al-Zenki

*Initially, Nour al-Din al-Zenki was a significant part of the Free Syrian Army, but formed Hay'at Tahrir al-Sham (HTS; so-called designated ‘terrorist’ group) together with Jabhat Fateh al-Sham (successor of Jabhat al-Nusra) in January 2017. Later Nour al-Din al-Zenki split from HTS and joined the National Liberation Front (NLF) (May 2018). The NLF receives Turkish support, while HTS receives support by Saudi Arabia and Qatar. This restructuring provided each sub-group with access to more funding, training and equipment. This is why HTS, is frequently seen with US-made anti-tank guided missiles, European assault rifles and Croatian Osa M79, but also with former-Yugoslav 40mm grenade launchers and M60 recoilless guns.*

<sup>3</sup> \ The category of ‘terrorist’ group is also not universally defined.

<sup>4</sup> \ Belgrade, Sofia, Bratislava and Zagreb serve as the main hubs for airlifts of cargo planes, loaded with Yugoslav-era weapons and ammunition, to military bases in Saudi Arabia. Arms bought by the Saudis are then re-exported to two secret command hubs in Turkey and Jordan. Then, they are transported by road to the Syrian border or airdropped by military planes.

The Free Idlib Army, for example, received Turkish military support, such as Bulgarian GRAD and Croatian RAK-12 rocket launchers with which they defended themselves against government forces. Ankara has also violated end-use monitoring agreements with the United States by illegally transferring US-supplied weapons and equipment to NSAGs in Syria. According to reports, German Leopard 2 tanks may also have been passed on to Jaysh al-Islam (dpa, 2019).<sup>5</sup>

Since illegal re-exports cannot be ruled out in the future, the recently imposed national agreements to suspend arms exports to Turkey (2019) by Norway, Finland, the Netherlands, France, the United Kingdom and Germany<sup>6</sup>, and the export moratoria of limited duration for Saudi Arabia (2018) by Finland, Norway, Denmark, Sweden, Austria, Germany and the Netherlands should be extended to a comprehensive EU arms embargo. At the same time, eastern European countries should tighten their defence export controls. In parallel, the European Union should support the new US sanctions targeting the regime's main arms-importing allies Russia and Iran through the Caesar Act.

### **Buy and destroy the still existing stocks of former Yugoslav weapons**

Given that many of the weapons being re-exported to Syria are old weapons from stocks of former Yugoslav countries, the European Commission should launch an initiative to buy and destroy these stocks so that they are removed from circulation. The Federal Criminal Police Office of Germany already suggested a similar initiative in 2018 as part of European police cooperation. Germany, in partnership with France and Spain, could provide leadership on these efforts within the European Commission. Such an initiative would provide incentives to stop exporting old stocks of weapons to conflict actors in the Middle East, while also reducing

the illegal arms trade in Europe. To prevent additional purchases (e.g. from Serbian and Russian stockpiles), an approximate inventory of the old stocks should be made beforehand. Interpol estimates that more than four million old small arms and light weapons are currently stockpiled in the states of the former Yugoslavia. EU member states have the possibility to ensure that these weapons will not cause more human suffering by being transferred onto the Syrian battlefield or to other violent conflicts.

### **Establish a UN-mandated no-fly zone in northern Syria**

Since the Syrian war is still ongoing and civilian suffering during the past months has been worse than ever, a UN-mandated no-fly zone is required. A humanitarian crisis of this scale should already have galvanised the international community to launch a coordinated campaign to end this suffering. But so far, regional and global politics have inhibited such efforts. Instead, four de-escalation zones in Syria were implemented by the active conflict parties Turkey, Russia and Iran. However, these zones were not to protect civilians, but to allow the regime to reconquer territory. The same risk persists with the recent agreement between Turkey and Russia on Idlib. To prevent the situation from deteriorating further, a UN-mandated no-fly zone is necessary. And if the humanitarian catastrophe cannot be averted with the recommended measures, a UN-mandated safe zone must be considered and ultimately implemented.

In addition to the airstrikes, the situation of the civilians is further deteriorating due to the recent inflation and shortages in food and medicines. For instance, the price of a typical basket of food has increased by 209 per cent in one year, while 90 per cent of the population are now estimated to live below the poverty line. At the same time, anti-regime protests in southern Syria have re-emerged. Rising tensions are aggravated by new US sanctions through the Caesar Act and conflicts within the inner regime circles (falling-out between Bashar al-Assad and his cousin, regime tycoon Rami Makhlouf) that in turn increase pressure on the

5 \ That the Turkish Army is using German Leopard 2 in the fight against the Syrian Democratic Forces has been verified. Many of those tanks have been destroyed. According to observers, American BGM-71 TOW anti-tank guided missiles which were delivered to a large number of Syrian NSAGs, were used in these attacks.

6 \ The German stop of arms exports to Turkey only includes weapon systems that could be used in north-eastern Syria. As a result, extensive deliveries of other German weapon systems continue until today.

Syrian regime and its allies to ultimately compromise on a UN-mandated no-fly zone. Therefore, in line with the United Nation's call for a global ceasefire and UN Special Envoy Geir Pederson's efforts to implement ceasefires in Syria, France, the United Kingdom and the United States should seize this moment to negotiate such a no-fly zone.

To ensure the protection of civilians, to halt the destruction of civil and medical infrastructure by the regime's and Russia's bombing of Idlib, a neutral third party like the United Nations must be included. To maintain neutrality, the United Nations must call on troops from countries that are not involved in the conflict or that have direct interests in Syria (Khatib, 2020). This means that Russia and Turkey as active conflict parties must be excluded. However, when implementing a no-fly zone, implementing actors must also be aware that civilians living outside that zone enjoy less protection. Despite questions of detail in the design of a no-fly zone, the current situation in Syria shows that a concerted response of EU member states is highly necessary and should prioritise the protection of civilians.

### **Extend humanitarian cross-border aid (UNSCR 2165) and reopen the al-Yarubiyah border crossing**

The humanitarian cross-border operation expires by 10 July. Originally, the humanitarian cross-border operation (UNSCR 2165) was implemented in 2014 after the Syrian government had obstructed humanitarian access to areas outside its control through administrative hurdles and access refusal for deliveries and staff for more than three years. Therefore, to guarantee access to these areas, NGOs have implemented cross-border operations from Turkey, Iraq and Jordan without the need to ask the Syrian government for permission. However, UNSCR 2165 on cross-border operations was re-authorised in January 2020 for two of the four border crossings (Bab al-Salam and Bab al-Hawa in Idlib) and only for six months. Russia's veto on the extension of the four border crossings-operation strongly emphasizes that humanitarian aid is highly politicised and

used as a weapon of war (surrender or starve). With the threatened non-extension of the two border crossings that actually should enable humanitarian aid to non-governmental areas, they cut a vital lifeline that is crucial for the civilian population and hence intend to influence the further course of the war. The fact that in March 2020 1,486 trucks with humanitarian aid were sent to Syria via the border crossings of Bab al-Hawa and Bab al-Salam, which is the highest number since the implementation of UNSCR 2165, strongly emphasises the major significance of cross-border operations. Therefore, EU member states must support France and the United Kingdom in pushing for a UN Security Council vote for this operation to continue with the aim to sustainably guarantee humanitarian access to the affected population in the governorate of Idlib. Russia justified the closure of the al-Yarubiyah border crossing in north-eastern Syria on the border with Iraq by stating that the required humanitarian assistance has long been coming from Syria itself, not from Iraq. However, "no road convoys carrying medical items went from Damascus to the north-east in 2019" (United Nations Security Council, 2020, p. 7). Thus, the lack of access to medical equipment further aggravates the situation. Accordingly, the European Union must also urgently demand a reopening of the al-Yarubiyah border crossing to meet the humanitarian needs of the 1.9 million people in north-east Syria.

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