

**Testimony by Joel Rayburn
Fellow, New America Foundation
Visiting Fellow, Hoover Institution**

**The House Committee on Foreign Affairs
Subcommittee on the Middle East, North Africa, and Global Counterterrorism**

**Hearing on “11 Years of War:
The Humanitarian Impact of the Ongoing Conflict in Syria”**

March 16, 2022

I appreciate the opportunity to offer my assessment of the situation in Syria and the U.S. response to it, and I commend the Committee for bringing oversight to this crisis. We ignore Syria at our peril. After eleven years, the Syrian conflict is as acutely dangerous an international security problem as ever. Syria is the source of the world’s largest humanitarian and refugee crisis, with about twelve million Syrians--half of the country’s prewar population--either registered as refugees or internally displaced.¹ While I understand the Committee’s wish to examine the humanitarian crisis in Syria, it is impossible and indeed counterproductive to examine that problem as though it can be distinguished from the broader Syrian conflict. The humanitarian problem in Syria is bad and worsening, but it is a symptom of a bigger problem, not a standalone issue of its own, and it will be insufficient to formulate a policy toward a symptom without addressing the larger problem that causes it.

The fundamental problem in Syria is the Assad regime’s continuing war against large segments of the Syrian population. Assad’s war against his own people is the cause of the humanitarian crisis, plain and simple. For the Assad regime, starvation is a tactic of war, and humanitarian aid from outside Syria is a resource to be used in the prosecution of Assad’s war. The situation in Syria thus differs markedly from other humanitarian crises that are caused by natural disasters, and Syria cannot be treated with the same standard humanitarian response as natural disasters require. The only way to stop the humanitarian crisis in Syria is to compel the Assad regime and its allies to cease their warfare against the Syrian people and accede to a political resolution of the conflict. Any policy or strategy short of this approach will amount to mere palliative care—care that will have to extend for many years to come.

¹<https://www.unicef.org/appeals/syrian-refugees#:~:text=The%20Syrian%20refugee%20crisis%20remains,%2C%20Jordan%2C%20Lebanon%20and%20Turkey.>

Since 2011, the United States and the western countries have spent massive amounts in humanitarian assistance for the Syrian people. The United States has been the largest single donor, with more than \$14 billion expended, while the European Union has spent more than \$25 billion and Canada more than \$3.5 billion, for a total of more than \$40 billion. Turkey in the same period claims to have spent more than \$40 billion of its own money in response to the refugee and humanitarian crisis. When we add the significant cost to other refugee-hosting countries such as Lebanon and Jordan, we can see that the Syrian crisis is headed toward a cost of \$100 billion in refugee and humanitarian response for the west and Syria's neighbors. But with Assad's continuing attacks against civilian populations, there is no end in sight for this spending, and after 11 years of crisis response the conditions for Syrian civilians in virtually every area that receives aid is growing worse, not better. The first \$100 billion has not averted this situation on its own, and the next \$100 billion won't, either. This funding can only have a lasting impact if it is part of a comprehensive strategy to end the Syrian conflict altogether--to treat the causes of the war rather than just its symptoms.

Thus far the Biden administration has chosen to focus on four symptoms of the Syrian conflict, rather than addressing the fundamental cause, the Assad regime itself. In describing the results of its months-long Syria policy review last November, the Biden team proposed to focus on the terrorism and humanitarian crisis emanating from Syria without energetically seeking a solution to the overall conflict from which those problems spring, as envisioned in UN Security Council Resolution 2254. They intend to reduce violence in Syria through cease fires that will not be connected to a broader process to resolve the political conflict that creates the violence in the first place. They signaled a green light for Israel to "mow the grass" by attacking Iranian bases and weapons in Syria without addressing the unprecedented (at least in modern times) Iranian military expansion into the Levant more broadly.

The approach of the previous administration was to bring severe pressure on the Assad regime and its allies in hopes of compelling them to accede to the UNSCR 2254 political process and to cease the military attacks against Syrian civilians that continue to cause great suffering. When the previous administration levied intense sanctions in 2019 and 2020 against the Assad regime under the Caesar Act and other Syria sanctions authorities, the object was to impose a cost on Assad and his regime for continuing the war and committing major atrocities against the Syrian people. The U.S. message at that time was a warning to Assad and his Russian allies that the sanctions pressure would deepen with each passing month until they halted their war machinery and came to the UN-sponsored negotiating table in earnest.

In 2021, the Biden administration effectively discontinued this pressure and sought instead to make gestures to Russia and the Assad regime's interests to secure Russia's vote last summer to extend the UN's mandate for cross-border humanitarian assistance. The pace of Caesar sanctions and other sanctions has slowed dramatically in the past 15 months. In the

meantime, in this environment of diminished U.S. pressure, the Assad regime has continued its bombing of civilian areas in northern Syria, as has the Russian military. While U.S. and European representatives have negotiated with Russian counterparts about ensuring UN aid deliveries to needy areas of northern Syria, including camps for internally displaced persons, the Russian air force and Assad regime artillery have frequently bombarded those same camps and areas, causing significant civilian casualties and making a mockery of the aid negotiations going on elsewhere. This grotesque contrast has also befuddled Syrians in the camps, who are understandably puzzled by the west's quest for cooperation with the same Russians who are killing residents of those camps with high explosives.

Meanwhile, the Assad regime has continued its manipulation and diversion of international humanitarian assistance. Since the beginning of the Syrian conflict, the regime has been able to a great degree to dictate the terms of the international community's humanitarian response to a humanitarian crisis the regime itself is causing. Assad's representative have been able to direct UN aid deliveries to regime loyalist communities while frustrating cross-line access to non-regime areas. In many instances, the regime has used starvation siege tactics, withheld aid deliveries, and used aid as a weapon of war, only to be delivered on the condition of surrender.

The UN organizations in Damascus have had little option but to go along with this misuse of billions of dollars—most of it coming from the United States and the western countries—in UN aid, very often being forced to work through regime-sponsored contractors and through the regime-associated Syrian Arab Red Crescent for local aid activities. The Syrian Arab Red Crescent and its chief Khaled Haboubati are Bashar al-Assad's mechanism for turning international humanitarian aid into a large-scale subsidy for the regime itself. This will continue until the western countries impose greater conditions on the billions they are spending in Syria via the UN organizations in Damascus. The UN agencies have been far too quiet about the Assad regime's manipulation of aid to this point.

Simply put, the current U.S. and western approach to the Syrian crisis, including its humanitarian catastrophe, is not working, and it cannot work. In my view, Congress should immediately engage the administration and press for a policy change in several areas:

Adopt a comprehensive approach to the conflict and its fundamental causes rather than selectively attending to its narrow symptoms. Do not try to divorce humanitarian assistance from its strategic context. Prioritize organizing an international coalition to pressure the Assad regime and its allies, especially Russia, into complying with UNSCR 2254 and entering a political process to resolve the conflict once and for all. This is most direct route, and probably the only viable route, to ending Syria's humanitarian and refugee crises for good.

Be realistic about the Russian role in Syria and the idea of constructive engagement with the Russians. Discard the assumption that the Russians have an interest in partnering with the United States and the west to achieve a stable, acceptable outcome in Syria. The Russians continue to show they are not interested in this kind of result, and that a perpetuation of the Syrian crisis serves their needs better. The Russian air force has not stopped its bombing of civilians, including IDPs, as a means of supporting their client Assad while threatening Turkey with causing a potential wave of refugees into that country. Most recently, Russian defense minister Shoygu has announced his intention of recruiting 16,000 Syrian fighters to be flung into the war in Ukraine, just as he employed Syrian fighters in Libya and Nagorno-Karabakh. This cynical Russian exploitation of the conflict will continue for as long as the conflict does. The horrific tactics the Russians are employing in Ukraine, with the indiscriminate bombardment of civilians, the rubble of entire cities and critical infrastructure, and the cutting off of essential services such as water, are all methods the Russians practiced and continue to practice in Syria. The cynical use of humanitarian corridors as traps for attacking fleeing civilians, the bombing of hospitals and schools, and other such war crimes have all been part of Russia's record in Syria.

Scrutinize international assistance flowing through Damascus, especially the ways in which the Assad regime manipulates and intimidates the UN agencies to turn aid into a resource the regime can use to prosecute its war. Make U.S. and western support for this aid condition on much greater transparency about how aid deliveries are conducted, and by whom. Sanction the Syrian Arab Red Crescent if necessary. Press the UN to stop using Assad regime-associated contractors, even if it means some aid does not get delivered.

Restore the sanctions pressure against the Assad regime and its allies, especially Russia and the Iranian regime. It should be clear by now that Russia and Assad will make no concessions unless under pressure, and with Russia's destabilizing behavior in Europe there is no reason to withhold pressure from Russia's major middle eastern client just in the interest of creating a friendlier atmosphere with Russian government representatives. Now is the time to levy heavy Syria-related sanctions and regain leverage for the good of the situation both in Syria and Ukraine. The Treasury and State Departments should reinstate the intense pace of Caesar-related sanctions from 2020. They should also levy sanctions on Russian entities and persons as the Caesar Act envisioned, with emphasis on the Russian military and on all Russian companies that have operated in Syria or with the Syrian government. This would include both military industries and the Russian energy sector. Since the Caesar Act already contains secondary sanctions authorities, its use against Russian entities could have a powerful impact.

On a related note, the Congress should also discourage the administration from continuing with the misguided idea of having the regional countries send gas across Assad's territory to supposedly assist the Lebanese energy sector. This project would give Assad a windfall of gas and revenues he can use to fuel his war effort but would do little to actually

address the shortcomings of the Lebanese energy sector. There are better alternatives for Lebanon, such as international financing for fuel deliveries from the Mediterranean, that would not violate the Caesar Act and enrich Assad as this pipeline project would do.

Congress should also signal its support for a development that is emerging in Europe in particular: the criminal accountability of members of the Assad regime for the crimes they've committed against the Syrian people. Already, we have seen one conviction in a German court, and there is another trial going on in Germany now. These cases are just the tip of the iceberg. In the coming months and years, more of these cases will appear and will make it very difficult for western governments to soften their approach toward Bashar Al Assad. Along with these criminal prosecutions, courts in Europe and the United States are likely to see judgments for monetary awards to the victims of the Assad regime's crimes, creating difficulties for any companies or governments that want to start doing business with the Assad regime. Those companies or governments will have to be worried about court orders that could freeze their assets or business investments because of these cases. This is an issue that should not be underestimated as an obstacle to normalization. Congress should hold hearings on this issue and explore what authorities might enable the United States to participate in this growing accountability effort.

Extend international financial pressure to encompass the Assad regime's vast narco-trafficking operations that generate billions of dollars in revenue each year. The Assad regime has become one of the world's largest narco-states, especially with its export of the amphetamine-based drug Captagon to the Gulf and Mediterranean regions by a regime-sponsored cartel effectively headed by Bashar al-Assad's brother Maher and working in concert with Lebanese Hizballah. The astronomical drug profits that Captagon brings to the Assad regime help to insulate the regime from political pressure and give it vast resources to fuel Assad's war machine. Members of Congress have started to realize the importance of this Assad regime narco-trafficking and have proposed legislation to begin to tackle the problem. Congress should accelerate this action. Denying the Assad regime and Hizballah these billions of dollars in revenue would deal a body blow to both and make international pressure much more effective.

Some members and friends of the administration have expressed misgivings about using sanctions and financial pressure against Assad. They have unfortunately echoed Assad's own propaganda attempting to blame U.S. sanctions for the suffering of the Syrian people. In truth, sanctions are not the cause of the humanitarian crisis, and the United States should not shy away from using them in much greater force. Bashar Al Assad's war against the Syrian people, with the help of Russia and the Iranian regime and Hezbollah, is the main cause of the suffering of the Syrian people, both in terms of killing and violence and in terms of economic hardship. We need only think of how much money Assad spends each month to maintain the war machine and secret police he uses against the Syrian people instead of funding bakeries, cooking gas, and

medical services. The vast majority of U.S. sanctions are not sectoral, but are aimed at specific members and entities of the Syrian regime. But critics of the sanctions cannot name who specifically they believe should be removed from the SDN list in order supposedly to improve the lives of the Syrian people, because the SDN list is populated not by legitimate businesses, but by Assad loyalists and contributors to mass murder. Congress should feel free to discount this kind of uninformed criticism.

Congress should press the administration to return to an approach of taking its closest allies' views and interests into account in Syria. For much of 2021, the administration's reluctance to clarify its intentions in Syria led much of the region and the Europeans to conclude the administration was giving tacit approval to some states that hoped to normalize relations with Assad, such as the UAE and Jordan. Not until late 2021 did the Biden administration clarify its opposition to such normalization policies. At this stage, the administration should engage U.S. allies and partners about a return to a comprehensive approach to Syria that aims to address the conflict acute security problems, many of which could explode at any time into a regional conflict. We need think only of two major security problems to illustrate this point: first, the Assad regime's continuing effort to rebuild a chemical weapons arsenal, a problem that grew into grave crises for the two previous administrations, led to U.S. airstrikes against Assad twice in two years, and is now the subject of ongoing actions by Israel; and second, the continuing expansion of Iranian regime strategic outposts in Syria, an issue that threatens to escalate into regional war at any moment. The Biden administration has chosen not to address either of these issues in its current Syria policy.

Finally, the Biden administration should appoint a senior diplomat with a direct line to the State Department's leadership to conduct this diplomacy. Thus far the administration inexplicably has chosen not to appoint a Special Envoy for Syria for the first time since 2014. The absence of a special envoy has not been lost on our allies, partners, and the Syrian people, all of whom have interpreted it as a sign of U.S. neglect.

By creating the impression that it aspires to manage rather than to end the Syrian conflict, and by declining to articulate a pathway out of the conflict that accounts for the needs of U.S. regional allies, the Biden administration is leaving a policy vacuum in which other actors will seek their own, possibly destabilizing solutions. If regional actors conclude that the Biden administration is downgrading its Syria policy to one of benign neglect, the risk of expanded conflict will continue to grow, as will the risk of the worsening of all associated issues, humanitarian matters included. Syria is a toxic problem that will not allow for narrow, disconnected treatments. It is far past time to deal with the roots of the Syrian conflict rather than just its symptoms.