

The EU and Syria Move Closer

by [David Schenker \(/experts/david-schenker\)](/experts/david-schenker)

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ABOUT THE AUTHORS



[David Schenker \(/experts/david-schenker\)](/experts/david-schenker)

David Schenker is the Taube Senior Fellow at The Washington Institute and director of the Program on Arab Politics. He is the former Assistant Secretary of State for Near Eastern Affairs.

Brief Analysis

On December 14, the European Union is slated to initial an association agreement with Syria. The pact had been on hold since 2004 because the EU "deemed that political circumstances were so far not right for its signature and ratification." These "circumstances" mostly concerned Damascus's pernicious policies in Lebanon, including its presumed role in the 2005 assassination of former Lebanese premier Rafiq Hariri. In recent months, however, Syria has rehabilitated its image in Europe, helping the pariah state end a lengthy period of international isolation. If it is signed, the agreement would be the latest in a series of cost-free diplomatic gains for Damascus in Europe.

Background

EU-Syria association agreement talks were an outgrowth of the 1995 Barcelona process, a dialogue and cooperation forum comprised of EU member states and twelve neighboring Mediterranean states. By 2006, eleven of these Mediterranean states had signed tailored partnership agreements with the EU focused on political, economic, and social activities, including substantial financial assistance and preferential trade arrangements. Syria was the lone holdout, ambivalent about an agreement that contained provisions centered on economic reform and human rights. Subsequent versions of the agreement also included clauses about the proliferation of weapons of mass destruction (WMD).

From 1995 to 2003, little progress was made on the EU-Syrian agreement, but in December 2003 -- eight years after the process started -- Damascus demonstrated a sudden interest in the agreement in response to growing international pressure. In fact, in December 2003, the same month that President Bush signed the Syria Accountability Act into law, which included sanctions on the Syrian government, Damascus approved components of the agreement. Further negotiations between the EU and Syria ensued, progressing slowly. Then, in September 2004, the UN Security Council passed Resolution 1559, which among other things called for an end to the Syrian occupation of Lebanon. A month later, Syria and the EU concluded negotiations on the association.

Less than four months later in February 2005, Hariri was killed in Beirut. Syria faced international isolation, and the association agreement was frozen. EU documents in 2006 noted European concerns about ongoing Syrian disrespect for Lebanese sovereignty and its lack of cooperation in preventing the rearming of Hizballah following the 2006 war with Israel. But the focus of the EU's problem with Damascus centered on the Hariri murder. In its June 2006 proposal for a recommendation, the EU indicated that the conclusions of the International Independent Investigation Commission into the Hariri assassination would be a "decisive factor in the signing and ratification" of the agreement.

Modest Syrian Steps Prompt Dramatic EU Shift

What prompted the EU's recent reassessment is not entirely clear; the Hariri investigation is months away from conclusion, and the international tribunal will not be operational before spring 2009. To be sure, Europe was impressed this past May by the announcement of Israeli-Syrian (indirect) negotiations in Turkey and by Damascus's adoption of a seemingly more productive stance vis-a-vis Lebanon, symbolized by the election later that month of Michel Suleiman as president. More recently, Paris expressed delight with Syria's pledge in July 2008 to open an embassy in Beirut. In the aftermath of these developments, senior-level diplomatic exchanges between Europe and Syria -- largely frozen since 2005 -- resumed full force.

Despite the fanfare with which these developments were received, Syria's steps were rather modest. Although Damascus deferred a political crisis in Beirut by allowing the election of a Lebanese chief executive, President Suleiman, who was appointed chief of staff of the Lebanese Armed Forces by Syria in 1998, is widely viewed as sympathetic toward Syria. Likewise, Syrian president Bashar al-Asad's commitment to open an embassy in Beirut remains only a pledge -- and a symbolic gesture at best. Damascus is already hedging on follow-through; in early December, Syrian foreign minister Walid Mouallem said the appointment of an ambassador "would take place gradually."

Few in Europe are likely to believe that the embassy's establishment will constitute recognition of Lebanese sovereignty. And many in Lebanon fear a new embassy would represent the reestablishment of Anjar, the notorious former home of Syria's viceroy in Lebanon.

Moreover, as Washington's experience mediating Israeli-Syrian talks in the 1990s suggests, bilateral negotiations do not necessarily portend a deal. Indeed, Damascus has already stated it will not meet Israel's quid pro quo -- a strategic reorientation away from Iran toward the West -- that would make an agreement possible. Instead, Syria has set its own preconditions for a U.S. role in Israeli-Syrian negotiations. According to Syrian vice president Farouq Shara, if the Obama administration wants a seat at the table, the U.S. Congress will first have to remove Syria from the list of state sponsors of terrorism and repeal the Syria Accountability Act.

Ignoring Inconvenient Truths

In any event, even the EU's benign interpretation of Syria's regional activities does not mitigate what the international community considers to be extremely problematic Syrian behavior regarding Lebanon, WMD, and human rights.

Undermining Lebanon. Just six months ago, for example, UN Middle East envoy Terje Roed-Larsen described an "alarming and deeply disturbing picture" of a "steady flow of weapons and armed elements across the border from Syria [into Lebanon] in violation of UN Security Council Resolution 1701. This UN assessment clearly falls short of EU Commissioner for External Relations Benita Ferrero-Waldner's expectation, spelled out in her letter to the European Parliament on October 26, 2006, that Syria "prevent arms shipments into Lebanon."

Illegal Nuclear Program. Equally troubling were the revelations contained in the November 2008 International Atomic Energy Agency report on Syria, including the discovery of natural uranium at the alleged Syrian nuclear facility in al-Kibar that was destroyed by Israel in September 2007.

Falling Short on Human Rights. Putting aside these political considerations, the EU-Syria association agreement itself contains a criterion that objectively should preclude Damascus's inclusion in the partnership. (An argument can be made that this standard should have also excluded Tunisia.) Indeed, a significant component of the tailored agreement with Syria, as with the other Mediterranean partners, is human rights. "Relations between the partners are based on respect of democratic principles and fundamental human rights" is the formula in the text.

Yet Syria's problematic human rights record does not seem to pose a hurdle for the agreement, despite the fact that the EU has firsthand knowledge of the human rights situation there: in 2006, the EU opened a civil-society awareness center in Damascus headed by Anwar Bunni, a human rights lawyer and founding member of the Syrian Human Rights Association. The al-Asad regime shuttered the center just days after it was opened, and Bunni was subsequently arrested and sentenced to a lengthy jail term for his human rights advocacy.

Questions of Leverage

With so many outstanding issues, the rationale for signing the association agreement is tenuous. According to Benita Ferrero-Waldner, the accord -- despite unmet expectations -- represents "an opportunity to bring Syria and the EU closer and, at the same time, support further the ongoing economic reforms in Syria." Perhaps; but what of Syria's other ongoing problematic behavior? By signing the agreement now, doesn't the EU forfeit future leverage on Damascus regarding human rights, Lebanon, and the nuclear program?

Not according to the EU. In fact, the EU is counting on the agreement to give a "decisive impetus to the political, economic and social reforms needed to improve the country's situation." The plan appears to be to lock the Syrians into some externally imposed process of change, but the agreement lacks specifics on this mechanism and what would happen if Syria did not meet minimum EU expectations.

When the agreement is initialed, it is all but certain that the EU will convene for essentially a rubber-stamp ratification. For the Obama administration, which has pledged diplomatic reengagement with Damascus, it will be increasingly important to work closely with the EU to salvage leverage for significant changes in Syrian policy. The agreement includes provisions on human rights, Lebanon, and WMD -- all important issues for Washington. The new administration should use its good offices with Europe to ensure that the EU maintains pressure on Damascus to adhere to its commitments and to take the unprecedented step of freezing the agreement in the event of Syrian noncompliance.

Signing the association agreement now would be ill advised. To moderate the potential damage, Washington should work with the EU to ensure that the agreement is not a diplomatic and economic gift to Syria, but rather a verifiable bilateral deal in which Damascus only receives benefits in exchange for meeting its obligations.

David Schenker is director of the [Program on Arab Politics \(http://www.washingtoninstitute.org/templateI02.php?SID=1&newActiveSubNav=Program%20on%20Arab%20Politics&activeSubNavLink=templateI02.php%3FSID%3D1&newActiveNav=researchPrograms\)](http://www.washingtoninstitute.org/templateI02.php?SID=1&newActiveSubNav=Program%20on%20Arab%20Politics&activeSubNavLink=templateI02.php%3FSID%3D1&newActiveNav=researchPrograms) at the Washington Institute for Near East Policy. ❖

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