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Armed Conflict in Syria: Overview and U.S. Response

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SUMMARY

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Armed Conflict in Syria: Overview and U.S. Response

In March 2022, the Syria conflict marked its 11th year. Analysts estimate that the conflict has killed over half a million people (including combatants) and displaced half of Syria's prewar population. Challenges for U.S. policymakers in Syria include countering groups linked to Al Qaeda, responding to the threat posed by Islamic State (IS/ISIS) remnants and detainees, facilitating humanitarian assistance, and managing Russian and Iranian challenges to U.S. operations.

Conflict Status. In early 2022, United Nations (U.N.) Special Envoy for Syria Geir Pedersen described the conflict in Syria—between the Syrian government and its partners on one side and various opposition and extremist groups on the other side—as a "stalemate," noting that "militarily, front lines remain unshifted" (see **Figure 1**). Pedersen stated that "any of a number of flashpoints could ignite a broader conflagration." In 2022, incoming U.S. Central Command (CENTCOM) commander General Michael Kurilla stated that the Asad government is "positioned to end the civil war militarily," but noted that the underlying conditions driving the conflict (including political disenfranchisement, poverty, water scarcity, and economic instability) would likely persist.

Islamic State. Despite the territorial defeat in Syria of the Islamic State (IS, also known as ISIS, ISIL, or the Arabic acronym *Daesh*) in 2019 by U.S.-backed Kurdish-led forces (known as the Syrian Democratic Forces, or SDF), IS fighters continue to operate as an insurgency. The SDF holds roughly 10,000 IS detainees—whom CENTCOM officials have described as "an ISIS army in waiting"—in detention facilities described as "overcrowded, ad-hoc structures that were not built to house detainees." In January 2022, U.S. air and ground forces in Syria joined Kurdish partner forces in a lengthy battle to retake a prison seized by IS fighters, which renewed concern among policymakers regarding the security of IS detainees in SDF custody.

External Actors. Five countries operate in or maintain military forces in Syria: Russia, Turkey, Iran, Israel, and the United States. U.S. and Russian forces operate in close proximity in northern Syria, and maintain a deconfliction channel to avoid inadvertent conflict between the respective forces. Turkey also maintains forces in northern Syria, at times targeting Kurdish elements of SDF forces that the Turkish government views as terrorists. Israel reportedly conducts regular air strikes inside Syria on Iranian, Syrian, and Hezbollah targets that the Israeli government views as threats to its security.

Humanitarian Situation. According to the United Nations 2022 Humanitarian Needs Overview for Syria, 14.6 million people are in need of humanitarian assistance, an increase of 1.2 million from 2021. In 2014, the U.N. Security Council authorized the provision of cross-border humanitarian assistance into Syria via four approved crossing points; subsequent Russian vetoes have since reduced the U.N. authorization to a single crossing. In July 2022, the U.N. Security Council renewed its authorization for cross-border assistance into Syria for a period of 6 months, following a Russian veto of a 12-month extension. The new resolution is scheduled to expire on January 10, 2023.

U.S. Policy. Biden Administration officials have stated that the United States seeks a political settlement to the conflict in Syria consistent with United Nations Security Council Resolution 2254 (2015). U.S. policy priorities in Syria include (1) defeating the Islamic State and Al Qaeda; (2) increasing access to humanitarian aid; (3) reducing violence by maintaining local cease-fires; and (4) promoting accountability for atrocity crimes committed during the course of the conflict.

U.S. Military Presence. Roughly 900 U.S. troops operate in Syria in support of counter-IS operations by local partner forces, as part of Operation Inherent Resolve (OIR). U.S. forces in Syria continue to face threats from Iran-backed militias, which have targeted U.S. positions in the country.

Policy Debates. Policymakers are faced with a number of—at times competing—policy priorities in Syria. The Islamic State seeks to exploit deteriorating economic conditions in the country; however, projects to bolster economic activity in Syria may have the unintended effect of aiding the Asad government. Similarly, policymakers disagree on whether the benefits of efforts to alleviate economic conditions in neighboring Lebanon outweigh the risk that these efforts could benefit Asad. Policymakers also face the additional complications of regional states, including U.S. allies, pursuing their own objectives in Syria, whether in the form of military operations or efforts to normalize diplomatic ties with the Asad government.

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Evolution of Conflict and U.S. Policy

In March 2011, antigovernment protests broke out in Syria, which has been ruled by the Asad family for more than four decades. Violence escalated, and, in August 2011, President Barack Obama called on Syrian President Bashar al Asad to step down. Over time, the rising death toll from the conflict, and the use of chemical weapons by the Asad government, intensified pressure for the United States to assist the opposition. In 2013, Congress debated lethal and nonlethal assistance to vetted Syrian opposition groups, and authorized the latter. Congress also debated, but did not authorize, the use of force in response to an August 2013 chemical weapons attack.

In 2014, the Obama Administration requested authority and funding from Congress to provide lethal support to vetted Syrians for select purposes. The original request sought authority to support vetted Syrians in "defending the Syrian people from attacks by the Syrian regime," but the subsequent advance of the Islamic State organization from Syria across Iraq refocused executive and legislative deliberations onto counterterrorism. Congress authorized a Department of Defense-led train and equip program for select Syrian forces to combat terrorist groups active in Syria, defend the United States and its partners from Syria-based terrorist threats, and "promote the conditions for a negotiated settlement to end the conflict in Syria."[1]

In September 2014, the United States began air strikes in Syria, with the stated goal of preventing the Islamic State from using Syria as a base for its operations in neighboring Iraq. In October 2014, the Defense Department established Combined Joint Task Force-Operation Inherent Resolve (CJTF-OIR) to "formalize ongoing military actions against the rising threat posed by ISIS in Iraq and Syria."[2] CJTF-OIR is "the military component" of the Global Coalition to Defeat ISIS.[3] In 2015, the United States deployed military forces to Syria to counter the Islamic State and train local partner forces.

Coalition and U.S. gains against the Islamic State came largely through the assistance of Syrian Kurdish partner forces, but neighboring Turkey's concerns about those Kurdish forces emerged as a persistent challenge for U.S. policymakers. In 2019, Turkey launched a cross-border military operation attempting to expel Syrian Kurdish U.S. partner forces from areas adjacent to the Turkish border. President Trump ordered the withdrawal of some U.S. forces from Syria and the repositioning of others in areas of eastern Syria once held by the Islamic State.

While U.S.-led coalition forces focused on defeating the Islamic State in northern and eastern Syria, support from Russian, Iranian, and Hezbollah forces enabled the Syrian government to retake many areas of the country formerly held by the opposition. In 2018, the U.S. intelligence community assessed that the conflict had "decisively shifted in the Syrian regime's favor."[4] Remaining armed opposition forces (including groups linked to Al Qaeda) were pushed into a shrinking geographic space around Idlib, a province in northwestern Syria in which roughly 3 million Syrian civilians live.

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[1] For additional background, see CRS Report R46796, *Congress and the Middle East, 2011-2020: Selected Case Studies*, coordinated by Christopher M. Blanchard.

[2] Operation Inherent Resolve Combined Joint Task Force (CJTF-OIR), "Who We Are: History," https://www.inherentresolve.mil/WHO-WE-ARE/History/.

[3] CJTF-OIR, *Fact Sheet*, https://www.inherentresolve.mil/Portals/14/Documents/Mission/20210915%20Updated%20Mission%20Statement%20Fact%20Sheet.pdf.pdf?ver=5OLdNQ7TrF7R4YjokCHosQ%3D%3D.

[4] Office of the Director of National Intelligence, *Worldwide Threat Assessment of the U.S. Intelligence Community: 2018*.

The United Nations (U.N.) has sponsored peace talks in Geneva since 2012. However, with many armed opposition groups weakened, defeated, or geographically isolated, military pressure on the Syrian government to make concessions to the opposition has been reduced. In 2022, U.N. Special Envoy for Syria Geir Pedersen described the conflict as a "stalemate," noting that "militarily, front lines remain unshifted" (see **Figure 1**).[5]

[5] U.N. Security Council, "Amid Stalemate, Acute Suffering in Syria, Special Envoy Tells Security Council Political Solution 'Only Way Out,'" Meetings Coverage, SC/14807, February 25, 2022, available at https://www.un.org/press/en/2022/sc14807.doc.htm.

Figure 1. Areas of Influence

Source: Created by CRS using area of influence data from IHS Conflict Monitor, last revised October 3, 2022. All areas of influence approximate and subject to change. Base information from "The Operating Environment in Syria," in Lead Inspector General for Operation Inherent Resolve | Quarterly Report to the United States Congress | April 1, 2022-June 30, 2022, p. 55, and press reports.

Governance & Areas of Control

While the Asad government has recaptured most areas of Syria formerly held by opposition forces, a number of other groups have asserted varying levels of control outside of government-

held areas. Groups that exercise territorial control over parts of Syria, as of October 2022, are described below.

The Asad Government

The Asad government—backed by Russia, Iran, and aligned militia forces—controls about two-thirds of Syria's territory (shown in green in **Figure 1**), including most major cities. Pockets of armed resistance to Asad rule remain, particularly in the south. Over 60% of the 14.6 million people in Syria who need humanitarian assistance live in government-controlled areas.[6]

Kurdish-Arab Military and Civilian Authorities

Following the defeat of the Islamic State by the U.S.-backed Syrian Democratic Forces (SDF), Kurdish authorities affiliated with the SDF and their Arab partners in northeast Syria established the Autonomous Administration of North and East Syria (AANES), also known as the Self Administration of Northeast Syria (SANES)—shown in yellow in **Figure 1**. The SDF and its political wing (the Syrian Democratic Council, SDC) play a leading role in the AANES, whose leaders have stated that it is not aligned with either the Asad government or with opposition forces.

Opposition and Extremist Forces

Opposition-held areas of northwest Syria (shown in light blue in **Figure 1**) are administered by the Syrian Salvation Government (SSG). The SSG was established in 2017 and is affiliated with Hayat Tahrir al Sham (HTS), which the United States has designated as a Foreign Terrorist Organization (FTO) due to its links to Al Qaeda. Roughly 3 million Syrian civilians also reside in Idlib, many displaced from areas of Syria now under Asad control. An estimated 75% of Idlib residents depend on U.N. assistance to meet their basic needs.[7]

Turkish Forces and Aligned Militias

Turkish-held areas of northern Syria (shown in dark blue in **Figure 1**) include territories occupied in three military operations by Turkish forces in cooperation with Syrian Arab proxy forces known as the Syrian National Army (SNA). In these areas, Turkey has established local councils subordinate to the Turkish provinces they border, with Turkish provincial governments overseeing the provision of some basic services. Many of the original inhabitants of Turkish-held areas remain in camps for internally displaced persons (IDPs) in AANES-held areas. The Syrian Interim Government (SIG), established by opposition groups in 2013, is headquartered in Turkish-held northern Syria (Azaz, Aleppo province). The SNA is formally part of the SIG, but the SIG lacks authority over SNA forces, which are composed of rival factions and beset by infighting.[8]

[6] Natasha Hall, *Rescuing Aid in Syria*, Center for Strategic and International Studies (CSIS), February 2022, p. 32.

[7] Ibid, p. 18.

[8] The Carter Center, *The State of the Syrian National Army*, March 15, 2022.

Al Qaeda and the Islamic State

Al Qaeda

Since 2014, the United States has conducted air strikes in northwest Syria—outside the framework of Operation Inherent Resolve—targeting Al Qaeda linked groups. In 2022, U.S. military officials reiterated that, "Al Qaeda-aligned militants use Syria as a safe haven to coordinate with their external affiliates and plan operations outside of Syria."[9] Al Qaeda-linked groups in Syria include Hayat Tahrir al Sham (HTS) and Hurras al Din. The rival groups, both designed by the United States as FTOs, operate in Idlib. In June 2022, CENTCOM announced that it had conducted a strike on a senior leader of Hurras al Din in Idlib province.[10]

Islamic State

In March 2019, the SDF—with coalition air support—captured the Islamic State's final remaining territorial outpost in Syria. In October 2019, IS leader Abu Bakr al Baghdadi died in a U.S. raid on his compound in Idlib.[11] He was succeeded by Abu Ibrahim al Hashimi al Qurayshi, who died after detonating an explosive device during a U.S. raid on his compound (also in Idlib), in February 2022.[12] In March 2022, the group named a new leader. Some reports identified him as Juma Awad al Badri, an Iraqi national and brother of former IS leader Baghdadi.[13]

While the Islamic State no longer controls territory outright in Syria and Iraq, U.S. military officials warn that it maintains a low-level insurgency and has worked to expand its global presence via a burgeoning number of affiliate groups. The 2022 Annual Threat Assessment of the U.S. intelligence community (IC) stated that "ISIS leaders remain committed to their vision of building a self-styled global caliphate headquartered in Iraq and Syria and are working to rebuild capabilities and wear down opponents until conditions are ripe for seizing and holding territory."[14]

Islamic State Detention Facilities

Since the 2019 defeat of the Islamic State, the SDF has held about 10,000 IS detainees (roughly 5,000 Syrians, 3,000 Iraqis, and 2,000 foreign fighters) at detention facilities across northern Syria;[15] U.S. officials have described these facilities as "overcrowded, ad-hoc structures that were not built to hold detainees."[16] U.S. officials have emphasized that repatriation of detainees is the

[9] U.S. Central Command, "Strike conducted in Syria," press release, June 27, 2022.

[10] Ibid.

[11] U.S. Department of Defense, "Central Command Chief Gives Details on Baghdadi Raid," press release October 30, 2019.

[12] U.S. Department of Defense, "Leader of ISIS Dead Following U.S. Raid in Syria," press release, February 3, 2022.

[13] Reuters, "New Islamic State leader is brother of slain caliph Baghdadi—sources," March 11, 2022.

[14] Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community*, February 2022, available at https://www.dni.gov/files/ODNI/documents/assessments/ATA-2022-Unclassified-Report.pdf.

[15] Lead Inspector General for Operation Inherent Resolve (LIG-OIR), *Quarterly Report to the United States Congress*, July 1, 2022-September 30, 2022, p. 58.

[16] LIG-OIR, *Quarterly Report to the United States Congress*, January 1, 2022-March 31, 2022, p. 68.

only long-term solution.[17] In February 2022, incoming CENTCOM commander General Kurilla described the 10,000 IS detainees in SDF detention as "an ISIS army in waiting."[18]

2022 IS Prison Attack. In January 2022, IS forces launched an attack on the SDF-run Ghuwayran Detention Facility in Hasakah province, sparking a 10-day battle. U.S. military officials reported that the SDF "were able to repel the attack and recapture many detainees, but only with significant Coalition ground and air support."[19] It was the largest U.S. military engagement with the group since 2019. The facility was guarded primarily by the SDF Provincial Interior Security Forces (PrISF), which receive U.S. funding.[20] Following the attack, the SDF replaced the entire guard force at Ghuwayran. The U.S. Special Operations Task Force is working to rebuild the guard force at the facility.[21]

Al Hol IDP Camp. Built to house a maximum of 10,000 persons, the Al Hol camp for IDPs houses roughly 56,000 people as of October 2022—94% of whom are women and children—most of whom fled the Islamic State's final outpost in eastern Syria in 2019.[22] Security conditions at the camp, which is managed by the SDF, have reportedly continued to deteriorate.[23] CENTCOM leaders have stated that the slow repatriation of individuals in SDF-run IDP camps and detention facilities remains "the biggest impediment to ensuring the enduring defeat of ISIS."[24] CENTCOM leaders have expressed concern about IS indoctrination efforts inside the camp, and stated that, unless the IDPs at Al Hol are repatriated to their home countries, "we're going to face ISIS 2.0 down the road."[25]

Al Hol is run by the AANES; the U.S. Department of State funds essential services at the camp including maintenance of physical infrastructure and the provision of food, water, and other assistance.[26] In September 2022, the Department of State's Counterterrorism Bureau announced that it would oversee a new interagency Al-Hol Working Group to "improve coordination of U.S. efforts to address the security and humanitarian situation in northeast Syria."[27]

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[17] Department of Defense Transcript, "CENTCOM Commander Gen. Frank McKenzie Holds a Press Briefing, March 18, 2022."

[18] U.S. Congress, Senate Armed Services Committee, *Hearings to Consider the Nomination of Lieutenant General Michael E. Kurilla, USA to be General and Commander, United States Central Command*, February 8, 2022.

[19] LIG-OIR, *Quarterly Report to the United States Congress*, January 1, 2022-March 31, 2022, p. v (Message from the Lead Inspector General).

[20] Ibid, p.68.

[21] Ibid, p.68.

[22] U.N. Security Council, *Report of the Secretary-General on Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020), 2533 (2020) and 2585 (2021)*, S/2022/492, June 16, 2022.

[23] Ibid.

[24] LIG-OIR, *Quarterly Report to the United States Congress*, January 1, 2022-March 31, 2022, p. 22.

[25] Department of Defense Transcript, "CENTCOM Commander Gen. Frank McKenzie Holds a Press Briefing, March 18, 2022."

[26] LIG-OIR, *Quarterly Report to the United States Congress*, July 1, 2022-September 30, 2022, p. 63.

[27] Remarks by Ian Moss, State Department Deputy Coordinator for Countering Violent Extremism and Terrorist Detentions, Bureau of Counterterrorism, September 29, 2022.

External Actors

Russia

Russian military involvement in Syria dates back to the 1950s. Soviet and Russian Federation naval forces have accessed a facility at the Syrian port of Tartus since the early 1970s, using it as a logistical hub to enable longer Mediterranean operations. While Russian personnel have since been based in Syria to maintain Russia military equipment and train Syrians, their numbers have fluctuated over time.

Since the onset of unrest in 2011, Russia has provided sustained political and military support to the Syrian government. In 2015, Russia began a gradual buildup of personnel, combat aircraft, and military equipment inside Syria, before beginning air strikes inside the country that enabled pro-Asad forces to reverse most opposition gains by 2018.[28] Russia also deployed private military companies (PMCs) to Syria.[29] Russia repeatedly used its veto at the Security Council to block council resolutions on Syria; according to U.S. officials, Russia vetoed 17 Security Council resolutions on Syria between 2011 and 2022.[30]

Russia also expanded its economic presence in Syria over the course of the conflict. In 2019, Syria's parliament approved a plan for the U.S.-sanctioned Russian company Stroytransgaz to manage, expand, and operate Syria's largest port at Tartus for 49 years.[31] In 2020 and 2021, Russia reportedly extended two loans totaling $1 billion to Syria with the condition that the funds be used to make payments to specific Russian companies—including to those owned by oligarchs sanctioned by the United States for facilitating Russian military operations in Ukraine.[32]

There has been occasional tension between U.S. and Russian personnel operating in Syria.[33] U.S. officials have stated that Syria remains "the one area in the world where U.S. and Russian forces operate in close proximity on a daily basis."[34] The two countries have maintained a deconfliction channel to reduce the chance of conflict between their forces; in March 2022, then-CENTCOM commander General Kenneth F. "Frank" McKenzie stated, "over the three years of my command at CENTCOM we have generally had a brisk, professional de-confliction relationship with the Russians in Syria. They—we can always contact them if we have a problem, they'll always pick up the phone. And we feel that we respond in kind to them."[35] General McKenzie added that "we have no evidence that the Russians are intent on escalating anything in Syria" as a result of ongoing events in Ukraine.

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[28] "What has Russia gained from five years of fighting in Syria?" *Al Jazeera*, October 1, 2020.

[29] Candace Rondeaux, "Decoding the Wagner Group: Analyzing the Role of Private Military Security Contractors in Russian Proxy Warfare," *New America*, November 7, 2019.

[30] Ambassador Richard Mills, Deputy U.S. Representative to the United Nations, *Remarks at a U.N. General Assembly Meeting Following Russia's Veto of a UN Security Council Resolution on the Syria Cross-Border Humanitarian Mechanism*, July 21, 2022.

[31] Agence France Presse, "Syria parliament okays Russian lease of Tartus port: state media," June 12, 2019.

[32] Michael Weiss, "How Russia Evades Sanctions via Syrian Loan Schemes," *New Lines Magazine*, April 5, 2022.

[33] See, for example, Thomas Gibbons-Neff, "How a 4-Hour Battle Between Russian Mercenaries and U.S. Commandos Unfolded in Syria," *New York Times*, May 24, 2018.

[34] U.S. Congress, Senate Committee on Foreign Relations, *The Path Forward On U.S.-Syria Policy: Strategy And Accountability*, hearing, 117th Cong., 2nd sess., June 8, 2022.

[35] Department of Defense Transcript, "CENTCOM Commander Gen. Frank McKenzie Holds a Press Briefing, March 18, 2022."

In early 2022, media reports suggested that some Russian personnel in Syria had repositioned and consolidated to enable possible redeployment to Russia.[36] In June 2022, Deputy Assistant Secretary of Defense Dana Stroul testified that, "we have not seen a notable change in Russian activities in Syria, nor in its commitment to backing Asad."[37] In August, Russia transferred an S-300 anti-aircraft battery from Syria to southern Russia, reportedly to bolster its air defenses against Ukraine; Russia continued to reinforce its existing military positions in northern Syria.[38]

Iran

Since 2011, Iran has provided technical, training, and financial assistance both to the Syrian government and to proregime Shia militias operating in Syria. The Asad government is a key Iranian ally, permitting the use of its territory as a transshipment point for the flow of weapons from Iran to Lebanese Hezbollah. In 2012, the U.S. Department of the Treasury designated the Iranian Ministry of Intelligence and Security (MOIS) for providing substantial technical assistance to Syrian intelligence, noting that MOIS also participated in multiple joint projects with Hezbollah.[39] Treasury also designated the Islamic Revolutionary Guard Corps-Quds Force (IRGC-QF) for training Syrian forces.

Iran-backed miltias. Hezbollah has provided training, advice, and logistical support to the Syrian government since at least 2012.[40] Iran-backed Iraqi Shi'a militias—such as Kata'ib Hezbollah (KH) and Kata'ib Sayyid Shuhada (KSS)—also have fought in Syria on behalf of the Asad government, and have at times threatened U.S. forces in both Syria and Iraq.

U.S. Air Strikes

The Biden Administration has conducted air strikes on Iranian or Iran-backed forces in Syria on at least three occasions:

- February 2021: On February 25, U.S. air strikes "destroyed multiple facilities located at a border control point used by a number of Iranian-backed militant groups, including Kait'ib Hezbollah (KH) and Kait'ib Sayyid al-Shuhada (KSS)."[41] The strikes were authorized "in response to recent attacks against American and Coalition personnel in Iraq, and to ongoing threats to those personnel," according to the same statement.
- June 2021: On June 27, U.S. military forces "conducted defensive precision airstrikes against facilities used by Iran-backed militia groups in the Iraq-Syria border region. The targets were selected because these facilities are utilized by Iran-backed militias that are engaged in unmanned aerial vehicle (UAV) attacks against U.S. personnel and facilities in Iraq.... Several Iran-backed militia groups,

[36] Walid Al Nofal, "Amid war in Ukraine, Russia withdraws and Iran expands in Syria," *Syria Direct*, May 4, 2022; *Times of Israel*, "Russia said to pull troops from Syria to bolster forces in Ukraine," May 8, 2022; Tiina Hyyppä and Aaron Pilkington, "How the Ukraine crisis could make the Syrian civil war worse," Monkey Cage (blog), *Washington Post*, May 24, 2022.

[37] U.S. Congress, Senate Committee on Foreign Relations, *The Path Forward On U.S.-Syria Policy: Strategy And Accountability*, hearing, 117th Cong., 2nd sess., June 8, 2022.

[38] LIG-OIR, *Quarterly Report to the United States Congress*, July 1, 2022-September 30, 2022, p. 54.

[39] Department of the Treasury, press release, February 16, 2012.

[40] U.S. Department of the Treasury, "Treasury Targets Hizballah for Supporting the Assad Regime," press release, August 10, 2012.

[41] U.S. Department of Defense, "U.S. Conducts Defensive Precision Strike," press release, February 25, 2021.

including Kata'ib Hezbollah (KH) and Kata'ib Sayyid al-Shuhada (KSS), used these facilities."[42]

- August 2022: On August 23, the U.S. military carried out strikes in eastern Syria on "infrastructure facilities used by groups linked to Iran's Islamic Revolutionary Guard Corps" in retaliation for attacks on U.S. bases in Syria on August 15.[43] On August 24, rockets struck U.S. facilities in Deir ez Zor, prompting an additional round of U.S. retaliatory strikes.[44]

Turkey

The United States and Turkey have some competing priorities in Syria, with the former largely focused on countering the Islamic State and preventing its resurgence, and the latter focused on the perceived threat posed by Kurdish forces along the Turkish border. Turkey conducted three major military operations in Syria between 2016 and 2019, aiming to prevent the Syrian Kurdish People's Protection Units (YPG) from establishing an autonomous area along Syria's northern border with Turkey. Turkey views the YPG as an offshoot of the Kurdistan Workers' Party (PKK), which both Turkey and the United States classify as a terrorist group.[45] The YPG is the primary component of the SDF, which CENTCOM has described as "the only reliable and effective partner in Syria."[46]

As of mid-2022, Turkey controls two major swaths of territory inside northern Syria, spanning parts of Aleppo, Raqqah, and Hasakah provinces (see **Figure 1**). Turkish forces operate alongside various Syrian militias known as the Syrian National Army (SNA). In May 2022, Turkey's president announced plans to build homes in Turkish-held areas of Syria for up to 1 million Syrian refugees currently residing in Turkey.[47]

Potential Turkish Military Expansion. In May 2022, Turkish President Recep Tayyip Erdogan stated that Turkey was considering a military operation to expand areas of Turkish control in Syria as a means of countering YPG influence.[48] In response, the U.S. State Department spokesperson recognized Turkey's "legitimate security concerns" but condemned any escalation and said that the United States supports maintenance of the current cease-fire lines to avoid destabilization and putting U.S. forces at risk in the campaign against the Islamic State.[49] U.S.

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[42] Department of Defense, "Statement by the Department of Defense," press release, June 27, 2021.

[43] Sirwan Kajjo, "Experts: Military Facilities Targeted by US in Syria Were Vital for Iran," *Voice of America*, August 24, 2022; White House, "Letter to the Speaker of the House and President pro tempore of the Senate consistent with the War Powers Resolution (P.L. 93-148)," press release, August 25, 2022.

[44] Jared Malsin, "U.S. Helicopter Gunships Hit Iran-Backed Militia in Syria," *Wall Street Journal*, August 25, 2022.

[45] Sources citing links between the PKK and YPG (or PKK affiliates in Syria) include U.S. State Department, *Country Reports on Terrorism 2020, Syria*; International Crisis Group, "Turkey's PKK Conflict: A Regional Battleground in Flux," February 18, 2022; and Washington Institute for Near East Policy, *Ascent of the PYD and the SDF*, April 2016.

[46] Posture Statement of General Kenneth F. McKenzie, Jr., Commander, United States Central Command before the Senate Armed Services Committee, March 15, 2022.

[47] Ben Hubbard and Elif Ince, "Turkey's Plan to Draw Refugees Back to Syria: Homes for 1 Million," *New York Times*, May 4, 2022.

[48] Reuters, "Syrian rebels says ready to back Turkish-operation in northeast," May 29, 2022.

[49] State Department Press Briefing, May 24, 2022. The United States and Russia established separate arrangements with Turkey in October 2019 for managing certain areas of northeast Syria. White House, "The United States and Turkey Agree to Ceasefire in Northeast Syria," press release, October 17, 2019; State Department, "Special Representative for Syria Engagement James F. Jeffrey Remarks to the Traveling Press," October 17, 2019; President of Russia, "Memorandum of Understanding Between Turkey and the Russian Federation," October 22, 2019.

military officials also expressed concern over the impact of such an operation on the counter-IS campaign, "because it could draw off potential SDF personnel to move away from the counter ISIS fight."[50] In June 2022, Turkey announced plans for military operations that involve areas west of the Euphrates River away from U.S. forces, which are concentrated on the river's east side.[51] In August, Turkey began negotiations with the Asad government, reportedly at Russia's request; the Defense Intelligence Agency assessed that these talks likely delayed a Turkish ground operation.[52]

Israel

Israel has largely stayed out of the civil conflict between Syrian government and opposition forces, but regularly conducts air strikes in Syria against Iranian and Hezbollah targets it views as a threat to its security. In the early years of the Syria conflict, Israel primarily employed air strikes to prevent Iranian weapons shipments destined for Hezbollah in Lebanon. Later, as the Asad government reacquired control of large portions of Syria's territory, Israeli leaders expressed intentions to prevent Iran from constructing and operating bases or advanced weapons manufacturing facilities in Syria. In 2019, Israeli Lieutenant General Gadi Eisenkot, then chief of the general staff of the Israel Defense Forces, stated, "In January 2017 we began attacking the infrastructure the Iranians were building in Syria. The critical mass was from mid-2017. We began attacking systematically a number of times each week. Without making any statements. Beneath the radar."[53] Eisenkot added that Israel carried out "thousands" of attacks in Syria, stating that in 2018 alone Israel dropped 2,000 bombs on Iranian targets. In 2021, the deployment of some Iranian air defense systems in Syria prompted Israel to start sending larger aircraft formations to reduce the chances of having an aircraft downed.[54]

On occasion, Israeli strikes against Iranian targets in Syria appear to have resulted in retaliatory Iranian strikes against U.S. personnel in Syria. In October 2021, unnamed U.S. officials stated that an armed drone strike on the U.S. garrison at At Tanf in southeast Syria was Iranian retaliation for Israeli air strikes in Syria.[55] The strike on At Tanf, which U.S. officials described as a "deliberate and coordinated attack," was reportedly conducted by Iranian proxy forces.[56] In March 2022, then-CENTCOM commander General McKenzie stated, "I do worry about these exchanges between Iran and Israel because many times, our forces are at risk, whether we're in Iraq or in Syria."[57] In June 2022, Syrian officials stated that Damascus International Airport had suspended operations as a result of Israeli strikes that heavily damaged the facility's infrastructure.[58]

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[50] Department of Defense Transcript, "Pentagon Press Secretary John F. Kirby Holds a Press Briefing," May 26, 2022.

[51] Nazlan Ertan, "Erdogan announces military operations in Syria's Manbij, Tal Rifaat," *Al Monitor*, June 1, 2022.

[52] LIG-OIR, *Quarterly Report to the United States Congress*, July 1, 2022-September 30, 2022, p. 53.

[53] Anshel Pfeffer, "Smash the bases, spare the men—Israel's invisible war in Syria" *Sunday Times*, January 13, 2019.

[54] Anna Ahronheim, "Iran has used advanced air defense batteries against Israel in Syria," *Jerusalem Post*, March 7, 2022.

[55] Eric Schmitt and Ronen Bergman, "Strike on U.S. Base Was Iranian Response to Israeli Attack, Officials Say," *New York Times*, November 18, 2021.

[56] White House Press Briefing by Press Secretary Jen Psaki, October 22, 2021.

[57] Department of Defense Transcript, "CENTCOM Commander Gen. Frank McKenzie Holds a Press Briefing, March 18, 2022."

[58] Sarah Dadouch, "Syria says Damascus airport operations suspended after Israeli strikes," *Washington Post*, June 14, 2022.

Humanitarian Situation

The humanitarian crisis in Syria is one of the most serious and widely dispersed in the world, with an estimated 6.9 million internally displaced persons and roughly 5.6 million registered refugees in neighboring countries.[59] The U.N. humanitarian assessment in Syria for 2022 found that more people are in need than at any time since the start of the conflict, with as many as 14.6 million people dependent on humanitarian assistance.[60] More than 90% of Syrians live below the poverty line, and approximately 12.4 million people—nearly 60% of Syria's population—are now considered food insecure.[61] The World Food Programme in August 2022 stated that the number of Syrians facing food insecurity was "51 percent more than in 2019."[62]

Cross-Border Aid

Cross-line convoys (between government-held and opposition-held areas) have provided humanitarian assistance and protection services to millions of people across Syria's 14 provinces. In 2014, U.N. Security Council Resolution (UNSCR) 2165 authorized the provision of cross-border humanitarian assistance into Syria via four approved crossing points (see **Figure 2**). Cross-border aid deliveries conducted under this authority, which must be renewed annually by the Security Council, require notification to (but not consent from) the government of Syrian President Bashar al Asad. In 2019, Russia used its veto at the Security Council to reduce the U.N. authorization to two crossings and then, in 2020, to a single crossing at Bab al Hawa.[63]

[59] United Nations Office for the Coordination of Humanitarian Affairs, "2022 Humanitarian Needs Overview: Syrian Arab Republic," February 2022; Data on registered Syrian refugees available at https://data.unhcr.org/en/situations/syria.

[60] UNOCHA, "2022 Humanitarian Needs Overview: Syrian Arab Republic," February 2022.

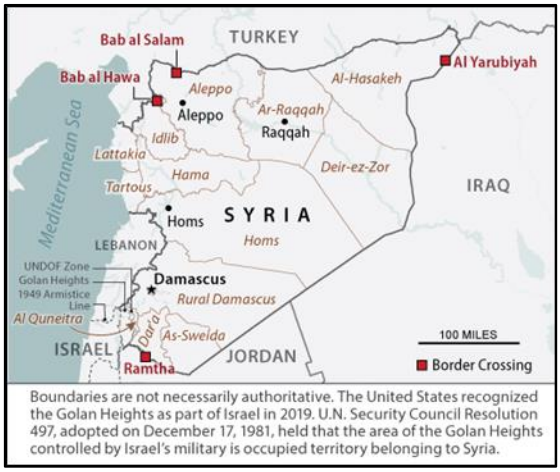
[61] U.N. Security Council Report, "December 2021 Monthly Forecast," November 30, 2021; U.N. High Commissioner for Refugees, "Message from the United Nations humanitarian, refugee, and development chiefs on the situation in Syria and the region," May 10, 2022.

[62] World Food Programme, "Syrian Arab Republic," at https://www.wfp.org/countries/syrian-arab-republic.

[63] Center for Strategic and International Studies, "The Implications of the UN Cross-Border Vote in Syria," June 4, 2021.

2022 Renewal. On July 12, 2022, the Security Council renewed its authorization for cross-border assistance (UNSCR 2642) for a period of six months, following a Russian veto of a 12-month extension. The new resolution is to expire on January 10, 2023. A U.S. official stated that the shortened mandate and uncertain renewal have undermined procurement efforts for humanitarian assistance, as these orders must be placed months in advance.[64]

Figure 2. Current and Former U.N. Border Crossings



Source: Created by CRS.

Notes: Of the four crossing points authorized by the Security Council in 2014, one (Bab al Hawa) is currently authorized as of 2022.

Political Negotiations

Since 2012, the Syrian government and some elements of the opposition have participated in U.N.-brokered peace negotiations known as the Geneva process. As part of the Geneva process, UNSCR 2254 (2015) endorsed a road map for a political settlement in Syria, including the drafting of a new constitution and the administration of U.N.-supervised elections.[65] Negotiations exclude some of the most powerful armed local actors in Syria: the Syrian Democratic Forces (SDF), which control large areas of northeast Syria, and Islamist armed groups linked to Al Qaeda, which control parts of Syria's northwest. Geneva talks instead focus on negotiations between the Asad government and Turkey-based political opposition figures, which do not control territory inside Syria and exert little, if any, influence over Syrian armed groups, including armed groups Turkey uses as proxies inside areas it controls in northern Syria.

Constitutional Committee. Since 2019, the U.N. has facilitated the meetings of the Syrian Constitutional Committee (SCC), which was formed to draft a new Syrian constitution as called for by UNSCR 2254.[66] In 2021, Syria held presidential elections under the framework of the country's existing constitution; U.N. observers were not present. A U.S. official described the election, in which President Asad won a fourth seven-year term with a reported 95% of the vote, as "an insult to democracy."[67]

Some have criticized what they describe as a disproportionate focus on the SCC at the expense of broader political negotiations to resolve the conflict. According to one analyst, "The constitutional committee has been consuming political capital and bandwidth that are disproportionate to its value add. The committee was not meant to be in itself 'the political process', it was intended to be a gate opener to more political tracks. Instead, it has been the sole avenue for intra-Syrian talks."[68]

[64] Ambassador Robert Wood, United States Mission to the United Nations, "Remarks at a UN Security Council Briefing on Syria," October 25, 2022.

[65] U.N. Security Council Resolution 2254 (2015), S/Res/2254 (2015), December 18, 2015.

[66] "Syria's Constitutional Committee: The Devil in the Detail," Middle East Institute, January 6, 2021.

[67] Ambassador Richard Mills, U.S. Deputy Representative to the United Nations, "Remarks at a UN Security Council Briefing on Syria," May 26, 2021.

[68] Barbara Bibbo, "Syria constitutional talks fail again in Geneva," *Al Jazeera*, March 25, 2022.

Syrian Political Opposition

National Coalition for Syrian Revolutionary and Opposition Forces, aka Etilaf, Syrian Opposition Coalition (SOC)

The SOC was established in 2012 in Doha, Qatar, as an umbrella group encompassing an ideologically diverse range of political groups opposed to the Asad government. In late 2012, the Obama Administration recognized the SOC as "the legitimate representative of the Syrian people in opposition to the Asad regime,"[69] without conferring upon the group the legal authority of a state.[70] Based in Turkey, the SOC does not control territory inside Syria. The group frequently has served as an interlocutor with international actors, and plays a leading role in U.N.-brokered peace talks with the Syrian government. However, it exerts little, if any, influence over armed groups operating inside Syria.

Syrian Interim Government (SIG)

In 2013, the SOC established the SIG to serve as a political institution capable of assuming power following what many at the time hoped would be the imminent fall of the Asad regime. Its founders also sought—unsuccessfully—to establish the SIG as a civilian authority over Syrian armed groups via the body's self-appointed defense ministry. The SIG continued to operate even as the Asad government regained territory and the likelihood of a political transition began to appear more remote. The SIG maintained offices in Idlib, until it was forced out following the establishment of the HTS-affiliated SSG in 2017. Over time, the SIG became increasingly affiliated with the Turkish government; currently it operates out of Turkish-controlled areas of Aleppo province. One analyst has noted that the SIG "is formally the authority managing the areas taken over by armed groups funded and armed by Turkey.... In practice, however, it is the Turks that control these regions through their various proxies, including armed groups and civilian entities."[71]

U.S. Policy

In a continuation of goals pursued by the Obama Administration in Syria, the Trump Administration sought (1) the enduring defeat of the Islamic State; (2) a political settlement to the Syrian civil war; and (3) the withdrawal of Iranian-commanded forces. In late 2021, the Biden Administration completed a policy review on Syria. Based on the review, the State Department identified five core policy priorities:

- sustaining the U.S. government and coalition campaign against ISIS;
- supporting local cease-fires in place across the country;
- supporting the expansion of humanitarian access throughout Syria;

[69] Devin Dwyer and Dana Hughes, "Obama Recognizes Syrian Opposition Group," *ABC News*, December 11, 2012.

[70] Mark Lander, Michael R. Gordon, and Anne Barnard, "U.S. Will Grant Recognition to Syrian Rebels, Obama Says," *New York Times*, December 11, 2012.

[71] "Use of Turkish Lira to Be Expanded in Northern Areas," *Syria Report*, December 18, 2019.

- pressing for accountability and respect for international law while promoting human rights and nonproliferation, including through the imposition of targeted sanctions; and
- supporting a political process led by the Syrian people, as envisioned in U.N. Security Council Resolution (UNSCR) 2254.[72]

U.S. officials have stated that the defeat of ISIS "includes ensuring that the terrorist group cannot reconstitute its forces, plan and execute attacks, and control population and territory."[73] U.S. military officials in March 2022 assessed that "forces affiliated with the Syrian regime, Russia, Iran and Turkey sought to disrupt SDF and coalition operations against ISIS and to erode the SDF's base of support."[74]

The FY2023 Request

The Biden Administration's FY2023 Department of State and Foreign Operations funding request seeks $143 million for assistance programs in Syria, including $125 million in Economic Support Fund (ESF), $10 million in International Narcotic Control and Law Enforcement (INCLE) funds, and $8 million in Non-proliferation, Anti-Terrorism, Demining and Related Programs (NADR) funds.[75] One U.S. official stated that these funds will go toward "targeted assistance in Syria to restore normal life in areas liberated from ISIS, and create a bulwark against violent extremists who seek to exploit vacuums in security and essential services."[76]

U.S. Military Presence: Operation Inherent Resolve

U.S. forces have conducted operations involving and related to the use of military force inside Syria since 2015 pursuant to the 2001 and 2002 Authorizations for Use of Military Force (AUMF), amid ongoing debate in Congress about the authorization for U.S. operations in Syria.[77] U.S. operations focus on countering the Islamic State as part of Operation Inherent Resolve (OIR). As of early 2022, roughly 900 U.S. troops are based in Syria to support counter-IS operations by local partner forces; an additional 6,770 Defense Department contractors are spread between Syria and Iraq.[78] Most U.S. forces are deployed in what military officials term the Eastern Syria Security Area (ESSA), in support of the SDF.[79] About 100 U.S. personnel support *Jaysh Mughawir ath Thawra* (MaT), an Arab force, at the At Tanf garrison.[80] At Tanf is located

[72] State Department as cited in LIG-OIR, *Quarterly Report to the United States Congress*, October 1, 2021-December 31, 2021, February 8, 2022, p. 12.

[73] LIG-OIR, *Quarterly Report to the United States Congress*, January 1, 2022-March 31, 2022, p. 12.

[74] LIG-OIR, *OIR In Brief*, January 1, 2022-March 31, 2022.

[75] U.S. Department of State, *Congressional Budget Justification: Department of State, Foreign Operations, and Related Programs, Fiscal Year 2023*.

[76] Testimony of Assistant Secretary of State for Near Eastern Affairs Barbara Leaf in U.S. Congress, House Foreign Affairs Subcommittee on Middle East, North Africa and Global Counterterrorism, *The Biden Administration's Policy Objectives in the Middle East and North Africa*, hearings, 117th Cong., 2nd sess., June 22, 2022.

[77] In a June 8, 2022, hearing before the Senate Foreign Relations Committee, Deputy Assistant Secretary of Defense for the Middle East Dana Stroul stated, "as a matter of domestic law, we rely on the 2001 AUMF to authorize the use of force in Syria against al-Qaida and ISIS." Previous presidential administrations also have cited the 2002 AUMF for U.S. operations in Syria.

[78] LIG-OIR, *Quarterly Report to the United States Congress*, January 1, 2022-March 31, 2022, p. 12.

[79] LIG-OIR, *Quarterly Report to the United States Congress*, October 1, 2020-December 31, 2020, p.70.

[80] Washington Institute for Near East Policy, "The Future of al Tanf Garrison in Syria," December 6, 2021.

along a primary transit route between Iraq and Syria, including for IS fighters. Congress appropriated $7 billion for OIR for FY2022, a decrease from $12.7 billion appropriated for FY2021 but more than the Administration's $5.4 billion request.[81] The Department of Defense requested $5.5 billion for OIR for FY2023, and projects further declines in OIR force allocations, related theater overhead costs, and force reset needs.[82]

In response to a series of policy questions submitted in advance of his February 2022 confirmation hearing, incoming CENTCOM commander General Kurilla stated that, "the military's mission in Syria is to ensure the enduring defeat of ISIS."[83] Kurilla added that

> our presence supports a whole-of-government approach to achieve other strategic objectives in Syria, including countering Iran and Russia. Tehran's military, paramilitary, and proxy involvement in Syria should be of concern, as it directly threatens Israel and Jordan, and risks dangerously escalating regional tensions. Lastly, our security presence allows for provision of humanitarian assistance by international and non-governmental organizations that would otherwise not be possible.[84]

Since 2015, CENTCOM has conducted periodic strikes in Syria outside the framework of OIR, including on targets linked to Al Qaeda, the Syrian government, and Iran-backed militias. In February and June 2021, the U.S. military conducted air strikes on Iran-backed militias in Syria, which used Syria-based facilities to target U.S. forces in Iraq. Iran-backed militias also targeted U.S. forces at At Tanf with armed drones.

Syria Train and Equip Program

Section 1209 of the FY2015 National Defense Authorization Act (P.L. 113-291, as amended) authorizes the Department of Defense to provide assistance to "appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups and individuals." The Syria Train and Equip program began in late 2015; as of 2022, U.S. forces continue to advise, assist, and enable partner forces in Syria to counter the Islamic State. Congress periodically has amended or placed conditions on the Syria Train and Equip authority, reflecting Member focus on issues such as vetting requirements for groups receiving U.S. funding.[85]

Current Funding and the FY2023 Request. The DOD Counter-ISIS Train and Equip Fund (CTEF) is the primary fiscal authority for the Syria Train and Equip program. The FY2022 Consolidated Appropriations Act (Division C of P.L. 117-103) makes $500 million available for CTEF, including $155 million for Syria. It also directs the rescission of $250 million in prior year CTEF funds. The Biden Administration's FY2023 defense request seeks $541 million in CTEF funds, including $183 million for Syria. This reflects an increase from the prior two years ($500 million and $460 million enacted for CTEF in FY2022 and FY2021, respectively).[86] The Defense

[81] LIG-OIR, *Quarterly Report to the United States Congress*, January 1, 2022-March 31, 2022, p. 9, and DOD Comptroller, *Overview—FY2022 Defense Budget*, May 2021, p. 7-3.

[82] U.S. Department of Defense Comptroller, *Overview—FY2022 Defense Budget*, April 2022, p. 3-5.

[83] Senate Armed Services Committee, *Advance Policy Questions for Lieutenant General Michael E. Kurilla, USA Nominee to be Commander, United States Central Command*, p. 9, available at https://www.armed-services.senate.gov/imo/media/doc/Kurilla%20APQ%20responses.pdf.

[84] Ibid., p. 10.

[85] For a history of the Syria Train and Equip Program, see CRS Report R46796, *Congress and the Middle East, 2011-2020: Selected Case Studies*, coordinated by Christopher M. Blanchard.

[86] Office of the Secretary of Defense, *Justification for FY 2023 Overseas Operations: Counter-Islamic State of Iraq and Syria (ISIS) Train and Equip Fund (CTEF)*, April 2022, https://comptroller.defense.gov/Budget-Materials.

Department reports that it intends to enlarge the number of vetted Syrian groups and individuals in FY2023 by 3,500 personnel, primarily to recruit and train new detention facility guard forces.[87] The Administration has not provided a public estimate of long-term partner force maintenance and sustainment costs in Syria or described related plans.

Post-IS Stabilization

The United States has provided stabilization assistance in areas of Syria and Iraq liberated from the Islamic State in an effort to prevent the group's reemergence, including more than $1.3 billion in stabilization assistance for Syria since 2011.[88] The State Department reports that stabilization assistance plays "a critical role in this stage of the OIR mission" because it mitigates the economic and social cleavages that ISIS seeks to exploit, closes gaps in local authority capacity, and supports civil society to advocate for citizen needs.[89] Current State Department-funded stabilization programs include those designed to support education, community security, independent media, civil society, social cohesion, transitional justice, accountability, restoration of essential services, and a political resolution to the Syrian conflict.[90] U.S. Agency of International Development (USAID)-funded stabilization assistance supports livelihoods, economic governance, women's empowerment, political participation, essential service restoration, access to water and irrigation, and agriculture.[91]

Humanitarian Assistance

The United States is the largest donor of humanitarian assistance to the Syria crisis, providing over $15.7 billion since 2011.[92] In FY2022, the United States provided $1.6 billion in humanitarian funding for the Syria regional crisis response, including $808 million announced at the sixth annual Brussels Conference on Supporting Syria and the Region, held on May 10, 2022, and $756 million announced during a U.N. Security Council meeting on September 14, 2022.[93] U.S. humanitarian funds have gone toward meeting humanitarian needs inside Syria, as well as toward support for communities in Lebanon, Jordan, Turkey, Iraq, and Egypt that host Syrian refugees.

U.S. Sanctions

Syria is subject to a broad range of U.S. sanctions, many of which predate the current conflict. The United States has maintained economic sanctions on Syria since 1979, when the State Department designated the Syrian government as a state sponsor of international terrorism. The Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (P.L. 108-175) required additional restrictions on U.S. exports, investments, transactions, and diplomatic relations because of Syrian interference in Lebanon and its support for U.S.-designated Foreign Terrorist Organizations (FTOs) including Hezbollah and Hamas. The United States has imposed additional sanctions under nonproliferation legislation since the early 1990s and under national emergency authorities since the beginning of the current conflict in 2011. In 2013, the State Department

[87] Ibid, p.16.

[88] U.S. Agency for International Development (USAID), *Syria Country Profile*, February 28, 2022.

[89] LIG-OIR, *Quarterly Report to the United States Congress*, April 1, 2022-June 30, 2022, p.64.

[90] Ibid.

[91] Ibid.

[92] USAID, *Syria—Complex Emergency*, Fact Sheet #10 FY2022, September 15, 2022.

[93] USAID, *Syria—Complex Emergency*, Fact Sheet #10 FY2022, September 15, 2022, and USAID, *Syria—Complex Emergency*, Fact Sheet #7 FY2022, June 10, 2022.

determined that the government of Syria had used chemical weapons in contravention of international law, spurring another round of economic and diplomatic restrictions.

Caesar Syria Civilian Protection Act of 2019

The Caesar Syria Civilian Protection Act of 2019 was incorporated into the FY2020 National Defense Authorization Act (NDAA, P.L. 116-92, Title LXXIV). Section 7412 directs the President to impose sanctions on any foreign person who the President determines is knowingly providing significant financial, material, or technological support to the government of Syria or to a foreign person operating in a military capacity inside Syria on behalf of the governments of Syria, Russia, or Iran. It also makes eligible for sanctions foreign persons who the President determines knowingly sell or provide

- goods, services, technology, or information that significantly facilitates the maintenance or expansion of the government of Syria's domestic production of natural gas, petroleum, or petroleum products;
- aircraft or spare aircraft parts that are used for military purposes in Syria in areas controlled by the Syrian government or associated forces; or
- significant construction or engineering services to the government of Syria.[94]

As of late 2022, 15 individuals and entities have been designated specifically under the Caesar Act (over 650 Syria-linked individuals and entities have been designated as Specially Designated Nationals [SDNs]).[95] Caesar designations to date have focused on individuals and entities involved in large-scale real estate development projects constructed on land expropriated from Syrians displaced by the conflict.[96]

U.S. Sanctions on Syria and Humanitarian Assistance

U.S. sanctions legislation contains a variety of waivers that permit trade in essential goods (such as food and medicine) and allow for humanitarian assistance. Since the early years of the conflict, sanctions on the Syrian financial sector have nonetheless resulted in what some analysts describe as "over-compliance," whereby regional and international financial institutions are "highly reluctant to service Syrian nationals, in order to pre-empt any breach of the sanctions."[97] NGOs operating in Syria continue to face obstacles due to bank "derisking," the process whereby banks delay or deny even permissible transactions to avoid the risk of violating sanctions.

Complicating matters, both the United States and the European Union (E.U.) place restrictions on "dual-use" items (items that have both a civilian and military use). This includes many items used in health, water, sanitation, and hygiene (WASH) operations, such as pipes, water pumps, spare parts for electrical generators, and essential construction and industrial equipment.

In November 2021, the U.S. Department of the Treasury amended the general license for NGOs operating in Syria, authorizing them to engage in the following additional transactions in support of certain not-for-profit activities in Syria: "new investment in Syria; the purchase of refined petroleum products of Syrian origin for use in Syria; and certain transactions with elements of the Government of Syria."[98] These transactions are authorized

[94] FY2020 National Defense Authorization Act (NDAA, P.L. 116-92, Title LXXIV, Section 7412).

[95] See U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC) Sanctions List search, at https://sanctionssearch.ofac.treas.gov/.

[96] Syria Justice and Accountability Centre, "Syria Sanctions: a deeper look at the Caesar Act Designations," September 10, 2020.

[97] Rune Friberg Lyme, "Sanctioning Assad's Syria," Danish Institute for International Studies, 2012.

[98] U.S. Department of the Treasury, "U.S. Treasury Expands Syria Nongovernmental Organizations General License," press release, November 24, 2021.

only in support of not-for-profit activities already authorized under the general license, including humanitarian projects.

Atrocity Crimes and Potential Avenues for Accountability[99]

International law recognizes the perpetration of certain grave harms, often committed in the context of armed conflict, as "atrocity crimes," including war crimes, crimes against humanity, and genocide. States sometimes treat atrocity crimes as crimes of "universal jurisdiction," meaning that any state can prosecute individuals for such crimes, even if the crime was not committed on that state's territory or by one of its nationals.[100]

Multiple parties have made allegations of war crimes against multiple parties to the Syrian conflict, including the Syrian government, Syrian opposition groups, and extremist groups, including the Islamic State. Reported violations of international law by multiple parties have been extensively documented by the Independent International Commission of Inquiry on the Syrian Arab Republic (IICI, established in August 2011 by U.N. Human Rights Council resolution S-17/1), as well as by regular reports of the U.N. Secretary-General to the U.N. Security Council on the implementation of Security Council resolutions.[101]

In situations where atrocity crimes are committed in a state that potentially cannot or will not hold perpetrators accountable, there are international and national judicial avenues for possible accountability. Three avenues are described below.

International Criminal Court. The International Criminal Court (ICC) was established to exercise jurisdiction over all atrocity crimes when such crimes are not investigated and prosecuted by a competent national court system.[102] Because Syria is not a party to the Rome Statute of the International Criminal Court, the treaty establishing the ICC, the court cannot automatically exercise jurisdiction over atrocity crimes committed in Syria. The ICC can exercise jurisdiction over alleged atrocity crimes that occur on the territory of or are perpetrated by nationals of a state

- after the Rome Statute enters into force for a state party;[103]
- during a period of time in which a nonparty state accepts jurisdiction;[104] or
- pursuant to a U.N. Security Council resolution under Chapter VII of the U.N. Charter referring the situation in a State to the ICC.[105]

[99] Prepared by Matthew C. Weed, Specialist in Foreign Policy Legislation.

[100] See Jenny Gesley, *FALQs: The Exercise of Universal Jurisdiction in Germany*, Law Library of Congress, June 30, 2022, https://blogs.loc.gov/law/2022/06/falqs-the-exercise-of-universal-jurisdiction-in-germany/.

[101] See regular reporting of the U.N. Secretary-General pursuant to U.N. Security Council Resolutions, to include S/RES/2139 (2014), S/RES/2165 (2014), S/RES/2191 (2014), S/RES/2258 (2015), S/RES/2332 (2016), S/RES/2393 (2017), S/RES/2401 (2018), S/RES/2449 (2018), S/RES/2504 (2020), S/RES/2533 (2020) and S/RES/2585 (2021) available at https://digitallibrary.un.org/record/3959071.

[102] See International Criminal Court, "About the Court," at https://www.icc-cpi.int/about/the-court; Rome Statute of the International Criminal Court art. 17(1).

[103] Rome Statute art. 12(1)-(2).

[104] Rome Statute art. 12(3).

[105] Rome Statute art. 13(b).

The Security Council could extend ICC jurisdiction to the situation in Syria by adopting a resolution of referral, but Russia and China have vetoed previous council action to do so.[106] (The Security Council could also establish ad hoc criminal tribunals like those for the former Yugoslavia and Rwanda, but Russia and China could veto such proposals as well.) Syria could accept ad hoc ICC jurisdiction over the situation on its territory by declaration, but this is more likely to occur in the event of the conclusion of the conflict and the presumed removal of the Asad regime from power. In 2022, lawyers representing Syrian victims have asked the ICC Prosecutor to exercise jurisdiction over alleged cases of forced deportation of persons from Syria to Jordan, arguing that such crimes were partially completed on the territory of Jordan, a state party to the Rome Statute.[107]

Even if the ICC eventually exercises jurisdiction over the situation in Syria, this is not a guarantee of ICC prosecution of alleged atrocity crimes in Syria. It is the role of the ICC Prosecutor to determine, subject to the limitations to ICC jurisdiction as decided in each case by the ICC Pre-Trial Chamber, whether to bring charges against and prosecute an individual; no state party can force the prosecution of an individual before the ICC.[108] In addition, a case is inadmissible before the ICC if it concerns conduct that is the subject of "genuine" legal proceedings brought by a state with jurisdiction, including a state, such as Syria, that is not party to the Rome Statute.[109]

Hybrid Tribunals. There have been proposals for the establishment of a mixed international/national tribunal for Syria atrocity crimes. Such "hybrid" criminal tribunals have been established by agreement between a state and an international organization (usually the United Nations) to jointly undertake a specified judicial process for accountability. National legislation often supports or directly authorizes the operation of such tribunals. These tribunals can be established by agreement with the U.N. Secretary-General and approval from the U.N. General Assembly, thereby avoiding Security Council vetoes.[110] Any such hybrid tribunal, however, would be more likely after an end to the Syrian conflict and removal of the Asad regime, as Syria would have to be party to its establishment.

Foreign National Courts. Austria, France, Germany, Spain, and other states have instituted criminal proceedings against alleged perpetrators of atrocity crimes under the concept of "universal jurisdiction," meaning any state can prosecute perpetrators of such crimes.[111] With encouragement from U.N. officials, some states have specifically enacted universal jurisdiction provisions in their criminal codes as states' willingness to extend the normally territorial nature of

[106] UN News, "Russia, China block Security Council referral of Syria to International Criminal Court," May 22, 2014.

[107] Patrick Wintour, "Human rights lawyers attempt to bring Syria war crimes cases to ICC," *The Guardian*, February 16, 2022. The ICC Pre-Trial Chamber has accepted this interpretation of the court's territorial jurisdiction over the situation in Bangladesh, a Rome Statute state party, where thousands of alleged victims of the Rohingya minority crossed the border from Burma after being forcibly displaced by the Burmese military. International Criminal Court, "ICC judges authorise opening of an investigation into the situation in Bangladesh/Myanmar," press release, November 14, 2019.

[108] See Rome Statute art. 15 & part 5.

[109] Rome Statute art. 17.

[110] See Office of the United Nations High Commissioner for Human Rights, *Rule-of-Law Tools for Post-Conflict States: Maximizing the legacy of hybrid courts*, 2008, pp. 3-4. The Extraordinary Chambers in the Courts of Cambodia (ECCC), for example, were established by agreement between Cambodia and the U.N. Secretary-General, and approved by a resolution of the U.N. General Assembly. U.N. General Assembly Resolution 57/228B, *Khmer Rouge Trials*, A/RES/57/228B (2003).

[111] See International Committee of the Red Cross, *Universal Jurisdiction*, https://casebook.icrc.org/glossary/universal-jurisdiction.

criminal jurisdiction to atrocity crimes committed on foreign soil grows.[112] In January 2022, for example, a German court convicted Anwar Raslan, formerly a colonel in the Syrian armed forces, for directing and overseeing systematic torture of prisoners in a Syrian detention center.[113]

Congress previously has sought additional details and reporting from the executive branch on accountability efforts in Syria. The FY2019 National Defense Authorization Act required the Secretary of State to submit a report on war crimes, crimes against humanity, and genocide in Syria—including a description and assessment of programs that the United States has undertaken to ensure accountability for these crimes.[114] Members could consider whether updated reporting on such programs could provide opportunities to address technical or financing gaps.

Policy Debates and Issues for Congress

Since the territorial defeat of the Islamic State in Syria in 2019, legislative action on Syria has focused on limiting the resurgence of the Islamic State while avoiding measures that could empower the Asad government. Some Members have expressed particular interest in supporting SDF partner forces, securing IS detainees, and limiting Asad government finances. There is ongoing debate on how best to accomplish these goals, and how to weigh these goals relative to other—at times conflicting—foreign policy priorities, such as seeking to ensure that economic recovery measures—including "early recovery" projects intended to stabilize the country and avoid an IS resurgence—do not inadvertently benefit the Asad government.

Protecting Local Partner Forces

U.S. operations against the Islamic State in Syria have relied on a partnership with the Syrian Democratic Forces, which have served as the primary local ground force in the counter-IS campaign. Members have debated the eligibility of these local partners for admission into the United States in the case of attack by Turkish and/or Syrian forces. Several bills in the 116th Congress would have extended the Special Immigrant Visa (SIV) program to foreign nationals employed by the U.S. military in Syria, as well as their immediate families. The Syrian SIV programs proposed by these bills generally were modeled on the existing temporary SIV programs for Iraqis and Afghans who have worked for or on behalf of the U.S. government. During the 117th Congress, Representatives Jason Crow and Michael Waltz reintroduced one such bill, the Syrian Partner Protection Act (H.R. 2838), which would provide SIV status to a national of Syria or a stateless person who has habitually resided in Syria that "has partnered with, was employed by, or worked for or directly with the United States Government in Syria as an interpreter, translator, intelligence analyst, or in another sensitive and trusted capacity, on or after January 1, 2014, for an aggregate period of not less than 1 year."

Islamic State Detainees

Some Members have questioned the Administration regarding its strategy for mitigating the risk posed by IS detainees.[115] In early 2022, IS fighters in SDF-run detention facilities conducted a large-scale prison attack, which the SDF was able to repel "only with significant Coalition ground

[112] Reuters, "Step up trials of alleged Syrian war criminals, U.N. rights chief says," March 11, 2021; Mia Swart, "National courts lead the way in prosecuting Syrian war crimes," *Al Jazeera*, March 15, 2021.

[113] "Former Syrian Colonel Guilty in War Crimes Trial in Germany," *The New York Times*, January 14, 2022.

[114] John S. McCain National Defense Authorization Act for Fiscal Year 2019, P.L. 115-232, Subtitle C, Section 1232.

[115] Transcript, Senate Foreign Relations Committee Hearing on Pending Nominations, May 10, 2022.

and air support."[116] The report accompanying the Senate version of the FY2023 NDAA states that "the committee is concerned about threats from Islamic State of Iraq and Syria (ISIS) detainees held in partner-run detention facilities. The February 2022 attack by ISIS militants on the detention facility in Hasakah, Syria, highlights the grave national security concern to the United States and its allies and partners if this threat goes unaddressed."[117]

IS detention facilities. Congress has appropriated CTEF funds for the Syria Train and Equip program, including for the fortification of IS detention facilities in Syria. In Section 1221 of the 2022 National Defense Authorization Act, Congress amended the authority for the train and equip program in Syria to allow the President to waive restrictions on the use of funds for construction and repair projects, if the President certifies that projects comply with international law relating to refugees, torture, and treatment of prisoners. This waiver allowed for the use of funds during 2022 to improve and construct IS detention facilities. (Prior to enactment of this waiver, the cost of construction and repair projects carried out under Section 1221 could not exceed, in any fiscal year, $4 million per project or $20 million in the aggregate.) Nonetheless, the July 2022 report accompanying S. 4543 (S.Rept. 117-130) states,

> The committee notes, however, that the waiver authority provided in section 1221 of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117-81) has not yet been utilized, and the committee has not been informed of a comprehensive plan to address these urgent concerns. The committee directs the Secretary of Defense to provide a report, not later than December 15, 2022, on its plans to use the authorities provided in this section in fiscal year 2022 to assist partners to improve security at these detention facilities, including through the use of waivers provided for construction and repair on a per-project basis.

The Senate committee-reported version of the FY2023 NDAA (S. 4543) would extend the national security waiver on the cost of construction and repair projects until December 2023. Members could consider whether to seek regular updates on the security of IS detention facilities—including on the expenditure of funds to refurbish or construct detention facilities—through existing reporting channels, such as the congressionally mandated quarterly Lead Inspector General reports on Operation Inherent Resolve.[118] Members could also consider whether to seek updates on the transfer of detainees into secure facilities. The Departments of Defense and State reported that roughly half of all IS detainees had been consolidated into more secure facilities as of mid-2022; Combined Joint Task Force-Operation Inherent Resolve noted that future CTEF-funded construction projects, particularly a proposed $27 million Rumaylan Detention Facility, "will ultimately provide capacity for all detainees to be housed in purpose-built facilities that meet international standards."[119]

Some Members have introduced legislation calling on the Administration to establish a detainee coordinator. In September 2022, Senators Jeanne Shaheen and Lindsey Graham introduced the Syria Detainee and Displaced Persons Act (S. 4996). The bill would amend the FY2020 NDAA, and direct the President to "designate an existing official to serve within the executive branch as senior-level coordinator to coordinate, in conjunction with other relevant agencies, all matters related to ISIS members who are in the custody of the Syrian Democratic Forces and other

[116] LIG-OIR, *Quarterly Report to the United States Congress*, January 1, 2022-March 31, 2022, p. v (Message from the Lead Inspector General).

[117] S.Rept. 117-30.

[118] The Defense Department reported that more than $3.6 million in CTEF funds were used in the first quarter of 2022 to refurbish detention facilities; the LIG-OIR report for the second quarter of 2022 included information on CTEF expenditure but not on prison refurbishment.

[119] LIG-OIR, *Quarterly Report to the United States Congress*, April 1, 2022-June 30, 2022, p.58.

relevant displaced populations in Syria."[120] The bill also would require a report laying out "an interagency strategy with respect to ISIS-affiliated individuals and ISIS-related detainee and other displaced persons camps in Syria."[121]

Economic Recovery

In mid-2022, the State Department reported that while levels of violence in Syria were at their lowest point in the 11-year conflict, "the economic and humanitarian situation was at its worst."[122] In 2021, a U.S. official stated that the Islamic State is "actively seeking to exploit that economic situation to reconstitute … in areas hardest hit by the economic downturn."[123] In 2022, the State Department reported that high commodity price fluctuations, combined with the continued devaluation of the Syrian pound and "historical levels of drought," have increased the need for both stabilization and humanitarian funding over the past two years.[124] More than 90% of Syrians live below the poverty line.[125]

The Biden Administration has taken steps to alleviate economic distress, in part by issuing new general licenses to permit broader categories of economic activities that otherwise would be subject to U.S. sanctions. In May 2022, the Department of the Treasury's Office of Foreign Assets Control (OFAC) issued General License No. 22, authorizing activities in 12 different economic sectors of northeast and northwest Syria.[126] A media report quoted an unnamed Administration official saying, "Our aim is to prevent the resurgence of IS by mitigating the growing economic insecurity and restoring essential services in the areas liberated from the terrorist group."[127]

Some Members have questioned whether Biden Administration efforts to spur economic recovery in Syria bypass existing U.S. sanctions and inadvertently benefit the Asad government. In a letter to Secretary of State Antony Blinken, three Members wrote:

> It is troubling that the administration has reportedly reached a decision to issue a broad geographic waiver while having offered no explanation to Congress for why the existing waiver and license structure is insufficient to achieve U.S. objectives in northern Syria. The administration also has offered no explanation for how it would propose to prevent Assad regime affiliates or front companies from exploiting a geographic waiver by conducting business in northern Syria and generating revenues or foreign currency under the waiver.[128]

In a June 2022 hearing, Assistant Secretary of State for Near Eastern Affairs Barbara Leaf testified that the license was issued "to enhance the opportunities for economic regeneration in the areas liberated from ISIS," in order to "create resiliency" in formerly IS-controlled areas and

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[120] S. 4996, Syria Detainee and Displaced Persons Act, Section 5(a)(1).

[121] S. 4996, Syria Detainee and Displaced Persons Act, Section 6(a).

[122] LIG-OIR, *Quarterly Report to the United States Congress*, April 1, 2022-June 30, 2022, p. 72.

[123] *Al Monitor*, "Islamic State exploits economic downturn in Iraq, Syria, US envoy says," July 1, 2021.

[124] LIG-OIR, *Quarterly Report to the United States Congress*, July 1, 2022-September 30, 2022, p. 68.

[125] U.N. High Commissioner for Refugees, "Message from the United Nations humanitarian, refugee, and development chiefs on the situation in Syria and the region," May 10, 2022.

[126] U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC), *Syrian Sanctions Regulations*, 31 CFR part 542; General License No. 22.

[127] Amberin Zaman, "US eases sanctions on investment in Kurdish, Turkish areas of Syria," *Al Monitor*, May 12, 2022.

[128] Republican Study Committee National Security and Foreign Affairs Task Force, Letter to Secretary of State Antony Blinken, March 11, 2022.

reduce the prospects of an IS resurgence.[129] The license, which notes the specific districts in which it is applicable—as well as subdistricts that are excluded—does not authorize "any transactions involving any person, including the Government of Syria, whose property or interests in property are blocked pursuant to the [Syrian Sanctions Regulations] or the Caesar Syria Civilian Protection Act of 2019." Members may consider to what extent current U.S. assistance to Kurdish authorities in northern Syria includes technical assistance for sanctions compliance—and whether or not additional resources should be provided in an effort to reduce instances of local authorities inadvertently transacting with sanctioned entities.

Early Recovery Projects

Through annual State and Foreign Operations appropriations legislation, Congress has specified that bilateral economic assistance and international security assistance should not be used in areas of Syria controlled by the Asad government.[130] Humanitarian assistance, by contrast, is provided throughout Syria, independent of political considerations and based solely on humanitarian need. Some Members have expressed concern about a subset of humanitarian assistance known as "early recovery." These Members argue that early recovery projects blur the boundaries between humanitarian assistance and reconstruction assistance. Successive Administrations have said the United States will not provide reconstruction assistance until the Asad government makes significant progress toward a political settlement to the conflict.

In June 2022, ranking member of the Senate Foreign Relations Committee Senator James Risch stated, "I'm deeply concerned with the administration's funding of so-called early recovery projects in regime-held areas. These activities cross the line against Caesar-prohibited reconstruction and opened the door to normalization with Assad."[131] Senator Risch added that, "it is my concern that the Administration's efforts have expanded beyond humanitarian access and into the realm of reconstruction."

In response, Assistant Secretary of State for Near Eastern Affairs Barbara Leaf stated that the United States will not "support efforts to normalize or rehabilitate Bashar al-Assad in any way; lift sanctions on the regime; or change our position opposing reconstruction in Syria until there is authentic, enduring progress towards a political solution."[132] In response to a Member question on how the Administration plans to ensure that early recovery projects do not benefit the Asad government, Leaf stated:

> Early recovery is really a subset of humanitarian assistance. It's what we've done for years in Syria as well as around the world. So it's a subset of humanitarian assistance. It's carried out by the same independent humanitarian actors, and it is squarely focused at the sort of micro level of society, the individuals, households, communities, strictly on need. So targeting the most vulnerable regardless of where they live, 60 percent of those in need live in regime-held areas around Syria, but it is not done at the direction of or by the government. It is done strictly by humanitarian actors who are independent.[133]

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[129] U.S. Congress, Senate Committee on Foreign Relations, *The Path Forward On U.S.-Syria Policy: Strategy And Accountability*, hearing, 117th Cong., 2nd sess., June 8, 2022.

[130] See, most recently, Consolidated Appropriations Act, 2022, Division K, Section 7041(j).

[131] U.S. Congress, Senate Committee on Foreign Relations, *The Path Forward On U.S.-Syria Policy: Strategy And Accountability*, hearing, 117th Cong., 2nd sess., June 8, 2022.

[132] Ibid.

[133] Testimony of Assistant Secretary of State for Near Eastern Affairs Barbara Leaf in U.S. Congress, House Foreign Affairs Subcommittee on Middle East, North Africa and Global Counterterrorism, *The Biden Administration's Policy*

USAID and the Department of State fund early recovery projects in Syria, which they define as "activities that aim to reduce immediate and protracted humanitarian needs by strengthening the self-reliance of affected populations, and improving individual, household, and community resilience, and therefore reducing dependence on external assistance."[134] The agencies base these programs on their assessments of humanitarian need across Syria.

Early recovery has been a stated part of the annual U.N. Humanitarian Response Plan (HRP) for Syria since 2013,[135] and language endorsing early recovery projects in Syria was introduced by Russia in U.N. Security Council Resolution 2585 (2021), which authorized cross-border assistance into Syria for an additional year.[136] According to the U.N. Secretary-General,

> Early recovery and livelihood activities represent one of three core pillars of the humanitarian response, in addition to providing life-saving and life-sustaining humanitarian assistance, and enhancing the prevention and mitigation of protection risks and responding to protection needs. In 2022, $1.1 billion, or 26 per cent, of the overall request for humanitarian aid to the Syrian Arab Republic is aimed at promoting early recovery and resilience.[137]

Early recovery and livelihood projects implemented by U.N. agencies in 2022 have included the rehabilitation of some sewerage and electricity networks, as well as the rehabilitation of facilities such as health clinics, bakeries, and classrooms.[138]

Members may consider the risk, expressed by one analyst, that "the restoration of essential services through early recovery will consolidate the Bashar al-Assad regime's grip on power, thus, lowering its desire to come to the negotiating table to arrive at a lasting settlement to the conflict."[139] On the other hand, some analysts and humanitarian workers express the view that early recovery, which "entails helping Syrians support themselves—rehabilitating local water infrastructure instead of delivering water by tanker truck, for example, or supporting agriculture and farmers' livelihoods instead of offering food handouts" is "the only way forward. We can't just keep giving to people forever. In no country in the world is this viable."[140]

The report accompanying the House committee version of the FY2023 State and Foreign Operations bill (H.Rept. 117-401) "encourages" the State Department and USAID to utilize humanitarian and stabilization funds to "help implement early recovery and resilience activities alongside increased support for lifesaving interventions in Syria."

Objectives in the Middle East and North Africa, hearings, 117th Cong., 2nd sess., June 22, 2022.

[134] LIG-OIR, *Quarterly Report to the United States Congress*, April 1, 2022-June 30, 2022, p.72.

[135] The Revised Syria Humanitarian Assistance Response Plan (2013) listed among its strategic objectives: "Expand humanitarian response to encompass early recovery, and restoration/stabilization of livelihoods, supporting the government in the rehabilitation of vital public services affected by the crisis and creating an environment for humanitarian assistance to enhance the resilience of affected communities."

[136] *Security Council Report*, "In Hindsight: Getting Across the Line on Syria's Cross-Border Mechanism," July 30, 2021, at https://www.securitycouncilreport.org/monthly-forecast/2021-08/getting-across-the-line-reaching-an-agreement-on-syrias-cross-border-mechanism.php.

[137] Report of the Secretary-General to the U.N. Security Council, S/2022/635, August 22, 2022, p 10.

[138] Ibid.

[139] Atlantic Council, "The politics of early recovery aid in Syria. Is it actually reconstruction aid?" February 8, 2022.

[140] Sam Heller, *Syrians Are Going Hungry. Will the West Act?*, The Century Foundation, June 7, 2021. See also Sam Heller, *"Early Recovery" Aid Can Provide Vital Relief to Syrians—If Donors Follow Through*, The Century Foundation, December 16, 2021.

Asad Government Finances

Members have sought to analyze and limit the sources of funding available to the Asad government; the FY2022 NDAA required the State Department to publish a report on the Asad family's sources of income.[141] Some Members criticized the final report, noting that they sought something "more comprehensive."[142] While there is broad congressional interest in measures that could reduce funds available to the Asad government, different views among Members have emerged in cases where measures potentially conflict with other foreign policy goals.

Captagon Trade

Production and trade of the amphetamine Captagon have emerged as a key source of funding for the Asad government. Syria's Captagon industry has been linked to the Syrian state, with reports noting a significant and unexplained increase in Syrian exports of precursor chemicals and industrial-sized production centers concentrated in regime-held areas.[143] Congress has sought to limit the Asad government's ability to profit from the Captagon trade. The Countering Assad's Proliferation Trafficking And Garnering of Narcotics Act (H.R. 6265, also known as the CAPTAGON Act) was introduced by Representative French Hill in December 2021, passed by the House in September 2022, and incorporated into the House-engrossed version of the FY2023 NDAA (Section 1229). It would require an interagency strategy to disrupt and dismantle drug trafficking networks linked to the Asad government, as well as information on the use of existing statutory authorities, including the Caesar Syria Civilian Protection Act, and the Foreign Narcotics Kingpin Designation Act. It also would require an assessment of current U.S. assistance and training programs to build counternarcotics capacity in countries receiving or transiting large shipments of Captagon.

Regional Gas Deal

In 2021, Syria, Egypt, Jordan, and Lebanon finalized a deal to import natural gas from Egypt and electricity from Jordan into Lebanon via Syria, generating criticism from some Members of Congress. In a February 2022 letter to Secretary of State Blinken, the ranking members of the Senate Foreign Relations Committee and the House Foreign Affairs Committee argued that the deal would "undoubtedly enrich the Assad regime and trigger U.S. sanctions under the Caesar Syria Civilian Protection Act."[144] In June 2022, Assistant Secretary Leaf stated that the Administration had "made no commitments" regarding sanctions exemptions or waivers, and would make a final determination after reviewing the finalized contracts.[145] In September, Lebanon's energy minister stated that the World Bank was seeking a number of prerequisites including an increase in tariffs and the establishment of an electricity regulatory authority

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[141] State Department, *Report to Congress on The Estimated Net Worth and Known Sources of Income of Syrian President Bashar Assad and His Family Members Section 6507 of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117-81)*.

[142] Elizabeth Hagedorn, "US report offers few clues on Assad family wealth," *Al Monitor*, April 29, 2022. See also, Adam Kredo, "How the Biden Admin Is Protecting Syria's Assad From Sanctions," *Washington Free Beacon*, April 29, 2022.

[143] For additional details, see New Lines Institute for Strategy and Policy, *The Captagon Threat: A Profile of Illicit Trade, Consumption, and Regional Realities*, April 2022.

[144] U.S. Senate Committee on Foreign Relations, "Risch, McCaul Express Concern over Biden Administration's Engagement in Lebanon, Syria, Jordan, Egypt Energy Deals," press release, February 1, 2022.

[145] U.S. Congress, Senate Committee on Foreign Relations, *The Path Forward On U.S.-Syria Policy: Strategy And Accountability*, hearing, 117th Cong., 2nd sess., June 8, 2022.

(ERA).[146] In November 2021, Lebanese authorities implemented a tariff increase; progress on an ERA appears to have stalled.

Legislative options for constraining a regional gas deal funded by the World Bank as a humanitarian project may be limited. Members could consider legislation directing U.S. representatives to international financial institutions to oppose and/or vote against any extension of loan credit to the Lebanese government that would include transfers (monetary or in-kind) to Syria—echoing prior legislation such as the Zimbabwe Democracy and Economic Recovery Act of 2001 (P.L. 107-99, also known as the ZDERA Act).

At the same time, Members may weigh the expected benefits to Syria from the deal—which reportedly include an in-kind transfer of 8% of electricity imports and 7%-10% of the natural gas imports[147]—against the expected benefits to Lebanon (up to six hours of additional electricity per day).[148] Lebanon's state power company currently provides about two to three hours of electricity a day,[149] triggering widespread blackouts and prompting some U.S. adversaries to attempt to fill the gap in basic service provision. In 2021, Hezbollah reportedly transported more than 1 million gallons of diesel fuel into Lebanon.[150] In September 2022, Iranian officials stated that Iran could provide Lebanon with 600,000 tonnes of fuel to help ease power shortages.[151]

Misuse of Aid Funds

Some Members have expressed concern regarding reports that some humanitarian assistance to Syria may be diverted to the Asad government, or otherwise misused.[152] In a March 2022 hearing on the humanitarian impact of the Syria conflict, Members sought information on the screening mechanisms used to ensure that humanitarian programs do not benefit the Asad government.[153]

In October 2022, a study entitled *UN Procurement Contracts in Syria: A "few" Bad Apples?* examined the extent to which private companies involved in human rights abuses benefit from the U.N. procurement process in Syria. The study found that "nearly 47% of procurement funding in Syria, during the period studied in the report, is estimated to have been awarded to risky or highly risky suppliers."[154] Examples of indicators that define a supplier as "very high risk" include cases in which the company or a person with significant control or ownership over the company

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[146] *The Syrian Observer*, "The Caesar Act and World Bank Terms Disrupt Egypt-Lebanon Gas Deal," September 21, 2022; see also Middle East Institute, "Power sector reforms are new Lebanese governments' ultimate test," September 27, 2021.

[147] Foundation for Defense of Democracies, "The White House Is Bending the Law on Syria Sanctions," May 12, 2022.

[148] Bryant Harris and Joyce Karam, "Arab states get cold feet over Egypt-to-Lebanon gas deal," *The National*, February 22, 2022.

[149] Wilson Center, "U.S. Policy on Lebanon: A Conversation with Assistant Secretary of State for NEA Ambassador Barbara Leaf", November 4, 2022.

[150] Ben Hubbard and Hwaida Saad, "With Fuel from Iran, Hezbollah Steps In Where Lebanon Has Failed," *New York Times*, September 16, 2021.

[151] Reuters, "Iran ready to offer Lebanon 600,000 tonnes of fuel, Al Manar TV reports," September 20, 2022.

[152] Natasha Hall, *Rescuing Aid in Syria*, CSIS, February 2022; Human Rights Watch, *Rigging the System: Government Policies Co-Opt Aid and Reconstruction Funding in Syria*, June 28, 2019. Other studies have found that aid diversion is a challenge across a range of conflicts. See, for example, CSIS, *Denial, delay, diversion: Tackling access challenges in an evolving humanitarian landscape*, October 30, 2019.

[153] U.S. Congress, House Committee on Foreign Affairs, Subcommittee on Middle East, North Africa, and Global Counterterrorism, *11 Years of War: The Humanitarian Impact of the Ongoing Conflict in Syria*, hearing, 117th Cong., 2nd sess., March 16, 2022.

[154] Syrian Legal Development Programme and Observatory of Political and Economic Networks, *UN Procurement*

- is a front for an individual or an entity involved in conflict-related human rights abuses;
- provided logistical or other types of support to the Syrian armed forces/government since 2011;
- financed and/or controlled the military operations of paramilitary groups; or
- has investments/is involved in urban redevelopment projects in areas affected by forced displacement and housing land and property rights violations.

The study also found that "the share of funds going to companies with owners sanctioned by the US, EU, or the UK was at least 23% (68 million USD)."[155] Separately, in October 2020, the Associated Press reported on an ongoing investigation regarding allegations of misspent funds and other abuses by the head of the World Health Organization's local office in Syria.[156]

Members could seek additional information on U.N. procurement efforts in Syria, or consider whether to implement some of the recommendations for donor states highlighted in the October 2022 report. Some of these recommendations include requesting human rights due diligence reports on local suppliers to improve oversight (as well as providing additional funds to conduct human rights risks assessments). Some Members previously have explored legislative options for increasing oversight of U.S. funding for U.N. programs in Syria. In the 116th Congress, Representatives Wilson, Kildee, Gonzalez, and Chabot introduced the Stop UN Support for Assad Act of 2019 (H.R. 4868), which would have prohibited U.S. funding for U.N. programs in Syria unless the Department of State certified that such funding (1) was delivered impartially; (2) did not directly provide material support to the Syrian government or associated forces; (3) adhered to the United Nations Supplier Code of Conduct; and (4) was vetted by an independent mechanism that reviews contract procurement in Syrian government-held areas.[157]

Ongoing Challenges

There are divergent views regarding how the United States should approach Syria policy going forward. One view—reflecting the approach of the Biden Administration to date—maintains that U.S. goals in Syria should remain limited. In mid-2022, the Departments of Defense and State reported to Congress that U.S. policy in Syria is focused on "practical and achievable goals," such as defeating the Islamic State and Al Qaeda, maintaining local cease-fires, and promoting accountability for Asad government crimes.[158]

This policy has faced criticism, including by one observer who contends that a limited approach focused on counterterrorism may prove destabilizing over the long term. He argues that the U.S. decision

> to work "by, with, and through" the SDF makes sense from a counterterrorism perspective.... The SDF is a problematic choice however, when it comes to other aspects of the larger struggle to defeat IS. Under U.S. auspices, the SDF has become the de facto governing authority, the "key powerbroker," over Arab majority areas that largely reject its legitimacy and view its governance as arbitrary, abusive, and discriminatory.... In

Contracts in Syria: A "few" Bad Apples? October 2022.

[155] Ibid.

[156] Associated Press, "WHO Syria boss accused of corruption, fraud, abuse, AP finds," October 20, 2022.

[157] Stop UN Support for Assad Act of 2019, H.R. 4868, Section 4.

[158] LIG-OIR, *Quarterly Report to the United States Congress,* April 1, 2022-June 30, 2022, p. 52.

> outsourcing local governance to the SDF, the U.S. is contributing to conditions in which local grievances thrive.[159]

The Administration policy has also faced criticism from some Members who argue that Administration efforts to date—focused on the delivery of humanitarian aid and the expansion of stabilization support in areas liberated from the Islamic State—"merely address symptoms of the underlying conflict and will ultimately fall flat in the absence of a broader diplomatic strategy to resolve the decade-long civil war."[160]

Another analyst characterized the Administration's approach as one of "ruthless pragmatism,"

> based on the implicit acknowledgement that President Bashar Assad has won and there is nothing anyone can do about it. Team Biden apparently believes that by coming to terms with this reality, the United States will stand a better chance of getting more aid to the people in Syria who need it, help the poor Lebanese, alter relations with Russia ... and peel the Syrians from the Iranians.[161]

This approach could lead the Administration to focus increasingly on stabilization and early recovery as a means of preventing the resurgence of the Islamic State while providing urgently needed humanitarian support. Such efforts would align with arguments made by some humanitarian actors and political observers. Following Russia's veto of a 12-month extension to the authorization for cross-border aid, some humanitarian actors argued that aid agencies may need to shift from humanitarian interventions focused on immediate needs to early recovery programs, such as support for agriculture and related critical infrastructure, stating that such programs can gradually decrease food insecurity and reliance on outside food aid.[162] Similarly, some political analysts have argued that the United States should devote more funds to early recovery programs in Syria, and that "the emphasis must shift from emergency aid toward stabilization and targeted reconstruction."[163]

While international and U.S. plans are for humanitarian assistance to continue to be implemented throughout Syria based on need, Congress may play a determining role in shaping whether, to what extent, and under what terms bilateral economic assistance can or should be expanded to regime-held areas, where the majority of Syria's population is concentrated. Members may debate the potential long-term risks and benefits of limiting bilateral assistance to areas of the country controlled by U.S.-backed forces.

Some experts have differed with the Biden Administration's policy, calling for the United States to exert greater pressure on the Asad regime and its allies. Advocates of this approach argue that the United States should increase economic pressure on the Asad government (including by potentially expanding secondary sanctions on countries dealing with sanctioned Syrian entities), as well as focus on efforts to force the withdrawal of Iran and Iran-backed militias from Syria. In this vein, congressional action could include legislation designed to seek to "close sanctions

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[159] Steven Heydemann, "Not by counterterrorism alone: Root causes and the defeat of the Islamic State group," Brookings Institution, February 17, 2022.

[160] House Foreign Affairs Committee, "Meeks, McCaul, Menendez, Risch Raise Concerns Over U.S. Policy in Syria," press release, January 11, 2022.

[161] Steven Cook, "Biden's Middle East Strategy Is Ruthless Pragmatism," *Foreign Policy*, January 7, 2022.

[162] See, for example, Sahar Atrache and Sabiha Khan, *Transforming Syria's Lifeline: A Plan for Sustaining Cross-Border Aid in Northwest Syria*, Refugees International, July 2022.

[163] Charles Lister, "Freeze and Build: A Strategic Approach to Syria Policy," Middle East Institute, March 2022. See also Sam Heller, *"Early Recovery" Aid Can Provide Vital Relief to Syrians—If Donors Follow Through*, The Century Foundation, December 16, 2021.

loopholes, thwart the pipeline deal, and make some sanctions against Assad and his allies mandatory."[164] One supporter of this position argues that "where UN aid is concerned, the Biden administration and Congress should work together to stop U.S. funds from going to the World Food Program and other UN agencies in Damascus until they do transparent due diligence on their contractors and subcontractors."[165]

This alternative approach would likely also face challenges. The expansion of secondary sanctions to countries economically engaged in Syria could implicate a growing number of U.S. regional allies, as countries such as Jordan, the United Arab Emirates, and Turkey explore outreach to Damascus. Efforts to stem the diversion of humanitarian assistance by the Asad government—if set as a prerequisite to the continued flow of aid—would impact millions of Syrian civilians who depend on such aid to meet their basic needs.

Ultimately, any approach to Syria could involve a series of trade-offs, where policymakers could try to clearly prioritize their objectives and potentially face limits to U.S. leverage in altering the course of the decade-long war.

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[164] Joel Rayburn, "The Vacuum In U.S. Syria Policy—And How To Fill It," Hoover Institution, September 6, 2022.
[165] Ibid.