

Sanctions, State Succession, and Syria's Reentry into Global Trade: Legal Pathways and Policy Challenges in a Post-Assad Era

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I. INTRODUCTION

Over the past decade, Syria has been subject to a complex web of economic sanctions imposed by a variety of international actors, including the United States, European Union, and the United Nations.¹ These sanctions, initially put in place to address human rights concerns and national security risks, have stymied economic growth and significantly impacted the Bashar al-Assad Regime.² However, with the

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1. See Exec. Order No. 13,666, 80 Fed. Reg. 12,947 (Mar. 8, 2015); See Council Decision 2013/255/CFSP, 2013 O.J. (L 147) 14 (EU sanctions on Syria); S.C. Res. 2042, U.N. Doc. S/RES/2042 (Apr. 14, 2012).

2. See U.S. DEP'T OF TREASURY, *Syria Sanctions—Inactive and Archived*, <https://ofac.treasury.gov/sanctions-programs-and-country-information/syria-sanctions-inactive-and-archived> (last visited Nov. 3, 2025); See Council Decision 2013/255/CFSP, 2013 O.J. (L 147) 14, ¶¶ 1-2

recent collapse of Bashar al-Assad's regime, and the emergence of a new Syrian Republic headed by Ahmed Al-Sharaa, many legal scholars and policymakers are likely to revisit the viability and legality of these sanctions under international law, especially if Syria continues to demonstrate political transition and reform.³

Under the leadership of Al-Sharaa, the new government has taken meaningful steps to distance itself from the previous regime.⁴ While the institutional transition remains fragile and ongoing, the symbolic end of Assad's personal rule has sparked cautious optimism about Syria's potential reengagement with the international community.⁵

The renewed interest in Syria's international trade status arises in part from the recognition that sanctions typically have a far-reaching humanitarian and economic effect, well outside the immediate targets often in government or military apparatus.⁶ In Assad-era Syria alone, the presence of such sanctions had forced the dictatorship into a form of narco empire, relying considerably on the production of Captagon, a highly addictive drug, to fund its military and state.⁷ As a consequence of these sanctions, the average Syrian's economic ability was significantly hampered, trapping many in poverty, when decades earlier Syria had one of the highest GDPs per capita in the region.⁸ If these measures remain

(stating sanctions aim to "end the violent repression" and promote "a democratic transition"); S.C. Res. 2042, U.N. Doc. S/RES/2042 (Apr. 14, 2012); U.N. Econ. & Soc. Comm'n for W. Asia, *Syria at War: Five Years On*, at 7-8 (2016).

3. See *Rethinking UN Sanctions on Syria's Interim Leaders*, INT'L CRISIS GRP. (Feb. 28, 2025), <https://www.crisisgroup.org/middle-east-north-africa/syria/rethinking-un-sanctions-syrias-interim-leaders>.

4. See *Syria's President al-Sharaa Forms New Transitional Government*, REUTERS (Mar. 30, 2025), <https://www.reuters.com/world/middle-east/syrias-president-al-sharaa-forms-new-transitional-government-2025-03-29/>; See *Syria Welcomes UN Resolution to Investigate Human-Rights Violations*, REUTERS (Apr. 4, 2025), <https://www.reuters.com/world/middle-east/syria-welcomes-un-resolution-investigate-human-rights-violations-2025-04-04/>.

5. See Robin Wright, *Syria After Assad*, NEW YORKER (Dec. 15, 2024), <https://www.newyorker.com/magazine/2024/12/23/syria-after-assad>.

6. Imti Choonara, Maurizio Bonati & Paul Jonas, *Economic Sanctions on Countries Are Indiscriminate Weapons and Should Be Banned*, 5 BMJ PEDIATRICS OPEN e001350 (2021), <https://bmjpaedsopen.bmj.com/content/5/1/e001350>.

7. Caroline Rose & Matthew Zweig, *What Will Happen to Assad's Secret Drug Empire?*, FOREIGN POL'Y (Jan. 16, 2025), <https://foreignpolicy.com/2025/01/16/syria-captagon-assad-hts-drug-trade/>.

8. World Bank, *GDP per Capita (Current US\$)—Syrian Arab Republic*, WORLD BANK OPEN DATA, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=SY> (last visited Nov. 3, 2025).

unchanged, they are likely to continue hindering humanitarian recovery and deterring foreign investment critical to rebuilding Syria's economy.⁹

As Al-Sharaa's Syrian Republic takes shape, questions arise about whether existing sanctions should remain intact as tools to enforce political accountability or to be relaxed to facilitate reconstruction and global commerce. The interplay between customary international law, the national legislation of sanctioning states, and the WTO's legal framework further complicates matters. Specifically, recent WTO disputes, the most prominent being *Russia-Measures Concerning Traffic in Transit*, signal a willingness by dispute settlement panels to scrutinize security related trade restrictions.¹⁰ This doctrinal shift could pave the way for fresh legal arguments about whether current sanctions on Syria still align with international legal obligations, or whether they no longer follow the intentions of the General Agreement on Tariffs and Trade (GATT) and related World Trade Organization (WTO) agreements.

At the same time, the possibility of Syria's reengagement with multilateral and regional trading systems offers an opportunity to assess how a "new" state might leverage international trade as a political instrument. If recognized broadly enough, a successor government may argue that it bears none of the legal obligations incurred by its predecessor.¹¹ Such a stance might open the door for negotiations on preferential trade agreements or create grounds to challenge existing sanctions in a relevant legal forum. Based on prior instances of long-term sanctions being renegotiated, such as in Sudan or Myanmar, it is plausible that states will re-engage sanction policy toward Syria as part of broader diplomatic negotiations.¹² Nations like Turkey have been quick to leverage the chance at reducing sanctions without international blowback as a means of securing its interests in the region.¹³ Parallel developments

9. *Lift Syria Sanctions Hindering Recovery*, HUM. RTS. WATCH (Feb. 18, 2025) <https://www.hrw.org/news/2025/02/18/us-eu-uk-lift-syria-sanctions-hindering-recovery>.

10. Panel Report, *Russia—Measures Concerning Traffic in Transit*, WTO Doc. WT/DS512/R (adopted Apr. 5, 2019).

11. See Vienna Convention on Succession of States in Respect of Treaties, Aug. 23, 1978, 1946 U.N.T.S. 3, https://legal.un.org/ilc/texts/instruments/english/conventions/3_2_1978.pdf.

12. See U.S. DEP'T OF STATE, *United States Lifting Select Sanctions on Sudan* (Jan. 13, 2017), <https://2009-2017.state.gov/r/pa/prs/ps/2017/01/266946.htm>; See EUR. EXTERNAL ACTION, *EU-Myanmar Relations*, https://www.eeas.europa.eu/node/4004_en#top (last visited Nov. 3, 2025).

13. See Asli Aydintaşbaş, *Topple, Tame, Trade: How Turkey is Rewriting Syria's Future*, EUR. COUNCIL ON FOREIGN REL. (Feb. 6, 2025), <https://ecfr.eu/article/topple-tame-trade-how-turkey-is-rewriting-syrias-future/>; See Erdogan, *Trump Discuss Ukraine, Syria, Defence, Issues, Turkey Says*, REUTERS (Mar. 16, 2025), <https://www.reuters.com/world/erdogan-trump-discuss-ukraine-syria-defence-issues-turkey-says-2025-03-16/>.

in Europe, the Middle East, and beyond hint that bilateral and regional agreements could also be instrumental in accelerating Syria's reintegration.¹⁴ If comprehensive WTO membership or broad sanction relief proves unattainable in the near term, workarounds, as done with Turkey, would undoubtedly become more common. Yet significant barriers remain. The legality of lifting sanctions quickly may conflict with the policy interests of those nations that initially imposed them for security and human rights purposes. Moreover, the complex and overlapping sanction frameworks of the U.S., EU, and United Nations require careful analysis to understand the procedures and legal justifications necessary for lifting or modifying broader trade restrictions.

This analysis begins by examining the historical and political background that led to the imposition of sanctions, with a particular emphasis being placed on the evolving status of the Syrian state and the reasoning behind the original sanction regimes. Next, it outlines the relevant international trade law frameworks, focusing on the WTO and GATT provisions, especially the Article XXI security exception. This is further expanded through a comparison with *Russia-Transit* in an effort to hypothesize a dispute resolution board's angle of approach in such a novel case.¹⁵ Against this backdrop, the analysis turns to how domestic sanctions regimes in the United States and the EU intersect with the broader United Nations sanctions architecture, with particular attention to the legal procedures and institutional mechanisms required to lift or amend these restrictions. By comparing Syria to other post-conflict economies, such as Sudan and Afghanistan, we can gain clearer insight into how states navigate renewed membership or reintegration into global trade systems. Finally, the analysis concludes with a discussion of the broader policy implications, weighing national security interests against humanitarian concerns, and evaluating the potential for negotiated or WTO mediated solutions; thus addressing the broader question of how international trade law can reconcile the necessary questions of security, justice, and economic rehabilitation in states recovering from conflict and significant governmental transition.

14. See Quitaba Idlbi, Charles Lister & Marie Forestier, *Reimagining Syria: A Roadmap for Peace and Prosperity Beyond Assad*, MIDDLE EAST INST. (Mar. 13, 2025), <https://mei.edu/publications/reimagining-syria-roadmap-peace-and-prosperity-beyond-assad>.

15. Panel Report, *Russia—Measures Concerning Traffic in Transit*, ¶ 7.82, WTO Doc. WT/DS512/R (adopted Apr. 5, 2019); Pramila Crivelli & Mona Pinchis-Paulsen, *Separating the Political from the Economic: The Russia–Traffic in Transit Panel Report*, 20 WORLD TRADE REV. 582 (2021), <https://www.cambridge.org/core/journals/world-trade-review/article/separating-the-political-from-the-economic-the-russia-traffic-in-transit-panel-report/97C7F7F3BAD44B9F4B7C392CA5657FE1>.

II. HISTORICAL AND POLITICAL BACKGROUND

The imposition of economic sanctions on Syria traces back to the early 2000s. However, with the outbreak of the Syrian civil war, which intensified significantly in 2011, many states have placed significant restrictions on trade.¹⁶ What initially began as targeted measures aimed at government officials and state entities engaged in various alleged human rights violations, evolved into a broad-based set of sanctions intended to cripple the Syrian economy and undermine Bashar al-Assad's government.¹⁷ The U.S., EU, and various other international actors enacted these sanctions as part of a concerted effort to pressure the regime into ceasing violent crackdowns on political opposition and engaging in pro-democratic reforms.¹⁸ Particularly in its earliest days, and riding the wave of the Arab Spring, many states saw the fledgling rebel movement as an opportunity to bring systemic change to Syria after decades of dictatorship.¹⁹ It is important to recognize that, in the early stages of the conflict, a substantial segment of the rebel forces was genuinely pro-democratic in orientation. It was only in the later phases of the war that jihadist movements gained prominence and ultimately supplanted the original opposition groups.²⁰ Over time, these measures also encompassed freezing assets of key regime supporters, restricting foreign currency reserves, and curtailing investment in Syria's vital oil and gas sector.²¹ In later stages of the conflict, the Assad regime's loss of control over Syria's oil-rich eastern regions, particularly to the U.S.-backed Syrian Democratic Forces, which included significant Kurdish elements, had profound economic consequences.²² The near-total loss of domestic oil

16. See White House, *Syria Sanctions*, Fact Sheet (Aug. 18, 2011).

17. Gary Clyde Hufbauer et al., *Economic Sanctions Reconsidered*, 3d ed. (Peterson Inst. for Int'l Econ. 2007).

18. See COUNCIL OF THE EUROPEAN UNION, Press Release, *Syria: EU Renews Sanctions Against the Regime for Another Year* (May 30, 2022), <https://www.consilium.europa.eu/en/press/press-releases/2022/05/30/syria-eu-renews-sanctions-against-the-regime-for-another-year/>; *Syria Sanctions*, *supra* note 2.

19. *Syria: The Story of the Conflict*, BBC NEWS, (Mar. 11, 2016), <https://www.bbc.com/news/world-middle-east-26116868>.

20. See Heiko Wimmen, *Syria's Path From Civic Uprising to Civil War*, CARNEGIE ENDOWMENT FOR INT'L PEACE (Nov. 22, 2016), <https://carnegieendowment.org/research/2016/11/syrias-path-from-civic-uprising-to-civil-war?lang=en>.

21. See Council Regulation (EU) No 36/2012, 2012 O.J. (L 16) 1 (restrictive measures concerning Syria's oil and gas sector, asset freezes, and financial restrictions); *Syria Sanctions*, *supra* note 2.

22. See *Syria's Energy Sector and Its Impact on Stability and Regional Developments*, ATLANTIC COUNCIL (Jan. 7, 2025), <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/syrias-energy-sector-and-its-impact-on-stability-and-regional-developments/>.

revenue severely undermined the regime's fiscal capacity.²³ In response, the government increasingly turned to illicit activities, most notably the production and trafficking of narcotics such as Captagon, contributing to the emergence of a quasi-narco state by the time of its eventual collapse.²⁴ While these actions had partial success in isolating the Syrian government from global financial and trade networks, they also generated extensive debate regarding their humanitarian consequences, particularly the sanctions' outsized impact on civilian populations, who often faced critical shortages of essential goods and medical supplies.²⁵ Some scholars contend that these sanctions, and the widespread poverty they produced, played a significant role in the eventual rise of ISIS, as economically marginalized Syrians became increasingly vulnerable to radicalization by extremist groups.²⁶

Although, in recent months the situation remains fluid, the international community is cautiously exploring the possibility of engaging with Syrian institutions under new leadership.²⁷ Political factions opposed to the previous regime contend that any lingering sanctions unfairly burden citizens and inhibit the country's economic revival.²⁸ At the same time, proponents of maintaining sanctions point to ongoing concerns about regional stability, accountability for past atrocities, and the risk that newly formed power structures could recreate old patterns of repression.²⁹ Given prior associations with fundamentalist elements, some observers predict that elements of religious law could reemerge if power-sharing arrangements fail or radical factions gain

23. *Id.*

24. Hadeed Al-Shalchi & Greg Myre, *How the Assads Used the Civil War to Turn Syria into a Narco State*, NPR (Dec. 19, 2024), <https://www.npr.org/2024/12/19/g-s1-38514/assad-syria-narco-state>; Ben Hubbard & Hwaida Saad, *On Syria's Ruins, a Drug Empire Flourishes*, N.Y. TIMES (Dec. 5, 2021), <https://www.nytimes.com/2021/12/05/world/middleeast/syria-drugs-captagon.html>.

25. Office of the U.N. High Comm'r for Human Rights, Press Releases, *Independent International Commission of Inquiry on the Syrian Arab Republic*, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/press-releases> (last visited Nov. 3, 2025).

26. See *Exploiting Disorder: al-Qaeda and the Islamic State*, CRISIS GROUP (Mar. 14, 2016), <https://www.crisisgroup.org/global/exploiting-disorder-al-qaeda-and-islamic-state>.

27. *Independent International Commission of Inquiry on the Syrian Arab Republic*, *supra* note 25.

28. See Council of the European Union, Press Release, *Syria: EU Suspends Restrictive Measures on Key Economic Sectors* (Feb. 24, 2025), <https://www.consilium.europa.eu/en/press/press-releases/2025/02/24/syria-eu-suspends-restrictive-measures-on-key-economic-sectors/>; Nik Martin, *Syria After Assad: What's Next for the Devastated Economy?*, DW, <https://www.dw.com/en/syria-after-assad-whats-next-for-the-devastated-economy/a-71003751>.

29. Vienna Convention on Succession of States in Respect of Treaties arts. 16-17, Aug. 23, 1978, 1946 U.N.T.S. 3.

influence.³⁰ These tensions underscore the central question of how international sanctions intersect with the doctrine of state continuity versus state succession. Such issues become especially critical when a successor government rejects its predecessor's legal obligations or seeks to establish new terms for its international agreements.³¹

Taking this into account, the legal and political character of sanctions on Syria are further complicated by the vast and intricate patchwork of domestic and international rules that govern their application and potential removal. At the broadest level, United Nations Security Council Resolutions have established a foundation for collective measures, reflecting the severity with which the international community regarded the original Syrian crisis.³² In the case of the United States, it wields multiple statutory and executive authorities that collectively restrict trade, financial transactions, and travel.³³ In particular the *Countering America's Adversaries Through Sanctions Act* (CAATSA) and various executive orders have been used extensively when targeting other states with sanctions. Similar to many aspects of international law, these overlapping, and at times divergent, sanction regimes result in an often difficult, if not impossible, system when any actor attempts to do business with Syria.

In practical terms, the effect of these sanctions has been profound through the bureaucratic burden placed on international business.³⁴ Syrian businesses have faced near-total isolation from Western banking systems, and foreign entities seeking to trade with or invest in the country must navigate an array of permitting requirements and compliance risks.³⁵ In some situations, particularly humanitarian organizations, businesses can secure exemptions or special licenses to operate or deliver aid, yet

30. Nicolas Pelham, *The Great Pretender: How Ahmed al-Sharaa Won Syria*, *ECONOMIST* (Mar. 5, 2025), <https://www.economist.com/1843/2025/03/05/the-great-pretender-how-ahmed-al-sharaa-won-syria>.

31. S.C. Res. 2254, U.N. Doc. S/RES/2254 (Dec. 18, 2015); S.C. Res. 2118, U.N. Doc. S/RES/2118 (Sept. 27, 2013).

32. See Council of the European Union, Press Release, *Syria: EU Suspends Restrictive Measures on Key Economic Sectors* (Feb. 24, 2025), <https://www.consilium.europa.eu/en/press/press-releases/2025/02/24/syria-eu-suspends-restrictive-measures-on-key-economic-sectors/>.

33. *Countering America's Adversaries Through Sanctions Act*, PUB. L. NO. 115-44, 131 Stat. 886 (2017); Exec. Order No. 13,582, 76 Fed. Reg. 52,209 (Aug. 18, 2011).

34. Timour Azhari, *Sanctions on Syrian Banks Choke Recovery Hopes, Investment Chief Says*, *REUTERS* (Feb. 10, 2025), <https://www.reuters.com/world/middle-east/sanctions-syrian-banks-choke-recovery-hopes-investment-chief-says-2025-02-10/>.

35. *Id.*

bureaucratic hurdles often impede timely assistance on the ground.³⁶ Over time, some critics argue sanctions have contributed to Syria's humanitarian crises by restricting the availability of critical medical supplies, construction materials, and infrastructure support, more so than the conflict itself.³⁷ Even so, defenders of sanctions maintain that such measures represent one of the few nonmilitary coercive tools available to the international community to address systemic human rights abuses and deter state-sponsored violence.³⁸

The transition to Al-Sharaa's Syrian government raises vital questions about whether these sanctions, originally designed to penalize a particular regime if not Bashar al-Assad himself, should remain in force when the governing structure they targeted may no longer exist.³⁹ On one hand, a successor government might claim a "clean slate" in its external relations, insisting it neither endorsed nor participated in the prior regime's misconduct.⁴⁰ On the other hand, the international community may argue that certain obligations, or expectations, persist despite internal political changes.⁴¹ States will likely retain sanctions in the short term as leverage, particularly during early diplomatic engagements with Al-Sharaa's government. These debates mirror broader conversations about state succession in public international law, wherein newly formed or dramatically restructured governments often confront the legal and treaty obligations of their predecessors.⁴²

Beyond questions of state continuity, the practical demand for reconstruction financing and foreign direct investment intensifies the urgency of sanctions relief. Rebuilding critical infrastructure, such as

36. *Questions and Answers: How Sanctions Affect Humanitarian Response in Syria*, HUM. RTS. WATCH (June 22, 2023), <https://www.hrw.org/news/2023/06/22/questions-and-answers-how-sanctions-affect-humanitarian-response-syria>.

37. Karin Strohecker & Libby George, *Syria's New Leaders Face Economy Decimated by War and Sanctions*, REUTERS (Jan. 6, 2025), <https://www.reuters.com/world/middle-east/syrias-new-leaders-face-economy-decimated-by-war-sanctions-2025-01-06/>.

38. Marcus Boomen, *Effectiveness and Ethics of Economic Sanctions*, SEVEN PILLARS INST. FOR GLOBAL FIN. & ETHICS (July 16, 2014), <https://sevenpillarsinstitute.org/effectiveness-and-ethics-of-economic-sanctions/>.

39. Patrick Dumberry, *State Succession to Bilateral Treaties: A Few Observations on the Incoherent and Unjustifiable Solution Adopted for Secession and Dissolution of States under the 1978 Vienna Convention*, 28 LEIDEN J. INT'L L. 13, 15-20 (2015).

40. *Id.* at 16-17 (arguing for the *tabula rasa* approach where a successor state should not automatically be bound by its predecessor's treaties).

41. *Id.* at 18 (criticizing the 1978 Convention's imposition of automatic continuity in secession and dissolution cases).

42. *Id.* at 19-20 (concluding that bilateral treaty succession must ultimately depend on mutual consent of the parties).

roads, hospitals, and schools, will require substantial external support and capital.⁴³ Similarly, with radicalism being such a prominent issue, providing economic opportunity to a poverty afflicted nation may provide an alternative to further conflict. Some experts predict that reconstruction needs in Syria could reach into the hundreds of billions of dollars.⁴⁴ Under a strict sanctions regime, private investors are typically reluctant to engage, fearing legal repercussions and reputational risks. Now, in a post-active conflict setting, lifting or modifying sanctions can serve as a key incentive for foreign stakeholders to participate in redevelopment and provide a sense of security for their investments.⁴⁵ Conversely, certain nations and institutions will be hesitant to greenlight reconstruction aid unless tangible reforms or accountability measures are in place to ensure that any new leadership does not perpetuate the abuses of the past.⁴⁶

III. LEGAL FRAMEWORK UNDER INTERNATIONAL TRADE LAW

The application and removal of economic sanctions in the context of international trade are governed by a complex framework of treaties, customs, and dispute resolution precedents, most notably within the structures established by the WTO.⁴⁷ Central to these concerns are the rules and obligations articulated under the GATT, which serves as a foundational instrument for regulating international commerce and enforcing market access and nondiscrimination principles among states.⁴⁸

The structure of WTO law is fundamentally rooted in a “hierarchy of norms” that emphasizes predictability, transparency, and non-discrimination.⁴⁹ Core GATT provisions, such as Articles I, known as the “Most Favored Nation” and III, “National Treatment,” establish baseline expectations that member states will not discriminate against imports based on origin, and impose protectionist policies favoring domestic

43. WORLD BANK, *The Toll of War: Economic and Social Impact Analysis of the Conflict in Syria* (July 10, 2017).

44. *Id.*

45. Nik Martin, *Syria after Assad: What's Next for the Devastated Economy?*, DW, <https://www.dw.com/en/syria-after-assad-whats-next-for-the-devastated-economy/a-71003751>.

46. Council of the European Union, *Foreign Affairs Council, 16 April 2018*, <https://www.consilium.europa.eu/en/meetings/fac/2018/04/16/>.

47. *Stages in a Typical WTO Dispute Settlement Case*, WORLD TRADE ORG., https://www.wto.org/english/tratop_e/dispu_e/dispu_settlement_cbt_e/c6s10p1_e.htm (last visited Nov. 3, 2025).

48. Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, 1867 U.N.T.S. 154.

49. *What We Stand For*, WORLD TRADE ORG., https://www.wto.org/english/thewto_e/whatis_e/what_stand_for_e.htm (last visited Nov. 3, 2025).

industries. These foundational rules are meant to create a level playing field, but they include a few notable workarounds. Exceptions such as Article XX and Article XXI carve out permissible departures, including those necessary to protect national security or public morals from these otherwise strict rules.⁵⁰

The exceptions set forth in GATT Article XXI are especially significant in the context of sanctions regimes, such as those imposed on Syria.⁵¹ These are known as the “National Security Exception,” which permits WTO members to deviate from their obligations under specific conditions involved in essential national security interests.⁵² Historically, Article XXI provided states with considerable freedom to adopt measures, such as economic sanctions, without significant oversight or judicial scrutiny.⁵³ Yet recent developments in WTO rulings have shifted this landscape, marking a decisive pivot toward more rigorous oversight and judicial assessment.

In 2019, the WTO issued a landmark panel decision in *Russia-Measures Concerning Traffic in Transit*, which fundamentally changed interpretations of the national security exception.⁵⁴ Prior to this ruling most states acted under the presumption that Article XXI’s application was essentially self-controlled.⁵⁵ States could therefore unilaterally determine what qualified as an “essential security interest,” which effectively insulated themselves from WTO control.⁵⁶ However, the *Russia-Transit* panel explicitly rejected this discretion, instead establishing that such measures are reviewable by the WTO dispute resolution panel.⁵⁷ This was further narrowed regarding whether measures taken meet the criteria set out in Article XXI(b).⁵⁸ The panel introduced a structured test requiring that measures be taken “in time of war or other emergency in international relations,” that they be acted in good faith, and

50. World Trade Organization, *GATT 1994 Article XX (General Exceptions)*, in *Analytical Index: Guide to WTO Law and Practice* (10th ed. 2012); World Trade Organization, *GATT 1994 Article XXI (Security Exceptions)*, in *Analytical Index: Guide to WTO Law and Practice* (10th ed. 2012).

51. *Id.*

52. *Id.*

53. Roger P. Alford, *The Self-Judging WTO Security Exception*, 2011 UTAH L. REV. 697, 700 (2011).

54. Panel Report, *Russia—Measures Concerning Traffic in Transit*, ¶ 7.77-7.83, WTO Doc. WT/DS512/R (adopted Apr. 5, 2019).

55. Alford, *supra* note 53.

56. Mona Pinchis-Paulsen, *Trade Multilateralism and U.S. National Security: The Making of the GATT Security Exceptions*, 41 MICH. J. INT’L L. 109, 118–19 (2020).

57. *Russia—Measures Concerning Traffic in Transit*, *supra* note 54.

58. *Id.* at ¶ 7.82.

that a plausible nexus exists between the measure and the security interest invoked.⁵⁹ The panel essentially clarified that states are not wholly free to invoke national security arbitrarily, creating a precedent that profoundly influences contemporary discussions on economic sanctions as not only was a standard created but the standard was relatively high.⁶⁰

Applying this jurisprudence to the Syrian context immediately raises significant legal questions. First, it calls into question whether ongoing sanctions continue to meet Articles XXI's criteria. If a WTO member were to challenge these sanctions, a panel would need to assess Syria's circumstances all over again. More specifically, a panel would need to determine whether Syria's circumstances still constitute an "emergency in international relations" under Article XXI(b)(iii).⁶¹ With this new interpretation, the language of "emergency" has been interpreted to imply situations of heightened tension or crisis, not merely policy disagreements or diplomatic friction.⁶² Thus, a crucial factor would be the extent to which the situation in Syria has evolved since sanctions were initially imposed. If Syria successfully established stability and governance reforms under new leadership, the legal justification for maintaining a state of emergency may be weakened considerably.

Further, the WTO jurisprudence raises another key issue: good faith implementation of sanctions.⁶³ Such measures could face increased risk of invalidation by WTO panels if they are deemed disproportionate or unrelated to a present day emergency in international relations. As stated before, self-serving nations who intend to use sanctions as a means to extract concessions from Syria may fall short for this very reason. In Syria's case, sanctions aimed at curbing human rights abuses may lack proportionality if they persist after a substantial regime change and clear evidence that such abuses have ceased.⁶⁴ This introduces complex considerations regarding the burden of proof for both parties in a dispute. WTO jurisprudence, such as the 2014 *China-Rare Earths* decision, emphasizes that trade restrictions justified under exceptions must be narrowly tailored to address specific concerns, rather than serving as overly broad or punitive measures.⁶⁵ In such disputes, the defending state

59. *Id.* at ¶ 7.77-7.83.

60. *Id.*

61. General Agreement on Tariffs and Trade art. XXI, Oct. 30, 1947, 61 Stat. A-11, 55 U.N.T.S. 194 [hereinafter GATT].

62. *Russia—Measures Concerning Traffic in Transit*, *supra* note 54, at ¶¶ 7.76-7.77.

63. *Id.* at ¶ 7.132.

64. *Boomen*, *supra* note 38.

65. Appellate Body Report, *China—Measures Related to the Exportation of Rare Earths, Tungsten, and Molybdenum*, WTO Doc. WT/DS431/AB/R (adopted Aug. 29, 2014).

bears the burden of justifying its reliance on exceptions under WTO rules.⁶⁶

These developments suggest that Syria and states supportive of its reintegration into international trade could plausibly challenge the continued enforcement of sanctions by invoking WTO principles and contesting the use of national security exceptions. However, a key structural obstacle remains: although Syria has submitted an application to join the WTO, it is not yet a member and therefore cannot directly access the organization's dispute settlement mechanisms.⁶⁷ Until accession is complete, any legal challenges would need to be advanced through sympathetic third-party member states.⁶⁸ Nonetheless, Syria's accession process itself presents an opportunity to address existing sanctions and related trade barriers. A newly recognized government could use accession negotiations to argue that maintaining such sanctions undermines core WTO commitments, particularly the principles of nondiscrimination and market access.⁶⁹ These claims would need to be carefully reassessed as part of Syria's path toward membership.

Another potentially significant route for Syria's reentry into international trade could be through bilateral or regional trade agreements outside of the WTO framework. Given Syria's geographical position and historical trade ties, regional partnerships present possible alternatives to bypass these existing Western led sanctions.⁷⁰ Nations that have traditionally opposed the United States or the West, such as Russia, China, or Iran, could provide such opportunities in exchange for concessions themselves. Such partnerships would operate separately from these large multilateral trade rules, allowing participating states more ability to craft mutually beneficial trade arrangements. It is worth mentioning that any agreement with Syria could draw scrutiny and secondary retaliatory sanctions from the United States or the European Union, which maintain robust extraterritorial sanction enforcement mechanisms in order to prevent these very workarounds.⁷¹ Therefore, potential partners will likely conduct careful cost benefit analysis before fully normalizing trade

66. *Id.* at ¶ 5.59-5.63.

67. *Understanding on Rules and Procedures Governing the Settlement of Disputes* art. 1.1, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 2, 1869 U.N.T.S. 401, https://www.wto.org/english/docs_e/legal_e/28-dsu_e.htm.

68. *Id.*

69. *Id.*

70. *Syria after Assad*, *supra* note 45.

71. See U.S. DEP'T OF TREASURY, *Syria Sanctions—Inactive and Archived*, <https://ofac.treasury.gov/sanctions-programs-and-country-information/syria-sanctions-inactive-and-archived> (last visited Nov. 3, 2025).

relations. This would undoubtedly complicate Syria's capability for rapid reintegration into international trade networks, and given the relatively low level of exports and trade value they may provide it may be a hard sell to prove that risk is worth taking.⁷²

It is also worth noting that in support of Syria's potential reentry into the international trade system there have been early indicators of legislative or policy momentum, albeit cautious and fragmented. Notably, some regional lawmakers in Lebanon and Iraq have floated proposals to create limited trade corridors and customs exemptions for goods entering and exiting through Syrian territory.⁷³ Even during the Assad-era, in 2018, Jordan's Ministry of Economy quietly explored reopening cross border trucking routes that had long served as a lifeline for its own export industries.⁷⁴ Jordan has periodically reopened and reclosed the Nassib-Jaber border crossing with Syria a number of times, illustrating how governments within the region often weigh trade benefits against geopolitical and reputational risks.⁷⁵

Meanwhile, several think tanks and scholars have proposed conditional reintegration mechanisms, such as "humanitarian trade zones" or phased sanctions relief tied to economic benchmarks.⁷⁶ For example, a 2016 policy brief by the European Council on Foreign Relations suggested that easing restrictions on Syrian agricultural exports could both benefit civilians and incentivize cooperation with international institutions.⁷⁷ This idea was specifically introduced as rural areas pose a relatively low risk sector in terms of government entrenchment and enrichment.⁷⁸ These types of proposals reflect growing awareness among

72. See Observatory of Econ. Complexity, *Syria*, <https://oec.world/en/profile/country/syr> (last visited Apr. 3, 2025); See Jared Malsin, *Syria Faces 41% Tariffs Despite Little Direct Trade with U.S.*, WALL ST. J. (Apr. 3, 2025), <https://www.wsj.com/livecoverage/trump-tariffs-trade-war-stock-market-04-03-2025/card/syria-faces-41-tariffs-despite-little-direct-trade-with-u-s-8nfQOc4RUFFaPbiabjBN>.

73. *Syria-Iraq Trade: Stalled at the Doorstep of Politics*, SHAFaq NEWS (Mar. 2025), <https://shafaq.com/en/Report/Syria-Iraq-Trade-Stalled-at-the-doorstep-of-politics>.

74. Chloe Cornish, *Reopening of Syria-Jordan Border Revives Regional Trade*, FINANCIAL TIMES (Oct. 30, 2018), <https://www.ft.com/content/e580c1a6-d6de-11e8-aa22-36538487e3d0>.

75. *Id.*

76. Open Doors, *Policy Brief: Recommendations for International Support to Syria* (Sep. 2024), <https://www.opendoors.org/en-US/research-reports/advocacy-resources/syria-policy-brief-september-2024>.

77. Jihad Yazigi, *No Going Back: Why Decentralisation Is the Future for Syria*, EUR. COUNCIL ON FOREIGN RELS. (Sep. 6, 2016), https://ecfr.eu/publication/no_going_back_why_decentralisation_is_the_future_for_syria7107/.

78. *Id.*

policymakers that large blanket sanctions may no longer serve their intended strategic purpose and would instead be restructured to promote stability and accountability.

IV. DOMESTIC AND REGIONAL SANCTIONS REGIMES

The economic sanctions imposed upon Syria, though informed by international principles, are manifested through specific domestic or alternatively regional regulatory frameworks. Particularly those by the U.S., EU, and the United Nations, these frameworks form layers of regulation that often intersect or overlap. It is important to note, however, each of these sanction regimes have unique frameworks, and more importantly, objectives, that are often altered based on the policy needs of a given organization. Together they create a multilayered legal environment through which, lifting or modification of these sanctions can prove very difficult.

A. *United States Sanctions Framework*

The United States maintains one of the most comprehensive sanctions regimes against Syria in the world.⁷⁹ Implemented primarily through executive orders and congressional legislation, this regime covers most aspects of Syrian life. The initial sanctions were imposed under Executive Order 13338, signed originally by President George W. Bush in 2004, specifically in response to Syria's increasingly destabilizing role in the region.⁸⁰ Over time, these sanctions broadened significantly through subsequent executive orders and legislative actions.⁸¹ The enactment of the Caesar Syria Civilian Protection Act of 2019 (the "Caesar Act") particularly intensified the economic isolation.⁸² This act went to lengths to target specific individuals as well as organizations, financial institutions supporting the Syrian regime or institutions associated with critical sectors of the Syrian economy such as oil, gas, construction, and

79. Cristina Cirlig, *Time to Lift the International Sanctions on Syria?*, EUR. PARL. THINK TANK (Mar. 2025), [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2025\)767245](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2025)767245).

80. Exec. Order No. 13,338, 69 Fed. Reg. 26,751 (May 11, 2004).

81. See Exec. Order 13,399, 71 Fed. Reg. 25,499 (Apr. 25, 2006); See Exec. Order 13,460, 73 Fed. Reg. 8,993 (Feb. 13, 2008); See Exec. Order 13,572, 76 Fed. Reg. 24,787 (Apr. 29, 2011).

82. *Caesar Syria Civilian Protection Act of 2019*, PUB. L. No. 116-92, §§ 7401-7411, 133 Stat. 2291, <https://www.congress.gov/bill/116th-congress/house-bill/31/text>.

banking.⁸³ The Act explicitly links sanctions relief to substantial political reforms and accountability measures for past human rights violations.⁸⁴

Sanctions enforcement is managed primarily by the U.S. Treasury Department's Office of Foreign Assets Control (OFAC), which maintains strict prohibitions on U.S. persons' financial transactions with Syria, restricts all asset transfers, and limits access to global financial markets.⁸⁵ While OFAC provides mechanisms for general and specific licenses that allow certain humanitarian activities, the bureaucratic complexities involved in obtaining these licenses often delay critical humanitarian interventions.⁸⁶ The intricate compliance tools, combined with the strong extraterritorial reach of U.S. sanctions, has led to a significant dissuasion for international businesses and investors from engaging with Syria.⁸⁷

While U.S. sanctions have been consistent in rhetoric, enforcement has oftentimes reflected broader geopolitical shifts. During the Obama administration, diplomatic engagement with Iran through the Joint Comprehensive Plan of Action (JCPOA) prompted temporary recalibrations of enforcement, whereas the Trump Administration's maximum pressure campaign renewed focus on Syria as a proxy battleground with geopolitical opponents.⁸⁸ Within Congress, there have been unsuccessful efforts to introduce legislation that would loosen restrictions in cases of verifiable humanitarian need, including proposals by members of the House Foreign Affairs Committee that ultimately stalled amid concerns over enforcement loopholes.⁸⁹ More recently, public backlash to the humanitarian impact of the sanctions has grown, particularly after the 2023 earthquakes in northern Syria and Turkey, when aid groups reported delays and denials due to compliance

83. *Id.*

84. *Id.* at § 7412.

85. U.S. DEP'T OF TREASURY, *Syria Sanctions—Inactive and Archived*, <https://ofac.treasury.gov/sanctions-programs-and-country-information/syria-sanctions-inactive-and-archived> (last visited Mar. 6, 2025).

86. Human Rights Watch, *Questions and Answers: How Sanctions Affect Humanitarian Response in Syria* (June 22, 2023), <https://www.hrw.org/news/2023/06/22/questions-and-answers-how-sanctions-affect-humanitarian-response-syria>.

87. Timour Azhari, *Sanctions on Syrian Banks Choke Recovery Hopes, Investment Chief Says*, REUTERS (Feb. 10, 2025), <https://www.reuters.com/world/middle-east/sanctions-syrian-banks-choke-recovery-hopes-investment-chief-says-2025-02-10/>.

88. Suzanne Maloney, *Under Trump, U.S. Policy on Iran Is Moving from Accommodation to Confrontation*, BROOKINGS (May 11, 2017), <https://www.brookings.edu/articles/under-trump-u-s-policy-on-iran-is-moving-from-accommodation-to-confrontation/>.

89. Maya Gebeily, *Two U.S. Lawmakers Push for Some Syria Sanctions Relief After Assad's Fall*, REUTERS (Dec. 11, 2024), <https://www.reuters.com/world/two-us-lawmakers-push-some-syria-sanctions-relief-after-assads-fall-2024-12-11/>.

uncertainty.⁹⁰ This has sparked a renewed push among NGOs and legal scholars for OFAC reform and clearer humanitarian exemption protocols.⁹¹

B. European Union Sanctions Framework

The EU similarly maintains a rather robust sanctions regime. This regime is grounded in its Common Foreign Security Policy (CFSP), implemented through various EU council regulations and decisions. Among the most influential measures is Council Regulation (EU) No. 36/2012, which introduced restrictions such as asset freezes, travel restrictions, and general prohibitions on the import and export of critical goods, once again within the energy and financial sectors.⁹² These sanctions were designed specifically to target Assad's war making ability, and place pressure on the Syrian government into ceasing violent repression and encouraging more democratic processes.⁹³ In contrast to the U.S. unilateral sanctions, the EU's measures reflect the collective action among member states and require regular unanimous renewals by the EU Council.⁹⁴ Because of this process, it provides structural opportunities for reconsideration that are not found in other similar sanction regimes. Recent EU discussions on suspending or easing sanctions in light of Syria's changing political dynamics have gained the most traction for this very reason.⁹⁵ Similar to U.S. regulations, the EU sanctions regime provides exemptions for humanitarian purposes and certain civilian activities although humanitarian organizations and businesses still encounter administrative hurdles when seeking exemptions or licenses.

Up until this most recent regime change, the EU's internal policy making has also exposed rifts in its sanction strategy. Member states like Hungary and Greece have pushed for partial normalization with Syria,

90. Erica Moret, *Effectiveness of Humanitarian Exceptions to Sanctions: Syria Earthquake Lessons*, CARTER CTR. (July 11, 2023), https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/syria-conflict/2023/effectiveness-of-humanitarian-exceptions-to-sanctions-syria-earthquake-lessons.pdf.

91. *Id.*

92. Council Regulation No. 36/2012, *supra* note 21.

93. Council of the European Union, *Foreign Affairs Council* (Apr. 16, 2018), <https://www.consilium.europa.eu/en/meetings/fac/2018/04/16/>.

94. *How the EU Adopts and Reviews Sanctions*, COUNCIL OF THE EUR. UNION (Apr. 12, 2024), <https://www.consilium.europa.eu/en/policies/sanctions-adoption-review-procedure/>.

95. *Syria: EU Suspends Restrictive Measures on Key Economic Sectors*, *supra* note 28.

specifically citing migration pressure and regional security coordination.⁹⁶ Meanwhile, Nordic countries and Germany had advocated maintaining maximum pressure absent concrete reforms.⁹⁷ These diverging positions have led to a scenario where the “lowest common denominator” renewals that maintain sanctions but delay or avoid comprehensive strategic review. While the political situation may be markedly different than under Assad these political divisions may still be present within the EU. Countries that seek to incentivize Syrian development and democratization may now encourage lifting regimes while other countries may feel more vindictive as their interests are now opposed. An entirely possible scenario could be a policy switch, wherein Germany and Nordic countries now advocate for removing sanctions while states like Greece or Hungary may oppose their removal.

C. *United Nations Sanctions Framework*

United Nations sanctions constitute another significant layer in Syria's sanctions architecture. While comprehensive, UN sanctions against Syria have generally been more targeted and less extensive than other groups. These sanctions instead focus primarily on arms embargoes, prohibitions on chemical weapons, and sanctions against key individuals implicated in human rights abuses and war crimes.⁹⁸ The principal sanctions are codified through UN Security Council Resolutions. Notably Resolution 2118 (2013), which concerns chemical weapons and Resolution 2254 (2015) supporting political transition and accountability.⁹⁹

UN sanctions carry much unique procedural complexity. When modifying or lifting them, a new resolution must be made by the Security Council, which inherently involves intricate diplomatic negotiations and can be impeded by the veto power held by permanent members.¹⁰⁰ This system inherently limits the reach of these sanctions as any one party can effectively grind consensus to a halt and prevent the effective implementation of any regime. Thus, even when conditions in Syria evolve significantly, geopolitical tensions among permanent members

96. Michel Duclos, *Syria after the Fall of Kabul: A European Perspective*, ATL. COUNCIL (Sep. 17, 2021), <https://www.atlanticcouncil.org/blogs/menasource/syria-after-the-fall-of-kabul-a-european-perspective/>.

97. *Id.*

98. See S.C. Res. 2118, U.N. Doc. S/RES/2118 (Sep. 27, 2013); S.C. Res. 2254, U.N. Doc. S/RES/2254 (Dec. 18, 2015).

99. *Id.*

100. U.N. Charter art. 27, ¶ 3.

may severely constrain the UN's capacity to respond rapidly with sanctions relief.¹⁰¹ It also has the unfortunate side effect of creating an environment where states would rather wait than risk possible harm to diplomatic reputation when presented with a situation similar to that of Syrias.¹⁰²

Beyond the Security Council, there have been notable institutional tensions within the UN itself regarding Syrian policy. Recently, humanitarian coordination offices, such as OCHA, have repeatedly urged member states to clarify the scope of sanctions to avoid inadvertent obstruction of aid delivery.¹⁰³ This internal advocacy has led to informal "humanitarian carve-outs" in Security Council resolutions, but these often lack legal precision and are inconsistently applied by member states.¹⁰⁴ Several high-profile humanitarian organizations, including Médecins Sans Frontières and the Norwegian Refugee Council, have publicly criticized the ambiguity of these carve-outs, citing delays in securing banking access or importing medical equipment.¹⁰⁵ Meanwhile, efforts by UN General Assembly members to propose resolutions calling for broader sanctions review have failed to gain traction, in part due to the perception that Security Council matters are outside the Assembly's core jurisdiction.¹⁰⁶

101. See UNITED NATIONS, *Security Council Fails to Adopt Draft Resolution on Syria That Would Have Threatened Sanctions, Due to Negative Votes of China, Russian Federation*, U.N. Press Release SC/10714 (July 19, 2012).

102. *Rethinking UN Sanctions on Syria's Interim Leaders*, *supra* note 3.

103. See UNITED NATIONS, *Security Council Unanimously Adopts Resolution 2615 (2021), Enabling Provision of Humanitarian Aid to Afghanistan as Country Faces Economic Crisis*, U.N. Press Release SC/14750 (Dec. 22, 2021).

104. Agathe Sarfati, *An Unfinished Agenda: Carving Out Space for Humanitarian Action in the UN Security Council's Counterterrorism Resolutions and Related Sanctions*, INT'L PEACE INST. (Mar. 2022), <https://www.ipinst.org/wp-content/uploads/2022/03/Humanitarian-Action-in-UN-Sanctions-Regimes-PDF.pdf>.

105. Yemen: "These Sanctions Have to Make Clear That They Do Not Apply to Humanitarian Aid", DOCTORS WITHOUT BORDERS (Jan. 19, 2021), <https://www.doctorswithoutborders.org/latest/yemen-these-sanctions-have-make-clear-they-do-not-apply-humanitarian-aid>; *NRC Forced to Suspend Essential Aid for 100,000s*, NORWEGIAN REFUGEE COUNCIL (Feb. 10, 2025), <https://www.nrc.no/news/2025/february/nrc-forced-to-suspend-essential-aid-work-in-almost-20-countries>.

106. UNITED NATIONS, *Security Council Must Be More Transparent, Inclusive to Address Conflicts, Crises, Speakers Stress in Open Debate on 15-Nation Organ's Working Methods*, U.N. Press Release SC/15401 (Sep. 5, 2023).

D. Regional and Alternative Trade Arrangements

To mitigate these challenges, Syria might explore alternative pathways for economic reintegration through regional or bilateral trade agreements to such a degree that other states feel obligated to consider them in broader multilateral trade agreements. Neighbors less constrained by Western sanctions, such as Iran, Russia, or China may be more eager to gain leverage in the fledgling nation. For instance, regional trade arrangements via the Arab League or bilateral economic agreements with China or Turkey might circumvent some Western sanctions entirely. However, such efforts risk drawing the unwanted attention of U.S. secondary sanctions, which could dampen general enthusiasm among these alternative trading partners.¹⁰⁷ In these early days of nation building, providing a sense of stability and economic growth is the stated goal of the new government.¹⁰⁸ If Syria can demonstrate credible governance reforms and attract regional investment, Western nations may gradually move toward engagement, beginning with phased exemptions to specific parts of the Syrian economy. In essence, Syria could accept trade agreements with these lower bars to entry nations as a stepping stone to larger higher trust agreements. Pursuing regional economic diplomacy remains an attractive route to Syrian policy makers, who may perceive regional integration as strategically less politically contentious and diplomatically easier to implement compared to direct confrontation with Western sanctions regimes.¹⁰⁹

V. POTENTIAL FOR WTO CHALLENGES OR NEGOTIATED SETTLEMENTS

Given the complex interplay between international sanctions regimes and WTO obligations, a key consideration for the new Syrian Republic's economic reintegration will be the potential for pursuing relief through formal dispute settlement at the WTO or via diplomatic negotiations and regional trade agreements. Recent WTO jurisprudence, particularly *Russia-Transit*, suggest the viability of challenging sanctions that arguably overextend national security exceptions under Article

107. See Joe Cash, *China's Xi Calls On West to Lift Sanctions Against War-Ravaged Syria*, REUTERS (Sep. 22, 2023), <https://www.reuters.com/world/xi-china-is-willing-work-with-syria-upgrades-ties-2023-09-22/>; See *Turkey Lifts Syria Trade Barriers to Spur Growth*, ARABIAN GULF BUS. INSIGHT (Feb. 12, 2025), <https://www.agbi.com/trade/2025/02/turkey-lifts-syria-trade-barriers-to-spur-growth/>.

108. *An Interview with Ahmed al-Sharaa, Syria's President*, ECONOMIST (Feb. 3, 2025), <https://www.economist.com/middle-east-and-africa/2025/02/03/an-interview-with-ahmed-al-sharaa-syrias-president/>.

109. *Syria after Assad*, *supra* note 45.

XXI.¹¹⁰ Negotiated settlements or specifically tailored bilateral agreements present alternative avenues for Syria's international re-engagement without necessarily triggering protracted international litigation.

A. *Challenging Sanctions at the WTO*

WTO dispute settlement historically served as an impartial venue to resolve international trade disputes, including those involving politically sensitive issues such as sanctions.¹¹¹ While Syria itself may not be a WTO member yet, third party states sympathetic to Syria's reintegration could challenge sanctions affecting their own trade relations with Syria.¹¹² For example, neighboring states like Turkey or Jordan, who have a vested interest in creating stability in Syria to stem the flow of refugees, or other trade partners like China or Russia who wish to curry favor and expand their interests in the region all might raise claims that existing sanctions contravene general WTO principles of non-discrimination (GATT Article I and III) and unjustified trade barrier (Article XI).¹¹³ Such a dispute would specifically challenge the justification and proportionality of ongoing sanctions under the security exceptions outlined in GATT Article XXI.

The WTO's recent clarification of Article XXI in *Russia-Transit* significantly strengthens potential arguments against prolonged or expansive sanctions.¹¹⁴ In this decision, the panel established that invoking national security exceptions must meet specific standards.¹¹⁵ These standards require that sanctions must be imposed "in time of war or other emergency in international relations," have a plausible nexus to the asserted security interest, and be implemented in good faith.¹¹⁶ Given the recent political transition within Syria, the argument that the previous emergency continues indefinitely is weaker, creating opportunities for disputing states to argue that sanctions now exceed permissible limits under WTO laws.¹¹⁷ A challenge would likely assert that the sanctions' persistence constitutes an unnecessary and unjustified burden on trade,

110. *Russia-Measures Concerning Traffic in Transit*, *supra* note 54.

111. *Understanding the WTO: Settling Disputes*, WORLD TRADE ORG., https://www.wto.org/english/thewto_e/whatis_e/tif_e/disp1_e.htm (last visited on Sep. 16, 2025).

112. See *Accession Status: Syrian Arab Republic*, WORLD TRADE ORG., https://www.wto.org/english/thewto_e/acc_e/a1_syrian_arab_republic_e.htm (last visited on Sep. 16, 2025).

113. GATT arts. I, III, XI.

114. *Russia-Measures Concerning Traffic in Transit*, *supra* note 54.

115. *Accession Status: Syrian Arab Republic*, *supra* note 112.

116. GATT, arts. I, III, XI.

117. *Russia-Measures Concerning Traffic in Transit*, *supra* note 54, at ¶¶ 7.77-7.83.

lacking a clear connection to current and specific security concerns.¹¹⁸ Furthermore, WTO panels often emphasize proportionality and specificity when assessing restrictions under Article XXI. A potential challenge might successfully argue that broad-based sanctions that limit humanitarian supplies or critical economic recovery materials violate core WTO principles. If less restrictive measures are reasonably available to achieve the stated security objectives, there is a difficult claim to be made that these sanctions are validly in place.¹¹⁹ The WTO Appellate Body's reasoning in disputes, such as China-Rare Earths, underscores that restrictive measures must be precisely tailored and adequately justified.¹²⁰ Sanctions imposed broadly against entire sectors of the Syrian economy, such as finance, construction or healthcare infrastructure, could be vulnerable to challenges as excessive and disproportionate under WTO jurisprudence. The nature and brevity of the current sanctions likely disproportionately affect Syrian civilians, so proving that these broad restrictions are improper may prove to be the strongest argument against their implementation.

B. *Negotiated Solutions and Diplomatic Alternatives*

While WTO disputes offer one mechanism for challenging the legality of sanctions, in recent years these processes have become exceedingly lengthy if not impossible.¹²¹ More often than not, to adequately resolve a dispute through the WTO mechanism, nations are faced with diplomatic friction and uncertainty.¹²² Alternatively, diplomatic negotiations or bilateral and regional agreements could provide more immediate and practical means of sanction relief and regional economic reintegration. Historically, diplomatic engagement has facilitated a slow incremental process of sanction removal. As seen in Sudan and Iran, negotiated settlements between states provided sanctions relief in exchange for specific policy commitments and government reforms.¹²³

118. *Id.*

119. Boomen, *supra* note 38.

120. *China-Rare Earths*, *supra* note 65.

121. *See The Problems of Plenty: Challenging Times for the WTO's Dispute Settlement System*, WORLD TRADE ORG. (June 8, 2017), https://www.wto.org/english/news_e/news17_e/ab_08jun17_e.pdf.

122. *Id.*

123. *See Sudan Country Report 2024*, BERTELSMANN STIFTUNG TRANSFORMATION INDEX (2024), <https://bti-project.org/en/reports/country-report/SDN>; Kali Robinson, *What is the Iran Nuclear Deal?*, COUNCIL ON FOREIGN RELATIONS (Oct. 27, 2023), <https://www.cfr.org/background/what-iran-nuclear-deal>.

For Syria, diplomatic efforts might involve conditional or a slower phased removal of sanctions in exchange for tangible proof of change. Verified political reforms, constitutional protections for various groups, or credible steps towards accountability for past human rights violations could all be used as tools to lessen sanctions. The EU in particular has demonstrated an openness to conditional sanctions relief in Syria's case, suspending restrictive measures tied explicitly to demonstrable progress toward political stabilization and reform.¹²⁴ This phased sanctions relief may prove to be a more practicable approach, which gradually reintegrates the Syrian economy while similarly building a level of credibility and accountability with Western nations who have previously placed sanctions on Syria.

More importantly, regional and bilateral trade agreements represent viable alternatives in their own right as well. Regional organizations such as the Arab League, the Gulf Cooperation Council (GCC), or bilateral agreements with nations like Turkey or Jordan could facilitate a level of immediate economic relief at a scale comparable to a reduction in Western sanctions.¹²⁵ Engaging in targeted regional trade may offer an interim strategy for Syria to establish fundamental economic connections without awaiting comprehensive relief from larger trade blocs or partners.

C. *State Succession and the "Clean Slate" Doctrine*

Central to these legal and diplomatic strategies is the legal principle of state succession, particularly the "clean slate" doctrine in international law.¹²⁶ Under certain circumstances, a newly recognized state or government may assert it is not automatically bound by all prior international obligations incurred by a predecessor regime.¹²⁷ While the practical application of this doctrine is hotly debated, its theoretical significance is relevant, particularly in cases of profound governmental and institutional change, which could be articulated as Syria following

124. *Syria: EU Suspends Restrictive Measures on Key Economic Sectors*, *supra* note 28; Jorge Liboreiro & Maria Psara, *EU Agrees on 'Step-By-Step' Roadmap to Start Easing Sanctions on Syria*, EURONEWS (Jan. 27, 2025), <https://www.euronews.com/my-europe/2025/01/27/eu-countries-agree-to-ease-banking-energy-and-transport-sanctions-on-syria>.

125. See Ignacio Álvarez-Ossorio Alvaríño, *Syrian and the Arab League: A Reconciliation Foretold*, EUR. INST. OF THE MEDITERRANEAN (2023), <https://www.iemed.org/publication/syria-and-the-arab-league-a-reconciliation-foretold/>; *Gulf-Syrian Ties Show Signs of Gradually Warming*, ECONOMIST INTELLIGENCE UNIT (May 31, 2024), <https://www.eiu.com/n/gulf-syrian-ties-show-signs-of-gradually-warming/>.

126. *Understanding State Succession: A Guide to International Legal Processes*, LAWCRUST, <https://lawcrust.com/succession-in-international-law/> (last visited on Sep. 16, 2025).

127. *Id.*

Assad's collapse. The new leaders of Syria have made it clear that their goals are entirely opposed to that of Assad's, and that their intentions should be treated as entirely different going forward.¹²⁸

The Syrian Republic under Al-Sharaa might argue that sanctions explicitly targeting the previous regime's actions should no longer apply to it. Such arguments could leverage international precedents, such as the collapse of Yugoslavia or dramatic regime changes in Libya and Iraq, which also raised similar questions about state succession and obligations.¹²⁹ Although WTO jurisprudence does not explicitly address state succession, principles derived from customary international law and past practices involving membership accession provide much needed insight, and give leverage to Syria in attempts to get sanction relief.¹³⁰

However, it is important to note that these arguments face many practical and diplomatic challenges. Many sanctioning states may remain skeptical, instead insisting on tangible commitments to reforms and accountability measures before fully lifting sanctions. In essence, while the clean slate doctrine may be useful rhetorically and strategically, its practicality ultimately depends on a broad diplomatic consensus and the willingness of sanctioning states and institutions to recognize the new leadership of Syria's government as not only legitimate, but as a different entity entirely than that of the previous regime.

Ultimately, pursuing WTO dispute settlement or negotiated agreements presents some fairly distinct advantages and disadvantages. WTO litigation provides a structured forum for challenging sanctions under internationally recognized standards but is procedurally complex and diplomatically difficult. Alternatively, diplomatic negotiations and regional trade agreements offer practical flexibility and the prospect of more immediate economic relief. They necessitate extensive consensus-building and may fall short of delivering the comprehensive and enforceable resolution that a binding WTO ruling can provide while also running the risk of isolating Syria from substantial markets.

128. See William Christou, *Rebel Leader Ahmad al-Sharaa Made Transitional President of Syria*, GUARDIAN (Jan. 29, 2025), <https://www.theguardian.com/world/2025/jan/29/rebel-leader-ahmad-al-sharaa-made-transitional-president-of-syria>.

129. See Carsten Stahn, *The Agreement on Succession Issues of the Former Socialist Federal Republic of Yugoslavia*, 96 AM. J. INT'L L. 379 (2002), <https://www.jstor.org/stable/2693927>; See *Vienna Convention on Succession of States in Respect of Treaties* art. 16, Aug. 23, 1978, 1946 U.N.T.S. 3.

130. See Joost Pauwelyn, *Enforcement and Countermeasures in the WTO: Rules re Rules—Toward a More Collective Approach*, 94 AM. J. INT'L L. 335 (2000), <https://www.jstor.org/stable/2555296?seq=1>.

VI. CONCLUSION

With the collapse of the Assad regime and the emergence of a transitional government in Syria, the continued application of broad sanctions has become increasingly difficult to justify under both international trade law and evolving political circumstances. As Syria attempts to reinvent itself and distance its identity from that of the Assad regime, sanctions originally designed for a prior government must now be reconsidered in light of core international legal principles. Evaluating this new state through the lenses of state succession, proportionality, WTO obligations and urgent humanitarian and reconstruction needs requires thoughtful deliberation by the global community.

WTO jurisprudence, especially that of *Russia-Transit*, has imposed clear limitations on states' use of the national security exception. Under these newer standards, sanctions must be adopted in good faith, demonstrate proportionality, and exhibit a clear nexus to legitimate security threats. If Syria's external situation has indeed shifted, the legal justification for maintaining current sanctions may no longer meet these requirements. Given the significant humanitarian and economic consequences of the existing regimes, many states will need to reconsider their continued commitment to such restrictions. Syria's path to reintegration will necessarily involve navigating complex international frameworks, whether through WTO processes or targeted diplomatic negotiations.

A coordinated multilateral approach to lifting or modifying sanctions is essential to support Syria's economic stabilization and prevent policy fragmentation. Unilateral action alone will likely be ineffective. As in past post conflict settings, tying sanction relief to verifiable reforms and implementing it gradually may offer the best compromise, balancing state accountability with urgently needed economic revitalization.

Nevertheless, the geopolitical landscape remains deeply fluid. Future U.S. elections, shifting EU policy, new UN Security Council resolutions, or changes within Syria itself could significantly alter the legal and political feasibility of lifting sanctions. While Syria's non-member in the WTO currently limits its options, its accession bid, if supported internationally, could become a key step in rebuilding legitimate global trade ties. Ultimately, Syria's present transition highlights the critical intersection of international trade, national security and humanitarian law. Sanctions regimes will likely face growing pressure to evolve, as states seek to balance justice and peace with the

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practical imperatives of reconstruction and reintegration, particularly by applying lessons from past post-conflict transitions to Syria's ongoing transformation.