

SYRIA DIPLOMACY AND THE WAY FORWARD



It came as little surprise to most observers that the first round of peace talks between the Syrian regime and opposition, dubbed Geneva II, ended with no substantive progress. The conference did little to narrow the gap between the regime of Bashar al-Assad and the opposition, led by Syrian National Coalition (SNC) chairman Ahmad Asi Al-Jarba. The conference was full of hostile speeches and inflammatory rhetoric. Important players were missing and Assad's delegation displayed unwillingness to compromise. However, the Syrian conflict, which has claimed over 130,000 lives, internally displaced 6.5 million people, and forced 2.4 million Syrians to flee the country, cannot be solved by anything other than a political solution. The international community must back a peace deal that forms a transitional government based on respect for democracy, human rights and liberties. Global actors must be prepared to use credible threats to pressure the regime to discuss a transitional body and ensure that a settlement is respected.

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Failure of Geneva II

Expectations of a breakthrough were very low on the eve of the Geneva II peace conference, as the regime and the opposition would sit at the negotiating table for the first time. Until the last minute, participation of the regime and Iran in the conference remained a contentious issue. The basic framework of the conference also remained murky. With the exception of the Syrian regime's delegation, all 30 nations that attended the conference signed the Geneva I protocol and agreed to the goal of creating a transitional government based on "mutual consent" with "full executive powers." Although a final transitional government was the ultimate goal, the focus quickly shifted to "confidence building measures," specifically local ceasefires, prisoner exchanges and allowing access to humanitarian aid, particularly in the besieged city of Homs. Despite direct talks between the delegates of the Assad regime and opposition, the conference ended with minimal, if any, progress.

The conference was characterized by a disagreement on whether to focus on the transitional process or "terrorism" issues. Several scheduled meetings were postponed or canceled due to the regime's reluctance to discuss a transitional body. Rather than agreeing to the Geneva I protocol, Assad's delegation introduced a "declaration of principles" that aimed to preserve state institutions and combat the threat from "terrorist" groups. Unsurprisingly, the SNC delegation rejected the declaration, accusing the regime delegates of "derailing talks and straying from the Geneva II Communiqué." While "a positive step forward" was declared after the government's delegation agreed to use the Geneva I protocol as the basis for the talks, both sides maintain extremely different interpretations of a "political transition" and the regime continued to insist that the first topic discussed should be the fight against "terrorism."

The conflicting agendas of the two warring sides left little room for negotiation. The only result of 10 days of talks was the regime's offer to allow women and children to leave a blockaded area of Homs. The proposal raised many objections, as Western diplomats insisted that evacuation is not an alternative to allowing humanitarian aid and threatened to challenge the regime in the United Nations Security Council (UNSC) if aid delivery was not permitted soon. At the end, there was no resolution on the humanitarian issue in Homs or

even the evacuation of civilians. There are very few indications that the next round of negotiations will overcome the deeply conflicting perspectives on the ultimate goal of the negotiations.

Russia and Iran

The positions of both Russia and Iran contributed to the lack of progress in Geneva II. Russia, a co-sponsor of the Geneva talks, has been a consistently strong backer of the Assad regime. Before the conference, Russia increased its supply of military equipment to the regime, sending armored vehicles, unmanned surveillance drones and guided bombs. These new supplies came at a critical point, as rebel infighting has strengthened Assad's hand. Given the effectiveness of this additional aid, Assad is unlikely to make large concessions unless Russia threatens to scale back its military and diplomatic support.

The success of the Geneva II conference was also hampered by Iran's absence. Iran was invited and then disinvited to the conference by the UN Secretary-General Ban Ki-Moon after the SNC threatened to withdraw from the talks and the US insisted that Iranian attendance must be based on acceptance of the Geneva I protocol. Unlike Russia, Tehran insisted that its attendance would not be based on any preconditions, prompting Ban to withdraw his invitation. Although Turkey's Syria policy could not be farther from that of Iran, Foreign Minister Ahmet Davutoglu expressed that Tehran could contribute effectively to finding a solution in Syria before the invitation was revoked. Iran's aiding of Syrian troops, munitions and funding of the regime, as well as its support of Hezbollah, make Iran a key player. Even Russian Foreign Minister Sergey Lavrov has admitted that Russia will not be able to pressure Assad to make concessions without the assistance of other international actors. The international community will be unable to convince the Assad regime to seriously discuss a transition of power without Iranian cooperation.

Although both parties are essential for any future progress, stark differences remain with the West regarding the future of Syria. Lavrov has dismissed demands that Assad leave power, saying that the Geneva II negotiations should "refrain from any attempt to predetermine the outcome of the process." Russia insists that a transition government does not mean Assad's departure, as the regime and opposition have to ag-

ree on members of a temporary government who will oversee a “political transition,” which seems intentionally vague. While Russia does not dispute the need for a transitional body as long as all side have a role, Moscow does not appear likely to cave to the West’s assertion that Assad must go.

On the other hand, Tehran has adopted an even more defiant position, refusing to endorse the Geneva I protocol and maintaining that “no outside power” should determine Syria’s future. The position of Russia and Iran will be an extremely difficult hurdle to negotiations on the transitional process in Syria. The international community must convince Tehran and Moscow that it is in their interests to ensure a peaceful solution to the conflict by emphasizing that Assad’s actions have destabilized the region, fueled sectarianism and strengthened al-Qaeda linked groups.

Changing the Balance of Power

Another issue that hindered progress at Geneva II is the imbalance of power between the Assad regime and the SNC. The regime sees no incentive in giving up power as it considers itself winning on the ground. Assad maintains that he may run for reelection in June, believing it is “totally unrealistic” to expect him to share power with the Syrian opposition. The regime delegation indicated its refusal to discuss a transitional government before the talks even began by declaring that “the issue of the president and the regime are red lines,” effectively ensuring that Geneva II would not succeed.

The Assad regime refused to make any concessions partly because it has been successful in gaining some ground against the opposition by using brutal methods and committing war crimes. Assad’s forces have used starvation as a war tactic, obstructing the delivery of aid convoys to besieged areas, which has been horrifically effective. Before the Geneva conference began, the regime negotiated ceasefires with the civilian leaders of several opposition controlled towns where rebels handed over weapons or left the town in exchange for essential aid and an end of government attacks. As many as 250,000 Syrians have been cut off from food and urgent supplies, making local leaders desperate for an end to the government’s siege tactics. The regime’s “kneel or starve campaign” has succeeded in disarming and expelling rebel fighters, leaving the opposition in a weaker bargaining position. Furthermore, these local ceasefires made it appear as though the regime

controls more territory than it does, bolstering the regime’s negotiating stance.

Assad’s position has also been strengthened by the increased presence of al-Qaeda linked groups. Rebel groups are now fighting both the regime and al-Qaeda, which has been costly in terms of territory and lives. Clashes between the Islamic State of Iraq and Syria (ISIS), an al-Qaeda affiliate, and the Islamic Front (IF) broke out in early January, killing over 1,000 people in just two weeks. The growing influence of jihadists has been a strategy of the regime from the early stages of the conflict. Defectors and rebels claim that Assad deliberately released jailed militants early on to boost the jihadists against the more moderate opposition and to legitimize the regime’s claim that it is fighting terrorists. SNC Chairman Ahmed Jabra also claims that the regime has never attacked the ISIS, but instead focused its efforts on the SNC’s military wing, the Free Syrian Army (FSA). Some reports even indicate that the ISIS and al-Nusra have been financed through the sale of oil and gas from regime-controlled wells. The strong presence of al-Qaeda in Syria plays into Assad’s hand by fortifying the impression that only he can maintain control of Syria, leading some foreign observers to view him as the lesser of two evils.

The weakness of the SNC due to rebel infighting, growing influence of al-Qaeda, and its own relative detachment from developments on the ground further augments the regime’s negotiating position. The largest armed opposition in Syria, the Islamic Front, rejected the SNC’s leadership and is firmly opposed to any political compromise with the regime. The SNC only agreed to attend the Geneva II talks after the West exerted a great deal of pressure, as it feared its influence would be further undermined in Syria if the conference failed to produce any results. Furthermore, Syria’s main internal opposition organization, the National Coordination Committee for Democratic Change (NCC), rejected the SNC’s offer to join its delegation at Geneva II. Although the group is a strong proponent of a negotiated solution with the regime, the group requires “a credible, honest, constructive dialogue between the opposition and the regime.” Lack of unity behind SNC diminished its bargaining power in Geneva and gave it little room to negotiate. In order to strengthen the opposition’s hand, the international community must guarantee that future talks are credible and effective.

The Way Forward

The Syria challenge is monumental by any measure. As Turkish Foreign Minister Davutoglu stated, “the international public must know that the crisis in Syria cannot be settled only with this [conference].” It will take many more meetings to reach a final solution. Even the chief UN negotiator, Lakhdar Brahimi, had announced that he did not expect a breakthrough from the first round of talks and acknowledged at the end of Geneva II that talks had essentially failed. If there is ever a Geneva III, it will have to get the parties to agree on the overarching goal of the talks, i.e. establishing a transitional government. In the absence of such a common ground, diplomatic achievements will be negligible in making a serious difference on the ground.

The chemical weapons deal and the most recent temporary ceasefire in Homs for delivery of humanitarian aid show us that international pressure can be effective in forcing the regime to make concessions. After failing to address the humanitarian situation at Geneva II, Western diplomats began preparing a UNSC draft resolution to compel the regime to allow the passage of humanitarian aid in besieged areas. This no doubt contributed to a deal in Homs, where civilians were permitted to evacuate from besieged areas and a three-day ceasefire was announced to allow the delivery of humanitarian aid to those who remain. While the temporary ceasefire does not amount to unfettered humanitarian aid access, it is a minor step forward given that the regime refused to agree

to any aid delivery during Geneva II. This demonstrates that international pressure has the potential to alter the regime’s position, especially if global actors establish that their warnings are credible.

Recent evidence of the regime’s brutality should be considered grounds to refer the Assad regime to the International Criminal Court. In the wake of the release of photos of systematic torture and killings by the Assad regime, Davutoglu suggested that if the Assad government fails to negotiate on a transitional government, Assad should face war crime charges at the ICC. While the Syrian regime dismissed the photos as “politicized” and “fake,” the overwhelming evidence points to large-scale war crimes committed by the government. Referral to the ICC can serve as an effective way for the international community to leverage the opposition’s negotiating position.

If any future negotiations are to succeed, the international community must be willing to back the talks with a credible use of force. The regime cannot be allowed to use peace talks as a stalling tactic to continue to commit atrocities. Assad should face consequences for refusing to negotiate and efforts must be made to ensure that any results from future negotiations are respected. If the international community cannot agree on serious consequences for the Assad regime’s non-compliance and violations of international law, the next round of negotiations is unlikely to produce meaningful progress.

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