

Shaping the emerging consensus on Syria

Luigi Scazzieri and Steven Blockmans

26 February 2014

As the second round of the Geneva II talks concluded in failure on February 15th, the end of the Syrian conflict still seemed a distant goal. Yet, the adoption on February 22nd of UN Security Council (UNSC) Resolution 2139 shows there is growing international consensus behind the need for a negotiated solution, driven by a global exasperation with the bloody stalemate in Syria. The unanimously adopted resolution strongly condemns human rights violations in the country, particularly those committed by the Syrian regime, while also condemning terrorism. It demands “all parties [to] work towards the comprehensive implementation of the Geneva Communiqué of 30 June 2012 leading to a genuine political transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their own future”. The international community must now work towards the setting up of a ceasefire as a precondition to a comprehensive and meaningful intra-Syrian dialogue and final agreement premised on constitutional reform.

The hopes of the European Union and the rest of the international community for a diplomatic resolution of the Syrian conflict lie in the negotiations between the Syrian Government and the Syrian National Coalition (SNC). The framework of diplomacy remains the unanimously adopted UNSC Resolution 2118 of September 2013, which combines an endorsement of the 2012 Geneva Communiqué calling for “the establishment of a transitional governing body exercising full executive powers, which (...) shall be formed on the basis of mutual consent’ in tandem with the laying down of a binding framework for the destruction of chemical weapons. As Andrew Tabler, Senior Fellow at the Washington Institute for Near East Policy, recently argued at an event held at CEPS, it is this dual conditionality in the Russia-US sponsored resolution that provides the ‘thin edge of the wedge’ for the international community to push for a resolution of the conflict.

Despite agreeing to a limited truce in Homs to enable evacuations of areas besieged for almost two years, fighting continued elsewhere in Syria during the second round

Luigi Scazzieri is an intern at CEPS. Steven Blockmans is CEPS Senior Research Fellow and Head of the EU Foreign Policy unit. This commentary will also be published as an editorial in the March 2014 issue of *European Neighbourhood Watch*.

CEPS Commentaries offer concise, policy-oriented insights into topical issues in European affairs. The views expressed are attributable only to the authors in a personal capacity and not to any institution with which they are associated.

Available for free downloading from the CEPS website (www.ceps.eu) • © CEPS 2014

of talks between 10th-15th February. The two sides proved unable to bridge their differences: while the government insisted that negotiations should focus on combating 'terrorism', the opposition was adamant on discussing the setting up of a transitional government. Crucially, the SNC dropped its previous demands for Assad to leave, with their programmatic 'Statement of Basic Principles' making no mention of him.¹ On the other hand, the government seemed unwilling to cede any ground. As the talks ended, the two sides had theoretically agreed to a four-point agenda for future negotiations: dealing with the violence and terrorism, setting up a Transitional Governing Body, starting discussions on national institutions and initiating a process of national reconciliation. However, they were unable to agree on a procedural approach to future talks, with UN mediator Lakhdar Brahimi stating that the Syrian government had rejected his suggestion to discuss terrorism on the first day and transition on the second, raising suspicions that it did not want to discuss the setting up of a transitional government at all. This suspicion was further substantiated by Assad's claims in an interview with AFP that he would probably stand in future Presidential elections and in which he ruled out sharing power with the opposition seeking his ouster, as well as the government's moves to add several members of the opposition to a 'terrorist list' during the negotiations. Brahimi declined to set a date for the resumption of talks, hoping that the two sides would take time to reflect.

Several factors worked to undermine the negotiations in Geneva. Firstly, observers agree that while the military situation is very fluid, it does not overtly favour either side, which undermines incentives to compromise. Reassertion of government control remains improbable in the short term, while infighting within the opposition weakens its position. The government, emboldened by the success of averting US military strikes over the use of chemical weapons and by continuing Russian and Iranian military and political support, may well believe it has nothing to gain by 'giving in', thinking it can prevail in the long-term. Indeed, there are concerns that it is failing to live up to its commitments with the Organisation for the Prohibition of Chemical Weapons regarding the shipment of chemical weapons outside of the country. Several key deadlines have already been missed. More worryingly, the government recently suggested that it need not destroy 12 chemical weapons facilities but simply render them inactive; a measure that would be easily reversible. Secondly, in spite of the dual conditionality in UNSCR 2118, there were stark differences between 'Western' and Russian positions. The two sides agreed on the need to end violence, to preserve the unity of Syria and to combat extremism, but differed on their approach, with Russia supporting the Syrian government's emphasis on counterterrorism while neglecting to apply pressure on the key issue of political transition. Thirdly, the negotiations have been undermined by the limited leverage that the West has over many of the factions within the Syrian opposition. In fact, one of the surprises of the Geneva II process so far has been that the SNC has held together.

¹ Syrian Opposition Delegation, Statement of Basic Principles, 9 February 2014 (www.nytimes.com/interactive/2014/02/12/world/middleeast/13syria-statement.html?_r=0).

As the spillover from Syria destabilises the entire region, the urgency of reaching an inclusive diplomatic solution is growing. The overt differences between the two sides in Geneva appear on the surface to be more procedural than structural. Now that the SNC has made the very significant concession of envisaging Assad's presence in a transitional government it is time for all other parties to apply strong pressure on the Syrian government engage constructively in negotiations. The unanimous passage of UNSC Resolution 2139 marks the growing international momentum behind the Geneva process. The resolution strongly condemns all fighting and terrorism, demanding the cessation of violence against civilians, the lifting of sieges and unfettered access for humanitarian convoys. Further encouraging signs stem from the growing links between Russia and the SNC. These developments show increasing Russian and Chinese willingness to press the Syrian government, while also marking growing readiness by the West to take Moscow's emphasis on terrorism into account. These are welcome signs that the international community as a whole is starting to move in a more coordinated manner on the Syrian peace process. A key test will be the enforcement of the Resolution, and Russia's willingness to hold the Syrian government to account if it fails to live up to it.

The growing international consensus on Syria should be brought into play to restart the Geneva process, with the aim of negotiating an immediate ceasefire. The US and the EU should subordinate the demand for an *a priori* agreement on a transitional governing body to the negotiation of a ceasefire in place. Indeed, it is difficult to envisage the government and the SNC agreeing at this stage on the structures of a unitary transitional government with a common security apparatus, considering that this would be drawn from forces that have been fighting each other for almost three years. The Dayton Agreement of 1995, putting an end to the Bosnian Civil War, could serve as a prototype, with both sides maintaining their respective security forces within the framework of an overarching national government. However, unlike the Dayton Agreement, the Syrian agreement would envisage the merging of the two entities into a unitary constitutional structure after the cessation of violence and the formation of the transitional government. Securing such a ceasefire agreement would not only end the violence and enable full humanitarian access; it would also allow the SNC to set up more effective governance structures and social services in the areas under its control, coalescing into a more cohesive political body. Moreover, in accordance with UNSC Resolution 2139, it would allow better targeting of terrorist groups that do not want an end to the fighting and that do not share the vision of a Syria where all confessional and ethnic groups are safeguarded. A ceasefire is also the precondition to the essential process of national dialogue and reconciliation, which remains unimaginable as long as the fighting is ongoing.

Even if the aim of obtaining prior agreement on a transitional government is dropped, convincing all stakeholders to agree to a ceasefire will not prove easy. In order for agreement to be possible, international pressure on the Syrian government should be increased to encourage it to come to the negotiating table. This should be done both by applying diplomatic pressure and by working to strengthen the SNC and its military forces. The US seems willing to step up its efforts in this regard.² The

² "U.S. Scolds Russia as It Weighs Options on Syrian War", *New York Times*, 17 February 2014.

Council of the EU should follow suit and restate its commitment to full and timely implementation of the chemical weapons deal. The EEAS and EU member states must work to promote the constructive engagement of key regional actors in the diplomatic process. Saudi Arabia, Turkey and Iran, each of which exert great influence on the different parties in the conflict, are essential components of a comprehensive solution. In particular, Iran's fullest cooperation will depend on the success of the ongoing nuclear negotiations with the E3+3, in which the EU plays a pivotal role. Finally, all negotiating parties must work to engage Syrian society beyond those currently involved in the negotiations, looking to involve those remaining groups of civil society upon which the future of Syria can be rebuilt.