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Geneva II – A Chance to Contain the Syrian Civil War

Muriel Asseburg and Heiko Wimmen

Internationally mediated talks between the Syrian regime and opposition are due to begin on 22 January 2014 in the Swiss resort of Montreux. Their objectives: to end the violence and initiate a negotiated transition in the war-ravaged country. However, it is still unclear whether it will be possible to gather all the relevant participants around the table, nor whether the conference will actually convene at all on the planned date. A realistic analysis of the local, regional and international conflicts of interest cautions pessimism in relation to Geneva II's prospects of success. But the risk of further regional escalation, massive refugee movements and a catastrophic humanitarian situation make a meeting a matter of urgency. Small advances, such as an agreement on regional containment or a commitment by all warring parties to respect international humanitarian law and to grant humanitarian access, would nonetheless be meaningful. In the interests of the Syrian civilian population, Europe should see to it that the meeting provides room to negotiate such measures even if they fall short of a comprehensive political resolution.

Almost three years after the beginning of the protests in Syria, the situation in this country at the heart of the Arab world is characterised by armed confrontations, warlordism, sectarian and religious strife, and a grave humanitarian emergency. Syria's accession to the Convention on Chemical Weapons in October 2013 initiated a process of destroying its outlawed arsenal under international supervision and participation. As a consequence, and despite ongoing massive human rights violations and brutality towards the civilian population, the Syrian regime's coopera-

tion on the chemical weapons issue has enhanced its international reputation. But there has been no progress on conflict resolution or humanitarian access.

Although the regime has, as of early 2014, lost control of more than half of the country's territory, this still accounts for the majority of the population. Various rebel groups control villages, small towns and rural areas. Parts of the Kurdish majority areas in northern and north-eastern Syria are in the hands of the Democratic Union Party (Partiya Yekîtiya Demokrat, PYD), which emerged from the PKK. The

regime has answered rebel military successes with a policy of scorched earth. Whole regions in the provinces of Latakia, Idlib, Hama and Deraa have been largely depopulated and complete city neighbourhoods have been flattened in Aleppo, Homs, Deir al-Zor, and the southern and eastern outskirts of Damascus.

The so-called liberated areas have also witnessed escalating fighting between different rebel groups. Jihadists of the Islamic State in Iraq and the Levant (ISIL) frequently battle with the PYD's Kurdish People's Protection Units (Yekîneyên Parastina Gel, YPG). At the turn of the year 2013/2014 heavy fighting erupted between ISIL and different rebel groups, with other Islamist organisations such as the al-Qaeda-linked Jabhat al-Nusra and the Islamic Front joining forces with the Free Syrian Army (FSA) to fight the increasingly aggressive ISIL. The latter stands out less for fighting effectively against the regime than for its rigid enforcement of extremist interpretations of sharia in the areas it controls. Its brutality against activists, journalists, religious minorities, citizens defamed as "unbelievers", aid workers and other rebel groups has acquired the organisation a strongly negative image. In contrast, other Islamist groups such as al-Nusra have earned respect for their strong fighting spirit, cooperative attitude and humane treatment of civilians – regardless of al-Nusra's classification as a terrorist organisation by the United States in November 2012.

Impact on the Population

The escalation of violence has had massive repercussions on the population. Industrial and agricultural production have almost completely collapsed as a consequence of sanctions and fighting; the war damage is immense. By December 2013 about 60 per cent of the Syrian workforce were unemployed. In early 2014, the number of fatalities was estimated at 130,000, not to speak of the tens of thousands injured, detained and missing. Refugee movements have

acquired dramatic dimensions. In December 2013 the UN put the number of Syrian refugees registered or awaiting registration at more than 2.3 million. Most of them are in four neighbouring countries: Turkey, Lebanon, Jordan and Iraq. The UN estimated the number of internal refugees to exceed 6.5 million. At the beginning of 2014 9.3 million Syrians out of a total population of about 21 million required humanitarian aid.

At the same time access to contested areas has been very difficult for humanitarian organisations. Both the regime and individual rebel groups have repeatedly cut off supplies to civilian populations in areas controlled by the other side. Since 2012 the regime has begun systematically sealing off and starving out rebel-controlled towns or neighbourhoods, including quarters in Homs and Damascus. Bombings, massacres and pogroms, sometimes committed by government forces and shabiha militias, sometimes committed by various rebel groups, have often been accompanied by extremist sectarian rhetoric and have further terrorised the population.

Regional and International Involvement

Over the past three years the parties in Syria have been increasingly openly supported by external actors. Above and beyond the internal power struggle, the civil war has thus acquired the character of a proxy war subsuming international, regional and subnational conflicts. The conflict over Iran's regional role has especially inflamed the Syrian civil war (see SWP Comment 9/2012).

Iran has been supplying the regime with financial resources and military materiel, as has Russia. Arab Gulf states – increasingly Saudi Arabia, decreasingly Qatar – have granted the rebels financial and some military assistance and tolerated donations by private networks. Western states, above all the United States, France, and the United Kingdom, joined by Turkey, have also

granted the opposition financial and limited (mainly so-called non-lethal) military support, but in the face of the increasing dominance of Islamist groups such support has remained restricted in scope and effectiveness and has regularly been called into question.

Indeed, the proportion of fighters with Islamist or jihadist backgrounds is today estimated at between half and more than two-thirds, depending on the source. Such numbers are, of course, impossible to verify. Also, the number of foreign fighters has risen steeply. While thousands of combatants from the Lebanese Hezbollah and (Shiite) Iraqi militias fight on the side of government forces and the shabiha, the rebels are increasingly reinforced by (Sunni) jihadists from Arab countries, the Caucasus and, to a significantly smaller extent, the West. Both sides apply the logic of sectarian mobilisation (Shiites and Alawites vs. Sunnis) to attract new fighters from abroad.

At the same time, the fighting has repeatedly spilled over into and further destabilised Syria's fragile neighbours Iraq and Lebanon. In January 2014, ISIL brought large parts of the Iraqi province of Anbar at least briefly under its control, sparking a new round of confrontations between the government of Shiite Prime Minister Nouri al-Maliki and the Sunni-populated parts of the country. Parts of the northern Lebanese port city of Tripoli and of the Syrian-Lebanese border area in the north-eastern Bekaa Valley are controlled by jihadist groups with direct connections to Syria. Fighting has repeatedly flared up in those areas and since autumn 2012 Lebanon has been shaken by a new series of bombings (see SWP Comment 21/2013).

The Geneva Platform

The communiqué of the Action Group for Syria issued on 30 June 2012 in Geneva is to date the only platform on which the most important international actors working for a solution of the Syria conflict – including important supporters of the conflict parties

like the United States and Russia – have been able to agree (Syrians did not participate in Geneva I). Alongside ending the violence, access for humanitarian aid and the release of all political prisoners, the Geneva Declaration calls for a “Syrian-led transition” with the ultimate goal of a democratic multi-party system and accountability for acts committed during the present conflict. To this end, it proposes forming “on the basis of mutual consent” a transitional government with “full executive powers” charged with creating a “neutral environment” permitting all groups in Syria to participate in democratic competition.

The Syrian regime and the opposition groups supported by the Group of Friends of the Syrian People – first and foremost the National Coalition of Syrian Revolutionary and Opposition Forces (or National Coalition) – have generally accepted these principles. But they still hold irreconcilable positions concerning their implementation. Whilst the National Coalition has regarded a political transition as impossible as long as Bashar al-Assad and his closest confidants remain in power, the regime has rejected any participation by “terrorists”, which from its perspective includes all armed opposition forces.

As the international sponsors of the Geneva Declaration and crucial third states such as Iran and Saudi Arabia also see the conflict in Syria through the prism of their own strategic interests and have to date rejected any compromise, no practical steps towards implementation have been taken since July 2012. Instead, all parties have continued to pursue military victory or at least strived to build up military pressure that would compel the other side to make substantial concessions. A growing realisation that neither is achievable, but that instead Syria is fast becoming a new hotbed of international terrorism and that a regional destabilisation with unforeseeable consequences looms, is behind the renewed attempt to find a solution on the basis of the Geneva I platform.

Participants and Interests

Although United Nations and Arab League Special Envoy Lakhdar Brahimi sent out invitations to the Geneva II conference at the turn of the year 2013/2014, the list of participants is not yet definite. Even so shortly before the conference, and despite intense coordination efforts, the Syrian opposition is in disagreement over participation. Groups like al-Nusra and ISIL, which are internationally ostracised and therefore excluded, have branded those who speak out for participation as traitors and threatened them with death. But most of the other Islamist forces have also categorically rejected talks with the Assad regime and a negotiated transition. Even a few days before the conference it is not clear if efforts by the Friends of Syria's diplomats to persuade some of the more moderate Islamists, such as the ones that have united in the Islamic Front, to attend will be successful. Among the relevant armed groups, so far only the FSA is supportive of participation in Geneva II. Over the last few months, though, it has lost a lot of ground in the liberated areas to the Islamists.

In the National Coalition backed by the Friends of Syria the decision about participating in Montreux led to fierce internal strife. Only on the weekend before the planned date, after massive pressure from Western capitals, the withdrawal of more than one third of the delegates and the suspension of the quorum did the opposition alliance take the decision to participate. The move was supported by only 58 of originally 121 delegates. Most of the others rejected participation as long as the resignation of Assad and his entourage was not made a precondition of the meeting. Corresponding demands had already been formulated at a meeting of "moderate" opposition forces in Cordoba on 9/10 January 2014 and led to the withdrawal of the Syrian National Council (SNC) from the National Coalition two days before the conference. Opposition leaders fear that otherwise Geneva II would lend new legitimacy to the Syrian regime, and that a process

designated as a transition would merely cement Assad's grip on power.

These fears are by no means groundless, as the regime's military advances place the opposition in an unfavourable negotiating position. Not least for that reason it will hardly be possible for the opposition to insist on such obviously unrealistic conditions. Anyway, doubts are growing among international actors as to whether the opposition groups pressed to participate are sufficiently united and possess sufficient influence on the ground to implement agreements, even against the strengthened Islamists.

Worries over steadily increasing Islamist influence, along with expanding refugee flows and the fear of a spill-over to neighbouring states, motivates the opposition's *Western supporters* in particular to seek ways to resolve the conflict. Recent progress in relations with Iran, especially in the talks over its nuclear programme, has raised hopes that a medium-term stabilisation of the volatile Middle East region can be achieved. That in turn reduces the strategic interest in regime change in Syria and increases the willingness to make concessions that might improve the prospects of resolution or at least containment of the conflict.

Arab supporters of the Syrian rebels have come to exactly the opposite conclusion. Saudi Arabia in particular fears that the Western-Iranian rapprochement will proceed at the expense of its own strategic position and lead to recognition of Iran's regional power position in the Middle East. It therefore seeks to rebuff Iranian influence in Arab states (alongside Syria especially Lebanon, Iraq, Bahrain and Yemen). In Syria, Riyadh has in recent months increasingly worked to consolidate and strengthen Islamist groups associated with the Islamic Front in order to gain influence over the situation independently of its Western allies and limit the influence of groups with links to al-Qaeda, which the Saudi monarchy also regards as a direct threat.

By contrast *Iran*, as the Assad regime's closest ally, sees the Syria crisis as an oppor-

tunity to reinforce its role in the region. Iranian interlocutors underline at every opportunity that there can be no solution without Tehran's cooperation and signalise willingness to compromise over Assad's future. Indeed excluding Iran – or insisting on what it regards a humiliating participation from the sidelines as proposed by US Secretary of State John Kerry – would lead Tehran to continue actively supporting Assad and encouraging him to adopt a harder stance. Accordingly, UN Secretary General Ban Ki Moon, on the weekend before the conference, invited Tehran to participate – but retracted the invitation the next day due to heavy US pressure and the National Coalition's threat to boycott the conference.

Russia, whose military and economic support and diplomatic protection, especially in the UN Security Council, make it Assad's second important foreign ally, has considerably enhanced its stature on the international stage through its mediation on the Syrian chemical weapons issue. Playing a similar role in resolving the Syria conflict would impressively underline Russia's revived claim to global political relevance and demonstrate to other allies the value and reliability of Russian support – but only to the extent that Moscow can actually demonstrate real influence and at least partly uphold the interests of its client Assad. At the same time, Russia has little interest in concessions to radical Sunni forces or a democratic transition.

It thus appears unlikely that the Assad regime will come under serious pressure to make substantial concessions in Montreux, still less to relinquish power. Instead the conference offers Damascus a promising opportunity to present itself once more as a responsible and conciliatory actor, while the opposition appears as a disparate collection of ineffective, impotent and radical forces unfit to govern. It is conceivable that Assad's envoys themselves would take the initiative with calls for an "alliance of all patriotic forces against terrorism", assuming that most of the opposition delegates

would reject such initiatives. In addition, Montreux offers the Assad regime a platform where it can portray itself as the legitimate government of a sovereign UN member-state and demand support in the struggle against foreign-controlled "terrorists". Statements by Russian Foreign Minister Sergei Lavrov in the run-up to the meeting suggest that Moscow would vigorously support such a line.

Challenges of Implementation

Even if Montreux, despite the obstacles outlined above, succeeds in initiating a transition, implementing a transition plan and ending the conflict will still involve considerable challenges. Without a stable cease-fire no political process will be possible. But it is doubtful whether the political opposition can ensure observance of a cease-fire in the liberated areas, as some of the strongest armed groups reject any arrangement with the regime and/or will remain excluded from a political settlement because of their Islamist outlook. They thus have a direct interest in sabotaging a cease-fire. It can also be assumed that irregular forces on the regime side, such as the notorious shabiha militias, will use force to defend the privileges they have acquired in the shadow of the conflict. They could also receive support from elements within the regime apparatus that seek to prevent political change for ideological reasons or to safeguard their own interests. Without deployment of a peacekeeping force authorised to monitor and enforce a cease-fire, the process would be likely to fail already during this phase.

Deep mistrust, sectarian strife and ideological rifts between the conflict parties present high hurdles for the "Syrian-led transition" to pluralism and a democratic multi-party system envisioned in the Geneva Declaration. Already the formation of a transitional government by "mutual consent" would require intense international mediation. The more fundamental question, however, is how a transitional

government would actually be supposed to exercise “full executive powers” and create a “neutral environment in which the transition can take place”. The institutions of the Syrian state have been hollowed out by forty years of Baath rule and wrecked by the civil war in many parts of the country. Real power is exercised through extensive patronage networks controlled by the Assad clan and closely intertwined with the repressive security apparatus. Without dismantling these power structures – and that is not proposed in Geneva I – any transitional process would remain a farce. The expectation that once the transitional process had begun such institutions would operate according to “professional standards”, respect human rights and submit to the authority of the transitional government, as assumed in the Geneva Declaration, appears naive. Without direct external support a transitional government will hardly be in a position to assert its authority against anti-democratic forces within the state and security apparatus.

The demand for legal redress for crimes and acts of violence in principle deserves support. But Syria has no independent judiciary capable of dealing with such a task. Supporters of the regime generally regard *international* courts or tribunals as not neutral but rather as tools in the hands of Western states, in particular the United States. Calls for an international tribunal will therefore meet with bitter resistance. Because Syrian society is deeply divided in its perceptions of the conflict, a rapid process of legal redress is also unlikely to lead to reconciliation. Rather, a significant part of society would regard such tribunals as a continuation of the conflict by judicial means. Political currents and religious groups would close ranks with “their” accused, and a lasting hardening of fronts would result.

Realistic Objectives for Geneva II and Policy Recommendations

The diverging interests outlined above make it very unlikely that Montreux or any follow-on conferences will make a start on implementing the June 2012 Geneva Agreement. That would require *first* a regional and international compromise encompassing a renunciation of a military solution by *all* external actors. Concretely that would entail a commitment by all third states to withdraw all foreign fighters and/or prevent them from infiltrating across their borders into Syria, as well as to stop arms deliveries and block the flow of private funds for weapons purchases. Even then it would probably be impossible to completely stop the inflow of arms, fighters and funds. But if the most important sponsors of the conflict to date (the Group of Friends of the Syrian People, Russia and Iran) were to take serious steps in that direction it would without doubt considerably curb military supplies.

Such an approach would *second* require substantial concessions to Assad, not least because the West’s threat potential has lost a great deal of its credibility since the chemical weapons crisis of August 2013. As a consequence, a democratic transition and an accountability process for human rights violations during the Baath rule and war crimes committed in the conflict would have to be put on the back burner. It would *third* demand direct military engagement by external actors to prevent acts of retribution and secure a cease-fire by deploying a robust peacekeeping force.

Such an approach prioritising conflict containment over regime change would admittedly go much beyond what the West and its allies in the Group of Friends of the Syrian People have to date been willing to contemplate. Nonetheless, it looks like the only way to stabilise the country at least in the short to medium term and prevent further regional escalation.

In parallel to such an approach, and also in the event that Germany and its partners are not (yet) prepared to concede such far-

reaching compromises, it would be both sensible and urgent to focus on humanitarian cease-fires and humanitarian access, and on persuading all combatants to commit themselves to respect international humanitarian law. That would require at least indirectly engaging all those rebel groups with considerable influence on the ground: alongside the so-called moderate rebels of the FSA also parts of the Islamist spectrum and the PYD.

The selection of possible cooperation partners should then be determined less by the ideological or programmatic profile of individual rebel groups than by their concrete behaviour towards the civilian population and their observance of principles of human rights and humanitarian law. Where stabilisation succeeds, humanitarian aid should be combined with support for the establishment of inclusive local self-governance structures that create an effective alternative to the rule of the Assad regime.

Germany and its partners should insist on the inclusion of all relevant regional powers in efforts to contain the Syria conflict, and speak out clearly against any strategically or ideologically motivated exclusion of actors that are indispensable for a settlement. In particular, the thaw between Iran and the P5+1 should be used to engage Tehran in a constructive approach on Syria. At the same time, Saudi Arabia and the smaller Gulf states must be reassured through concrete initiatives and guarantees that an improvement of relations with Iran will not occur at the expense of their existential interests.

Europe should also make sure that adequate room is given to negotiations about steps below the level of comprehensive political conflict resolution so as to allow the situation of the civilian population and internal displaced persons to be improved. This concerns questions relating to humanitarian access, humanitarian cease-fires and observance of international humanitarian law.

Last but not least, Germany and its partners should initiate preparations for a robust peacekeeping force in the United Nations framework, as without such a force a transition process will stand little chance of success.

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