

Now or Never: A Negotiated Transition for Syria

I. OVERVIEW

One year into the Syrian uprising, the level of death and destruction is reaching new heights. Yet, outside actors – whether regime allies or opponents – remain wedded to behaviour that risks making an appalling situation worse. Growing international polarisation simultaneously gives the regime political space to maintain an approach – a mix of limited reforms and escalating repression – that in the longer run is doomed to fail; guarantees the opposition’s full militarisation, which could trigger all-out civil war; and heightens odds of a regional proxy war that might well precipitate a dangerous conflagration. Kofi Annan’s appointment as joint UN/Arab League Special Envoy arguably offers a chance to rescue fading prospects for a negotiated transition. It must not be squandered. For that, Russia and others must understand that, short of rapidly reviving a credible political track, only an intensifying military one will remain, with dire consequences for all.

Annan’s best hope lies in enlisting international and notably Russian support for a plan that:

- ❑ comprises an early transfer of power that preserves the integrity of key state institutions;
- ❑ ensures a gradual yet thorough overhaul of security services; and
- ❑ puts in place a process of transitional justice and national reconciliation that reassures Syrian constituencies alarmed by the dual prospect of tumultuous change and violent score-settling.

Such a proposal almost certainly would be criticised by regime and opposition alike. But it would be welcomed by the many Syrians – officials included – who long for an alternative to the only two options currently on offer: either preserving the ruling family at all costs or toppling the regime no matter the consequences.

II. THE REGIME’S DEAD-END

Even if the regime can survive for some time, it has become virtually impossible to see how it can ultimately prevail or restore normalcy. It might not fall, but it would become a shadow of itself, an assortment of militias fighting a civil war. Today, it continues to enjoy substantial military superiority over the opposition (a reflection of its monopoly on heavy weaponry and a still substantial reservoir of troops, security officials and civilian proxies) and for the most part has succeeded in both containing peaceful protests and fending off armed groups. Yet, it has been unable to achieve sustained progress anywhere in the country. Its conduct on the ground – including excessive use of force by regular troops, the security sector’s sectarian behaviour, persistent resort to civilian proxies, horrendous treatment of detainees and indiscriminate punishment of entire swathes of the population – precludes even a semblance of normalisation.

Given enough time, the regime might be able to destroy the urban and social fabric of entire neighbourhoods, as it appears to have done in parts of Homs. But that will only reinvigorate protests and armed resistance elsewhere.

Politically, the regime has mobilised its narrowing, if still significant popular base; exacerbated and exploited the Alawite minority’s fears; but shirked serious outreach that could possibly appeal to the growing number of Syrians appalled by large-scale, brutal repression. As even the most pragmatic opposition members see it, the dialogue it proposes would be a pointless exercise designed to validate its pre-cooked, unilateral and limited reforms. The constitutional referendum on 26 February was a case in point: it touched on what mattered least (the status of the Baath party, already an empty shell) and ignored what mattered most (the security services’ sectarian make-up and shameful performance, and the nature of the country’s leadership). The latter is critical: President Assad retains significant backing but, having behaved as leader of one camp determined to crush the other, he has forfeited any claim to nationwide legitimacy.

III. THE INTERNATIONAL CACOPHONY

Faced with mounting casualties and a political deadlock, outside actors at best have been ineffectual, at worst have poured oil on fire. Many have chosen to view the crisis primarily through the prism of its regional strategic stakes – who wins and who loses in the event of the regime’s collapse – and have done nothing to advance prospects for a negotiated transition.

The regime’s closest allies – Iran and Hizbollah – for the most part have offered it unconditional backing, reiterating that it is the victim of a foreign conspiracy aimed at a member of the so-called axis of resistance. Reports periodically surface that they have sought contact with opposition figures, purportedly to explore a possible compromise. But they continue to lavish the regime with political and material support while deploying none of their considerable leverage to pressure Damascus to change course. They will be even less inclined to do so the more they sense that their foes are coming to the opposition’s rescue and the more they see the crisis morphing into a regional proxy war.

Arab states at the forefront of efforts to topple the regime – notably Qatar and Saudi Arabia – also are those most prone to polarise Syrian society and frighten some of its key constituents. Their religious leanings, lip-service to domestic reform and defence of Bahrain’s suppression of its Shi’ite majority make them dubious champions of personal freedom and human rights. Their priority is removal of a pro-Iranian regime, not transition toward a more democratic one.

Western countries clamour for the regime to fall but are hesitant and uncertain about how to make that happen and, notably in the case of the U.S., worried about what it might entail. By and large, they have taken refuge in a blend of outrage and ever-tightening sanctions. The former assumes a moral credibility neither the U.S. nor Europe truly enjoys in this part of the world; the latter – the remedy of choice when nothing else is at hand – will not affect the regime’s calculus and is catalysing an economic collapse that could turn a socio-political crisis into a comprehensive humanitarian one.

Bereft of good ideas, Washington and its European allies seem endlessly to be waiting for something to happen – for protests to build up as they did in Cairo’s Tahrir Square (the regime is ensuring that this will not occur); for the opposition to unite (an elusive if not illusory goal); for a palace coup (hard to fathom at a time when Assad appears indispensable to the inner circle that surrounds him); for the business establishment to switch sides (that has happened already – but to no visible effect); for Aleppo or Damascus to join the uprising (they have, to a significant

degree); or for defections to swell (they will, but only if officers and officials sense the end is in sight).

Russia asserts its neutrality but its actions belie the claim. On 4 February, it vetoed an Arab League-inspired, Western-backed UN Security Council resolution that would have condemned the violence and endorsed the regional group’s proposal for a political transition. Its reasons were various – notably, Moscow is still smarting from the Libyan precedent, when a resolution backing limited intervention was used as license for regime change; it dislikes Western interventionism; fears regional instability; and worries about Islamist gains in its backyard.

Such justifications aside, what Russia failed to do was offer an alternative, viable initiative of its own. Rather, it meekly encouraged Assad to “accelerate” the reform process and urged the opposition to accept it. The outcome was unsurprising: the regime has been further emboldened; the opposition on the ground is ever more convinced that all-out armed struggle is the only way forward; and countries such as Qatar and Saudi Arabia have pledged their wholehearted support to that effort.

The net effect of this international cacophony has been to persuade Syria’s leadership that it need not change a thing. Its allies have proved trustworthy, even as its enemies have done just enough to corroborate the regime’s conspiracy theories but not enough – for now – to pose a serious threat. In turn, this has made it possible for the leadership to continue to live in denial, apparently oblivious to the depth of a crisis it is unable or unwilling to resolve.

Frustrated and lacking a viable political option, Western officials and analysts have toyed with a series of often half-baked ideas, from initiating direct military attacks to establishing safe havens, humanitarian corridors or so-called no-kill zones. All these would require some form of outside military intervention by regime foes that would more than likely intensify involvement by its allies. Even if they were to provoke the regime’s collapse, that in itself would do nothing to resolve the manifold problems bequeathed by the conflict: security services and their civilian proxies increasingly gone rogue; deepening communal tensions; and a highly fragmented opposition.

Today, the proposal given most serious consideration is to arm the opposition. Gulf Arab countries have said they are prepared to do so and may have begun; it is probably unrealistic to stop them. But this too could plunge the nation ever deeper into a bloody civil war without prospects for a resolution in the foreseeable future and almost certainly trigger counter-steps by regime allies, thus intensifying the budding proxy war. Moreover, reports suggest weaponry could transit through Lebanon, thereby virtually guaranteeing that Syria’s civil strife would spill over into its fragile neighbour as well.

Many voices in the Arab world and in the West advocate toppling the regime almost regardless of consequences. This hardly is the way to help overcome fears felt both inside and outside Syria regarding the implications of such a scenario: long-term instability and uncertainty. Even Assad's supporters have stopped arguing that there is much that he still offers; instead, they claim that any alternative would be far worse. That is the view of many among Syria's minorities; it also is the view of many within the regime who are prepared to accept political change but only so long as it does not entail the regime's wholesale liquidation.

All of which underscores the necessity of a negotiated, orderly transition both to bring these constituencies on board and to try to deal with the myriad of post-transition challenges described above.

IV. THE ANNAN MISSION'S SLIM CHANCE

There is every reason to doubt that the regime will accept meaningful negotiations and concessions. If that is to happen, it will be only if and when the leadership is persuaded that the balance of power is tilting against it. This in theory can be achieved in one of two ways. First, the military balance could shift in a manner that compels the regime to sue for a deal. This brings us back to the option of outside – probably Gulf Arab – military assistance to the opposition and to the adverse consequences mentioned earlier. In any event, levelling the military field at best would take significant time. Meanwhile, the country would be further polarised and torn apart, diminishing chances of a compromise while reducing the possibility that regime supporters, whose backing for a genuine transition is critical, will jump ship. Realistically, this is the most likely option; it does not make it the better one.

The second, preferable option involves a shift in the international balance through enlistment of Russia in a genuine diplomatic initiative. For the regime, Moscow is key: losing it would mean losing a significant contributing factor to internal cohesion – the perception that, deep-down, the international community remains ambivalent at the prospect of real political change. Enter Kofi Annan: if the former UN Secretary-General can persuade Russia to back a transitional plan, the regime would be confronted with the choice of either agreeing to negotiate in good faith or facing near-total isolation through loss of a key ally.

Changing Russia's approach will not be easy. But it might not be unfeasible. Moscow's priority appears to be less upholding the existing Syrian leadership per se than ensuring some institutional continuity by preserving both the state apparatus and what can be salvaged of the army.

If the proposed transitional plan addresses those concerns and gives Russia an important role in guaranteeing its implementation, it conceivably could be brought on board – all the more so if Moscow can be convinced that its current course maximises the risk of producing the outcome it professes to fear most: chaos, civil war and, over time, the empowerment of more extreme Islamist forces.

Annan faces very long odds. The regime seems determined to crush the protest movement and views any concession as a first step toward its downfall. After months of vicious repression, the opposition appears in no mood to negotiate. To engage the regime without a clear mandate, definite framework for negotiations or the kind of international backing that can sway Syria's leadership would make it virtually certain that Assad would use the Special Envoy's visits to present himself as an indispensable interlocutor, issue empty pledges and play for time.

Steps on the ground are urgently needed, including Syria granting international humanitarian organisations immediate access to areas that have experienced the worst of the violence. Beyond that, the only initiative with a chance of success is one that enjoys as broad an international consensus as possible – including both countries that back the regime (such as Russia) and countries that back the opposition (Arab states and Turkey). It should present a set of binding principles, with detailed timelines and modalities to be negotiated by the parties:

- ❑ reform of the security sector to ensure that, ultimately, all civilian forces fall under the authority of the interior ministry and all military forces under the authority of the defence ministry, through:
 - restructuring of the army and police;
 - thorough, albeit gradual, overhaul of the security services. In order to undermine the transition, they might well provoke incidents and seek to spread chaos; to counter the threat, international observers could be embedded in them while the reform process is carried out;
 - demobilisation of the regime's civilian proxies and opposition armed groups;
- ❑ early elections for a president and constituent assembly to be monitored by international and Arab observers. The existing security services would have no role in supervising the polls; rather, elements of the army and police, large segments of which have not been involved in the repression, could be charged with providing security;
- ❑ formation of an interim unity government, with fair representation for the opposition's various internal and external components;

- ❑ protection of communities most exposed to reprisals pending establishment of a transitional justice system; and
- ❑ establishment of national reconciliation mechanisms, as well as a process for local reconciliation between neighbouring localities engaged in reciprocal violence.

V. CONCLUSION

With every day of intensified violence and rising death toll, the possibility of achieving a political solution slips further away. But the alternative is clear, and it is ugly. If the international community surrenders to that fate, all will pay a huge price.

Damascus/Brussels, 5 March 2012

APPENDIX A

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APPENDIX B

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CONFLICT WORLDWIDE

International Headquarters

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38
Email: brussels@crisisgroup.org

New York Office

420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 0820 · Fax: +1 212 813 0825
Email: newyork@crisisgroup.org

Washington Office

1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630
Email: washington@crisisgroup.org

London Office

48 Gray's Inn Road, London WC1X 8LT · Tel: +44 20 7831 1436 · Fax: +44 20 7242 8135
Email: london@crisisgroup.org

Moscow Office

Belomorskaya st., 14-1 – Moscow 125195 Russia · Tel/Fax: +7-495-455-9798
Email: moscow@crisisgroup.org

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