

Syria: We Can't Give Up On Diplomacy

Written by Natalie Samarasinghe

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NATALIE SAMARASINGHE, AUG 31 2012

At the beginning of September Lakhdar Brahimi will take over from Kofi Annan as UN-Arab League envoy to Syria. His task is not an enviable one, even for such a capable operator.

Brahimi assumes his role at a time when confidence in a diplomatic solution to the conflict has reached a new low. An estimated 20,000 Syrians have already lost their lives and over 2.5 million desperately need aid. Last weekend's massacre in Daraya, one of the worst since the conflict began, was another grisly reminder of the international community's failure to end the bloodshed. If the adoption of Annan's six-point plan provided a brief glimmer of hope, his resignation seemed to signal a shift from diplomacy to grim expectation of a long haul.

Both regime and rebels now seem set on military victory as their best option. Bashar al-Assad has vowed to fight on, whatever the price. Opposition leaders have alluded to a new phase of armed struggle that has brought victory 'within reach'. And many states clearly feel that the use of force in some form is necessary to prevent the civil war from further destabilising the region. It has already sparked deadly clashes in Lebanon and attracted a dangerous assortment of secondary actors including Al-Qaeda, Hezbollah and, reportedly, Iranian Revolutionary Guards.

This shift has not been sudden but it has certainly gathered pace in recent weeks. France has now declared that it would be prepared to contribute to the enforcement of a 'no-fly' zone. The US and UK, which have been providing non-lethal support to the Free Syrian Army (FSA) for months, recently issued the regime with a red line, threatening action if it turned to chemical weapons. The US has already discussed plans to secure these weapons with Israel and Turkey. The latter, along with Saudi Arabia and Qatar, has been openly backing the FSA for sometime, including, it appears, by arming it from bases in southern Turkey. Russia meanwhile has provided Assad with material support as well as political cover by continuing to supply the regime with fuel and arms. So too has Iran.

Pursuing a military approach, however, is fraught with difficulty. External involvement of any nature will have major implications for legitimacy and post-conflict responsibility, especially if the alternative to an Alawite autocracy is unclear. Partial engagement could prolong the fighting (arguably, it already has) and 'safe' or 'no fly' zones will need substantial military commitment. Support designed to tip the balance is also problematic. A desperate Assad could ratchet up the killings or turn to chemical weapons. Moreover, without a unified opposition, backing certain groups risks alienating others.

Against this backdrop, doubts as to what Brahimi can achieve are understandable. But it is clear that Syria needs effective diplomacy, now, to underpin discussions on military action, and even more so when the guns go silent. The end game cannot be Assad's removal alone but rather the future of the country, its people and its place within an unstable region. The more effort put in on the political side now, the easier the transition to a post-conflict Syria will be. Having a transition plan prepared may even encourage war-weary parties to return to the table sooner.

What happens now will have lasting implications for Syria and its neighbours. It is therefore crucial that all parties, internal and external, are involved in the transition and post-conflict planning – a tall order, but not an impossible one.

First, Brahimi should explore the array of levers – moral, political, economic and legal – available to the international community. To date, normal means of diplomatic pressure have not been applied convincingly and it is crucial that

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these means are exhausted (or at least seen to be) before military action can be legitimately considered. While bodies like the Arab League, UN Human Rights Council and EU have sought to condemn and isolate the regime, others have cushioned the impact. Russia and China have vetoed three draft texts at the Security Council. Their refusal to support sanctions has enabled the regime to circumvent existing trade, financial and arms embargoes through third parties. A referral to the International Criminal Court (ICC) also remains elusive. In Libya, it came in the same month that violence erupted. A more vigorous approach to applying international law, if universally supported, could yet prove effective.

Second, despite international discord, there are points of consensus for Brahimi to build on. The Security Council endorsed the Annan plan and steps towards its implementation proposed by the Syria Action Group, which includes key Council and Arab League members. The plan's political death is a reflection of the flouting of it, not its substance. Both it and the Action Group proposal contain several elements that could form the basis of a new Security Council resolution. The carefully-phrased transition process, for instance, would certainly lead to Assad's departure whilst preserving Syrian ownership and state institutions – enabling the country to function when the war ends and lessening concerns about externally promoted regime change.

Third, as the points of contention are well known, it should be possible to construct a resolution with clear parameters that would allay fears of sovereignty violation. Such a resolution should aim for a Syrian-led transition and civilian protection, a norm linked to but distinct from the responsibility to protect and governed by widely-accepted international humanitarian laws. It should avoid references to 'all necessary measures', which were crucial to military action in Libya, and instead focus on holding parties to their existing commitments, making it clear that further measures would be considered if they are breached, a key provision of the Council's June 2012 resolution on Yemen.

Fourth, agreement on these measures could, if needed, be sought outside the Council, within the Action Group for instance. They should include a mix of incentives, such as aid and post-conflict reconstruction, and punitive measures, with clear conditions for both.

For the opposition, conditions should centre on efforts to create a broader base. To date, the Syrian National Council (SNC), unlike its Libyan equivalent, has not managed to build unified support – a factor cited by several governments in determining their response to the FSA. While the SNC and other groups have indicated their willingness to talk to members of the regime if Assad goes, they need to do much more to reach out to Alawites, Kurds, Christians and others and convince them, and international audiences, that they can work together to create a pluralist, democratic and stable Syria.

For the regime, an exit strategy such as a Yemen-style transition might be a possibility. Although accountability for serious crimes is essential, there are precedents for securing exile arrangements as part of a peace agreement, with justice served at a later date. Charles Taylor's three-year spell in Nigeria and subsequent arrest in post-conflict Liberia is an example.

Fifth, there is now some movement towards the concerted regional pressure needed to give such measures effect: the suspension of Syria by the Organisation of Islamic Cooperation, despite Iranian opposition, and Egypt's plan to create a 'contact group' that includes Iran. Mohamed Morsi's visit to the country – the first by an Egyptian leader since 1979 – for the Non-Aligned Movement summit offers an opportunity to bring Assad's last regional ally into the fold. Iran is often more pragmatic than its rhetoric belies and, given its interests in maintaining links with a post-Assad Syria, not to mention its fondness for grandstanding, it may well prove willing to adjust its position or to broker an exile agreement (although it most certainly would expect something in return).

Finally, overcoming the Security Council deadlock is not impossible. In February, the Council came close to adopting a resolution with elements similar to those described above. Hesitant states such as South Africa and Pakistan were brought on board, leading to a 13-2 vote with Russian and Chinese vetoes. Even China reportedly considered abstaining.

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While both Russia and China have interests in Syria – the former is a traditional ally, with trade volumes close to \$20bn; the latter has a large stake in the country's oil industry and is a significant exporter – these ties should not be overstated. Syria produces less than 1% of world daily crude and is not a significant market for Russia or China. Both trade far more with the EU and both, particularly China, have expended much effort courting other states in the region, notably the staunchly anti-Assad Saudi Arabia and Qatar. Moscow and Beijing will also want to ensure their interests are protected in a post-Assad Syria.

Furthermore, despite their stated position of non-interference in sovereign affairs, the two countries have shown themselves willing to take action on a host of situations, including several with greater national significance, such as Georgia and North Korea. China, for example, did not stop Darfur's referral to the ICC in 2005 although Sudan was its largest oil supplier at the time. Both have worked constructively in the Council on addressing Iran's nuclear programme. And both have played their part in the Council's post-Cold War shift towards addressing internal conflicts.

According to the International Peace Institute, the Council adopted 617 resolutions on civil wars between 1989 and 2006 – more than on other matters – and issued 1,988 demands to warring factions. Over this period, its resolutions have grown in complexity, encompassing post-conflict political and governance arrangements as well as measures to end fighting, and the majority of its demands were tied to compliance with existing commitments or sanctions.

Will Brahimi be able to achieve anything for Syria from these ingredients, and can the bloodshed be halted? On the first question, it is clear that there is still room for manoeuvre. On the second, it is likely that a credible threat of force will be necessary to underpin these efforts. But even if this remains elusive, there is real merit in pursuing a comprehensive, consensual Security Council resolution and post-conflict framework, ready for when a tipping point is reached.

The fighting may still have some way to go, but we must start laying the foundations for peace.

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