



Syria: A Roadmap for a Sustainable Political Settlement

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On the eve of the Geneva II conference and amid continued fighting on the ground, this short paper seeks to draw up a roadmap, indicating the different stages and steps on the way to a sustainable political settlement of the conflict in Syria. A longer term perspective is put forward, adopting a broad-based and inclusive approach, focused on a Syrian-led transition process under international supervision with the assistance of key third countries, thus preparing the way for a multi-party democratic post-Baath future.

The peace conference in Geneva has been set for the 22 January. Both sides – the regime and the “Syrian National Coalition” (SNC) – have accepted to attend. How should one proceed with negotiations, what would be the main themes for discussion and the basic principles governing a new order at this conference and beyond?

STARTING POINT

There exists a de facto stalemate on the ground. Although the odds favour the regime

at the moment (recent territorial gains, clear objectives, a coherent strategy and reliable allies), most observers agree that the present situation does not allow for an all-out victory enabling the return to the status quo ante. Thus the only way forward would appear to be a sustained cessation of armed violence by means of a general ceasefire followed by diplomatic negotiations.

However, this reality is not recognized by the parties on the ground, each side setting unacceptable conditions for the other side (e.g. the rebels wanting the removal of Assad and the regime demanding an end to all military and financial backing of the rebels or, in their terms, “terrorists”). In order to overcome this impasse and avert the prospect of the conflict dragging on for many more years, international pressure should be substantially stepped up and maintained, using all available means. Third states, in particular in the region, should be closely associated with the negotiation process. How to start such a process?

STAGE 1: ESTABLISHING CONDITIONS CONDUCTIVE TO THE START-UP OF PEACE NEGOTIATIONS

Step 1: Initiating a process of confidence-

building measures (small incremental steps), aimed at setting up the necessary conditions for a sustained cessation of violence as well as disarmament, demobilization and – with respect to non-radicalized Syrian fighters – reintegration (DDR). What does this imply?

A first priority is to build on the temporary localized ceasefires, to be put in place or already established for the implementation of the chemical weapons agreement or brought about in any other manner. Furthermore, agreement should be reached on full and immediate access for humanitarian organizations (humanitarian corridors) to all areas affected by the fighting as well as on an exchange of prisoners. The arms embargo is to be reinstated and stringent measures denying the transfer of funds to all combatant parties introduced. Besides with Russia and the neighbouring countries (in particular Lebanon and Iraq), close cooperation will be needed not only with countries such as Iran, Saudi Arabia and Turkey but also with the Gulf states, Qatar and Kuwait. They should be drawn into the process as “facilitator states” because of their influence on radical Sunni groups.

Step 2: Getting the opposition on board. Opposition groups should be encouraged to increase cohesion and ensure effective representative interlocutors, reflecting their pluralistic composition as well as the views of Syrian society. It is important not to confine representation to members of the Syrian National Coalition, who lack legitimacy with the fighters, but use this Coalition as an umbrella for all different parties. Those with an impact on the situation on the ground, the combatants (barring extremists), should be involved in particular. Representatives of the various tribes, whatever side they belong to, are to be drawn into the process.

Step 3: Reaching out to the regime beyond Assad’s followers. Regime delegation should be broad-based, not exclusively those close to

Assad. Members of parties other than the Baath party, leading representatives of the military, security and police forces as well as the business community and civil society organizations should be included.

STAGE 2: NEGOTIATIONS ON A TRANSITIONAL CHARTER

Once conditions exist for the start-up of negotiations – pressure on all sides indispensable – a decision will have to be taken as to the way forward: either follow the path pursued with several other Arab countries (transitional government, elections for a Constitutional Assembly, followed by presidential and parliamentary elections) or, mindful of the ongoing nature of the conflict as well as the enormous loss of life and destruction in the wake of the civil war, a different roadmap, focused on the negotiation of a transitional “Charter” (in fact a Constitution) under international supervision and assisted by key third states – “facilitator states” – subsequently to be approved by a referendum. This second option seems more adapted to the circumstances, in particular in view of the still overwhelming position of the Baath party in the country which if not dismantled should be totally reformed (see below). The idea of a “Charter” reflects the need to establish a new constitutional order, breaking with the past. It is therefore a Syrian-led peace process under international supervision, assisted by key third countries.

Step 1: Putting together a transitional government. It would be a government or governing body with full executive powers by mutual consent (along the lines agreed at Geneva I), including Assad (for the time being) and representative groups from the opposition (Syrian and foreign fighters on the ground excluding radical elements).

Step 2: Determining the general principles (parliamentary or presidential regime, basic freedoms, economic system, electoral process

etc.) governing a transitional Charter, thus preparing the way for the post-Baath era. First priority is to restore the country's national unity, sovereignty and territorial integrity (a tall order given present divisions) and to maintain a functioning state, thus averting the risk of the country's borders being redrawn (in violation of Sykes-Picot) and creating a vacuum which would be filled up by militias. Therefore, it is not advisable to dismantle the whole of the existing security apparatus (mindful of the Libyan and Iraqi precedents) but to maintain governmental institutions and public services, including within reasonable limits military forces and security services. Their performance would have to be in accordance with internationally recognized human rights and professional standards. However, security, intelligence and military forces should in the longer term be reorganized on a competitive basis with a transparent recruiting system, not linked to confessional or ethnic considerations and securing their autonomy from the party in power.

Within the framework of a multi-party democracy and in an effort to set up a level electoral playing field the Baath party is to be totally reformed, its multiple ties with state institutions cut (the party is in fact a parallel state, even if several attempts at reform have been made) and its finances rendered transparent so that once the Charter has been approved free and fair elections can be held. Opposition forces, broad-based and covering a wide range of interests, should be encouraged to conclude alliances (5% threshold), thus facilitating the creation of a credible alternative to a successor Baath party.

The principle of a non-confessional state (a non-Moslem should be able to become head of State), the protection of the rights of minorities (religious and ethnic) and of women, as well as equal opportunities for all should be guaranteed by the constitution. Discrimination

on whatever basis should be banned. Conditions should be put in place to establish a market economy, led by the private sector, and opening the way for the country's integration in the regional and global economy. This system would mark a clear break with the still important role of the public sector, controlled by the interventionist economic development model of the past. The new order should provide for a modern system in matters of civil law (reference to systems in other countries such as Turkey).

When opting for a presidential or parliamentary system, preference should be given to a presidential one (difference with Iraq), given the country's past instability legacy and recent sectarian strife. A strong presidential system is therefore preferable, with the necessary checks and balances independence of the judiciary, rule of law, compliance with internationally recognized standards on human rights, accountability of those in government and a four-year presidential term, once renewable, as well as parliamentary elections every four years).

In the interest of reconciliation and justice and in view of the multiple atrocities committed during the war, a system of transitional justice should be put in place, holding those responsible accountable and including compensation or rehabilitation for victims of the conflict. A Reconciliation Commission should be set up, not only tasked with drawing up punitive measures.

Step 3: An agreement on general principles. Basic agreement should be reached on the applicability of these general principles between both official delegations under the chairmanship of an international intermediary, assisted by key third states within a set time limit.

Step 4: Drafting process. These guiding principles are to be worked out by a drafting

committee with representatives of both sides, aided by legal experts and UN officials, under the chairmanship of the international intermediary. This document should give rise to a fairly detailed text within a set time limit which would be put to both official delegations. Both delegations would have six months, once renewable, to endorse the draft peace agreement.

STAGE 3: ENDORSING THE DRAFT PEACE AGREEMENT – THE TRANSITIONAL CHARTER

This is the most decisive stage since the agreement has to be endorsed by the top political representatives from both sides. Therefore it would seem appropriate to use all necessary means, including if necessary the threat of force, to back up the agreement. Several possibilities can be envisaged:

Both parties accept the agreement, to be enforced by an armed, fairly substantial UN-Arab League “implementation force”, mandated to stabilize the situation and protect the population. Funds should also be provided for a reconstruction plan.

The opposition accepts the agreement, the government rejects it. In this case a humanitarian zone should be set up, possibly in the south bordering Jordan, enforced by a no-fly zone. Serious incidents cannot be ruled out. This could give rise to a military intervention.

Both sides reject the agreement. In this event the conflict continues. Arms embargo, mentioned under stage 1 / step 1, remains in place as well as measures denying financing to fighters on the ground.

The government accepts the negotiated draft agreement while the opposition rejects it. This should give rise to added pressure on the rebels

in the same way as happened in Rambouillet in February/March 1999 with respect to the conflict between Serbia and Kosovo.

CONCLUSION

An attempt has been made to outline a comprehensive strategy with a longer term vision, incorporating various dimensions (political, military, humanitarian and rebuilding). The adopted approach is broad-based and inclusive, covering internal and external actors, reflecting the pluralistic composition of the opposition and with the direct involvement of countries supporting the different sides. The objective is to open up the country to a multi-party democratic future while preserving its unity and territorial integrity. The threat of force is used as a last resort in an attempt to bring the conflict to an end.

It is unlikely that any measure of stability will be achieved, enabling a new order to take root, without an important armed UN/Arab League protection and stabilization force, tasked with ensuring compliance, ward off violations and expel remaining radical elements, thus reducing sectarian and ethnic strife. President Assad should be allowed to participate in this system. It cannot be ruled out that he will win the following Presidential elections and that his party – under whatever name – wins the most seats in parliamentary elections. However, there is a real prospect that within this new constitutional framework the principle of alternation of power will prevail in the longer term provided that a mechanism of accountability for war crimes and reconciliation is put in place.

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