

Syria: An end to the hands-off policy

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Many predicted that the situation in Syria would have to get worse before it gets better. Indeed, recent events in the country plumb new depths in what has been a downward spiral since 2011. According to the UN, the civil war in Syria has killed more than 250,000 people and displaced around 12 million – more than half of the population,¹ thus triggering the worst refugee crisis from a single conflict in a generation. Ever-growing numbers of asylum seekers cross the Mediterranean, placing the EU member states' already disgraceful 'welcome' under greater strain.² Yet as a result of the worsening situation in Syria, the summer also saw glimmers of hope in the form of unexpected diplomatic activity. This raises the twofold question of whether geopolitical actors in the Middle East consider that the conflict has now reached a tipping point and, if so, which objective the EU should be pursuing to resolve it.

Situation on the ground

The map of Syria's conflict has changed considerably in recent months.³ After chasing government forces from the central city of Tadmor in May, the so-called 'Islamic State' (IS) controls more than half of the territory of Syria, albeit the more sparsely populated half. The jihadists showcase their barbarism in professionally edited videos of public executions, including that of the chief conservationist of the ancient city of Palmyra, achieving maximum world media coverage of the destruction of remains of the UNESCO-protected world heritage site. The terrorists bankroll their expansionist operations by selling oil and historical artefacts to black market racketeers.

¹ 7.6 million are internally displaced and more than 4 million have fled abroad; data from the UN High Commissioner for Refugees available at www.unhcr.org/559d648a9.html.

² According to the UNHCR, 34% of the 137,000 people who arrived in the EU by sea between 1 January and 29 June 2015 were from Syria. See www.unhcr.org/5592bd059.html.

³ See, e.g., the products of the Carter Center's 'Syria Conflict Mapping Project' at www.cartercenter.org/peace/conflict_resolution/syria-conflict-mapping.html, the UAE-based Al-Masdar News network's Syria Battle Maps at www.almasdarnews.com/article/battle-map-syrian-civil-war-june-2015/#prettyPhoto/0/, the Syria Needs Analysis Project conflict map of 31 May 2015, at <http://acaps.org/img/documents/m-snap-estimated-areas-of-control-syria-31-may-2015.pdf>, and the ATLAS on Syria published by the Austrian Ministries of Interior and Defence featuring maps on territorial control, religious/ethnic groups and refugees, at www.ecoi.net/atlas_syria.pdf.

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Meanwhile, the influence of the regime of Bashar al-Assad is steadily eroding. Forces loyal to him have suffered a series of military setbacks at the hands of IS and other insurgent forces. Assad still controls most of Damascus and towns in the western part of the country, but in August he announced that his troops in northwest Syria were pulling back to a new defensive line around his Alawite homeland. An intensified aerial campaign directed against civilian areas in the south is a reminder that this increasingly desperate regime will stop at nothing to cling to power; not even hospitals or schools are spared. Government air strikes on the crowded marketplace of Douma, an opposition-held suburb in the northeast of Damascus, left more than 110 people dead and sparked condemnations in a rare statement by the UN Security Council.⁴ Such attacks, which regularly include barrel bombs, ground-to-ground missiles and even naval mines, constitute grave violations of international humanitarian law. The regime has also allegedly dropped 30 cylinders of napalm on Daraya, a southwestern suburb of Damascus. Marking the second anniversary of the August 2013 chemical massacre in eastern Ghouta, another Damascene suburb, the independent and non-partisan Syrian Network for Human Rights (SNHR) issued a report on the government's use of toxic gas against civilians.⁵ The SNHR recorded 125 breaches of Security Council Resolution 2118 since it was unanimously adopted in September 2013,⁶ including 56 breaches of Resolution 2209 of March 2015, condemning the use of chlorine gas as a weapon in Syria.⁷ But with no consensus in the Security Council on the enforcement of the relevant provisions of international humanitarian law, these resolutions remain a dead letter.

Considering the longstanding hands-off approach of the big powers represented in the Security Council,⁸ it is striking that the UN organ in the abovementioned statement demanded that all parties in the conflict work towards a political solution:

“The Security Council stresses that the only sustainable solution to the current crisis in Syria is through an inclusive and Syrian-led political process that meets the legitimate aspirations of the Syrian people, with a view to full implementation of the Geneva Communiqué of 30 June 2012 and, in this regard, emphasizes the urgency for all parties to work diligently and constructively towards this goal (...), to engage in good faith in the efforts of the Special Envoy [Staffan de Mistura] (...) and to continue consultations and thematic discussions (...) build[ing] on recent initiatives, including the meetings in Moscow, Cairo, Paris and Astana”.

New diplomatic momentum

The last few weeks have seen a flurry of diplomatic activity between Iran, Saudi Arabia, the US, Russia and the EU, in what seems to be a concerted effort to break the logjam over the Syrian conflict. Some of the meetings have been rare or unprecedented, such as a trilateral in

⁴ S/PRST/2015/15 of 17 August 2015. See also the Joint Declaration by the EU's High Representative and the Commissioner for Humanitarian Aid and Crisis Management of 17 August 2015.

⁵ SNHR, “Toxic Gases in Syria: Unlimited Security Council Breaches”, 16 August 2015, available at http://sn4hr.org/wp-content/pdf/english/Toxic_Gases_in_Syria_en.pdf.

⁶ UNSC Res. 2118 holds that the use of chemical weapons constitutes a serious violation of the international law; that those responsible for any use of chemical weapons must be held accountable; and that in the event of non-compliance with this resolution, measures shall be imposed under Chapter VII of the UN Charter.

⁷ See also the Statement by Mogherini's spokesperson on the continuous abuses and violations of human rights in Syria and the establishment of a mechanism to identify the perpetrators of chemical weapons attacks, 7 August 2015.

⁸ See L. Scazzieri and S. Blockmans, “Shaping the emerging consensus on Syria”, CEPS Commentary, 26 February 2014.

Doha between the US, Russian and Saudi foreign ministers; a trip to Oman by the Syrian foreign minister, who also shuttled to Tehran to meet top Iranian and Russian officials; a groundbreaking meeting between key Syrian and Saudi intelligence officials in Riyadh; trips to Moscow by the Saudi foreign minister and various members of the Syrian opposition; visits by the EU High Representative to Riyadh and Tehran; and a tour by the Iranian foreign minister to capitals in the Middle East and South Asia to promote a new peace plan that he intends to take to the UN.

There are two main drivers behind this new diplomatic momentum. First, the recent nuclear deal with Iran has given rise to much jockeying for position. Now that Iran is coming in from the cold, it is eager to assert itself as the leading Shia country in the Middle East and a key interlocutor in any Syrian peace deal. This has alarmed its main Sunni rival. Saudi Arabia is wary of Iran's claim to regional primacy and of its closer relations with the US. So Riyadh is reaching out to Russia as a counterweight. This serves the Kremlin's ambition to take on the mantle of key international mediator when it comes to Syria. For its part Moscow has been fostering links with Iran while trying to cajole Syria's fragmented opposition into talking to Assad's government. Meanwhile, the EU's High Representative, who coordinates the Joint Commission that oversees the Iran nuclear accord, has been keen to build on that role by engaging both Riyadh and Tehran on the Syrian dossier. Finally, the Obama administration hopes that the Iran nuclear deal can resolve the Syrian conundrum and strengthen relations with Moscow, which have been under considerable strain since the war in Ukraine.

Second, the new directions in Syria's conflict are worrying key players. Iran and Russia have looked on as the influence and reach of their client in Damascus have steadily eroded. Moscow and Tehran realise that, in spite of their costly support, Assad will be unable to prevail militarily and that a transitional government is needed. Russia continues to insist that its support is not for Assad himself, but for Syria's legitimate government. Although the US and its partners might welcome the weakening of the Assad regime, it is also a concern because Washington has failed to strengthen moderate forces amenable to Western interests. If the Assad regime were to collapse IS might extend its grip over the whole country - a nightmare scenario that in theory should unite the US, Saudi Arabia, Iran, Russia and others. The view that the Obama administration should soften its long-held position that "Assad must go" as a prerequisite to forming a transitional government is certainly fuelling debate in Washington.

Meanwhile, the US and its Gulf allies are debating whether their air campaign against IS targets in Syria and Iraq is working. Arguably, the air support provided to the Iraqi army, Iranian (-backed) Shia militias and Kurdish Peshmerga forces has done little to roll back IS in Iraq. In reaction to an IS terrorist attack waged on its side of the border with Syria, Turkey has recently joined the fight, although it is using it as a pretext to pound Kurdish positions instead, thereby weakening the opposition to IS. Western 'boots on the ground' are inconceivable. What emerges is that unless the Syrian army takes on IS in Syria, the jihadists will remain in business indefinitely. Such a strategy would play into Iran's hands because IS poses an existential threat to Assad's regime, disrupts the supply chain to Hezbollah in Lebanon, and challenges Tehran's interests in Iraq. As the 'caliphate' spreads its tentacles across the Middle East and beyond, staging terrorist attacks in Saudi Arabia, Turkey and Europe, it shifts from being a regional to a global threat. The Kremlin is also worried: as IS jihadists are recruiting thousands of Russians to fight in Syria, the return of such foreign fighters threatens the safety of Russians at home.

Contours of a 'grand bargain'

The intense diplomacy over the summer suggests that the geopolitical powers in the Middle East, whose differences have long undermined efforts to resolve the conflict, are finally making coordinated strides toward goals they claim to share: a political solution to Syria's civil war and the urgent need to counter the rise of Islamic State. But fundamental disconnects remain. A breakthrough can therefore not be expected anytime soon.

Nevertheless, as the main diplomatic players' positions inch towards each other, the contours of a 'grand bargain' are emerging. In theory, the big powers should be able to reach a compromise agreement on a transitional government that includes Assad or one of the more palatable members of his entourage, plus moderate opposition figures. Such a unity government should allow the army to absorb forces from moderate groups. The government and the army of a rump state in the western part of the country would then have the necessary political legitimacy and sectarian (Sunni/Alawite) representation to unite against the Islamist jihadists of IS in the east and the likes of the Nusra Front, an al-Qaeda affiliate, in the northwest.

This scenario fits in with the plan that Iran put forward: an immediate ceasefire; the formation of a national unity government; a constitutional amendment guaranteeing the rights of all Syria's ethnic and religious groups; and internationally supervised elections. The EU should embrace key elements of this plan and promote them in its own *démarches* towards Russia, Saudi Arabia, Turkey and the US. A comprehensive plan should also include a no-fly zone across Syria - not just a safe zone along Syria's northern borders or along the western spine of the country - to provide protection to all Syrians from barrel bomb air strikes and chemical weapons. The only air power allowed would be that of an international coalition, mandated by the Security Council to fight IS and other jihadist groups. Finally, those responsible for the grave violations of international humanitarian law and murder of thousands of civilians need to be held to account and should therefore not be allowed to escape justice under any compromise deal.

The Security Council has requested that the Secretary-General report back to it on the results of the next phase of consultations by mid-November. One would hope that the new momentum in international diplomacy can move fast enough to prevent Syria from falling to IS - a nightmare scenario over which the outside world would have very little influence.