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ASSESSMENT REPORT

The US and Russia Come to Terms on Assad's Future

Policy Analysis Unit | Apr 2016

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Arab Center for Research and Policy Studies

PO Box 10277

Street No. 826, Zone 66

Doha, Qatar

Tel.: +974 44199777 | Fax: +974 44831651

www.dohainstitute.org

Table of Contents

Introduction	1
Kerry and Putin see Eye to Eye	2
The White House and its Obsession with ISIL	3
Conclusion	5

Introduction

The first indications of US-Russian conciliation over the Syrian crisis became apparent amid the last round of UN-sponsored shuttle diplomacy. Staffan de Mistura was in the middle of a series of visits to the countries involved in the Syrian conflict in the run up to the latest round of the Geneva talks, which were set to begin on April 13. However, in the background a putative agreement appears to have been reached during US Secretary of State John Kerry's visit to Moscow the previous March. The deal reflects the growing American acceptance of proposals to extend Bashar al-Assad's presidency through a transitional phase intended to usher Syria out of the present conflict. Indeed, instead of insisting on the removal of Assad from the presidency directly, Washington is now prepared to countenance leaving the Syrian president in place and instead focusing on amending the Syrian constitution. This will allow the fate of the presidency to be decided by election, set to take place within an agreed-upon political process. The clearest indication of this new-found concord between Washington and Moscow was a recent and revelatory statement by US State Department spokesman Mark Toner who, during a regular press briefing, made clear that the US believed the fate of Assad should be decided by "a political process that reflects the desires and will of the Syrian people." At the same time, Toner refused to object explicitly to Russian desires to keep Assad in power, signaling a shift in American policy.¹

While the constitutional amendments to be negotiated in Syria will certainly extend to the president's constitutional role, and while Assad's role during the transitional period will certainly be purely ceremonial, this new development means that Assad will be present throughout the transitional period and indeed will have the right to be a candidate in the presidential elections. This shift has been carried out under the principle of self-determination for the Syrian people, an idea that has already become a mantra shared by both Russian and US spokesmen. Given these shifts, questions that must be raised today are: is an Assad presidency without presidential powers an actual possibility? What happens during the transitional period in which Assad remains in place? Will the security services and military remain loyal to him?

¹ See, US State Department Daily Press Briefing for April 5, 2016:
<http://www.state.gov/r/pa/prs/dpb/2016/04/255522.htm>

Kerry and Putin see Eye to Eye

Though Russia denied that discussions with Kerry over the transitional period addressed the question of the fate of Assad, and refused to admit that preparations for the transitional period were being made, it does seem obvious that Assad's future was a high priority during meetings in Moscow and others held during the lead-up to the Geneva talks. Indeed, next only to implementing and stabilizing the ceasefire, just what will happen with Assad seems to be a top priority. Russia continues to oppose the removal of Assad as a prerequisite to full peace in Syria, on the grounds that such an ouster would be unacceptable to Iran and could result in the full collapse of the Syrian regime. Given America's growing amenability to the idea that Assad be kept in place, coupled with Iranian and Russian intransigence on the same point, Moscow was emboldened enough to suggest that Assad even be allowed as a candidate in the presidential elections due to take place within 18 months of the start of the peace process. In return, however, the vision of the peace process is a transformation of the Syrian model of government from a presidential system to a parliamentary model. This would see the president chosen not through a general election of the entire electorate, but by elected deputies. In such a system, the Syrian president would be limited to a purely ceremonial role while his current authority would be transferred to a cabinet drawn from the parliament. Today, American and Russian negotiators are apparently in agreement that the amendment/re-drafting of the Syrian constitution should have precedence over deciding the composition of Syria's government during the transitional period, or the fate of President Assad. Kerry has made clear that this process of reforming the constitution should be completed no later than August 2016.²

There is, however, a major flaw with the Russian proposal that Secretary Kerry has now not only wholeheartedly embraced, but has been promoting on a whistle-stop tour of the region to Arab governments that would prefer the Syrian revolution be strangled in its infancy. The problem with this plan is that no future Syrian government would be able to exercise its authority so long as Assad remains in Syria; even if his official role becomes purely symbolic. At the end of the day, Assad's control of Syria's military and security apparatus goes well beyond his formal position as head of state. The military and security establishments, which have now been involved in wholesale torture and

² See: "Syria conflict: US and Russia want draft constitution by August," BBC News online, March 24, 2016: <http://www.bbc.com/news/world-middle-east-35897667>

the massacre of the Syrian people for many years, owe their very existence to the Assad inner clique and are not about to abandon him. In Yemen, the case of ousted president Ali Abdullah Saleh gives some indication of what the Syrian people can expect if Assad is allowed to remain within the borders of Syria. Even after his ouster, Saleh proved capable of exercising control over the military despite his pretense of abdicating constitutional power. In Syria, one can only speculate at how far Assad's ability to command the respect of the military will extend. So long as he remains within Syria's borders any constitutional amendment that curtails Assad's power will not be worth the paper it is written on: since his dictatorial powers are not rooted in the constitution, they cannot be contained by it.

Above and beyond everything else, one would expect a "ceremonial" or "figurehead" president in particular to act as a symbol of the unity of the nation, who derives power from a series of achievements for the national good and in which said president can take pride. Could one expect Assad to fill such a role for Syria? It appears that, as far as the White House and the Kremlin are concerned, the outright destruction of Syria, the loss of up to one million Syrian lives (including the disappeared), and the displacement or exile of almost half of the nation's population, are accomplishments for which Assad should be awarded with an honorary role.

The White House and its Obsession with ISIL

It is abundantly clear that the Obama administration's thinking with regards to Syria and the wider region is driven by the desire to completely wipe out ISIL.³ Driven by this obsession, all other aspects of the Syrian crisis are treated as peripheral details. Indeed, it seems the White House would like to see all the combatants of the Syrian conflict lay down their arms and focus solely on the larger goal of defeating ISIL. Even Russia's direct military intervention in the Syrian conflict, despite the shock it gave the US initially, presented Washington with an opportunity to bring Moscow into the anti-ISIL coalition. American officials, in fact, were quick to promote the idea that Russian forces should turn their attention to ISIL instead of targeting forces within Syria's legitimate opposition. So determined was the White House to win Russia over to this approach that it was willing to make extensive accommodations for the Russians, acceding to

³ See, for example, a press briefing by White House Press Secretary Josh Earnest: <https://www.whitehouse.gov/the-press-office/2014/10/17/press-briefing-press-secretary-josh-earnest-101714>

many of Moscow's demands when it came to Assad's fate. Washington also agreed to participate in the Vienna-based peace negotiations, which the Russians had proposed at the same time as they began direct military intervention in Syria. These negotiations grew from an original four-way track that brought together Russia, the United States, Turkey, and Saudi Arabia, to a negotiations table that sat 17 countries, including Iran.

The denouement of these efforts took the form of an agreement by all parties on a Syria transition plan signed November 14, 2015. The agreement was incorporated into UN Security Council Resolution 2254, which passed on December 18 of the same year. The agreement called for a full ceasefire in Syria, the formation of a government free of a sectarian character fully empowered to rule the country; the amendment of the Syrian constitution; and the holding of UN-supervised general elections within 18 months of the beginning of the ceasefire. Initially, the talks—which came to be known as Geneva III and which began on January 29, 2016—seemed to be futile given Russia's failure to uphold the ceasefire. This situation was turned around, however, when on February 11 representatives of the Syrian combatants met on the sidelines of the Munich Peace Conference and agreed to freeze "hostile activities" in the country effective February 27. A telephone conversation between the Russian and US presidents on February 22 finally set the wheels in motion for this latest ceasefire to take hold.

Today, the US administration is resolutely committed to the ceasefire, which it has come to view as an important tool in its strategy to defeat ISIL despite a number of major infractions against it by the Russians. Notably, adherence to the ceasefire comes against the protests of the Syrian regime which, emboldened by a direct Russian boost on the battleground, would have preferred, according to statements made by Assad, to continue fighting until it recaptured all of the territory it had lost. Equally, the opposition had its own reservations regarding the ceasefire, fearing that the cessation of hostilities before a transitional period commenced would undermine its negotiating position and deprive opposition negotiators of tools that would otherwise be at their disposal to apply pressure on the regime.

The US' position on the ceasefire is rooted in the understanding that a cessation of hostilities between the Syrian opposition and the regime would also allow both sides to combine their efforts against ISIL—something they would be expected to do in complete isolation from the ongoing processes of the wider political track, and without any regard to the possibility of achieving any sort of progress in the Geneva process. Over the past six weeks of ceasefire, the regime—seeking to rehabilitate its own image and present itself as an ally in the battle against ISIL instead of as a murderer of its

own people— has had the luxury of moving many of its armed units from the frontlines of the battle against the opposition to the outskirts of Palmyra, which it eventually retook. Syrian regime forces have also been able to recapture the city of Qaraytayn, previously held by ISIL, which lies 85 kilometers to the southeast of Homs. The regime forces' recapture of these two cities, both of which sit on mineral wealth, has proven to be a major setback for ISIL. Besides their underground deposits, these two towns are also vital axes sitting on the lines connecting ISIL bases in the east (Deirezzor), northeast (Raqqa), and southwest (Qalamoun).

For its part, the armed Syrian opposition has also made some inroads against ISIL. With Turkish military support, armed units within the Syrian opposition managed to pry the strategically important hamlet of al-Rai and a few neighboring villages along the border with Turkey from ISIL hands, before the opposition was forced to abandon these gains. As these battles were being waged, armed Syrian opposition units based in the south of the country were confronted with two small armed groups affiliated with ISIL—the Yarmouk Martyrs Division and the al-Muthana Islamic Movement—on the road linking Deraa and Quneitera (near the Golan Heights).

In other words, the US strategy has paid its dividends: with the end of Russian airstrikes against the Syrian opposition all of the combatants on the ground are now fighting the same enemy. So promising were these results that Kerry made a second visit to Moscow within the same month, to try and fortify the fragile truce between the regime and the opposition.

Conclusion

The prospect of Assad—or, for that matter, any dictator—acting as a purely ceremonial head of state is simply unimaginable. Nor is it conceivable that the transitional period could possibly go forward unless Assad leaves the country and vacates the presidency. Even with a plan in place that would see him leave Syria, there is nothing yet to address the moral consequences of Assad's crimes against humanity or the genocide committed by his regime. Indeed, much must be determined before these violations can be brought before the courts.

So long as Assad remains in place in any capacity whatsoever, then no political solution to the Syrian crisis can be forthcoming—so long as Assad remains in Syria, then the root causes of the conflict will not have been altered. This means a prolonging of the intra-Syrian conflict; a conflict that will provide ISIL—or some group similar to it in

outlook—with the fertile ground it needs to expand across the country’s territory. The current terms of US-Russian agreement, then, can only temporarily meet the foreign policy aims of each country, and worse, leave Syria and Syrians in the same terrible position they were in before the talks began.