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Arab Center for Research & Policy Studies

ASSESSMENT REPORT

Geneva, Round III: a Peace Process Strangled at Birth

Policy Analysis Unit - ACRPS | Feb 2016

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Introduction

A new round of political-diplomacy mediated by the United Nations (UN) and aimed at ending the Syrian crisis was launched on January 29. It was dubbed the “Geneva III” round of talks, being the third series of meetings held between representatives of Syria’s opposition and the Assad regime in the Swiss city since 2012. Despite the apparent determination of international actors to resolve the conflict, and to contain a growing security, political and economic fallout which has become a major source of concern for regional and global policy makers, the indirect negotiations coordinated by UN Special Representative Staffan De Mistura were ultimately still-born. On February 3, the UN mediator had to announce the suspension of talks, ostensibly until February 25, less than a week after they had first started, having failed to persuade the Syrian regime delegation to lift sieges on a number of rebel-held towns and to allow the entry of food and other relief supplies. Likewise, De Mistura could not convince the opposition to continue to take part in a process which they came to see as futile, given the continued use of Russian military planes as cover for the regime’s attacks on towns in the environs of Aleppo, of Damascus and of Latakia and the area surrounding Deraa.

From Riyadh to Geneva: the Opposition Goes to the Negotiating Table

A special Higher Negotiation Committee, formed during an expanded congress of the Syrian opposition in the Saudi capital, had set out the conditions under which it would be prepared to take part in the so-called “Geneva III” peace talks. Most importantly, these included: that there could be no intervention in the formation of the opposition delegation to the talks; an acceptance that the Riyadh Conference was a legitimate representative of the Syrian opposition in its entirety, given that members of smaller opposition groups who had been party to smaller meetings hosted in Moscow and in Cairo, as well as representatives of Kurdish groups, had been invited to attend. In other words, the opposition was vigilant against attempts by the Syrian regime and its allies in the Kremlin or Tehran to infiltrate its own delegation. The opposition also made clear that it would take part only in a genuine negotiations process and not a mere exercise in deliberations, and further that it would not join that process before the regime implemented Clauses 12 and 13 of UN Security Council Resolution 2254 (passed on December 18, 2015), which called on Damascus to end its siege of opposition-held

towns and to allow the entry of humanitarian relief into those areas, to release civilian prisoners, and to end the “barrel bombing” of, and air strikes on, civilian areas. As far as the opposition was concerned, these principles were non-negotiable, and they had the force of UNSC Resolutions 2118 (passed in 2013) and 2254 which, the Syrian opposition maintained, should form the basis of any negotiations process with the Assad regime.

The Higher Negotiations Committee’s adherence to these principles, coupled with the rejection of them by the regime, gave rise to a flurry of diplomatic activity aimed at coercing the opposition to soften their stance and attend the negotiations in Geneva, which would have been meaningless without their participation. The opposition groups which convened in Riyadh eventually agreed to attend the meetings, following assurances from UN special envoy De Mistura that the Geneva talks would be part of a meaningful negotiations process aimed at creating a credible transitional authority in Syria within a specified time frame. De Mistura further assured the opposition members that he would take personal responsibility for a breakdown of the political process, in the event that the regime would not comply with its humanitarian obligations during the talks’ first five days.

The opposition delegation sent to Geneva had a largely exploratory mission ahead of it, being tasked with determining the level of sincerity on the part of the regime, the regime’s Russian allies and the international community more generally, in advancing a genuine negotiations process based on Clauses 12 and 13 of UNSC Resolution 2254. The opposition also sought to absolve itself of any potential blame for the failure of a political resolution to the Syrian crisis.

Nonetheless, the opposition had undertaken to withdraw from the Geneva III process in the event that De Mistura could not guarantee implementation of what they termed the UN Representative’s “List of Guarantees”, despite the fact that this document contained no guarantees. Even before the talks opened, De Mistura seemed to be backtracking on some of his promises. One semantic difference into which the opposition read some significance was his use of the word “talks” as opposed to “negotiations”: to observers from the opposition side, this appeared to be a concession to the regime, which had insisted that it would be prepared to have Syrian interlocutors to discuss Syrian affairs, but not to negotiate with over the future of their country.

The Regime Finds Reasons to Attend

The Assad regime went grudgingly to Geneva, and was most likely compelled to do so by its Russian backers. This was evidenced by the way in which Damascus named Bashar Al Jaafari, a diplomat known for his provocative demeanor, as chief negotiator in the meetings. Pressure from Moscow would later force the Syrian regime to name Walid Mualem, the more conciliatory Syrian Foreign Minister, as the delegation's head; in case genuine negotiations took place. The foot-dragging began even before the delegations arrived in Switzerland, with the Assad regime insisting that it had abided by its humanitarian obligations included in Clauses 12 and 13 of UNSC Resolution 2254, through agreements on the sieges of Madaya, Kafraya and Al Foua signed over the previous three weeks. The Syrian regime also insisted that the Higher Negotiation Committee was not competent to represent the opposition, as it did not include Moscow-nominated members, and was partially constituted by "terrorist organizations" with whom Damascus was not prepared to negotiate.

Prior to joining the negotiations process, the regime sought to consolidate its position on-the-ground with a large-scale battlefield escalation and an accelerated aerial bombardment campaign. In other words, the Assad regime wanted to use Russian air cover, as well as the large numbers of foreign fighters organized in Iranian-supervised militias, to make the most of its negotiating position. By stepping up its military activities on the eve of the negotiations in Geneva, the regime could make questions of humanitarian and relief assistance the single most important matter on the negotiating table, thereby allowing it to impose the solution it had sought since the beginning of the conflict, which entailed a vague set of limited reforms led by Bashar Al Assad.

The View from Moscow

Russia's considerable level of military and diplomatic support for the Assad regime casts considerable doubt on the Kremlin's sincerity in wanting to see a negotiated political resolution to the Syrian crisis. The Syrian opposition continues to be dubious about Moscow's aims, believing that Russia might be trying to buy time while it crushes the moderate opposition, before imposing its own solution to the crisis. Equally, however, the Kremlin is aware of the complexities in which it has embroiled itself by siding so actively with the regime. The possible damage done to Moscow's image in the Arab world and among Muslims more broadly by the images of slain Syrian children cannot be underestimated. Finally, the Russian government must be acutely aware that only a

negotiated, political settlement which guarantees a modicum of the popular demands of the Syrian people will bring the conflict to an end. Any other approach will result in the expansion of the scope of Russian activities in Syria , a harrowing prospect for Russia now that some of its soldiers are being killed in northwest Syria.

Thus a political settlement to the Syrian crisis remains one of Moscow's aims, although it continues to be committed to the preservation of the Assad regime, which is in turn completely reliant on Moscow for its very existence. While the maintenance of Bashar Al Assad at the head of the Syrian state may not in itself be a necessary precondition for Russia's desired outcome to the conflict to succeed, Moscow has no obvious alternative candidate who could hold the regime in place, and would likely find it difficult to build a network of reliable allies to run Syria post-conflict, if Assad is ousted from power. In lieu of a clear way out, Russia continues to bombard Syrian opposition positions in the hope of reducing the opposition to the point that they will be unable to resist Russia's intended solution. Ultimately, that solution would broadly be in agreement with a two-year-old Iranian proposal, which envisages a ceasefire, followed by the formation of a national unity government including Assad, before presidential and legislative elections are held. Overall, none of Russia's proposals lie outside of these broad principles. Not wishing to unsettle the presently prevailing balances of power in the Syrian conflict—and in particular, seeking to avoid the possibility of a direct confrontation with Russia over a question as relatively minor as Syria—the United States is also not entirely opposed to these proposals.

The Washington Seesaw

In contrast to Moscow's persistent and multifaceted support for the Assad regime, Washington has vacillated from being a backer of the Syrian opposition to being a mediator who has pressured the opposition both into attending the Geneva talks and to adjusting its expectations of the talks' outcomes.

Meeting with the Higher Negotiations Committee in Riyadh in the run-up to Geneva III, US Secretary of State John Kerry encouraged the opposition to take part, but could not provide assurances beyond two broad points: that the Riyadh delegates were the sole representatives of the Syrian opposition, and that the talks would focus on a political solution to the Syrian crisis. All other matters, including humanitarian affairs and the fate of Bashar Al Assad, would be up for debate. In fact, Kerry could not even guarantee that Assad would stay out of the running in any presidential elections to take

place at the end of Syria's transitional phase. The Secretary of State did, however, personally assure the opposition members that an Assad victory would be so unlikely as to be impossible, since all Syrian citizens, including those living in refugee camps and in exile abroad (as per UNSC Resolution 2254), would have the right to cast a ballot in those polls. Menacingly, Kerry told his interlocutors in the Syrian opposition that their abstention from the negotiations could cost them the support of their international allies.

Conclusion

It is clear to see that De Mistura's announcement of the end of the political process was merely a pre-emption of the opposition's impending withdrawal from the Geneva III talks. The non-compliance of the regime with respect to its humanitarian obligations undermined the Riyadh opposition's popular support base, and shook the confidence of the armed groups who had mandated the opposition delegation to negotiate on their behalf. Without an end to the bombardment and siege of civilians in rebel-held areas, the negotiations in Geneva appeared futile. Even if Russia succeeds in persuading the Syrian regime to loosen its siege on civilian areas in order to salvage the peace process—assuming that De Mistura's plan to re-commence on February 25 goes ahead—the securing of a ceasefire will continue to be subject to contentious debate.

A ceasefire endorsed by the UN Security Council would imply a suspension of arms shipments to all of the combatants, but such a suspension would have unequal implications for the fighting sides. While the Assad regime has been able to stockpile weapons for the previous few months, the armed opposition, which is already suffering from an anemic arsenal, would likely stand to lose if it had to abide by such a ceasefire. Those losses would become all too apparent in the highly probable event that hostilities resumed after the end of the ceasefire.

The Higher Negotiations Committee, meanwhile, holds that any ceasefire must form a part of a comprehensive agreement which includes the Geneva Communique of 2012, and all of the relevant UNSC Resolutions. The Committee also holds that the implementation of any such agreement must be seen as part of a wider political transition, as stipulated in Clause 5 of UNSC Resolution 2254. Yet a leaked UN report, authored by De Mistura himself, makes clear that the UN can only mediate such an agreement, and that it does not have the capability to fully implement any negotiated solution, including the ability to deploy observers to Syria to oversee implementation.

In conclusion, the above factors make it patently obvious that the outcome of Geneva III cannot be significantly better than the outcomes of previous rounds of negotiations between the combatants in Syria. Indeed, the behavior of the regime's negotiators makes it clear that Damascus is interested only in stalling tactics, thereby postponing negotiations over a political transition as much as possible, just like what happened during the Geneva II round. With that accomplished, the Syrian regime will be able to put numerous geographically limited and isolated ceasefires in place with individual armed opposition groups while Russian bombs bolster their position. Going forward, it is that armed intervention by Moscow which has shown itself to be the biggest obstacle to the conclusion of a political settlement in Syria, becoming the biggest strategic hurdle for the armed and political wings of the Syrian opposition.