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Arab Center for Research & Policy Studies

ASSESSMENT REPORT

UN Resolution 2254 and the Prospects for a Resolution to the Syrian Crisis

Policy Analysis Unit - ACRPS | Jan 2016

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Introduction

A series of meetings held in Vienna during October and November, 2015, were a turning point in the efforts to find a resolution to the conflict in Syria, which had increased in complexity prior to these discussions as a result of a number of factors, chiefly direct Russian military intervention, which began on September 30 of the same year. Moscow's military involvement risked an uncontrollable and unpredictable escalation of events involving the Syrian conflict's regional and global players, a prospect made very real by Turkey's downing of a Russian military jet that crossed into Turkish airspace on November 24. Adding to these complexities was the rising toll which the Syrian crisis was extracting internationally, including the growing threat of terrorism, with ISIL claiming responsibility for a number of attacks in Arab cities and across the globe, coinciding with a mounting exodus of Syrian refugees entering Europe. These increased political, economic and security challenges after five years of the Syrian revolution galvanized international efforts to find a political resolution to the crisis, culminating in an international meeting hosted in the Austrian capital and sponsored by the United States, Russia, Saudi Arabia and Turkey on October 23. The list of meeting participants later expanded to include all parties to the conflict, including Iran.

The Vienna Track: Riyadh Take Off

The first meeting of the Vienna Process finished on October 30 with a communique which affirmed the territorial integrity and political independence of Syria, as well as the preservation of its state institutions and the equality of all Syrian citizens before the law without regard to race or religion. The first meeting also affirmed that UNSC Resolution 2118 and the Geneva II Communique (2012) would form the main basis for any political resolution to the Syrian conflict. The second Vienna meeting, which concluded on November 14, managed to produce a road map together with a time table for a three-phase political transition of power in Syria, to end in December, 2017.

The communique sets out a UN-sponsored negotiations process beginning in early 2016 which would aim to determine the mechanisms for a ceasefire between the various parties involved in the Syrian conflict. This would be followed by two periods during which a "credible, inclusive and non-sectarian governance" is established and which "sets a schedule and process for drafting a new constitution". This would be followed by UN-supervised elections in which all Syrians, whether living within the country's borders

or abroad, could take part. In parallel, the Jordanian authorities were tasked with drafting a list of all the militant groups active within Syria which would be classified as terrorist groups. These would not be covered by any ceasefire, and would eventually be targeted by the international sponsors of the Syrian peace process. The parties to the Geneva Communiqué also tasked Saudi Arabia with the unification of the Syrian opposition groups in preparation for negotiations with the regime.

The Saudi hosts eventually invited the constituent parties of the Syrian opposition to convene in Riyadh on December 8 and 9, where the gathered parties agreed to a political document which reaffirmed support for the territorial integrity of Syria, as well as the inviolable sovereignty of the state and its civilian nature. In addition, the participants agreed to protect political pluralism in a democratic system in which human rights were guaranteed, to renounce all forms of terrorism, and affirmed the need to disarm all militant groups, handing over their weapons to a Syrian state led by democratically elected representatives. The parties also agreed on the need to reform Syria's military and security apparatuses, and to form an oversight authority with responsibility for administering the negotiations between the Syrian regime and opposition delegations.

The Riyadh conference of Syrian opposition forces marked a turning point in the Syrian crisis: backed by international powers, the meeting provided for the unification of the Syrian opposition's ranks before the process towards a resolution could be reached. Indeed, Iran was the only international power involved in the Syrian conflict which refused to support a meeting that sought to harmonize all of the political and military forces forming a part of the Syrian opposition. One of the remarkable accomplishments of the meeting was the way in which large, stringent Islamist groupings such as Ahrar Al Sham and Jaish al Islam agreed to adopt the entire communiqué, including the articles which affirmed the importance of democracy, human rights and the civil nature of the future Syrian state.

After the downing of one of its military planes that had violated Turkish airspace, a now-belligerent Russia had tried to free itself of the obligation of supporting Saudi efforts to create a unified Syrian opposition delegation for negotiations with the Syrian regime. Additionally, the insistence shared by all participants at the Riyadh conference that Bashar Al Assad has to leave as part of the transitional process is seen by Moscow to be a violation of the text of the declaration resulting from the Vienna meetings. The Kremlin was also critical of the way in which the Riyadh meeting hosted a number of Islamist groups, demanding that these be branded terrorist organizations instead of

being welcomed as parties to an international conference. Indeed, many of these groups were targeted during the early stages of Russia's aerial bombardment of Syria. On December 24, Russian planes assassinated Jaish Al Islam leader and prominent Syrian opposition figure Zahran Alloush, despite the fact that Alloush had been a fierce Islamist opponent of ISIL, the group which Russia's air force had ostensibly set out to defeat in Syria.

The Vienna Track: Crash Landing in New York

With Washington now positioning itself as a mediator in the Syrian conflict, US Secretary of State John Kerry was able to persuade Russian President Vladimir Putin, following a visit to Moscow on December 15, to join a meeting of the members of the Vienna working group on the sidelines of a UN Security Council meeting in New York on December 18. Moscow had previously been reluctant to seek UNSC involvement in the Syrian conflict, on the grounds that the circumstances which would allow for a political agreement between all of the parties to the conflict were not in place. Specific points of contention for the Russians included a lack of agreement on the classification of specific armed groups as terrorist bodies, and the composition of the delegation which would represent the Syrian opposition in negotiations with the regime.

The draft UNSC resolution which the Russians presented to their interlocutors who had joined them in the Vienna talks was rejected out of hand by the representatives of Turkey, Saudi Arabia and Qatar. This did not stop the United States, however, from co-sponsoring the eventual draft resolution at the UN Security Council. In this way, UNSC Resolution 2254 codified a series of compromises between Moscow and Washington; the text reflects a series of conciliations that brought together two great world powers, but not the concerns of the combatants on the ground, or even the concerns of their regional backers.

The Syrian opposition took a dim view of the Resolution once passed, viewing its language as a setback to their previous demands and a reflection of Moscow's own interpretation of the Geneva I Communique that legitimizes Russia's military presence in Syria today. Additionally, the Syrian opposition protested the way in which UNSC 2254 gave the United Nations mediator in the Syrian conflict, Staffan de Mistura, the right to choose who would negotiate on behalf of the Syrian opposition in dealings with the negotiators. The fact that UNSC 2254 did not explicitly spell out the fate of Syria's

sitting president, Bashar Al Assad, along with the wording it used to describe the transitional period, served to make it even more unpalatable for the Syrian opposition.

The Syrian regime, meanwhile, has shown that its intolerance for any and all proposed resolutions knows no bounds. The Assad regime continued to offer its own interpretations of the Resolution, suggesting that Damascus, along with its Russian and Iranian allies, had the authority to decide who Syria's genuine and patriotic opposition truly were, and holding that Assad was not bound to negotiate with representatives of armed groups and the "foreign opposition". The regime even interprets the text of UNSC 2254 to mean that it could negotiate with such an opposition on the formation of a national unity government in line with Syria's 2012 constitution: that is, a cabinet which takes an oath before a sitting President Bashar Al Assad and then drafts a constitution to be ratified by a general referendum across Syria. In other words, the Assad regime believes that the new UNSC resolution legitimizes its earlier, cosmetic and limited reforms that it first proposed in the initial 12 months of the revolution.

Even such limited measures, however, would have to wait until the Assad regime could destroy all of the armed groups which Damascus and its regional allies label "terrorists", and also regain all of the territory over which it has lost control since the beginning of the revolution. Once this is accomplished, then a "political" process—pointedly, not a "transitional phase"—can begin. These positions have destroyed all hope of a political settlement to the crisis in Syria, suggesting that Russia's most recent military intervention has emboldened Assad, and encouraged him to continue fighting a war which Moscow was ostensibly meant to help bring to an end, at least according to the Vienna talks' declaration.

Battle Lines on the Ground Define Political Contours

The Syrian regime and its allies escalated their military campaign in Syria the moment that UNSC Resolution 2254 was passed, seeking to create a new status quo and better control the outcomes of any political process. The regime and its allies quickly began a series of military maneuvers to recapture territory across Syria: from the strategic vantage point of Sheikh Maskeen in the environs of Deraa in the south to the environs of Aleppo. The regime also sought to retake lands it lost in the vicinity of Latakia, Hama and Homs. Russian forces provided air cover for the American-backed fighters of the Syrian Democratic Forces, made up primarily of the Kurdish People's Protection Units, to gain control of the entire frontier with Turkey.

In parallel to this military offensive, the Syrian regime is also concluding a series of ceasefires and truces which it is using to push armed opposition groups out of the vicinity of Damascus. As a result, the armed opposition is today concentrated in the region surrounding Idlib in the northeast of Syria. ISIL forces, meanwhile, have been driven into the region surrounding Raqqa. Based on this reality, an agreement was reached with the Nusra Front to move small groups of its fighters from Deraa to Raqqa. Other on-the-ground agreements which were finalized included the Zabadani-Fouaa-Kefraya Agreement, which calls for the evacuation of the wounded from the battlefield, and the Waar District agreement, which saw the final 300 fighters leave the last bastion of the Syrian opposition in Homs before relocating to Idlib. A further agreement, which provided for the withdrawal of ISIL fighters from the vicinity of the Yarmouk Camp of Palestinian refugees before their relocation to Idlib had to be frozen after the killing of Jaish Al Islam leader Zahran Alloush, since the ISIL fighters would have had to move through territory controlled by Alloush's men in East Ghouta.

The regime continues to seek similar agreements in the Maadamiat Al Sham neighborhood in the southwest of Damascus by means of a punitive siege of the inhabitants and their bombardment. Previously, the regime had also come to an agreement with the opposition in the Barada Valley to the northwest of the capital. As part of the deal, the Assad authorities would release female detainees in exchange for the free flow of water to Damascus. Notably, Russia's Damascus embassy has replaced Iran as the main sponsor of such on-the-ground truces.

Chances for a Resolution

From a distance, the chances for a resolution to the Syrian crisis appear greater today than at any time in the past. UNSC Resolution 2254 was the first instrument of international law to propose a direct resolution to the Syrian question, in contrast to previous UN resolutions which focused on specific aspects of the crisis, such as humanitarian concerns or relief work (examples include UNSC Resolutions 2042 and 2043 of 2012), or resolutions which addressed, for example, the question of chemical weapons in Syria (UNSC Resolution 2118 of 2013).

Equally, the Vienna agreements have now become enshrined as the basis for any future resolution to the Syrian crisis, as set out in UNSC 2254. Unlike the Geneva Communiqués, which effectively reflected the views of only the United States and Russia, 17 states and three regional organizations were party to the Vienna discussions,

giving its process enhanced legitimacy. In practical terms, however, the chances of an agreement seem not to have improved:

- No genuine agreement exists on the fundamental principles which should form a resolution.
- Russia's firepower has distorted the balance of power on the ground, and will have an undeniable impact on the negotiations process.
- The Assad regime and its allies are working to shape a favorable status quo before engaging in any negotiations process. In this effort, they are assisted both by Russia's devastating military might and a sea-change in world opinion surrounding the Syrian crisis, with the fight against terrorism now the world powers' main priority. Today, the Assad regime presents itself as a partner in the global effort to defeat ISIL, making use of this morass to quash the armed opposition.
- Both the regime and the opposition will seek to impose their own interpretations on the wording of the text of the relevant international agreements, particularly on thorny issues such as the transitional process, elections and suitability for elections.

Conclusion

These developments present the Syrian opposition with genuine challenges that require a comprehensive military-political strategy to defeat them. In the meantime, the regime has yet to achieve any serious strategic breakthrough, despite the fact that the amount of support which it receives from its allies has expanded, even as the level of support which the opposition receives from its international backers has continued to decline. This is particularly relevant for the opposition in the south of Syria, where Jordan is increasingly coordinating its efforts with Russia. Nonetheless, the fact that the Syrian opposition's forces have been able to hold their ground for so long should not be the source of misplaced optimism, particularly given that the fight against terrorism has become the main preoccupation of the international community when dealing with the crisis. Such challenges can only be faced if the Syrian opposition manages to unify its military strategy, and counter the scorched earth policies of Russia and the regime.

In the midst of Russia's ongoing military intervention and a Western realignment with respect to the Syrian conflict, the task of consolidating the Syrian opposition becomes more pressing. The agreement reached in Riyadh demonstrates that such an agreement

across opposition ranks is possible. Only the unification of the Syrian opposition for the furtherance of common, national goals shared by all Syrians will protect the country from the risks of its opposition being categorized as terrorist groups.