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Assessment Report

Is the Arab League capable of saving Syria?

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The Arab League decision in Rabat (November 16, 2011) presenting the Syrian regime with a three-day ultimatum to sign a special protocol for the protection of civilians –allowing a delegation of Arab observers to be sent to Syria – comes on the heels of another resolution (November 12, 2011) suspending the participation of Syrian delegations to the league until the regime complies with an urgent demand to halt repression and killing in dealing with protesters.

The reality is that these decisions represent, in and of themselves, an important step in common Arab action, which was previously incapable of dealing with the Syrian crisis in a productive manner. There were many reasons that prevented the league from having an immediate impact, including the fact that its structures do not contain a mechanism for managing local crises. The Arab League had dealt with war situations and registered contributions in that domain. And despite the fact that the league has elicited, on the popular and media levels, more criticism and opposition than support, it should be acknowledged that it has – in many instances – taken honorable positions in siding with Arab rights. Even local crises in which the Arab League was engaged, such as the Lebanese Civil War, often went beyond their “local” character, and the league would exert its role as a prestigious Arab diplomatic institution in order to contain these kinds of conflicts, preventing their internationalization. Even though no comparison can be made between the ongoing crisis in Syria and the situation in Lebanon in the 1970s, perfectly reasonable fears exist regarding the potential for the spread of the Syrian conflict, the fracturing of society into its diverse constituencies, and the inability of the elite to maintain society’s coherence and patch its fissures. In any analysis of the situation, a host of factors should be taken into account due to Syria’s strategic importance, the fact that it borders Israel, and that part of its land (the Golan Heights) is still occupied by Israel with the support of the United States.

The Arab League took similar steps against Egypt after the latter’s signing of the Camp David Accords, and has recently adopted more extreme measures against the regime in Libya – a decision that went beyond its legal mandate and customs. However, we must note that, in all instances where this politically meager organization took such a move, it was under the strong influence of Arab public opinion: this was true in the case of Egypt signing a peace treaty with Israel, and is also true in the cases of Libya and Syria. Even though the league is not endowed with real mechanisms and despite its being largely a symbolic entity, the moral value of the Arab decision on the popular level should not be discounted, and nor should its ability to undermine the international legitimacy of regimes. Of course, this is only valid in the presence of an international will that is seeking a justification for its acts. In the case of Egypt after Camp David, the international stance went in the other direction, supporting the Egyptian regime against the Arab resolution.

The position of the Arab League

The stance of the Arab League is based on a matter of principle (at least for some Arab states and the league's secretariat), which is not to allow foreign powers the opportunity to intervene in Syria, because such interventions are usually not devoid of foreign ambitions. This posture also finds itself on a background that considers Syria – as a state and not as a regime – as an inalienable part of the Arab homeland that suffers partial occupation of its territory by Israel. As for Israel and the United States, the process of regime change in Syria, especially today, presents the opportunity to deal with individuals who may be easier to control and to nudge in the right direction. The Arab League is fully aware that wagering on regime change in Syria goes beyond the local context and the popular democratic demand (whose legitimacy is uncontested), up to the altering of the infrastructure of the entire regional system. The Arab League is also aware that the United States and Israel are capable of riding the wave of popular demands and of exploiting the situation by offering “assistance” and support for those in need. Thus, the Arab ministers attempted to avoid the worst, dealing with the Syrian regime in a manner that – in their belief – neither closes the door in its face nor opens it to foreign intervention. The Arab League's treatment of the crisis in Syria was gradual. But Syria perceived the Arab initiative as a conspiracy presaging foreign intervention, as was the case in Libya, laboring as a result to sabotage the initiative, which was seen as colluding with a conspiracy and bringing foreign intervention closer.

The Arab position toward the Syrian revolution was affected in its early months by a host of determinants specific to the tendencies of each state; therefore, no common Arab coordination took place. This included the visit paid by Arab League Secretary General Nabil al-Arabi to Syria on July 15, 2011, when he asked President Bashar al-Assad to halt the “security solution” in the face of the protests and to embark on comprehensive political reforms. As a result of the negative response to the efforts of the General Secretariat, a number of vanguard Arab positions were seen as a prelude to the Arab League's decision suspending Syria's membership; the most notable of these were:

- The General Secretariat's August 7 calls to embark on a phase of political reforms and to stop the killing in order to avoid foreign interventions in Syria;
- Saudi Arabia and Qatar asking the Syrian regime to stop the killing, and the decision of a number of Gulf states, in addition to Tunisia, to recall their ambassadors from Damascus;
- The letter of the Gulf Cooperation Council on September 11, asking the regime to put an immediate stop to its repressive policies;

- The Arab foreign ministers' meeting on September 13, 2011, and the announcement of the First Arab Initiative, which included the withdrawal of the army from the cities, the halting of violence, and the conduct of dialogue with the Syria opposition;
- The October 16 emergency meeting of the Arab foreign ministers, giving Damascus a 15-day ultimatum to implement the articles of the Arab Initiative. This was followed by the formation of an Arab ministerial commission headed by Qatar which visited Damascus, and Damascus's acquiescence to the Arab Initiative after the meeting between the ministerial commission and the Syrian foreign minister in Doha on October 1, 2011;
- During the November 12 extraordinary meeting of the council of Arab foreign ministers, the body decided to suspend the participation of all Syrian delegations to the councils and committees of the league starting from November 16, 2011, calling upon Arab states to recall their ambassadors from Damascus and placing political and economic sanctions on the Syrian government. The decision was taken with the support of 18 countries, while two states, Lebanon and Yemen, objected, and Iraq abstained from voting; and
- In the meeting of Arab foreign ministers in Rabat on November 16, 2011, it was decided that a delegation of observers was to be sent to Syria, and the Syrian government was given three days to sign a special protocol for the protection of civilians and the halting of violence, and to approve the sending of the expedition of Arab observers (which consists of 30-50 military and technical observers – before looking into the imposition of economic sanctions.

It was not unexpected that these latest decisions would instigate legal conundrums.

The legal dimension of the Arab League's decision suspending Syria's membership

The Arab League decision represented an important turn in the course of the Syrian revolution, with the adoption of an Arab stance, with a large majority, to deal with developments in the Syria dossier.

The Syrian delegate to the Arab League, Yusuf Ahmad, described the Arab decision as “illegal and in contravention of the league's charter and its internal statutes”, asserting that such a resolution, which was opposed by two delegates at the Arab ministerial meeting in Cairo, could only be passed by unanimous vote at a summit of Arab heads of state.

It should be noted that the Charter of the Arab League does not contain a specific measure discussing the suspension or freezing of membership, but it does mention expulsion in its 18th article, which states that “the League's Council can consider any state that does not fulfill the

duties of this Charter as no longer part of the League, which takes place through a resolution passed by the unanimity of states, except for the state in question". Therefore, the latest league decision was a political decision that is neither a clear violation of any article of the league's Charter, nor based on a clear article.

Even though the Arab League's charter lacks an explicit article describing such a measure, the Arab League nonetheless has seen different instances of the suspension and freezing of membership in the presence of overwhelming Arab public opinion demanding such a step, making the Arab League surpass, as an entity, the sum of its members. Egypt's membership was suspended in 1979 following the visit of the late President Anwar al-Sadat to the Knesset in Jerusalem and his signing of a peace treaty. The league also froze Iraq's membership in 1990 following its invasion of Kuwait. But the most relevant act in the history of the Arab League consisted of the freezing of Libya's membership during the February 17 Revolution, and the lifting of the suspension after the victory of the revolution, the recognition of the Libyan National Transitional Council as sole legitimate representative of the Libyan people.

Therefore, the league's decision regarding Syria did not take place under the rubric of suspension or freezing; instead, it is a conditional decision depriving Syrian delegations of the right to participate in the league's bodies until the implementation of the articles of the Arab Initiative, which was approved by the Syrian government. So far, the decision has not replicated the Libyan experience by freezing membership and transferring the dossier to the Security Council. Even though the November 12 decision discussed the possibility of resorting to the United Nations (and not to the Security Council) if the Syrian government did not respond to the demands, the following resolution (November 16) gave the regime yet another chance to change course and to implement what was asked of it, exposing itself, if it fails to do so, to economic and political sanctions.

The league's decisions in their regional context

The Arab League decisions came as the first collective, official, Arab position contradicting the narrative of the Syrian regime to the effect that Syria is facing a grand international conspiracy, and that its operations are merely security operations against gunmen, and are not intended to suppress a popular revolution. On the practical level, there is no doubt that the Arab Initiative condemns the Syrian regime and its actions outright, and does not give credence to its version of events.

On the other hand, the initiative represents a serious Arab position which was adopted by the majority and was unprecedented toward the Syrian authorities. Despite this, Egypt announced that it would neither close its embassy in Damascus nor recall its ambassador, even if Syria's

membership in the league were suspended –arguing for the necessity of maintaining lines of communication even in the starkest of times. Egypt believes that the role of mediation in such an eventuality would be hers, since she is the country which hosts the Arab League. Lebanon also rejected the decision calling for the suspension of Syria’s membership due to its concern for “the protection of internal stability and civic peace”, according to the statement of Prime Minister Najib Miqati. It was not clear whether he meant by that Syrian society or Lebanese society, which is also divided over the crisis in Syria. It is also noticeable that Hezbollah in Lebanon has placed its military apparatus at the highest level of readiness “to confront the threat of any military attack against Syria or Iran”.¹

As for Iraq, it neither opposed nor supported the decision due to its foreign minister’s belief that his country – which is undergoing a critical situation – would be affected by any position that he would take regarding the crisis in Syria.

As for non-Arab neighbors, we find that the position of Iran, the long-time ally of the Syrian regime, differs from the Turkish stance. Tehran is extremely displeased by the events taking place in Syria, and keeps reiterating that “Syrian affairs should be left to the Syrians” and that it opposes foreign intervention. Tehran accuses the United States and other Western countries of supporting and arming the Syrian opposition, an accusation that also has been made by Damascus against Washington and its allies. Turkey, on the other hand, has attacked the Syrian regime, accusing Assad of “lacking in credibility due to his lack of commitment to the implementation of the agreement made with the Arab League pertaining to halting acts of violence and killing against the protesters.” A sharp warning was issued by Turkey, whose foreign minister, Ahmet Davutoglu, said at the opening of the Arab-Turkish Forum: “The Syrian regime will pay very dearly for what it has done.”

Even though Israel’s main concern is currently Iran, it doubtlessly links the crisis in Syria to the situation in Iran. Some believe that weakening the Syrian regime would distract it from offering assistance if Israel decided to conduct strikes against Iran. Furthermore, Israel would be in a better position with the halting of Syrian support for Hezbollah in Lebanon, and better off still if Syria no longer hosted Palestinian factions committed to radical forms of resistance. Israel would be even gladder if the Arab League failed to contain the crisis and treated it as an internal Arab affair, leading to the unknown, with the possibility of internationalization and militarization of the situation.

All of these factors engender a number of repercussions, which can be summed up as follows:

¹ CNN Arabic, Leak of a NATO plan to topple Assad,
http://arabic.cnn.com/2011/middle_east/11/16/Apprs.wed15Nov/index.html

- Isolating the regime in the Arab geostrategic circle, in addition to encouraging regional and international pressures, especially after the sharp Turkish statements and the economic measures that were announced, such as bailing out of oil exploration projects in Syria and considering halting Turkish electricity deliveries to Syria, in addition to the expansion of the list of sanctions against figures in the Syrian government by the European Union;
- Opening the way to the establishment of a mechanism for the enforcement of the league's decisions to stop violence, with the threat of transferring the Syrian dossier to international organizations; and
- Keeping the doorway to negotiations open once the Syrian regime ceases its repressive military operations.

The league and the position of the Syrian regime

The Syrian regime's reaction to the decision of the Arab League was initially marked by confusion, with Ambassador Yusuf Ahmad rejecting the decision and depicting it as an Arab conspiracy directed by international actors against Syria. It was clear that the Damascus government was fully aware that the league's decision was a preface to regional and international interactions that would open the door to a chain of measures against it, beginning with the increase of its isolation and ending with a military intervention that would completely decide the matter. The Syrian response consisted of a practical maneuver to circumvent the decision by pretending to accept it, declaring its intentions to comply with the articles of the Arab Initiative, and asking the league to send Arab observers to visit Syria, as well as demanding the holding of an emergency summit to resolve the Syrian crisis within an Arab framework. At the same time, the regime kept playing the role of the victim, trying to drown the league with details in order to encourage some Arab countries to backtrack.

The official Syrian tactic did not succeed in undermining the posture of the league, especially after the Gulf Cooperation Council states rejected the Syrian demand to hold an emergency Arab summit, and the holding of the ministerial meeting in Rabat with the participation of Turkey, in which Davutoglu escalated his rhetoric against the Syrian regime.

Based on that the foregoing, we believe that the situation in Syria could evolve according to several potential scenarios:

The first scenario: Responsiveness and the achievement of democratic transition

Due to the seriousness and cohesiveness of the Arab position, as well as coordination with Turkey and the increase of international pressure, Damascus may respond to the pressures of the Arab League and hasten the application of the Arab Initiative; the proponents of this scenario point to goodwill gestures that have begun, such as the release of 1,180 detainees and allowing an Arab and international observation team to enter Syrian territory in order to examine the situation on the ground. Consequently, Damascus may elect to withdraw military vehicles and armed units from the cities, allowing peaceful demonstrations, halting violence against the protesters, and announcing its readiness to enter into a dialogue with the constituents of the Syrian opposition according to the mechanism proposed by the Arab Initiative. This could permit the reaching of a historic reconciliation between the Syrian regime and the opposition, sparing Syria both the threat of foreign intervention and the proliferation of sectarian incidents, such as those that recently have been taking place.

Despite the usefulness of this scenario, if it were to take place, it appears unrealistic and unlikely due to the double language used by the Syrian regime, which – through Foreign Minister Walid al-Muallem – sends messages and reassurances regarding its efforts to resolve the crisis, while the operations of the Syrian Army and security forces against civilians continue, sometimes at an even bloodier rate. Furthermore, a large section of those participating in acts of protest reject any conciliatory formula that includes dialogue with the regime and allows it to persist, especially with the existence of a near-consensus between the traditional opposition and the revolutionary movement over Bashar al-Assad’s relinquishing power as a condition to entering into negotiations over the transition phase. As a result, this scenario is blocked by many hurdles. On the other hand, the ruling authorities have refused to undertake any radical reforms before the silencing of the slogan “the people want to bring down the regime” because it fears that any reform would lead to opening the way to its removal from power.

Second scenario: The regime’s rejection and the continuation of tactical maneuvering

This is a largely realistic scenario given the failure of the Syrian government thus far to respond to the Arab Initiative or to implement Arab League decisions, holding onto its narrative that the repressive policy it uses is directed against armed insurgents who wage armed attacks against the army and the security forces. As a result, the Syrian government would maintain the same demarche, leaning on Russian support, following Moscow’s rejection of the Arab League decisions. This Russian cover is still a hurdle to international condemnation of the Syrian regime in the Security Council. Furthermore, the regime has a margin of maneuver to absorb any

imposed isolation through the Lebanese and Iraqi gates – with Baghdad practically rejecting the league decision – in addition to Iranian support.

If the situation in Syria goes according to this scenario, it would greatly escalate the crisis and dampen the possibility of a solution, which would cause grave ramifications that would effect the transformation of the revolutionary movement – due to the repressive policies – into an armed movement. The portents of this process have begun to appear, in tandem with a sectarian polarization witnessed in many parts of Syria between the different constituents of Syrian society. This would constitute the greatest danger for Syrian society, especially with the regime's desire to push toward this scenario, given that its dealing with the crisis still relies on the mentality of the 1980s during the confrontation with the Muslim Brotherhood. We are now witnessing some occasions of civic strife in Homs and Idlib, despite the fact that some opposition circles refuse to acknowledge it, because they do not recognize the existence of social forces that support the regime. Furthermore, sectarian agitation exists, and is not being condemned in a clear and decisive manner; instead, its existence is usually denied in vague terms.

The third scenario: The opposition is able to decide the matter with the help of external pressure

This scenario would consist of the Syrian regime showing further intransigence toward Arab, regional and international demands to halt the use of excessive force against peaceful demonstrators. As a result, Arab, regional, and international sanctions and pressures against the Syrian regime would escalate, and the traditional opposition and the popular movement – which thus far have been capable of winning the “battle of time” in their struggle against the regime – would be able to decide the situation in their favor, benefitting from the corrosion of the structure and integrity of the regime. This would be especially true with the fatigue taking place among the military forces spread across most Syrian regions, and with the beginning of the end of the alliance between the regime and the circle of businessmen close to it – due to the deteriorating economic conditions and the state of economic recession resulting from the crisis and the sanctions, whose effects have clearly begun to appear in the increase in the smuggling of money from Syria and the transfer of capital abroad. To all this can be added the noticeable increase in instances of dissent within the Syrian Army and the ability of dissidents to organize formations that confront the army through guerilla warfare that is supported by the popular milieu. This would increase the gravity of losses suffered daily by the regime, leading to a situation where the political/security/economic alliance would collapse and a prelude to the collapse of the regime, which may push some of its figures to attempt an internal coup against the situation of stasis and impasse that currently governs Syria.

However, the collapse of a regime does not automatically mean the rise of a democratic alternative. This scenario is also attended by various risks and hurdles, chief among them the inability of the Syrian opposition thus far to produce a unified political vision that overcomes its differences, or to rise above the logic of excommunication and exclusion, in order to send reassuring messages to the large segments of Syrian society that remain hesitant. We must remember that a section of this opposition has rejected the Arab Initiative, relying instead on international intervention and only abandoning this option once it was informed by the Western powers that this option was not forthcoming. There are sections in Syrian society that see the possibility of a civil war and the threat of the Iraqi model, fearing the receptiveness of a portion of the opposition to the notion of foreign military intervention, which is rejected by a silent majority among Syrian society that witnessed its effects in neighboring Iraq. To these hurdles should be added the threat of the division and fragmentation of the Syrian Army, and its inability to play a future role as a guarantor preventing civil war from taking place, if change happens in a non-peaceful manner. Therefore, and for this scenario to come to pass, the Syrian opposition must abandon the rhetoric that continually accuses opponents of treason, and which it has been employing in the recent phase; the opposition also must refrain from trying to clone experiments that do not correspond to the nature of Syrian society, which is ethnically and religiously diverse. Moreover, the opposition must immediately engage in a unifying project that offers a program for the transition phase toward the felling of the regime and the establishment of democracy, an objective that is already being supported by Arab and regional parties if the Syrian regime fails to reform.

The fourth scenario: Militarization and military intervention

Even though this scenario is currently unlikely – since the Arab Initiative came as a preemptive move by the Arab League to avoid the internationalization of the crisis and its descent into the course of military intervention along the Iraqi and Libyan models it remains a latent possibility. There are indications auguring for this scenario in the medium and long term, and it is currently known in Syria as the “devil” scenario. The most important of these indications is the regime’s continual rejection of the Arab solution, halting violence, and entering into a transitional process of change, which takes place in tandem with the increasing penchant of domestic and foreign parties to push the revolution toward militarization, the carrying of arms and demands for border “buffer zones” along the lines of the Libyan scenario – especially with the regime’s insistence on adopting the “Samson” option. Consequently, we would find ourselves faced with a situation similar to Iraq in 2003, with the appearance of an opposition that calls for and instigates foreign military intervention, or the militarization of the revolution and the creation of “liberated” zones from which armed groups would be ready to wage their attacks against the regime.

This scenario is widely viewed as the most dangerous for Syria and the Arab world as it would represent a regression of the Arab Spring, whose first fruits are being harvested in Tunisia following the election of the Constituent Assembly. This scenario would imply a dangerous dimension of sectarian and ethnic division in Syrian society, causing Syria to become an engine for the destruction of the mosaic that is the Arab Mashreq, instead of being a democratic state that contributes to confronting sectarianism. This scenario also would lead to the shrinking of Syria's importance and its inability to influence major issues, especially those regarding the conflict with Israel. Syria would become an arena for the struggle of regional international powers according to their interests, and the ramifications of such a process would reflect on Lebanon and other Arab states, leading to a complex Arab situation that represents a hurdle to the process of democratic transformation in other countries.

As such, a great responsibility falls upon the Arab League and pan-Arab action to create mechanisms that prevent the occurrence of this scenario, and instead produce solutions within the Arab circle, outside the agendas and interests of regional and international actors. The Syrian opposition, with all its factions, carries the greatest burden of responsibility because of its current negative role and its inability to produce the political vision that would encourage the majority of the people to engage in the movement, and to feel, in a tangible manner, the benefits of democratic change.

The Arab Initiative represented an opportunity to save Syria and change its regime at the same time, regardless of the interests of those struggling for power, i.e. the regime and the opposition. The initiative embodies the key to a solution that must be pushed forward, with all parties placing the national interest above personal considerations. It is clear that the question of transition to democracy has been answered in the affirmative and is not to be reconsidered; the question that must now concern Arab states and any responsible leadership that proposes itself to lead the Syrian people is: How can this be done without sacrificing Syria?