

Overview Syrian peace talks

Ron Ton, Wilbur Perlot, Hans Wurzer - March 2016

On March 9 a new round of talks is scheduled to start in Geneva between representatives of the Syrian government and opposition forces. These talks are facilitated by Staffan de Mistura, the Special Envoy of the UN Secretary General for Syria. Expectations are running high as the Syrian Civil war is reaching its fifth bloody year on March 15. In this overview Clingendael will indicate where the talks are now, and where they might be heading...

A new round of talks?

This round of informal negotiations is labelled by some as the Geneva III talks, being regarded as a breakthrough in the Syrian Civil War. This label makes the talks appear as the final act in a three-act play, where the negotiations are limited to a few actors around one negotiation table who will hash out an agreement in a matter of days or weeks.

These talks are actually part of a larger ongoing mediated negotiation *process*. There is not just one negotiation table, but there are many tables of different shapes and sizes that are standing in cities like Vienna, Cairo, Moscow and Istanbul with different groups partaking over a period of years¹. If we were to put all these tables in one large room, the setting might look as follows:

- A table for the Syrian government and its allies (notably Russia and regional power Iran);
- A table for the recently formed High Negotiations Commission (HNC) and its Allies (notably the US and regional powers like Turkey, Saudi Arabia, and other Gulf States);
- A table for all the states and organizations with an interest in the conflict in Syria (the so-called International Syria Support Group, which includes the above mentioned major and regional powers);
- Many tables for the various Track II activities for Syrian civil society (including women groups, business representatives, tribal leaders and military commanders);

¹ <http://carnegieendowment.org/syriaincrisis?fa=59590>

- And a main table still under construction at the center, where the Syrian government delegation will eventually speak (in)directly with the delegation of the HNC that represents a part of the opposition, while the UN plays the role of mediator.

Everyone at the tables are (in) directly speaking to each other, with parties at other tables, sharing positions, influencing one another and looking out for interests of their constituencies. In the meantime the UN is facilitating as a mediator between all these tables and actors. The UN is trying to create broad support from all parties involved, which will help construct and solidify the main table at the center. At the same time the UN is shuttling between the government and HNC delegation, who at this point do not yet wish to be in one room together.

The Clingendael Institute is also playing a role in this process, having provided multiple negotiation trainings to some of those at the tables as part of the facility "Negotiation training as a conflict resolution instrument". These include part of the HNC, the Syrian opposition in Istanbul (SOC) and Syrian women organizations. The goal of these trainings is to give the participants the tools to prepare for (in)formal negotiations and to help them better understand their behavior, roles and the different stages of a negotiation process.

This is especially vital, since at this stage the negotiations are not at all formal and have no set agenda. However, there are two short-term goals De Mistura and his team have been working towards: reduction of violence and allowing humanitarian aid to reach besieged areas. These goals would then lay the basis for further confidence building measures, an eventual nationwide cease-fire and would create the support needed at all the tables to discuss political transition as laid out in the Geneva I communiqué². The overarching goal in the long run is to use these negotiations to move away from violence to a situation in which Syrian society can find peaceful means to solve conflicts.

The difference between the upcoming talks and the other negotiation tables is that it brings together the two main parties – although it is unlikely that they will talk with one another directly at first. There is also public and diplomatic pressure on all parties involved to come up with results. This main table De Mistura can be a powerful tool in his tool box, but may work against him and undermine his efforts at the other tables. With the whole world tuning in some parties may see either a need or opportunity to legitimize themselves for their constituency or the international community by publicly displaying their commitment to peace or lack thereof.

² <http://www.un.org/News/dh/infocus/Syria/FinalCommuniqueActionGroupforSyria.pdf>

Changes of success?

Mutual hurting stalemate

Things have been changing rapidly on the ground in Syria since Spring 2015. Rebel groups had become increasingly successful in coordinating their offensives³. These successes forced President al-Assad to admit his forces were gradually depleting and strategically relinquishing territory⁴. Still, the government was not likely to collapse any time soon and would be supported by a Russian intervention later that Fall. This intervention shifted the momentum of the rebel forces' success and created space for the Syrian army and its allies to regroup.

The Russian intervention in Syria was not unconditional. A pre-condition was a commitment by the al-Assad government to the UN-mediated peace process, which would begin in January, followed by a cease-fire and eventual political transition. This commitment by the al-Assad government serves Russia in three separate ways:

- 1) It ensures that the potential risky engagement in Syria does not go on too long;
- 2) It creates a propaganda narrative for Russia, where they take a leading role in solving conflicts at the negotiation table instead of toppling regimes via revolution or military interventions;
- 3) It legitimizes Russia as a vital partner in the ongoing military campaign against Jabhat al-Nusra and Islamic State.

Due to the Russian intervention, a *Mutual Hurting Stalemate* emerged; a status quo on the battlefield hurting both parties, forcing them to search for other ways for solving their conflict. At this point neither the government forces nor the rebels were winning the conflict outright, which led to the emergence of a need for all parties to commit to the peace process for the first time.

The negotiating actors

Although such a Mutual Hurting Stalemate is seen a structural condition for negotiations to succeed, it is only part of the story. The parties have to recognize that they have to cooperate with each other, and that they need each other to get part of what they want to achieve. This is the essence of any negotiation. It is unfortunately also the reason we should not be too optimistic about the upcoming talks, since the willingness of either party to talk with one another has barely changed.

Considering the brutality of the conflict and disregard for civilian populations - for which no one should be absconded, but which is especially difficult to accept if

³ http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=44027#.Vt6T9vnhDIU

⁴ <http://www.theguardian.com/world/2015/jul/26/syrian-president-public-speech-bashar-al-assad>

committed by a government with a Responsibility to Protect – how does one negotiate with the enemy responsible for such gruesome crimes? How does one build trust and commitment between these factions?

As mentioned earlier the UN is trying to create trust by establishing local cease-fire agreements and by delivering humanitarian aid. Unfortunately these do not address the core of the conflict, which in fact remains a revolution against the government of al-Assad. The overall goal for the opposition remains to remove Bashar al-Assad from power, whereas the government wishes to keep him in power. In negotiation terms these are zero-sum propositions and there is little movement away from this overall positioning in favor of a more needs and interest based approach to the negotiations.

Even if there is willingness at the table to discuss issues like political transition or dealing with war crimes, these issues will then become entrenched in the zero-sum positions. And if the talks could move beyond that point, the parties have to deal with questions surrounding crimes committed during the war. Issues of justice become subject of a negotiation and a play ball of power politics. How to do that and make the result acceptable for the parties, the Syrian people and the international community is unclear.

In addition, the opposition still has difficulties uniting under one banner – which is understandable but considering the costs of the conflict increasingly difficult to accept. The one thing the opposition has in common with one another is the drive to remove al-Assad from power. The vision of what the country should look like afterwards remains unclear. Though this is common in any revolution, a lack of unified command at the opposition side is definitely prolonging this conflict.

HNC is an important step in the right direction, but there are still political and armed groups unrepresented, some of them by their own choice. One powerful group, the Syrian Democratic Forces (SDF), is not invited, because the HNC says they should be grouped under the government side, while the government puts them under the opposition banner⁵. This undermines the HNC's legitimacy and represents an easy road for criticism by the government side and Russia, They now claim the opposition is not represented well enough and even continue to label some rebel groups within it as terrorists.

Powerplay continued

Prior to the talks the al-Assad government used two tactics to improve their position at the table and undermine the opposition. First of these was launching an offensive with Russian support in December right before the talks were to commence. A common misunderstanding of a peace process, which seems to be gaining momentum, is that the conflict will become less violent and more civil. The paradox is that in many cases the hostilities – both verbal and material – actually increase right before peace talks commence. Though it was clear to all

⁵ <http://carnegieendowment.org/syriaincrisis/?fa=62631>

that the Syrian government would not win the war outright with this offensive, it did improve its own power position at the expense of the opposition prior to the talks.

A second common tactic is sowing doubts about your negotiation partner (by labeling them as terrorist groups) and to play the opposition groups off against one another. There are for example non-violent opposition forces in Syria and there is the aforementioned SDF. Both have shown a willingness to talk to the al-Assad government and they are presented by Russia as a viable addition or alternative to the HNC in the talks. This effectively undermines the efforts of the rest of the opposition, which might be enough in this phase of the conflict for Assad and Russia.

The ultimate consequence of these two tactics is that the earlier Mutual Hurting Stalemate at this point ceases to exist with al-Assad and his Russian allies in a better power position and taking the initiative in the peace process. This makes the prospect of successful talks and a lasting peace in Geneva bleak.

So what is next?

We can sketch three rough scenarios for the peace talks in Geneva:

- 1) The process continues despite spoiler behavior of different parties during the current cessation of hostilities. We are still talking of a process of many months to solve the numerous issues and to come to a sustainable inclusive peace in Syria. Brinkmanship of the parties, suspensions of the talks, even seemingly collapse of the talks are all options in this scenario. As long as the overall willingness of all parties to talk continues and the situation on the ground remains within certain limits to be determined by the parties and De Mistura. Eventually, there may be enough trust between the parties to discuss an inclusive political transition process for Syria.
- 2) The talks collapse due to a fragmented opposition, a hard line government position and continued zero-sum focus by all parties involved. This might lead to the proposed Plan B of John Kerry, which he floated late February. In this plan Kerry alludes to a possible partition of Syria, if a cease fire does not happen⁶. In many ways, including from a negotiation perspective, it remains to be seen how viable this plan actually is. It leads to whole new moral issues, questions and international legal concerns which will be difficult to solve.
- 3) The talks collapse as the al-Assad government and its allies resume their offensive. This might lead to successes on the battlefield, whereby the al-Assad government might consolidate its hold on Western Syria. Afterwards an offensive could be launched to reclaim Palmyra and the oil fields in Deir al-Zour from Islamic State (legitimizing the Syrian and Russian

⁶ <http://www.theguardian.com/world/2016/feb/23/john-kerry-partition-syria-peace-talks>

governments as vital partners in the campaign against IS). Regional actors in the Gulf would not accept this outcome though, and increase their military aid to rebel forces. This would lead first to further escalation, followed by a new Mutual Hurting Stalemate and a new round of talks. This all would occur with even more Syrians dying or becoming displaced.