

THE UN AND SUSTAINABLE PEACE IN SYRIA – STILL WORTH DEBATING

*Patrycja Sasnal**

Against all odds and despite its unimpressive effectiveness record, the United Nations remains the sole formal authority willing to and capable of facilitating a sustainable peace in Syria. The paper will analyse the role of the United Nations in Syria, and that of the major powers that most influence the UN and global events. It will examine to what extent past conflicts and their resolution are relevant to today's Syrian war and whether the UN has learnt from its engagement in previous conflicts and scholarly research on it. It also argues that the Trump administration may be ready to let Bashar al-Assad retake the urbanised belt of Western Syria and then push the UN to mediate in the conflict with only a fraction of the opposition involved, which would de facto legitimise the government in Damascus anew, or recognise the end of the civil war altogether.

Two UNs and Syria

By adopting peace plans and brokering negotiations between the warring parties since 2012, the UN has come to be seen as the international body responsible for bringing about peace in Syria. The organisation wears two hats in this dimension: the UN Security Council and the office of the Secretary General's Special Envoy (SGSE) Staffan de Mistura (previously held by Kofi Annan and Lakhdar Brahimi). The two play qualitatively distinct roles and contribute differently. The UNSC depends on the US and Russia, both of which support opposing sides in the conflict. Russia has already vetoed UNSC resolutions on Syria five times, which exemplifies that the UNSC is dysfunctional when one or more of its members are actively engaged on the part of one of the warring factions. For the past decade, most of which president Obama was in office, the US used its veto only three times, Russia – ten. However, Russia is not the only country to blame for UNSC dysfunctionality in conflict resolution. Since 1991,

* Head of the Middle East and North Africa Project, Polish Institute of International Affairs

the US has used its veto power fourteen times, Russia – thirteen.¹ UNSC diplomacy in the Syrian case is also held hostage to US policies before Obama, from the time when US presidents would disregard the multilateral fora. In other words, Syria is still reaping what the 2003 invasion on Iraq sowed.

What adds to the UNSC dysfunctionality is also the qualitative difference of involvement between the US and Russia. The support of the US for the Syrian opposition might be weaker than the support of Russia for the government in Damascus, which is because Russia has the advantage of supporting the stronger and more coherent side, while, at the same time, having more at stake than the US, it uses its involvement in the Syrian crisis to prop up its international position and play a more important role in the Middle East – one that in the Arab world has been weak and mostly meaningless for more than two decades. The United States on the other hand, cognisant of the dangers of prolonged involvement in Middle Eastern conflicts and vehement anti-Americanism, can now profit from energy independence and strategically reduce its overstretch. Therefore, strong support for Syrian rebel groups of various, often dubious, provenance simply has not been in the American interest. Overall then, the UNSC is more a party (parties?) to the conflict rather than an objective good offices-giving body. The UNSC's contribution to a sustainable peace in Syria would entail at least the US and Russia withholding from detrimental military support for either of the warring factions while the negotiations last.

On the other hand, the office of SGSE de Mistura is probably the most objective, nonpartisan body in the Syrian conflict – currently the only entity capable of offering good offices to stakeholders in the Syrian conflict. Since the creation of the International Syria Support Group (ISSG) in November 2015, de Mistura and his staff² have also taken on the role of the secretariat of the ISSG. The office then has become prone to direct influence of backers of conflicted Syrian parties: not only the US and Russia but also Saudi Arabia, Iran and Turkey. With a good degree of certainty none of these countries is primarily interested in the wellbeing of the Syrian people. Initially, however, exposure to these countries' influence allowed de Mistura to have a direct contact with them and put more international media pressure on them when it came to resolving the Syrian crisis. Unfortunately, with the subsequent failures to introduce and keep in place the cessation of hostilities (CoH) the responsibility resting on international players was reduced/dissolved by putting part of the blame on the special envoy's office. The

¹ American vetoes almost exclusively related to Israeli policies towards the Palestinians, while Russian vetoes were related to Syria. On issues where Russia and the US disagree, the UNSC is blocked – on others perhaps less.

² The office senior members, so-called facilitators, are all Europeans: Jan Egeland, responsible for safety and protection, Nicolas Michel for political and legal issues, Volker Perthes for military, security and counter-terrorism, and Birgitta Holst Alani for continuity of public services, reconstruction and development. See UN envoy hopes intra-Syrian thematic discussions will 'set the stage' for end to conflict (2015, September 22). UN News Center. Retrieved from <http://www.un.org/apps/news/story.asp?NewsID=51934#.WCHZaMkwCz8>

establishment of the ISSG then carries the risk of discharging external actors from liability for their previous actions.

Even if de Mistura as the SGSE is dependent on dynamics within the UNSC and the UNGA, the office needs to retain as much independence as possible in order to keep up its legitimacy as a mediator. It should be able to wield enough authority to propose solutions that engage the UNSC, other UN agencies and UN member states alike. De Mistura's office is worthy of such authority not only because it is currently the only channel through which a diplomatic settlement in Syria can be reached but also because its efforts seem to follow the best practices employed by the UN to date, corroborated by academic literature.

By the Book

Wars can end in two different ways: negotiated settlement or military victory. In fact, historically, civil wars have been more likely to end in the latter form (Walter, 2002). David Cunningham of Harvard came up with the following statistical data: while a quarter of civil wars end within the first eight months, another 25% continue for longer than five years (Cunningham, 2006). Moreover, 8% of all civil wars last more than two decades. In light of those findings, the Syrian civil war is no exception: it is in its sixth year and is on a good path to a military solution if Bashar al-Assad's troops continue to retake territory, although such an outcome would only bring a new kind of protracted conflict rather than a lasting peace.

On the other hand, the single biggest problem to achieving a negotiated settlement is the number of veto-holders in the Syrian war, a problem that the UN and Staffan de Mistura are trying to factor into their work. The veto-holder approach to civil wars holds that the more veto players there are, the more difficult the conflict is to negotiate and resolve (Cunningham, 2006). In the 1993 peace agreement in Rwanda there were six different political parties, even though only two were fighting, while the Burundian peace accord of 2000 had nineteen parties to it. The December 2015 agreement of the Libyan forces was also agreed among thirteen entities. A veto holder is a versatile term. It can be the government, insurgent factions, external actors and so on but it has to have three distinctive features: it must have different priorities from other parties, an internally cohesive organisation, and be able to fight once others have agreed not to. Including additional parties in the negotiations leads to an even smaller bargaining range and decreases the incentives for the main combatants to agree to share power. Therefore, the international actors should work toward reducing the number of veto players in the negotiations – the ideal number is two. This is what is being done in Syria though a question about internal cohesiveness of both negotiating sides arises (the High Negotiating Committee has 34 seats, while the Assad camp is internally divided). Finally,

if bringing all veto players to the table is not possible – this is the case of Syria because of ISIS and Jabhat Fath ash-Sham, etc.) – then having the two strongest parties, or government and the strongest opposition party negotiate, can bring a piecemeal agreement, only after which other warring factions can be included. It is also possible that in an event of a negotiated settlement it would be necessary for third countries involved in the war to co-sign such a document, thereby taking responsibility for the provisions in it. In 1991 the Angolan civil war ended in such a way: South Africa and Cuba – two countries involved in the conflict also signed the peace agreement of 1988 and hence paved the way for the war to end.

Three main implications follow from Cunningham's "veto holders" approach. De Mistura's office seems cognisant of them. First, since two-party conflicts are easier to resolve than multiparty conflicts, policymakers designing responses to civil wars should look for ways to reduce the number of veto players participating in the conflict. Second, international actors interested in resolving these conflicts should seek to identify the set of combatants that are veto players and work primarily to reach a peace agreement that includes all of those parties. Finally, if a comprehensive accord among veto players is not possible, international actors should seek to reach peace between the government and the strongest domestic insurgents first and then seek to integrate the smaller opposition groups.

Bleak, Yet Various Prospects for Sustainable Peace

In the past four years of the Syrian war only the UN-brokered negotiations have effectively lessened the hostilities. The 2016 round of proximity talks in Geneva has brought the most successful result to date: at least a 4-week long CoH, even if the parties have resorted to arms again. Neither the LAS mission (Dec 2011-Feb 2012) nor the Kofi Annan ceasefire (mid-April 2012) that ended after only a couple of days managed to achieve what the UN-brokered 2016 process has. Yet, a "sustainable peace" is a remarkably different category from a mere "ceasefire" or CoH and it will not apply to Syria in the immediate future for the following main reasons: (1) multiplicity of veto holders in the conflict internally and internationally, (2) world powers weaker or less determined than in the past, (3) the provenance of the Syrian civil war in that it breeds on structural problems of the whole region, and (4) availability of military means to prolong the conflict: not all parties are convinced that military victory is impossible and some see the conflict in existential terms: they fight to survive.

Since members of the ISSG are not impartial in their attitude toward the warring factions in Syria, the UN as a whole – the epitome of the international community – has the greatest chance of being seen and really working toward a sustained peace in Syria. Apart from good offices, the UN can, under certain circumstances, contribute in the following ways:

provide humanitarian assistance, oversee piecemeal deals before a final settlement, give legal guarantees to a settlement, provide interim administration (i.e. case of Cambodia in 1991 when the parties reached a comprehensive peace settlement only because the UN took the issue of the transitional government off the table and agreed to temporarily administer Cambodia), establish a reconstruction fund, manage the return of refugees, oversee/observe elections, share good practices experience in transition and, finally, dispatch a UN peace corps. A stabilising force is not inconceivable provided it is made up of soldiers from Sunni Muslim countries. Given the strength of the Jihadist factions in Syria, any American or European direct on-the-ground involvement could be portrayed as yet another attack on Islam. A peacekeeping mission would, however, require a reformulation of the UN mandate into peace enforcement instead of mere peace observance.

Syria and the UN's Image

The Syrian crisis can be another nail in the UNSC's coffin (image-wise and in terms of efficiency) or it can be a stimulus toward reform and reinvigoration. If the latter is to be more probable and the Security Council does not become a Russian tube once the new American administration reduces its interest in multilateral forums, the European members of the UNSC will have to show at least as much determination as they have since the Syrian crisis started affecting the European continent directly. From then on the UN peace initiatives speeded up. In the 1990s, the UN oversaw negotiations in Africa and Yugoslavia but out of the two there was much more interest in the Yugoslavian crisis because it affected Europe substantially (i.e. in the form of 1992 migration crisis). Today, the conflicts in Libya and Syria are again directly affecting Europeans (security, migration, attitudes), pushing permanent UNSC members to more activism.

The image of the UN in Syria and in the Middle East is also at stake. The organisation has been present in Syria and in the Syrian public sphere and mind at least since the 1970s: UNDOF cars could be frequently seen not only in Damascus and literature on Al-umam al-muttahida abounded in libraries and bookshops alike. The begging banners that read "please help us UN" are a sign of the Syrian population's awareness about the role of the UN but also of the responsibility that the UN has toward Syrians. The positive scenario – a UN Syria peace corps that manages to oversee the implementation of a lasting ceasefire – is in the short term highly unlikely and the regime in Damascus knows how to play with the organisation thanks to decades of the UNDOF experience. If there is still hope for the UN to play a positive role in the conflict it may no longer be there in the broader region: nowhere is its image worse than in the Middle East ("UN Retains Strong Global Image", 2013).

Both ending the Syrian conflict and a successful transition to a unity government in Libya are a chance for the UN to restate its multilateral manifesto, especially that unilateralism seems to be on the rise when it comes to public opinion. It is difficult with the change in

Russian strategic outlook and the incoming US president is not multilaterally inclined either, but with the American public hostile to any engagement in the Middle East the UN is a dream channel for the US to work through and exert pressure on Russia. It is diplomatically and legally much safer to boost such efforts through the UN instead of unilateral American action.

Syria and Libya are seminal conflicts for the upcoming century – how the UN deals with them today may be exemplary of how it deals with conflicts in the future. As in Syria today, challenges to stability and peace will most likely come from internal conflicts more often than from international ones, making the R2P probably one of the most popular legal contexts that the UN will need to operate in. But tension between the purpose of R2P and the structure of the UN Security Council strengthens the argument that R2P will prove unable to fulfil its larger purpose of elevating concern for individuals over national interests in deliberations on international crisis response.

The United Nations is one of the largest international meta-projects to date. It needs to be able to debate meta-questions, such as the one about the chaotic and uncontrolled homogenisation along tribal lines of societies that is taking place in the Middle East. Great powers are perhaps weaker today, or less determined and less interested in a certain outcome. When some level of ideology is missing, like it is today, the great emotional/value-based impetus is gone as well. The United Nations, respecting the right to self-determination of the peoples of the region, should at least initiate an international debate on how to legally and sustainably rebuild the Middle East even if it does not happen.

The Future of Syria in Someone Else's Hands

Regional actors are, unfortunately, involved in the Syrian peace process (via the ISSG) not for the sake of peace but in order to wield influence in the proceedings. Some members do not even comply with the main ISSG statement of 11 February and many seem to be securing other particular interests, often contradictory, that overpower the goal of Syrian peace: deposing Assad at all cost vs. propping him up to the point that he retakes most of the urbanised belt, limiting Kurdish political and military capabilities vs. supporting the Kurds against the Jihadists, etc. The sad truth is that as long as the war in Syria does not threaten regional/international actors' priority interests, it will be used for other purposes or disregarded.

The role of the two global powers – the US and Russia – changed in the course of the Syrian civil war. From an onlooker, Russia turned into a party in the conflict while the US, committed to helping the moderate opposition, may be turning its back on it once the new American president takes office. The Trump administration may be ready to let Russia

and Bashar al-Assad retake the urbanised belt of Western Syria so that they are able to destroy ISIS in Syria without greater American involvement. In such a scenario both Russia and the US could push the UN to mediate in the conflict with only a fraction of the opposition involved, which would de facto legitimise the government in Damascus anew, or recognise the end of the civil war altogether. It could lessen the immediate hostilities but would have three detrimental effects: (1) it would radicalise a significant portion of the Syrian society unable to reconcile with the government in Damascus, (2) further degrade the UN's image in the region and globally, and (3) the settlement would not bring a sustainable peace to Syria – it would rather make it more dependent still on foreign powers: Russia and Iran. In an event of such a scenario the EU will have to limit its response to containment of damage and self-reliance, as well as observe the policies of key partners, such as Turkey.

It is safe to say that third parties do not play a productive role in the Syrian proximity process. By a productive role one should mean such a political behaviour that would have the wellbeing of the Syrian population as a priority. It is useful to employ the ages old agency vs. structure framework from philosophy and political sciences (Marsh & Stoker, 2010). If the structure is everyone with the Weberian monopoly on violence (the Syrian regime, opposition fighters, everyone carrying arms), then the rest, the people who are objects of violence, are the agency. A rough calculation shows that some 15 million Syrians are still the agency that needs to be protected – they are silent and do not carry weapons, often they do not speak their minds. Only the UN as an entity, specifically the SGSE office, is capable for now of working for the wellbeing of the Syrian agency and it is still Syria's best bet.

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