



PolicyWatch 2195

# Avoiding Assad's Forced Solution to the Syria Crisis

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Given that Assad and his backers want to gut the transition process called for in the Geneva Communique, Washington should plan to take other steps in parallel to the Geneva process.

The UN retraction of Iran's invitation to this week's Syria peace talks in Montreux, Switzerland, does little if anything to change the Assad regime's approach to those talks. President Bashar al-Assad's statements in recent days indicate that he and his backers are attempting to pressure the United States and the rest of the "London 11" countries supporting the opposition at the conference -- Britain, France, Germany, Italy, Turkey, Egypt, Jordan, Qatar, Saudi Arabia, and the United Arab Emirates. In particular, Damascus hopes to change the framework of the talks from arranging a genuine transition to accepting a forced settlement centered on Assad's upcoming "reelection" for a third seven-year term, which will not take place for at least four months (his current term ends on July 7). Since little is likely to be accomplished at this week's talks, Washington should concentrate on steps the United States and its allies can take regardless of how the talks go, especially in terms of delivering humanitarian assistance to besieged areas and strengthening the moderate Syrian opposition through promotion of local elections.

## **ASSAD'S REMARKS INDICATE FORCED SOLUTION**

In remarks made over the past few days -- first during a meeting with Russian politicians visiting Damascus, and then in an interview with Agence France Press (AFP) -- Assad reiterated the regime's longstanding mantra that it is fighting an international conspiracy waged by terrorist factions against Syria. More important, he outlined how the political mechanism for settling the crisis centers on his reelection.

On January 19, Russia's Interfax news agency reported that Assad had told a delegation of visiting Russian parliamentarians that the issue of him giving up power is "not up for discussion." Although the statement was later denied by Syrian state television, Assad told

AFP the following day that the "chances of my [presidential] candidacy are significant," and "I must be at the forefront of those defending this country." He also noted that the process of measuring public opinion on his leadership would commence in "four months' time," when the election date will be announced.

Under the Assad family, Syrian elections have been regarded as among the most manipulated in the Arab world. During the last election in 2007, the Baath-dominated parliament rubberstamped Bashar's nomination as the sole candidate, and in the subsequent public referendum to confirm whether he should be president, he received a laughable 97.62 percent of the vote. In order to show devotion to Assad, many voters were forced to mark the "yes" column by pricking their finger and voting in blood.

Following changes to the constitution approved by referendum in February 2012, presidential elections in Syria must now be multicandidate, multiparty contests. Although this may sound like progress, the changes mean little for this year's election. For one thing, candidates must first be approved by the Supreme Constitutional Court, which is appointed by Assad. This fact, coupled with the ongoing state of war, the vast number of displaced citizens, and the heavy role of regime security services in regime-controlled areas, means that the chances of anyone other than Assad winning the next election are zero.

As for which factions Assad would be willing to work with in the future, he told AFP that he would only accept parties with a "national agenda" to help "govern the Syrian state," dismissing those in the Syrian National Coalition (SNC) and other opposition groups as proxies of regional and Western states participating in the plot against Syria. In his view, anything decided as part of the Geneva process or his own coalition-building efforts would also need to be confirmed by a national referendum run by the regime. Overall, Assad's account of how the next president will be selected and which "opposition parties" will be included is the basis of a forced solution to the Syria crisis masquerading as a democratic process.

## **LOOPHOLES IN GENEVA 1 COMMUNIQUE**

The United States has insisted that Iran cannot attend this week's Syria talks until it accepts a central tenet of the Geneva Communique negotiated between Russian and American officials in June 2012. Section II, paragraph two of the communique states that a "key step" to "any settlement" of the Syria crisis is the formation of a "transitional governing body" (TGB) with "full executive powers" that will create a "neutral environment in which a transition can take place."

Yet Assad and his backers have interpreted this nominally tough provision in a way that guts it of any meaning, emphasizing the portion of Section II that reads, "[The TGB] could include members of the present government and the opposition and other groups...formed on the basis of mutual consent." This loophole has allowed Russia to permit, and the United States to resist, Assad's inclusion in the TGB while remaining committed to the Geneva Communique. Although Moscow and Washington have held up the mutual-consent clause as guaranteeing each side's "veto" over a settlement, the lack of specific wording as to which party represents the opposition means that the "present government" (i.e., the Assad regime) need only ally with part of the opposition to move toward a negotiated solution.

Given how these loopholes tactically and strategically benefit the Syrian regime and its supporters in Moscow and Beijing, it remains unclear why Iran backtracked on Foreign Minister Mohammad Javad Zarif's verbal commitments to UN Secretary-General Ban Ki-moon in support of the Geneva Communique as a basis for settlement. Perhaps Tehran is concerned that if it accepts the communique, Washington would then highlight the other reason why Iran's presence at the Syria talks is inappropriate -- namely, that it is the only country in the region to have deployed forces on the ground in Syria, most notably personnel from the Islamic Revolutionary Guard Corps' elite Qods Force, who have been advising and supporting the Assad regime. Zarif and Syrian foreign minister Walid Mouallem's recent collective visits to Moscow indicate that Tehran's diplomatic maneuver was a coordinated attempt to change the framework of the Geneva Communique and test American mettle regarding a forced settlement.

Whatever the case, the attempt to include Iran in the talks should come as no surprise -- for months, UN Special Representative for Syria Lakhdar Brahimi has privately and publicly lobbied Western and Arab countries to allow Iran into the Geneva process. While Secretary of State John Kerry has said that Tehran could play some role in settling the Syria crisis, it is unrealistic to expect Iran's leaders to be a positive force when they refuse to acknowledge the international responsibility to help with transition. Tehran has instead clung to the fiction that such decisions are best left to the Syrian people, even as it dispatches Iranian forces to Syria, sends arms to the Assad regime in violation of UN Security Council resolutions, and orchestrates the presence of thousands of pro-regime fighters in Syria.

## **AVOIDING TRAPS ON THE LONG DIPLOMATIC ROAD AHEAD**

The mechanism for channeling the Syrian people's aspirations toward a settlement that ends the war will not be an election under Assad's rule. Washington and its allies must not indulge Assad's fantasy that his phony election process can yield a "political solution" that will reunite Syria and avoid protracted partition and likely spillover that would threaten regional stability. If the regime and its backers continue to insist on that as the only path, the United States should focus on a mix of short- and long-term tactical and strategic steps -- both at the negotiating table and after -- to improve the chances of a workable settlement.

At the Montreux talks, Washington should emphasize unconditional limited ceasefires for the provision of humanitarian aid to besieged areas. Thus far, the regime has proposed that rebels evacuate areas where aid is to be distributed and hand them over to regime control -- in other words, if the opposition chooses to give up, the regime will graciously accept the offer. A strong U.S. stance calling not for surrender, but for true ceasefires that allow the provision of aid, would strengthen the opposition factions attending Geneva II in the eyes of fellow Syrians desperate for food and medical care. This should be accompanied by increased U.S. humanitarian support for opposition-controlled areas via nonregime channels; to date, the vast bulk of U.S. aid has gone through regime-linked institutions.

Washington should also encourage local elections in rebel-controlled areas to help the opposition choose a clear set of leaders and consolidate its ranks. As outlined above, the loopholes inherent in the Geneva Communique give Assad room to force a political

settlement on his terms. The only way for the opposition to avoid that trap is to make sure the party sitting across the negotiating table from the regime is authoritative, insofar as it represents a majority of those opposed to Assad.

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