

UNIVERSITY OF HAMBURG
European Master's Degree in Human Rights and Democratisation
A.Y. 2013/2014

‘Mission Impossible’:

**Exploring the Viability of Power-Sharing as a Conflict-
Resolution and State-Building Tool in Syria**

Author: Emer Groarke
Supervisor: Prof. Dr. Michael Brzoska

Abstract

This thesis will explore the viability of power-sharing as a political and practical way to ameliorate the present situation in Syria (as of July 2014). Further, it will suggest that by adapting the models used to end previous conflicts, and adjusting their application to fit with Syria's particular needs, power-sharing can also be used as a mechanism through which the state of Syria can be rebuilt in a sustainable manner. While previously the conditions of the conflict were not conducive to peace talks, this thesis believes that recent regional developments have re-opened the possibility of political negotiations.

The work will begin with an overview of the nature of Syrian society and the ongoing war. On the completion of an examination of Syria's social, political and economic make-up both before and during the conflict, as well as the war in Syria as it stands today, a theoretical overview of power-sharing as a conflict-resolution tool will be investigated, and its practical application in Syria be explored. Significant obstacles to a negotiated power-sharing agreement exist in Syria, which will be elaborated on, before suggestions are posited as to how such issues could best be mitigated and potentially transformed into incentives for the parties invested in the conflict. Following this, possible alternatives to the power-sharing model will be examined, namely either a de facto or de jure partition, or a military victory by the regime or the opposition. The conclusion reached will be that a power-sharing agreement, though not without flaws itself, is the most viable and workable conflict-resolution tool at present to address the conflict in Syria.

Sincere thanks to Dr. Michael Brzoska and Dr. Christiane Fröhlich for their consistently excellent and unfailingly patient guidance throughout the development of this thesis. Thanks also to Dr. Daniela Pisoiu for her extremely useful input. Editor-in-chief Dad should get a special mention, as well as his sidekick Mum, both of whom have been so supportive and really wonderful this year (and always). The real editor-in-chief (sorry Dad) Aoife Condit de Espino couldn't have been more incredible, thank you so much. Finally, thanks to all the friends who have kept things in perspective, particularly my friends in Hamburg and the amazing E.MA gang who are all so mutually supportive.

My thoughts have been constantly with the Syrian people throughout these months. I fervently hope for their sakes that their country will soon find peace.

Acronyms and Abbreviations

ANC	African National Congress
FSA	Free Syrian Army
GIGA	German Institute of Global and Area Studies
IFP	Inkatha Freedom Party
IMES	Institute of Middle East Studies
ISIS/ISIL	Islamic State in Iraq and Syria/the Levant
OHCHR	UN Office of the High Commissioner for Human Rights
PKK	Kurdistan Workers Party
PYD	Democratic Union Party (Kurdish)
SC	United Nations Security Council
SNC	Syrian National Coalition
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugee's
UNRWA	United Nations Relief and Works Agency for Palestine Refugees
US	United States of America
YPG	People's Defence Unit (Kurdish)

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Introduction

The former United Nations (UN)-Arab League Joint Special Representative for Syria, Lakhdar Brahimi, has called the conflict in Syria “without any doubt the biggest threat to peace and security in the world today.”¹ On the ground, the civil war is more intractable than ever, with Assad and his security infrastructure clinging vociferously to power while the chaotic array of rebel factions manage to keep him from reclaiming large portions of the country. In the wider region, all of Syria’s neighbours are involved in the conflict, providing financial and military assistance to different proxies. Similarly, at an international level the world powers are using Syria as a battleground to promote their own interests.

The conflict has raged tirelessly for over three years. It has caused the near total destruction of the country’s economy and infrastructure,² and has dramatically changed the demographic of the wider geographical region. In July 2013 the UN announced that the conflict had resulted in the death of an estimated one hundred thousand,³ with the numbers expected to have increased substantially since then.⁴ The UN Office of the High Commissioner of Human Rights (OHCHR) estimates that, of twenty-two million

¹ ‘UN interview with former UN-Arab League Joint Special Representative for Syria, Lakhdar Brahimi’, *UN Notes to Correspondents*, 22 August 2013, transcript available at <http://www.un.org/sg/offthecuff/index.asp?nid=2939> (note: all online resources referenced have been last accessed on 14 July 2014, unless otherwise stated).

² In July 2013, the UN Relief and Works Agency (UNRWA) estimated a total economic loss in Syria of USD84.4 billion during the previous two years, which is equal to a hundred and forty-two per cent of GDP in 2010. Considering the war has continued for another year since this report, a current estimate can be expected to be much higher. See, ‘The Syrian Catastrophe: Socioeconomic Monitoring Report’, *UNRWA*, July 2013, at <http://www.unrwa.org/userfiles/2013071244355.pdf>.

³ *BBC World News*, ‘Syria death toll now above 100,000, says UN chief Ban’, *BBC News*, 25 July 2013, available at <http://www.bbc.com/news/world-middle-east-23455760>.

⁴ While the UN officially stopped their count in early 2014, the Syrian Observatory for Human Rights, based in Britain and operating through a network of about two hundred contacts across Syria, puts the death toll at a hundred and sixty-two thousand in May 2014. It says the current figure includes fifty-four thousand civilians, among them over eight thousand children. See ‘At least 162,000 killed in Syria conflict’, *Syrian Observatory for Human Rights*, 19 May 2014, available at http://syriahr.com/en/index.php?option=com_news&nid=2277&Itemid=2&task=displaynews#.U7wztl_vpw.

Syrian nationals, almost half are in urgent need of humanitarian assistance.⁵ The UN High Commissioner for Refugees (UNHCR) is providing support to neighbouring countries like Lebanon and Jordan, who are struggling to cope with the massive influx of refugees who number in the region of three million.⁶ To put the refugee crisis in perspective, as of June 2014, roughly a quarter of the population of Lebanon were Syrian refugees, and in Jordan, the fifth largest city in the country was a Syrian refugee camp.⁷ With the conflict taking place simultaneously at a local, national, regional and international level, and with no end in sight to the suffering being endured by the Syrian people, an urgent question that needs to be asked is what measures can be taken to de-escalate the conflict and bring a semblance of stability and peace to the country.

Half-hearted attempts have already been made to find a political solution to the war. The Geneva II Conference on Syria took place in early 2014 but ultimately amounted to nothing. Assad has rejected the 2012 Communiqué, on which the Conference was based, as irrelevant,⁸ while UN Special Envoy to Syria Lakhdar Brahimi has recently resigned from his “mission impossible”, the second UN Special Envoy to do so.⁹ While the likelihood of a political solution looks bleak at present, Brahimi and others still argue that it is the only way to break the vicious circles of violence.¹⁰

This thesis will explore the viability of power-sharing as a political and practical way to ameliorate the situation in Syria, ultimately concluding that power-sharing is the most appropriate and viable tool available at present to end the conflict. Further, it will

⁵ ‘Deprivation of Food, Water, Shelter and Medical Care – A Method of War in Syria, and a Crime Against Humanity’, *OHCHR*, 6 February 2014, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14224&> (consulted on 26 February 2014).

⁶ UN High Commission of Refugees, ‘Syria Regional Refugee Response: Inter-Agency Information Sharing Portal’, *UNHCR*, available at <http://data.unhcr.org/syrianrefugees/regional.php>.

⁷ Haddad, Mohammed & Williams, Lauren, ‘Interactive: Syria’s Lifeline’, *Al Jazeera*, last updated 20 June 2014, available at <http://www.aljazeera.com/indepth/interactive/2014/06/interactive-syria-lifeline-2014619125452612758.html>.

⁸ *Middle East Monitor*, ‘Assad Says He is Ready to Reconstruct Syria’, *Middle East Monitor*, 12 June 2014, available at <https://www.middleeastmonitor.com/news/middle-east/12062-assad-says-he-is-ready-to-reconstruct-syria->.

⁹ *Middle East Eye*, ‘Lakhdar Brahimi Resigns as UN Envoy to Syria’, *Middle East Eye*, 13 May 2014, available at <http://www.middleeasteye.net/news/lakhdar-brahimi-resigns-un-envoy-syria-1462725732>

¹⁰ Cfr. supra footnote 1.

suggest that by adapting the models used to end previous conflicts, and adjusting their application to fit with Syria's particular needs, power-sharing can also be used as a mechanism through which the state of Syria can be rebuilt in a sustainable manner. The justification for such work in light of the collapse of the diplomatic talks is simple: while a war continues a solution will be searched for. All wars must inevitably end, and it is a matter of finding the most appropriate way to end it so that the post-war society can have the best possible chance for sustained peace. While previously the conditions of the conflict were not conducive to peace talks, this thesis believes that recent regional developments have re-opened the possibility of political negotiations.

While scepticism as to the applicability of such a model abounds, it should be remembered that of the total of thirty-eight civil wars ended by negotiated settlement between 1945 and 1998, only one did not include provisions for power-sharing.¹¹ Also, power-sharing was the method of conflict-resolution that was proposed in the early years of the political violence that tore through Lebanon and Northern Ireland in the 1970's and 1980's, and Bosnia in the 1990's. In all three cases, similar to what is happening in Syria today, there was not enough domestic and international support for the proposed power-sharing arrangements to succeed, yet in all three cases the conflict was ended through the establishment or re-establishment of power-sharing arrangements.¹²

Method of enquiry and structure of work

This thesis agrees with the former UN Secretary-General, Kofi Annan, in his belief that we must learn to eschew one-size-fits-all formulas and the importation of foreign models in relation to the application of conflict-resolution and transitional justice.¹³ Rather than using the theory of power-sharing as a starting point for the thesis, this work will begin with an overview of the nature of Syrian society and the ongoing war.

¹¹ Hartzell & Hoddie, 2003, 318.

¹² Kerr, Michael, 'Syria: Why Power-Sharing is the Best-Case Scenario', *International Business Times*, 17 September 2013, available at <http://www.ibtimes.co.uk/syria-bashar-al-assad-power-sharing-barack-506691>.

¹³ United Nations Security Council, 'The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General', S/2004/616, 23 August 2004, par. 2.

The justification for this is the belief that it is a country that should shape its own conflict-resolution process, rather than the other way around. Only on the completion of a thorough examination of Syria's social, political and economic make-up both before and during the conflict, as well as the war in Syria as it stands today, will a theoretical overview of power-sharing as a conflict-resolution tool be investigated, and its practical application in Syria be explored. Significant obstacles to a negotiated power-sharing agreement being reached in Syria will be detailed, before suggestions are posited as to how such issues could best be mitigated, and potentially transformed into incentives for the parties invested in the conflict. Following this, possible alternatives to the power-sharing model will be examined, namely either a *de facto* or *de jure* partition, or a military victory by the regime or the opposition.¹⁴

Combining empirical evidence with qualitative research analysis, Chapter 1 will examine the causes and exacerbating factors of the conflict. The context in which the initial protests began will be analysed, while the disintegrating relationship between the ethnic and religious groups and growing sectarian divisions in Syria will be explored in both a theoretical and practical context. The theories regarding the nature of 'divided societies' will also be outlined. The chapter will end with an attempt to reconcile these divisions by suggesting an intersectional approach to the multiple cleavages existing in Syria.

The second chapter will centre on the premise that in the Syrian war at least four concentric circles of conflict are taking place at a local, national, regional and global level. The external forces at play will be outlined, while their motives and shifting priorities in light of recent regional events will be analysed. It will elucidate the nuances of the opposition groups and their supporters, and attempt to describe the regime in terms of its four decade entrenchment and its current predicament. The development of the proxy war will be outlined, with the conclusion reached that for the first phase of

¹⁴ This could take the form of a unilateral victory by one group or a combined victory if the Assad regime were to fall as a result of their combined pressure. The multi-faceted nature of the opposition will be described in Chapter 2.

any negotiated settlement to occur, the international and regional players must take the initiative and exert pressure on the local actors to engage in peace talks.

Chapter 3 will begin with a theoretical overview of the two main power-sharing models existing - Lijphart's consociationalism and Horowitz's centripetalism - and explore whether they can be adequately implemented in the Syrian context. The academic discussion and criticism of both will be referenced, while the specific problems relating to the attempted reconciliation of the theories with the practical application of such in the Syrian conflict will be emphasised. The chapter will conclude with an outline of Rosiny's proposal, that a Syrian 'Taif' should gradually substitute fixed guarantees of shares of power with centripetal and unitary state institutions,¹⁵ in the hopes of mitigating some of the problems caused by the 'polarising' effect of a consociational model. Referring to Galtung's concept of 'negative' and 'positive' peace, this chapter will suggest the short term application of consociationalism to ensure a negative peace, with a fixed date for its transition to a longer-term centripetal structure before, eventually, implementing a democratic and inclusive model with the overall goal of positive peace.

The fourth chapter will develop the conclusions reached in chapter three, with recommendations of additions and changes to the Rosiny model in light of the issues emphasised in the previous chapters. These are, namely: the accommodation in a power-sharing arrangement of the numerous cleavages - aside from the sectarian one - existing simultaneously in Syria; the inclusion of a pre-arranged 'sunset date' in order to ensure movement on from the 'negative peace' and the temporary consociational model; the need for elucidation with regards to which groups should take part in negotiations and what incentives could be offered to them to do so; and the proposal of a central, but temporary, role for international players to play in the peace negotiations.

The final chapter will examine the alternatives to power-sharing. Evaluating the viability of partition in its different forms as well as a military victory by a side in the

¹⁵ Rosiny, 2013, 6.

conflict, the potential short- and long-term, as well as the national and regional consequences of their application will be explored. Comparing each possible avenue with a set of stated criteria and basing it on the empirical evidence gathered in Chapter 1, the conclusion will be reached that while these remain as possible outcomes, they do not offer the same potential for sustainable peace as a power-sharing model does, and indeed might serve to aggravate the tension in the long run.

Content analysis has been conducted on the scripts of interviews with and speeches of various public figures, including the president of Syria, Bashar al-Assad, the president of the US, Barack Obama, and the former UN-Arab League Joint Special Representative for Syria, Lakhdar Brahimi, and are referred to and analysed in this work. UN reports on aspects of the Syrian conflict, from the humanitarian crisis to the incidence of crimes against humanity and war crimes in the country are also referenced and consulted. Owing to the contemporary and constantly evolving nature of the conflict, a wide variety of newspaper articles were sought for updates on the situation, with the *Economist*, *BBC World News*, the *New York Times*, the *Financial Times* and *al Jazeera* being the most regularly consulted. While many of these could be considered primary sources because of the presence of the journalists in the areas they are reporting on, they are treated with caution in the interest of preventing bias from entering this work. Several historical biographies, primary narratives, and scholarly journals have also been consulted for the purpose of this work.

The applicability of power-sharing as a conflict-resolution tool in the Syrian context has not been explored extensively in the academic arena. The expert opinion of proponents and opponents of this proposal were sought, therefore, in the form of interviews and communications with various academic experts. Their analyses and criticisms have contributed to the shaping of the model which this thesis proposes. An interview with Stephan Rosiny, author of 'Power-sharing in Syria: Lessons from Lebanon's Experience', and Research Fellow at GIGA Institute of Middle Eastern Studies (IMES) was conducted on 30 June 2014. The viability of a power-sharing model in light of the most recent meso- and micro-level developments were discussed, as were the methods

by which the main obstacles to a power-sharing agreement could be overcome. Numerous communications with Joshua Landis, Associate Professor in the School of International and Area Studies at the University of Oklahoma and Director of the Center of Middle Eastern Studies, and Aron Lund, expert on the Syrian opposition and former editor of *Syria in Crisis*, took place via email in June and July 2014, in which they expressed their expert (and differing) opinions relating to a power-sharing agreement in Syria and the most likely outcome of the conflict. Lund's opinion was also sought regarding the possibility of implementing *Shari'a* law in Syria, on which there is little academic and scientific data available. Marie-Joëlle Zahar, Senior Expert in the Standby Team of Mediation Experts for the Department of Political Affairs in the United Nations and Cengiz Günay, Scientific Researcher working at the Austrian Institute for International Affairs, were also consulted regarding their opinions on the viability of power-sharing in Syria.

Chapter 1: Socio-Economic Aspects of Syria's Climate

1. Introduction

In a 2004 report on the rule of law and transitional justice in conflict and post-conflict societies, the Secretary-General of the UN declared that:

“We must learn to eschew one-size-fits-all formulas and the importation of foreign models, and, instead, base our support on national assessments, national participation and national needs and aspirations.”¹⁶

In concurrence with this statement, this thesis will work on the premise that it is the country that should shape its own conflict-resolution process, rather than the other way around. In the Syrian context, it will be argued that sustainable peace cannot be reached without first understanding both the pre-war conditions of the country and the main characteristics of the conflict. Therefore, only once the causes of and main elements to the conflict are outlined will the theory of power-sharing and its potential application in the specific context of the Syrian civil war be explored.

This chapter will highlight aspects of Syria's social, political and economic make-up both prior to and during the conflict. A theoretical analysis of the concept of a 'divided society' will be developed, alongside an exploration of the prevalence of sectarianism and other cleavages in Syria. The role of aspects of the socio-economic climate of pre-war Syria as causes and exacerbating factors of the conflict will be given theoretical and practical consideration.

1.1 Sectarianism in a secular society

Within a few months of the first protests in Dera'a city in March 2011, the Syrian conflict took on a decidedly sectarian profile. Sunni calls for the removal of the minority Alawites in power were accompanied by the systematic targeting of specific

¹⁶ S/2004/616, 23 August 2004, par. 2.

groups and communities by both the government and opposition groups.¹⁷ While sectarianism has now become the primary characteristic of the war, it is important to avoid viewing the heightened tensions of the present situation as representative of the long-term Syrian narrative.

Syria has always been a secular state while under the control of the Assads. While some Syrians support the implementation of Islamic law in the country, a large portion of Syrian society, particularly its Christian, Druze and Alawite populations, see Baath secularism as a bulwark against Islamic fundamentalism and reject any movements away from secularism. The existential threat felt by minority groups has been exploited and exacerbated by the regime,¹⁸ which has emphasised the Islamic character of the opposition and consistently refers to any anti-Assad forces as terrorists.¹⁹

The fear felt by minority groups is in part caused by the demographic predominance of Sunni Muslims in the country. As Chart 1 shows, the Sunni Muslim sect is the majority religion in Syria with nearly seventy percent of the population belonging to it.²⁰ The minority Alawite (Shia) sect is that to which Assad and his family belongs, while the other minority religions include Christian and Druze populations, among other small religious communities. Chart 2 illustrates the vast majority of the population who are ethnic Arabs, while a Kurdish minority of roughly nine percent live mainly in the northern regions of the country. Other smaller minorities, who make up no more than two percent of the population are scattered throughout the country.²¹ While the concept

¹⁷ Stephan Starr reported that three Christian churches in Damascus received letters saying “you’re next” in the first year of the conflict. This was interpreted as being a threat from the Islamist protesters saying that once they removed Assad, Syria’s Christians would be next. See Starr, 2013, 34; see also United Nations General Assembly, ‘Report of the independent international commission of inquiry on the Syrian Arab Republic’, A/HRC/25/65, *Human Rights Council*, 12 February 2014, paras. 20-33 for targeted attacks by regime and opposition forces.

¹⁸ Berti & Paris, 2014, 25.

¹⁹ An example of this rhetoric can be seen in Assad’s interview with Agence France Presse in January 2014, the full transcript of which is available at <http://www.globalresearch.ca/bashar-al-assad-interview-the-fight-against-terrorists-in-syria/5365613>.

²⁰ Izady, Michael, ‘Maps and Statistical Collection’, *The Gulf/2000 Project*, available at <http://gulf2000.columbia.edu/maps.shtml>; ‘The World Fact book: Syria’, *Central Intelligence Agency*, last updated 20 June 2014, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/sy.html>.

²¹ Idem.

of Syria being a ‘divided society’ has been viewed by some as the central cause of the unrest, this division has not always been so pronounced. Culturally the constellation of religious and ethnic groups has created within Syria an incredible wealth of diversity and beauty. In the words of Starr, living in Syria before and during the conflict, “these groups have brought with them languages, dancing styles, different foods, histories, clothing and experiences that embody humanity itself.”²² When the Syrian state took shape, it inherited a tolerant social tradition from its time under Ottoman rule. During this era, each ethnic or religious group appointed or elected their own officials who divided the taxes they owed to the empire, ran their own schools, and provided such health facilities and social welfare as they thought proper or could afford. Since this system was spelled out in the Quran and the Traditions (*Hadiths*) of the Prophet, respecting the way of life of others was legally obligatory for the majority Muslims.²³

1.2 Socio-economic considerations

While ethnic and religious cleavages now lie at the heart of the conflict, other factors played an equal, if not greater, role in causing the first waves of unrest. This section will outline the social and economic climate in the years leading up to the conflict, emphasising the factors that contributed to the eventual unrest. These are namely the economic downturn exacerbated by a severe drought, a spiking population growth and the existence of systematic and widespread corruption, as well as social unrest triggered by rural to urban migration and massive unemployment.

The economy of Syria was in decline for years before the outbreak of unrest, with the consequences of this playing a significant role in the March 2011 protests. An *Economist* article, published just months before the conflict exploded, commented that oil revenue - one of the biggest contributors to gross domestic profit - had suffered a dip, while the population, which had doubled to twenty-two million since the mid-

²² Starr, 2012, 54.

²³ Polk, William, ‘Understanding Syria: From Pre-Civil War to Post-Assad’, *The Atlantic*, 10 Dec 2013, available at <http://www.theatlantic.com/international/archive/2013/12/understanding-syria-from-pre-civil-war-to-post-assad/281989/>.

1980s, continued to soar.²⁴ Significantly, between 2006 and 2011, a five-and-a-half year drought crippled sixty percent of agricultural land and up to eighty-five percent of livestock in some regions, resulting in food shortages and price hikes.²⁵ While this contraction affected all strata's of society, its effect on the poorer classes was catastrophic. The drought caused a wave of unemployment - an estimated eight hundred thousand rural agricultural workers lost their jobs, inducing mass migration from rural to urban areas.²⁶ The high unemployment rate and migration, as well as the resulting housing crisis and the spread of urban slums, became what Goulden called a "ticking time bomb"²⁷ that threatened national security and stability. The divide between the *rif* (the urban poor and the rural populations) and the urban elite became more obvious when the migrating rural workers, long separated from cosmopolitan city life, saw the rich beneficiaries of new policies - what one report calls "nepotistic economic policies"²⁸ - which had served to triple Syria's GDP in the past ten years.

The rich beneficiaries within Syria's business elite have long been important contributors and consolidators of the regimes power. One Syrian, who describes himself as coming from a Sunni elite family, believes that:

*"...the business elite is the regime. It is an elite 40 years in the making – a complex web [of] military officers, business people, merchants, industrialists, landowners, and others cutting across all sectarian and geographical lines."*²⁹

While this can perhaps be viewed as hyperbole its point is a valid one. In relation to the current civil war, the Syrian business community has been seen as the key to the survival of Bashar al-Assad,³⁰ with the core of its elite reported to consist of a close-knit

²⁴ *Economist*, 'Hard Choices for the Government: Will President Bashar Assad Hold his Nerve?', *The Economist*,

20 January 2011, available at <http://www.economist.com/node/17963303>.

²⁵ Kapstein, Ethan & Mayoral, Amanda, 'The Economics of the Syrian Crisis', *US Institute of Peace*, 26 February 2014, available at <http://inec.usip.org/blog/2014/feb/26/economics-syrian-crisis>.

²⁶ *Idem*.

²⁷ Goulden, 2011, p201.

²⁸ Kilkullen & Rosenblatt, 2014, 3.

²⁹ Landis, Joshua, 'Syria's Business Elite – Will it Defect?', *SyriaComment*, 30 June 2013, available at <http://www.joshualandis.com/blog/syrias-business-elite-will-it-defect/>.

³⁰ Slim, Randa, 'Where's Syria's Business Community?', *Foreign Policy*, 5 August 2011, available at http://mideastafrica.foreignpolicy.com/posts/2011/08/05/wheres_syrias_business_community.

group of around two hundred individuals who have been hand-picked by the regime.³¹ Importantly, these elites cross-cut Syria's religious and sectarian landscapes, though the wealthiest among them are Alawites.³²

From a theoretical viewpoint, a paper written by Büchs of GIGA Institute before the conflict began, described this multi-ethnic business class and elite in terms of a common underlying principle which can be conceptualised as a “tacit pact.”³³ The paper argued that the several forms of power the Assad regime possesses all rely on the realisation of obedience through this pact. With regard to “material” forms of power, the pact is a political agreement in which political voice is traded for economic rewards, that is, in which the weaker party is economically included but politically excluded. The tacit pact is between unequal parties, and the weaker party is under constant threat of exclusion and/or violence in the case of noncompliance.³⁴ This argument, in combination with Assad’s well used refrain *ma fi gheiru* (there is nobody else)³⁵ remains forceful, particularly when it appears that despite his brutality and widely perceived loss of legitimacy, Assad still has the support of a substantial part of the Syrian business community.

Therefore, while they control the vast majority of business interests in Syria and have the most to lose in the case of the regime’s demise, the business-class itself still relies on the state structure to ensure its continued existence.³⁶ There is a system of corruption and *wasta* (contacts and influence) which the modern business-class has bought into and

³¹ Moukheiber, Zina, ‘President Assad and The Syrian Business Elite’, *Forbes*, 30 March 2011, available at <http://www.forbes.com/sites/zinamoukheiber/2011/03/30/president-assad-and-the-syrian-business-elite/>.

³² Slim, Randa, ‘Where’s Syria’s Business Community?’, *Foreign Policy*, 5 August 2011, available at http://mideastafrica.foreignpolicy.com/posts/2011/08/05/wheres_syrias_business_community

³³ Büchs, Annette, ‘The Resilience of Authoritarian Rule in Syria under Hafez and Bashar Al-Asad’, *IMES*, GIGA Working Papers No. 97: Hamburg, March 2009, available at http://www.giga-hamburg.de/de/system/files/publications/wp97_buechs.pdf.

³⁴ *Ibid*, p8.

³⁵ Shmuel Bar accredits this to Prof. Eyal Zisser from University of Tel Aviv in Bar, 2006, 360.

³⁶ Abboud, Samer, ‘Syria’s Business Elite; Between Political Alignment and Hedging Their Bets’, *German Institute for International and Security Affairs*, August 2013, available at http://www.swp-berlin.org/fileadmin/contents/products/comments/2013C22_abo.pdf.

is as much responsible for today as the authorities are.³⁷ Corruption has always been a major problem in Syria under the Assad regime, though from 2003 onwards it is estimated to have almost doubled as measured by the Corruptions Perceptions Index.³⁸ While Bashar al-Assad spearheaded a highly publicised - and highly ineffective - anti-corruption push from the early days of his reign, former Vice-President Abdul Halim Khaddam remarked in 2009 that Bashar's rule had been shaped by "transforming corruption into an institution".³⁹ He maintained, prophetically, that corruption, suppression of dissent, and economic hardship were pushing Syrians over the edge.⁴⁰

1.3 A 'divided society'

Most countries existing today might potentially be considered ethnically or religiously 'divided', in that there is more than one distinct group or community within the country. This, as is iterated above, does not always affect societies so negatively that cleavages appear and tensions build along these divisions. It has been pointed out that ethnic division can be a source of both conflict *and* cooperation in all societies,⁴¹ and in many ways this was the case in Syria before the unrest. With the conflict in Syria being increasingly defined by its sectarian elements, this section will attempt to elucidate the issue of sectarianism in Syria by exploring its potential origins and the central role it now plays in the war. It will do so with reference to various theories regarding the nature of 'divided societies' and sectarian conflicts.

Guelke, a professor of comparative politics at Queen's University Belfast, differentiates between divisions in a conflicted society and divisions or cleavages which do not lead to polarisation and the entrenchment of intercommunal rivalries.⁴² Acknowledging that divergent sources of divisions exist, from class and caste to religion, ethnicity or gender,

³⁷ Starr, 2012, 21.

³⁸ Kapstein, Ethan & Mayoral, Amanda, 'The Economics of the Syrian Crisis', *US Institute of Peace*, 26 February 2014, available at <http://inec.usip.org/blog/2014/feb/26/economics-syrian-crisis>.

³⁹ *BBC News*, 'Bashar al-Assads Inner Circle', *BBC News*, 30 July 2012, available at <http://www.bbc.com/news/world-middle-east-13216195>.

⁴⁰ *Idem*.

⁴¹ Conteh-Morgan & Kadivar, 1995, p1, available at <http://journals.hil.unb.ca/index.php/JCS/article/view/4593/5434>.

⁴² Guelke, 2012, 13-14.

he argues that not all of these are necessarily politically salient or conflictual. The term he uses to describe a conflict situation when violence or the threat of violence keeps a society divided is ‘*deeply divided society*’.⁴³ What distinguishes deeply divided societies from fragmented ones is a society’s inability to agree on a common process for decision-making, resulting in peace and reconciliation being difficult, if not impossible, to achieve.⁴⁴ Under this logic, Syria as it stands today could be called a deeply divided society, with its primary cleavage being an ethno-religious one.⁴⁵

Another approach is to view the divisions in Syria as effects rather than causes of the conflict, in that they have been manipulated, exaggerated or constructed to achieve the aims of the various groups (or group elites).⁴⁶ Previously benign, long-dormant or even non-existent divisions can take centre-stage when a conflict occurs within a society. In *New and Old Wars*, Kaldor, professor of Global Governance in the London School of Economics, discusses what she calls “new identity politics”, describing it as:

*“the claim to power on the basis of labels - in so far as there are ideas about political or social changes, they tend to relate to an idealised nostalgic representation of the past. [...] While it is true that the narratives of identity politics depend on memory and tradition, it is also the case that these are ‘reinvented’ in the context of the failure or the corrosion of other sources of political legitimacy.”*⁴⁷

The developments in Syria align with the ‘new identity politics’ described by Kaldor. As previously explored, the protests which triggered the conflict appeared to begin along socio-economic lines, and only later erupted into sectarian extremism. Evidence exists that both Assad and his Islamic opposition have used ethnicity and religion as tools to undermine each other and incite fear of the other into the population, while al-Qaeda has been accused of using the havoc created by the Syrian uprising as a platform

⁴³ Idem.

⁴⁴ Idem, p26.

⁴⁵ Salawo has defined an ethno-religious conflict as “a situation in which the relationship between members of one ethnic or religious group and [others in] another [...] such group in a multi-ethnic and multi-religious society, is characterized by lack of cordiality, mutual suspicion and fear, and a tendency towards violent confrontation”. See Salawu, 2010, 346.

⁴⁶ Kaldor, 2007, 9.

⁴⁷ Idem.

to further their own interests.⁴⁸ As Kaldor suggests, the strategic goal of wars based on this identity politics is the mobilisation of extremist politics based on fear and hatred:

*“The aim is to control the population by getting rid of everyone of a different identity (and indeed a different opinion) and by instilling terror.”*⁴⁹

That is not to say that some element of ethnic discontent did not exist before the war began. Sunni revolts attempting to overthrow the regime have occurred. Alawites are not plentiful enough to run the country singlehandedly, but the higher echelons of the political elite are still dominated by them, while there has been systematic and consistent nepotism and favouritism towards Alawites during the four decades of the Assad regime. The Kurds, representing nine percent of the country’s population, have been systematically discriminated against and are treated, according to Human Rights Watch, as lower-class citizens.⁵⁰ At the same time, there exists a disproportionately low representation of the majority Sunnis in the state infrastructure. Conteh-Morgan and Kadivar suggest that such unequal or competitive relations between ethnic groups can help to shape a society’s state and ethnic structures, thereby affecting the domestic context from which civil war erupts. The ‘we-feeling’ or *communauté de conscience* associated with each ethnic group can become further polarised in times of crisis and come into direct confrontation with that of other ethnic groups.⁵¹

1.4 The intersectional approach to Syria’s multiple divides

It has been argued that each ethnic and religious group in Syria is not homogenous in its desires and priorities.⁵² Research gathered by Charney Research in late 2013 offers qualitative data to support this. Forty-six interviews were conducted among a diverse group of Syrians, including Sunnis, Shia, Alawites, and Christians; regime supporters

⁴⁸ Warrick, Joby, ‘Syrian conflict’s sectarian, ethnic dimensions growing, UN warns’, *Washington Post*, 20 December 2012, available at http://www.washingtonpost.com/world/national-security/syrian-conflicts-sectarian-ethnic-dimensions-growing-un-warns/2012/12/19/727183a2-4a2c-11e2-820e-17eefac2f939_story.html.

⁴⁹ Kaldor, 2007, 12.

⁵⁰ Human Rights Watch, ‘World Report 2011: Syria’, *HRW*, 2011, available at <http://www.hrw.org/world-report-2011/syria>; Starr, 2012, p39.

⁵¹ Conteh-Morgan & Kadivar, 1995, 1.

⁵² Rosiny, 2013, 20.

and opponents; internally displaced persons and refugees. During these, one Alawite woman describes the regime as “... a fetid, parasitic government. It is fed from others’ efforts, a bloody government that drinks from Syrians’ blood”,⁵³ while one pro-regime Sunni man lamented the attacks on Assad, arguing that “... there are many sects in Syria. Assad combined all these sects. People were living together. We never heard that this is Alawite, this is Kurdish, this is Arab, and this is Christian, and all these sectarian terms. If President Assad leaves, there would be a state of chaos.”⁵⁴ Academics also refer to many Alawites, especially among intellectuals and villagers, who resent how their community has been taken hostage by the regime.⁵⁵ The existence of such opinions, combined with the presence of cross-cutting ethnicities and religions in the business elite and opposing *rif* classes, serve not as exceptions that prove the rule, but rather as signs that there is more to the underlying unrest than a mere sectarian split. And while minority groups in Syria are viewed as the primary collaborators with the Assad regime, in reality every community - including the Sunni majority - has been co-opted to one degree or another in the ‘tacit pact’ of collaboration.⁵⁶

To reiterate, sectarian cleavages have become more and more pronounced during the conflict, and now are of central concern to any potential peace negotiations, yet this ethno-religious cleavage should not undermine the relevance of other cleavages to the development of the conflict, or the fact that these must also be addressed if Syria is to experience a transition from war to a sustainable peace. Using the analytical tool of intersectionality might prove useful in understanding the multi-dimensional cleavage - or the multiple cleavages simultaneously interacting - in Syria today. Intersectionality is the study of intersections between forms of systems of oppression, domination or discrimination. While most commonly used by feminist and anti-racist scholars for

⁵³ Charney, Craig & Quirk, Christine, ‘He Who Did Wrong Should be Accountable; Syrian Perspectives on Transitional Justice’ in Transitional Justice Research Series, *Syria Justice and Accountability Centre*, p46, January 2014, no. 1, available at http://syriaaccountability.org/wp-content/uploads/SJAC_Syrian_Perceptions_2014_EN.pdf.

⁵⁴ Charney & Quirk, 2014, 15.

⁵⁵ Peter Harling & Sarah Birke, ‘Beyond the Fall of the Syrian Regime’, *Middle East Research and Information Project*, 24 February 2012, available at <http://www.merip.org/mero/mero022412>.

⁵⁶ Semerdjian, Elyse, ‘Enduring Myths of Sectarianism in Syria’, *The Armenian Weekly*, 22 January 2014, available at <http://www.armenianweekly.com/2014/01/22/enduring-myths-of-sectarianism-in-syria/>.

theorising identity and oppression, in this context it can be used to examine how various categories, such as class, ethnicity and religion interact on multiple and often simultaneous levels, contributing to systematic injustice and inequality.⁵⁷ Proponents of this theory argue that the real problem of identity politics is that it elides intra-group differences. This is a problem that intersectionality purports to solve by exposing differences within broad categories, such as ‘Sunni’ or ‘*rif*’ (rural/urban poor) for example, and serving as a force for “mediating the tension between assertions of multiple identity and the ongoing necessity of group politics”.⁵⁸

1.5 Conclusion

In the past the identity of groups in conflicts was reductively seen by academics as ethnically distinguishable,⁵⁹ but more recent academia, like Guelthe’s and Kaldor’s work explored above, has widened the span of factors to incorporate a plethora of identity markers and variables by which conflicts can be ignited or exacerbated. Syria at present is undeniably a ‘deeply divided society’, but the nuances of this must be understood in a wider context than the sectarian cleavage. This argument will be returned to in relation to a power-sharing agreement in Syria, with the point later made that without taking all of the factors detailed above into account, a sustainable peace in Syria is impossible.

⁵⁷ Knudsen, 2007, 61-76.

⁵⁸ Crenshaw, 1991, 1296.

⁵⁹ Rabushka and Shepsle define a divided society as one which is both ethnically diverse and where ethnicity is a politically salient cleavage around which interests are organized for political purposes, such as elections. See Rabushka & Shepsle, 1972, 232.

Chapter 2: Actors at Play in the Concentric Circles of Conflict

1 Introduction

To understand the conflict in Syria today, it is important to understand that there is no longer a single 'civil war' taking place between a regime and a unified rebellion against it. Rather, there exist at least four concentric circles of conflict taking place at a local, national, regional and global level. Localised conflicts are taking place at a community level, while at a national level a variety of powerful entities are strong enough to prevent their destruction by any of the others. They are supported by regional and international players who have a vested interest in particular outcomes being achieved. At the same time, the unrest is threatening to destabilise surrounding countries, such as Lebanon and Iraq, which are now under increasing pressure from the continuing shockwaves of the conflict. At an international level, a geopolitical game is being played by major powers with interests in the area, while at the Security Council (SC) of the UN, the states with veto powers are locked in a stalemate akin to the one being endured on the ground. While not all believe that the war in Syria is a proxy one, the vast majority acknowledge that some form of international and regional understanding will be needed to end it.⁶⁰ While the significant national players, including the regime, will be detailed below, this section will conclude by suggesting that the war has developed into a proxy one, and it is only with the initiation and support of the external powers that any truly consequential negotiated settlement can take place.

Chart 3, designed by Mike Nudelman of *Business Insider*, offers a good starting point to comprehend the complex dynamics of the national and international groups involved in the Syrian conflict. The constantly changing nature of the conflict means that the chart, designed in October 2013, does not take the rise of the Islamic State in Iraq and

⁶⁰ Perthes, Volker, 'Three Years of Conflict in Syria: No Proxy War, No Solution Without Society', *Al Jazeera*, 15 March 2014, available at <http://www.aljazeera.com/indepth/opinion/2014/03/three-years-conflict-syria-no-p-201431411423566230.html>.

Syria/the Levant (ISIS/ISIL⁶¹) into account, while only three of potentially hundreds of opposition groups/factions are listed in it. That said, it clearly shows how the concentric circles work and interact with each other simultaneously as the war continues.

While, at the time of writing, Assad's forces have consolidated their grip over central Syria, swathes of its northern and eastern provinces are controlled by hundreds of rebel brigades, including ISIS and other Islamist groups.⁶² Over the course of the conflict the loyalties and ideologies of these groups have been constantly changing. Coalitions and blocs have been formed and broken as the conflict has developed, while external forces support and exploit the needs and ambitions of the groups on the ground. The following subsections will detail the motives and characteristics of the main international players, the various groups within the opposition and the regime.

2.1 International and regional players

In May 2014 France proposed a SC resolution referring the Syrian crisis to the International Criminal Court for investigation of possible war crimes. This resolution would have condemned the "widespread violation" of human rights and international humanitarian law by Syrian authorities and pro-government militias as well as abuses and violations by 'non-state armed groups' during the last three years.⁶³ The resolution was vetoed by Russia and China - the fourth time a SC resolution in relation to the Syrian conflict was blocked by these two permanent members.⁶⁴ This has created a political stalemate at an international level in which the UN is unable to de-escalate the conflict. Instead of a multilateral agreement reached at an international level to help mediate an end to the conflict, the conflict is now being guided and influenced by external powers supporting their proxies. They are acting independently from each

⁶¹ The two names are interchangeable and seem to be used depending on the country and context in which the group is operating. For the purpose of this thesis the group will be referred to as ISIS.

⁶² Spyer, Jonathan, 'Second Front Opens in the Sunni Shia War', *Middle East Forum*, 15 June 2014, available at <http://www.meforum.org/4728/second-front-opens-in-the-sunni-shia-war>.

⁶³ *BBC World News*, 'Russia and China Veto UN Move to Refer Syria to ICC', *BBC News*, 22 May 2014, available at <http://www.bbc.com/news/world-middle-east-27514256>.

⁶⁴ Black, Ian, 'Russia and China veto UN Move to refer Syria to International Criminal Court', *The Guardian*, 22 May 2014, available at <http://www.theguardian.com/world/2014/may/22/russia-china-veto-un-draft-resolution-refer-syria-international-criminal-court>.

other, to further their own interests (as Chart 3 shows), or in unofficial blocs if their interests are shared.

The majority of external interests are represented by the fractured opposition in Syria. Western backers, such as the U.S. and France, find themselves manoeuvring in a small space between a desire to see the regime fall and the fear of extremist elements gaining control of Syria in its stead. Groups they deem to be 'moderate' have been given support in the form of political recognition, training, logistical support, and/or direct military support.⁶⁵ So far they have avoided direct military intervention and will most likely continue to do so. Saudi Arabia actively supports groups within the opposition, both to offset the influence of Iran, which it sees as threatening Saudi interests in the region, and also to exert some control over the direction of the opposition, namely away from the Islamic Brotherhood and in favour of more Salafi elements.⁶⁶ At its most basic level, some have described the conflict in Syria as an extension of the regional cold war between Saudi Arabia and Iran.⁶⁷ Qatar, on the other hand, is estimated to have spent one to three billion dollars backing the Syrian opposition, with most of it believed to have gone to the Muslim Brotherhood.⁶⁸

The regime's two significant supporters are Russia and Iran. Rosiny believes that Russia experienced a loss of influence vis-à-vis the Western military interventions in Afghanistan, Iraq and Libya. It is mainly because of this, he argues, that it has vetoed any SC resolution on Syria that could provide an excuse for another externally induced regime change.⁶⁹ Aside from this, Russia is worried about its economic and military interests, like the naval base at the Syrian city of Tartus, and the strengthening of Sunni

⁶⁵ Bakr, Amena, 'Western, Arab States to Step Up Syrian Rebel Support', *Reuters*, 22 June 2013, available at <http://www.reuters.com/article/2013/06/22/us-syria-crisis-idUSBRE95K17J20130622>.

⁶⁶ Weinberg, David, 'Saudi Strategy in Syria', *Foundation for Defence of Democracies*, 19 Sept 2013, available at <http://defenddemocracy.org/media-hit/saudi-strategy-in-syria/>.

⁶⁷ Berti & Paris, 2014, 25.

⁶⁸ Khalaf, Roula & Fielding Smith, Abigail, 'Qatar Bankrolls Syrian Revolt with Cash and Arms', *Financial Times*, 16 May 2013, available at <http://www.ft.com/intl/cms/s/0/86e3f28e-be3a-11e2-bb35-00144feab7de.html#axzz2emx8mHHI>.

⁶⁹ Rosiny, 2013, 12.

extremism, which is well connected to radical groups in the Caucasus.⁷⁰ The latter concern will have been heightened recently by the rise of ISIS in Iraq and Syria, and the call of its leader, Abu Bakr al-Baghdadi, for Muslims to move to Iraq and Syria to help build an Islamic state.⁷¹ Russia has offered significant military and logistical resources to Assad from the outbreak of the unrest, while the support of Iran, a traditional and steadfast ally of Assad, along with its closely linked Lebanese Shia movement, Hezbollah, has ensured the continued military success of Assad.⁷²

The Assad regime survives not necessarily because it is wanted in Syria but because these external rivalries and the existence of the proxy war allow it. Maintaining the regime suits Russia's purposes and those of Iran, while the US, Britain and their Gulf allies, eschewing direct military intervention, lack the means to force him out. That said, while presently advantageous for Assad, this also means that his position is relatively precarious, in that he relies on the current geopolitical situation for his preservation rather than reliable support within Syria. As Khatib, Director of the Carnegie Middle East Center in Beirut, remarked in a recent conference, at some point Assad might become less valuable to Iran, than a nuclear deal, for example.⁷³ Furthermore, the rise of ISIS will also have an impact on how the Syrian conflict, and the international community's response to it, develops in the next months. Their entrenchment in a number of Iraqi and Syrian cities (see Chart 4) has blurred the fault-lines of the proxy war, causing, for example, the U.S. and Iran to discuss ways to coordinate an effort to push back the ISIS militants in Iraq.⁷⁴ These developments could shift the priorities of the international players away from finding unilateral advantages and towards seeking regional peace. This might ultimately lead to a peace agreement being sought by the international powers with interests in Syria.

⁷⁰ Idem.

⁷¹ Bowen, Jeremy, 'ISIS Leader Calls on Muslims to Build Islamic State', *BBC News*, 1 July 2014, available at <http://www.bbc.com/news/world-middle-east-28116846>.

⁷² Black Ian, 'Iran and US Face Common Foe in Effort to Stop Isis Fighters in Iraq', *Guardian*, 15 June 2014, available at <http://www.theguardian.com/world/2014/jun/15/iran-iraq-us-isis-fighters-sunni-jihadi>.

⁷³ Khatib, Lina, speaking at the Conference 'How Can a Regional Accord Help End the War in Syria?', held by *Danish Institute for International Studies*, *European Council on Foreign Relations* and *Ministry of Foreign Affairs of Denmark*, 27 May 2014, script available at <http://carnegieendowment.org/2014/05/27/how-can-regional-accord-help-end-war-in-syria/hbzz>.

⁷⁴ Cfr. supra footnote 72.

2.2 The regime

While the support of external powers has guaranteed the continued strength of the regime during the conflict, there are other internal factors that have also contributed to ensuring its resilience. There is a strong regime infrastructure that stretches into every facet of Syrian society. It has managed to withstand the enormous pressure of an escalating civil war, despite large numbers of defectors and persistent calls for its removal. A brief outline of the establishment and history of the regime's rule will first be given so as to give context to the resilience of the regime in the conflict. The present position of the regime as the 'strong' party in the conflict, as well as the nature of its entrenchment, will serve as a foundation for the following two chapters in which the potential application of a power-sharing agreement and the extent to which the regime might compromise will be explored.

2.2.1 Hafiz al-Assad establishing a regime

The Assad regime, led first by Hafiz al-Assad before passing to his son, Bashar, has significantly influenced the shaping of Syria from the 1970's to the present day. For over forty years it has been at the helm of the political, military and business apparatus, controlling everything from the media to the economy, the judicial system to the nature of civil social movements in the country. Whilst this strong state presence has led to the regime being described as a ruthless machine of repression,⁷⁵ it is worth keeping in mind the context in which Hafiz al-Assad's rose to power. Until its independence from France in 1946 Syria had never constituted a unified state or separate political entity: it was part of the Ottoman Empire from 1516 until the end of World War I. France and Britain then split the provinces of the Ottoman Empire outside the Arabian Peninsula between themselves, with France being mandated Syria and Lebanon by the League of Nations in 1920. France divided Syria based on sectarian and regional lines, and gave the minority Alawites and Druze privileged positions over the majority Sunni's. Some

⁷⁵*Economist*, 'An Offensive Regime', *Economist*, 16 Feb 2012, available at <http://www.economist.com/node/21547851>; Al Hendi, Ahed, 'The Structure of Syria's Repression', *Foreign Affairs*, 3 May 2011, available at <http://www.foreignaffairs.com/articles/67823/ahed-al-hendi/the-structure-of-syrias-repression>; Muir, Jim, 'Syria: Assad speech offers little new', *BBC News*, 30 March 2011, available at <http://www.bbc.co.uk/news/mobile/world-middle-east-12915461>.

argue that what is happening today is the long-delayed consequence of these actions, with the order of the colonial powers' imposed on the diverse sects and religions that make up the Arab East causing the backlash being felt today.⁷⁶

From 1945 until 1970 - the year Hafiz took power - Syria was a state plagued by chronic political unrest. For example, in 1949 the country witnessed three separate military coups within an eight-month period.⁷⁷ Pre-Assad Syria is described in hindsight in terms of internal strife, of an often frantic search for a proper political road to travel, and of casting about for a sense of national identity.⁷⁸ The Baath party, of which Hafiz was a member, rose in the 1960's, during this period of massive internal and regional instability. Following a decade of political manoeuvring Assad took over in 1970. He consolidated his power and, significantly, managed to unite the regions of diverse ethnic and religious populations into a newly secularised and peaceful state.

The 'terrible price'⁷⁹ of the stable state that Hafiz created was the reported torture of hundreds of thousands, with the disappearance of thousands more.⁸⁰ An example of the regime's brutality is the Muslim Brotherhood-led rebellion of 1982. The regime confronted the rebels in the city of Hama, laying siege to the city and unleashing an artillery barrage that levelled an entire civilian quarter. The death toll is unknown, but estimates range from 10,000 to 40,000.⁸¹ Using rhetoric similar to the contemporary Syrian government's response to accusations of a disproportionate use of force, the Hafiz al-Assad government issued a statement in defence of their actions, saying the government was merely stamping out "criminal elements" in Hama.⁸²

⁷⁶ Friedman, Thomas, 'Syria Scorecard', *New York Times*, 22 June 2013, available at http://www.nytimes.com/2013/06/23/opinion/sunday/friedman-syria-scorecard.html?_r=0.

⁷⁷ Doran, Michael & Shaikh, Salman, 'The Syria Crucible', *The American Interest*, available at <http://www.the-american-interest.com/articles/2011/7/1/the-syria-crucible/>.

⁷⁸ Zisser, 1998, 32.

⁷⁹ Ajami, Fouad, *The Syrian Rebellion*, Stanford, Hoover Institution Press Publications, 2012, p28.

⁸⁰ Darwisheh, Housam, 'Deciphering Syria's Power Dynamics' in Hitoshi, Suzuki (ed.), *The Middle East Turmoil and Japanese Response*, Chiba, Institute of Developing Economies, 2013.

⁸¹ Doran, Michael & Shaikh, Salman, 'The Syria crucible', *The American Interest*, available at <http://www.the-american-interest.com/articles/2011/7/1/the-syria-crucible/>.

⁸² Kifner, John, 'Syria Offers Picture of Hama Revolt', *New York Times*, 24 Feb 1982, available at <http://www.nytimes.com/1982/02/24/world/syria-offers-picture-of-hama-revolt.html>.

This decisive and brutal response to rebellion is indicative of the nature of the regime for the duration of Hafiz's rule. For thirty years he kept a vice-like grip on Syria, having such influence as to make a distinction between the president and the state almost impossible. The president consolidated his control over all tools of power: he became the secretary general of the Baath party (which controls the parliament), commander-in-chief of the armed forces and the central authority for all the intelligence services.⁸³ As U.S. Secretary of State, James Baker, noted during an account of his negotiations with the elder Assad, "there was no one in the Syrian Arab Republic with whom Assad needed to consult, except himself."⁸⁴ At a local level, Syrians have for decades been indoctrinated into the 'cult of the president'⁸⁵ both in and beyond the classroom. The mobilization and protests at the start of the unrest are significant, therefore, as they symbolise a turning point of tolerance for the regime and a rejection of its decades-old indoctrination.

While the regime has, at various times, been defined as predominantly 'Alawite', 'Military' or 'Baathist',⁸⁶ it is perhaps more helpful to see all three appellations as 'pillars',⁸⁷ which have supported the Assad regime in the consolidation and preservation of its power. The Assad family does belong to both the Alawite religion and the Baathist political party, and came to power through military means, but it would be erroneous to describe the regime exclusively or predominantly as any of the three. The description of an 'Alawite' regime imposed on a Sunni country, for example, does not do justice to the complex relationship between the regime and the various religious and ethnic communities within Syria, which was examined in the first chapter. The term 'Baathist regime' implies party control of the state, which is not the case in Syria,⁸⁸ and while there is a strong military presence in the state infrastructure, it has been carefully

⁸³ Bar, 2006, 354.

⁸⁴ Baker, 1995, 457.

⁸⁵ Starr, 2012, 27.

⁸⁶ Olmert, Josef, 'Alawites under attack: A Syrian update', *Huffington Post*, 28 March 2014, available at http://www.huffingtonpost.com/dr-josef-olmert/alawites-under-attack-a-s_b_5050245.html; Bhalla, Riva & Bokhari, Kamran, 'Considering a Sunni Regime in Syria', 10 July 2012 available at <http://www.stratfor.com/weekly/considering-sunni-regime-syria>.

⁸⁷ Ajami, 2012, 8.

⁸⁸ Bar, 2006, 357.

kept subservient to the Assad family and the political elite. This has been done mainly by inserting family members into the higher echelons of the military apparatus.

2.2.2 Bashar al-Assad in power

The regime has undergone slight but significant changes since the transition of power to Bashar al-Assad. At his father's death in June 2000, Bashar secured the position of president in less than a day, reflecting the extent of the regime's preparation and total control.⁸⁹ Since then, the majority (over sixty percent) of the officials in the political party and local government, as well as members of Parliament, have been replaced by younger figures.⁹⁰ While this was seen as necessary to rejuvenate an aging party, it was also a chance for Bashar to consolidate his own personal power and insert people loyal to him in the regime hierarchy. This loyalty has been tested during the past three years of turmoil, but while defections have occurred,⁹¹ the vast majority of players within the regime have given Assad their continued support.

Bashar al-Assad's powerbase has been coined the 'Young Guard' and includes close friends and loyal followers, but also numerous members of Assad's family.⁹² The Assad's have amassed tremendous wealth over the decades of their rule, and they control much of the military, security, political and business apparatus. This has substantially aided them in their resilience to the opposition. For example, General Shalish, Bashar's first cousin, is head of Presidential Security Directorate, while Bashar's brother, Maher, commands the army's Fourth Division and the Republican Guard elite force.⁹³ These placements have ensured the continuing loyalty of these divisions. Economically the Assad family has benefited from the government's central control over the Syrian economy, with the awarding of non-competitive contracts and

⁸⁹ Ziadeh, 2011, 45-48.

⁹⁰ Zisser, Eyal 'Appearance and Reality: Syria's Decision-Making Structure', *Middle East Review of International Affairs*, vol. 2, no. 2, May 1998, p32.

⁹¹ Atassi, Basma, 'Interactive; Tracking Syria's Defections', *al Jazeera*, last modified 11 May 2014, available at <http://www.aljazeera.com/indepth/interactive/syriadefections/>.

⁹² Al-Haj Saleh, Yassin, 'Don't Rush the Revolution', *New York Times*, 4 June 2005, available at http://www.nytimes.com/2005/06/04/opinion/04saleh.html?pagewanted=print&_r=0.

⁹³ Parvaz, B., 'The Assad's: An Iron-Fisted Dynasty', *Al Jazeera*, 18 December 2012, available at <http://www.aljazeera.com/indepth/features/2011/10/201110279954762656.html>.

the placement of totally loyal supporters in positions of power and influence.⁹⁴ Bashar's maternal cousin, Rami Makhlouf, owns a share of many of the significant 'private' companies in the country and was the focus of much of the anger in the first weeks of the protests in Dera'a.⁹⁵

2.2.3 The position of the regime in mid-2014

With the outraged response of various international players to the regime's brutal reaction to the earliest uprising, as well as a substantial number of regime defectors during the first years of the war,⁹⁶ the preservation of the regime has never been guaranteed. The first six months of 2014, however, have seen Assad's troops gaining ground steadily, retaking some key cities and, at least militarily, having the advantage.

In a bid to consolidate his support in the areas under his control Assad held early presidential elections in June, allowing rival candidates to run for the first time in the regime's history. His victory was a foregone conclusion in what the U.S., the EU and rival groups have called a "farce" of an election.⁹⁷ Brahimi criticised the holding of the election in a country in the midst of a civil war, and urged Assad to refrain from seeking re-election as it would jeopardise the political process that had started with the Geneva Communiqué.⁹⁸ The presidential elections took place only in regime-held areas, which some believe covers as little as forty percent of the country and a bare majority of its population.⁹⁹ No citizen who has lived outside Syria within the last ten years was allowed to run as a candidate, which blocked the SNC from participating. Similarly, only a small fraction of refugees who had fled the country were allowed to vote. That

⁹⁴ Kapstein, Ethan & Mayoral, Amanda, 'The Economics of the Syrian Crisis', *US Institute of Peace*, 26 February 2014, available at <http://inec.usip.org/blog/2014/feb/26/economics-syrian-crisis>.

⁹⁵ *Economist*, 'The Assad Family: Where Are They Now?', *Economist*, 21 February 2013, available at <http://www.economist.com/blogs/pomegranate/2013/02/assad-family>.

⁹⁶ Cfr. supra footnote 91

⁹⁷ New Europe, 'EU: Elections in Syria Cannot be Considered as Democratic', *New Europe*, 5 June 2014, available at <http://www.neurope.eu/article/eu-elections-syria-cannot-be-considered-democratic>.

⁹⁸ Idem.

⁹⁹ Spyer, Jonathan, 'Second Front Opens in the Sunni Shia War', *Middle East Forum*, 15 June 2014, available at <http://www.meforum.org/4728/second-front-opens-in-the-sunni-shia-war>.

said, many see the election as giving his rule a veneer of legitimacy and it sends a message to rivals and the international community that Assad is there to stay.¹⁰⁰

Despite the many claims to the contrary,¹⁰¹ Assad is believed to have a strong following in Syria, with many pointing to pragmatism on behalf of a substantial percentage of the Syrian population as the main reason for Assad's national support.¹⁰² This may result from the disarray, in-fighting and lack of co-ordination displayed by the opposition groups since the conflict began. It is suggested that at present many choose to support the regime rather than an opposition that has been perceived locally as either composed of "naive exiles who are merely jostling for power, rather than working in Syria's best interests",¹⁰³ or worse, an extremist group that would impose a harsh form of *Shari'a* law on them.¹⁰⁴ The regime has regularly exploited this fractious nature of the opposition and exaggerated the presence of extremism within it in order to secure the support of the people.¹⁰⁵ A more direct tactic consistently used by the regime is the "Starvation until Submission Campaign", as Syrian State Security official Abu Haidar has called it.¹⁰⁶ Though violating international law and loudly criticised by rights groups and the UN,¹⁰⁷ this tactic has been effective in keeping many Syrians on the side of the government. As Landis commented in an interview in May 2014:

"...increasingly, refugees or people from rebel-held territories are coming over to government-held territory in order to get that food, and so this is a way, in a sense, to tell the rebels and the people under them that if you want

¹⁰⁰ Baker, Aryn, 'Syria's farcical election will boost Assad', *TIME*, 4 June 2014, available at <http://time.com/2821649/syria-election-will-boost-assad/>.

¹⁰¹ *Idem*.

¹⁰² *Economist*, 'The Economist explains: Who are the Syrian opposition', *Economist*, 19 June 2013, available at <http://www.economist.com/blogs/economist-explains/2013/06/economist-explains-12#sthash.2MuNuQ6j.dpuf>.

¹⁰³ *Idem*.

¹⁰⁴ Human Rights Watch, 'ISIS advance Threatens Iraq Civilians', *HRW*, 12 June 2014, available at <http://www.hrw.org/news/2014/06/12/iraq-isis-advance-threatens-civilians>.

¹⁰⁵ Al-Assad, Bashar, 'Interview with Agence France Presse: The Fight against Terrorists in Syria', transcript on *Global Research*, 21 January 2014 available at <http://www.globalresearch.ca/bashar-al-assad-interview-the-fight-against-terrorists-in-syria/5365613>.

¹⁰⁶ Bassam Khabieh, 'Insight: Starvation in Syria: a War Tactic', *Reuters*, 30 October 2013, available at <http://www.reuters.com/article/2013/10/30/us-syria-crisis-hunger-insight-idUSBRE99T07I20131030>.

¹⁰⁷ *Economist*, 'Ceasefires in Syria: Oases and mirages', *Economist*, 13 March 2014, available at <http://www.economist.com/news/middle-east-and-africa/21599032-local-truces-could-lessen-syrian-suffering-it-hard-make-them>.

*food and you don't want to starve, you have to come to us and be submissive. And it's having an effect, because people are crossing those lines and coming to government food areas."*¹⁰⁸

Whilst the above have ensured a strong position for Assad, a number of key strategic mistakes have been identified in the way the regime has handled the conflict, with some warning that they could have future repercussions for the regime.¹⁰⁹ One of these perceived mistakes is the creation of non-jihadist groups that are militant and are loyal to the regime. Under the umbrella of the National Defence Forces and commonly known as the *shabiba*, some argue that the leaders of these groups are becoming "warlords"¹¹⁰ who are more and more financially independent and powerful, to the extent that even though they are regime loyalists now, they are not a hundred percent under the command of Assad, and are becoming increasingly likely to fall out of Assad's scope of control.¹¹¹ Brahimi has similarly warned that Syria is descending into a Somalia-style failed state run by warlords, which poses a grave threat to the future of the Middle East. He maintains that without concerted efforts for a political solution to Syria's brutal civil war "there is a serious risk that the entire region will blow up."¹¹²

2.3 Opposition groups

At present there is a vast array of ever-changing political and/or military groups operating in Syria. At times they are juxtaposing, co-operating, conflicting and complementing each other, with the opposition, be it political or military, divided by geography, ideology and in some cases the influence of their foreign backers.¹¹³ The

¹⁰⁸ Pfeiffer, Sacha, 'U.N.'s Valerie Amos: Syria Aid Efforts 'Not Working', *Here and Now*, 1 May 2014, available at <http://hereandnow.wbur.org/2014/05/01/syria-aid-progress>.

¹⁰⁹ Khatib, Lina, speaking at the Conference 'How can a Regional Accord Help End the War in Syria?', held by *Danish Institute for International Studies, European Council on Foreign Relations and Ministry of Foreign Affairs of Denmark*, 27 May 2014, script available at <http://carnegieendowment.org/2014/05/27/how-can-regional-accord-help-end-war-in-syria/hbzz>.

¹¹⁰ 'Warlordism' remains a disputed term, with some calling its use in a context such as Syria's "careless". See Giustozzi, Antonio, 'The Debate on Warlordism: the Importance of Military Legitimacy', *Crisis States Research Centre*, October 2005, p1, available at <http://eprints.lse.ac.uk/13316/1/dp13.pdf>

¹¹¹ Ibid.

¹¹² Reuters, 'Syria Becoming Warlord-Run Failed State: Former Peace Envoy', *Reuters*, 8 June 2014, available at <http://www.reuters.com/article/2014/06/08/us-syria-crisis-envoy-idUSKBN0EJ0MT20140608>.

¹¹³ Cfr. Supra footnote 102.

number of these groups is in the hundreds and possibly thousands, while they occupy a spectrum from moderates fighting to topple the regime to *jihadists* motivated by extremist beliefs. More moderate groups are suffering from a lack of funding and influence, and have lost fighters to more devout Islamist groups, which are stronger because they receive more external support.¹¹⁴ Similarly, a UN Human Rights Council investigatory panel has found that many ethnic and religious minority groups, feeling threatened and under attack, have increasingly aligned themselves with particular parties, which has served to further empower extreme elements.¹¹⁵ A frequent, and at times the only, common denominator between the opposition factions is their desire to see Assad removed from power. That aside, there are numerous differing views on what direction Syria should take and how it should be governed in future.

In this section the most significant groups in the opposition will be outlined, with the power they exert, their external backers, their interaction with other groups and their main political goals emphasised. They are, in the order examined below, the Syrian National Coalition, the Islamic Front, ISIS, Jabhat al-Nusra and the Kurdish Movement. This level of detail with regards to the opposition groups is necessary in order to adequately explore, in the next chapters, the question of whether power-sharing is a viable conflict-resolution option to be applied in Syria, particularly in relation to spoilers and whether the groups can be incentivised to take part in an agreement.

2.3.1 Syrian National Coalition (SNC)

The National Coalition for Syrian Revolutionary and Opposition Forces, commonly known as the Syrian National Coalition (SNC), is recognised as the sole legitimate representation of the Syrian people by over twenty countries, including the U.S., France, the UK, Turkey and Qatar, as well as the Arab League and the EU. The Syrian National Council is under the SNC umbrella, while the Free Syrian Army (FSA) is the military branch of the organisation. The main aims of the SNC are to replace the Assad government and its “symbols and pillars of support”, to dismantle the security services,

¹¹⁴ Ibid.

¹¹⁵ United Nations General Assembly, ‘Report of the independent international commission of inquiry on the Syrian Arab Republic’, A/HRC/19/69, *Human Rights Council*, 22 February 2012, paras 26-27.

unify and support the FSA and hold accountable those responsible for killing, destroying and displacing Syrians.¹¹⁶

The SNC has recently suffered from depleting local support and decreasing respect from amongst other rebel groups. In a survey done by the Washington Post in May 2014, “Why are fighters leaving the Free Syrian Army?”, ex-fighters indicate that a lack of effectiveness and declining prospects of victory are reasons for the decreasing numbers in the group.¹¹⁷ Many of the rebel militias have explicitly rejected the legitimacy of the SNC, decrying them as “exogenous tools of outside interests”.¹¹⁸ Ordinary Syrians accuse it of being manipulated by Gulf backers and unrepresentative of Syrian society because it is dominated by exiles and Muslim Brotherhood sympathisers.¹¹⁹ Whilst there is a growing frustration with the SNC among Syrians, with the backing of the West, its secular stance, its political experience and its international personality, it is seen by many to be the only feasible negotiating partner at a political level with Assad’s regime.¹²⁰

2.3.2 The Islamic Front

The Islamic Front is a merger of seven groups involved in the Syrian war, and is presumed to be funded and supported by Saudi Arabia and Qatar.¹²¹ The goal of the Front has been to overthrow Assad and impose *Shari’a* law in Syria,¹²² with Aron Lund describing the group as ideologically and politically halfway between the disparate Western- and Gulf-backed armed opposition factions and the radical jihadi factions. He argues that this makes the Islamic Front a “swing-voter”, able to influence the course of

¹¹⁶ ‘Mission Statements and Goals’, *National Coalition of Syrian Revolution and Opposition Forces*, available at <http://en.etilaf.org/about-us/goals.html>.

¹¹⁷ Mironova, Vera, Mrie, Loubna & Whitt, Sam, ‘Why Are Fighters Leaving the Free Syrian Army?’, *Washington Post*, 12 May 2014, available at <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/05/12/why-are-fighters-leaving-the-free-syrian-army/>.

¹¹⁸ *Al Jazeera*, ‘Collapse of Syrian Opposition: Disaster or Opportunity?’, *Al Jazeera*, 28 February 2014, available at <http://america.aljazeera.com/opinions/2014/2/syrian-national-counciloppositionwar.html>.

¹¹⁹ Cfr. supra footnote 102.

¹²⁰ Ibid.

¹²¹ Lund, Aron, ‘Syria in Crisis: The politics of the Islamic Front’, *Carnegie Endowment for International Peace*, 14 January 2014, available at <http://carnegieendowment.org/syriaincrisis/?fa=54183>.

¹²² Dark, Edward, ‘Syrian FSA fades in shadow of Saudi-backed opposition front’, *Al Monitor*, available at <http://www.al-monitor.com/pulse/originals/2013/12/syria-fsa-islamic-front-geneva-ii-jarba.html#>.

the uprising by throwing its weight behind either the FSA-style groups or the jihadi ideologues.¹²³

In recent months, and particularly with the rise of ISIS, the Islamic Front has shifted towards a more moderate stance, signing the so-called 'Revolutionary Code of Honor of the Warring Brigades'.¹²⁴ This 'code of honor' states that the political objective of the Syrian revolution is to topple the regime, its icons and pillars, while the militarily target of the revolution is the Syrian regime and its supporters. It avoids any mention of *Shari'a* law being enforced in Syria, though this is believed to remain a priority of many of the groups under its umbrella.¹²⁵

With the recent military advances made by Assad and aggressive warring with ISIS, the Islamic Front has suffered significant losses both on the battleground and as a result of defections.¹²⁶ As well as this, with a growing dispute between its two funders - Saudi Arabia and Qatar - and a general pattern of funds rearrangement for the various rebel groups, there are questions as to whether the funding for the Islamic Front will remain consistent.¹²⁷ In relation to a potential power-sharing agreement, the weaker stance of the group might make it more amenable to negotiations, if it were approached with an offer to participate.

2.3.3 The Islamic State of Iraq and Syria/the Levant (ISIS/ISIL)

Run by Abu Bakr al-Baghdadi, an Iraqi *jihadist*, ISIS may have up to six thousand fighters in Iraq and three to five thousand in Syria, including a large amount of foreigners. Nearly a thousand are reported to hail from Chechnya alone, with perhaps

¹²³ Lund, Aron, 'Syria in Crisis: The politics of the Islamic Front', *Carnegie Endowment for International Peace*, 14 January 2014, available at <http://carnegieendowment.org/syriaincrisis/?fa=54183>.

¹²⁴ *Economist*, 'Syria's war: Why Bashar Assad is still in charge', *Economist*, 7 June 2014, available at <http://www.economist.com/news/middle-east-and-africa/21603470-rivalry-between-insurgents-helping-him-nowbut-may-eventually-undermine-him>.

¹²⁵ Abdallah Suleiman, Ali, 'Nusra, Islamic Front dispute 'code of honor' among rebel factions', *Al Monitor*, 22 May 2014, available at <http://www.al-monitor.com/pulse/security/2014/05/syria-dispute-jabhat-nusra-islamic-front-honor-code.html#ixzz34oLS12He>.

¹²⁶ Cfr. supra footnote 123.

¹²⁷ Cfr. supra footnote 123.

five hundred or so more from France, Britain and elsewhere in Europe.¹²⁸ This number appears to be increasing steadily as the notoriety of the group grows.¹²⁹

Reports on the ground maintain that ISIS has a poor relationship with all of the other significant groups in Syria. In 2014, mainstream Syrian rebel groups who at first welcomed ISIS for its fighting ability have battled against it, forcing it out of areas in the north-western province of Idleb and the city of Aleppo.¹³⁰ For ISIS (and other extreme Salafist groups) the Syrian uprising is not a national revolution to topple an authoritarian ruler, but rather a *jihad* that transcends the local arena.¹³¹ For the most part extremists do not believe in compromise with their enemies, though the hard-line stance of ISIS, combined with their rapidly increasing power, indicates that they will be the least likely to prove flexible.

With an objective to establish a world-wide caliphate, ISIS has extensive financial resources which are believed to mostly derive from organised crime activities in areas of control as well as unidentified financial sponsors from within Gulf States.¹³² It holds three border posts between Syria and Turkey and several more on Syria's border with Iraq. In early July 2014 it controlled territory that stretched from the eastern edge of Aleppo in Syria, to Fallujah, Mosul and Tal Afar in Iraq (see Chart 4). ISIS has been described as ruthless, slaughtering Shia and other minorities, including Christians and Alawites. Reports describe the sacking of churches and Shia shrines, suicide-bombers in

¹²⁸ *Economist*, 'The Islamic State of Iraq and Greater Syria: Two Arab countries fall apart', *Economist*, 14 June 2014, available at <http://www.economist.com/news/middle-east-and-africa/21604230-extreme-islamist-group-seeks-create-caliphate-and-spread-jihad-across>.

¹²⁹ Tran, Mark, 'How has ISIS grown so powerful and who will stop it? – Q & A', *Guardian*, 16 June 2014, available at <http://www.theguardian.com/world/2014/jun/16/isis-islamic-state-iraq-levant-q-and-a>.

¹³⁰ Cfr. supra footnote 128.

¹³¹ Rosiny, 2013, 10.

¹³² According to the *Guardian*, ISIS has secured huge cash flows from oilfields in eastern Syria, which it commandeered in late 2012. It also reaped windfalls from the smuggling of raw materials plundered from the crumbling state and priceless antiquities from archaeological digs. Computer sticks captured just before the fall of the northern Iraqi city of Mosul have shown the full extent of the group's finances. Before Mosul, total cash and assets of Isis came to \$875m (£515m). After Mosul, the group's financial assets are estimated to be about \$2bn, with money taken from banks and military supplies captured, see cfr. supra footnote 129.

market-places, and a total lack of regard for civilian casualties.¹³³ Those under its rule are subjected to exceedingly harsh laws, with Sunni men accused of murder recently crucified, in an act interpreted as a message to others who might contemplate non-adherence to their laws.¹³⁴

In the event of a power-sharing agreement being negotiated between the opposition groups and the regime, it is unlikely that ISIS will be invited, or desire to take part. While their growing power makes them a formidable force which would ideally be incorporated into an agreement so as to ensure peace in the country, the group's ultimate goal of securing an Islamic caliphate, its extremist views, and its general refusal to compromise with other groups make their cooperation unlikely.

2.3.4 Jabhat al-Nusra/al-Qaeda

Jabhat al-Nusra is the official branch of al-Qaeda operating in Syria and Lebanon. The group has been designated as a terrorist organisation by the UN, the U.S., the U.K. and Turkey,¹³⁵ with the U.S. accusing al-Qaeda of using the Syrian Revolution to further its *jihadi* ideas and goals for an Islamic State.¹³⁶ Al-Nusra began operating in Syria in late 2011, half a year after the uprising began. Similar to ISIS, it saw the conflict in Syria as an opportunity to establish a religiously-justified system of government, as the group believes that every regime which does not enforce *Shari'a* as law is illegitimate.¹³⁷ Aside from this, their short-term goals are to consolidate and link many existing *jihadists* into one coherent group, to reinforce and strengthen the Islamist nature of the Syrian war and to increase the military capacity of the group by seizing weapons and

¹³³ Lund, Aron, 'Syria in Crisis: The Politics of the Islamic Front', *Carnegie Endowment for International Peace*, 14 January 2014, available at <http://carnegieendowment.org/syriaincrisis/?fa=54183>.

¹³⁴ Idem.

¹³⁵ *Al Jazeera*, 'UN blacklists Syria's al-Nusra Front', *al Jazeera*, 31 May 2013, available at <http://www.aljazeera.com/news/americas/2013/05/201353021594299298.html>.

¹³⁶ Saad, Abedine & Smith-Spark, Laura, 'U.S. blacklists al-Nusra Front fighters in Syria,' *CNN*, 11 December 2012, available at <http://www.cnn.com/2012/12/11/world/meast/syria-civil-war>.

¹³⁷ Benotman, Noman & Blake, Roisin, 'Jabhat al-Nusra A strategic briefing', *Quilliam Foundation*, 2013, access through <https://www.counterextremism.org/resources/details/id/282/jabhat-al-nusra-a-strategic-briefing>.

training recruits.¹³⁸ The group has also sought to build popular support by providing social services and carrying out public works.¹³⁹

While it considers the regime to be its primary enemy, and has declared war on ISIS,¹⁴⁰ al-Nusra has a sometimes-good working relationship with other rebel groups, such as the FSA. The two groups have fought alongside one another against the Syrian regime and ISIS. They also have allegedly close family ties, with many of the men fighting with the FSA in Dera'a reportedly having friends and kin who fight with al-Nusra.¹⁴¹ However, the extreme views of al-Nusra, its main goal to establish a caliphate and its identification as a terrorist organisation by many key international players may isolate it from any future political peace agreement reached, unless it is willing to compromise on some of its views. With its links to the larger al-Qaeda network this may prove impossible.

2.3.5 Kurdish Movement

The Kurds have been divided in their response to the Syrian uprising and their approach to the main opposition SNC. At its inception, the SNC had twenty-five Kurdish members from three of the major Kurdish parties – the Kurdish Democratic Union party in Syria (PYD) the Kurdish Future Movement, and the Kurdish Azadi party.¹⁴² However, in January 2012, the PYD and the Kurdish Azadi party withdrew from the SNC, using the prolonged conflict as an opportunity to take a step towards a long-held dream of creating an independent state of "Kurdistan". In January 2014, on the eve of peace talks in Switzerland, Kurds declared a provincial government in the north-west of

¹³⁸ Idem.

¹³⁹ *Economist*, 'Competition Among Islamists', *Economist*, 18 July 2013, available at <http://www.economist.com/news/middle-east-and-africa/21582037-one-islamist-rebel-group-seems-have-overtaken-all-others-competition-among>.

¹⁴⁰ Tran, Mark, 'Who are Isis? A terror group too extreme even for al-Qaida', *Guardian*, 11 June 2014, available at <http://www.theguardian.com/world/2014/jun/11/isis-too-extreme-al-qaida-terror-jihadi>.

¹⁴¹ Williams, Sara, 'A rebel rift Is brewing on Syria's southern front', *Vice News*, 25 May 2014, available at <https://news.vice.com/article/a-rebel-rift-is-brewing-on-syrias-southern-front>.

¹⁴² O'Bagy, Elizabeth, 'Syria's political opposition', *Institute for the Study of War*, Middle East Security Report number 4, April 2012, p15, available at http://www.understandingwar.org/sites/default/files/Syrias_Political_Opposition.pdf.

Syria. The move came after international powers denied their request to send a separate delegation to the peace talks.¹⁴³

The dominant fighting force in Kurdish Syria is the People's Defence Unit (YPG), which is the military branch of the PYK political party. The group is considered to be one of the most important Kurdish opposition parties in Syria, and takes its roots from the Kurdistan Workers Party (PKK) in Turkey.¹⁴⁴ The YPG has received a lot of international attention for its consistent resistance to ISIS, withstanding numerous assaults on its claimed territories.¹⁴⁵ The *Economist* has recently stated that the forces best equipped to face down ISIS may be Kurdish ones.¹⁴⁶ In addition to its functioning military and political bodies, the PYD has set up the oil company 'Sadco' as well as a Council for Economics and Development, and remains one of the few areas in Syria that is somewhat agriculturally and industrially prosperous.¹⁴⁷

Despite some accusations of collusion with the regime due to the apparent peaceful co-existence between the state and the Kurdish forces in the region,¹⁴⁸ Aldar Khalil, a senior PYD figure, has stressed that they see the region as "part of Syria, regardless of the ruling regime. The regime is one thing, and the state is another."¹⁴⁹ He maintains that they might be at odds with the regime and want to change it, but not the geography of Syria. These "cantons" can still remain tied to Syria and subject to the central state.¹⁵⁰ Their desire to have an element of territorial autonomy while still remaining part of a Syrian state suggests the PYD at least would be open to future peace negotiations.

¹⁴³ Solomon, Erika, 'Special Report: amid Syria's violence, Kurds carve out autonomy', *Reuters*, 22 January 2014, p2, available at <http://www.reuters.com/article/2014/01/22/us-syria-kurdistan-specialreport-idUSBREA0L17320140122>.

¹⁴⁴ 'Syria in Crisis: The Kurdish Democratic Union Party', *Carnegie Endowment for National Peace*, available at <http://carnegieendowment.org/syriaincrisis/?fa=48526>.

¹⁴⁵ Muir, Jim, 'Syria crisis: Kurds Fight to keep out encroaching jihadists', *BBC News*, 15 March 2014, available at <http://www.bbc.com/news/world-middle-east-26512863>.

¹⁴⁶ Lund, Aron, 'Syria in Crisis: The Politics of the Islamic Front', *Carnegie Endowment for International Peace*, 14 January 2014, available at <http://carnegieendowment.org/syriaincrisis/?fa=54183>.

¹⁴⁷ Cfr. supra footnote 143.

¹⁴⁸ Glioti, Andrea, 'Kurdish group gaining autonomy in Northern Syria', *Al-Monitor*, 7 May 2013, available at <http://www.al-monitor.com/pulse/ar/originals/2013/05/pyd-pkk-syria-kurdistan.html>.

¹⁴⁹ Cfr. supra footnote 145.

¹⁵⁰ Idem.

2.4 Conclusion

The presence and significant influence of the international players as outlined in the first section means that, for the first phase of any negotiated settlement to occur, these international and regional players must take the initiative and exert pressure on the local actors to engage in peace talks. This chapter has outlined the major players taking part in the conflict at a sub-national, regional and international level. By exploring their main characteristics, interests and goals, it has attempted to create a foundation on which the examination of the viability of power-sharing in Syria can now take place.

Chapter 3: Power-Sharing in Theory and Practice

3. Introduction

There have been attempts, orchestrated mainly by the UN and various international players, to reach a negotiated settlement to end the Syrian war. The Geneva II Conference on Syria was held at the beginning of 2014 with the aim of bringing together the Syrian government and the main political opposition, the SNC, to find a diplomatic solution to the conflict. The core undertaking of this conference, under the guidance of Lakhdar Brahimi, then the UN Special Envoy to Syria, was to form a transitional government. This was a follow-up to, and based upon, the Final Communiqué of the 2012 Geneva I Conference, which detailed an agreed list of criteria that any political settlement of the conflict should deliver. This includes a transition which:

- offers a perspective for the future that can be shared by all in Syria;
- establishes clear steps according to a firm time-table towards the realisation of that perspective;
- would be implemented in a climate of safety for all;
- provides that stability and calm is reached rapidly without further bloodshed and violence and which is credible.¹⁵¹

According to the Communiqué, the key steps in the transition should include;

- establishment of a transitional governing body with full executive powers that could include members of the government and opposition, and which should be formed on the basis of mutual consent;
- participation of all groups and segments of society in Syria in a meaningful national dialogue process;
- review of the constitutional order and the legal system;

¹⁵¹ United Nations Security Council, 'Identical letters dated 5 July 2012 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council', A/66/865-S/2012/522, 6 July 2012, Annex 1.

- free and fair multi-party elections for the new institutions and offices that have been established;
- full representation of women in all aspects of the transition.¹⁵²

Of particular note to this thesis is the “establishment of a transitional governing body with full executive powers that could include members of the government and opposition, and should be formed on the basis of mutual consent.” This is a proposal for a power-sharing solution between the regime and the opposition forces - a diplomatic tool which has been commonly used in other conflicts as a way of halting intrastate violence.

Following the analysis on the main causes of the initial unrest, as well as the concentric circles that represent the players and interests in the conflict, this chapter will investigate the theory behind power-sharing as a conflict-resolution tool, and the possible application of such an agreement. A theoretical overview of power-sharing will be combined with a detailed analysis of how it could potentially be used as a conflict-resolution tool in the Syrian context. Consociationalism, the most well-known form of power-sharing, will be outlined, followed by the theory of centripetalism, sometimes considered to be consociationalism’s ‘rival’ power-sharing theory. An academic critique of both will be included, while issues relating specifically to the application of these theories in Syria will be outlined. The chapter will end with approval of Rosiny’s suggested power-sharing model, which incorporates elements of both consociationalism and centripetalism into a three-stage plan that transitions from war to a short-term ‘negative peace’, and then to a more permanent ‘positive peace’ in Syria. Justification for why this model is believed to be the most appropriate conflict-resolution tool in the Syrian context will be included, while an expansion on the model, as well as recommendations for some adaptations, will be included in Chapter 4.

It should be borne in mind that the Geneva II Conference on Syria ultimately amounted to nothing, Assad has recently rejected the 2012 Communiqué as irrelevant¹⁵³ and UN

¹⁵² A/66/865-S/2012/522, 6 July 2012, Annex 1.

Special Envoy to Syria Lakhdar Brahimi has resigned from his “mission impossible”, the second UN Special Envoy to do so.¹⁵⁴ Chapter 4 will deal with the reality of the Syrian crisis and the likelihood of a power-sharing agreement ever reaching fruition in the complex geopolitical setting of Syria. This chapter, however, will be more theory-oriented, in that it will explore the theory of power-sharing as a conflict-resolution tool and investigate the issues and problems that might be generated by implementing such a tool in Syria. It will rely on the empirical data and theoretical analysis of Chapter 1 to support its arguments.

The justification for such work in light of the collapse of the diplomatic talks is simple. While a war continues a solution will be searched for. All wars must inevitably end, and it is a matter of finding the most appropriate way to end it so that the post-war society can have the best chance possible for sustained peace. It is still believed by diplomats and academics that a power-sharing agreement is the most viable way to find peace in Syria.¹⁵⁵ While at present the likelihood of a power-sharing agreement seems to others to be minimal, it should be remembered that it was exactly this method of conflict regulation that was proposed in the early years of the political violence that tore apart Lebanon and Northern Ireland in the 1970s and Bosnia in the 1990s. In all three cases there was not enough domestic and international support for the proposed power-sharing arrangements to succeed, yet in all three cases the conflict was ended through the establishment or reestablishment of power-sharing arrangements.¹⁵⁶

3.1 The theory of power-sharing as a conflict-resolution tool

The interpretation of the term ‘power-sharing’ changes according to the context in which it is used. In some cases it is a system of governance in which all major segments

¹⁵³ Cfr. supra footnote 8.

¹⁵⁴ Cfr. supra footnote 9.

¹⁵⁵ Rosiny, 2013, 5.

¹⁵⁶ Kerr, Michael, ‘Syria: Why Power-Sharing is the Best-Case Scenario’, *International Business Times*, 17 September 2013, available at <http://www.ibtimes.co.uk/syria-bashar-al-assad-power-sharing-barack-506691>.

of society are participating in a permanent share of power.¹⁵⁷ Such arrangements can be preventative in nature, aiming to reduce the risk of civil conflict by guaranteeing potentially warring parties a role in a country's government, thus lessening the stakes of political contestation.¹⁵⁸ In some parts of the world power-sharing is synonymous with civil war, such as in Rwanda where discontent with a power-sharing arrangement was seen as one of the factors which triggered the genocide of Tutsi and moderate Hutu in 1994.¹⁵⁹ The discussion here relates to power-sharing as a conflict-resolution tool, and so a specific definition is needed to outline the purpose of power-sharing in this context.

There is a vast and growing body of work critiquing, detailing and advocating for the theory of power-sharing as a conflict-resolution tool. Even confining the theory to this specific area, many definitions of power-sharing can be found, perhaps due to the fact that the cause and nature of conflicts themselves differ. One that perhaps best fits the theory in relation to Syria comes from Roeder and Rothchild's 'The dilemma of Power-sharing after Civil Wars', in which they state;

*"In war to peace transitions, power-sharing refers to a set of institutions that aim to address the problem of credible commitment by ensuring inclusive decision-making, partitioned decision-making, predetermined decisions, or some combination of these."*¹⁶⁰

Zahar elaborates on how inclusive decision-making can ensure the credible commitment of opposing parties, stating that;

"Inclusive decision-making addresses the fear of marginalization or exclusion that parties to a peace settlement often experience in the early stages of war-to-peace transitions. This requires not only ethnic

¹⁵⁷ Sisk, Timothy, 'Power-sharing', *Beyond Intractability*, September 2003, available at <http://www.beyondintractability.org/essay/power-sharing>.

¹⁵⁸ Gates, Scott & Strom, Kate, 'Power-sharing, Agency and Civil Conflict: power-sharing agreements, negotiations and peace processes', *Centre for the Study of Civil War*, 2007, p iii.

¹⁵⁹ Jarstad, Anna, 'The Prevalence of Power-sharing: exploring the patterns of post-election peace', *Africa Spectrum*, vol.44, no.3, 2009, p46.

¹⁶⁰ Roeder, Philip, Rothchild, Donald, *Sustainable Peace: Power and Democracy after Civil Wars*, Cornell University Press, quoted in Zahar, Marie-Joëlle, 'The Limits Of Power-Sharing in Post-Civil War Settings', *Université de Montréal*, 2005, p5.

*representation in government but also decision rules that ensure the voice of minorities is heard.*¹⁶¹ ”

The key aims of the transition, as outlined in the 2012 Geneva Communiqué, are emphasised in these definitions, with a focus on the adequate representation of the various groups and minority participation. With the numerous players and complex roots of the Syrian conflict outlined in the previous chapter, it is clear that inclusive decision-making and credible commitment are key issues that need to be addressed in a political solution such as power-sharing.

3.2 Consociationalism

Roeder and Rothchild’s definition of power-sharing, as well as most other contemporary definitions, derives from the concept of ‘consociational democracy’, which was first developed in 1969 by Dutch political scientist Arend Lijphart. Basing his work on Lewis’ theories on the impracticality of European-style democracy in plural societies,¹⁶² Lijphart described his model as including “a government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy.”¹⁶³ In 2004 he went on to state that ‘consociational democracy’ was merely a technical political science term that could be interchanged with ‘power-sharing democracy’.¹⁶⁴ Whilst other models of power-sharing exist, like the theory of centripetalism which will be discussed later, the defining characteristic of Lijphart’s model is its emphasis on political arrangements that guarantee the participation of representatives from all significant communal groups in political decision-making.¹⁶⁵ In doing so, Lijphart argues, the claims of ethnic and other parts of society can be integrated into institutional arrangements which will in turn guarantee a meaningful participation in political power.¹⁶⁶ Thus, this in theory would cause a reduction in conflict between these communities.

¹⁶¹ Zahar, 2001, p5.

¹⁶² Lewis, William, *Politics in Western Africa*, Oxford University Press, 1965.

¹⁶³ Lijphart, Arend, ‘Consociational Democracy’, *World Politics*, vol.21, no.2, 1969, p216.

¹⁶⁴ Lijphart, ‘Constitutional design for divided societies’, *Journal of Democracy*, vol.15, no.2, 2004, p97.

¹⁶⁵ Idem.

¹⁶⁶ Mehler, Andreas, ‘Not Always in the Peoples Interest; Power-sharing Arrangements in African Peace Agreements’, *GIGA*, GIGA working paper no.83, 2008, p10.

Many believe a conflict should have a resolution which has as unique a structure as that of the society it is trying to reconcile.¹⁶⁷ However, Lijphart offers what he calls a “one size power-sharing model that offers the best fit for most divided societies regardless of their individual circumstances and characteristics.”¹⁶⁸ This package includes recommendations for the legislative electoral system, federalisation, power-sharing in the executive, and decentralisation. The main elements of his model can be summarised in the following:

- broad-based grand coalition: a coalition in which political parties not needed to form a majority would be included;
- minority veto: minorities in existential danger could veto important decisions leading to new negotiations on the consensus mode;
- proportional representation: providing for all major political and administrative positions and in the distribution of public means;
- group autonomy: all decisions of superior national interest are taken on the central level by the grand coalition. However, those issues concerning specific geographic regions of the state, or specific interest groups, can be dealt with by these relevant sub-national groups.¹⁶⁹ (Geographical autonomy would be implemented best in a federal system).¹⁷⁰

Such a model can be seen as appropriate in relation to the immediate demands generated by the Syrian conflict. A broad-based grand coalition could incorporate the various groups into the state system; a minority veto could be utilised to protect minorities, be they Kurdish, Christian or Alawites who fear retaliation in the aftermath of the war; proportional representation might alleviate fears of the Assad regime still being in *de facto* control of the state machinery; and group autonomy might allow some flexibility

¹⁶⁷ ‘UN interview with former UN-Arab League Joint Special Representative for Syria, Lakhdar Brahimi’, *UN Notes to Correspondents*, 22 August 2013, transcript available at <http://www.un.org/sg/offthecuff/index.asp?nid=2939>.

¹⁶⁸ Lijphart, Arend, *Thinking about Democracy: Power-sharing and Majority Rule in Theory and Practice*, London, New York: Routledge, 2007, p78.

¹⁶⁹ Lijphart, 2004, 97.

¹⁷⁰ Mehler 2008, 11; Sisk, Timothy, ‘Power-sharing’, *Beyond Intractability*, September 2003, available at <http://www.beyondintractability.org/essay/power-sharing>.

for groups to rule themselves according to their own traditional or religious beliefs at a local level, which might include the possibility of *Shari'a* law operating in some capacity at a sub-national level for example, or elements of self-rule in Kurdish majority areas. This will be further elaborated later.

3.2.1 The academic discussion on consociationalism

There are conflicting opinions as to the effectiveness of consociationalism in relation to conflict-resolution and peace-making. On the one hand, much research conducted has concluded that the more power-sharing provisions contained in an agreement, the higher the likelihood that peace will endure.¹⁷¹ Opposing results were reached in research done by Jarstad and Nilsson who found no conclusive evidence for the notion that more power-sharing in an agreement increased the likelihood of peace.¹⁷² Work conducted by Ranft in 2013 represents some of the most recent research concerning consociationalism. He puts forward new data on the participation of rebels in post-conflict cabinets, finding that political power-sharing may actually give former insurgents a “voice” to address contested incompatibilities within the government and thus work to alleviate tensions between factions. He finds that smaller rebel groups are less likely to spoil the peace when they are part of a peace agreement, and also argues that the weaker the rebel groups are, the more likely the agreements are to endure.¹⁷³ These findings are particularly significant in light of the developments of the Syrian conflict over the last few months, with Assad gaining ground militarily and the weakening of many key opposition forces. However, Ranft’s research seems to take for granted the willingness of the stronger party to negotiate, when in fact power-sharing agreements tend to occur more where stalemate situations exist. With the increasing

¹⁷¹ Hartzell, C., & Hoddie, M., *Crafting peace. power sharing institutions and the negotiated settlement of civil wars*, Pennsylvania State University Press, 2007, p78; Mattes, Michaela and Savun, Burcu, ‘Fostering Peace After Civil War: Commitment Problems and Agreement Design’, *International Studies Quarterly*, vol.53, no.3, 2009 pp.737-759.

¹⁷² Jarstad, Anna & Nilsson, Desirée, ‘From Words to Deeds: The Implementation of Power-Sharing Pacts in Peace Accords’, *Conflict Management and Peace Science*, vol.25, no.3, 2008, pp.206-223.

¹⁷³ Ranft, Florian, ‘Understanding the Resolution of Civil Wars with Power-sharing Peace Agreements’, *PSS-ISA Joint International Conference*, Corvinus University, 21 June 2014, pp.1-14, available at http://wordpress.uni-greifswald.de/ib/wp-content/uploads/2013/06/power_sharing_florian_ranft.pdf.

confidence of Assad and his recent rejection of the Geneva Communiqué,¹⁷⁴ it seems that he at least is not prepared to view the situation at present as a stalemate in which compromise is needed.

Returning to consociationalism, proponents point out that it is a useful tool to convince all parties to sign peace agreements and to commit to joint state institutions and a common political process.¹⁷⁵ As Lyons and others maintain, wartime leaders (turned post-conflict politicians) are primarily interested in survival. It matters little if a leader is ideological or merely instrumental. To reach his/her ultimate objectives, the leader needs to remain at the helm.¹⁷⁶ Consociationalism can act as an incentive for factions and their leaders to move towards peace in a way that will not jeopardize the power they have managed to acquire/retain. It can also act as a guarantee for the party's prolonged commitment to peace. As Zahar states, "either elite's compromise or they display mutual intransigence. [...] all players are better off if they choose to compromise and cooperate because they get a reward that has a higher value than the penalty they would get if they displayed mutual intransigence."¹⁷⁷

This line of argument does not work for extremist groups such as ISIS or Jabhat al-Nusra, who are not interested in compromise but view success as establishing, unilaterally (and separately), Islamic caliphates. These are so-called spoilers, that is, they are groups who are not interested in furthering a peace process.¹⁷⁸ The threat of spoilers to a potential power-sharing agreement in Syria will be dealt with in the following chapter. Other groups involved in the conflict, such as the Islamic Front, have shown, however, that they are willing to compromise and moderate their policies in

¹⁷⁴ Cfr. supra footnote 8.

¹⁷⁵ Papagianni, Katia, 'Power-sharing: A conflict-resolution Tool?', *Centre for Humanitarian Dialogue, Africa Mediators' Retreat*, 2009, p23.

¹⁷⁶ Lyons, Terrence, 'The Role of Post-settlement Elections.' in Stephen John Stedman, Donald Rothchild & Elizabeth M. Cousens *Ending Civil Wars: The Implementation of Peace Agreements*, Boulder: Lynne Rienner 2002; Zahar, 2001, 3.

¹⁷⁷ Zahar, 2001, 7.

¹⁷⁸ Miti, Katabaro, Abatan, Ella & Minou, Stephanie, 'Is Power-Sharing a Solution to Africa's Conflicts', *Southern African Peace and Security Studies*, vol.2, no.1, p4.

order to receive funding and support from external parties.¹⁷⁹ It follows that these groups may be willing to compromise for a guarantee of a share of (or retention of) power, if given the right incentives. The SNC and its military branch are struggling with decreasing support from the Syrian public and accusations of a lack of relevance¹⁸⁰ meaning they would also be willing to negotiate if it means a share of power. In the case of the 'strong' party - Assad's regime - it could be argued that it has already regained much power and so does not need to compromise for what it already has or for what it can retake by force. However, it is generally believed that Assad does not have the manpower to reclaim all of Syria, even with his Russian, Iranian and Hezbollah support.¹⁸¹ Therefore there may come a time, particularly if Iran and Russia exert pressure on him, when he recognises that compromise rather than intransigence might be the most beneficial course of action.

3.2.2 Criticism of consociationalism

The criticism of consociational power-sharing as a conflict-resolution tool has in latter years become quite substantial. Its effectiveness in this capacity has been questioned, with some arguing that in the post-Cold War era conflict has often continued after an agreement has been signed, even if it included provisions for power-sharing.¹⁸² Jarstad maintains that, in spite of its popularity, consociational power-sharing seldom solves all issues at stake, and those states in which it is implemented continue to be unstable.¹⁸³ She argues that it often means deadlock, inefficient governments and an institutionalisation of polarisation in already divided societies.¹⁸⁴ Furthermore, politicians in any divided society face powerful incentives to play the 'ethnic card' and campaign along narrow sectarian lines, as this is often a more effective means of mobilizing voter support than campaigning on the basis of issues or ideologies. It is

¹⁷⁹ Abdallah Suleiman, Ali, 'Nusra, Islamic Front dispute 'code of honor' among rebel factions', *Al Monitor*, 22 May 2014, available at <http://www.al-monitor.com/pulse/security/2014/05/syria-dispute-jabhat-nusra-islamic-front-honor-code.html#ixzz34oLS12He>.

¹⁸⁰ Cfr. supra footnotes 117 and 118.

¹⁸¹ Kenner, David, 'Is Assad really winning?', *Foreign Policy*, 23 May 2013, available at http://blog.foreignpolicy.com/posts/2013/05/24/is_assad_really_winning.

¹⁸² Jarstad, 2009, 10.

¹⁸³ Two contemporary examples being Iraq and Lebanon, where the prolonged presence of consociational models is considered to have had a detrimental effect on the long-term stability of both states.

¹⁸⁴ Idem.

believed by some critics, like Reilly, that consociational power-sharing encourages this division.¹⁸⁵

Horowitz points out that power-sharing may create an adverse selection problem by empowering extremist leaders from each segment of society over moderates.¹⁸⁶ Such arrangements, which are often engineered by various factions in the wider international community who have their own interests and priorities, may place individuals and groups in power who are not fully committed to, or unable to take part in, governance for the benefit of the entire populace; in part because it necessarily places in power those who have engaged in significant violence to achieve their ends.¹⁸⁷ With regards to Syria it could be argued that the conflict began because there was a regime in place which was not governing 'for the benefit of the entire populace'. If a power-sharing agreement results in the empowerment of various extreme leaders then at least it could be hoped that each might temper the other, particularly when proportionate representation constrains them. At least in this case some semblance of moderation could result. That said, considering the main groups in the conflict outlined in Chapter 2, the adverse selection problem remains a significant issue for any potential power-sharing agreement in Syria.

Others argue that providing rebels with a share of state power can create an incentive structure for other rebels to utilise. When potential insurgents see armed resistance used to effectively establish other rebel groups in positions of power, they will follow suit to gain their own power.¹⁸⁸ As a result, and irrespective of their effectiveness in any given case, power-sharing agreements can contribute to the reproduction of insurgent

¹⁸⁵ Reilly, Ben, *Democracy in Divided Societies: Electoral Engineering for Conflict Management*, Cambridge University Press, 2001, p4.

¹⁸⁶ Horowitz, Jeremy, 'Power-sharing in Kenya', *Workshop on Political Inclusion in Africa*, American University, April 24-25, 2009, p2, available at <https://www.american.edu/sis/africacouncil/upload/Paper-2-Kenya-Power-Sharing-Horowitz.pdf>.

¹⁸⁷ Lekha Sriram, Chandra & Zahar, Marie-Joëlle, 'The Perils of Power-Sharing: Africa and Beyond', *Africa Spectrum*, vol.44, no.3, 2009, p12.

¹⁸⁸ Tull, Denis & Mehler, Andreas, 'The hidden cost of power-sharing', *African Affairs*, vol.104, no.416, 2005, p375.

violence.¹⁸⁹ This line of argument might also be used in the wider context of the Arab Spring, where the successful overthrow of state leader Ben Ali in Tunisia is believed to have acted as a domino for would-be insurgents in other countries to follow suit.¹⁹⁰ It is challenging, however, to prove or disprove the extent to which existing power-sharing arrangements and the reproduction of insurgent violence correlate, given the various other factors that play a part in creating insurgency. In relation to the Syrian conflict, it is difficult not to view a potential insurgency at a later date as secondary in importance to the cessation of the brutal three-year war that has torn the country apart. Furthermore, the argument would base itself upon the assumption that the cause of the unrest was primarily a power struggle, which the previous chapters have striven to refute.

Mehler develops the idea that a power-sharing agreement can propagate violence, with what he calls the ‘paradox of inclusion’.¹⁹¹ He points out that in numerous cases around Africa the inclusion of one rebel group in a peace agreement and subsequently in a power-sharing government left others feeling excluded. Those excluded could here find an incentive to strengthen their war efforts in order to be included next time. This has the potential to undermine the sustainability of peace.¹⁹² The ‘paradox of inclusion’ is certainly a valid concern in relation to Syria, where some groups refused to participate in the Geneva Conference, while others were not invited to attend. Some refuse to cooperate in any agreement that includes Assad, while others refuse to sit at the same table as what they see as Islamic extremists or proxy puppets.¹⁹³ Ultimately, any agreement that does not include a group that enjoys support and funding from an international party cannot guarantee peace. This means that nearly all the significant groups involved in the conflict should be included in any peace agreement (aside from extremist groups who are ideologically opposed to compromise). This is not necessarily

¹⁸⁹ Idem.

¹⁹⁰ Frank Gardner, ‘Tunisia one year on: Where the Arab Spring started’, *BBC News*, 17 December 2011, available at <http://www.bbc.com/news/world-africa-16230190>.

¹⁹¹ Mehler, 2008, 17.

¹⁹² Idem.

¹⁹³ Assad discussing terrorists and proxy groups can be found at ‘Bashar al-Assad Interview: The Fight against Terrorists in Syria’, Full script available at <http://www.globalresearch.ca/bashar-al-assad-interview-the-fight-against-terrorists-in-syria/5365613>; opposition groups refusing to cooperate with Assad at ‘Syrian opposition refuses to meet govt face-to-face at Geneva 2 talks’, *RT News*, 24th Jan 2014, available at <http://rt.com/news/geneva-syria-opposition-assad-106/>.

a potentially negative aspect of a Syrian political peace agreement. As Ranft points out, a stable post-conflict political order must address incompatibilities, be they political or territorial, to resolute grievances. If the insurgents in Syria receive legitimate political access to the central government or more autonomy in areas of regional or ideological contestation, they are themselves responsible and able to decide over issues that concern their incompatibilities. Consequently, political and territorial power-sharing have the potential to institutionalize “voice”, and the more of it rebel organisations receive, the more likely it is that the agreement will last.¹⁹⁴ Incentives that could be used to ensure maximum participation will be elaborated on in the next chapter.

Another aspect of the paradox of inclusion is the fact that peace roundtables usually involve top politicians and military leaders who negotiate, sign, and benefit from the agreement. What is usually and conspicuously absent from peace negotiations is broad-based participation by those who should benefit in the first place: citizens.¹⁹⁵ Sriram and Zahar suggest that power-sharing arrangements may not only encourage undemocratic states, but states which are not responsive to the needs of the citizenry regarding security in ways which may undermine human security and state legitimacy.¹⁹⁶ Ribal al-Assad, the founder and director of the Organisation for Democracy and Freedom in Syria argues that ‘the silent majority’ of Syria is often pushed aside in favour of extreme groups. He believes there is not, nor has there been, a liberal voice representing the mosaic of ethnicities, religions and other identities that make up the Syrian people. He points out that forty-five percent of Syrians represent “minority” groups, and form part of the peaceful majority who seek a genuine democracy but have been overlooked by the West in their approach to the conflict.¹⁹⁷ As Mehler states, peace is when people think they are at peace.¹⁹⁸ The perceptions of the population are the best indicator of, and indeed a prerequisite to determine, the success or failure of peace settlements, and to ignore their voice and refuse their role in the movement towards peace is to render

¹⁹⁴ Ranft, 2014, 12.

¹⁹⁵ Mehler, 2008, 6.

¹⁹⁶ Sriram and Zahar, 2009, 11.

¹⁹⁷ Al-Assad, Ribal, ‘The Syrian ‘Election- a Farce Hiding a Deeper Tragedy’, *Huffington Post*, 2 June 2014, available at http://www.huffingtonpost.com/ribal-lassad/the-syrian-election_b_5435330.html.

¹⁹⁸ Mehler, 2008, 11.

meaningless any agreements reached at a political level. With the conclusions reached in Chapter 1 regarding the nature of Syria's 'divided society' and the causes of the war, particular attention should be given to an attempt to overcome this potential flaw in a political negotiated settlement in Syria.

While the above criticisms should be taken into account if the possibility of negotiating a power-sharing agreement were to arise in Syria, they do not serve as great enough deterrents to discount the viability of power-sharing as a conflict-resolution tool in this context. This holds true particularly when most of the potential problems outlined might be ameliorated or negated with enough forethought and the inclusion of incentives to reduce the likelihood of spoilers.

3.3 Centripetalism

Regardless of the flaws inherent in a constructed peace settlement, it is worth remembering that the alternative to a weak agreement is often no agreement, which can result in prolonged conflict and the total collapse of a state.¹⁹⁹ And while there is a large body of criticism pointing out the shortcomings of consociational democracy, Lijphart is accurate to an extent when he remarks that very few critics have presented serious alternatives to his consociational model.²⁰⁰ One alternative that *has* generated substantial interest is Horowitz's centripetalism, or what is often known as the integrative approach.²⁰¹ Many emerging democracies in Africa, Asia and Latin America have adopted explicit centripetal reforms when refashioning their own domestic institutions, though these tend to be less 'high profile' than many consociational agreements in which the international community has some involvement.²⁰²

¹⁹⁹ Stedman, Stephan & Rothchild, Elizabeth, *Ending Civil Wars: The Implementation of Peace Agreements*, London, Colorado: Lynne Rienner Publishers, 1996, p11.

²⁰⁰ Lijphart, 2004, 97-98.

²⁰¹ Horowitz, Donald, *Ethnic Groups in Conflict*, Los Angeles, Berkeley: University of California Press, 1985.

²⁰² Reilly, Benjamin, 'Centripetalism: Cooperation, Accommodation and Integration', in *Conflict-resolution: Theories and Practice*, ed. Stefan Wolff & Christalla Yakinthou, London & New York: Routledge, 2011, p60.

If consociationalism relies on adversarial community leaders brokering deals with one another, centripetalism requires them to appeal to members of the other group to win votes.²⁰³ Known also as the ‘integrative approach’, centripetalism eschews ethnic or other group identities as the building blocks of a common society and instead features options that purposefully seek to integrate society along the lines of division.²⁰⁴ Proponents of centripetalism maintain that the best way to manage democracy in divided societies is not to replicate existing ethnic divisions in the legislature and other representative organs – this often being the basis for criticism of consociationalism. Rather, Horowitz suggests depoliticising ethnicity by putting in place institutional incentives for cross-ethnic behaviour, in order to encourage patterns of accommodation between rival groups. The elements of an integrative approach include electoral systems that encourage pre-election pacts across ethnic lines (for example through a system of alternative vote or single transferable vote), non-ethnic federalism that diffuses points of power, and public policies that promote political allegiances that transcend groups.²⁰⁵

3.3.1 Criticism of centripetalism

Centripetalist proponents argue that the alternative voting system provides incentives for moderation and not just restraints on extremism. Where ethnic majorities exist, political parties representing the majority may in fact require minority support to get elected. However, critics point out that it does not necessarily follow that minorities will provide that support at the expense of their own representatives. The incentives are one-sided; ethnic majorities may conceivably be won over to moderate platforms, but there is little incentive for ethnic minorities to accept and be satisfied with such claims to moderation.²⁰⁶ Even in situations where there are two candidates from the majority, one moderate and one more extreme, the more extreme candidate often gains election,

²⁰³ Moor, Ahmed, ‘The one-state debate: Consociationalism versus Centripetalism’, *Mondoweiss*, 7 October 2013, available at <http://mondoweiss.net/2013/10/consociationalism-versus-centripetalism.html>.

²⁰⁴ Sisk, Timothy, ‘Power-sharing’, *Beyond Tractability*, September 2003, available at <http://www.beyondintractability.org/essay/power-sharing>.

²⁰⁵ Reilly, 2011, 60.

²⁰⁶ McCulloch, Allison, ‘The track record of centripetalism in deeply divided places’, in J. McEvoy and B. O’Leary (eds). *Power-sharing in Deeply Divided Places*, University of Pennsylvania Press, 2013, p100.

showing that it often pays to be more extreme in order to gain more support from one's own group rather than to campaign on a moderate platform.²⁰⁷

Citing the 2005 national elections of Sri Lanka as an example, O'Leary argues that when divisions are deep, minorities do not always adhere to centripetal logic and vote for the other side, nor do the candidates from the majority always feel compelled to reach out to minorities.²⁰⁸ Similarly, the use of incentives to promote reconciliation will run aground when faced with deep-seated enmities that underline ethnic disputes and that are hardened during the course of a brutal civil war. Therefore in the context of conflict-resolution, when sectarian divides are at their most acute, it is argued that centripetalism is not the appropriate approach as it is better suited to societies with more moderate relations between communities.²⁰⁹

With the heightened tensions and increased cleavages along the lines of religion and ethnicity in Syria, it is difficult to imagine the effective implementation of the integrative approach at the first stage of a peace agreement. Rosiny points out that at this time:

*“There is still a lack of trust and confidence in peaceful bargaining, of changing majorities and of social mobility that cuts across ethnic cleavages. Therefore, people stick to their own primordial groups of identity and solidarity instead of relying on the vague perspective of intercommunal national solidarity.”*²¹⁰

That said, while the Syrian population might vote along ethnic or religious lines at first out of a fear of the ‘other’, with a semblance of stability there should naturally follow a shift in priority towards universal needs such as health, food and education. It is at this point that the “one size fits all” package that Lijpharts consociationalism offers for most divided societies falls short and the integrative approach becomes more appropriate.

²⁰⁷ Idem.

²⁰⁸ Idem.

²⁰⁹ Sisk, Timothy, *International mediation in civil wars: bargaining with bullets*, London, New York: Routledge, 2009; Reilly, 2011, pp.57–65.

²¹⁰ Rosiny, 2013, p23.

3.4 Negative and positive peace; combining consociationalism and centripetalism

Bearing the above in mind, what power-sharing as a conflict-resolution tool is expected to achieve must be examined. A peace settlement, an end to the violence and the re-stabilisation of society are of course the ultimate goals, but power-sharing might not play a part in the realisation of all three of these. Galtung, in his work 'Violence, Peace and Peace Research' distinguished the difference between what he called a 'negative peace' and 'positive peace'.²¹¹ Negative peace refers to the absence of violence. When, for example, a ceasefire is enacted, a negative peace will ensue. It is negative because something undesirable stopped happening (e.g. the violence stopped or the oppression ended). Positive peace is filled with positive content such as restoration of relationships, the creation of social systems that serve the needs of the whole population and the constructive resolution of conflict.²¹²

A negative peace is ideally only a temporary solution, a respite from conflict during which a longer lasting peace arrangement can be explored. It is argued by some that other than as transitional remedies, consociational power-sharing agreements are unworkable in post-war settings.²¹³ They are designed to achieve a set of immediate security demands in the short-term. The goal is that of negative peace, halting current fighting and limiting the risks of its return before implementing other measures more suited to a long lasting and sustainable peace.²¹⁴ While it is possible to have permanent or long term power-sharing agreements in post-war societies (Cyprus or Burundi being examples) it is far more common and generally more desirable to have a transitional arrangement in the immediate aftermath of the conflict which would eventually make way for other more permanent structures.

Most scholars perceive consociational power-sharing as a constraint on democracy, and that it may be suitable only in the war to peace transition where democratic elections

²¹¹ Galtung, Johan, 'Violence, Peace and Peace Research', *Journal of Peace Research*, vol.6, no.3, 1969, p168.

²¹² Galtung, 1969, 168.

²¹³ Sriram & Zahar, 2009, 20-21; Spears, Ian, 'Africa: The Limits of Power-Sharing', *Journal of Democracy*, vol.13, no.3, 2002, pp.123-136.

²¹⁴ Idem.

and majoritarian rule are not feasible.²¹⁵ It is argued that this power-sharing model is often too rigid a system to allow for the social and political changes necessary for addressing the underlying causes of conflict that give rise to war.²¹⁶ Over the longer period, the best outcome may be a more fluid form of democracy that allows for the creation of flexible coalitions that bridge the ethnic divide; that is, something closer to the integrative approach.

Therefore, while centripetalism and consociationalism are often seen as conflicting ‘rival’ theories, this thesis argues that they are not mutually exclusive, and can be used as complementary tools suited to different stages of a societal transition from war to peace. As Sriram and Zahar maintain, while it is clearly appropriate that negotiating power-sharing arrangements are concerned primarily with conflict mitigation and termination, not state building, it is critical that they understand the potential unintended consequences of the short-term bargains they support for longer-term state structures.²¹⁷ The implementation of a multi-step peace plan which develops from a consociational to a centripetal structure as it moves from a negative to a (more) positive peace appears a good way to limit the negative effects of the ceasefire bargains.

3.5 Conclusion; a power-sharing model for Syria

Rosiny, of GIGA Institute, offers a model for a potential Syrian power-sharing settlement. It addresses the issue of divided societies being multi-dimensional and implicitly acknowledges the necessity of periods of both negative and positive peace in a post conflict situation. The cycle of his transitory model involves:

- creating immediate guarantees of proportional, parity-based or negotiated political representations;
- followed by the setting up of centripetal institutions with incentives for interethnic cooperation;

²¹⁵ Lederach, John Paul, ‘Conflict Transformation’, *Beyond Intractability*, October 2003, available at <http://www.beyondintractability.org/essay/transformation>.

²¹⁶ Idem.

²¹⁷ Sriram and Zahar, 2009, 21.

- followed by creating, in the long run, a unitary state of institutions that guarantee civil rights irrespective of ethnic or other identities and affiliation.²¹⁸

With this model Rosiny would first implement a consociational power-sharing arrangement to ensure the creation of a negative peace in Syria. Once stable, there would be a movement towards the integrative centripetalism structure with the aim of achieving a more sustainable positive peace. Ultimately, and ideally, a functional democracy would be established, with Syria becoming a unitary society with equal rights for all.

Taking into consideration the conclusions reached in the previous sections of this chapter, this thesis argues that Rosiny's model is a viable one to move Syria's prolonged conflict towards peace. It acknowledges and attempts to address the working problems of power-sharing agreements that have been highlighted by critics and/or that have materialised in other cases, such as Lebanon's 'Taif'. Such working problems include the need for credible commitment, the inclusion of all parties and the avoidance or minimisation of entrenched sectarian polarisation. It strives to address, in the mid- to long-term, the myriad social and economic cleavages that also plague the country. This thesis would emphasise, however, that this model should be seen as a flexible and porous one; it is possible to have elements of centripetalism and democracy in some institutions and mechanisms even at the 'negative peace' stage, though consociationalism is the main model being utilised. Allowing such flexibility would be beneficial both in the short- and long-term, as it would allow for an organic and more natural movement towards an integrative system.

²¹⁸ Rosiny, 2013, 24.

Chapter 4: A Model for Syria

4. Introduction

Based on the criteria outlined at the beginning of the thesis, it is argued that a power-sharing model such as the one put forth by Rosiny is the most viable to create a long-term peace in Syria while encouraging a return of stability to the wider region. While his model will serve as the basis of this thesis's proposal, this chapter will propose some additions and changes to Rosiny's model. These will attempt to address such issues as those outlined in the first two chapters, regarding the nature of Syria's divides and the nuances of concentric circles of conflict. They will also approach characteristics of the conflict that might jeopardise a negotiated settlement and suggest ways in which these could be circumvented. These recommendations are, namely: the inclusion of a pre-arranged 'sunset date' in order to ensure the end of the 'negative peace' and the temporary consociational model; the need for elucidation with regards to which groups should take part in negotiations and what incentives could be offered to them to do so; and the proposal of a central, but temporary, role for international players in the negotiations.

4.1 A 'sunset date'

A problem recurring in many power-sharing models applied in the past is the lack of specificity regarding the time allotted for each phase of the peace plan. Practical challenges do exist when specific deadlines are given; for example, how can a deadline of transition be included when it is difficult to anticipate the pace at which the developments will take place? The alternative to no specificity, however, might be a static long-term consociational agreement along ethnic confessional lines.²¹⁹ In the case of the Lebanon 'Taif' there was no clearly defined timetable for a transition from consociationalism to centripetalism though this had at first been the plan. Instead, the provisional distribution of power based on religious affiliation became a structural

²¹⁹ Rosiny, 2013, 23.

barrier to political reform that still exists.²²⁰ As this is seen as one of the main failures of the Lebanon ‘Taif’ agreement, it would seem prudent to have an agreed timetable or outer limit of movement from phase to phase in a similar Syrian agreement, rather than the danger of inertia in the liminal negative peace phase.

Perhaps a good precedent providing a useful path which a Syrian agreement may follow is the 1993 Interim Constitution Pact of South Africa. A ‘sunset date’ in the Pact allowed for the expiration after five years of the power-sharing agreement between the African National Council (ANC), which was garnering the support of the majority of the electorate, and the outgoing white minority regime. The ANC saw this as a strategic move to prevent a counter revolutionary threat to the new political order,²²¹ while the agreement obviously suited the smaller parties as it was a way to limit a simple majority rule and for them to have some influence over the direction of policy. Sisk and Stefes believe that the temporary nature of the agreement allowed the ANC to make concessions to such potential ‘spoilers’ as the Freedom Front and the Inkatha Freedom Party, averting a bloody showdown at the moment of regime change following the elections of April 1994.²²²

With the next round of presidential elections in Syria scheduled to take place in seven years, perhaps this allows a good space of time to transition from the temporary to a more sustainable inclusive system. Further, the existence of such a limit on ceasefire bargains could be an important way to incentivise all sides in the Syrian conflict in order to find a point of mutual consensus. This will be elaborated upon in the sections below.

²²⁰ Idem.

²²¹ Slovo, Joe, ‘Negotiations: What room for Compromise?’ *African Communist*, third quarter 1992, speech available at <http://www.sacp.org.za/people/slovo/negotiations.html>.

²²² ‘Sisk, Timothy & Stefes, Christopher, ‘Power-sharing as an Interim Step in Peace Building: Lesson from South Africa’, in *Sustainable Peace: Power and Democracy after Civil Wars*, edited by Donald Rothchild and Philip G. Roeder, 293-295, (pp. 293-317) Ithaca: Cornell University, 2005.

4.2 Participants in the negotiations: spoilers and incentives

The Geneva Communiqué, as well as Rosiny's thesis, lack any reference to *who* should take part in a power-sharing agreement; that is, they do not specify who 'the opposition' actually is or who should take part in the process. This is problematic in a situation where, as the previous chapters outlined, there are multiple well-funded and well-armed groups with different ideologies and motivations. Stedman maintains that the greatest source of risk to peace settlements comes from spoilers-leaders and parties who believe that peace emerging from negotiations threatens their power, worldview and interests,²²³ while Sriram and Zahar accurately state that disenfranchised groups may take up arms if they see agreements progressing that appear to exclude them.²²⁴ It is folly not to include a group which enjoys significant local support and/or foreign backing when to do so threatens the success of the peace agreement. At the same time those who are included must be offered guarantees, given that by signing a peace agreement, leaders put themselves at risk from adversaries who may take advantage of the settlement, be they disgruntled followers who see peace as a betrayal of key values, or excluded parties who seek either to alter the process or to destroy it.²²⁵

While an internationalised civil war to a large extent needs an internationalised solution, there must still be compromise and pragmatism in the face of the reality on the ground. Therefore this thesis argues that in a potential power-sharing agreement, all groups, be they small and locally-oriented or well-funded and internationally supported, should be given the opportunity of involvement in the transition as long as they are willing to compromise. Not only does this decrease the chance of intransigence on the side of each involved party, but it also strengthens the unified resistance against any potential spoilers, like ISIS.

²²³ Stedman, Stephan, 'Spoiler Problems in Peace Processes', *International Security*, vol.22, no.2, 1997, p5.

²²⁴ Sriram and Zahar, 2009, 23.

²²⁵ Idem.

That said, this thesis identifies two characteristics particular to the Syrian conflict that could lead to the prolonged intransigence of core players in the conflict, and the realisation of a power-sharing agreement being rendered impossible. They are:

- the continued preservation of Bashar al-Assad in his position as president of Syria;
- the call by a substantial number of opposition groups for *Shari'a* law to be implemented in Syria.

While these could be considered considerable obstacles to a negotiated power-sharing agreement, this thesis posits that there are methods by which they can be mitigated, and even potentially transformed into incentives for the parties invested in the conflict.

4.2.1. Preservation of Assad

Early in the conflict, previous US Secretary of State Hillary Clinton declared that Assad could never be allowed to remain in power.²²⁶ This has been reiterated time and again by the present U.S. Secretary of State John Kerry, who maintains "there is no way, no way possible, that a man who has led a brutal response to his own people can regain legitimacy to govern".²²⁷ The perceived moral wrongdoing of Assad, or even his symbolic representation as a figure of authoritarian and repressive rule, could be justification enough for objecting to him remaining in power. However, there are also practical consequences of his presence that would make a negotiated agreement problematic. As has been outlined in Chapter 1, the regime today is a culmination of four decades of entrenched and consolidated power. The web of contacts, contracts, obligations and loyalties that the Assad family has gathered in that time is substantial. If Assad were to remain in power, therefore, it is unlikely that any real changes would be implemented in the state system. So, while a power-sharing agreement might exist on paper, if Assad does not relinquish some control such an agreement could be rendered meaningless and ultimately fail in the long run. As has been stressed previously, with the currently strong position of Assad, the only foreseeable way for him to cooperate in

²²⁶ *BBC World News*, 'UN Envoy calls for Transitional Government in Syria', *BBC News*, 30 June 2012, available at <http://www.bbc.com/news/world-middle-east-18650775>.

²²⁷ *BBC World News*, 'Geneva II Talks Highlight Gulf over Assad', *BBC News*, 22 Jan 2014, available at <http://www.bbc.com/news/world-middle-east-25853175> Syria.

a power-sharing agreement is if his external backers were to exert pressure on him to do so. If regional stability and a strong offensive against ISIS were prioritised by Russia and Iran over the preservation of Assad, such a thing might still be possible.

Syria has no history of democracy and no experience with a competitive political system. While the SNC could be considered to consist of professional politicians who would presumably have the capacity to function well within a state system, this is not the case for many of the other opposition groups. As Sriram and Zahar state, incorporating a military opposition into a government can be extremely challenging, with former-rebels-turned-politicians sometimes needing training in the most basic functions, such as their role as parliamentarians or the fundamentals of the legislative process.²²⁸ With such a low level of group institutionalisation and a lack of previous experience with governance, these opposition groups would find it difficult to function within the complex maze of rules and institutions that make up a power-sharing arrangement.²²⁹ Therefore it is advantageous to keep some of the state mechanisms already in place in order to ease the transition and stabilisation, while the existence of proportionate representation should eliminate the possibility of the under-representation (or exploitation) of politically less experienced groups.

Such mechanisms can of course operate without Assad, and many observers and invested parties would be happy if such an outcome occurred. Though the possibility remains that Iran or Russia may pull their support from Assad, however, his presence in any negotiated settlement is at this time almost a given. Some experts are pragmatic about this state of affairs. Rosiny suggests that there are far more extreme elements than Assad within the regime, and that Assad actually serves as an important moderating influence on them. He argues that it is no solution to have Assad's removal as a precondition to the agreement when the first stage of transition would probably not work without him.²³⁰ Vartan Oskanian, member of Armenia's National Assembly, agrees, saying that negotiating over whether Assad stays or goes, as the Geneva talks

²²⁸ Sriram and Zahar, 2009, 19.

²²⁹ Idem.

²³⁰ Interview with Stephan Rosiny, Research Fellow at IMES, GIGA, Hamburg, 30 June 2014.

have shown, will lead nowhere. The Syrian conflict and its possible resolution need to be framed differently and need to transcend Assad's person.²³¹

An alternative to dismissing him as president, therefore, is the dilution of the functional power of his office, while other institutions such as prime minister could become more significant.²³² This has been done in Lebanon and Iraq, where the principle of power-sharing is “politically enshrined”²³³ at the highest level. In Lebanon the strong pre-war position of president and weak role of prime minister were adjusted in the ‘Taif’ to become more balanced, while in Iraq the creation of the presidency council and ministerial board allowed for the diffusion of power.²³⁴ While the long-term success of both the Lebanon and Iraq conflict-resolution agreements are certainly questionable due, in part, to the long-term preservation of their consociational elements, in the short-term at least, each power-sharing agreement achieved an important window of peace in which the states could begin to re-stabilise.

While such a dilution of power might allow room for the simultaneous preservation of Assad *and* the proper functioning of a power-sharing agreement, the reception of such an agreement among the opposition and Syrians is another matter. The opposition groups have almost unanimously called for the dismissal of Assad, refusing to compromise on the matter. Also, despite the impressive number of pro-Assad ballots in the election, this is not a reliable reflection of feelings towards Assad on the ground, as was outlined in the first two chapters. Owing to the particular symbolism and significance people have attached to Assad himself, clear communication with the Syrian people about his position within a power-sharing agreement is vital regardless of his level of power. Opposition groups should realise that an agreement without Assad is

²³¹ Oskanian, Vartan, ‘Syria's vote and the will of neighbouring countries’, *Al Jazeera*, 4 June 2014, available at <http://www.aljazeera.com/indepth/opinion/2014/06/syria-vote-will-neighbouring-coun-2014628543235818.html>.

²³² Interview with Stephan Rosiny, Research Fellow at IMES, GIGA, Hamburg, 30 June 2014.

²³³ Wright, Robin, ‘In the Shadow of Lebanon’, *New York Times*, 29 June 2014, available at http://www.nytimes.com/2014/06/30/opinion/in-the-shadow-of-lebanon.html?_r=0.

²³⁴ Interview with Stephan Rosiny, Research Fellow at IMES, GIGA, Hamburg, 30 June 2014.

not practical, viable or, as some argue,²³⁵ even desirable. Set within the right parameters, these groups could still 'deliver' what they have promised to their followers while, at least in the short term, Assad remains in government. With the inclusion of the fixed 'sunset date' on the consociational part of the agreement, there could exist a scheduled end to the preservation of Assad's position so that, at a later more stable stage, Assad would be vulnerable to dismissal. This might act as an important incentive to opposition groups who presently refuse to come to a negotiating table at which Assad is seated, while also guaranteeing, for the regime and its supporters, the inclusion of Assad in the initial agreement.

4.2.2 The call for *Shari'a* law in Syria

The apparent incompatibility between secular and Islam-oriented political groups remains a significant obstacle to peace in Syria, while there is also a lack of clarity over how the majority of Muslim Syrians would in fact like to be governed. Some Islamist opposition groups are loud in their calls for *Shari'a* - the Islamic code of behaviour and law - to be implemented, but they neither speak for the whole Muslim population nor put forward a universally agreed upon notion of *Shari'a* law. Sunni and Shia communities (including Alawites) are sub-divided into a whole spectrum of schools of thought, ranging from moderate/liberal to extreme/conservative in their interpretation of *Shari'a* law.

In September 2012, over a year into the conflict, Elizabeth O'Bagy, an analyst at the Institute for the Study of War, maintained that:

*"Most of the opposition is Sunni Muslims and they are democratically minded, but they want a government based on some kind of Islamic law or that follows Islamic guidelines."*²³⁶

A survey done by the International Republican Institute in the same month found support among the majority of Syrians for a government that "respectfully

²³⁵ Idem.

²³⁶ 'Dorell, Oren, 'Syrian Rebels Said to Seek Islamic Democracy', *USA Today*, 24 Sept 2012, available at <http://usatoday30.usatoday.com/news/world/story/2012/09/24/syrian-rebels-said-to-seek-islamic-democracy/57826584/1>.

acknowledges religion" and treats all religions equally while remaining secular. A close second, however, was for a constitution based on Islam.²³⁷ With the rise of radical groups such as Jabhat al-Nusra and ISIS, and the presence of less extreme groups like the Islamic Front, which still retains Salafi elements, it is difficult to know what kind of law the majority of Sunni Muslims now want in Syria. It is worth exploring whether *Shari'a* law could be recognised by the state within the central legal system, albeit in a subsidiary form under the aspect of 'group autonomy'. This would be particularly worthwhile if its inclusion would incentivise particular rebel groups to engage in peace talks, and if such inclusion would result in a more sustainable movement towards peace. It should be noted that this is a small study that merely skims the surface of a large and growing debate regarding dual legal systems and the viability of *Shari'a*, traditional or customary law operating within a national legal system.

4.2.3 *Shari'a* law in theory and practice

Shari'a can refer to many things, from a pious way of life to a system of corporal and capital punishment laid down in Islamic law but practised in only a few places. It can also refer to the ideas underpinning Islamic finance (which eschews interest) and, most significantly for public policy, to a form of family law.²³⁸ What is not realised by many Western states is that *Shari'a* does not connote a concrete set of rules established to govern civil society. Instead, it proscribes a manner of personal conduct that prevents Muslims from straying from Islam, hence the translation of *Shari'a* as "the way/path to follow."²³⁹ This means that *Shari'a* can be - and is - interpreted and instituted in various different ways. Thus, extreme interpretations, like that applied by ISIS in its controlled areas in Iraq and Syria, exist alongside moderate ones, such as the *itjihad* (scholarly interpretation of original sources of Islamic law) of the European Council for Fatwa and

²³⁷ 'Syrian Opposition Survey: Democratic Models', *International Republican Institute*, June 1 – July 2, 2012, available at <http://www.iri.org/sites/default/files/2012%20September%2021%20Survey%20of%20Syrian%20Opposition%2C%20Democratic%20Models%20Slides%2C%20June%201-July%202%2C%202012.pdf>.

²³⁸ *Economist*, 'Islamist Law and Democracy; Sense about Shari'a', *Economist*, 14 October 2010, available at <http://www.economist.com/node/17251830>.

²³⁹ 'Islamic Law; Europe's Shari'a Debate', *Euro-Islam.info*, 12 March 2009, available at <http://www.euro-islam.info/key-issues/islamic-law/>.

Research. This Council answers questions from and issues fatwa (legal opinion) for Muslims attempting to follow their faith outside of a Muslim state.²⁴⁰

Following from this differentiation comes the need for clarity on the perception that *Shari'a* is incompatible with human rights, and should therefore not have a place in the legal framework of a democratic country.²⁴¹ Some point out that *Shari'a* itself does not grant or forbid fundamental human rights, but rather the onus of interpretation is on the individual mufti (expert in religious law).²⁴² Anne Mayer, author of *Islam and Human Rights*, argues that:

*“Muslims have espoused a wide range of opinions on rights-from the assertion that international human rights are fully compatible with Islam to the claim that international human rights are products of alien Western culture and represent values that are repugnant to Islam.”*²⁴³

This argument suggests there is a great amount of flexibility open to the interpretation of *Shari'a*, which has the potential to alleviate the concerns of non-Muslim confessions within Syria or Western players without, if a more moderate form of *Shari'a* law were to be implemented. That said, the issuance of *fatwas* which do not align with international human rights standards, particularly in relation to women's rights and corporal punishment is a common occurrence, regardless of the state and/or larger legal system within which they are issued.²⁴⁴ Therefore the lack of alignment with democracy, of which human rights are core values, might pose a serious problem to the inclusion of *Shari'a* law in a power-sharing agreement, particularly when the second and third step of Rosiny's model attempt to move towards an inclusive democratic system of governance.

²⁴⁰ 'First Collection of Fatwas.', *European Council for Fatwa and Research*, Anas Osama Altakriti (trs.). Dublin, Ireland, available at www.e-cfr.org/data/cat30072008113814.doc.

²⁴¹ Ibid.

²⁴² David, Rene & Brierley, John, *Major Legal Systems in the World Today*, London: Stevens and Sons, 1985, p455.

²⁴³ Mayer, Anne, *Islam and Human Rights*, Colorado, Westview Press, 1999, p2.

²⁴⁴ An example can be found at Bingham, John, 'Shari'a law in U.K.: calls for Parliamentary inquiry', *The Telegraph*, 23 March 2014, available at <http://www.telegraph.co.U.K./news/religion/10717575/Shari'a-law-in-U.K.-calls-for-Parliamentary-inquiry.html>.

On the other hand, while viewed by the West in a generally negative and sometimes hysterical manner,²⁴⁵ *Shari'a* law has in fact been operating successfully in Europe for decades. Taking the U.K. as an example, *Shari'a*-compliant banks have grown exponentially since the recent economic crisis, while *Shari'a* courts, known as the Muslim Arbitration Tribunal and recognised as legally binding, have existed officially since 2007.²⁴⁶ Significantly, when these courts met with public criticism, Church of Scotland Reverend Ian Galloway defended them, commenting that:

*“What is being brought to us is not some kind of parallel jurisdiction that replaces our legal system; rather it is a space, within a given community, for disputes to be resolved.”*²⁴⁷

Furthermore, the Lord Chancellor, Jack Straw, pointed out that at present religious councils, including those of the Church of England and the British Jewish community, are legal as long as their decisions do not contradict the criminal law of the U.K.²⁴⁸ Thus, it should be feasible for Islamic councils to have the same semi-legal status within the larger national legal framework. In relation to aspects of *Shari'a*, and following a model sketched by Ayelet Shachar, the Archbishop of Canterbury, Dr. Rowan Williams, has posited that:

*“It might be possible to think in terms of what Shachar calls 'transformative accommodation': a scheme in which individuals retain the liberty to choose the jurisdiction under which they will seek to resolve certain carefully specified matters.”*²⁴⁹

He suggests that this could include aspects of marital law, the regulation of financial transactions and authorised structures of mediation and internal conflict-resolution. Many majority-Muslim countries have this system, in which the government is secular

²⁴⁵Cfr. supra footnote 238.

²⁴⁶Taher, Abul, 'Revealed: U.K.'s First Official Shari'a Courts', *Sunday Times*, 14 Sept 2008, available at <http://www.ctwilcox.com/articles/U.K.Shari'acourts.pdf>.

²⁴⁷'Church of Scotland backs Islamic Shari'a law courts,' *The Scotsman*, 9 Oct 2008, available at <http://news.scotsman.com/scotland/Church-of-Scotland-backs-Islamic.4578904.jp>.

²⁴⁸Rozenburg, Joshua, 'English law reigns supreme over Shari'a, says Straw,' *The Telegraph*, 30 Oct 2008, available at <http://www.telegraph.co.U.K./news/newstopics/lawreports/joshuarozenberg/3286766/English-law-reigns-supreme-over-Shari'a-says-Straw.html>.

²⁴⁹Lecture of Archbishop of Canterbury Dr. Rowan Williams entitled 'Civil and Religious Law in England: a religious perspective', Temple Festival series at the Royal Courts of Justice, 7 February 2008, transcript available at <http://rowanwilliams.archbishopofcanterbury.org/articles.php/1137/archbishops-lecture-civil-and-religious-law-in-england-a-religious-perspective#Lecture>.

but Muslims can choose to bring familial and financial disputes to *Shari'a* courts. Examples can be seen in Nigeria and Kenya, which have *Shari'a* courts that rule on family law for Muslims.²⁵⁰ A variation exists in Tanzania, where civil courts apply *Shari'a* or secular law according to the religious background of the defendants. Several countries, including Lebanon and Indonesia, have mixed jurisdiction courts based on residual colonial legal systems and supplemented with *Shari'a*.²⁵¹ These country models could serve as an example for Syria if it were to shape its own dual legal system.

4.2.4 The application of *Shari'a* law in Syria: advantages and problems

In light of the above examples of *Shari'a*, applied in both secular and non-secular states, a 'dual system' should not be discounted as unfeasible. This is particularly the case in a country like Syria where the majority of the population are Muslims.

Legitimate concerns of course exist; some academics argue that Syria is *too* secular for a dual system to work, while there is also a fear that the application of *Shari'a* law in some communities might force other non-Muslim groups to abide by these laws.²⁵² The latter is a fair concern, given that in some areas, like the Aceh province in Indonesia, Islamic law is based on the principle of territoriality rather than the principle of individuality, meaning that everyone in Aceh, regardless of religion, has to follow Islamic law.²⁵³ In the model proposed by this thesis, however, the inclusion of religious law would be provided for in the form of group autonomy rather than territorial autonomy.²⁵⁴ Justification for this is given with the reasoning that a weak federal system in Syria may encourage the normalisation of cleavages and cause massive upheaval in Syria and the wider region. While it can be argued that non-territorial group autonomy may result in the same, this thesis posits that the protection of confessional groups at a group level would serve as a better protection of their interests than territorial

²⁵⁰ Johnson, Toni & Vriends, Lauren, 'Islam; Governing Under Shari'a', *Council on Foreign Relations*, 9 Jan 2013, available at <http://www.cfr.org/religion/islam-governing-under-Shari'a/p8034>.

²⁵¹ *Idem*.

²⁵² Interview with Stephan Rosiny, Research Fellow at IMES, GIGA, Hamburg, 30 June 2014.

²⁵³ Simanjuntak, Hotli and Parlina, Ina, 'Aceh Fully Enforces Shari'a', *Jakarta Post*, 7 Feb 2014, available at <http://www.thejakartapost.com/news/2014/02/07/aceh-fully-enforces-Shari'a.html>.

²⁵⁴ In the case of the Kurds located in the northern regions, the possibility of some territorial autonomy regarding self-rule should not be discounted.

autonomy, given the demographic reality in Syria (see Chart 5²⁵⁵) for geographical ethnic composition of Syria). That said, the possibility of exceptions in such cases as the Kurdish region in the north should not be discounted. Under this model, while Muslims in all areas could have the option of access (or refusal of access) to *Shari'a* courts for particular issues, it would not infringe upon the lives of non-Muslims.

A more pressing question is whether the prevalence of a permanent dual court system might entrench the sectarianism that the Rosiny model strives to avoid. In a country trying to reconcile itself with the memory of a vastly destructive conflict in which many crimes were committed along sectarian lines, there is a chance that such a system would only serve to heighten tensions and reduce social coherence within communities, while also potentially undermining the rule of law and legal equality.²⁵⁶ Similarly, in the case of future internal conflicts there are fears that the state would lose its role as guarantor of individual rights and freedoms since Muslims may be forced to adhere to rules imposed by *Shari'a* law.²⁵⁷ The central system should always be clearly defined as the primary source of law, and any group arbitration within that country should adhere to the core tenets of its central system. If any conflict between them were to occur the national law should automatically overrule the local system. What must be expressly avoided in the case of Syria are ISIS-like enclaves where their version of *Shari'a* law is enforced on all who fall within their unilaterally marked territorial boundaries.

This thesis is not positing that *Shari'a* law should be formalised in any peace agreement in Syria; the viability of such is dependent on the local groups and their ability to reach a mutually satisfactory agreement based on compromise. However, this thesis argues that the possibility of a dual legal system existing in Syria has not been given enough attention in the discourse surrounding the Syrian war, and should not be discounted

²⁵⁵ Izady, Michael, 'Maps and statistical collection', *The Gulf/2000 Project*, available at <http://gulf2000.columbia.edu/maps.shtml>.

²⁵⁶ Wu, Mimi, 'Clash of Civilisations: *Shari'a* Law in the International Legal Space', *Yale Undergraduate Law Review*, 17 August 2011, available at <http://yulr.org/clash-of-civilizations-Shari'a-law-in-the-international-legal-sphere/#refmark-12>.

²⁵⁷ Mcgoldrick, Dominic, 'Accommodating Muslims in Europe: From Adopting *Shari'a* Law to Religiously Based Opt Outs from Generally Applicable Laws,' *Human Rights Law Review*, vol.9, no.4, November 2009, pp.603-645.

without further consideration. The presence of *Shari'a* law is one of the core requirements of many of the opposition groups. Also, according to Aron Lund of Carnegie Endowment's *Syria in Crisis*, religious arbitration has existed informally in Syria for a considerable amount of time. Positing that several legal systems *have* to coexist in Syria if the country is going to remain unified, he remarked that:

*"Syria has long had religion-based family law, i.e. Muslims used a Shari'a based system to settle disputes over inheritance or marriage and such, while Christians judged family matters according to some sort of church law, etc."*²⁵⁸

Therefore, the formalisation of such practice is not such a great leap to make, and if it means the guaranteed cooperation of a number of opposition groups in a peace agreement it should not be ruled out as a potential 'bargaining tool'.

4.3 The role of external forces

As has been outlined in previous chapters, the role of regional and international parties is a key characteristic of this war. Further, this thesis has posited that as the situation stands, without some pressure exerted on Assad from his external backers, namely Russia and Iran, the likelihood is that he will refuse to negotiate with any of the significant opposition groups. In this section the role of the external actors in the Syrian context will be analysed in a theoretical and practical manner, before further specifying the particular role they must play in order for any negotiated settlement to be reached.

In the Syrian context, the interference of the international community is at once a curse and a blessing. We have seen already in Chapter 2 the significant involvement of international players in the conflict. To properly resolve the conflict these external actors must inevitably be taken into account; As Estrin argues, there can be no resolution without the involvement of the relevant international parties in what she calls "a conflict with a particularly noxious brew of external supporters and their proxies".²⁵⁹

²⁵⁸ Email from Aron Lund, author and former editor of *Syria in Crisis*, Carnegie Endowment for International Peace, 2 July 2014.

²⁵⁹ Estrin, Miriam, 'The Proxy War Problem in Syria', *Foreign Policy*, 4 Feb 2014, available at http://mideastafrica.foreignpolicy.com/posts/2014/02/04/the_proxy_war_problem_in_syria.

That said, while the above danger of external interference creating instability is certainly a present issue in Syria, outside involvement is generally considered vital in the transition of civil conflicts from war to peace. For instance, when an outside third party steps in to observe disarmament and the demobilisation process, it is believed that conflicting parties commit to peace more easily.²⁶⁰ In the absence of an external third party, some believe that the warring parties face a commitment problem. Barbara Walter argues that:

“At a time when no legitimate government and no legal institutions exist to enforce a contract, the [combatants] are asked to demobilize, disarm, and disengage their military forces and prepare for peace. But once they lay down their weapons and begin to integrate their separate assets into a new united state, it becomes almost impossible to either enforce future cooperation or survive attack. In the end, negotiations fail because civil war adversaries cannot credibly promise to abide by such dangerous terms. Only when an outside enforcer steps in to guarantee the terms do commitments to disarm and share political power become believable. Only then does cooperation become possible.”²⁶¹

Hence, the presence of a third party is a boundary for potential spoilers of the peace process, because the costs for continuing the conflict increase and lead to a stronger belief in the commitment of all sides to the peace process.

In the case of a proxy war like in Syria, if the players at a macro-level were intent on finding a political solution, the players at a meso-level would have little choice but to follow their wishes. Whether external involvement should be ‘allowed’ in Syria’s conflict-resolution is a moot point; aside from the conflict being very much an internationalised civil war, the economic situation of the country is dire,²⁶² and any future re-stabilisation of the country will demand major outside assistance.

²⁶⁰ Ranft, Florian, 2014, 14.

²⁶¹ Barbara Walter, ‘The critical barrier to civil war settlement’, *International Organisation*, vol.51, no.3, 1997, p335.

²⁶² ‘Syria; Squandering Humanity; Socioeconomic Monitoring Report on Syria; Combined third and fourth quarter report (July – December 2013)’, *United Nations Relief and Works Agency for Palestine Refugees* (UNRWA), May 2014, available at http://www.unrwa.org/sites/default/files/scpr_report_q3-q4_2013_270514final_3.pdf.

That said, a solution that is enforced on the country from the outside is met with the disapproval of some. Rosiny suggests that any negotiations should be orchestrated by the factions involved within the country, as occurred in Lebanon where the opposition leaders themselves organised the talks which led to the power-sharing agreement. To offset the ‘proxy problem’ of external interference, he suggests a double power-sharing model, where the external powers also agree to some restraints put on their level of influence. A veto, for example, is one potential tool that could be used.²⁶³ With the potential ineffectiveness of a veto system being demonstrated by the SC regarding Syria at the moment, this thesis would hesitate to promote such a solution. Such action would further complicate an already highly politicised process, and lead to potential stalemates which could destabilise the agreements. This thesis believes that the inclusion of the external players is the only realistic way to bring their proxies to a negotiating table. Particular with the present strength of the regime, it believes that they could only be induced to take part in a peace agreement if Russia and Iran were to exert pressure on them. While the groups remain intransigent, meaningful negotiations cannot take place, which may result in the civil war dragging on for years to come.

That said, while vital at the primary stage of peace negotiations, the active involvement of external powers should not exist in the long-term. Post-conflict societies are usually neither democratic nor prosperous, and whatever meagre resources that exist tend to be concentrated in the state. In the post-war era, the state is expected to become the privileged channel for international funds for peace building and post-conflict reconstruction.²⁶⁴ However, when there is substantial and prolonged support (practical, political or otherwise) for particular factions from outside the national arena, this adds another dimension to the post-conflict environment. If a political group must fulfil the wishes of external players rather than putting its energy into meeting the needs of the electorate, the long term stability and functioning of the country is clearly in jeopardy. Sririam and Zahar argue that in some instances, external actors may actively seek to

²⁶³ Interview with Stephan Rosiny, Research Fellow at IMES, GIGA, Hamburg, 30 June 2014.

²⁶⁴ Zahar, 2001, 3.

undermine long-term negotiated arrangements, or, through their own instability, passively undermine them.²⁶⁵ The involvement of third-parties in internationalised civil wars does not stop with the signing of a peace agreement. Indeed, in many contexts it will be the interaction of these factors that create serious challenges to the sustainability of a peace agreement.²⁶⁶

In the power-sharing model proposed here, therefore, a clause in the ‘sunset date’ to phase out the active involvement of external powers in the governing of the country is suggested. Whilst of course the interference of these parties cannot be expected to diminish entirely, and support from such international organisations as the UN will no doubt be needed to continue rebuilding the country, a provision should exist for the Syrian people to ‘reclaim’ their state once a more stable peace has been established.

4.4 Conclusion

The former UN-Arab League Joint Special Representative for Syria, Lakhdar Brahimi, has stated that the main problem regarding the Syrian crisis is how to bring the Syrian sides, and those who support them, to accept the very principle of a political solution.²⁶⁷ With the conflict well into its third year, all invested parties should realise that a negotiated settlement now is by far preferable to the continued misery of further escalation. The sectarian cleavages causing region-wide unrest, as well as the growth of jihadist groups such as ISIS, have given a level of unpredictability to the conflict, which decreases the control of the main national and international players. With Syria being “the biggest threat to peace and security in the world today”²⁶⁸ it is in the interests of the parties engaged in each concentric circle of conflict to come to a negotiated solution.

²⁶⁵ Sriram and Zahar, 2009, 20.

²⁶⁶ Idem.

²⁶⁷ ‘UN Interview with former UN-Arab League Joint Special Representative for Syria, Lakhdar Brahimi’, *UN Department of Political Affairs*, July 2013, transcript available at <http://www.un.org/wcm/content/site/undpa/main/enewsletter/pid/24721>.

²⁶⁸ Idem.

As Lebanon proved, a political solution is preferable, at least to create a short-term ‘negative peace’ in which the fighting can cease.²⁶⁹ The three stage model as proposed by Rosiny, and outlined in the previous chapter, is considered for the purpose of this thesis to be the preferable settlement by which peace could be restored. Aside from the inevitable flaws inherent in any negotiated agreement, this thesis argues that not only is this the most appropriate way forward for the resolution of the conflict and the de-escalation of tension in the region, but it is also the most viable, or workable, solution in the long-term.

The consociational model at the first stage of the agreement would ideally include, as Lijphart recommends, a broad-based grand coalition, a minority veto to protect minority groups and their interests, and proportional representation to allow the voice of all interest groups to be heard. Regarding group autonomy, this thesis would recommend that, where possible, autonomy should take its shape around specific interest groups rather than geographical regions of the state. Regarding the practicalities of the agreement, the negotiations should be shaped primarily by the regime and local opposition groups, with input from external invested parties to ensure the commitment of the parties to the agreement. The presence of a neutral mediator agreed on by the national groups would be a good anchor for credible commitment, while this thesis would recommend a ‘sunset date’ of 2021 (that is, in seven years when the next election is scheduled to take place) for the primary consociational phase of the agreement to end. This would allow time for the primary state building, reconstruction, the repatriation of refugees, post-conflict rehabilitation, and for the various groups to begin to come to terms with what occurred during the war in a national reconciliation process. At the arrival of this ‘sunset date’, any incentive-oriented clauses, such as Assad’s preserved position in government, and significant international involvement in the state-building should be phased out.

²⁶⁹ Wright, Robin, ‘In the Shadow of Lebanon’, *New York Times*, 29 June 2014, available at http://www.nytimes.com/2014/06/30/opinion/in-the-shadow-of-lebanon.html?_r=0.

Chapter 5: Alternatives to Power-Sharing

5. Introduction

As the previous chapters have outlined, there are multiple causes of and elements to the Syrian conflict. The country has a history of repression with a brutal and nepotistic authoritarian regime. Economic and social tensions were heightening in the lead-up to the March 2011 protests with severe droughts, rising unemployment and mass rural to urban migration. These elements have become obfuscated by the growing sectarianism among the factions involved in the conflict, and now the ethnic and religious cleavages are core components of the conflict. International efforts to find a peaceful solution to the conflict have been weak at best. The Geneva Communiqué and Geneva Talks have at times been a farcical show of negotiations, with no party - international or local - willing to back down from their positions to compromise. With Assad's new confidence in his position and his rejection of the Geneva Communiqué, the massive threat ISIS now poses to the stability of the northern provinces and the opposition forces still unable to consolidate and form a united front, an end to the war is still not looking likely in Syria.

Chapter 3 outlined two models of power-sharing, consociationalism and centripetalism, and explored how these models could be applied in the Syrian context to move the country from war towards re-stabilisation and sustainable peace. With the situation in Syria as it stands, many argue that there is no chance of the factions coming to such a power-sharing agreement, and that its implementation in the central government is rendered impossible given the levels of distrust and hatred.²⁷⁰ Political scientist Barbara Walter argues that existing battlefield conditions in Syria do not incentivise either side to accept a compromise but even if they did accept one, a power-sharing arrangement

²⁷⁰ Cockburn, Patrick, 'An unhappy anniversary: Why the end of Bashar al-Assad is as far away as ever – and how Syria's rebels lost the plot', *The Independent*, 14 March 2014, available at, <http://www.independent.co.uk/news/world/middle-east/an-unhappy-anniversary-why-the-end-of-bashar-alassad-is-as-far-away-as-ever--and-how-syrias-rebelslost-the-plot-9193594.html>.

would still likely fail due to the problem of credible commitment.²⁷¹ When asked if he believed power-sharing was a viable conflict-resolution tool, Joshua Landis remarked that the regime and rebels will never be willing to compromise because they all want a very different Syria.²⁷²

If, as they believe, a negotiated settlement is unlikely to take place in Syria, what other options does the war-torn country have to move it towards a semblance of stability? This chapter will explore the other avenues available that might end the conflict. The viability of partition will be analysed, while the likelihood of a military victory will also be discussed. Expert opinions regarding the options will be referenced and the critical theory and practical consequences of each will be explored. The criteria by which the viability of each will be measured are namely the local and regional as well as the short- and long-term impacts of each.

5.1 Partition

Assad is believed not to have the manpower to retake the whole of Syria militarily, while the fractured opposition looks less and less likely to overthrow the entrenched regime. This has resulted in the development over the last three years of a *de facto* partition in the country, with some suggesting that Syria as a country has ceased to exist.²⁷³ Different parts of it reportedly apply different legal systems, ranging from old national laws to *Shari'a* or no law at all. Economies are localised and reliant on new business linked to the war. Different flags fly over administrative buildings - where they still exist.²⁷⁴ An *Economist* article in May 2014 recorded opinions on the ground in

²⁷¹ Walter, Barbara, 'A Not-So-Bad Solution to Syria', *Political Violence @ a Glance*, 7 March 2014 <http://politicalviolenceataglance.org/2014/03/07/a-not-so-bad-solution-to-syria/>.

²⁷² Email from Joshua Landis, Associate Professor in the School of International and Area Studies and Director of the Center of Middle Eastern Studies, University of Oklahoma, 12 June 2014.

²⁷³ *Economist*, 'Syria's War; The New Normal', *The Economist*, 27 July 2013, available at <http://www.economist.com/news/middle-east-and-africa/21582319-territorial-divisions-are-deepening-regardless-regime-and-rebel-advances>.

²⁷⁴ *Idem*.

Syria, with many voicing a loss of hope that the conflict would cease and some kind of restoration of their country would begin.²⁷⁵ A Syrian in Damascus remarked:

*“It is two countries now...Homs is the capital of the Alawites and the north is another country controlled by extremists.”*²⁷⁶

There is a difference between a *de facto* partition existing because of the nature of the war, and a negotiated settlement with all parties agreeing to the borders and terms of such a partition. The *de facto* partition presently existing is an unstable and volatile geographical division that has been shaped by the prolonged conflict. An agreement on partition as a way to end the conflict is another matter. It would involve a formal agreement by all signing parties and would have a legal status. Lesch points out that the *de facto* partition in existence now is such a patchwork of different opposition groups facing off against regime-controlled areas that it is difficult to discern what a *de jure* partition may look like.²⁷⁷ This section will elaborate on the differentiation between a *de facto* and *de jure* partition, while outlining the theoretical background of each. The consequences of the application of each will also be examined.

5.1.1 De facto partition

According to David Lesch, author of “Syria: The Fall of the House of Assad” the country, once part of the greater Levant, is witnessing its population centres receding along sectarian lines. He observes the Alawites and Christians collecting along the border with Lebanon, the Kurds moving to the northern and north-western edges of the country and the Druze settling in the south.²⁷⁸ Some believe that this partition is inevitably the future of Syria; a situation where conflict lines are ‘frozen’, with some very vague sketch for a future reunification.²⁷⁹ Landis suggests that:

²⁷⁵ *Economist*, ‘Syria’s War, The Fall of Homs’, *The Economist*, May 2014, available at <http://www.economist.com/blogs/pomegranate/2014/05/syrias-war>.

²⁷⁶ *Idem*.

²⁷⁷ Tarabay, Jamie, ‘In Syria Talks, Don’t Mention the P-Word’, *Al Jazeera*, 22 January 2014, available at <http://america.aljazeera.com/articles/2014/1/22/in-syria-talks-donatmentiontheaypaword.html>.

²⁷⁸ *Idem*.

²⁷⁹ Email from Aron Lund, author and former editor of *Syria in Crisis*, Carnegie Endowment for International Peace, 2 July 2014.

*“[The regime and its opponents] may divide Syria, ruling over their sections, as is already the case. But that is power-sharing of the most simplistic kind. Not cooperation.”*²⁸⁰

While in the short-term this *de facto* partition is likely inevitable, to allow it to escalate, that is, to let the divisions naturally run their course in the long-term and not attempt to reach a settlement to end Syria’s fighting, is considered by most to be unacceptable. Without a negotiated compromise, the most likely outcome will be regional conflagration.²⁸¹ Parallel to this consideration is the humanitarian cost of such inaction, with the UN commenting as late as 21 June 2014 that the humanitarian situation is only worsening in the country.²⁸² This is putting tremendous pressure on the surrounding region, while also ensuring that the re-stabilisation of the country will be increasingly difficult to manage once the fighting ceases.

5.1.2 *De jure* partition: hard and soft

A differentiation must be established between a ‘hard’ partition, resulting in two or more independent states (like Sudan in 2011), and a ‘soft’ partition, resulting in autonomous centralised cantons under a weak federal government (like Bosnia, 1995).²⁸³ While both will be explored here, the latter could potentially be used in a consociational power-sharing model to promote ‘group autonomy’. Considering the geographical distribution of the various groups and the need for the long term reintegration of each at a local level, as well as the lack of incentive for the millions of refugees to return to Syria if they were forced to build lives in a new area, this thesis considers an agreement which allows a significant amount of geographical or territorial (as opposed to group) autonomy not ideally suited to the Syrian context.²⁸⁴

²⁸⁰ Email from Joshua Landis, Associate Professor in the School of International and Area Studies and Director of the Center of Middle Eastern Studies, University of Oklahoma, 12 June 2014.

²⁸¹ Rosiny, Stephan, ‘Power-sharing as an alternative to Regional Conflagration’, GIGA Focus, No. 9 2013, p1 http://www.giga-hamburg.de/en/system/files/publications/gf_international_1309.pdf.

²⁸² Lederer, Edith, ‘UN Says 10.8 Million Syrians need Humanitarian Aid’, *Associated Press*, 21 June 2014, available at <https://U.K..news.yahoo.com/un-says-10-8-million-syrians-humanitarian-aid-002313566.html#CdNDeCm>.

²⁸³ Gambill, Gary, ‘Partitioning Syria’, *Foreign Policy Research Institute*, October 2013, available at <http://www.fpri.org/articles/2013/10/partitioning-syria>.

²⁸⁴ As previously mentioned, some territorial autonomy might be appropriate, for example in Kurdish held areas in the north.

To some, a soft partition is not an undesirable end to the country's war. Calling it a potential solution to the conflict, Walter suggests that each of the main combatants could be given significant long-term territorial autonomy.²⁸⁵ This arrangement would allow combatants to maintain political control over their own piece of territory as well as their own security forces, which would create a situation where former combatants were able to enforce a peace on each other even if no third party existed to help them.²⁸⁶ The result of this, Walter believes, would be more willing negotiating partners and a more defensible peace.²⁸⁷ From a regional and international perspective, Gary Gambill believes that this form of partition could also create a stable equilibrium and an arrangement from which regional and international players would have little incentive to unilaterally depart once it is in place.²⁸⁸

Dilip Hiro, author and expert on the Middle East and jihadism, supports the "viable solution of partition" in Syria.²⁸⁹ He suggests a hard partition, arguing that the end of the conflict could be achieved by carving out an Alawite state wedged between Lebanon and Turkey. Using the partition of British India in 1947 as an example, he explores the option of population exchange and for the regime to retreat to an Alawite-majority zone along with the Christians, who have allied closely with the Baathist regime.²⁹⁰ Together, the two minorities form roughly a quarter of the Syrian population, just as the Muslims in British India did in the late 1940s.

Michael O'Hanlon, Senior Fellow at Brookings Institute, gives a similar suggestion, believing that under "any realistic peace plan" Assad's Alawite minority would keep a section of the country.²⁹¹ Writing in September 2013, O'Hanlon continued:

²⁸⁵ Walter, Barbara, 'A Not-So-Bad Solution to Syria', *Political Violence @ a Glance*, 7 March 2014 <http://politicalviolenceataglance.org/2014/03/07/a-not-so-bad-solution-to-syria/>..

²⁸⁶ Ibid.

²⁸⁷ Ibid.

²⁸⁸ Cfr. supra footnote 283.

²⁸⁹ Hiro, Dilip, 'Is Partition a Solution for Syria?', *YaleGlobal Online*, 31 July 2012, available at <http://yaleglobal.yale.edu/content/partition-solution-syria>.

²⁹⁰ Idem.

²⁹¹ O'Hanlon, Michael, 'Solving Syria, Is there a Realistic Way for America to Help Stop the Civil War?', *Brookings Institute*, 27 September 2013, available at <http://www.brookings.edu/research/opinions/2013/09/27-syria-civil-war-ohanlon>.

*“Assad himself would have to step down from the presidency and hopefully would go into exile. Kurds would keep sections of the country in the north. A coalition of Sunnis would be in charge elsewhere, and we [the U.S.] would have to work with them to suppress the role of extremists. The country’s main central cities would be shared, as were certain places in Bosnia, like Mostar (even if they were effectively divided in most cases).”*²⁹²

Gambill agrees with O’Hanlon’s assessment, further commenting that while an interior Sunni Arab state would surely have a decidedly Islamist bent, it would be less fractious than its multi-confessional predecessor, and therefore be a more reliable buffer (from a U.S. perspective) against Iranian encroachment in the Arab world.²⁹³

From the point of view of the regime, partition is believed to be the “least worst” outcome should it fail to win the war militarily.²⁹⁴ At this stage it is highly unlikely that Assad will relinquish his power and go into exile, as O’Hanlon has hoped. In the case of partition, Assad would retain his position, albeit over a smaller Alawite/Christian state. He would cede control of the north, but with the increasingly fractious nature of that area and Assad’s presumed inability to regain it, the option of cutting his losses and consolidating his power in the areas of his control might seem attractive.

5.1.3 Partition in Syria: practical considerations and criticism

The purpose of this paper is not to explore whether partition is a viable conflict-resolution tool in Syria, but rather, whether it is *more* viable or appropriate than a power-sharing agreement. Following the points made in Chapter 1 regarding the multi-dimensional nature of divided societies and the need for an intersectional approach to the Syrian cleavages, this thesis suggests that the above proposals might take a reductive view of the causes and characteristics of the conflict. That homogenous communities share common interests and may be easily differentiated due to clear-cut identities are perhaps dangerous assumptions, as the previous chapters have sought to

²⁹² Idem.

²⁹³ Cfr. supra footnote 283.

²⁹⁴ Kerr, Michael, ‘Syria: Why Power-Sharing is the Best-Case Scenario’, *International Business Times*, 17 September 2013, available at <http://www.ibtimes.co.uk/syria-bashar-al-assad-power-sharing-barack-506691>.

emphasise. As well as this, in a partition situation, ethnically-defined petty states could become even more chauvinistic towards the remaining members of other communities given that they may no longer recognise the need for moderation and compromise.²⁹⁵ While it is true that consociationalism can institutionalise polarization, at least with a gradual movement towards centripetalism this could potentially be reduced over time. Partition would make such a polarization along sectarian lines a permanent fixture, regardless of the necessity for such an action or the views on the ground concerning such a massive geographical and social upheaval.

In an interview on Turkish television in April 2013, Assad stated that:

*“Everyone knows that if things reach the point of partition or if terrorists gain control in Syria or both, the situation will directly spread to neighbouring countries...This means that there will be a state of instability for years, perhaps decades.”*²⁹⁶

Assad was, in a well-used tactic, playing on the fears of the regional and international community of a conflagration that would spread beyond the borders of Syria, either in the case of his usurpation or of a *de facto* partition. As noted above, these fears are real, with experts such as Michael Kerr, director of the Centre for the Study of Divided Societies in King’s College London, warning that the humanitarian consequences of any kind of partition would be catastrophic for both Syria and the wider region. He predicts that in such a situation the chances of state collapse sparking a regional war are very high.²⁹⁷ The arguments of Mustafa Khalifa, Syrian activist and novelist, are similar. He points out that contrary to what Lesch maintains about the increasingly sectarian demarcations, the ethnic and sectarian composition of Syrian society and the distribution of the population across the country in fact make the partition of the country

²⁹⁵ Rosiny, 2013, 21.

²⁹⁶ Al-Assad, Bashar, ‘The interview given by President Bashar al-Assad to Turkey’s Ulusal TV station and Aydinlik newspaper’, transcript on *Voltaire News*, 5 April 2013, available at <http://www.voltairenet.org/article178069.html>.

²⁹⁷ Cfr. *supra* footnote 294.

impossible.²⁹⁸ Even if partition were enforced he believes it would fail to restore sustainable peace and would cause instability in neighbouring countries.²⁹⁹

Fundamental questions remain unanswered by the proponents of partition in Syria. For example, what groups would be invited to take part in such an agreement: those who control geographical areas of Syria, or those who claim to represent sections of the population along its sectarian divides? How would the boundaries be drawn up, and based on what criteria? Aside from these practical questions, the proponents of a hard partition do not adequately address the presence of ISIS and other extremist groups, tending instead to construct simplified partition models based along sectarian lines. If a partition agreement were signed, for example, on whom would the responsibility fall to root out ISIS and claim Raqqa and its environs? Raqqa is in the northern part of the country and is close to the area which would most likely be allotted to the Kurds in a partition situation. This would exert increasing pressure on them, as ISIS would almost certainly refuse to cooperate in a partition agreement, or would do so only to consolidate their territory before attempting to expand once more. Perhaps a “coalition of Sunnis” could take over, as O’Hanlon suggests, who would work with the U.S. to root out the extremists.³⁰⁰ This suggestion ignores the existence of deep divides and conflicts within many of the opposition Sunni groups and works under the assumption that because they all share the same sectarian identity their needs and wants are the same. Such a partition would also necessitate a power-sharing agreement between the different Sunni factions, causing them to compromise further amongst themselves. As well as this, the fighting of extremist elements would mean that the new and inexperienced Sunni state would be under immense pressure from the beginning, with

²⁹⁸ This point was reiterated by Rosiny in the 30 June Interview. However others believe that geographic communities are becoming more and more shaped along confessional lines and that it would therefore not be so impossible to formalise a partition.

²⁹⁹ Khalifa, Mustafa, ‘The Impossible Partition of Syria’, *Arab Reform Initiative*, October 2013, available at http://www.arab-reform.net/sites/default/files/ThematicStudies_Syria_M.Khalifa_October13_Final_Layout_En_0.pdf

³⁰⁰ O’Hanlon, Michael, ‘Solving Syria, Is there a Realistic Way for America to Help Stop the Civil War?’, *Brookings Institute*, 27 September 2013, available at <http://www.brookings.edu/research/opinions/2013/09/27-syria-civil-war-ohanlon>.

its ability to withstand such elements and remain stable highly questionable. As Thomas Friedman in the *New York Times* opined:

*“While partition might actually be the most stable and humanitarian long-term option...getting there would be ugly, and the Sunni Muslim chunk could easily end up dominated by jihadists...”*³⁰¹

With ISIS becoming a serious national and regional threat, the danger exists that the existence of a partition would only weaken any defence against them, and indeed might even contribute to the further expansion of their territorial area. A comprehensive unified attack, ideally under a power-sharing agreement and with the support of regional and international players, is what this thesis puts forward as the best way to combat this extremist group.

5.2 A regime victory to end the war

Another alternative end to the conflict is of course a military victory by either the opposition forces or the regime. As has been outlined previously, it is looking increasingly unlikely that the opposition will manage to overthrow the regime. That leaves the possibility of a regime victory; something more possible if still not presently likely.

As has been iterated previously, Assad is presumed unable, due mainly to a lack of manpower and support in rebel-held areas, to reclaim all of Syria. Even if he were to reclaim those areas by force, his ability to retain and stabilise his control over them seems doubtful in the foreseeable future. In addition, recent developments have seen tens of thousands of Shiite Muslim mercenaries from Iraq, who have been fighting alongside Syrian troops against the mostly Sunni rebels, leave the Syrian war to fight ISIS in Iraq.³⁰² The Lebanese Shiite militia Hezbollah is bolstering its presence in Syria

³⁰¹ Friedman, Thomas, ‘Syria Scorecard’, *New York Times*, 22 June 2013, available at http://www.nytimes.com/2013/06/23/opinion/sunday/friedman-syria-scorecard.html?_r=0..

³⁰² Rasha Elass, ‘ISIS Advance In Iraq Makes For Strange Bedfellows In Syria’, *International Business Times*, 16 June 2014, available at <http://www.ibtimes.com/isis-advance-iraq-makes-strange-bedfellows-syria-1602636>.

to make up for the vacuum of support, though it is doubtful they have the resources to entirely replace the departing troops.³⁰³

Although Western states have stressed that Assad must go, the fragmentation and growing number of extremist elements among the rebels has given them pause.³⁰⁴ Some have observed a U.S. policy shift in favour of the Assad regime as a result of the rising extremism in the region. Dr. Cengiz Günay from the Austrian Institute for International Politics has commented that fears of Islamist extremist have taken over, and there has been a strategic shift in U.S. policy towards regime preservation which has resulted in the ‘rehabilitation’ of Assad.³⁰⁵ Günay argues that with this development comes the possibility of the U.S. finding common ground with Russia and Iran over Syria.³⁰⁶

This remains speculative, however, when we take into account the fact that the U.S. has boosted its support to the opposition in the form of training, finances and arms. In a speech on 19 June 2014 Obama stated that;

*“We have already tried to maximise what we can do to support a moderate opposition that not only can counteract the brutality of Assad, but also can make sure that in the minds of Sunnis, they don’t think that their only alternative is either Mr. Assad or extremist groups like ISIL or al-Nusra.”*³⁰⁷

This indicates that at least ostensibly the U.S. policy regarding the Syrian crisis has not changed in favour of Assad’s regime, but rather has shifted to also include action against extremist groups. But while the opposition remains divided and the U.S. remains indecisive, Russia and Iran continue to be steadfast supporters of the regime, both at a political and practical level, which has added strength to their position. Furthermore, regardless of their legitimacy, the elections do seem to have shown a strong level of

³⁰³ Idem.

³⁰⁴ *Economist*, ‘The Economist Explains: Who are the Syrian Opposition’, *Economist*, 19 June 2013, available at <http://www.economist.com/blogs/economist-explains/2013/06/economist-explains-12#sthash.2MuNuQ6j.dpuf>.

³⁰⁵ Interview with Dr. Cengiz Günay, Scientific Researcher, Austrian Institute for International Politics, Vienna, 19 April 2014.

³⁰⁶ Idem.

³⁰⁷ ‘Text of Obama’s Remarks on Iraq’, *New York Times*, 19 June 2014, available at <http://www.nytimes.com/2014/06/20/us/politics/text-of-obamas-remarks-on-iraq.html?partner=rss&emc=rss&smid=tw-nytimesworld>.

support for the regime among Syrians. With these factors in mind and with the containment of ISIS a priority for the region and international community, a potential U.S. capitulation on their stance regarding the regime in favour of regional stability makes an eventual Assad victory at least possible.

5.2.1 Consequences of a regime victory

If a regime victory *were* to occur, it would imply further tension in the region, and would not send the right message to the international community regarding authoritarian regimes and the importance of democracy and human rights. Nader Hashemi, Associate Professor at the University of Denver's School of International Studies, has argued that if the Assad regime re-conquers the territory and re-establishes control, the international community must bow down before him.³⁰⁸ Compromise with Sunnis would be at the complete discretion of Assad and Russia. The international community would have zero leverage and a regime victory would be a major defeat for any sort of peace or sense of stability, and a huge victory for the forces of authoritarianism.³⁰⁹ While this may be an extreme view, the corrupt characteristics of the regime and the reasons for the first outbreak of unrest outlined in Chapter 1, indicate that a regime victory would most likely not mean the restoration of long-term peace in the country, even if their victory ensured a short-term lull in the unrest.

It should not be forgotten that the regime has displayed elements of extremism and terrorism in the prolonged conflict. Sectarian massacres have been perpetrated by forces fighting for the regime, including the al-Bayda and Baniyas slaughters as documented in the Human Rights Watch Report *No One's Left*.³¹⁰ As well as this, the Independent International Commission of Inquiry on the Syrian Arab Republic has gathered evidence enough to accuse the regime of "committing gross violations of human rights

³⁰⁸ Hashemi, Nader, 'What can the World do to Help Syria', *Al Jazeera*, 13 May 2014, available at <http://america.aljazeera.com/watch/shows/inside-story/articles/2014/5/13/what-can-the-west-dotohelpsyria.html>.

³⁰⁹ Idem.

³¹⁰ Human Rights Watch, "'No One's Left': Summary Executions by Syrian forces in al-Bayda and Baniyas", *HRW*, 2013, available at http://www.hrw.org/sites/default/files/reports/syria0913webwcover_0.pdf.

and the war crimes of murder, hostage-taking, torture, rape and sexual violence, recruiting and using children in hostilities and targeting civilians in sniper attacks”,³¹¹ as reported as late as May 2014. The retention of its monopoly of power will not mean the restored legitimacy of the regime, either in the eyes of the international community or among the wronged constituents of its country. Many non-Alawites have left the regime, resulting in its Alawite character becoming more substantial. This, Rosiny argues, has led to its growing isolation both inside Syria and in the larger Sunni-dominated region.³¹² The consequences of regime actions during the course of the conflict will be instability and dissent for years to come. Furthermore, much of the support the country might have enjoyed from Western countries in its reconstruction and post-conflict rehabilitation would most likely not be forthcoming in the event of a regime victory. With economic issues playing a significant role in the country’s instability, any lack of external support will undermine the regimes ability to stabilise the country. The existence of a power-sharing agreement, on the other hand, would most likely alleviate such problems.

5.3 Conclusion

While one or more of the above outcomes are certainly possible, in particular the entrenchment of boundaries created during the prolonged conflict if the present stalemates and diplomatic inertia continue, the argument of this thesis is that they would have a negative effect on Syria and its environs, and so should be avoided. They are not adequate solutions, but mere acquiescence to an unacceptable situation. A power-sharing agreement, though not without flaws itself, is seen by this thesis to be the most viable and workable conflict-resolution tool at present to address the conflict in Syria.

³¹¹ United Nations General Assembly, ‘Independent International Commission of Inquiry on the Syrian Arab Republic’, A-HRC-25-65_en, *Human Rights Council*, Summary.

³¹² Rosiny, 2013, 20.

Concluding Remarks

Three and a half years into the Syrian civil war, the fighting is showing no signs of abating. At present there is a sense of diplomatic inertia at an international level and a sense of hopelessness pervading those on the ground and those reporting on the conflict. While in the past the intractable conditions of the conflict had resulted in the attempted mediated negotiations being referred to as ‘mission impossible’, this thesis has attempted to show that recent developments in the regional and national arena have resulted in a negotiated agreement becoming a more attainable goal. The interests of international and regional parties are aligned more closely because of the strengthening of ISIS and the increasing instability of the area. The time is ripe for the reactivation of the stagnant political peace talks and the inclusion of all parties willing to cooperate in the process.

International and regional players should realise that by exerting pressure on the parties on the ground to engage in negotiations, they will encourage re-stabilisation, not only in Syria, but in its increasingly jittery neighbourhood. To continue with inaction is to ensure that the conflict escalates and that the already unacceptable death toll creeps higher. While alternatives exist, none are seen by this thesis as sustainable solutions to the conflict in Syria. Partition is a solution to a sectarian conflict. As this thesis has striven to highlight, the conflict in Syria is much more complex than a mere sectarian cleavage, and any solution must cater to the complexities of the reality on the ground there. A military victory is at present unlikely for any side. While the opposition suffers from fractious in-fighting, the Assad regime has lost its momentum to secure the whole territory of Syria. Even if a side were to secure a military victory, the creation of a sustainable peace would be extremely unlikely.

A power-sharing model is considered by this work to be the most viable conflict-resolution tool in the Syrian context. It supports the three-step model of Rosiny, along with some suggested alterations including incentives, such as a possible ‘dual legal system’, and/or the preservation and dilution of Assad’s role in government, to

encourage the approach and adherence to the agreement. Also, the inclusion of a ‘sunset date’ on the ‘negative peace’ consociational stage is recommended, which would ideally include an ending to official international involvement in state-building and to incentive-inducing elements such as the preservation of Assad in a weakened role in government.

That said, this thesis stresses that any resolution to the conflict should be formed to the mutual satisfaction of the national parties and the Syrian people. They are the main benefactors of, and should therefore be the primary actors involved in, a long-term peace settlement and movement towards the rebuilding of war-torn Syria.

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Annex

Chart 1

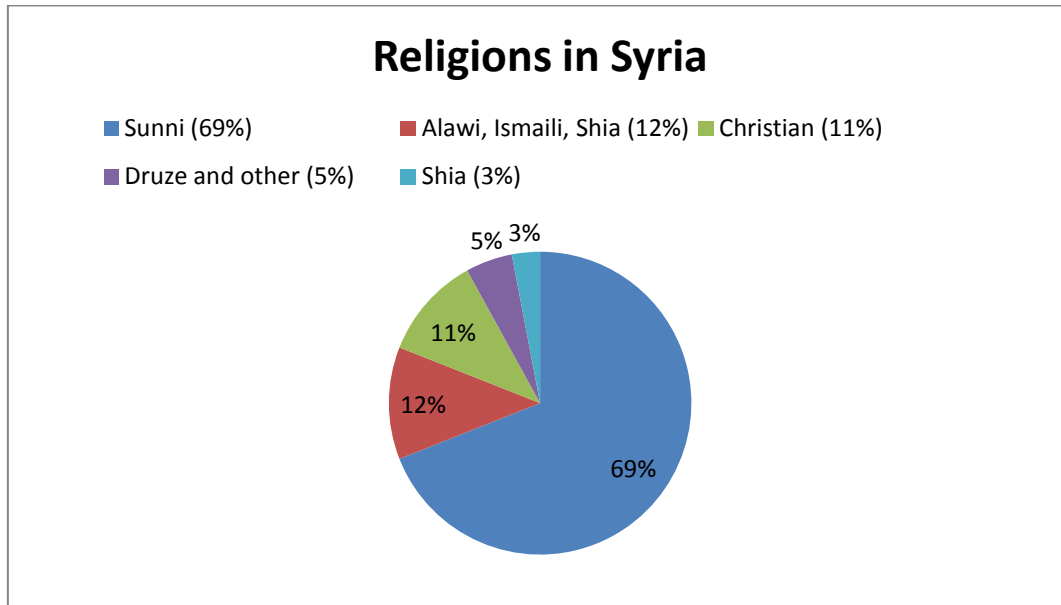


Chart 2

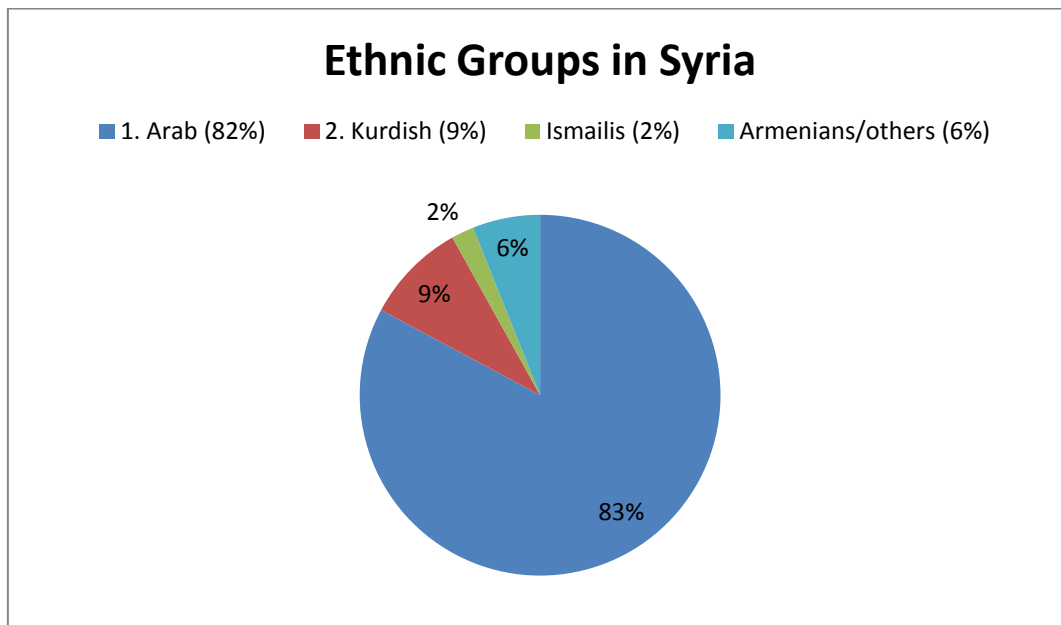
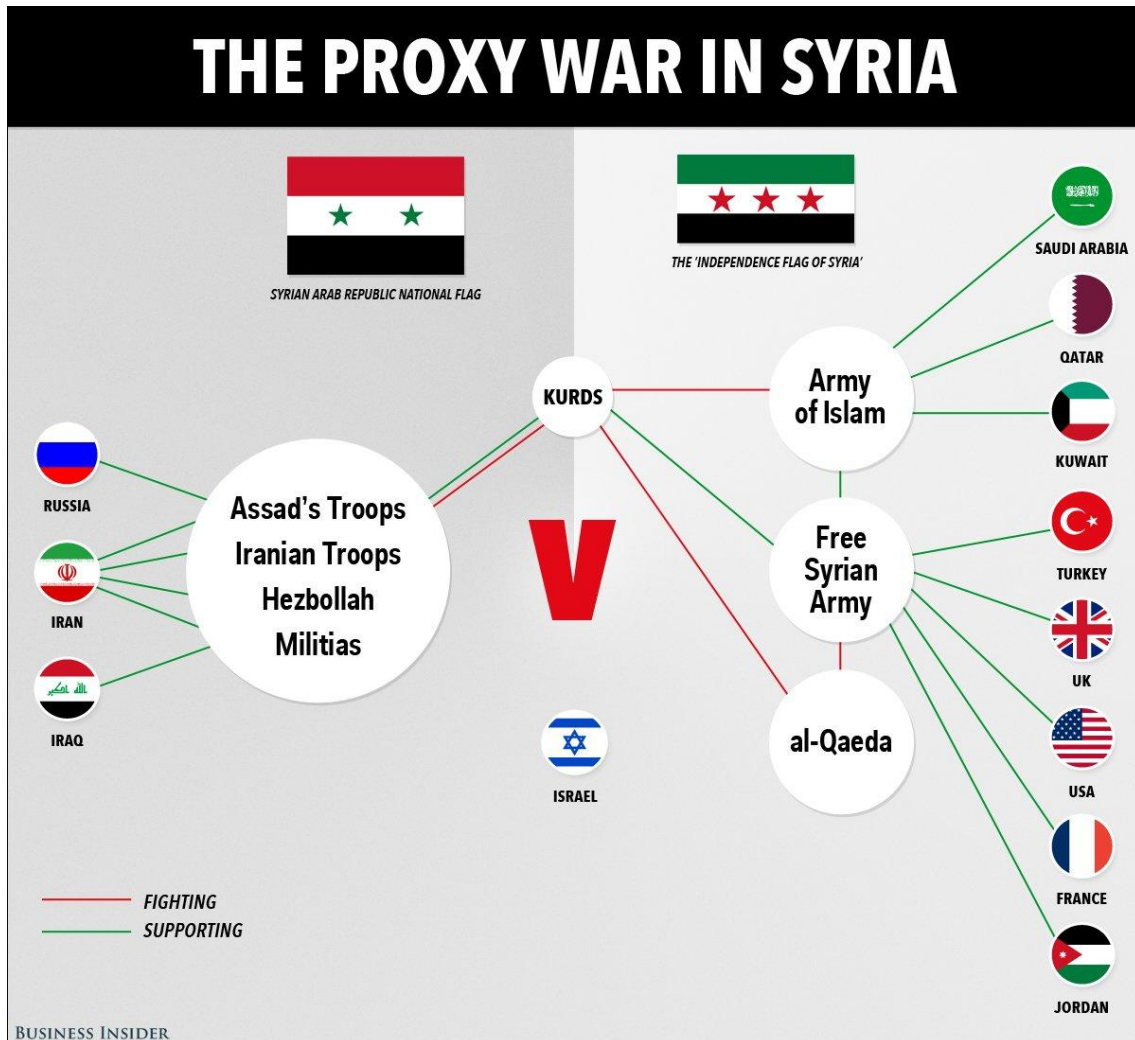
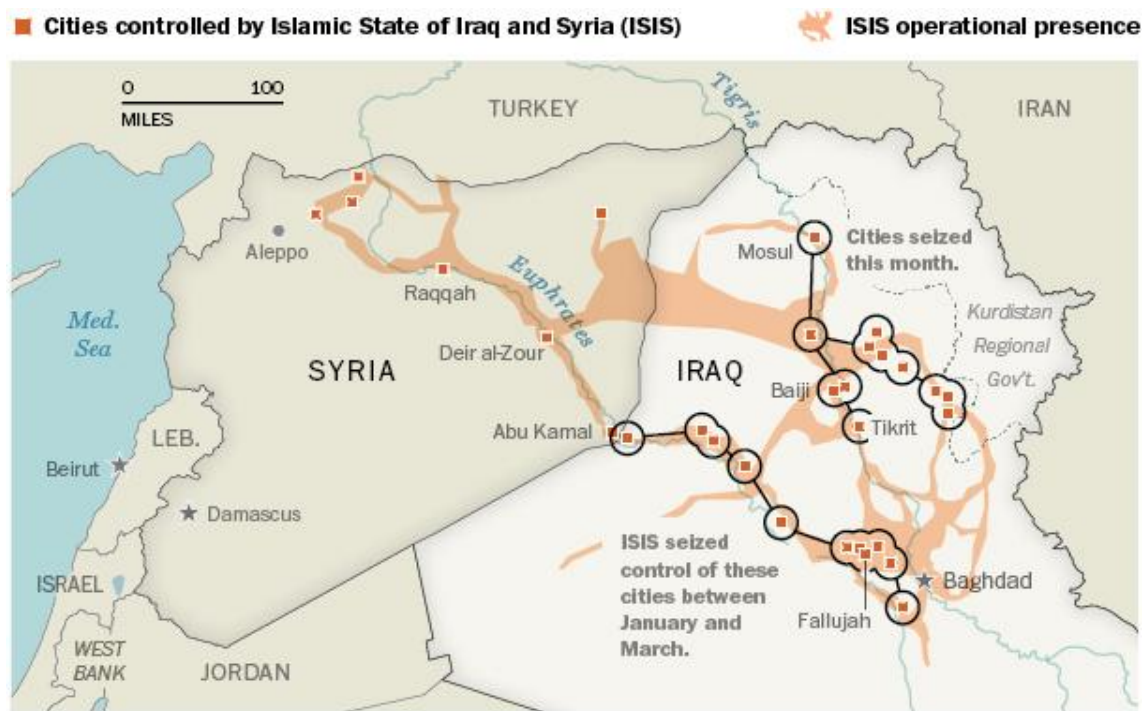


Chart 3



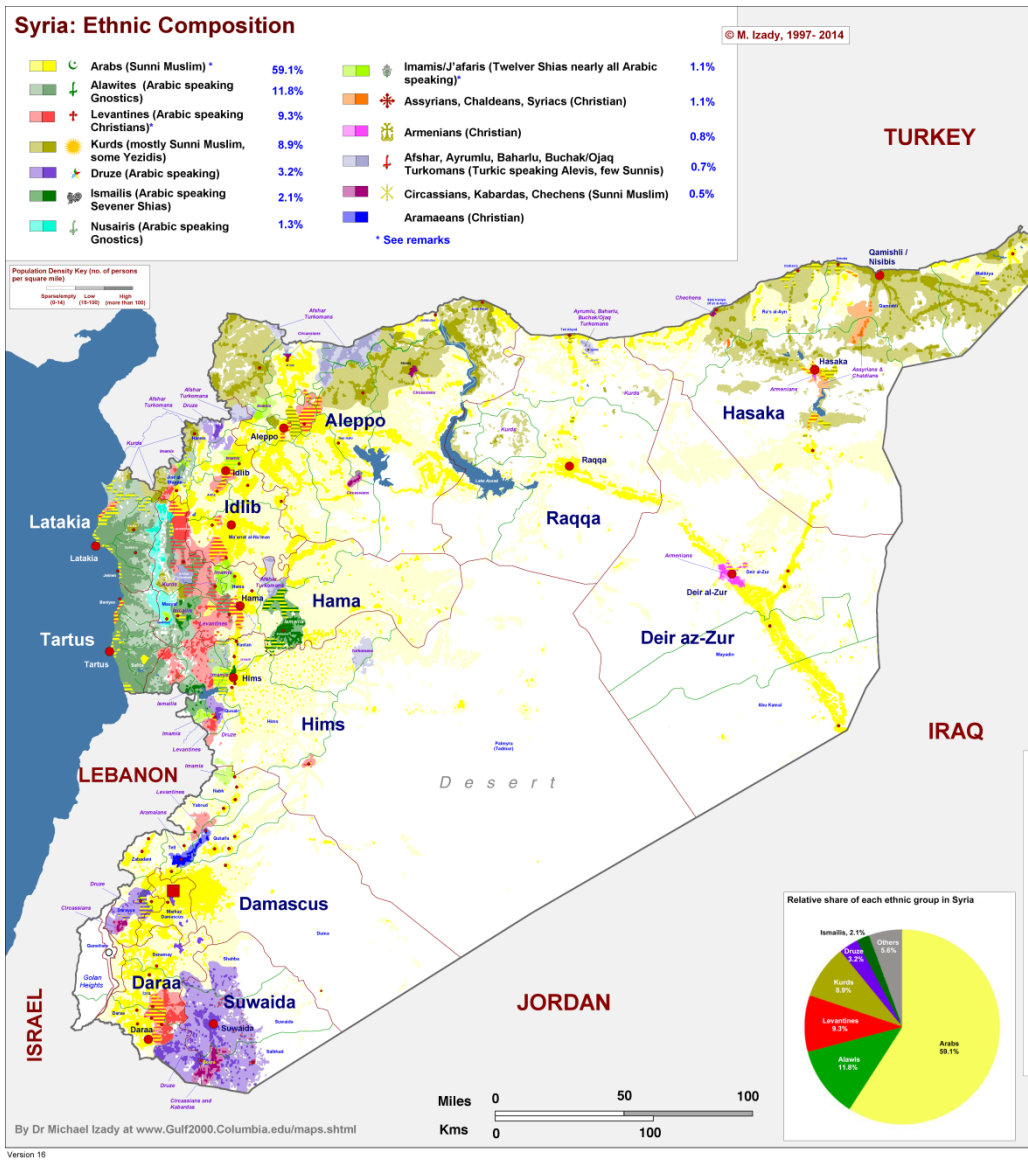
SOURCE: Kelley, Michael & Nudelman, Mike, 'The Madness of the Syria Proxy War in One Chart', *Business Insider*, 16 October 2013, available at <http://www.businessinsider.in/The-Madness-Of-The-Syria-Proxy-War-In-One-Chart/articleshow/24269351.cms>

Chart 4



SOURCE: *Washington Post*, 'MAP: How the Islamic State is Carving Out a New Country', *Washington Post*, 11 June 2014, available at <http://apps.washingtonpost.com/g/page/world/map-how-isis-is-carving-out-a-new-country/1095/> (accurate on 16th June 2014)

Chart 5



SOURCE: Izady, Michael, 'Maps and statistical collection', *The Gulf/2000 Project*, available at <http://gulf2000.columbia.edu/maps.shtml> (accurate on 1 July 2014)