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# Preparing for a Syrian Transition

## LESSONS FROM THE PAST, THINKING FOR THE FUTURE

By Ashraf Ghani and Clare Lockhart

In co-operation with

The Institute for
State Effectiveness

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## EXECUTIVE SUMMARY

The political unrest in Syria has descended into a civil war. Stripped of legitimacy, the Assad regime has launched a violent assault against the opposition, which is itself determined to see the end of Assad and the overthrow of the regime. With few exceptions, the international community has roundly condemned the actions of the regime and called for Assad to step down. Faced with the unpalatable choice of standing by while Assad massacres the people of Syria or engaging in what is already a violent and unpredictable conflict, the international community should at a minimum prepare to assist any future transition, while at the same time avoid the unintended consequences of badly designed assistance. Before preparing and implementing a strategy, both policymakers and donors must have a comprehensive understanding of the situation. In this report, we outline recommendations for working groups and members of the international community. We develop scenarios for transition; identify relevant peace-building lessons from the past; and pinpoint issues to be addressed in articulating and implementing a post-Assad agenda.

To maintain flexibility, we recommend that the international community prepare for four possible scenarios for transition. Scenarios are an analytic tool designed to illuminate probable outcomes, patterns, and consequences of action or inaction. Preparation for each of these scenarios will require further work with people on the ground. During the last three decades, a large number of peace agreements have been concluded. Half of them broke down within five years. The Institute for State Effectiveness recently carried out a comprehensive review of peace agreements, both successful and failed.

We have identified several lessons relevant to Syria. Briefly, these are:

## I. Framing the objective for the peace agreement

The fundamental sources of violence must be addressed and both sides must accept the same framework and agree on a final goal. Those goals tend to fall into at least one of four categories:

- The quest for the inclusive state
- Decentralisation
- New rules of the game
- Creating a legitimate centre

## II. The role of the mediator and the type of process

To be effective, the mediator must be accepted as an honest broker. The mediator must have credibility with warring parties and support of the international community and regional actors.

## III. Operational level issues

In preparing for the opening of political dialogue in Syria, our comparative reading suggests that decision-makers should closely consider key operational and process issues, without which the process can become abstract and vague. Our recommendations for tangible engagement include:

- Keep the content narrow and defined
- Carefully balance short term trade-offs vs. long term stability
- Address the question of sovereignty and a realistic timeline for resumption of full sovereignty for Syria if there is a form of limited sovereignty for any transition period
- Pay attention to the implementation of a new constitution, elections, delivery of basic services, and security
- Mobilise and organise outside resources early
- Concentrate on building a role for civil society and pay attention to citizens and not just to military and political factions

Conditions in Syria are still too uncertain to create a definitive plan. Instead, we recommend the creation of working groups to prepare and ready a common agenda if the political opportunity presents itself, building on work of exercises such as the Day After Project of The United States Institute for International Peace. The more clearly and credibly a post-Assad agenda can be articulated—and the broader the consensus around it—the more likely the transition is to succeed. Grounded in an understanding of the lessons and methods described above, working groups could and should immediately address each of the following issues:

I.      **The legal framework**

II.     **Provision of security**

III.    **Internal reorganisation of the state**

IV.     **Media and access to information**

V.      **Public finance**

VI.     **Social and economic development**

VII.    **Immediate stabilisation measures**

VIII.   **Relations with the region and the international community.**

A Reconstruction Conference, perhaps held under the auspices of the Arab League, should be immediately convened in order to help create a common action plan, and to allow the international community to make conditional commitments to a common trust fund.

# INTRODUCTION

The dynamic of the Syrian conflict has entered a new phase. The Assad regime has not managed to suppress the insurgency or prevent the erosion of its authority over a substantial part of its territory. Stripped of legitimacy, the regime relies upon violence to maintain control, as manifested in use of air power against civilians. In response, a movement that began as a protest of people bearing flowers has become an insurgency dedicated to the overthrow of the regime. No longer a network of disparate spontaneous movements, it has become a relatively organised, coordinated, and armed opposition. Yet it is not strong enough to win control of the country outright. The regime retains significant constituencies of support, especially in the non-Sunni population, and is intent on remaining a minority dictatorship hiding behind a veneer of secular nationalism.

In short, Syria is at an impasse, with severe risks to its people and the region, as well as the broader world. Though the insurgency is a nationwide phenomenon, it remains predominantly Sunni in character. The Kurds, Druze, Christians and Alawites, who constitute 11.5% of the population and who remain among the regime's strongest supporters, have not yet joined in large numbers. As a result, a movement that began with aspirations for national change is slowly becoming a sectarian war, one which divides people along lines of identity and which could perpetuate a cycle of revenge. The conflict is over the exercise of state-power, but the Assad regime is framing it as a sectarian conflict and a fight against terrorism. Whether the opposition falls into the trap of a narrow sectarian frame or an inclusive national vision will have serious consequences for the future of Syria and the region.

Although the insurgency is clear and united in the goal of overthrowing both Assad and the regime of which he is the figurehead, its members have yet to articulate and agree upon a coherent vision for state, economy, and society in a post-Assad world. Serious attention to these issues could help prevent extended conflict, the splintering of the state, or the hardening of a regime intent on counter-revolution. A plan to create institutions capable of bringing genuine, structural change must lie at the heart of any peace-making process. The pace and sequencing of change must be planned in advance. In the past, the economic and social dimensions of transitions and peace-building have often been neglected or postponed, with terrible consequences for the chances of success of the process.

Both internal rivals and external brokers must agree upon an agenda for transition that is inclusive and addresses the insecurities and interests of the Alawites now in power as well as other minority groups, members and leaders of the insurgency, and the citizenry in general. The more the opposition can agree upon such an agenda, the more likely that transition will start and succeed.

Historically, regimes that have survived revolutions, like those of 1848 in Europe, became doctrinally and organisationally counterrevolutionary when repression became more directed and systematic. More recently, Slobodan Milosevic launched his brutal attack on Kosovo immediately after losing the Bosnian conflict. Syria has taken such a path in the past, following the suppression of the Hama revolt in 1982.

Syria could also become even more of a focus for regional and international rivalries, as it was in the past. Between 1946 and 1970, the country was a battleground where competing regional ideologies—communism, nationalism, pan-Arabism, and Ba'athism—fought for control. Since 1970, Syria itself has played a decisive role in the politics of Lebanon. At different times Egypt, Turkey, Iran, and Iraq have tried to influence the course of events in Syria; Saudi Arabia and the Gulf States now have ambitions there as well. The potential for an open regional war is very real.

But Syria is not the first country to find itself in such a situation. Many regimes in similar circumstances eventually had to acknowledge the need for a political process—or else were forced into accepting a political process through the intervention of the international community. We believe that Syria, too, can find a way out. Although the contours of any possible transition will be shaped by the evolving context, lessons can be learned from the global experience of the 1980s, 1990s, and the first decade of the 21st century—lessons which might help Syria not only avoid the deepening of civil war but move towards restructuring itself as a legitimate modern state.

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**THIS PAPER WILL:**

I.   Provide a summary of the regime and the insurgency in order to highlight the key characteristics of the current situation;

II.  Chart probable outcomes through descriptions of four scenarios;

III. Discuss the challenges addressed by peace agreements and transitions in recent decades;

IV.  Apply the lessons of the past to the current Syrian situation and recommend actions which could be taken should the pathway to a transition open up.

## 1. THE INSURGENCY

### The scope and reach of the rebellion

The insurgency now has supporters across the country. It can move freely in the countryside and can obtain money and arms through networks of support or through smuggling. It is beginning to organise at the district, urban, and provincial levels, directly challenging the regime. When the regime concentrates firepower on key areas, the insurgency is capable of withdrawing, regrouping, and reasserting itself.

With its spread, distinctive forms of governance have emerged at the local and municipal levels. The insurgency, despite internal fractures and partisan divides, seems to be changing from a network of disparate spontaneous movements into a more coordinated and organised armed opposition.

At the same time, the insurgency is perceived as Sunni-inspired and led, and has been most successful in Sunni areas, as the geography of the rebellion well illustrates[1]. Initially focused around Damascus and the core cities of Homs and Hama, the movement spread to the province of Adlib before finally encompassing the capital city of Damascus and the commercial city of Aleppo. While the predominantly Alawite coastal cities of Tartus and Latikiya and the an-Nusayriyah Mountains had been quiet, tensions and small-scale conflicts are even reported at Assad's bastion[2]. By and large, Christian and Druze communities have supported the regime or remained neutral. Some Kurds, meanwhile, are engaged in their own struggle for federalism or autonomy, in what appears to be a complicated game that goes beyond Syria's borders.

There is a significant economic component shaping attitudes toward the insurgency too. Well-to-do neighbourhoods were generally not sites of protest, and large merchants have been careful not to visibly break their ties to the Assad regime. Demography matters too: although fertility rates have declined, Syria has one of the youngest populations in the world with 60% believed to be under the age of 20[3]. This frustrated generation is a central driver of the insurgency, providing both abundant manpower and momentum.

In addition to the insurgency within the country, Syria has a long-established opposition in exile. But the youth movements and the now battle-hardened insurgents within Syria do not share a common military or political agenda with the Syrian diaspora, many of whom remain preoccupied by past conflicts. Several prominent exile groups are closely linked to the Muslim brotherhood, enhancing their credibility among certain factions inside Syria, and undermining it with others. This connection also makes them less interested in expanding the rebellion to non-Sunni groups. The diaspora's memories of the past, however, can be of utility in framing a credible vision of the future. The Syrian state which existed from 1946-58 can be invoked for its relative sectarian tolerance, democratic aspirations, and even one free and fair election[4]. These memories, however, are not by themselves sufficient to overcome the last forty years of authoritarian practices. Imagining the future will require focused efforts and painstaking effort in building consensus.

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[1] Including Thomas Pierret and Joseph Holliday.

[2] (Shaikh, Brookings Doha)

[3] (Kenner, 2011)

[4] (Patrick Seale : *Struggle for Syria*)

### Insurgency as network

The insurgency relies upon historical, commercial, and religious networks that have long bound together otherwise disparate communities across the Near East. The leaders have also taken advantage of increased access to modern communications and new media to collect and distribute information and coordinate efforts with an extended network, and to facilitate and engage in open debate—an approach which has been characteristic of recent movements across the Arab world. From the inception of the insurgency, Friday prayers in the mosques have also become a more traditional arena for challenging the regime[5].

The existence of these new links makes the insurgency more effective, but they are politically neutral. Organisations spontaneously formed inside Syria could become the foundation of a new democratic politics, but they could also be hijacked by a new authoritarianism, or side-lined by other forces. External financing could be particularly divisive. Lebanon paid a heavy price during its civil war of 1975-1990, when regional and international powers turned it into the battleground of their competing agendas.

### Escalation of violence

The escalation of violence committed by the Assad Regime, including the reported violation of mosques by security forces, is fuelling counter-violence by the opposition. Revenge may become a primary driver of the insurgency. When people become convinced they have the right to do to regime personnel what has been done to them, then the cycle of violence could deepen further.

### Role of women

In the comparatively peaceful movements in Tunisia and Egypt, women played an equal role. As protest gives way to insurgency, young men may gain a degree of prominence, power, and eventually authority that could result in marginalisation of women and their rights. If Saudi and Gulf money determine the shape the ideological posture of the insurgency the role of women will certainly be reduced. This is worth watching: the status of women is a bellwether issue, one which may tell outsiders whether or not Syria is on course to create an open constitutional, legal, and governing system that will incorporate, accommodate, and respect the rights and interests of all its citizens.

## 2. THE REGIME

The Syrian regime increasingly resembles the worst tyrannical regimes in its full embrace of violence and repression, in its threatened use of chemical weapons against 'foreign intervention', as well as in its paranoid discourse. But its political will is not matched by capacity for political organisation. Joseph Holliday has pointed out that the regime does not have the level of force to simultaneously attack the major centres of opposition. Although it can temporarily clear, it cannot hold or tame. These measures may not guarantee the regime's survival, but they will bestow upon the society and the region a legacy of trauma that will overshadow and at best complicate any transition to a democratic and stable order.

The regime relies upon six key pillars. Weakening these pillars could change the course of the conflict and the eventual settlement.

### Economics

The regime depends upon a corrupt financial alliance between merchants, key members of the Assad family, and high ranking officials of the regime. The regime's funding comes from Syrian oil, import quotas, the legacy of smuggling of Saddam-era Iraqi oil, and a range of levies charged on transactions in Lebanon. There is now evidence that sanctions are undermining this economic pillar[6]. The Assads and their corporate allies are now being forced to choose between spending their accumulated money, imposing a war tax on the merchant class, or finding an external patron or patrons to underwrite the costs of their war. Whether the regime can continue to finance the war is a critical indicator of its capacity to survive. With the domestic sources of revenue becoming scarce, decisions by Iran, Iraq, and Russia to provide economic and military assistance will have an important impact on the shape and duration of the conflict.

### The Bureaucracy

In a society where alternative sources of employment are minimal, Syria's weak and inefficient civil service has provided livelihood and a modicum of prestige for several generations of educated youth. If it had alternatives, that bureaucracy might not remain loyal indefinitely.

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[5] Ajami, Fouad. 2012. *The Syrian Rebellion*. Washington DC: Hoover Press. The innovation has been twofold: first, every Friday has been given a theme. Second, the theme has been selected through a discussion and poll on the internet.

[6] When the regime tried unilaterally to impose restrictions on imports, it had to relent within two weeks under pressure from the merchants. Ajami, Fouad. 2012. *The Syrian Rebellion*. Washington DC: Hoover Press.

## The Ba'ath party

Devoid of power outside the very top of the regime, the Ba'ath party has nevertheless served the regime's claim to nationalism and secularism. The mounting repression in Syria undermines that claim, and in the past Ba'athists have themselves been massacred for suspected involvement in rebellion. Nevertheless, without assurances from the opposition, the Ba'athists might see no alternative but to side with the regime. While the Ba'ath will not be able to continue as the sole party under post-Assad scenarios, the extent to which its rank and file can be permitted to form a new party and the extent to which the opposition can agree on a policy on the future of the top officials of the party and the regime could have a significant impact on the response of the Ba'athists.

## State media

Without the possibilities opened up by the new social media, insurgents would have faced major difficulties in sharing information inside Syria or focusing global attention on the violence of the regime. The reliance of the regime on the state media for portraying of the opposition as enemies of the nation, and the degree to which the propaganda is believed by the public, however, has not received much attention.

## Security forces

Since its founders led a coup in 1970 the regime has depended on the security forces. At the moment, they have different levels of loyalty.

- **Rank and File:** The majority of soldiers are similar in social background to the demonstrators. The policy of 'Kill or Kill' (in which a soldier is killed if he fails to follow orders to kill) may prove the weak link. Available information suggests defectors are mainly junior in rank to Captain. The key opportunity for the Syrian free army is to recruit at the junior officer and rank and file level.

- **Non-Alawite Officers:** The Sunnis and Christians in the army's high ranks are a major support for the regime's claim to be secular. Long term observers of the regime, however, point out that their positions, including the Minister of Defence and the Commander of the Air Force, have been devoid of real power. As defecting officers have been largely languishing in refugee camps in Turkey, incentives for senior level defections have not been reinforced.

- **Alawite Officers**: The Assad regime's most important and loyal support is found among the Alawite officers, who account for more than 60% of the top echelon of the Syrian army[7]. Loyalty has grown from ties of kinship, marriage and the benefits of rent seeking. To guard against intrigue from this group, the Assads have divided the key elite security forces into competing groups. These internal rivalries could be a source of vulnerability.

## The Assad family

Bashar al Assad is President, Commander in Chief of the Army, Head of State, and Head of the Ba'ath Party. While presenting himself in public as a reformer, his policies have differed little from those of his father—though unlike his father, Bashar al Assad has had to accommodate the interests of his siblings, his assertive mother, and her family. Assad's Syria is a family enterprise, largely devoid of political imagination or leadership, and that views its citizens as a herd, with 'primarily economic demands' that can be satisfied absent democratic principles[8]. In contrast to the 'Damascus Spring' of 2000, when Syrians, following the death of the current president's father, demanded reforms from Assad, a man they regarded as the 'good Czar,' citizens in the new Syrian Spring are demanding new leadership. The demands of ruler and ruled are now incompatible.

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[7] (Batatu, 1999)
[8] (Batatu, 1999: 206)

# TWO

# II. SCENARIOS FOR TRANSITION

Scenarios are an analytical tool to help deal with uncertainty. They are not predictions, but probable outcomes which can help decision-makers identify patterns, recognise the consequences of certain courses of action or inaction, and prepare options for the future. Anyone involved in the Syrian conflict, both inside and outside the country, should think through these possibilities.

Although there are many possible scenarios for a situation as complex as Syria, we have chosen four, into which others can be collapsed. Full development of each of these scenarios will require working with people on the ground to help them weigh the consequences of their decisions. Preparation for each of these scenarios is not only possible, it is essential, as events are not within any single person's control and any of these scenarios may yet unfold.

## 1. ACCOMMODATION OF AN ASSAD REGIME WITHOUT ASSAD

Despite the mutual antagonism, a bargain between core elements of the regime and the opposition could produce an accommodation acceptable to both sides. The regime may decide to acknowledge a stalemate if it runs out of money, has difficulty replenishing its arsenal, or paying its soldiers; if Iran and Russia decide not to provide armaments without payment; and if the personal toll grows too high and the number of defections increases.

At such a juncture, the two sides could cut a deal which made the regime more inclusive while at the same time avoiding retribution for the acts of violence committed by both sides. Guatemala, El Salvador and Sudan are all cases where an impasse was acknowledged, and where both sides agreed to pay a significant price in order to achieve a peaceful compromise. In this scenario, the Assad regime would in essence continue without Assad.

This scenario would require the departure of Assad. The insurgency will not accept anything less than this, nor offer a window of negotiation with him in office. Assad's departure would also create a psychological break, persuading people on both sides that change is real and launching a substantive bargaining process. There are recent precedents for change triggered by the departure of the ruler: Ben Ali fled Tunisia, Mubarak resigned in Egypt, Yemen's Saleh accepted medical treatment abroad and in Libya Qaddafi was killed. Elsewhere, Chile, Argentina, Brazil and South Korea offer examples of transitions made possible by a dictator's departure.

In Syria, a key question is whether leading members of the regime would be able to differentiate themselves from the President and his family. If they can—and if they are then able to mobilise politically against a divided opposition—they may survive. In Yemen for example, a national dialogue and constitutional discussion allowed for considerable continuity with the previous regime. If the opposition is able to transform itself into an organised political force, the outcome could be very different.

Some of the Syrian opposition have thought through this possibility before. In their Damascus Manifesto of 2000, prominent figures within Syria proposed gradual reforms[9]. In this scenario the regime dispenses with Assad; accepts the Damascus Manifesto as its transitional agenda; creates a transitional government; divides ministerial portfolios; accepts gradual transformation of the security institutions with accommodation between the Syrian and Free Syrian armies and the elite, and adopts an economic programme that focuses on reconstruction, youth and employment.

[9] (Leverett, 2005)

The advantages of such a scenario are that it preserves the livelihoods of some of Syria's leadership—a necessity ignored by de-Ba'athification in Iraq—but allows for eventual transition to a multi-party regime, constitutional reform, and elections held at a date mutually acceptable to the two sides. The political energies of the street could be diverted into electoral politics.

This approach would require a robust and active approach to transitional justice and forgiveness in order to take steps toward a peaceful future. Without a process for re-establishing rule of law and addressing grievances there would be a significant risk of retribution, further eroding trust, and derailing the peace process.

The transition would likely be long, over three to four years. The process could follow Tunisia's framework of a provisional government or Libya's of rapid elections followed by the constitution of a new government. It does not internationalise the problem: there might be need for a small group of international monitors, but not a large-scale deployment. In sum, this approach would represent an elite accommodation, where fundamental ills remain—the government might still be used as a means for patronage and elite spoils—but restoration of the republic could bring, in relatively short order, a degree of peace and stability to Syria and at least partial restructuring. Regionally, each actor could consider itself a winner, as no allegiances would fundamentally shift.

There are risks to this scenario as well. Discontented insurgents could re-mobilise against this type of accommodation. Security might become criminalised. Insurgent leaders might not have sufficient influence or be sufficiently representative. If the dynamics that produced the street movement are ignored—the youth bulge, inequality, economic exclusion and marginalisation—the risk of a recurrence of conflict is significant. The key to managing these risks must be identified in a political and economic roadmap.

Other cases that contain elements of this approach include the recent deal in Yemen, Kenya after the 2008 post-election violence, the accommodations in Pakistan and Turkey between the army and civilians in the 1980s and 1990s.

## 2. ILLUSIVE PEACE AND STABILITY LEADING TO INSTABILITY AND DEEPENING CIVIL WAR

If elites fail to reach mutually acceptable terms; if they cannot persuade their constituencies to accept an agreement; if they do not exert control over armed forces; if they are unable to address the concerns of the youth; or if regional powers do not accept the accommodation and continue to fuel warfare; the outcome might be an illusive 'peace' which is frequently broken by renewed conflict.

Without an agreed-upon political process and steady movement towards clear goals, steps would be reactive and improvised. The political system would remain divisive and corrupt, leading to deepening distrust, criminality, and a resumption of fighting. The window that seemed open would quickly close, as in Afghanistan during the 1990s, as well as Kenya at the time of the elections in 2007 and Liberia in 1996, which suffered a decade of internal and external infighting and conflict negotiation between warlords.

In one version of this scenario, the insurgency consolidates its hold over a province or series of provinces and declares itself the legitimate government of Syria—but stops short of overthrowing the regime. The regional players and the international community would

*This scenario would require the departure of Assad. The insurgency will not accept anything less than this, nor offer a window of negotiation with him in office.*

be forced to decide whether to recognise formally the insurgent government and abandon the Assad regime. Some might support the government of the 'liberated' areas, overtly or covertly, while others might not.

Recognition would provide the insurgent government with access to a range of resources, and together with the prospect of fragmentation and division of Syria, could help tip the balance between the regime and the insurgency. Equally, the conflict could settle into a prolonged civil war, with neither side controlling the entire country. Biafra in Nigeria as well as Montenegro, Croatia, and Kosovo in former Yugoslavia are all examples of regional insurgencies that gained control of territory and demanded recognition. The consolidation of insurgencies in Chiapas, Mexico, and the Mindanao in the Philippines forced governments to start a serious programme of reforms to address the concerns of the insurgency.

Unlike Syria, where the insurgency is largely comprised of the majority Sunni population, these insurgencies were spurred by the demands of ethnic minorities. And although some of them ended peacefully, Lebanon's example is sobering: a Middle Eastern country left to struggle with civil war for a full fifteen years. In such conditions, peace-making becomes particularly complex. The human cost is considerable and long-lasting, and the risk that violence bleeds into neighbouring countries increases substantially with a prolonged civil conflict.

## 3. A NEW BEGINNING

In this scenario, the state would be fully reconstructed, resulting in a pluralistic, inclusive Republic, held together by a national agreement on rules of the game and supported by regional and international stakeholders. Central to this scenario is a roadmap for building effective institutions that will foster accountability and stability.

The trigger for this scenario is a victory, military or otherwise, for the insurgency, followed by an agreement to re-write the constitution and reconstruct state institutions. Optimally the insurgency's local organisational capabilities would be supported and expanded, allowing for a bottom up democratisation process. Political parties would be allowed, and the Ba'athists could regroup and participate. There would be a transition from a unitary single party state to a multi-party system.

A successful settlement would also require an inclusive economic plan for Syria; a reasonable transitional period with clear milestones; a relatively small but efficient peace-keeping force stationed in the capital; a major package of assistance from the Gulf as well as Mediterranean trade access agreements. An inclusive conversation, focused on the nation and on ideas of democracy would lie at the heart of such a transition. Instead of a compact of elites, a new Syrian government would obtain its legitimacy from the citizens, thanks to a new constitution and a democratic process.

Examples of countries that have successfully navigated a new start include Spain in 1975, Turkey in 1923 under Ataturk, Colombia with its national convention and generation of a consensus on the way forward, Rwanda in the aftermath of genocide, and Karnataka and Bihar at the sub-national level in India.

## 4. IMPOSED PEACE

To date, regional and international actors have not intervened militarily or directly in Syria, at least not overtly. But this could change: in Bosnia, Kosovo, and East Timor, the international community felt forced to intervene to impose peace when other mechanisms had failed or had begun too late. In an 'imposed peace' scenario, the atrocities committed by the Syrian regime—perhaps culminating in a 'Srebrenica' moment—enflame regional and international public opinion, and the international community, in the form of the UN, the Arab League, or an international coalition, reaches consensus on the need to intervene.

After the decision to act, no-fly zones and safe havens could be established and troops could even end up being deployed, probably under a carefully-worded mandate on the use of force. Parties to the conflict could be brought to the table and a peace agreement imposed. An interim international administration could be established, with sovereignty divided or taken over (as in Bosnia and Herzegovina, Kosovo, and East Timor).

While they can effectively put an end to violence, interventions do not always create a clear roadmap for transition. Temporary measures can become entrenched. An interim administration, in the absence of a timetable or benchmarks for handover, can become semi-permanent, as happened in Iraq. Parallel structures established to exercise state functions in the short term become permanent, and the international community's presence distorts politics, society, and the economy.

Entrenched criminalisation of the economy has been a recurrent theme in such situations. Given Syria's bitter past experience with the French Mandate, the risks of popular resentment would be high.

# III. LESSONS FROM THE PAST

Any stable future will require a transitional negotiation—in other words, a peace agreement. During the last three decades, a large number of peace agreements have been concluded—but of these, 50% broke down within five years. The Institute for State Effectiveness recently carried out a comprehensive review of peace agreements, successful and otherwise. We have identified several lessons relevant to Syria.

## 1. FRAMING THE OBJECTIVE AND THEMES FOR THE PEACE AGREEMENT

Civil wars are manifestations of failed politics, as the existing institutions and processes have been unable to provide common ground. Additionally, significant portions of the population feel sufficiently oppressed and politically powerless to take up arms against their government and, faced with the choice of cracking down or losing power, those in control apply force or outright violence to maintain the existing order. Peace becomes possible when the core issues that inspired the fighting are acknowledged politically, and when both sides accept the same framework and agree on their final goal. Usually, those goals fall into one of four categories.

### The quest for the inclusive state

Many Central and Latin American peace agreements, including those of Colombia, Guatemala, and El Salvador, have focused on reorienting the state away from repression of a segment of the population. Instead, the goal is to make the state inclusive, and to make the government recognise the rights of all citizens. In these agreements repression of a particular group is acknowledged as the source of conflict. The parties then agree to restructure state institutions, changing their relationship with one another and transforming the relationship between citizen and state through the rule of law.

### Decentralisation

In some cases, peace negotiations have sought to guarantee the rights of a segment of the population through decentralisation. In this case, both sides need to balance the twin demands of representation at the centre on the one hand, and local autonomy on the other. Success in decentralisation demands attention to detail: which decision-making rights are to be reallocated to which level. Cases where decentralisation has been a central focus include Aceh in Indonesia, Mindanao in the Philippines, as well as the European cases of Croatia, Georgia, Macedonia, Serbia, and Montenegro.

Our research into peace agreements suggests three possible models for such a compact: recognition of territorial unity of the state (Macedonia); a transitional phase followed by decision on unity or separation (Serbia and Montenegro, Sudan); a cease-fire ending the conflict and a broad commitment to a future political solution (Aceh-Indonesia, Abkhazia-Georgia). Mexico and the Philippines accepted significant degrees of autonomy for their insurgent communities. Both Sudan and Indonesia (in the case of East Timor) accepted full secession.

## New rules of the game

The search for new rules of the game occurs when the existing legal and institutional framework seems beyond salvaging and has been overthrown. In Sudan and Nepal, large proportions of the population experienced the state as an instrument of repression. Major military and social movements eventually forced far-reaching renegotiation of the basic social compact. The Comprehensive Peace Agreement in Sudan illustrates the complexity of such negotiations. It involved a new national constitution, a constitution for South Sudan, and constitutions for ten southern Sudanese states, plus agreements on power-sharing, wealth-sharing, land, and security. Experience shows that monitoring and implementing such complex agreements are vital and very difficult tasks.

## Creating a legitimate centre

In Afghanistan, Cambodia, and East Timor, genocidal, despotic, destructive regimes and decades of violence left warring parties unable to find a legitimate centre-ground. In all of these cases, the UN facilitated the creation of a state with some legitimacy at home, and which also appeared legitimate, at least for a time, both to regional powers—who could act as 'spoilers' if they chose—and to the international community. Syria may eventually find itself in need of such facilitation.

## 2. THE ROLE OF THE MEDIATOR AND THE TYPE OF PROCESS

Prolonged conflicts usually become internationalised, as regional powers and major international powers take sides. A mediator's credibility therefore depends not only on the willingness of warring parties to agree, but also on regional and international support. When all three sets of actors have been aligned, as in Central America of the 1990s, mediators are able to fashion relatively enduring agreements.

By contrast, when regional players have been divided or actively hostile to peace agreements—as in the Great Lakes and Afghanistan of the 1990s, or Central America of the 1980s—they often fail. Unanimity of the UN Security Council helps too. When the international community and a regional body support the mediation process, it stands the best chance of succeeding.

Mediators are also taken more seriously if the diplomatic process is backed up by credible threats, including the threat of use of force, and if they can credibly promise to end sanctions, recognise sovereignty, and marshal reconstruction resources.

Negotiations usually follow one of four patterns:

1. A mediator works with a narrow group of individuals, each of whom represents a constituency, in order to agree on a basic power-sharing agreement or, in some cases, on a division of the state and a redrawing of boundaries. A significant number of African agreements in the 1980s followed this path.

2. At the opposite end of the spectrum, an intensive process of dialogue among key contenders takes place, with broader participation of leaders and managers and a broader range of issues for discussion than in the situation described above. This usually occurs when the government and opposition have well

*During the last three decades, a large number of peace agreements have been concluded— but of these, 50% broke down within five years.*

defined leaderships. The mediator helps to define the agenda and the venue, and brings international recognition and pressure, as happened in Sudan. A comprehensive set of issues is discussed, and resolution mechanisms suggested. In many cases the process produces a framework designed to reconstruct the state. Plan Colombia and Banda Aceh in Indonesia are examples of this approach.

3. A third approach is to hold a rapid negotiation, agreeing on key issues of a ceasefire or transfer of authority, and at the same time set up a process to deal with broader issues over a time period of two to four years. The mediator convenes and referees the process. Both the Bonn Agreement in Afghanistan and the peace agreement in Nepal are examples of this type of approach.

4. Some peace agreements also incorporate major political changes, and negotiations actually prepare a constitution and help transform insurgencies into political parties. Competition continues, but politics are substituted for violence, with the mediator again serving as referee. Guatemala, El Salvador, and Nicaragua are all examples of this approach. Sometimes this process can impose pluralism on what had been a one-party state. In Mozambique and Angola for example, the dominant party was not dismantled, but was forced to make its case using politics instead of warfare.

## 3. OPERATIONAL LEVEL ISSUES

In preparing for the opening of political dialogue in Syria, our comparative reading suggests that decision-makers should closely consider:

### Keeping the content narrow and defined

Peace agreements define the rules of the game both for short-term and long-term relations among contending groups. Groups that have fought each other may well back up future demands by invoking specific sections of a peace agreement. For that reason, a peace agreement carries risks if it becomes a constitution or a treaty as it freezes issues in time that may constrain the country in the future. Sometimes international participants overload the system, including every constituency and issue, only to find that the agreement breaks down soon after. Mediators also need to strike a balance between idealism and realism. The Cambodian peace agreement was a comprehensive document mandating full democracy, but it broke down after being frequently violated by the Hung Sung regime. It is more sensible to stick to the core issues and create a sequential process for handling others.

### Short-term trade-offs vs. long-term stability

Mediators often face a dilemma: stop the violence in the short term, or lay the foundations of a peace that will not contain the seeds of its own destruction. Sometimes, short-term accommodations stop the fighting but create divisions and imbalances of power. In Africa, many mediators have tried to accommodate 'strongmen' and incorporate them into the formal structures of government, only to find that they quickly utilised the resources of the state to start another round of fighting. Alternatively, exiled politicians or unknown and untested individuals

*Mediators are also taken more seriously if the diplomatic process is backed up by credible threats, including the threat of use of force, and if they can credibly promise to end sanctions, recognise sovereignty, and marshal reconstruction resources.*

are given positions of power, only to turn themselves into new strongmen. Without well-formed political parties or democratic processes to temper the new authorities or allow for succession, inexperienced politicians can easily go awry.

## Sovereignty and timing

Peace agreements usually involve transitional arrangements. When peace is externally imposed, as in the Balkans and Cambodia, the UN or a High Representative of a regional organisation monitors this period. But most transitional governments are national in composition, perhaps with some peacekeeping or international force to ensure the survival of the transitional authority. All involved must determine where sovereignty is vested; through what set of rules is sovereignty exercised, and in what ways is it limited during the transitional period. Timelines must be realistic. The procedure for changing the timelines following a change of circumstances also needs to be articulated.

## Paying attention to implementation

Four tasks really stand out: (1) making the rules, either through amending the constitution or writing a new constitution; 2) holding direct or indirect elections through which a new and legitimate regime comes to power; (3) delivery of basic services so the population has trust that life will return to normality; (4) maintaining security. Handling these four critical tasks will determine the success of transition. A large number of peace agreements have broken down because the implementation arrangements for these steps have been inadequate, or because coordination within and between actors has been a problem. In the case of Syria, significant and sustained attention would need to focus on each of these four tasks.

## Resource mobilisation

Conflicts give rise to distinctive grey economies where subversion of both national and international standards becomes routine. In peace agreements, often the political and economic dimensions are not well-coordinated, and often the economic dimension is neglected and poorly understood. There has been movement to greater coordination between the UN and the International Financial Institutions (IFIs), but there is need for early IFI engagement. Often, resource mobilisation is diverted from the core costs of national programmes to foreign organisations, and the distinction between a humanitarian response and the development

process is poorly defined, resulting in parallel organisations that create a syndrome of resentment, lack of coordination, and poor delivery.

## Civil society and citizenship

Makers of war necessarily play an important role in making peace. Some peace agreements, however, concentrate on these factions to such an extent that they turn military factions into the owners of the political process, and endow them with monopolies. The poor governance evident in many post-conflict situations can often be traced directly to individuals and groups with records of human rights violations and criminal involvement, who have used their new political positions to enrich themselves. The criminalisation of the economy in the post-war Balkans is an example of how this can work. To avoid this, a peace agreement must empower citizens and help create civic organisations and political parties, making them a part of the process and not an afterthought. Paying attention to a process for defining and nurturing citizenship rights, and ensuring avenues for the inclusion of civil society, whether through the Loya Jirga in Afghanistan's Bonn Process or the extensive town hall discussions in Central America, can help to create avenues for inclusion of stakeholders who either feel excluded by the process or have been excluded in the past.

Conditions in Syria are too uncertain to create a definitive plan. Instead, we recommend the creation of working groups which can start dealing with the themes that will arise in any post-conflict scenario. Preparation is important, so that if a political opportunity presents itself, a common agenda can be quickly established.

The key political challenge is two-fold: avoid the deepening and broadening of the civil war, and prepare Syria to be governed differently in future. Achieving both tasks requires aligning different Syrian groups, regional actors, and key international players around a minimum common agenda.

The most significant item on the agenda is the nature of the regime: will Syria be a secular republic like Turkey, where a Muslim majority unites around ties of citizenship, will it create a sectarian compact like Lebanon, or will it become a Sunni-dominated regime where sectarian and ethnic minorities will become marginalised, persecuted, or forced into exile.

Almost as important is the fate of the current leadership. No one wants to repeat the experience of Iraq, where de-Ba'athification and the dissolution of the army created a class of disgruntled ex-regime supporters. At the same time, exiled leaders need to assure the population that they are committed to a democratic process and will not attempt to take power by fiat, as Ahmed Chalabi tried to do in Baghdad.

The more clearly and credibly a post-Assad agenda can be articulated—and the broader the consensus around it—the more likely the transition is to succeed. Depending on the choices made about this agenda, working groups could and should be formed to address each of the following issues.

## 1. THE LEGAL FRAMEWORK

The absence of rule of law has been a distinctive marker of the Assad regime. A successful transition will require a new legal framework, consisting of a constitution, primary and secondary legislation, creating a rule of law framework credible enough to be a basis for rule of law throughout the transition period. Six issues are going to be particularly significant here:

○ **Transitional government:** the Transitional Government will need a legal framework. The working group must decide whether to modify the current constitution, to resurrect the pre-Ba'ath constitution of the republic, or adopt a specific legal framework for the transitional period. Beyond this, primary and secondary legislation will need to be amended to bring them up to the standards expected and correct abuses, as well as provide for new contingencies.

○ **Constitution:** what is the process and timeline for agreeing on a new constitution, and to what extent will the constitution enshrine an exclusive, secular character for the state, as discussed above?

○ **Delineation of powers:** should the transitional government have executive and legislative powers, or will there be both an executive and a legislative body? How will the checks and balances be maintained?

○ **Transitional justice:** there will need to be mechanisms to address and redress grievances relating to different periods of the last decades, as well as the delineation of oversight mechanisms to ensure justice and fairness.

○ **Law-making during the transitional period:** how are laws to be amended, repealed, or promulgated, and what is the validity of any laws made during this period?

○ **How will any transitional authority itself be accountable:** what will be its authority, and how will it be held accountable?

○ **Use of force:** what rules will govern the threat of use and the use of force, how will the security forces be held accountable to civilian authorities, and what are the rules governing the relationship between the security sector and the citizens?

○ **Property rights:** there will need to be particular authorities to address disputes over property ownership as well as funding for rebuilding of property that has been destroyed, and provision of temporary housing for the displaced.

○ P**olitical parties and elections:** what is the process of transition to a popular mandate and a multi-party system, and at what levels and frequency do elections take place?

## 2. PROVISION OF SECURITY

During a transitional period, security must be provided. At the same time, existing security institutions need to be immediately restructured in order to make them accountable to the public and to the civilian leadership. Although the army must immediately be removed from politics and internal affairs, and although its finances must be made transparent, it cannot be disbanded: soldiers employed by the army are less likely to be recruited to a new insurgency.

A series of Latin and Central American countries confronted similarly contradictory tasks in the 1990s. Many of these agreements succeeded because they shifted the balance between the army and the police. The former were made responsible for the defence of the nation against external threat. The latter were exclusively responsible for internal security. It is important to establish a police force which earns the community's trust. These countries also reflect the importance of holding the peace, with the enormous benefits of violence avoided and reducing costs of providing security[10].

## 3. INTERNAL REORGANISATION OF THE STATE

The Assad regime was created to serve the Assad family. If a new regime is to serve the citizens of Syria, then government must be re-organised. The restructuring can either be part of a coherent vision, adapted to changing circumstances, or reactive and piecemeal.

A good starting point, and one with successful precedents elsewhere, would be an institutional inventory of Syria's existing government institutions, both in Damascus but also at various levels of government and local organisations, with their rules, process, organisational capacity, personnel, and culture in mind. Any re-organisation must build on this capacity, rather than assume the existence of a blank slate.

Key questions include: (1) can the new regime move beyond the cult of personality to a culture of institutions, and if so whether the system will be presidential or parliamentary; (2) how will legitimacy be created and maintained, and in particular how will decision-rights be allocated to different levels of government; (3) how will political freedoms, social rights, and economic development be established in a way that the rights and obligations of citizens are defined appropriately; and (4) how will

[10]  Guillermo O'Donnell: *Transitions from Authoritarian Rule* (1986)

*The key political challenge is two-fold: avoid the deepening and broadening of the civil war, and prepare Syria to be governed differently in future.*

grievances be aired and addressed, and how will a new government do so while at the same time acknowledging the need for all ethnic groups and political factions to live and work together in the future?

## 4. MEDIA AND ACCESS TO INFORMATION

The Syrian regime's monopoly on information and media will need to be replaced by a framework for freedom of media, open information, and a culture of accountability for decisions taken. The new regime must immediately begin to discuss the legal and regulatory framework needed to guarantee free access to information and media, including laws on libel and hate speech as well as guarantees of press freedom. Special attention must be paid to the provision of resources for nationwide media so that it can resist becoming captive to ethnic or ideological factions that would threaten Syrian unity.

## 5. PUBLIC FINANCE

People and their loyalties follow money. Getting public finance right is the key to establishing authority. Afghanistan and Iraq both paid a high price for failing to pay key personnel their salaries and pensions. A working group should examine Syria's current redistribution system and work out in advance how to keep making critical payments to civil servants and security officials during a transition period, and how to procure and provide basic goods and services.

The budget is the central instrument of policy making in any organisation. Any transition regime must write one as soon as possible and not wait for longer-term constitutional change. Syria, now under pressure from sanctions and suffering from a dwindling oil supply, will not have the internal resources of Iraq or Libya and will have to look for international financial support.

It would make sense to move early to establish a Trust Fund—along the lines of the Afghanistan Reconstruction Trust Fund (ARTF) in Afghanistan—which could pool foreign funding under unified rules for transparency and accountability, thus avoiding debilitating issues of coordination and domestic corruption. The World Bank, though it often works slowly, is far better than the UN at managing such funds with accountability and cost-effectiveness.

## 6. SOCIAL AND ECONOMIC DEVELOPMENT

The Assad regime is going to leave a legacy of physical destruction—housing, mosques and other infrastructure have already been destroyed—as well as a legacy of division, hatred, and exclusion, as well as refugees, displaced populations, and psychological trauma. Even before the insurgency began, the economy was built around a corrupt political relationship between the regime and a merchant class. It was not designed to allow ordinary Syrians to create or accumulate wealth.

Economic governance will pose significant challenges to any new regime. The lower and middle ranks of the bureaucracy in particular are unprepared to meet contemporary standards of economic governance. At the same time, the large numbers of unemployed young people will put enormous pressure on the government

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to create rapid economic growth. Criminal networks will be a special challenge, given the role of smuggling and the informal economy in Syria over the last three decades as well as the insurgency's use of illicit networks to obtain arms. The current high level of extortion and kidnapping in areas where police have withdrawn indicate the kind of problems to come. In many post-conflict environments, the impunity with which fighters, strongmen, or warlords have continued to operate—whether in Afghanistan, Congo, or Liberia—have jeopardised the process.

In its first months, the transitional government will face several economic tests which may determine whether or not it is accepted as legitimate: how it compensates for destroyed assets; how it resettles people; how it provides key goods and services, from food and water to electricity, health and education; how quickly it creates jobs for young people; how rapidly it establishes (or fails to establish) an open and inclusive market. The mechanism of starting a limited number of large-scale, well-designed national programmes[11] could be very relevant for Syria. There are regional examples of what works and what does not. Hezbollah gained credibility in Lebanon by moving quickly to supply housing to those displaced by war. On the other hand, the Iraqi government's legitimacy has been undermined by its failure to provide reliable electricity.

Over the medium to longer term, a peaceful, democratic Syria could become a hub of tourism in the Middle East, and its agricultural and industrial potential a basis for a sound economy. There is a significant opportunity to put the foundations in place for restarting this potential.

## 7.  IMMEDIATE STABILISATION MEASURES

Regardless of which scenario or combination of scenarios unfolds, preparedness for stabilisation (across security, social, political, and economic dimensions) is going to be essential to avoiding further deterioration and suffering. Typically, peace agreements are accompanied by a needs assessment, largely carried out by international organisations. Needs assessments, however, often struggle to prioritise, lack sufficient appreciation of context, and can be questionable value for money. Divisions between established organisations and constituencies regarding humanitarian assistance, quick impact projects, recovery and development, also result in considerable wrangling and lead to the creation of parallel organisations competing with the government, domestic private sector and civil society organisations. In some contexts, the way that aid is organised has introduced or catalysed a culture of corruption and waste, and complicated the task of improving governance. This

syndrome has been particularly notable in Afghanistan, Haiti, Somalia, and Southern and Sudan. As economic stabilisation of Syria is likely to reinforce the political stabilisation, it is imperative that Syria's recovery, reconstruction, and development not be taken hostage by existing orthodoxies among international organisations.

## 8. RELATIONS WITH THE REGION AND THE INTERNATIONAL COMMUNITY

Syria's geography means that any transitional regime needs to think about diplomacy and international relations right away. What relations will a post-Assad Syria have with Hezbollah, Iran, Iraq, and Israel? Developments in Syria will inevitably impact Lebanon's fragile ecosystem with risks to both countries' stability.

But there are also opportunities. A new Syrian regime could create a positive alliance with Turkey, Jordan, and Lebanon. The European Union's Eastern Mediterranean initiative could provide resources, market access, and a range of experiences. Once the US elections are over, whatever the outcome, there will be a new opportunity for the US to revisit its policy towards both Syria as well as the broader region, and to seek to work with P5 members at the UN, especially Russia and China, to attempt to define a new consensus on a global peace and security agenda through the UN.

Because Syria has such complicated relationships with its neighbours, additional legitimacy for the process could come from international organisations. Given the stasis at the UN, the Arab League is in the best position to play a crucial role. The organisation might be persuaded that it has an opportunity to regain its relevance in the region if it moves early to recognise the sovereignty of a new Syria and tackle some of these regional challenges. For example, a Syria Reconstruction Conference could be convened by the Arab League. Holding such a conference sooner rather than later could provide a venue and platform to provide important signals about the commitment of the outside world to a transitional process, and the conditions under which their support would be forthcoming. Such conditions could provide incentives for increasing coherence among the opposition; for the standards of accountability that reconstruction and peace-building commitments would demand; and rules and approaches to the type of programmes—including inclusivity and avoidance of discrimination—that would be underwritten by external support. A conference would provide an opportunity to agree and establish a Trust Fund as described above.

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[11]  National Programmes are country-wide initiatives directed at solving a particular policy problem or delivering a particular service or set of services to people in city neighbourhoods or rural areas. Many are geared towards fostering peace-building

and local empowerment and participation at the same time. Examples include the National Solidarity Program in Afghanistan, the PNPM in Indonesia, and the Magdalena Medio Program in Colombia.

Whatever happens next in Syria, the current conflict has already changed the country forever. Assad's reliance on naked violence has stripped him of any remaining legitimacy he might have once derived from the rhetoric of Arab nationalism or from paternalistic guarantees of stability. The scale of the destruction already inflicted on the society and on the physical landscape of the country will require tremendous effort, social imagination, political vision, and leadership to heal.

Those international actors who care about the long term stability of Syria as well as the Syrian internal opposition and external diaspora therefore have the responsibility to articulate a future for the country which is credible and feasible—and not just desirable. By thinking through the scenarios presented in this paper, by gaining a better understanding of the Syrian economy and bureaucracy, and by beginning to discuss, now, the implications of different institutional and political changes both outsiders and insiders can help insure a smoother and more productive transition.

Regardless of duration and intensity of conflict in Syria, peace will have to be eventually made. Making enduring peace, however, requires drawing lessons from successes and failures of other efforts. By presenting both the probable outcomes of the current conflict and lessons of transitions in the past, we hope to contribute to a focused discussion that can help the people of Syria reach a consensus on their future.

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