

# UN Mediation in the Syrian Crisis: From Kofi Annan to Lakhdar Brahimi

RAYMOND HINNEBUSCH AND I. WILLIAM ZARTMAN  
WITH ELIZABETH PARKER-MAGYAR AND OMAR IMADY



**Cover Photo:** Secretary-General Ban Ki-moon (center) meets with Kofi Annan (left) and Lakhdar Brahimi (right), September 4, 2012. UN Photo/Devra Berkowitz.

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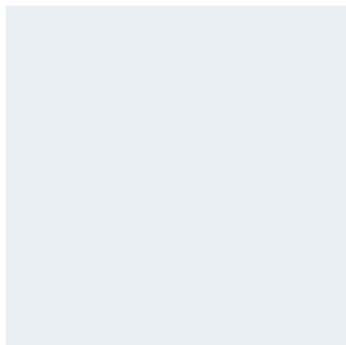
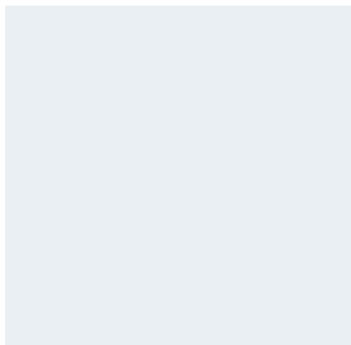
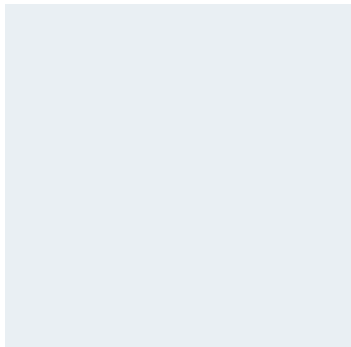
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GENEVA COMMUNIQUÉ

## Executive Summary

Kofi Annan and Lakhdar Brahimi appeared to be the perfect candidates to find a way out of the Syrian civil war. They took on the job hoping that, if success was impossible, they might at least stop things from deteriorating further. The odds, however, were stacked against them. The regime of President Bashar al-Assad was prepared to do whatever necessary to survive, whatever the cost to the country. At the same time, the opposition was unwilling to accept a political compromise, which, in any case, it was too divided to agree on. Each side held out hope it could win by escalating the level of violence—hope fueled by external patrons—and lost interest in negotiations when the balance of power seemed to shift in its favor. Because both sides felt they could—and had to—win, they were not welcoming of mediation.

In this unfavorable context, Annan and Brahimi failed, and despite their considerable acumen, their worst possible nightmares came to pass. Annan, whose mediation lasted from February 23 to August 2, 2012, blamed the Syrian government's refusal to implement his peace plan, the opposition's escalating military campaign, and the lack of unity in the UN Security Council. Moreover, Annan's peace plan expected the Syrian government to make all the concessions while actually incentivizing regime elites to stick together rather than embrace it. He also lacked a strategy to address the intransigence of the opposition, which, convinced by the Libyan precedent that the West would intervene on its behalf, held on to unrealistic demands. Making little progress with the conflicting parties, Annan turned to regional powers but was unable to pressure them to stop financing and arming the opposition. He finally focused on Russia and the US, but their diverging aims, as well as excessive optimism regarding Russia's leverage over Assad, blocked progress on this level.

Brahimi, whose mediation mission lasted twenty-one months, from August 17, 2012, to May 14, 2014, faced an even more intractable mediation environment. His efforts climaxed in the Geneva II Conference, which failed, according to him, because the conflict was not ripe for resolution, and he had no leverage to make it so. Brahimi spent little time mediating between the regime and

opposition. Instead, like Annan, he pursued a top-down strategy focused on the US and Russia but made little headway in the face of their mutual distrust and competing interests, including Russia's priority to reverse Western interventionism. Regional actors, unable to overcome their traditional grudges and look beyond their immediate self-interest, continued providing resources to fuel the conflict.

Could events have turned out differently? What was the strategy of the mediators? Despite overall failure, what were their achievements? The experiences of Annan and Brahimi provide a number of lessons for ongoing or future mediation processes. These can be grouped according to the five basic challenges that mediators confront:

- **Mission and mandate:** Both mediators faced a restrictive and contradictory mandate, under which the regime was expected to make major concessions. Confusion over the mandate encouraged the opposition to treat Assad's departure as a precondition for, rather than an end result of, negotiations.
- **Impartiality and inclusivity:** In part due to their mandate, which came from both the UN and the anti-Assad Arab League, the mediators were not perceived as wholly impartial. Inclusivity was also uneven, with key parties missing at every stage.
- **Entry and consent:** The mediators never had a favorable point of entry, since the parties and their supporters never felt the conflict to be a mutually hurting stalemate. Instead, with both sides willing to withstand high levels of suffering, a self-serving stalemate took hold.
- **Strategy:** Both mediators attempted to build confidence through cease-fires, but these would not hold without parallel movement toward resolving the conflict. The mediators focused on US-Russian relations, but agreement between the two was shallow.
- **Leverage:** Without the means to follow through on threats or promises, the mediators were reduced to making warnings and predictions. They cultivated and counted on the great powers feeling a need to end the conflict, but the Syrians did not see it that way and entrapped their patrons.



## Introduction<sup>1</sup>

The first two mediations in the Syrian civil war, by Kofi Annan and Lakhdar Brahimi, both seasoned mediators of stature, took place under extremely difficult conditions. According to accepted wisdom, the conflicting parties need to want mediation, and if they do not, the mediator must first make them. Throughout the first half decade of the Syrian uprising, both sides felt they could—and had to—win and so were unwelcoming of mediation beyond initial professions of acceptance that they immediately betrayed by actions.

After a thorough tour of all three levels of interaction—between the principals on the ground, at the intermediate level of regional states, and at the higher level of the international community (notably between Russia and the US)—both mediators felt that a top-down approach, bringing the international powers together to exert pressure on the local parties to come to an agreement, was most promising. Although both tried to make inroads into managing the conflict itself through cease-fires, they focused more on the substance of a resolution by setting up and then implementing a roadmap to agreement, inherited initially from an early Arab League attempt and tinkered with thereafter (as it continues to be). The case tells much about the possibilities and limitations of mediation, illustrating important points in the 2012 *UN Guidance for Effective Mediation*.<sup>2</sup>

The following study first lays out some general principles and conditions of successful mediation, then sketches the unpromising conditions for mediation in Syria, and finally analyzes the mediation efforts of Annan and Brahimi. It does not focus on the mediation efforts of Staffan de Mistura, whom the secretary-general appointed as special envoy for Syria on July 10, 2014, because his efforts are ongoing. The report tries to assess what went wrong, in that both mediations “failed,” and asks whether different actions by the mediators

would have made a positive difference for the mediation outcomes. It also aims to draw lessons that could be useful to current and future mediation efforts.

## Thinking about Mediation

Mediators confront five basic challenges, which correspond to several headings emphasized in the *UN Guidance for Effective Mediation*. These are mission and mandate, impartiality and inclusivity, entry and consent, strategy, and leverage. The challenges will be laid out here and will be used to draw lessons from the Syrian experience in the conclusion.<sup>3</sup>

### MISSION AND MANDATE

The goals of the mission are set by the authorizing agency.<sup>4</sup> The spectrum runs from a mandate that gives full freedom to mediate and full backing from the appropriate authorities to a very restrictive mandate that requires the mediator to return to cultivate support at each juncture. Kofi Annan himself, as secretary-general, operated under a mixture of the two extremes in 1998 when he went on a personal mission to meet Saddam Hussein to negotiate entry of inspectors into Iraq, mediating between Hussein and the UN Security Council (UNSC). Although Annan did not have a mandate or support from the UNSC, the mission was quite successful. Alvaro de Soto, as special representative of the secretary-general (SRSG) in El Salvador from 1989 to 1992, had a broad mandate and broad support to mediate a peace agreement, and did so effectively. The mandate also commits the granting agency to support designated mediators by endorsing and implementing their results.

### IMPARTIALITY AND INCLUSIVITY

Every treatise on mediation emphasizes impartiality, but reality is much more complex than the *Guidance* appears to indicate.<sup>5</sup> Mediators must be faithful and trustworthy transmitters of words and ideas, balanced in their efforts to contact

1 See Annex I for a timeline of key events in the Syrian mediation process from 2011 to 2014.

2 United Nations, *Guidance for Effective Mediation* (New York, NY, 2012).

3 For conceptual discussions of mediation, see Jacob Bercowitz, “Mediation and Conflict Resolution” in *SAGE Handbook on Conflict Resolution*, edited by Jacob Bercovitch, Victor Kremenyuk, and I. William Zartman (Thousand Oaks, CA: SAGE, 2009); I. William Zartman and Saadia Touval, “International Mediation,” in *Leashing the Dogs of War*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: USIP, 2007); Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, eds., *Herding Cats: Multiparty Mediation in a Complex World* (Washington, DC: USIP, 1999); Mohammed O. Maundi, et al., *Getting In: Mediators’ Entry into the Settlement of African Conflicts* (Washington, DC: USIP, 2006); I. William Zartman, *Preventing Deadly Conflict* (Malden, MA: Polity Press, 2015).

4 United Nations, *Guidance for Effective Mediation*, 6–7.

5 Ibid., 10.

and listen to all parties, and dedicated to eliciting an outcome that is the product of the parties. But they must not be neutral in regard to “certain universal principles and values.” Moreover, the level of impartiality depends on whether the mandate is to arrange reconciliation (and perhaps power sharing) or a power transition. Strict evenhandedness is required for the former, but where the mandate specifies a power transition, mediators are hard put to be seen as impartial by both the government that is expected to exit and the opposition that will benefit. In this case, mediators can avoid a zero-sum game by negotiating some guarantee of the vital interests of the government.<sup>6</sup>

A related issue is inclusivity of the interests of the parties on all levels of the conflict: first of the parties to the conflict, then of the regional and international state parties.<sup>7</sup> All must be parties to the negotiation of a solution as much as possible. The greater the impartiality, the more it is possible to be inclusive; the more the aim is a power transition, the more some parties will have to be excluded if they persist as spoilers. But parties can be excluded only if they are not strong enough to upset the agreement reached by others.

## ENTRY AND CONSENT

Entry and consent<sup>8</sup> may be the single most important factor shaping the prospects for mediation: Do the parties to the conflict want mediation? The parties may be looking for a mediator to help them out of the conflict but, if not, the mediator will have to convince them of the need for mediation. If the parties are looking for a mediator, both are convinced that a one-sided victory is impossible—a “hurting stalemate”—and are looking to emerge from a painful situation under the best possible terms. Israel and Hamas looked for Egyptian mediation in establishing cease-fires in 2008, 2012, and 2014. Both the US and Iran felt the need for Algeria to serve as a mediator in the hostage-and-sanctions situation in 1979. At Taif in 1989, the parties to the Lebanese civil war both sought the mediator’s services. In

these cases, there was no victory to be had, both sides were caught in a costly stalemate, and they looked for a way out.

When the conflicting parties do not realize their impasse and the burden that continued conflict imposes, the mediator must develop an awareness of the costly impasse or present an alternative so attractive in comparison that it catches the parties’ attention.<sup>9</sup> US Assistant Secretary of State Chester Crocker spent much of his time on the Namibian conflict of 1980–1986 convincing South Africa and Angola that they were not winning and that their lack of success was costly, before a turn of events in the field brought home his point. Entry may be obstructed if the conflict turns into a soft, stable, self-serving stalemate where the cost is not great, the parties have gotten used to it, or a territorial division emerges. The Revolutionary Armed Forces of Colombia (FARC) insurgency and the situations in Palestine, Western Sahara, and Nagorno-Karabakh, among many others, are examples, and the UN mediator in Libya feared such an eventuality also. Still, mediators can only push so far lest they lose their entry altogether.

## STRATEGY

Once the goal is defined, the mediator has to consider how it is to be achieved, and most notably the relation between the procedural requirement of ending violence and the need for a substantive formula for handling the conflict issues. Specifically, does the mediator first manage the conflict with a cease-fire and disengagement or first work on a resolving agreement that gives a reason for ceasing violence?

On the one hand, the argument for starting with a cease-fire and disengagement is that the parties need to have fully abstained from violence before they can talk peace. Examples are Bosnia, Darfur, Liberia, Northern Ireland, and Sri Lanka. The problem is that early cease-fires rarely hold, and cease-fire violations may prevent peace talks.<sup>10</sup> Even their success could disincentivize a resolution. Cyrus Vance mediated a cease-fire in 1964 among the conflicting parties in Cyprus but went no further

<sup>6</sup> Ibid., 10–11.

<sup>7</sup> Ibid., 11–12, 18–19.

<sup>8</sup> Ibid., 8–9.

<sup>9</sup> I. William Zartman and Alvaro de Soto, *Timing Mediation Initiatives* (Washington, DC: USIP, 2010).

<sup>10</sup> Sylvie Mahieu, “When Should Mediators Interrupt a Civil War? The Best Timing for a Ceasefire,” *International Negotiation* 12, no. 2 (2007).

toward a resolution that could have prevented much grief later on. The international mediation between Colonel Muammar Qaddafi and the Libyan rebels in 2011 was mandated to look for a cease-fire in order to discuss a transition, but discussions on a transition never took place. Similarly, the cease-fires between Israel and Hamas in 2008, 2012, and 2014, mediated by Egypt, were an end in themselves; some, including Hamas, have regretted that they did not proceed toward conflict resolution.

On the other hand, agreement on an outcome or procedure to resolve the conflict can be required before violence is ended so that a cease-fire does not come fully into effect until the peace agreement is signed or close to it. This sequencing allows the parties to use a return to or threat of violence to enhance their bargaining hand during the talks and to remind each other of the pain of violence that pushed them into negotiations in the first place. Examples are the 2013–2015 Colombian talks with the FARC; the 1989–1992 Salvadoran talks with the Farabundo Martí National Liberation Front (FMLM); the 1990–1994 Mozambican talks with the Mozambican National Resistance (RENAMO); and the 1980–1988 South Africa, Cuban, and Angolan talks over South-West Africa (Namibia). The advantage is that the parties see what they are ceasing violence for; the danger is that the violence may overwhelm the peace process.

Related to sequencing is the issue of negotiation preconditions. It is a general rule of thumb that one does not demand as a precondition of negotiations what must itself be negotiated. In mediations of Arab uprising transitions, the most important precondition has been the opposition's requirement that the president be removed prior to substantive negotiations because of the "commitment problem"—the difficulty of ensuring that the most powerful actor adheres to commitments.<sup>11</sup> Similarly, the government may require that the rebels recognize government authority. Both demands are likely to obstruct negotiations.

## LEVERAGE

The fifth challenge concerns the leverage available to the mediator—the mediator's means of power or

persuasion. Mediators typically have little hard power at their disposal. They depend on the wisdom and appeal of their arguments. In the context of negotiation—"giving something to get something"—mediators rarely have the means to threaten or promise anything substantive and can only warn and predict consequences beyond their control. Much of their power is borrowed from one party or the other. Mediators can promise equivalent restraint or concessions from one party in a cease-fire, assuming they can get the other side to agree to such measures.

Additionally, because conflicts tend to come in stacked layers or circles (in Brahimi's language)—first among the parties themselves, second among their regional patrons, and third among the powers on the UNSC—all three levels offer terrain where mediators can search for leverage over the other levels. Thus, when persuasion ran out in Yemen in 2012, SRSJ Jamal Benomar borrowed power from the Gulf Cooperation Council (GCC) and then the UNSC to arrange for the departure of President Ali Abdullah Saleh. But for the most part, arguments rest on appeals for peace and better outcomes through a transition to resolving the conflict.

These challenges frame the practice of mediation and can be used to analyze the techniques, styles, and strategies of Kofi Annan and Lakhdar Brahimi in their mediating missions in the Syrian conflict.

## The Unfavorable Mediation Context

The conflict in Syria has proven particularly resistant to mediation.<sup>12</sup> The regime, made up of hardened Machiavellians, has been prepared to do whatever necessary to survive, whatever the cost to the country; constituted along neo-patrimonial lines, it would find it very hard to share power or to remove the president without risk of collapse. The opposition has contributed to the intractability of the conflict through its maximalist demands for the "fall of the regime," its "rush to confrontation" when the regime still retained significant support,<sup>13</sup> and its unwillingness,

11 Zartman, *Preventing Deadly Conflict*.

12 Marc Lynch, "The Political Science of Syria's War," Project on Middle East Political Science, briefing no. 22, 2013.

13 Maged Mandour, "Beyond Civil Resistance: The Case of Syria," openDemocracy, October 26, 2013, available at [www.opendemocracy.net/arab-awakening/maged-mandour/beyond-civil-resistance-case-of-syria](http://www.opendemocracy.net/arab-awakening/maged-mandour/beyond-civil-resistance-case-of-syria).



whether in the name of a democratic or an Islamist state, to accept a political compromise. The opposition also lacked credible leaders who could deliver its consent to any negotiated settlement; it was divided between a fractious exiled opposition with little legitimacy inside the country and an opposition inside Syria that was increasingly fragmented into multiple localized factions and dominated by intransigent and often warring jihadist factions backed by external powers. Thus the parties to the Syrian conflict were not readily amenable to a compromise political settlement or fully welcoming of UN mediation, except insofar as they thought it would strengthen their own hand in shaping any such settlement.

According to Michael Greig, mediation is more likely to be accepted before violence becomes so intense that it creates implacable mutual hostility.<sup>14</sup> In the Syrian case, the last obvious opportunity for mediation, when violence was still somewhat contained, was Kofi Annan's mediation, which climaxed in April and May 2012. By July 2012, this mediation had failed, and, as the opposition militarized, violence sharply ratcheted up, with casualties increasing from 2,200 in June to 5,000 in August 2012.<sup>15</sup> As order broke down, the "security dilemma" kicked in, and, as each side resorted to defensive violence, both felt even more insecure; fear of the "other" was such that neither side could imagine continued coexistence. A *de facto* partition soon emerged, with the front lines fairly stabilized, and from the point of view of rival warlords, the turf won and defended compensated for the damage inflicted by the conflict. This was the situation encountered by Brahimi's mediation mission throughout 2013.

The next window of opportunity for a political settlement would open, in principle, when both sides recognized the impossibility of military victory. Objectively, such a "hurting stalemate" appeared to have been reached by at least the third year of the conflict, as it became apparent that neither side could defeat the other, particularly after the battle lines between regime- and opposi-

tion-controlled parts of the country hardened, with only incremental gains made on both sides thereafter. Statistical research suggests a hurting stalemate is most often reached 130 months and 33,000 battle deaths into a conflict; indicative of the extreme levels of violence in Syria, battle deaths far exceeded this in less than half the time (220,000 by January 2015, according to UN figures).<sup>16</sup>

Yet despite the high costs and relative balance of power between the two sides, each side continued to hope it could win by further escalating the level of violence. And each time the balance of power seemed to shift in favor of one side, that side lost interest in negotiations. Thus, at the time of Geneva I and Geneva II, the regime thought it had the advantage and had little incentive to make concessions; at other times, when the regime was on the defensive, the opposition's intransigence increased, as manifested, for example, in its unreceptiveness to de Mistura's mediation around mid-2015.<sup>17</sup> The belief persisted on each side that the power balance was shifting in its favor and that the concessions that negotiations would require were unnecessary.

Decisive in explaining this unreceptiveness to mediation was the way external intervention fueled the conflict. Each side believed that, if only its external patrons provided it with more resources or increased their intervention on its behalf, it could win. However, external players continued to provide their clients with enough support to keep fighting and avoid defeat but not enough to defeat their opponent. As external intervention increased, it further factionalized the opposition and increased the number of "spoilers," such that in the event a compromise agreement appeared on the table, it would be vulnerable to some actors' lack of interest in a settlement except on their own terms.

This, in turn, was facilitated by the global powers' backing of opposing sides, reflected in divisions in the UNSC that, while not preventing agreement in principle on the broad lines of a settlement, obstructed concerted action. Without consensus in

14 J. Michael Greig, "Intractable Syria: Insights from the Scholarly Literature on the Failure of Mediation," *Penn State Journal of Law & International Affairs* 2, no. 1 (April 2013).

15 *Ibid.*, p. 52.

16 *Ibid.*, p. 53.

17 Aron Lund, "'Syrians Have Overthrown Staffan de Mistura': An Interview with Subhi al-Refai," *Carnegie Endowment for International Peace*, May 15, 2015, available at <http://carnegieendowment.org/syriaincrisis/?fa=60103>.

the UNSC, mediators could not make the Syrian parties confident that all sides would abide by any agreements reached.<sup>18</sup>

## Kofi Annan's Mediation Mission

### UNPROMISING CIRCUMSTANCES

Kofi Annan took up his mandate in February 2012 in a highly unpromising context when the conflict did not appear ripe for a negotiated settlement. A previous cease-fire agreement brokered by the League of Arab States (LAS) had already broken down. In a report that preceded Annan's initiative, the International Crisis Group (ICG) argued that the regime had little interest in negotiations since it enjoyed military superiority and would use diplomatic intervention to present itself as a responsible interlocutor and buy time.<sup>19</sup> It had driven protesters off the streets and insurgents out of formerly opposition-controlled cities, and there was every prospect that, were the regime to forego repression, the opposition would quickly rebound. Even as the Annan mission started, critics of the regime claimed the Syrian government could not be trusted to abide by any promises it made and that the mission would merely accord it the legitimacy of an interlocutor.<sup>20</sup>

For his part, President Bashar al-Assad warned, "No political dialogue...can succeed while there are armed terrorist groups operating and spreading chaos and instability."<sup>21</sup> As for the opposition, it had declared that Assad's departure was non-negotiable but lacked the means to force him out; it was thus counting on Western intervention to do so and would only embrace UN mediation if it served the purposes of regime change.

Nor was the international context favorable. The

Western powers had de-legitimized Assad, called for him to go, and recognized the exiled Syrian National Council (SNC) as a legitimate representative of the Syrian people. Yet they showed no appetite for military intervention and saw UN diplomacy as a way to get Assad's departure by non-military means. Annan would later remark that there was a contradiction between the Western powers' support for his mediation and their simultaneous backing of one side in the conflict. He believed that momentum toward a political settlement had to build before the conditions would be right for Assad's departure.<sup>22</sup>

On the other side, it was already clear that Assad's great power backers were not prepared to abandon him. Already on several occasions, Russia (and China) had blocked or vetoed Western draft resolutions condemning the Syrian government's repression of protesters on the grounds that they did not also condemn outside arming of and violence by the opposition. Their argument was that "unbalanced" resolutions encouraged the opposition to avoid a political compromise with the regime that was necessary to end the conflict. Russian Foreign Minister Sergey Lavrov said, "It is not in the interests of anyone to send messages to the opposition in Syria or elsewhere that if you reject all reasonable offers we will come and help you as we did in Libya." Annan's appointment, according to Michael Aaronson,<sup>23</sup> was a compromise between the great powers, but they agreed to it for contrary reasons: Russia to allow the Syrian regime to survive, and the West to remove it.<sup>24</sup>

Finally, Annan largely inherited the previously failed Arab League plan, because the General Assembly resolution that authorized the UN secretary-general to appoint a special envoy endorsed it<sup>25</sup> and because Annan was appointed

18 Magnus Lundgren, "Peacemaking in Syria: Barriers and Opportunities," Swedish Institute of International Affairs, 2015; Andrea Beck, "Why Annan Failed and Brahimi Struggles: The Challenges of Mediation in Syria," *Diplomatic Courier*, May 30, 2013, available at [www.diplomaticcourier.com/why-annan-failed-and-brahimi-struggles-the-challenges-of-mediation-in-syria-2/](http://www.diplomaticcourier.com/why-annan-failed-and-brahimi-struggles-the-challenges-of-mediation-in-syria-2/).

19 International Crisis Group, "Now or Never: A Negotiated Transition for Syria," Middle East Briefing no. 32, March 5, 2012, available at [www.crisisgroup.org/en/regions/middle-east-north-africa/syria-lebanon/syria/B032-now-or-never-a-negotiated-transition-for-syria.aspx](http://www.crisisgroup.org/en/regions/middle-east-north-africa/syria-lebanon/syria/B032-now-or-never-a-negotiated-transition-for-syria.aspx).

20 Salman Shaikh, "Annan's Mission Impossible," *Foreign Policy*, May 8, 2012, available at <http://foreignpolicy.com/2012/05/08/annans-mission-impossible/>.

21 Quoted on the BBC, March 11, 2012.

22 In an interview recounted in Tom Hill, "The Strategic Thought of Kofi Annan: What Annan was Trying to Do in Syria in 2012 and Why He Quit," unpublished paper, 2015, p. 34.

23 Michael Aaronson, "Has Kofi Annan Failed in Syria?" E-International Relations, May 30, 2012, available at [www.e-ir.info/2012/05/30/has-kofi-annan-failed-in-syria/](http://www.e-ir.info/2012/05/30/has-kofi-annan-failed-in-syria/).

24 Richard Gowan, "Is It Time for Kofi Annan to Give Up in Syria?" *Foreign Policy*, May 18, 2012, available at <http://foreignpolicy.com/2012/05/18/is-it-time-for-kofi-annan-to-give-up-in-syria/>; Tony Karon, "Syria: As His Adversaries Scramble for a Strategy, Assad Sets His Terms," *Time*, April 3, 2012, available at <http://world.time.com/2012/04/03/syria-as-his-adversaries-scramble-for-a-strategy-assad-sets-his-terms/>.

25 UN General Assembly Resolution 66/253 (February 16, 2012), UN Doc. A/RES/66/253.

joint UN-LAS envoy. In the LAS plan, the regime had been expected to make nearly all the concessions: to remove tanks and heavy weapons from urban areas, release detainees, and open the country to monitoring by the Arab League and media. However justified on normative grounds, this had given the regime little incentive to implement the plan, since it would enable the opposition to expand or consolidate its hold on contested areas. Moreover, when the cease-fire failed, the Arab League went further and floated a second plan explicitly calling for Assad to go.

Annan evidently believed that, despite the LAS failure, the backing of the global great powers for his mission and the prestige (and greater neutrality) of the UN, as compared to the Arab League, would make the difference. From the regime's point of view, the UN was now adding its weight to a plan devised by its Arab enemies. To make his mediation more palatable to the regime, Annan did not embrace the (second) LAS plan's demand for Assad to go.

#### ANNAN'S APPROACH: REDUCE THE VIOLENCE FIRST

In Annan's view, the mission was well worth the attempt since the alternatives were so bleak: the spillover effects of the crisis threatened to destabilize the whole region, and other options were limited without Western intervention in the cards. Holding off on mediation, as some advised, until a hurting stalemate made the conflict ripe for settlement or until the arming of the opposition created a more even power balance, risked tipping the country into a full-scale civil war and regional proxy war (as indeed happened). The longer the war went on, the more fragmentation, radicalization, and militarization would make it harder to resolve. At the same time, if the violence could be reduced through diplomacy, a political settlement could gain credibility among the Syrian people.<sup>26</sup> Reducing the violence was, therefore, Annan's priority.

Annan, appointed UN (and LAS) special envoy to Syria on February 23, 2012, appeared to be the perfect mediator. He had the prestige to enlist the support of the UNSC and could not readily be ignored by the rival sides. He assembled an expert,

well-resourced team. He knew what had to be avoided: the experience of the chaos unleashed by the US invasion of Iraq meant the state had to be preserved and a transition arranged that would avoid its collapse; at the same time, the security forces had to be restrained from the large-scale killings that had started with their use of heavy weapons in urban areas, and peaceful protesters had to be empowered to assist a transition.

Annan also believed that if the international community was united, it could bring irresistible pressure on the parties to the conflict, even without the threat of military intervention. This was based on his experience of mediation in Kenya in 2008, as well as the 2005 withdrawal of the Syrian army from Lebanon when faced with a united Security Council. As such, he sought the commitment of the great powers and the permanent members of the UNSC (P5).

#### SIX-POINT PLAN: ENLISTING RUSSIA TO PRESSURE ASSAD

On March 16, 2012, Annan proposed a six-point peace plan based on the LAS plan. Under this plan, the Syrian government should commit to work with the UN special envoy (and appoint an interlocutor for the purpose) on a Syrian-led inclusive "political process" addressing the legitimate demands of the Syrian people. The main immediate provisions, however, focused on stopping the violence: the regime was required to immediately cease troop movements and the use of heavy weapons in population centers and begin a pullback of military concentrations in and around them; to permit access to and timely provision of humanitarian assistance to those in need and release prisoners; and to commit to respect freedom of expression and assembly.

Formally, the plan was "negotiated" with the regime, but the main concessions that it sought, notably a requirement that external powers stop financing and arming the opposition, were rebuffed. Annan presented the regime with two bad choices—accepting or rejecting—in the expectation it would choose the least bad, for while it may not have liked the six points, it did not feel it could publically reject a plan that would stop the killing. Annan submitted the plan to the UNSC,

<sup>26</sup> Hill, "The Strategic Thought of Kofi Annan," pp. 10–12.

which endorsed it via a presidential statement on March 21<sup>st</sup>. He announced the Syrian government's acceptance of the plan before it had formally done so, then successfully enlisted Russia to pressure Assad into accepting it, which he did on March 27<sup>th</sup>.

The regime formally agreed to the plan because it was isolated in the face of what seemed a global normative consensus, with even its main ally Russia backing the plan. Since the plan advantaged the opposition—in committing the regime to negotiate with and refrain from repressing it—the regime did not embrace it; yet neither did it only give it lip service to buy time. This was because it was uncertain whether the alternatives to the proposed “political process”—a return to violence, possibly including military intervention (with the Libyan precedent in everyone's minds)—might be worse.

#### CEASE-FIRE: PINCER MOVE

Building on the six-point plan, Annan moved to broker a cease-fire. It required the government first to withdraw its forces from contested cities with a deadline of April 10<sup>th</sup>, while the cease-fire for both sides would follow on April 12<sup>th</sup>. For the regime, this showed Annan's favoritism toward the opposition, but Annan argued that the stronger party had to take the first step.

The regime agreed to start withdrawing its heavy weapons from major population centers but qualified this by asserting that the security forces would not withdraw from cities until “normal life” had been restored. It also asserted that “a crystal clear commitment” from the US, France, Turkey, Qatar, and Saudi Arabia to stop aiding rebel fighters was “an integral part of the understanding” with Annan. Annan saw this as a regime effort to commit him to guarantees that, if not fully delivered, would give it an excuse to pull out of the cease-fire agreement, and no reference to the opposition's external support was incorporated into the agreement. On April 21<sup>st</sup>, UNSC Resolution 2043 was passed unanimously, providing for a UN Supervision Mission in Syria (UNSMIS) with 300 unarmed soldiers to monitor

compliance with the cease-fire.

In Annan's thinking, the cease-fire would change the psychology of escalation that was driving the conflict and open the door to political negotiations. According to Tom Hill, he further aimed to catch the regime in a pincer movement combining international and especially Russian pressure from above and renewed peaceful protest from below.<sup>27</sup> The street protesters were vulnerable to violence and were being marginalized by armed groups, but observers on the ground, a cease-fire, and the freedom of assembly and peaceful protest specified in the six points would allow them to recover their role in mobilizing demands for a peaceful power transition. Simultaneously, Russia's cooperation was essential to pressure the regime from above into accepting the cease-fire and observer mission and thereafter into negotiating with the opposition.<sup>28</sup>

Annan evidently also calculated that this pincer movement could create momentum that would bring those within the regime to believe a negotiated settlement was inevitable; they would thus urge Assad to comply in order to save themselves and, if Assad resisted, would force him into it—or out of office. At the same time, Annan aimed to give those in the regime confidence that his plan was preferable to less desirable alternatives, including civil war and military intervention.

Hill argues that for six weeks, the regime ceased using heavy weapons and opened the country to the UN observers and international journalists, although it did not cease lower-level violence against opponents (even skeptics admitted the violence decreased<sup>29</sup>). Moreover, UNSMIS assumed a certain role in mediating between regime and opposition forces. The result was that, as the regime pulled back, peaceful opposition groups solidified control over anti-regime areas, just as Annan hoped and Assad feared.

Perhaps for this reason, the cease-fire soon started to unravel. Critics charged that the regime stalled on fully withdrawing its forces from cities. A watershed was the contested massacre at Houla on May 25<sup>th</sup>, for which UNSMIS blamed pro-Assad

27 Hill, “The Strategic Thought of Kofi Annan.” For a similar assessment of how the six points advantaged the opposition, see Tony Karon, “Why Syria and the World Will Miss Kofi Annan's Peace Plan,” *Time*, August 2, 2012, available at <http://world.time.com/2012/08/02/why-syria-and-the-world-will-miss-kofi-annans-peace-plan/>.

28 Hill, “The Strategic Thought of Kofi Annan”; Karon, “Why Syria and the World Will Miss Kofi Annan's Peace Plan.”

29 James Traub, “Enough Talking, Kofi,” *Foreign Policy*, May 25, 2012; Gowan, “Is It Time for Kofi Annan to Give Up in Syria?”



forces. The Security Council was unable to agree on a response due to Russia's refusal to blame the Syrian government alone. In May, believing that its flank was protected by Russia and that the international consensus against its use of violence had broken, the regime returned to using heavy weapons.

### ACTION GROUP FOR SYRIA: BLUEPRINT FOR A TRANSITIONAL GOVERNMENT

In response, with the aim of increasing the pressure on the regime, Annan convened the Action Group for Syria, centered on the P5 (this meeting later became known as the Geneva I Conference). The Syrian government and its regional ally Iran were excluded. To balance their exclusion, Saudi Arabia was also not invited, but anti-Assad Turkey and Qatar were. The Action Group issued the Geneva Communiqué on June 30, 2012 (see Appendix II).

The communiqué marked a major acceleration of demands on the regime, going well beyond a cease-fire and now explicitly mandating regime change, albeit through negotiations. It called for a political transition, during which an inclusive national dialogue with all parties represented would take place. It also sketched the shape of a future Syrian state, including constitutional reform and a multiparty system. To reassure the government, it did support the continuity of government institutions, including the military and security forces, albeit submitted to a transitional government, and called for the disarming and demobilization of armed groups. The reference to transitional justice, including accountability for crimes, was bound to be seen as threatening by the regime.

The most immediately crucial point was the call for a transitional government with full executive powers, its membership based on mutual consent of the government and opposition. A call to exclude anyone who would undermine negotiations or a new government, contained in a draft proposal from Kofi Annan, did not appear in the communiqué. At Russia's insistence, the communiqué also did not explicitly call for Assad to go, either before or during negotiations, as the opposition wanted, and in this respect, it was more even-

handed than the last iteration of the LAS plan. However, US Secretary of State Hillary Clinton asserted that, implicitly, it required his departure, since the opposition would never consent to his inclusion in a transitional government.

The issue of Assad's status in the communiqué immediately divided Russia from the US and its allies, but it was only this creative ambiguity that allowed agreement to be reached. The regime wanted to bargain over the content of the communiqué—it had fourteen reservations—but Assad acceded under Russian pressure. The opposition, however, rejected the plan because, Annan said, it did not get 100 percent of what it wanted (i.e., Assad's departure as a precondition, not just an outcome, of negotiations).

The Geneva Communiqué was not implemented—indeed it was not even adopted by the UNSC for more than a year—and as violence continued to increase, the observer mission curtailed its activities on June 16<sup>th</sup>. After the P5 foreign ministers had seemingly agreed on a UNSC resolution under Chapter 6 of the UN Charter that required the regime to implement the peace plan, the P3 (France, the US, and the UK) tabled a resolution under Chapter 7 that would have put non-military sanctions on the regime if it did not end the use of heavy weapons, withdraw troops from towns and cities, and implement the peace plan. Russia and China vetoed this resolution, insisting on Chapter 6 and arguing that it did not address the proxy war regional states opposed to Assad were waging in Syria.

This veto was the last straw for Annan, who resigned as mediator on August 2, 2012. Thereafter, the West and anti-Assad states in the region stepped up their arming of the opposition. The result was to be, as Annan had feared, a descent into a failed state. With his resignation, the only actor able to talk to both sides departed the scene.<sup>30</sup>

### WHAT WENT WRONG?

Annan blamed the failure of his mediation on the Syrian government's refusal to implement the six-point plan, the opposition's escalating military campaign, and the lack of unity in the UNSC.

30 Julian Barnes-Dacey, "West Should Give Annan Plan another Chance," CNN, July 31, 2012, available at <http://globalpublicsquare.blogs.cnn.com/2012/07/31/west-should-give-annan-plan-another-chance/>.

### Insufficient Regime Incentives

The main weakness was that the peace plan—the six points and especially the Geneva Communiqué—relied heavily on external pressure on the Assad regime while giving it limited incentives to embrace a plan that would empower its opponents. For the regime, the cease-fire held risks that the opposition would inundate many towns and cities with renewed massive protests and that the external backers of the opposition would use it to further arm and supply anti-regime fighters. The regime still held the military upper hand, but peaceful contestation, including the elections and political freedoms envisioned in the communiqué, could shift the balance against it. This was, of course, Annan's strategy, and the regime must have understood what he was up to. Indeed, the Geneva Communiqué was virtually a blueprint for regime change by peaceful means, which Assad would have seen as granting the opposition much more than it seemed able to extract on the ground.

Could Annan have done more to incentivize the regime to buy into his peace plan? Given that both the cease-fire and especially the Geneva Communiqué sharply disadvantaged the regime, getting the regime's acceptance depended on pressure, threats, and its realization that alternatives to the plan would be worse for it.

Some argue that Annan conceded too much in assuring Assad that the aim was not to overthrow the regime when he ought, instead, to have tried to convey the threat that failure to comply would bring intervention (despite evidence to the contrary). Moreover, those around him had to be brought to understand that failure of the plan would jeopardize their interests.<sup>31</sup> Assad probably calculated that there was no appetite for intervention against him, but he could not be certain. Since the West could not intervene as long as the mediation had life, Assad had an interest in formally going along with it, and Annan banked on entangling him in commitments from which he

could not easily withdraw.

Moreover, the regime seemed to be losing control of the country and could not be certain how it would fare if the conflict further escalated, since there had been no decisive showdown to test either its resilience or the ability of the opposition to seriously threaten it. Reaching a deal with the opposition could ensure that regime elites would retain some power, even if shared with the opposition. Assad appeared indecisive, and his close associates were probably split over the mediation.<sup>32</sup>

### Limits of Outreach to the Regime

Engagement with the regime could, therefore, have shifted its calculations toward compliance. Annan had deliberately framed his initiative as a "Syrian-led political process" to avoid a defensive reaction from the regime against encroachment on its sovereignty. Annan's style—inclusive and non-threatening—was appropriate to create trust and confidence on all sides.<sup>33</sup>

Yet while Annan visited Syria seventeen times and met three times with Assad, engagement with the regime never reached the point of serious give-and-take over the nature of the transition.<sup>34</sup> To more fully incentivize the regime to cooperate, he might have allowed it more input into shaping the six-point plan, particularly on issues such as external arming of the opposition. The Syrian government could have been invited to Geneva I, the last attempt to find a way forward, but this would have been vetoed by the Western powers. Also, Annan evidently believed Assad should not be given further opportunities to evade international demands by allowing him to push back against the plan agreed by both the Arab League and the great powers. Assad, not having been invited, was not invested in the outcome; he told Annan, "It's not my thing, I was not there."<sup>35</sup>

Annan's six points (and later the Geneva Communiqué) specified that the regime (and opposition) should appoint interlocutors to negotiate the precise nature of the political

31 Richard Gowan, "Kofi Annan, Syria and the Uses of Uncertainty in Mediation," *Stability: International Journal of Security and Development* 2, no. 1 (2013), available at [www.stabilityjournal.org/articles/10.5334/sta.ax/](http://www.stabilityjournal.org/articles/10.5334/sta.ax/); Nader Mousavizadeh, "Let's End the Empty Talk about Syria," June 5, 2012, available at <http://blogs.reuters.com/nader-mousavizadeh/2012/06/05/lets-end-the-empty-talk-about-syria/>.

32 Interview with UN official on mediation mission, October 2015.

33 Felix Troeltzsch, "Syria: The Failure of the Three Wise Men," *Global Public Policy Watch*, April 1, 2015, available at <http://globalpublicpolicywatch.org/2015/04/01/syria-the-failure-of-three-wise-men-kofi-annan/>.

34 Interview with UN official posted in Damascus during Annan mediation, October 2015.

35 Interview with UN official present in Damascus at this encounter, October 2015. According to another official, the government replied to the communiqué with fourteen reservations; there is no evidence these had any impact on the document.

solution, including the transitional executive to which full powers were to be transferred under the communiqué; but discussions with Assad on the interlocutor, which Annan planned as his next step after the cease-fire, were aborted when the cease-fire collapsed. Therefore, mediation, in the sense of trying to broker a compromise between regime and opposition positions, did not really take place; indeed, the process was still at a pre-mediation stage, at which the mediator was concentrating on putting in place the conditions that might make mediation possible, including a cease-fire and a template for resolving the crisis.

There were many reasons engagement with the regime remained at a formal level, with the plan devised from without and the regime's attempted inputs largely rebuffed. The regime was seen as a pariah in the West because of its violence against unarmed demonstrators, and the Western-backed opposition refused to negotiate with it. There was also a widespread miscalculation at the time, particularly among the P3, that the regime was so vulnerable that it had to cooperate to survive; many expected it would soon collapse, so no concessions needed to be made to it.<sup>36</sup>

### Incentives for the Regime to Stick Together

While Annan had hoped the momentum built up by his pincer movement would lead elites around Assad to push him to comply with his plan, the dynamic was actually the reverse: the communiqué's references to calling to account those who had committed crimes suggested that under an internationally sponsored agreement, regime insiders would rapidly end up in the International Criminal Court (ICC). They might have been tempted by a compromise deal if their vital interests could have been guaranteed through amnesties, the lifting of sanctions, and—as in the Latin American “transition pacts”—power-sharing arrangements, but this was probably excluded by UN mediation parameters<sup>37</sup> and would have been unacceptable to the opposition and Western powers.

### No Strategy for Addressing Opposition Intransigence

A power-sharing transition would have required dealing with intransigence on the side of the opposition as well. Annan was understandably focused on the regime as the main problem, although he also resisted P3 pressure to endorse the position of the opposition. The UN mission, particularly Annan's deputies, Martin Griffiths and Nasser al-Qudwa, did engage with the opposition, largely aiming to get them to enter the peace process as a unified group. Working against this, however, were the opposition's unrealistic expectations. During a visit to a Free Syrian Army unit, one UN official found that the Libyan precedent and anti-Assad Western rhetoric had convinced opposition fighters that NATO was going to intervene on their behalf, a situation “not conducive to...serious engagement.”<sup>38</sup>

### No Pressure on Regional Powers to Stop Financing and Arming the Opposition

Behind the opposition's intransigence was that of the regional powers that gave it the resources and encouragement to continue the fight. For the regime, any settlement would have required an internationally supervised termination of all military financial aid to the rebels. The UN, however, chose to ignore these illegal actions by the opposition's patrons. Annan vainly tried to get the Saudis and Qataris invested in his plan; Turkey, although invited to Geneva I, urged its clients in the Syrian National Council to reject the communiqué.

### Overreliance on Russian Leverage

As a result, Annan concentrated on the “outer ring” of players, the US and Russia, and relied on Russian pressure on the regime to deliver its acquiescence. Annan believed the Russians saw Assad's course as unsustainable and sought to convince them that if Russia became co-manager of a peaceful power transition under the Annan plan, it could preserve the Syrian state and Russian influence in it. At the time, according to Maarti Ahtisaari, the Russian UN representative urged “an

<sup>36</sup> Interview with UN officials in mediation mission, October 2015.

<sup>37</sup> “‘No Amnesty’ for Suspected Syria War Criminals: UN Rights Chief,” *The Daily Star*, February 1, 2016, available at [www.dailystar.com.lb/News/Middle-East/2016/Feb-01/334974-war-crimes-should-not-be-part-of-any-syria-amnesty-un-rights-boss.ashx](http://www.dailystar.com.lb/News/Middle-East/2016/Feb-01/334974-war-crimes-should-not-be-part-of-any-syria-amnesty-un-rights-boss.ashx).

<sup>38</sup> Interview with UN official, October 2015.

elegant way for Assad to step aside”—a finessed transfer that would allow Assad to save face. According to Ahtisaari, the West, convinced Assad’s regime would soon collapse or that Russia was not serious, did not pursue this opening.<sup>39</sup> Annan arguably overestimated Russian leverage over the Assad regime: while the regime would acquiesce to Russian pressure to engage with the mediator, Russia could not pressure it to accept a plan that put its vital interests at risk.

### Diverging Aims of US and Russia

Russia’s priority, moreover, was to reverse the Western interventionism that threatened Moscow’s view of a multi-polar, sovereignty-centric world order. Annan understood that the Russians were determined to prevent a repeat of the West’s manipulation of the UNSC humanitarian resolution over Libya for purposes of military intervention and regime change. He thus tried to reassure Russia that his plan was a genuine diplomatic alternative. “One of my biggest disappointments,” Annan recalled, “was on the 30<sup>th</sup> of June. We had a difficult but a constructive meeting in Geneva, to discuss a political transition. They agreed on a communiqué, but on the 19<sup>th</sup> of July, when the council eventually acted, the resolution was vetoed by Russia and China.”<sup>40</sup>

The resolution was vetoed due to US insistence that it be given teeth under Chapter 7. Annan himself preferred Chapter 7, but when he could not get Russia to agree to it, he saw Chapter 6 as acceptable, since it would maintain great power unity in pressuring the regime, and hence the momentum behind his plan. In intense negotiations among the P5 foreign ministers in Geneva, US Secretary of State Clinton accepted this. Yet when the P3 presented a draft to the UNSC, they reverted to their insistence on Chapter 7. Moscow, wary that Chapter 7 would be used to legitimize military intervention, vetoed the resolution. Russia still wanted the UN Syria mission to continue, but the US killed it off. Hill argues that the US, believing the regime, which suffered important reverses in

July, was on the way out anyway, was uninterested in appeasing Russia and China and little worried by the collapse of the peace process.<sup>41</sup> What had been needed, Annan explained, was for the UNSC to act together to pressure all sides to implement the Geneva Communiqué, but UNSC unity foundered on the West and Russia’s opposite expectations for the outcome of mediation: change of the Syrian regime for the West and its preservation (albeit with reforms) for Russia.

The Geneva Communiqué remained the ideal, internationally accepted template for a political settlement in Syria that could still be activated if, as a result of shifts in the power balance, the parties come to believe a negotiated settlement is in their interests.<sup>42</sup> However, it reflected a stage when it was still potentially possible to roll back the damage done by the conflict and constitute a pluralist settlement within a working state. Under the current conditions—a failed state territorially divided between the regime and fragmented opposition and the deep sectarian distrust between communities—the plan may need to be altered.

### Lakhdar Brahimi’s Mediation Mission

Lakhdar Brahimi took the reins as UN-LAS special envoy to Syria on August 17, 2012. Brahimi had charted a long career at the UN, serving as the special representative for both Afghanistan and Iraq and had been involved with the Syrian government in the Taif negotiations over the conflict in Lebanon. As UN-LAS envoy, his mandate was given by the same UN General Assembly resolution as Annan’s and remained defined by the principles laid out in the Geneva Communiqué (which he thought of as a tool of mediation rather than a constraint on his options).

Brahimi was in regular contact with Annan during the latter’s mediation and so was fully briefed when appointed, overlapping for two weeks with Annan’s tenure. In accordance with Annan’s

39 Julian Borger and Bastien Inzaurre, “West ‘Ignored Russian Offer in 2012 to Have Syria’s Assad Step Aside,” *The Guardian*, September 15, 2015, available at [www.theguardian.com/world/2015/sep/15/west-ignored-russian-offer-in-2012-to-have-syrias-assad-step-aside](http://www.theguardian.com/world/2015/sep/15/west-ignored-russian-offer-in-2012-to-have-syrias-assad-step-aside).

40 Quoted on National Public Radio, 2012.

41 Tom Hill, “Kofi Annan’s Multilateral Strategy of Mediation and the Syrian Crisis: The Future of Peacemaking in a Multipolar World?” *International Negotiation* 20, no. 3 (2015).

42 Jose Vericat, “A Chapter Closes for International Diplomacy in Syria,” August 7, 2012, *The Global Observatory*, available at <http://theglobalobservatory.org/2012/08/a-chapter-closes-for-international-diplomacy-in-syria/>.



verdict, Brahimi believed that lack of Security Council support, specifically for the Geneva Communiqué, had blocked Annan's ability to move his plan forward. He felt from the start that the mission was impossible but took it on "because the UN cannot resign from its role [just] because crises are difficult." Indeed, the conflict had become increasingly intractable, especially after Annan's time, as militarization, sectarianization, and state failure proceeded apace.

### THE INNER CIRCLE STRATEGY: REACHING OUT TO THE PARTIES

Brahimi began his mission by making contact with the conflicting parties, including Assad. His repeated message, meant to ripen perceptions of a hurting stalemate (that arguably existed objectively on the ground), was that "there is no military solution to this devastating conflict. Only a political solution will put an end to it. And the basis for such a solution does exist. It is the [Geneva] Communiqué." The first meeting with Assad on September 15<sup>th</sup> was cordial, with wishes of success for the mediation mission. But when Brahimi raised the question of his resignation in the second meeting, on October 21<sup>st</sup>, Assad reverted to his claim of elected legitimacy and the inconceivability of stepping aside. Brahimi was denounced by the regime as biased and so did not return to Damascus until nearly a year later.

Given Assad's obduracy and the absence of threats and promises in the basket of the mediator, Brahimi soon concluded that his strategic alternatives were slim and dropped the search for bridges between the regime and the opposition as premature. Instead, Brahimi tried small concrete measures to foster trust and start reducing violence, brokering a four-day cease-fire on October 24, 2012, marking Eid al-Adha and endorsed by the UNSC. The cease-fire was only a framework, with a number of voluntary provisions, and rapidly collapsed.

Brahimi established communication with the civilian and armed opposition groups in Syria through an office in Damascus, with National Coalition groups in exile, and with civil society groups, both inside and outside Syria. His deputy, Nasser al-Qudwa, had good relations with opposi-

tion groups and worked with them. However, one of the main challenges he faced was finding a legitimate negotiating partner among the diversified opposition to Assad, which was split between the US-supported moderate opposition based in Istanbul and a slew of more Islamist armed rebel groups plus some regime-recognized opposition groups inside Syria. On December 12, 2012, the US formally recognized the National Coalition of Syrian Revolutionary and Opposition Forces that US Secretary of State Clinton and Qatar had cobbled together as the "legitimate representative" of the Syrian people. Eventually, the National Coalition gained legitimacy externally, but not necessarily inside Syria. As the government made military advances in 2013 and 2014 and the exiled opposition was seen to move toward a negotiated settlement, it incurred hostility from the anti-regime fighters inside Syria. As such, the coalition also held to its maximalist demands.

As Brahimi saw it, the opposition, fragmented into hundreds of groups supported by rival external powers Qatar, Saudi Arabia, and Turkey, never became a truly national movement that could negotiate and deliver on any agreements reached, such as Algeria's National Liberation Front (FLN) or the Vietcong. He concluded that, if there were to be movement on the part of the parties on the first level, it would have to come from pressure from regional and great powers on the other levels.

### THE SECOND CIRCLE STRATEGY: DEALING WITH REGIONAL SPOILERS

Yet alongside the intransigence of the Syrian parties, Brahimi encountered the intransigence of the rival regional powers. Looking for leverage over the opposition, Brahimi spent significant parts of his mission communicating with its backers: the leaders of Saudi Arabia, Qatar, and Turkey. Indeed, their backing of rival opposition factions was undermining the mediator's ability to foster a united opposition delegation for possible negotiations with the Syrian government. Brahimi initially found late Saudi King Abdullah ready to assist him.<sup>43</sup> However, once it became clear Brahimi was not pursuing the LAS agenda, relations with anti-Assad regional states became frosty, with Saudi Arabia (and Turkey) at points refusing to engage

43 Ghassan Charbel, "Brahimi: Ending Syria Crisis 'In Hands of International Community,'" *Al-Monitor*, June 27, 2014, available at <http://www.al-monitor.com/pulse/politics/2014/06/syria-brahimi-un-arab-envoy-interview-efforts-solution.html>.

with Brahimi. The Arab League gave him no support, and although he nominally had a joint UN-LAS mandate, he saw the Arab League as a hindrance, especially because of its overt hostility to Assad. His advocacy for a negotiated settlement with concessions from both sides and his inability to say when Assad should go were unacceptable to the anti-Assad regional powers.

Also looking for leverage over Assad, Brahimi turned to Iran, which he believed had more influence in Damascus than the Russians.<sup>44</sup> He saw room for the Iranian position on the conflict to evolve, particularly with the victory of President Hassan Rouhani in Iran's 2013 presidential elections. "Iran's position on the ground is well-known," Brahimi said. "[But] in the era of Rouhani...they have begun to talk about mistakes that were made."<sup>45</sup> The Iranians assured him they accepted that the crisis needed to be solved through negotiations, that there had to be free and fair elections, and that these could be organized and observed by the United Nations, but also that Assad would be allowed to stand if he wanted (endorsing Assad's position).

However, when Brahimi presented Iran's four-point plan to the UNSC without consulting the Arab parties or briefing the Arab League, for which he was supposed to be joint envoy, he enraged Saudi Arabia in particular.<sup>46</sup> This was despite the similarity of Iran's plan, in its main lines, to the original Arab League proposal; for the anti-Assad Arab states, Iran could have no legitimate role in Arab affairs, and Brahimi was offering one to Tehran. When the Arab League voted to give Syria's chair to the opposition on March 6, 2013, Brahimi felt that the door to the second circle had closed.

### THE OUTER CIRCLE STRATEGY: BETTING ON THE GREAT POWERS

As he encountered obstructions in the first and second circles, Brahimi sought movement, as had Annan, through the third circle—Russia and the

US.<sup>47</sup> "We tried the outer ring, which is the Security Council, and for me that was specifically the Americans and the Russians." As he later said, "I decided from the beginning that work had to be carried out with them [Clinton and Lavrov] because of the important role of their countries, and because the vast differences between the different sides in this region with regards to Syria, not to mention that the differences within Syria were immense too."<sup>48</sup>

He began by convening a meeting of great power foreign ministers to develop the Geneva Communiqué into a full transition plan. He laid more detailed proposals before Secretary Clinton and Minister Lavrov in Dublin on December 7, 2012, specifying some of the steps and timing left imprecise in the communiqué. It provided for a transitional government "with full executive power" but made no progress on the specific consequences for Assad. (On a follow-up visit to Damascus on December 24<sup>th</sup>, he proposed that Assad relinquish executive powers to this transitional government, which is what brought on his denunciation by the regime so early in his mission.)

Brahimi followed up the December foreign ministers' meeting with the "3Bs" meetings between Brahimi, US Deputy Secretary of State William Burns, and Russian Deputy Foreign Minister Mikhail Bogdanov in Geneva on December 9, 2012, and January 11, 2013, to try to reach a consensus on which to base a move toward a peace conference. Although the meetings proceeded cordially, they repeatedly deadlocked on the same issue: the status of Assad. The Russians even rejected a US proposal to discuss the composition of a transitional government as an outside attempt to impose a leadership on Syria.

From Brahimi's perspective, both "the Americans and the Russians discovered that their agreement was superficial" shortly after they had reached it.<sup>49</sup> In guaranteeing mention of a transitional government, the US thought it had won

44 Interview, 2015.

45 Ghassan Charbel, "Brahimi: Geneva Communiqué Was 'Superficial,'" *Al-Monitor*, January 31, 2014, available at <http://www.al-monitor.com/pulse/politics/2014/06/syria-brahimi-interview-envoy-reasons-failure.html>.

46 Raghida Dergham, "The Resignation of Lakhdar Brahimi: A Chance for a New Approach to the Syrian Tragedy," *The World Post*, July 16, 2014, available at [www.huffingtonpost.com/raghida-dergham/the-resignation-of-lakhda\\_b\\_5339559.html](http://www.huffingtonpost.com/raghida-dergham/the-resignation-of-lakhda_b_5339559.html).

47 Troeltzsch, "Syria: The Failure Of Three Wise Men."

48 Charbel, "Brahimi: Ending Syria Crisis 'In Hands of International Community.'"

49 Charbel, "Brahimi: Geneva Communiqué Was 'Superficial.'"

support for the notion that Assad would not participate in any transition, whereas the Russians believed the “transitional phase should begin with the regime and opposition sitting down together.”<sup>50</sup> The stumbling block for the entire mediation was this incompatibility, and the mediator had no means of getting around it; any appeal to break the unbearable impasse would return to the question of who concedes first.

Like Annan, Brahimi banked particularly on Russian cooperation, since the Russians occasionally intimated flexibility. Noting that “Western countries have not realized yet how angry the Russians felt about what happened in Libya,” Brahimi hoped that proper recognition of Russia’s role could convince it to work on getting cooperation from the Syrian government. In fact, the Russians maintained that they were not inexorably committed to Assad and that, if the opposition “got its act together” and a viable substitute emerged, and as long as none of the Islamist groups would take power, Russia would support an interim transitional body.<sup>51</sup> But at the same time, the Russians consistently said it was not up to them to ask President Assad to leave office: “We do not have that much influence over him, even if we wanted.” They seemed to want the transitional council also to contain opposition figures from Damascus whom the US and the opposition derided as Assad puppets.<sup>52</sup> It was not only Russia that failed to deliver enough pressure on its client; according to Brahimi, the Americans’ hands were “tied in knots by their allies” at the regional level. Yet the Syrian and regional intransigence provided a screen behind which the great powers could hide when pressed to urge their clients to compromise.

#### GETTING TO GENEVA: THE BREAKTHROUGH

Two events provided some impetus to Brahimi’s faltering mediation mission. First, on May 7, 2013, the US and Russia appeared to reach a breakthrough agreement during Secretary of State John Kerry’s first official visit to Moscow. “Something extremely important took place,” in

Brahimi’s assessment: a declaration of shared interests on Syria and a plan for an international peace conference to end the escalating civil war, which was planned for the end of May 2013.<sup>53</sup> For the US, which had been lukewarm on the idea of a peace conference, this was a major shift. “We agreed that the Syrian crisis was extremely dangerous and did not have a military solution, therefore requiring a political solution and that they would work together to reach this solution.” It was an indicator of “ripeness,” at least at the third, great power, level.

It was not enough, for neither regime nor opposition were ready to talk, and it took a second event, the chemical weapons attacks on the Damascus suburbs of Eastern Ghouta, to jolt the global parties into intervening in the stalemate. UNSC Resolution 2118 of September 22, 2013, on the chemical weapons crisis finally included a formal UN endorsement of the Geneva Communiqué and called for “the convening, as soon as possible, of an international conference on Syria to implement” the communiqué.<sup>54</sup> Secretary Kerry was particularly attached to the idea of a conference as a sign of progress. Brahimi would finally bring both sides to the table “to achieve a political solution to the conflict through a comprehensive agreement between the Government and the opposition.”<sup>55</sup>

However, given the parties’ preoccupation with the weapons crisis, which Brahimi felt was specifically outside his mandate, it took nearly five months after the Moscow breakthrough to refocus attention on the meeting, and it took seven months of wrangling exclusively on the upper level to deal with the details of invitations and the agenda. “I felt that my duty was to try and bring the two teams back to the Geneva Communiqué and converge viewpoints,” Brahimi recalled.

Related to inclusivity on the second level, Brahimi believed that Iran, the most influential force behind Assad, was, if part of the problem, also essential to negotiating the solution. As such, he enlisted UN Secretary-General Ban Ki-moon to issue an invitation to Iran on January 19<sup>th</sup>, just days before the

<sup>50</sup> Ibid.

<sup>51</sup> Interview with US official, October 2015.

<sup>52</sup> Interview with UN official September 2015.

<sup>53</sup> Interview with Brahimi, September and October, 2015.

<sup>54</sup> UN Security Council Resolution 2118 (September 27, 2013), UN Doc. S/Res/2118.

<sup>55</sup> “Geneva Conference on Syria Set for January, UN Chief Announces,” UN News Centre, November 25, 2013, available at [www.un.org/apps/news/story.asp?NewsID=46575#.VfShGRViko](http://www.un.org/apps/news/story.asp?NewsID=46575#.VfShGRViko).

conference was set to begin. But when the opposition National Coalition threatened to back out and the US pressured him, Ban withdrew the invitation; the US view was that, since Iran had not endorsed the terms of the Geneva Communiqué, it could not attend as a full participant, a diminution in status that Iran rejected. Obduracy on the first and third levels could not be circumvented.

Getting the opposition to the negotiating table was no easy task. Owing to losses on the ground, the Syrian opposition felt in a position of weakness and thus balked at beginning negotiations on a deal that would not include the immediate removal of Assad. It was not until January 18, 2014, four days before the conference was set to begin, that the National Coalition voted to attend Geneva II.<sup>56</sup> Its precondition that Assad leave power somewhere down the line, not immediately, was a monumental change in position.<sup>57</sup> However, the coalition's lack of support on the ground for this position, and the refusal of one of its components, the Syrian National Congress, to participate on these terms, raised real concerns over whether it could deliver the whole opposition into any agreement that might be reached. As for the government side, confident the military tide was turning its way, it only came to Geneva to please the Russians. Brahimi later observed that the Americans and the Russians had brought the two delegations to the table against their will. Just getting them to the table for the conference was an accomplishment of sorts and could potentially have allowed an exploration of common ground between the two.

## GENEVA II: BRINGING TOGETHER THE REGIME AND OPPOSITION

Although the Geneva Conference, held from January 22–31 and February 10–15, 2014, marked the first time the Syrian government sat down with an opposition body, it failed to deliver a

breakthrough, and expectations were low. Yet on the conference's second day, Brahimi announced one step forward: the government agreed to allow women and children to leave the opposition-held central neighborhoods of Homs, Syria's third-largest city, to which a siege by pro-government forces had denied humanitarian access for more than a year. The opposition had brought a list of 6,000 women and children trapped in the city, and the conference provided an exceptional venue to bring public pressure on the government to allow them to leave. For Brahimi, the measure was a recognition "that you cannot start negotiations about Syria without having some discussions about the very, very bad humanitarian situation."<sup>58</sup>

The opposition delegation, now prepared to talk with the regime even while Assad remained in power, made constructive, concrete proposals on a transitional governing body.<sup>59</sup> However, the government accused the opposition of terrorism and never departed from its refrain that the first requirement was to deal with the terrorism problem. Brahimi remarked to the government delegation, "I'm sure that your instructions were: 'Go to Geneva, only don't make any concessions, don't discuss anything seriously.'"<sup>60</sup>

Thus the remaining days of the conference bore little fruit: "We haven't noticed any major change, to be honest, in the two sides' position," Brahimi told reporters.<sup>61</sup> Although he was able to obtain agreement to hold parallel talks on transition and terrorism when the delegates assembled for a second round in mid-February, the talks collapsed after thirty minutes. This collapse was accompanied by yet another round of violence and displacement, as 50,000 Syrians fled the Syrian air force bombardment of the Qalamoun area. "I am very, very sorry, and I apologize to the Syrian people," Brahimi told reporters as he suspended the conference.<sup>62</sup>

56 "Syria Main Opposition to Attend Geneva Talks," January 19, 2014, available at [www.aljazeera.com/news/middleeast/2014/01/syria-main-opposition-attend-geneva-talks-2014118172239829160.html](http://www.aljazeera.com/news/middleeast/2014/01/syria-main-opposition-attend-geneva-talks-2014118172239829160.html).

57 Susanne Koelbl, "Interview with UN Peace Envoy Brahimi: 'Syria Will Become another Somalia,'" *Der Spiegel*, June 7, 2014, available at [www.spiegel.de/international/world/interview-with-former-un-peace-envoy-to-syria-lakhdar-brahimi-a-974036.html](http://www.spiegel.de/international/world/interview-with-former-un-peace-envoy-to-syria-lakhdar-brahimi-a-974036.html).

58 "Syria: Civilians to Be Allowed out of Homs, UN-Arab League Envoy Says," January 26, 2013, available at [www.un.org/apps/news/story.asp?NewsID=47007#.VFXhZ2RVikp](http://www.un.org/apps/news/story.asp?NewsID=47007#.VFXhZ2RVikp).

59 Koelbl, "Interview with UN Peace Envoy Brahimi."

60 Ibid.

61 "First Round of Syria Peace Talks Will End Tomorrow with Little Headway—UN-Arab League Envoy," UN News Centre, January 30, 2014, available at [www.un.org/apps/news/story.asp?NewsID=47045#.VFX12RVikp](http://www.un.org/apps/news/story.asp?NewsID=47045#.VFX12RVikp).

62 "Syria Peace Talks Break Up as UN Envoy Fails to End Deadlock," *The Guardian*, February 15, 2014, available at [www.theguardian.com/world/2014/feb/15/syria-peace-talks-break-up-geneva](http://www.theguardian.com/world/2014/feb/15/syria-peace-talks-break-up-geneva).



Less than two months later, following the government's announcement that it would hold presidential elections in June 2014, effectively terminating the Geneva process, Brahimi tendered his resignation. A few weeks later, Assad was reelected for an additional seven years. "I imagine that Assad never doubted for a single day that he would be victorious in the end," Brahimi told an interviewer shortly after those elections, "and that he never once thought about making concessions, especially to the opposition residing abroad."<sup>63</sup> He lamented that Syrians were "destroying their present, their future, and their past."

### WHAT WENT WRONG?

In his twenty-one months as UN-LAS special envoy, Brahimi made admittedly little headway.

### Conditions Resistant to Ripeness

Geneva II failed, Brahimi concluded, because the conflict was not ripe for resolution, and he had no leverage to make it so. It did, however, provide an occasion for him to repeat his message: the conflict was devastating, it had no military solution, and the political solution was indicated by the Geneva Communiqué. According to Brahimi, since none of the Syrian parties really believed that there was no military solution,

It was a mistake to go to Geneva II; everyone was under pressure to just "do something," but we went to Geneva II with very little conviction that it would lead anywhere. The government was clear [as] daylight in August that they were only there because of the Russians and did nothing but parrot the claim that the opposition were terrorists. The opposition... didn't represent anybody; for them, getting rid of al-Assad would resolve all issues.... The players still think of military solutions, and nobody is exhausted to such an extent as to accept a mediator voluntarily, the only thing that the UN can offer. It was very different in Taif when the warring parties welcomed any suggestion by a mediator because they wanted to end it.<sup>64</sup>

Brahimi's mediation appropriately reflected a realization that the Syrian regime would not go easily or soon. As such, he sought with some success to get parts of the opposition (the National Coalition

that attended Geneva II) to put aside Assad's immediate departure as a precondition for negotiations, and he worked to bring Iran on board as potential leverage over the regime. However, this tended to antagonize the more militant opposition fighters inside Syria, as well as the Turks, Saudis, and Qataris, who withheld support for his mediation.

### Resistance to a Top-Down Strategy

In keeping with his view that the key to a resolution had to be a US-Russian convergence to push their regional and Syrian clients into a compromise settlement, Brahimi pursued a top-down strategy, as had Annan. However, "neither Russia nor the US could convince their friends to participate in the negotiations with serious intent."<sup>65</sup> As Brahimi told the US and Russia as Geneva II convened, "I will not be able to get anything from them, unless you convince them seriously of the need to look for a solution, and that means making compromises,... which did not happen."<sup>66</sup>

But the great powers had failed to deliver their clients at least in part because they did not themselves agree on the way forward. Russia felt that Assad was legitimate and that his sudden departure would cause a Libya-like vacuum; the US felt Assad was an illegitimate murderer. Brahimi argues, in retrospect, that the failure of mediation grew out of the inability of the Western powers to achieve a realistic view of the situation in Syria. Underestimating the resilience of the Syrian regime and overly impressed by the fall of dictators in North Africa, they were confident that Assad would soon go the same way. By contrast, the Russians, Brahimi observed, had been more confident of the regime's staying power.

This conflicting assessment of the situation prevented their reaching agreement on the details of a transition; the US wanted too much, the Russians conceded too little. Brahimi felt the Russian analysis was correct but was tasked with producing a process that would—initially or eventually—remove Assad.<sup>67</sup> It would take rethinking in both Washington and Moscow before a new round of "top-down" diplomacy could make headway.

<sup>63</sup> Charbel, "Brahimi: Ending Syria Crisis 'In Hands of International Community.'"

<sup>64</sup> Interview with Brahimi, September and October 2015.

<sup>65</sup> Koelbl, "Interview with UN Peace Envoy Brahimi."

<sup>66</sup> Charbel, "Brahimi: Ending Syria Crisis 'In Hands of International Community.'"

<sup>67</sup> Interview with Brahimi, September and October 2015.

## Spoilers at the Middle Level

The fact that the successive peace plans were very similar to the LAS plan potentially offered the Arab states a chance to unite behind the mediator to bring the two Syrian sides together. But because the Arab states (and Turkey) insisted that Assad had to go, and because Brahmi was seeking a modification of that position, he could not reach them. Iran might have helped bring Assad into an agreement, but the US and the Arabs rejected a role for it. An effort to bridge these rival regional states' contradictory positions was not promising and was not made. Thus all the second-level actors not only continued supporting their individual clients' rejectionism but also provided them the resources to continue the conflict, and the mediator lacked the leverage to stop them.

## Conclusion and Lessons

What were the techniques, styles, and strategies the mediators used against the challenges they faced, and what lessons can be learned for mediation? Annan focused on developing guidelines for a way out of the conflict, which were necessarily ambiguous in order to achieve consensus. Brahimi strove to get them implemented, which brought to light the disputed details that had been hidden to achieve agreement on the guidelines.

### MISSION AND MANDATE

#### Contradictions in the Mandate

The mandate was quite restrictive in that it was based on the LAS plan. Under this plan, the regime was expected to make the major concessions, even to dismantle itself in the negotiations. The regime might have responded positively to a mandate aimed at reconciliation and power sharing, but the mandate was to mediate a power transition. To that extent, no mediation, in the sense of a search for compromise between the Syrian sides, was possible, even though the plan had formally been "negotiated" with the regime. Yet the opposition was unable and external powers unwilling to force the regime to make all the concessions; indeed, UN norms required respect for the sovereignty of the Syrian state. As such, the mediator could only

seek—in vain—to persuade the regime that a transition was in its best interests.<sup>68</sup>

#### End Result Treated as Precondition

Confusion over the mandate hamstrung negotiations from the outset. The opposition long insisted that the end result of the proposed transition—Assad's departure—be a precondition for negotiations, and it could be forgiven for believing his departure was implied in the Geneva Communiqué. Yet one should not demand as a precondition what one hopes to gain in negotiation, since this removes an item of exchange for the other party, particularly if one's demand cannot otherwise be obtained (e.g., by force). Breaking this rule meant there was no way to begin negotiations. As such, both mediators urged—in vain—a relaxation of the precondition that Assad go prior to negotiations (even when the National Coalition conceded this point by entering Geneva II, it could not deliver most of the opposition).

#### Insufficient Support for Mediators

The mediators were explicitly enlisted by the UN and LAS, enjoyed high prestige, and faced no competing mediation missions. Yet the mandating agencies did not follow through with support for the mediators' efforts. Arguably, the UNSC was split over the terms of the mandate, with the West only willing to back a transition and the Russians wanting a power-sharing compromise. The mediators' reaction was to appeal to the UNSC to support the mandate, and Annan set up an Action Group for Syria to translate his plan into the Geneva Communiqué and secure the commitment of the second and third levels. But it was not endorsed by the UNSC until more than a year later and in a different context (the chemical weapons crisis). Although the communiqué did become a permanent template for settlement of the conflict, clashing interpretations of it prevented a unified UNSC stance behind its implementation.

### IMPARTIALITY AND INCLUSIVITY

#### Lack of Impartiality

The condition of impartiality could not be wholly satisfied, since the mediation aimed at a power transition—the replacement of the Assad regime.

68 This incongruence was also manifested in a certain split within the UN itself. While some in the secretariat complained that the mediators were insufficiently supervised and took decisions without consultation, UN officials on the ground saw the rigidly West-centric (anti-Assad) view dominant in the Secretariat as precluding effective mediation.

Yet even mediating a power transition requires treating the parties in a minimally balanced way, and Assad did not feel that he received fair treatment. That the UN mediators were also mandated by the anti-Assad Arab League complicated their efforts to look unbiased. They tried floating the idea of Assad moving onto the sidelines during the transition—“kingmaker instead of king,” in Brahimi’s terms—but the prospect was unattractive to him.

### Insufficient Inclusivity

The practical test of inclusivity is whether any excluded party can disrupt an agreement or whether any included party can prevent agreement. Inclusivity at the first and second levels was a major thrust for both mediators. This meant including all the first-level Syrian factions, or at least those capable of disrupting an agreement if left out. For Annan, moreover, inclusivity was part of his strategy of mobilizing civil society to shift the power balance in favor of change. Yet inclusivity was uneven. At Geneva I, the excluded parties—notably the regime, on the first level—did not prevent a useful agreement on the communiqué but did not agree on its details or implementation. Iran was the main issue in terms of inclusivity at the second level: at Geneva II, the secretary-general’s invitation to Iran produced an immediate boycott by the opposition parties and so was immediately rescinded. At this stage, inclusivity remained an ideal beyond the reach of mediation.

### ENTRY AND CONSENT

#### Lack of Perception of a Mutually Hurting Stalemate

A point of entry for the mediator was never favorable, since at no time did the parties and their supporters feel the conflict to be a mutually hurting stalemate. It was not, therefore, ripe for effective mediation, and any strategy for ripening it was necessarily weak. The mediators spent an initial period urging a sense of ripeness—that is, a sense that neither side could win and both were incurring high costs—but found that they did not perceive the costs as unsustainable, at least compared to the cost of succumbing. Annan’s six principles failed in good part because the two sides had not yet tested their relative capacities in all-out combat. Brahimi tried but was unable to shake the conflicting parties’ illusion of military victory.

Rather, a self-serving—though scarcely soft—stalemate took hold, in which the warring sides believed negotiating was potentially more costly than continuing to fight. Deep animosity, existential fear, incentives of the war economy, the fluctuating power balance, and hope that greater support from external patrons would enable victory all deterred the Syrian sides from rationally perceiving a hurting stalemate. It took intense pressure from the great powers to drag the conflicting parties “kicking and screaming,” in Brahimi’s words, to Geneva II. Neither party even wanted to engage with the mediator unless he adopted their viewpoint. This contrasted, as Brahimi pointed out, with the Lebanese civil war negotiations at Taif, when all the parties were exhausted and ready for a deal and did not see making one as suicidal. On top of this, the multitude of external actors acted as spoilers, since the stalemate was very much one with which they could live. Critics have said that Annan and Brahimi should not have called an end to their respective Geneva sessions. But they felt it was fruitless to continue until conditions changed.

### STRATEGY

#### Conflict Management and Conflict Resolution

Both mediators used cease-fires in an effort to build confidence among the parties. Annan saw his cease-fire as breathing space in a context of peace; Brahimi’s Homs cease-fire was a measure to evacuate civilians in a context of war. However, cease-fires rarely hold without some parallel movement toward resolution, nor do resolution measures hold without a parallel reduction in violence. Neither conflict management (cease-fires) nor conflict resolution proceeded far enough to positively affect the other.

#### Focus on the Third Circle

The mediators soon felt that the positions of the first and second circles were so firmly locked in that the only level on which to operate was the third, on US-Russian relations. They calculated that, if the interests of the top of the layer could be brought into sync and detached from those of the lower two levels, the latter would be obliged to come along. This strategy had been successful in Namibia because of the positive atmosphere just following the end of the Cold War; in the Syrian case, such inter-great-power trust had been lost, and the

mediators had to invest in trying to reconstruct it.

To this end, they convened bilateral meetings of the great powers aiming to produce a document of agreement. The meeting in Moscow on May 7, 2012, produced a joint acknowledgement that there was no military solution and that the conflict was a threat to both powers. But agreement was not deep enough to impel more than cooperation on paper, and momentum ground to a halt over the Assad issue, which had been papered over in the Geneva Communiqué. Thus the mediators were unable to sufficiently unhook the top-level powers from supporting their Syrian clients or get them to constrain middle-level countries' support for their clients.

### Mediators' Limited Options

Given this lack of progress on the third level, more investment in bringing together the first-level Syrian parties, or even the second-level rivals, might have been advisable. Yet the first-level parties were locked into perceiving the conflict as existential, believing not only that they could but also that they had to hold out. The regime was prepared to do anything to hold on to power; the opposition feared the government's centralized coherence in the face of its own disorder and viewed government offers of reform as duplicitous. The second-level parties incurred no serious costs

in supporting their clients, the mediators had no means of imposing costs on them or providing them benefits, and the first-level powers were unwilling to do so.

## LEVERAGE

### Mediators' Limited Leverage

In this situation, the substantive leverage available to the mediators over the parties on any level was limited. The most available was procedural leverage (e.g., urging the conflicting parties to attend Geneva II to defend their positions). Media reports continually used the term "urged" to capture the influence of the mediators. Without the means to threaten or promise, the mediators were reduced to making warnings and predictions. The mediators cited the extremely high costs imposed on the population, which remained voiceless and unrepresented, but did so ineffectively, since each side felt it was the best protection against further depredations by the other.

The mediators enjoyed the highest prestige and a finely honed sense of persuasion. They cultivated and counted on the great powers feeling a need to end the conflict, and they laid out a process that could have taken them there. But the Syrians did not see it that way and entrapped their patrons. The mediators urged hard, trying to get across the perception of an unwinnable stalemate, but the parties budged little.



## Appendix I

### Mediation in Syria (2011–2014)

#### 2011

##### March

Growing protests against the Assad regime are met with violent repression

##### April 4<sup>th</sup>

Assad names Adel Safar as new prime minister in gesture to protesters

##### May

EU and US impose sanctions on senior Syrian officials on May 9<sup>th</sup> and May 18<sup>th</sup>, respectively

Death toll exceeds 1,000

##### June 14<sup>th</sup>

League of Arab States (LAS) secretary-general condemns repression by Syrian regime

##### July 10<sup>th</sup>

Syrian officials announce national dialogue

##### August 8<sup>th</sup>

Bahrain, Kuwait, and Saudi Arabia recall ambassadors to Syria

##### August 18<sup>th</sup>

US and European leaders call on Assad to resign

##### August 23<sup>rd</sup>

Syrian National Council, the first opposition coalition, is formed

##### October 4<sup>th</sup>

Russia and China veto UN Security Council (UNSC) resolution threatening sanctions against Syria

##### November 12<sup>th</sup>

LAS suspends Syrian membership

##### November 27<sup>th</sup>

LAS approves sanctions against Syria

##### December 13<sup>th</sup>

Death toll exceeds 5,000

##### December 19<sup>th</sup>

LAS establishes monitoring mission for Syria

#### 2012

##### January 6<sup>th</sup>

Syrian Brigadier General Mustafa al-Sheikh defects to join Free Syrian Army

##### January 28<sup>th</sup>

LAS suspends monitoring mission due to rising violence

##### February 4<sup>th</sup>

Russia and China veto UNSC resolution threatening sanctions and calling for Assad to step down

##### February 6<sup>th</sup>

US shuts embassy in Damascus

##### February 16<sup>th</sup>

UN General Assembly passes resolution calling on Assad to step down

##### February 23<sup>rd</sup>

Kofi Annan is appointed joint UN-LAS special envoy

##### March 16<sup>th</sup>

Annan proposes a six-point plan, which is endorsed by the UNSC on March 21<sup>st</sup> and the government of Syria on March 27<sup>th</sup>

##### April 3<sup>rd</sup>

Syrian troops begin withdrawing from population centers in accordance with six-point plan

##### April 12<sup>th</sup>

Cease-fire between government and Syrian National Council enters into effect

##### April 21<sup>st</sup>

UNSC Resolution 2043 approves creation of UN Supervision Mission in Syria (UNSMIS)

##### May 25<sup>th</sup>

More than 100 people are killed in a massacre near the town of Houla, for which UNSMIS blames pro-Assad forces

##### June 12<sup>th</sup>

UN official declares the conflict a full-scale civil war

**June 16<sup>th</sup>**

UNSMIS suspends its activities due to increasing violence

**June 30<sup>th</sup>**

Action Group for Syria issues Geneva Communiqué in a meeting later referred to as the Geneva I Conference

**July 6<sup>th</sup>**

Syrian Brigadier General Manaf Tlass defects

**July 18<sup>th</sup>**

Bomb kills Syrian defense minister, former defense minister, and deputy defense minister (also Assad's brother-in-law)

**July 19<sup>th</sup>**

Russia and China veto UNSC resolution threatening sanctions

**August 15<sup>th</sup>**

UN accuses Syrian military of war crimes in Houla massacre

**August 2<sup>nd</sup>**

Annan resigns as special envoy

**August 6<sup>th</sup>**

Syrian Prime Minister Riyad Hijab defects

**August 17<sup>th</sup>**

Lakhdar Brahimi is appointed joint UN-LAS special envoy

**October 24<sup>th</sup>**

Four-day cease-fire marking Eid al-Adha is brokered, taking effect on October 26<sup>th</sup>

**November 11<sup>th</sup>**

Syrian National Coalition is formed under pressure to make the Syrian National Council more inclusive

**December 6<sup>th</sup>**

Brahimi convenes meeting with US secretary of state and Russian foreign minister in Dublin

**December 9<sup>th</sup>**

Brahimi convenes meeting with Russian deputy foreign minister and US deputy secretary of state in Geneva; they meet again in Geneva on January 11, 2013

**2013**

**March 6<sup>th</sup>**

LAS offers Syria's seat to the Syrian National Coalition—which it takes up on March 26<sup>th</sup>—and allows member states to arm the opposition

**April 18<sup>th</sup>**

UNSC reaches agreement and issues non-binding statement condemning violence

**May 7<sup>th</sup>**

US secretary of state and Russian foreign minister meet in Moscow, agreeing to jointly push for a transitional government

**June 25<sup>th</sup>**

Death toll exceeds 100,000

**August 21<sup>st</sup>**

Assad regime is accused of perpetrating a chemical attack in Ghouta that kills hundreds of civilians

**September 3<sup>rd</sup>**

Number of Syrian refugees exceeds 2 million

**September 27<sup>th</sup>**

UNSC adopts Resolution 2118, requiring Syria to destroy its chemical weapons and endorsing the Geneva Communiqué

**2014**

**January 22<sup>nd</sup>**

First round of Geneva II Conference begins

**February 15<sup>th</sup>**

Second round of Geneva II Conference ends

**May 13<sup>th</sup>**

Brahimi resigns as special envoy

**May 22<sup>nd</sup>**

Russia and China veto UNSC resolution referring Syria to the International Criminal Court (ICC)

**June 3<sup>rd</sup>**

Assad wins a third seven-year term in presidential elections

**September 23<sup>rd</sup>**

US-led coalition begins air strikes against ISIS targets in Syria

**2015**

**January**

Death toll exceeds 220,000

## Appendix II

### Geneva Communiqué\*

1. On 30 June 2012, the Secretaries-General of the United Nations and the League of Arab States, the Foreign Ministers of China, France, Russia, United Kingdom, United States, Turkey, Iraq (Chair of the Summit of the League of Arab States), Kuwait (Chair of the Council of Foreign Ministers of the League of Arab States) and Qatar (Chair of the Arab Follow-up Committee on Syria of the League of Arab States), and the European Union High Representative for Foreign and Security Policy met at the United Nations Office at Geneva as the Action Group for Syria, chaired by the Joint Special Envoy of the United Nations and the League of Arab States for Syria.
2. Action Group members came together out of grave alarm at the situation in Syria. They strongly condemn the continued and escalating killing, destruction and human rights abuses. They are deeply concerned at the failure to protect civilians, the intensification of the violence, the potential for even deeper conflict in the country, and the regional dimensions of the problem. The unacceptable nature and magnitude of the crisis demands a common position and joint international action.
3. Action Group members are committed to the sovereignty, independence, national unity and territorial integrity of Syria. They are determined to work urgently and intensively to bring about an end to the violence and human rights abuses and the launch of a Syrian-led political process leading to a transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their own future.
4. To secure these common objectives, the Action Group members (i) identified steps and measures by the parties to secure full implementation of the six-point plan and Security Council resolutions 2042 and 2043, including an immediate cessation of violence in all its forms; (ii) agreed on guidelines and principles for a political transition that meets the legitimate aspirations of the Syrian people; and (iii) agreed on actions they would take to implement the above in support of the Joint Special Envoy's efforts to facilitate a Syrian-led political process. They are convinced that this can encourage and support progress on the ground and will help to facilitate and support a Syrian-led transition.

**Identified steps and measures by the parties to secure full implementation of the six-point plan and Security Council resolutions 2042 and 2043, including an immediate cessation of violence in all its forms.**

5. The parties must fully implement the six-point plan and Security Council resolutions 2042 and 2043. To this end:
  - All parties must re-commit to a sustained cessation of armed violence in all its forms and implementation of the six-point plan immediately and without waiting for the actions of others. The government and armed opposition groups must cooperate with UNSMIS with a view to furthering the implementation of the above in accordance with its mandate.
  - A cessation of armed violence must be sustained with immediate, credible and visible actions by the Government of Syria to implement the other items of the six-point plan including:
    - o Intensification of the pace and scale of release of arbitrarily detained persons, including especially vulnerable categories of persons, and persons involved in peaceful political activities; provision without delay through appropriate channels of a list of all places in which such persons are being detained; the immediate organization of access to such locations; and the provision through appropriate channels of prompt responses to all written requests for information, access or release regarding such persons;

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\* Issued by the Action Group for Syria on June 30, 2012.

- o Ensuring freedom of movement throughout the country for journalists and a non-discriminatory visa policy for them;
- o Respecting freedom of association and the right to demonstrate peacefully as legally guaranteed.
- In all circumstances, all parties must show full respect for UNSMIS' safety and security and fully cooperate with and facilitate the Mission in all respects.
- In all circumstances, the Government must allow immediate and full humanitarian access to humanitarian organizations to all areas affected by the fighting. The Government and all parties must enable the evacuation of the wounded, and all civilians who wish to leave to do so. All parties must fully adhere to their obligations under international law, including in relation to the protection of civilians.

### Agreed Principles and Guide-lines for a Syrian-led transition

6. Action Group members agreed on the following 'Principles and Guide-lines on a Syrian-led transition': Any political settlement must deliver to the people of Syria a transition that:

- 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 realization of that perspective;
- Can be implemented in a climate of safety for all, stability and calm;
- Is reached rapidly without further bloodshed and violence and is credible.

## I. PERSPECTIVE FOR THE FUTURE

The aspirations of the people of Syria have been clearly expressed by the wide range of Syrians consulted. There is an overwhelming wish for a state that:

- Is genuinely democratic and pluralistic, giving space to established and newly emerging political actors to compete fairly and equally in elections. This also means that the commitment to multi-party democracy must be a lasting one, going beyond an initial round of elections.
- Complies with international standards on human rights, the independence of the judiciary, accountability of those in government and the rule of law. It is not enough just to enunciate such a commitment. There must be mechanisms available to the people to ensure that these commitments are kept by those in authority.
- Offers equal opportunities and chances for all. There is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds. Numerically smaller communities must be assured that their rights will be respected.

## II. CLEAR STEPS IN THE TRANSITION

The conflict in Syria will only end when all sides are assured that there is a peaceful way towards a common future for all in Syria. It is therefore essential that any settlement provides for clear and irreversible steps in the transition according to a fixed time frame. The key steps in any transition include:

- The establishment of a transitional governing body which can establish a neutral environment in which the transition can take place. That means that the transitional governing body would exercise full executive powers. It could include members of the present government and the opposition and other groups and shall be formed on the basis of mutual consent.
- It is for the Syrian people to determine the future of the country. All groups and segments of society in Syria must be enabled to participate in a National Dialogue process. That process must not only be inclusive, it must also be meaningful—that is to say, its key outcomes must be implemented.
- On this basis, there can be a review of the constitutional order and the legal system. The result of constitutional drafting would be subject to popular approval.
- Once the new constitutional order is established, it is necessary to prepare for and conduct free and fair



multi-party elections for the new institutions and offices that have been established.

- Women must be fully represented in all aspects of the transition.

### III. SAFETY, STABILITY AND CALM

Any transition involves change. However, it is essential to ensure that the transition can be implemented in a way that assures the safety of all in an atmosphere of stability and calm. This requires:

- Consolidation of full calm and stability. All parties must cooperate with the transitional governing body in ensuring the permanent cessation of violence. This includes completion of withdrawals and addressing the issue of the disarming, demobilization and reintegration of armed groups.
- Effective steps to ensure that vulnerable groups are protected and immediate action is taken to address humanitarian issues in areas of need. It is also necessary to ensure that the release of the detained is completed rapidly.
- Continuity of governmental institutions and qualified staff. The public services must be preserved or restored. This includes the military forces and security services. However, all governmental institutions, including the intelligence services, have to perform according to human rights and professional standards and operate under a top leadership that inspires public confidence, under the control of the transitional governing body.
- Commitment to Accountability and National Reconciliation. Accountability for acts committed during the present conflict must be addressed. There also needs to be a comprehensive package for transitional justice, including compensation or rehabilitation for victims of the present conflict, steps towards national reconciliation and forgiveness.

### IV. RAPID STEPS TO COME TO A CREDIBLE POLITICAL AGREEMENT

It is for the people of Syria to come to a political agreement, but time is running out. It is clear that:

- The sovereignty, independence, unity and territorial integrity of Syria must be respected.
- The conflict must be resolved through peaceful dialogue and negotiation alone. Conditions conducive to a political settlement must now be put in place.
- There must be an end to bloodshed. All parties must re-commit themselves credibly to the six-point plan. This must include a cessation of armed violence in all its forms and immediate, credible and visible actions to implement items 2–6 of the six-point plan.
- All parties must now engage genuinely with the Joint Special Envoy. The parties must be prepared to put forward effective interlocutors to work expeditiously towards a Syrian-led settlement that meets the legitimate aspirations of the people. The process must be fully inclusive to ensure that the views of all segments of Syrian society are heard in shaping the political settlement for the transition.

The organized international community, including the members of the Action Group stands ready to offer significant support for the implementation of an agreement reached by the parties. This may include an international assistance presence under a United Nations Mandate if requested. Significant funds will be available to support reconstruction and rehabilitation.

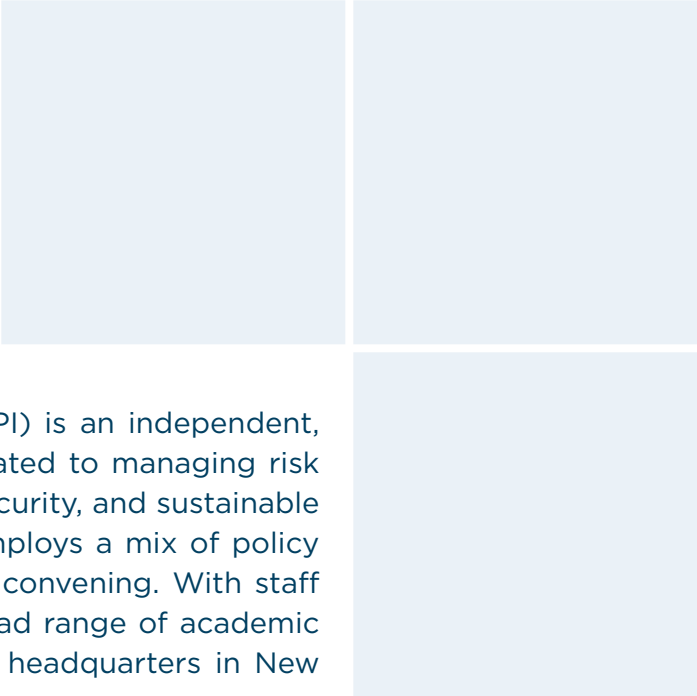
**Agreed actions Group members will take to implement the above in support of the Joint Special Envoy's efforts to facilitate a Syrian-led political process**

7. Action Group members will engage as appropriate, and apply joint and sustained pressure on, the parties in Syria to take the steps and measures outlined in paragraph 5.
8. Action Group members are opposed to any further militarization of the conflict.
9. Action Group members underscore to the Government of Syria the importance of the appointment of an effective empowered interlocutor, when requested by the Joint Special Envoy to do so, to work on the basis

of the six-point plan and this communiqué.

10. Action Group members urge the opposition to increase cohesion and be in a position to ensure effective representative interlocutors to work on the basis of the six-point plan and this communiqué.
11. Action Group members will give full support to the Joint Special Envoy and his team as they immediately engage the Government and opposition, and consult widely with Syrian society, as well as other international actors, to further develop the way forward.
12. Action Group members would welcome the Joint Special Envoy's further convening of a meeting of the Action Group should he deem it necessary to review the concrete progress taken on all points agreed in this communiqué, and to determine what further and additional steps and actions are needed from the Action Group to address the crisis. The Joint Special Envoy will also keep the United Nations and the League of Arab States informed.





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