

SYRIA: IS THERE A NEAR-TERM DIPLOMATIC SOLUTION?

Address by Ambassador Frederic C. Hof to the Harvard National & International Security Program

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Good afternoon. When I was invited by Tad Oelstrom to address the Harvard National and International Security Program on the crisis in Syria, my instant response was positive. My only request was that my presentation not immediately precede a meal. It's not that I expect to be especially off-putting in my presentation. It's just that the subject matter itself is not terribly appetizing. Indeed, as I represent the Atlantic Council and its Rafik Hariri Center in speaking about Syria around the country, I find I have to work hard not to depress people and spoil appetites.

Indeed, this is not a positive, uplifting story. Those who support and those who oppose President Obama's approach to the problem surely can agree on at least one point: Syria is, in the words of Samantha Power, a problem from hell: it is one of those high-profile episodes of mass murder in faraway places whose challenges bedeviled American presidents in the 20th century; life and death challenges that elicited a variety of White House responses.

It is a problem for which no easy answers exist: there is no silver bullet or magic solution that will make Syria right anytime soon or, for that matter, for as far as the eye can see. Yet it is also a problem for which neglect, benign or otherwise, surely is not an answer. It is, I will admit, tempting to characterize the Syrian crisis as "someone else's civil war" and to try to define it as an arms control problem requiring the removal of chemical weapons. Yet the humanitarian catastrophe engulfing a country of 23 million and all of its immediate neighbors, the emerging partition of the country between a state sponsor of terror in the west and terror itself in the east, and an economic collapse that will prompt Syria to hemorrhage human beings even if the shooting stops all combine to make this problem one that will occupy the attention of our current president for the balance of his term and surely that of his successor. If the situation we face in December 2013 seems intractable, it will be immeasurably worse in 2014 if Syria's journey to the Hobbesian world of state failure continues and picks up speed.

My specific subject this afternoon has to do with a near-term diplomatic solution: whether or not one is possible. I will arbitrarily define near-term as 2014. I will define a diplomatic solution as one that produces, through negotiations, a broadly consensual national unity government that would attempt to guide Syria through a transitional period. The challenges of transition itself would be daunting: the imposition of law and order; the protection of vulnerable populations; the resettlement of refugees and the internally displaced; the facilitation of international humanitarian assistance; the restoration of essential infrastructure and services;

the implementation of transitional justice (balancing reconciliation and accountability); the drafting of a new or significantly revised constitution; the planning for long-term economic reconstruction; and so forth. Syria, in short, will be problematical and vulnerable for decades to come. What I will try to address this afternoon is whether or not a diplomatic tourniquet can be successfully applied in 2014: one that would quite literally stop the arterial bleeding and give Syria and the surrounding neighborhood a chance to recover from the chaos of the last thirty-three months.

It would be tempting to say that the prospect for a near-term diplomatic solution is zero. After all, it took Lebanon fifteen years to achieve what has amounted to, since 1990, a sustained if uneasy ceasefire. And beginning in 1990 Lebanon spent another fifteen years having to deal with Syrian suzerainty and the rise of Hezbollah, first as a resistance organization dedicated to ousting Israel from the south and later—indeed, to the present day—as Iran's first line of defense against Israel. Surely the fighting inside Syria has matched and perhaps exceeded the savagery of Lebanon's civil war. Surely the roles of regional outsiders—Iran (including its Lebanese and Iraqi militias), Turkey, Saudi Arabia, and Qatar come immediately to mind—complicate matters greatly. Surely it is arguable that the very idea that the catastrophe that is Syria can be resolved or significantly mitigated through diplomatic means in 2014 is wishful thinking at best.

Yet the temptation to put Syria in the too hard to do box must be resisted. Syria may well turn out to be a 15 or 20 year calamity. Yet if the international community regarded the crisis that gripped Lebanon starting in 1975 as terribly regrettable but ultimately containable, there is nothing containable about what is happening in Syria. Even if gazes can be averted from a humanitarian nightmare that is now affecting upwards of half of Syria's population, how can one safely ignore the deleterious effects on American allies and friends in the neighborhood? How can one find tolerable the perpetuation of a ruling crime family whose sectarian survival strategy has brought Syria and its neighborhood to their current state? How can one deem acceptable the rise of Al Qaeda in the eastern part of the country? Syria cannot be quarantined. Diplomatic efforts may well fail. But a hands-off, let nature take its course approach is simply to pour kerosene on the fire. Indeed, to do nothing is a course of action. It is a choice; one that will inevitably produce unintended and unwelcome consequences. Many argue it already has.

The diplomatic focus of the United States, its partners, and its adversaries in the context of Syria currently rests on a peace conference in Geneva scheduled for January 22. The purpose of this conference would be to implement a broad plan for political transition in Syria, one arrived at in Geneva by the P5 and others on June 30, 2012. Having been present as a US government official at Geneva on June 30, 2012 and during the weeks leading up to the agreement, I think

I'm in a reasonably good position to describe what the so-called "Action Group for Syria Final Communiqué" calls for.

Kofi Annan, then the Joint Special Envoy for Syria of the UN and Arab League, orchestrated an agreement that covered three broad areas: the cessation of violence, a Syrian-led political transition, and steps that the Action Group countries—meaning mainly the P5—would take to support the joint special envoy in his efforts to implement a ceasefire and midwife political transition.

All of the parties present at Geneva in mid-2012 fully understood that there could be no civilized discussion of Syria's future, much less a sustained process producing agreed political transition, unless violence were substantially reduced. This was true then and it remains true now. It was and is true because the principal targets of violence in Syria are civilians, mainly the putative constituents of those vying for political leadership of Syrians opposed to the continued rule of the Assad regime. It is one thing to talk and fight, provided the fighting consists mainly of armed units in direct or indirect contact. It is quite another if the targets of artillery, aircraft, rockets, and missiles are civilians living in densely populated areas. Although war crimes and crimes against humanity are ubiquitous in Syria, the independent international commission of inquiry commissioned by the UN Human Rights Council has laid the preponderance of blame on the Assad regime. While citing the war crimes of some Islamist armed factions, the commission noted that, "Government and pro-government forces have continued to conduct widespread attacks on the civilian population, committing murder, torture, rape and enforced disappearance as crimes against humanity. They have laid siege to neighborhoods and subjected them to indiscriminate shelling. Government forces have committed gross violations of human rights and the war crimes of torture, hostage-taking, murder, execution without due process, rape, attacking protected objects, and pillage."

In its most recent report the commission went on to say "Government forces continue to rely on heavy and often indiscriminate firepower to target areas they were unwilling or unable to recapture through ground operations . . . Across the country, the government shelled civilian areas with artillery, mortars and rockets. Aerial bombardment by helicopters and jet fighters was common and, in some cases, a daily occurrence." I would note here that the BBC has recently produced a superb documentary called "Saving Syria's Children" that records the daily outrage occurring under the direction of the Assad regime: an outrage the regime feels perfectly secure in inflicting, so long as it does so without chemical munitions.

My conclusion, however, does not require the assessing of blame to specific actors. It is simply this: in order for there to be a Geneva conference worth having, it must be preceded by a noticeable and meaningful reduction in violence. And if the proliferation of armed opposition factions combined with the multiplicity of armed pro-regime auxiliaries makes a conventional,

comprehensive ceasefire an operational impossibility, surely the sharp reduction and even elimination of terror attacks on civilian populations ought to be the essence of the diplomatic prelude to Geneva. Such a result can and should be pursued in the context of opening all of Syria, without restriction, to UN humanitarian assistance personnel. The access of the UN to Syrians inside Syria suffering medically, nutritionally, psychologically, and from insufficient shelter has, quite understandably if barbarically, been restricted by a regime still recognized by nearly all the world as the de jure government of Syria. Naturally the regime does not wish to give the UN access to residential areas it is bombing, shelling, strafing, and otherwise terrorizing.

The Assad regime derives the preponderance of its support from Iran and Russia. Are Tehran and Moscow content to permit their client to proceed with mass terror business as usual in the run-up to Geneva? If they are, then at least any confusion about with whom we are dealing in those two places should be cleared up. If, on the other hand, they are troubled by war crimes and crimes against humanity and wish to see their client's engagement in this behavior stop in advance of Geneva, do they have the requisite leverage to force a change? We will not know until they are put to the test or, more precisely, they put themselves to the test. Together they have armed the Assad regime to the teeth. Russia, with the support of China, has shielded the regime in the UN Security Council. Iran—which incredibly denies playing a role in Syria—has raised militias for the regime in Lebanon and Iraq and has stationed its own Quds Force personnel in Syria. Surely Iran and Russia can, if they wish, at least try to persuade their client to refrain from human rights worst practices. If the practices continue they will continue to attract counter-measures from Islamist opposition factions whose appetite for the blood of innocents is easily as great as the regime's. If they continue one has to ask what would be the point of trying to convene Syrians to meet in Geneva.

For Geneva next month to have a chance of being something other than a shoe-throwing exercise, a cessation of the deliberate targeting of civilian populations is the sine qua non. Full, unrestricted access for UN humanitarian assistance personnel is the essential companion piece. This will require the buy-in of Russia and Iran. Obtaining that buy-in should be the near-term focus of US and Western diplomacy.

The second key element of Geneva 2012 had to do with the agreement's central purpose: bringing about real political transition in Syria from arbitrary, authoritarian rule to a state that "Is genuinely democratic and pluralistic . . . Complies with international standards on human rights . . . [and] offers opportunities and chances for all." Moscow has claimed consistently, in the wake of the June 30, 2012 agreement, that none of this mandates or even implies the political passing of the Assad regime. Moscow takes the position that there is nothing

inconsistent with the record of the regime and goals having to do with democracy, pluralism, and human rights.

Step one in the political transition envisioned by the original Geneva documents involves "The establishment of a transitional governing body which can establish a neutral environment in which the transition can take place. That means that a 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."

This was the central passage of the 2012 Geneva Final Communiqué. It arrived to its final form after much negotiation. Russia and China ruled out categorically the explicit exclusion of the Assad regime from the future governance of Syria. Russia even objected to wording about people with blood on their hands being so excluded, arguing—quite accurately—that everyone would interpret such a phrase as being synonymous with the Assad regime. Nevertheless the central passage and several following it reflected three key ideas: the transitional governing body would be peopled by Syrian negotiators on the basis of mutual consent, meaning mutual veto; once formed it would exercise full executive powers; and the principle of continuity of government to the extent possible was upheld.

The Western interpretation of this passage has been quite literal and fully in keeping with the history of the negotiations that produced it: the mutual consent clause would enable opposition negotiators to exclude from the transitional governing body the Assad-Makhluf clan and anyone steeped in blood affiliated with it; the transitional governing body would have no legally sanctioned partners in power during the transitional phase; and even though perpetuation of the regime—meaning the ruling clan and its key enablers—was all but impossible given the mutual consent clause, keeping the key institutions of government—including key, law-abiding personnel—in business during the transition phase was considered to be a good idea.

By late 2012, Russia had developed a different interpretation entirely, one that sought in essence to exempt the Assad regime and its security forces from the transition process. Moscow argued that transition had nothing to do with the Syrian presidency: that an election in May or June of 2014 would address that issue. Moscow's idea was the regime could stay in place, but the government—meaning the powerless prime minister and his cabinet—could be reshuffled to include some opposition people. Full executive power in this context would refer to the powers customarily exercised by the Syrian cabinet, which is to say no power whatsoever. To the credit of the Russian diplomatic corps this argument was advanced without the hint of a smile.

Again, the aim here is not a finger-pointing exercise. To the best of my knowledge the United States and Russia still do not have a common understanding of what the central provision of the Geneva Final Communiqué means. Secretary of State Kerry and various administration spokespeople continue to maintain that the convening of a Geneva conference in January 2014 will be the death knell of the Assad regime: this, despite the fact that the regime is scoring a series of military victories on the ground with the help of Iranian-raised militias and Russian arms supplies. Kerry has argued that the military situation in Syria has no bearing on what Geneva will produce. He has publicly called on Bashar al-Assad to read the Final Communiqué and prepare to step down. Perhaps the Secretary knows something we do not know. One hopes so. Have Iran and Russia decided that Assad and his family are more trouble than they are worth? Have Assad and his relatives decided, like wise sports stars, to leave at the top of their game? Or, at least in the context of political transition, has a Geneva conference been scheduled only in the hope that something good may turn up?

The publicly available evidence to date that something good will come of Geneva is not particularly convincing. Indeed, it is not particularly visible. The Syrian government has announced that the status of Bashar al-Assad will not be up for discussion at Geneva. Russia has been doing its best to pack the opposition delegation with personnel acceptable to the regime. The opposition itself is badly and perhaps terminally fragmented. The US embrace of General Salim Idris and his nationalist Supreme Military Council may yet prove to be a kiss of death, as Idris has received very little in the way of weaponry or cash compared to what is being lavished on the regime and its Islamist enemies/collaborators in Syria's partition. Many of Idris' people, for sound economic reasons, are drifting into the orbits of those who have money and arms.

The US and its partners have insisted that the Syrian National Coalition will lead the opposition delegation at Geneva. But Washington has pointedly rebuffed the Coalition in its attempt to install a government inside Syria. In December 2012 the US and many other s recognized the Coalition as the legitimate representative of the Syrian people. Yet Washington now maintains that it cannot recognize a government that does not control civilian air traffic or supervise maritime affairs. So the Coalition remains at its essence an organization of exiles, desperately trying to forge a delegation that the anti-regime public inside Syria will recognize as legitimate.

In sum, even though Geneva is some five weeks away, the prospects for meaningful and civil political transition talks seem not to be promising. They are nonexistent if attacks on civilian populations persist. They are between slim and none if the regime believes its war is being won, if there is no effective pressure on it from its protectors, and if there is no credible threat of military force on its horizon, either from the United States or from the ranks of the opposition.

Finally, the June 2012 Geneva agreement pledged the support of the P5 and others for the ongoing work of the Joint Special Envoy. The subsequent resignation of Kofi Annan was a

powerful indicator that the support promised never materialized. Indeed, Assad reportedly told the Russians and Annan alike that he would have nothing to do with Geneva. The P5 incinerated their short-lived consensus on Syria during July 2012 by engaging in a no-prisoners Security Council debate over a draft Chapter VII resolution that would have compelled the Assad regime's cooperation with Geneva. And the only party of transcendent importance to observe paragraph 8 of the Final Communiqué—"Action Group members are opposed to any further militarization of the conflict"—was the United States. Not long after Geneva and its downfall in the Security Council President Obama—against the advice of his secretaries of defense and state, the chairman of the joint chiefs, and the director of the CIA—decided that the US would not participate in the arming, training, and equipping of armed Syrian nationalists.

As someone who participated as an official in the initial Geneva deliberations and agreement I am not, I can assure you, an enemy of a negotiated settlement achieved in the context of the Final Communiqué. I simply do not see the foundation for a useful January meeting having been laid. I will acknowledge that just because I do not see it, it does not mean it does not exist. I'm encouraged that there seems to be an ongoing effort by the administration and others to secure full UN humanitarian access.

The prospects for Geneva would have been much better, however, had the United States been able to capitalize on Moscow's eagerness for a chemical weapons agreement by insisting that a humanitarian, de-escalatory component be built into that agreement. There is not a thing wrong with the chemical agreement per se. By all accounts it is working out splendidly. In return for the agreement, however, the United States gave up its credible threat of military force against the Assad regime, which promptly returned to business as usual in its massive deadly assaults on civilian population centers: only now without chemicals. The regime's work was facilitated by a sharp up-tic in Russian weapons shipments. The United States did not respond in kind with enhanced assistance to Syrian nationalists. Honorable people can disagree over things the US can and should do in the context of Syria. Yet can anyone really make of today's circumstances the ingredients for a Geneva conference that will do more good than harm?

Geneva, in the end, may not happen. In October, the London 11—the core group of the Friends of the Syrian People, led by the US—issued a communiqué that specified that the parties to the conflict would be obliged to signal publicly their acceptance of the June 30, 2012 Geneva agreement. The Syrian National Coalition checked that box. The regime has not. Presumably the United States and its partners will not drag what is left of a moderate, nationalist, relatively non-sectarian opposition into a Geneva conference where the regime does the diplomatic equivalent of a victory lap and the opposition's putative constituents in Syria continue to be

pounded day-in and day-out. There is still time—especially on the humanitarian front—to make Geneva something to look forward to for those who value Syrian lives and hope that political transition is not too far off. Yet if Geneva were scheduled one week from now one would hope that Washington would cancel it and give serious consideration to measures it has previously set aside.

Are there other, non-Geneva possibilities? Or are there other developments that could make Geneva itself a more realistic framework for mutually agreed political consensus?

If there is one party that may have something approaching decisive leverage over the Assad regime it is Iran. Although Russia has been important to the survival of the Assad regime, Tehran has been vital. Indeed, the introduction of Lebanese Hezbollah light infantry at the behest of Iran last spring turned the tide of battle and gave Assad's reliable military units much needed rest. Iran has also recruited Iraqi militiamen to fight in Syria and has helped the regime raise a so-called popular militia.

There are those who argue that Iran's vital role dictates its invitation to Geneva; that Iran absolutely must be part of the solution if one is to be found. Given Geneva's objective prospects it probably does not make much difference whether or not Tehran sends a delegation. Yet if Iran is to play a key role in fostering real political transition in Syria, it will not be in the context of Geneva as presently constituted. Rather it could conceivably play such a role in the wake of a final nuclear understanding with the P5+1, one that Israel would find attractive.

At present Iran needs the Assad regime for one thing: that regime's absolute willingness to subordinate itself and Syria to Iran's desire to sustain Hezbollah in Lebanon. So long as there is a threat of Israeli air strikes on Iranian nuclear facilities Hezbollah will be Iran's first line of defense: its Lebanon-based deterrent and retaliatory force. When Israel contemplates military action in the skies over Iran it must take into account missiles landing on Tel Aviv from launchers in southern Lebanon. Tehran understands fully that any replacement of the Assad regime resulting from a negotiation or an opposition military victory would change Syria's relationship with Hezbollah in ways Iran would not welcome. Just as Bashar al-Assad's father saw Hezbollah's Hassan Nasrallah as a subordinate worthy of an occasional spanking, so would a successor Syrian government very likely put Syria first and end, among other things, the practice of handing over advanced weaponry from the Syrian military inventory.

If the threat from Israel goes away by virtue of a solid, negotiated nuclear settlement, it is possible that Tehran would reevaluate the extent of its investment in a regime for which it seems to have little respect or regard. There are reports that Iran's leaders were not pleased by Assad's chemical atrocity of August 21. Even now Tehran might be persuaded to pressure the

regime to abandon mass terror tactics and permitting full UN humanitarian access. Yet for Iran to be complicit in the removal of a regime that has all-but-destroyed Syria and thrown open the door to foreign fighters—including Al Qaeda elements—it would, in my view, have to be utterly convinced that the threat from Israel has expired. Even then Iran would continue to support Hezbollah as a political and perhaps political-military movement in Lebanon. Even then it might continue to support the regime. And Tehran's bold-faced denial that it plays any military role in Syria does not bode well for the truthfulness, honesty, or reliability of those with whom we are seeking to come to an agreement on nuclear matters.

Yet if a solid nuclear agreement is reached, Iran and other regional powers might choose to work together to pacify the situation in Syria and help the country get past the regime and Al Qaeda alike. Although American diplomacy might be an essential catalyst, there is no objective reason why, under the right circumstances, Iran, Turkey, Saudi Arabia and others might cooperate in Syria's military and political pacification. Again, the essential precondition for regional parties brokering the diplomatic solution might well be the final nuclear agreement. Yet there is absolutely nothing to prevent these parties now from discussing humanitarian relief for the Syrian people. Indeed, it appears that Iran and Turkey are already doing so.

Obviously I am not terribly sanguine about the prospects for a near-term diplomatic settlement in Syria. I sympathize with those who say and apparently believe that a diplomatic settlement is somehow inevitable, if for no other reason than a military solution for Syria is impossible. It would help the case for peaceful diplomacy if others—the regime, Iran, and Russia for starters—also believed in the impossibility of a military solution for Syria. They do not so believe. They may well be wrong. Secretary of State John Kerry came into office saying that Bashar Al Assad's calculation with regard to peaceful, negotiated political transition would have to be changed. Well, it has changed. The dial, however, has moved in the wrong direction. One may, as a matter of principle and firm belief, continue to insist that there is no military solution to that which plagues Syria. Is there any doubt, however, that men with guns will help—perhaps decisively—to shape the diplomatic outcome? And does it make sense, in this context, to deny meaningful assistance in terms of arms, equipment, and training to nationalist forces in Syria while the regime is lavished with aid from Iran and Russia, and radical Islamists bask in money and weapons courtesy of private Gulf bankrollers?

My sense is that if Geneva either fails or does not happen, Washington will be obliged to make a basic choice: either reconcile itself to the continuation of Assad regime rule in at least part of Syria and adjust policies accordingly; or revisit options centering on the nationalist opposition previously considered and discarded. Those options feature taking control over who gets what in the Syrian armed opposition from abroad regardless of the source; and encouraging the establishment of an alternate government on Syrian territory. Neither of these things is a silver

bullet or a panacea. Neither is easily accomplished. Both would have been infinitely easier to implement in 2012 or early 2013.

To believe in the desirability of a peaceful, negotiated political transition for Syria is a good thing. To maintain there is no military solution is an honorable position that may also have the merit of being true. To imagine, however, that talk in a conference room can trump facts on the ground is not terribly realistic. The Syrian people want, more than anything else, an end to their suffering. A negotiated settlement can and must be preceded by a humanitarian truce. We are rapidly approaching the point where Western leaders, led by President Obama, may have to determine whether a humanitarian truce itself would have to be preceded by the restoration of the credible threat of military force. That decision point will likely be reached in the wake of the January Geneva conference, if it takes place at all. A decision to take military steps—direct and/or through the nationalist opposition—would likely yield effects on the ground at around the same time the chemical weapons agreement is substantially implemented.

The prospects of a near-term diplomatic solution for Syria are not, at present good. They can change for the better. Yet they will not change on their own.