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INTRACTABLE SYRIA? INSIGHTS FROM THE SCHOLARLY LITERATURE ON THE FAILURE OF MEDIATION

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INTRODUCTION

Since its beginning in March 2011, the conflict in Syria has produced considerable human suffering and increased the risk of greater regional instability. The conflict has produced in excess of 35,000 fatalities and displaced hundreds of thousands of Syrians.¹ Violence against civilians has brought widespread condemnation from across the international community. This violence, in turn, has also increased calls for action to stop the fighting in Syria and protect its civilian population.

To this end, a wide array of sanctions has been imposed upon the Syrian government by actors including the United States, members of the European Union, the Arab League, and regional powers such as Turkey. The United Nations Security Council has been sharply divided on how to deal with the crisis, with the United States, Great Britain, and France calling for tougher language and action against the Assad regime, and Russia and China in opposition. Despite this lack of unanimity on the Security Council, U.N.

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¹ See CNN Staff, *By the Numbers: Syria Deaths*, CNN.COM, Jan. 9, 2013, <http://www.cnn.com/2013/01/08/world/meast/syria-civil-war-compare/index.html>; VDC: CENTER FOR DOCUMENTATION OF VIOLATIONS IN SYRIA, <http://www.vdc-sy.org/index.php/en/> (last visited Apr. 10, 2013).

Secretary General Ban Ki Moon appointed former U.N. Secretary General Kofi Annan as U.N.-Arab League Joint Special Envoy on Syria in February 2012. Efforts to mediate the Syrian conflict are consistent with the broader tendency of mediation to be applied to the most difficult conflicts in the international system.² Despite Annan's presentation of a plan to end the conflict and the dispatch in April 2012 of a U.N. ceasefire monitoring mission, the Syrian conflict has proven difficult to manage. A lasting ceasefire has proven elusive among the belligerents, with conflict escalating sufficiently that activities by the U.N. monitoring mission were suspended in June 2012 and its mandate went without renewal following its expiration. Deteriorating conditions in August 2012 and the refusal of the Syrian regime to negotiate led to the resignation of Kofi Annan, who was subsequently replaced as U.N. envoy to Syria by Lakhdar Brahimi. In his resignation, Annan laid blame for the failure of mediation at the feet of both external powers as well as the warring sides themselves stating, "without serious, purposeful and united international pressure, including from the powers of the region, it is impossible for me, or anyone, to compel the Syrian government in the first place, and also the opposition, to take the steps necessary to begin a political process."³

The inability of the United Nations or any other third party to broker an end to the violence in Syria, despite early and frequent demands by an array of outside powers for a cease-fire and the dispatch of peace envoys and a U.N. monitoring force, raises the question of why the Syrian conflict has proven so impervious to settlement. Not only have third-party efforts to manage the conflict been unsuccessful, but conditions have continued to deteriorate in Syria with the level of violence mounting on both sides and civilian suffering deepening. In this paper, I explore the ways in which some of the insights from the scholarly conflict management literature can be brought to bear in understanding the specific challenges faced by

² See Scott Sigmund Gartner, *Deceptive Results: Why Mediation Appears to Fail but Actually Succeeds*, 2 PENN ST. J.L. & INT'L AFF. 27 (2013).

³ Rick Gladstone, *Annan Steps Down as Peace Envoy and Cites Barriers in Syria and the United Nations*, N.Y. TIMES, Aug. 3, 2012 at A6, <http://www.nytimes.com/2012/08/03/world/middleeast/annan-resigns-as-syria-peace-envoy.html?pagewanted=all>.

third-party efforts to manage the Syrian conflict. I argue that the characteristics of the warring sides and the way in which fighting has evolved between the Syrian government and rebels each play an important role in the failure of conflict management.

NUMBER OF PARTIES

The number of parties involved in a conflict plays an important role in the prospects for successful mediation. In general, as the number of parties in a conflict grows, the chances for mediation success dim. Increasing the number of parties involved in conflict brings three problems for mediation. First, communications become tougher as the number of parties involved in a conflict increase.⁴ A mediator confronting a conflict involving several parties faces the difficult task of coordinating communications among each side while limiting the chances of miscommunications. Second, increasing the number of parties involved in a conflict raises the risk of spoilers for the peace process. Increasing the number of warring actors also increases the number of interests at stake among the parties, increasing the number of veto players⁵ and raising the risk that one or more parties oppose a settlement agreed to by the others. This can create spoilers who engage in violence to derail the peace process until their own demands are met.⁶ Third, increasing the number of players in a conflict also increases the possibility of commitment problems for any settlement. Peace efforts in civil wars are inherently susceptible to commitment problems in which, even if an agreement can be reached, the lack of enforcement makes neither side confident that the other will live up to the terms of the agreement.⁷ Commitment problems are exacerbated as the number of actors involved in a conflict grows because agreement monitoring becomes more difficult and the chances of spoilers increases.

⁴ See J. MICHAEL GREIG & PAUL F. DIEHL, INTERNATIONAL MEDIATION 104-105 (2012).

⁵ See David Cunningham, [*Who Should Be at the Table? Veto Players and Peace Processes in Civil War*](#), 2 PENN ST. J.L. & INT'L AFF. 38 (2013).

⁶ See Desirée Nilsson, *Partial Peace: Rebel Groups Inside and Outside of Civil War Settlements*, 45 J. PEACE RES. 479, 481-82 (2008).

⁷ See Barbara F. Walter, *Bargaining Failures and Civil War*, 12 AM. REV. POL. SCI. 243, 254 (2009).

In this respect, the Syrian conflict presents a difficult challenge for third parties seeking to mediate it. Because the rebels are divided among a large number of groups, each with different goals and backgrounds, it is difficult to simply identify all of the actors needed to participate in any potential peace process. Although the Free Syrian Army provides a unified name to much of the armed Syrian opposition, this unity is limited. The Free Syrian Army is, at best, a very loose collection of militia groups with minimal coordination among one another.⁸ Foreign supporters of the Syrian opposition have sought to encourage the development of a broad coalition group to bring the rebels under one political umbrella. The Syrian National Council was an early effort at unity, but it proved difficult to coordinate with the Free Syrian Army, and struggled with major divisions among constituent groups. The new National Coalition of Syrian Revolutionary and Opposition Forces is another effort to unify the Syrian rebels, but its prospects for success remain uncertain.⁹

INTENSITY AND DURATION OF VIOLENCE

Just as the characteristics of the warring sides shape the chances for effective mediation, a large body of scholarly literature points to the way in which a conflict unfolds over time as a key influence on the chances that diplomatic efforts will be fruitful.¹⁰ While some civil conflicts at their outset may inherently be more or less susceptible to successful conflict management efforts, what takes place on the battlefield over the course of the conflict shapes the incentives for warring sides to accept mediation and make the

⁸ See Rania Abouzeid, *Syria's Secular and Islamist Rebels: Who are the Saudis and the Qataris Arming?*, TIME, Sep. 18, 2012, <http://world.time.com/2012/09/18/syrias-secular-and-islamist-rebels-who-are-the-saudis-and-the-qataris-arming/>.

⁹ See Jonathan Masters, *Syria's Crisis and the Global Response*, COUNCIL ON FOREIGN RELATIONS, Feb. 5, 2013, <http://www.cfr.org/syria/syrias-crisis-global-response/p28402>.

¹⁰ See, e.g., Dean Pruitt, *Ripeness Theory and the Oslo Talks*, 2 INT'L NEGOTIATIONS 237 (1997); J. Michael Greig, *Moments of Opportunity: Recognizing Conditions of Ripeness for International Mediation Between Enduring Rivals*, 45 J. CONFLICT RESOL. 691 (2001); I. WILLIAM ZARTMAN, *RIPE FOR RESOLUTION: CONFLICT AND INTERVENTION IN AFRICA* (1989).

concessions for a settlement. As a result, some points in time during a conflict present better opportunities for effective third-party diplomacy than others.

One of the challenges in managing a civil conflict is that as the level of violence among belligerents grows, it increases hostility among the parties, encouraging even more violence in the future.¹¹ This process, in turn, closes off communication between warring sides,¹² increases the extent to which the parties see themselves as victims of the other,¹³ and encourages the belligerents to frame their goals in terms of punishing the other side.¹⁴ Put together, increasing levels of violence undermine the likelihood and effectiveness of mediation efforts in managing the conflict.

The intensity of violence in Syria directly cuts against third-party efforts to manage the conflict and locate a settlement. When mediation is applied to a civil war immediately following a spike in battle deaths, the chances that talks will produce an agreement among the combatants is sharply reduced.¹⁵ This is precisely the pattern that casualty levels in Syria have followed. From June 2012 to August 2012, the number of Syrian casualties increased sharply, growing from 2204 deaths in June to 5037 killed in August.¹⁶ Rising casualty levels in Syria have made it harder for third-party efforts to manage the conflict.

¹¹ See ZARTMAN, *supra* note 10, at 263.

¹² See Jacob Bercovitch, J. Theodore Anagnoson & Donette L. Wille, *Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations*, 28 J. PEACE RES. 7, 13 (1991); THOMAS PRINCEN, INTERMEDIARIES IN INTERNATIONAL CONFLICT 54-59 (1992).

¹³ See generally STATHIS N. KALYVAS, *THE LOGIC OF VIOLENCE IN CIVIL WAR* (Cambridge University Press 2006) (1964).

¹⁴ See Dean Pruitt & Paul Olczak, *Beyond Hope: Approaches to Resolving Seemingly Intractable Conflict*, in CONFLICT, COOPERATION, AND JUSTICE: ESSAYS INSPIRED BY THE WORK OF MORTON DEUTSCH 59 (Barbara Bunker & Jeffrey Rubin eds., 1995).

¹⁵ J. Michael Greig, *Rebels at the Gates: Civil War Battle Locations, Movement, and Openings for Mediation*, paper presented at the 2012 Meeting of the Folke Bernadotte Academy Conflict Prevention Working Group, State College, PA, 2012.

¹⁶ David Kenner, *Syria Is More Violent Than Iraq at Its Worst*, FOREIGN POLY (Sept. 11, 2012, 10:27AM), http://blog.foreignpolicy.com/posts/2012/09/10/syria_is_more_violent_than_iraq_at_its_worst.

Although rising casualty levels diminish the chances for mediated agreement, the conflict management literature points to another window for effective third-party diplomacy that is relevant to Syria. While warring sides build up animosity and become less willing to compromise the more they fight, at some point, as the two sides build up more conflict costs, belligerents begin to seek an alternative to fighting.¹⁷ As these costs grow for the belligerents, with neither able to overcome the other and suffering increasing for each, a hurting stalemate emerges.¹⁸ The development of this hurting stalemate during a conflict creates a second window of opportunity for mediation to end the fighting. Fundamental to the hurting stalemate is that both sides must feel unacceptably painful conflict costs and each must *perceive* that it cannot win the conflict and impose its own terms of settlement. When a hurting stalemate develops, civil war combatants become more open to mediation and grow more willing to make the concessions necessary for a settlement.

What does this mean for Syria? Despite the deepening suffering among the Syrian populace and the worsening level of violence, there is little indication that Syria has developed sufficiently into a hurting stalemate that settlement is likely. Although the level of conflict is high, there is no evidence that it is unbearably so for either side. At the same time, there is also nothing to suggest that either side believes that it cannot ultimately prevail in the conflict and impose its own terms without negotiation. Civil war research suggests that the chances for mediation success only begin to approach the odds of success that exist early in a civil conflict after fighting has continued for 130 months and 33,000 battle-deaths have resulted, a level well above where the Syrian conflict is.¹⁹ In this respect, Syria finds itself in a nether zone of conflict. The warring sides have fought long enough to become so hostile that there is little, if any, trust between them and dialogue among the belligerents has become virtually

¹⁷ See J. Michael Greig & Patrick Regan, *When Do They Say Yes? An Analysis of the Willingness to Offer & Accept Mediation in Civil Wars*, 52 INT'L STUD. Q. 759 (2008).

¹⁸ See I. William Zartman, *Ripeness: The Hurting Stalemate and Beyond*, in INTERNATIONAL CONFLICT RESOLUTION AFTER THE COLD WAR 225 (Paul C. Stern & Daniel Druckman eds., 2000).

¹⁹ Greig, *supra* note 15.

impossible. At the same time, the history of conflict has yet to reach a sufficiently painful, stalemated point that the parties become open to a settlement. From the perspective of a mediator, Syria finds itself in the worst of all possible worlds.

GEOGRAPHY OF THE BATTLEFIELD

Beyond the intensity and duration of violence, where fighting between rebel and government forces occurs also significantly impacts the success of mediation. This has direct implications for the conflict in Syria. One of the challenges that a rebel force challenging a government faces is demonstrating its ability to mount a credible, durable threat to the regime. If a government anticipates that the rebels can be quickly defeated or doubts the ability of the rebels to impose significant costs on the regime, there is little reason for the regime to negotiate with the rebels. To push governments to the bargaining table, rebels must demonstrate their ability to impose unacceptable costs on the regime. One way for rebels to do this is to mount a military threat to a country's major cities. In doing so, rebels can disrupt important economic, social, and political activity for the country. This can increase pressure from the populace on the government to negotiate with the rebels.

As Syrian rebels increased their ability to threaten the government across broader swaths of territory, their ability to impose costs on the government also increased. As protests spread from Dara'a to Homs and Aleppo, important industrial and financial centers, the Syrian government began to signal their willingness to make some limited concessions. At this point, however, these concessions were not sufficient to stop the violence from deepening and appeared more tactical than sincere. This points to a particular challenge faced in managing civil conflicts. Conditions that might encourage one side to offer concessions can encourage the other to resist settlement with the expectation of better terms from fighting than talking. As rebels see more success on the battlefield, they tend to increase their demands on the government during talks. When these increased demands are unacceptable for the regime, diplomatic efforts become more likely to fail.

The best example of this tendency for rising expectations of victory to influence mediation is the effect that civil war battles fought near the capital exert. Rather than increasing the likelihood of agreement, the closer civil war battles occur to the capital, the less likely mediation is to take place at all and, when it does occur, the less likely it is to be successful.²⁰ These diminished prospects for mediation are a function of the distinct effects that such battles have on both rebels and governments. For rebels, as their ability to sustain a challenge near the capital grows, they increasingly see better prospects for victories. As a result, rebels tend to increase their demands on the regime in any settlement talks.²¹ A government facing rebels near the capital is likely to see continued fighting as preferable to agreement. First, such a government may see the potential demands from the rebels as likely to be unacceptable to the regime, potentially demanding terms such as the complete removal of government officials. Second, even a government interested in reaching a settlement may conclude that it can get better terms if it is able to push the rebels away from the capital.

The way the dynamics of the Syrian conflict changed in July 2012 as rebel attacks began on the capital is consistent with this line of thinking. The mounting violence in the capital not only imposed real costs on the Syrian regime, but also carried important psychological costs as well. Neil MacFarquhar argues that keeping violence away from Damascus had an important effect on the Syrian psyche, suggesting that protecting Damascus from threat “became a kind of a psychological yardstick: if Damascus remained under control, it meant the Assad government was still in control.”²² As these attacks on the capital mounted, rather than offering concessions or embracing diplomacy, the Assad regime adopted increasingly aggressive measures, using air strikes against rebel positions in Aleppo and Damascus and shelling Damascus neighborhoods where rebel forces were believed to be located. In this

²⁰ *See id.*

²¹ *See* Halvard Buhaug & Jan Ketil Rød, *Local Determinants of African Civil Wars, 1970–2001*, 25 *POL. GEOGRAPHY* 315 (2006).

²² Neil MacFarquhar, *Damascus Confronts New Reality After Attack*, *N.Y. TIMES*, July 18, 2012, at A13, http://www.nytimes.com/2012/07/19/world/middleeast/bombing-attack-shifts-equation-in-syria-uprising.html?_r=0.

respect, Jeffrey White, former senior Middle East analyst for the Defense Intelligence Agency, argues that “There will not be any negotiations He [Assad] will go down fighting, and he will probably do it in Damascus.”²³

CONCLUSION

The Syrian conflict has seen a variety of third-party efforts from individual states, the Arab League, and the United Nations to manage the conflict and find a settlement. Thus far, the conflict has proven intractable. Former U.N. Secretary General Kofi Annan’s lament about the lack of purposive and unified action by the international community toward Syria explains some of this conflict management failure. Others have laid some of the blame at the feet of the decisions made by those who have attempted to mediate the conflict. Yet, what we know about conflict management points to characteristics of the Syrian conflict that make it inherently difficult to resolve diplomatically. The characteristics of the parties and how they have fought each shape the effectiveness of conflict management even before the mediators arrive.

²³ Joby Warrick & Anne Gearan, *For Syria’s Assad Only Exit May Be a Body Bag*, WASH. POST, Aug. 1, 2012, at A01, http://articles.washingtonpost.com/2012-07-31/world/35486777_1_syrian-president-bashar-al-assad-aleppo-troops-battle-rebels.