

Syria: reforms for peace and stable government

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Abstract

Syria today is divided by civil war and sectarianism. The Syrian Civil War, which began in 2011, resulted in large part from a governance crisis, more specifically a widespread loss of confidence in the country's government. Following Russian intervention from September 2015, the position of the Assad government has strengthened and his forces have since made significant gains in the Latakia and Aleppo theatres. There have been several attempts to negotiate a ceasefire but these efforts have so far proved unsuccessful.

This paper presents a guideline for bringing peace and political stability back to Syria. The paper is divided into two sections. The first addresses the immediate cessation of hostilities. In order to achieve disarmament, we propose a framework of incentives, most importantly conditional amnesty, to those militiamen willing to give up arms. The second section focuses on the stabilisation and legitimisation of the Syrian government. We recommend that a strong government and unitary state is the best condition for bringing long-term peace and stability to Syria, where sectarianism will continue to be a significant destabilising feature of post-war governance. We propose that a body be established which represents different religious and cultural groups, and which may veto legislation in order to defend the interests of these minorities against sectarianism. We also recommend a 'bottom-up' approach to reconstruction: local government should initially take the lead in rebuilding infrastructure and providing aid. Our proposals seek to provide a starting-point for achieving stability and a long-term peace in Syria.

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Executive Summary

This paper concludes that:

- An effective peace process in Syria necessitates an enforceable plan to disarm militias.
- In the interests of securing peace, we recommend that Syria should remain a unitary state with a strong central government.
- A strong centralised government is necessary to regulate tension between minorities and prevent relapse into sectarian conflict.
- It is necessary to reform the Syrian government to respond to the grievances of the Syrian opposition, in particular to a perceived lack of popular representation.

The following paper recommends that:

- Complete and unconditional amnesty should be granted to those militiamen who are willing to fully disarm in accordance with the mandates of an international overseeing body.
- Disarmament should be conducted as a joint effort between the Syrian government and an international peacekeeping mission of the UN, in order to legitimise the process.
- Syrian borders should be secured with the help of a UN peacekeeping mission to prevent illicit cross-border activities, such as weapon smuggling.
- Where possible, diplomatic pressure should be exercised by the international community on those states funding radical groups in Syria to reduce this funding. An agreement on which groups are qualified as radical should be reached through international negotiations overseen by the UN.
- Discussions concerning a peace-settlement should be *initially* approached with the intention that no regional autonomy should be allowed. We recognise that some flexibility may be necessary as the talks progress, in particular concerning the question of Kurdish autonomy.

- A Council of Representatives should be established to:
 - respond to demands of greater representation of the Syrian people in government.
 - forestall any attempts of institutionalised sectarian reprisals
- The Council should have the power to veto new legislation that is introduced from the cessation of hostilities onwards. The aim of the Council is to prevent the passing of laws that would discriminate against some of Syria's ethno-religious groups. The number of representatives for each group should be arranged in such a manner that the minorities will have absolute majority.
- In case a new constitution is devised, the Council may act as a consultative body.
- Local elections should be held at a district level as soon as possible.
- Bashar Al-Assad must be allowed to contest national elections, alongside opposition leaders.
- Government action to resettle Internally Displaced Persons (IDPs) and refugees should be an integral part of a post-conflict settlement.
- We advise total transparency for political group funding and would ban foreign funding of elections within Syria.

I. Introduction

In this paper, we have outlined, with a focus on government, a set of proposals for post-war governance reform and reconstruction in Syria. Recognising the sectarian progress of the conflict and its parallels with conflicts in Lebanon, Bosnia, and Yemen, our proposal is concerned with the lessons that these experiences provide for successfully managing Syria's peace process. Our proposals aim both to prevent a relapse into civil war, and to provide a framework for future state-building and stable governance. Admitting the complexity of the issues raised, our proposals are not exhaustive. Since the situation in Syria remains as yet unstable, and access to local information limited, we have left the task of outlining the more precise details of how these proposals might be implemented to a later paper. Specific reform initiatives will clearly be subject to highly variable local conditions at the time peace is formally agreed to. Admitting these challenges, the aims of this paper are to outline policies that provide:

- i. Short-term peace and security
- ii. Long-term stability

Short-term peace-enforcement and long-term security will be achieved through a Disarmament, Demobilisation and Reintegration (DDR) programme tailored to various groups fighting in the Syrian civil war. Municipal elections should be held as soon as possible in those areas where fighting has ceased, even before a nation-wide peace settlement is agreed upon. The newly-elected local authorities will be responsible for local reconstruction in the period immediately following any settlement. It is important that municipal elections be held soon after a settlement is agreed upon, both to accelerate the reconstruction process and to reacquaint the Syrian people with civilian government.

The central government will be responsible for rebuilding strategic national infrastructure. The funding for reconstruction will inevitably come from a variety of sources, including those countries which supported one or several parties to the conflict, as well as NGOs. Investment from the Gulf states and Iran which promotes sectarian and Islamist causes should be a focus of international monitoring efforts. While corruption is likely, we recommend that the process of

reconstruction is prioritised over attempts to monitor spending and the allocation of resources. Indeed, justice will be difficult to administer as long as order is lacking on the ground.

This paper recommends that a strong unitary state is necessary to hold Syria's diverse and multi-confessional population together. Peace negotiations should be *initially* led with a 'no regional autonomy is to be allowed' approach to prevent multiplication of demands for self-determination from the various Syrian ethnic and religious groups. This approach should nevertheless remain flexible if necessary in order to reflect the realities of political negotiations – particularly in reference to the Kurdish situation. We propose that the structure of the Syrian government should, for the period immediately following a negotiated settlement, remain as it was prior to the conflict, except for the introduction of a Council of Representatives, which will represent Syria's different ethnic and religious groups. This body, distinct from the traditional branches of government, will have a veto on new legislation to prevent regional and sectarian discrimination. This paper further recommends that in the event of the re-drafting of Syria's constitution, this body should be involved for consultation. We stress the importance of ethnic and religious representation in the Syrian government because the Civil War has engendered rampant sectarianism in Syrian society. Checks, such as the Council of Representatives, to a newly elected government's possibly sectarian agenda should therefore be put in place.

It is difficult to guarantee or improve the legitimacy and fairness of the output of legislative institutions. We focus on improving 'input' legitimacy, that is democratic representation, rather than 'output' legitimacy, that is ensuring that the different interest groups in Syria obtain what they were hoping for by the end of the war: the myriad of expectations of reform from different sides of the conflict is too diverse to account for thoroughly, and to be weighed against each other, within the planned scope of our research project.

We suggest that there will be confidence in the internal structure of the Syrian government if:

- i. There is internal agreement on its form
- ii. Account is taken of the views of regional powers which have been involved in the conflict

These two points will be in part fulfilled by allowing Bashar Al-Assad to compete in national elections held as soon as possible following a peace settlement. Though these elections should be organised in such a way as to be as free and fair as possible given their urgency, we recognise that they are unlikely to be irreproachably so. Rapidly organised national elections remain, however, a better alternative to a transitional government imposed from the outside: a new elected government will be more legitimate in the eyes of the Syrian constituency. The current government should not be dismissed until elections are held so that international and national efforts may be focused on organising new national elections as soon as possible instead of negotiating a short-term transitional government. Beyond addressing the question of national elections, we have left other aspects of executive branch reform for consideration in another paper.

A. Recent developments

Our proposal follows several attempts to reach a negotiated settlement to the conflict. One significant missed opportunity was the alleged rejection in February 2012 of a Russian proposal which, according to a senior negotiator, would have involved negotiations between the Syrian government and opposition, and the removal of Bashar Al-Assad from office.¹ It was assumed that the demise of Bashar was inevitable, and so the United States, Britain and France did not cooperate. The status of Bashar Al-Assad has subsequently remained an obstacle to a settlement. Following the June 2012 negotiations in Geneva, the participating countries agreed upon the need for a “transitional government body with

¹Julian Borger and Bastien Inzaurrealde, “West 'ignored Russian offer in 2012 to have Syria's Assad step aside',” *The Guardian*, September 15, 2015, accessed October 19, 2016, <https://www.theguardian.com/world/2015/sep/15/west-ignored-russian-offer-in-2012-to-have-syrias-assad-step-aside>

full executive powers”. However there was disagreement between the United States and Russia on the issue of whether that transitional government could include Bashar Al-Assad. Since Russia’s extension of air support to the Syrian government in September 2015, Bashar Al-Assad has gained the upper-hand in the conflict, and as such it is now unlikely that he will agree to leave office. In the light of this development, we recognise that the conflict is most likely to be resolved politically through a power-sharing agreement. Such a resolution will only be brought about when both the government and moderate opposition groups agree to lay down their arms. Following the failure of the cessation of hostilities agreement which came into force on September 12th 2016, we believe that future attempts to reach a settlement should consist not only of a cessation of hostilities, but also a framework for a political settlement and transitional government.

B. The Syrian civil war

Protests were held in several cities from March 2011 in response to the torture of fifteen teenagers by the intelligence services for writing anti-government graffiti in Daraa, southern Syria. News of the collapse of the governments of Zine El Abidine Ben Ali in Tunisia, and Hosni Mubarak in Egypt that same year encouraged the proliferation of protests in the months that followed. Interviews in Aleppo show that the Arab Spring was perceived as a window of opportunity; international media (including CNN, Al Jazeera and Al-Arabiya) portrayed governments in North Africa and the Middle East as authoritarian and corrupt.²

Early protests in 2011 were often marked by displays of inter-communal solidarity between Syria’s Christian and heterodox Muslim communities, notably between the Alawite community of which the Assad family are members, and

² Adam Baczkó, Gilles Dorronsoro, Arthur Quesnay, “Mobilisations par délibération et crise polarisée,” *Revue française de science politique*, 63 (2013):13, http://www.cairn.info/article.php?ID_ARTICLE=RFSP_635_0815.

the Sunni majority. Early slogans included “Sunni wa’ Alawi, wahad, wahad, wahad” (“Sunnis and Alawites, united, united, united”).³ Many Alawites actually voiced opposition to government brutality in response to the protests. Three prominent Alawite sheikhs disassociated themselves from the government in September 2011,⁴ and a number of prominent Alawite intellectuals signed a declaration condemning the regime in April 2011.⁵

The Assad government subsequently sought to portray the uprisings as sectarian in nature.⁶ As the violence increased, Alawites began to fear reprisals. Attacks against Alawite civilians were widely reported in state-controlled media.^{7,8,9} As the conflict progressed, the Syrian government received support from Shia and Alawite militias, and Hezbollah, which confirmed the perception among some sections of the Sunni dominated opposition that the Assad government was pursuing a Shia agenda. At the same time, the Islamisation of the Syrian opposition, and the emergence of jihadist groups - which include Jabhat Al-Nusra (recently renamed as ‘Jabhat Fateh al-Sham’) and the so-called Islamic State, as well as reports circulated in government controlled regions of crimes committed against Christian and non-Sunni civilians, have reinforced the Assad government’s sectarian narrative. Sectarian grievances and demands in the Syrian conflict will inevitably complicate peace negotiations, and increase the likelihood of conflict reigniting following a peace settlement.

³ Baczko, “Mobilisations par délibération et crise polarisante,” 15.

⁴ Al-Arabiya, “Prominent Alawite clerics denounce Assad regime’s ‘atrocities,’” 12 September 2011, Accessed September 11, 2016, <http://english.alarabiya.net/articles/2011/09/12/166498.html>.

⁵ Wieland, Carsten, “Alawis in the Syrian Opposition.” In Michael Kerr, and Craig Larkin (eds), *The Alawis of Syria: War, Faith and Politics in the Levant* (Oxford: Oxford University Press, 2015, Oxford Scholarship Online, 2016).

⁶ Reinoud Leenders, “Repression is not ‘a Stupid Thing’: Regime Responses to the Syrian Uprising and Insurgency,” in Michael Kerr, and Craig Larkin (eds), *The Alawis of Syria: War, Faith and Politics in the Levant* (Oxford: Oxford University Press, 2015)

⁷ Leenders, “Repression is not ‘a Stupid Thing’.”

⁸ Leenders, “Repression is not ‘a Stupid Thing’.”

⁹ Leenders, “Repression is not ‘a Stupid Thing’.”

II. Syria – A background

A. Demography

Syria does not request information about religion in censuses, and so the following are estimates. Approximately three-quarters of Syria's 22 million population are Sunni Muslims, which includes the majority of Syria's Kurdish population,¹⁰ and roughly 65 percent of Syrians are Sunni Arabs.¹¹ Most estimates place the Alawite population at roughly 1.5 million, therefore approximately 7 percent of the population.¹² The figure has also been placed at 10 percent,¹³ and occasionally as high as 12 percent.¹⁴ Non-Sunni Muslims represent approximately 13 percent of Syria's population. Syria's Christian population, which is mostly Greek or Syrian Orthodox and Maronite Catholic, represents 10 percent of Syria's population. Approximately 3 percent of Syrians are Druze.¹⁵

i. Syrian Kurds

Often described as the largest stateless nation in the world, the Kurds are an ethnically distinct group from Arabs and Turks. While no definitive figures exist, there are estimated to be 12-15 million Kurds in Turkey, 6.5 million in Iran, 4-4.5 million in Iraq and 1 million in Syria¹⁶. Because Kurdish bids for increased

¹⁰ Stratfor, "Making Sense of the Syrian Crisis," September 2011, accessed August 10, 2016, <https://www.stratfor.com/weekly/20110504-making-sense-syrian-crisis>.

¹¹ Rosen, Nir. "Among the Alawites." *London Review of Books* 34(18)(2012:19-20). <https://dialnet.unirioja.es/ejemplar/314060>.

¹² Stratfor, "Making Sense of the Syrian Crisis."

¹³ Rosen, "Among the Alawites," 19-20.

¹⁴ Fildis, Ayse Tekdal, "Roots of Alawite-Sunni Rivalry in Syria," *Middle East Policy* 19 (2012):151, accessed August 24, 2016, <http://onlinelibrary.wiley.com/doi/10.1111/j.1475-4967.2012.00541.x/abstract>.

¹⁵ Stratfor. "Making Sense of the Syrian Crisis."

¹⁶ Micheal M. Gunter, *The Kurds Ascending: The Evolving Solution to the Kurdish Problem in Iraq and Turkey* (New York: Palsgrave MacMillan, 2008), 2.

autonomy or independence will be discussed in our proposal of post-conflict political arrangement, there follows a summary of their political situation.

To understand Syria's Kurds rise to prominence during the civil war, we must consider the Kurdish situation in Turkey and Iraq, where Kurds have a longer history of political mobilisation.

In Turkey, the Kurdistan Workers Party (PKK), originally a Marxist-Leninist separatist group, has fought an insurgency campaign since 1984. Their tactics have included the kidnapping of foreign tourists, suicide bombings and attacks on Turkish diplomatic offices in Europe¹⁷. The destruction of Kurdish villages by the Turkish government in response has been condemned by the European Court on Human Rights¹⁸. The PKK leader and figurehead, Abdullah Öcalan, is now imprisoned on the Turkish island of İmralı. In prison, Öcalan's ideology metamorphosed, according to one academic, from "Stalinist caterpillar to libertarian butterfly."¹⁹ He now argues for a 'Hellenistic-style' system of direct democracy through municipal assemblies to carve out a post-Westphalian notion of statehood for Kurds within Turkey. He is viewed by most Turks as a terrorist, and the history of PKK violence underlies Ankara's reluctance to allow Kurdish autonomy or independence in Turkey or Syria.

Iraqi Kurds have received a high degree of regional autonomy through the establishment of the Kurdistan Regional Government (KRG) under the 2005 Iraqi constitution, despite the opposition of Sunni-Arabs. The relationship between the two main Kurdish parties in Iraq, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) has veered between outright conflict and tentative cooperation. The Kurdish Peshmerga, the military wing of the

¹⁷ Greg Bruno, "Inside the Kurdistan Workers Party (PKK)," *Council on Foreign Relations*, October 19, 2007, accessed October 1, 2016, <http://www.cfr.org/turkey/inside-kurdistan-workers-party-pkk/p14576>

¹⁸ Kerim Yildiz, *The Kurds in Syria: A Forgotten People* (London: Pluto Press, 2005), 17.

¹⁹ Wes Enzinna. "A Dream of Secular Utopia in ISIS' Backyard," *The New York Times*, November 24, 2015. Accessed October 1, 2016, <http://www.nytimes.com/2015/11/29/magazine/a-dream-of-utopia-in-hell.html>

KRG, has been an effective force against ISIS. Supported by the United States the KRG has become de-facto independent of Baghdad.

We now consider the much smaller Kurdish population of Syria, located mainly in the north of the country in the region known as Rojava. The Syrian regime has treated the Kurds as a migrant population without historical claim to the land. In 1962, a discriminatory census deprived 120,000 Kurds of citizenship overnight²⁰. In an attempt to gain Kurdish support during the protests, Bashar al-Assad issued Decree 49 in April 2011, which offered a naturalisation process to the Kurds. Under Ba'ath rule, when political parties outside of the National Progressive Front were outlawed, twelve covert Kurdish political parties were set up, focusing primarily on Kurdish rights in Syria, rather than independence or autonomy²¹. Tensions between the regime and the Kurdish populations flared up following a 2004 football match in Qamishli, which resulted in security forces firing live shots into the stadium killing at least seven Kurds. Police action at the protests which followed this incident resulted in 36 deaths²².

During the 2011 protests, Kurds were divided between the Kurdish National Council (KNC) and the Democratic Union Party (PYD). The KNC, backed by President Masoud Barzani of Iraqi Kurdistan, sought to work with the SNC to oppose Assad. The PYD, backed by the PUK in Iraq and influenced by the ideology of Abdullah Öcalan, argued for a 'third line' between the regime and the Syrian opposition. Syria's Kurds were mobilised by the assassination in 2011 of Mishaal Tammo, leader of the KNC-affiliated Syrian Kurdish Future Movement, which led to protests of 50,000 at his funeral²³. However, this event only deepened the divide between the PYD and the KNC, as the PYD was blamed for

²⁰ Thomas McGee, "The Stateless Kurds of Syria: Ethnic Identity and National I.D.," *Tilburg Law Review* 19 (2014):173, http://www.academia.edu/5677728/The_Stateless_Kurds_of_Syria_Ethnic_Identity_and_National_I.D.

²¹ Yildiz, *The Kurds in Syria: A Forgotten People*, 106.

²² Human Rights Watch, *Repression of Kurdish Political and Cultural Rights in Syria*, 2009, accessed October 1, 2016, https://www.hrw.org/sites/default/files/reports/syria1109webwcover_0.pdf

²³ Michael M. Gunter, "The Kurdish Spring," *Third World Quarterly*, 24(3)(2013), <http://dx.doi.org/10.1080/01436597.2013.785339>.

the assassination. The PYD has prevailed at the expense of the KNC, whose participation in the Syrian opposition's activities was undermined by the SNC's refusal in a 2012 meeting in Cairo to reference the "Kurdish peoples of Syria."²⁴ The military success of the PYD's fighting force, the People's Protection Unit, most notably their victory against ISIS in January 2015 in Kobane, which has been described as the Kurdish Stalingrad owing to its symbolic importance, has cemented the PYD's status as the dominant party in Rojava.

B. Background to the Syrian civil war

For the period extending from 1967 to the present, Syrian society has been dominated by the Alawite community, and for most of that same period by the Alawite Al-Assad family. Changes to the structure of the Syrian state and its system of patronage under Hafez Al-Assad, together with decades of resentment on the part of Syria's Sunni majority at what is often perceived to be its subordinate role in Syrian political life, have allowed what was not initially a sectarian conflict to fall along broadly sectarian lines.

i. Alawites

Alawites are the Arabic speaking followers of what is generally considered a heterodox sect of Twelver Shi'ism. Alawites have always been among the most impoverished of Syria's minorities; usually landless, Alawites often paid rent to absentee Sunni landlords and, as non-Sunnis, were historically obliged to pay *jizya* protection taxes.

²⁴ Ghadi Sary, "Kurdish Self-governance in Syria: Survival and Ambition," *Chatham House*, September 2016, accessed October 1, 2016, https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2016-09-15-kurdish-self-governance-syria-sary_0.pdf

Alawite beliefs are syncretistic, of partly pagan Gnostic, Christian, and Shi'i inspiration.²⁵ Among the major theological differences which separate the Alawite faith from orthodox Shi'ism are belief in reincarnation,²⁶ and their ascription of divine qualities to the Prophet's cousin Ali ibn Abi Talib – in a trinity comprising Ali (the reverence for whom is a feature of the Alawite faith shared with other Twelver Shia), Muhammad, and Salman Al-Farsi.²⁷ Alawites also differ from Twelver Shi'ism in their emphasis on an esoteric religious knowledge revealed only to initiated votaries. This has kept much of the Alawite population largely ignorant of the religion's basic features, and has meant that religion is generally of little importance to most educated Alawites, who tend to be more secular.²⁸ Alawites often identify as more 'liberal' than Sunnis given their rejection of Sharia, and other Islamic practices such as the call to prayer, worship at mosque, pilgrimage to Mecca, and prohibition of alcohol. Most inhabit rural areas in the coastal regions of Syria, particularly the Latakia region where they represent 62 percent of the total population.²⁹

1. Alawite dominance in Syria

Alawite ascendancy in Syria in the latter part of the 20th century is owed primarily to Alawite domination of the armed forces, and also of the Ba'ath movement in Syria. Minorities, for whom the draft often provided opportunities for economic and social mobility,³⁰ dominated the rank-and-file of the Syrian army in the period following independence. The Ba'ath movement meanwhile had a strong populist influence among landless peasants, the majority of whom were

²⁵ Leon Goldsmith, "God Wanted Diversity': Alawite Pluralist Ideals and their Integration into Syrian Society 1832–1973," *British Journal of Middle Eastern Studies* 40 (2013): 394, https://www.researchgate.net/publication/263610415_%27God_Wanted_Diversity%27_Alawite_Pluralist_Ideals_and_their_Integration_into_Syrian_Society_1832-1973.

²⁶ Goldsmith, "God Wanted Diversity," 394.

²⁷ Rosen, "Among the Alawites," 19-20.

²⁸ Mahmud A. Faksh, "The Alawi community of Syria: a new dominant political force," *Middle Eastern Studies*, 20 (2006):134, accessed October 1, 2016. <http://dx.doi.org/10.1080/00263208408700577>.

²⁹ Faksh, "The Alawi community of Syria", 134.

³⁰ Faksh, "The Alawi community of Syria," 149.

³¹ Faksh, "The Alawi community of Syria," 143.

Alawites, and among minority cadets and young officers – two constituencies from which the party drew much of its support.³²³³ This can be attributed to the Ba’athist emphasis on secular nationalism and social justice. According to its founders, the Ba’ath was a movement dedicated to “achieving freedom from foreign control and the unity of all Arabs in a single state”. To this, the Ba’athists introduced socialism, which they interpreted as social justice for the landless and impoverished.³⁴ In 1963 a coup led by radical officers of Baathist orientation, many of whom were Alawites, overthrew the military government which had dissolved the United Arab Republic. Vacancies created by the removal of political opponents within the army were filled by Alawites. Alawite officers would often exhibit a particular “communal clannishness”,³⁵ which meant that when promoted, they would bring their kinsmen with them.³⁶ Much of the residual Sunni influence in the high command was removed with the purge of the Sunni officers in the entourage of Chief of Staff Ahmad Suwaydani in 1967.

2. The Assad period

The Syrian government passed to Hafez Al-Assad in 1970. In the years that followed, he established a close circle of Alawite confidants, often family, whom he appointed to strategic military and intelligence positions. Hafez Al-Assad also co-opted significant numbers of Sunnis into party and military positions.³⁷³⁸ Notable examples include Mustafa Tlass, who served as Defence Minister between 1972 and 2004, and Abdul Halim Khaddam, who served as Foreign Minister from 1970 to 1984, and Vice President between 1984 and 2005.

³² Faksh, “The Alawi community of Syria,” 141.

³³ Fildis, “Roots of Alawite-Sunni Rivalry in Syria,” 154.

³⁴ Fildis, “Roots of Alawite-Sunni Rivalry in Syria,” 153.

³⁵ Faksh, “The Alawi community of Syria,” 146.

³⁶ Fildis, “Roots of Alawite-Sunni Rivalry in Syria,” 152.

³⁷ Jomana Qaddour, “Unlocking the Alawite Conundrum in Syria,” *The Washington Quarterly* 36 (2013): 69, accessed October 1, 2016, <http://dx.doi.org/10.1080/0163660X.2013.861714>.

³⁸ Raymond Hinnebusch, “Syria’s Alawis and the Ba’ath Party,” in Michael Kerr and Craig Larkin (eds) *The Alawis of Syria: War, Faith and Politics in the Levant* (Oxford: Oxford University Press, 2015).

His tenure was marked by rising authoritarianism, as Hafez al-Assad sought to promote a Syrian national identity through secular state institutions, education, and his own cult of personality.³⁹ The Assad government, in an effort to control Islamism, took control of religious funding, and empowered itself to dismiss the leaders of Friday prayers. Nevertheless, Assad's secular government provided many Syrians, in particular minority groups, with an opportunity to live as equal participants in Syrian civil society.

By the 1960s, growing Alawite influence prompted outbreaks of sectarian chauvinism among sections of the Sunni majority, reviving Alawite fears of Sunni intolerance.⁴⁰ This issue is perhaps best illustrated by the events which preceded the Muslim Brotherhood insurgency in the 1970s and early 1980s. Prior to the assumption of presidential powers by Hafez Al-Assad in 1971, it was inconceivable that the president of Syria could be a non-Sunni; the secular constitution proposed by the Assad government in 1973 however did not stipulate that the president be a Muslim at all. The circulation of this proposal for the new constitution was followed by riots. In Damascus, Sunni clerics circulated a demand that Islam be made the state religion. After the February 1976 declaration of an "all-out struggle" against the government of Hafez Al-Assad by the Syrian Muslim Brotherhood, the Syrian government was drawn into a six-year counterinsurgency campaign. The government was unable to control the violence, and eventually resorted to extreme measures. In an assault on Hama in February 1982, as many as 20,000 people may have been killed.⁴¹

The rejection of secularism and religious pluralism by Syria's Sunni majority in the 1970s has given Syria's Alawites little reason to trust that Sunnis would respect pluralism in a democratic setting. Events such as this, and the legacy of the Hafez Al-Assad's security state, have left a mutual distrust between these two communities which will be difficult to reconcile. In some sections of the Sunni

³⁹ Phillips, Christopher. "Sectarianism and conflict in Syria." *Third World Quarterly*, 36 (2015), 365, accessed October 3, 2016.
<http://dx.doi.org/10.1080/01436597.2015.1015788>.

⁴⁰ Goldsmith, "God Wanted Diversity," 393.

⁴¹ Goldsmith, "God Wanted Diversity," 407.

opposition, led by the Muslim Brotherhood, it remains the case that opposition to the Syrian government is at least partly driven by a rejection of the Hafez Al-Assad regime's secularism. Prior to the revolution in 2011, protesters often made use of slogans such as "Allahu Akbar! Either Islam or the Ba'ath!", accusing the "Godless" regime of "heretical tendencies".⁴² This will pose particular problems for Syria's minority communities under any post-war settlement, which the Islamisation of the moderate Syrian opposition since 2011 has compounded.

The reluctance of Alawites and other minorities to abandon Bashar Al-Assad, and the fervency with which many claim to support him⁴³, can be credited to the fairly strong consensus among Syria's minorities that their interests are tied to the continuity of his government. There is also a not unreasonable expectation that following any settlement, the opposition might not forgive their support of the regime. These fears are not unjustified either; a leading moderate insurgent in Duma, the largest suburb of Damascus, was quoted in 2013 as having said: "We can't say that we have the right to live here and they do not ... [but] after the revolution Alawites will return to their natural place. They won't have the authority."⁴⁴

A further complication is that the Assad regime does not draw its support exclusively from Syria's minorities. The stability of Hafez Al-Assad's government can be partly attributed to his co-opting Syria's Sunni elites. Sunnis have always been disproportionately represented among Syria's business community, and until the late 1960s the senior ranks of Syria's armed forces. Brokering good relations with these elites was necessary to broaden Hafez Al-Assad's support base. These constituencies have a vested interest in the survival of the regime, and there is a consensus among Sunni elites, as well as Syria's Alawite community, that deference to the regime is now so heavily invested in the person of Bashar, and his association with the personality cult surrounding his father, that

⁴² Faksh, "The Alawi community of Syria," 147.

⁴³ Rosen, "Among the Alawites," 19-20.

⁴⁴ Rosen, "Among the Alawites," 19-20.

the presidency must continue with Assad to ensure the continuity of the current government.⁴⁵⁴⁶ For any settlement to be acceptable to the regime's supporters, Bashar must remain as president, at least until fresh elections are held.

Building of this knowledge of the historical, social and political context of the Syrian civil war, we propose the following reforms for short-term peace-enforcement and long-term post-conflict stabilisation in Syria.

III. Consolidating a Syrian peace-settlement

The first aim of the following policy proposals is to prevent a re-escalation of violence in Syria.

A. Disarmament, Demobilisation and Reintegration

The binary division between government and opposition forces is in fact blurred on the ground: a myriad of groups fight in the Syrian civil war for other stakes than control over the Syrian government. Were the Syrian government to be weakened by decentralisation in a post-conflict settlement, these other stakes of the civil would likely become more salient, as rival fighting groups would compete for newly devolved regional power. There are warlords and other combatants in Syria who will be reluctant to lay down their weapons because they benefit directly from the war economy. Other militia fighters may reject peace because they obtain a sense of purpose through fighting, or believe that the chaos of civil war will serve to advance their ideology.

Despite the diversity of motivations for fighting, the fragility of peace after a civil war can be explained to a significant degree by the classical concept of a security dilemma, in which groups and individuals are driven to violence because they fear and mistrust the intentions of others. This dilemma has been a constant feature of the Syrian conflict: the Syrian opposition took up arms to protect

⁴⁵ Gary C. Gambill. "The Assad Family and the Succession in Syria," *Middle East Intelligence Bulletin*, 2 (2000), accessed September 1, 2016, https://www.meforum.org/meib/articles/0007_s2.htm

⁴⁶ Yahya Sadowski, "The Evolution of Political Identity in Syria," in Shibley Telhami and Michael Barnett (eds) *Identity and Foreign Policy in the Middle East* (Ithaca: Cornell University Press, 2002), 145-147.

themselves from the regime's brutal crackdown on dissent in 2011, while Alawites and other minorities joined pro-Assad militia out of fear of reprisal attacks from the FSA (Free Syrian Army) or Islamist opposition groups. This paper will make suggestions based on two objectives: firstly we aim to remove spoilers who are likely to disrupt the peace and secondly we aim to diffuse security dilemmas by establishing stability on the ground. **In this section we discuss how a Disarmament, Demobilisation and Reintegration (DDR) programme could function in post-civil war Syria.**

The Syrian government and the opposition represented at peace talks should agree on an initial framework for DDR operations as part of peace negotiations. **We suggest that the DDR operation in Syria is primarily overseen by the United Nations, but guided by a continuous dialogue between the government and rebel forces.** This is intended to prevent opposition groups from equating engagement in the DDR process with surrender, and to allow the legitimate concerns of the opposition to be addressed. We believe that the United Nations' expertise and impartiality mean that Syria would benefit from a significant peacekeeping programme, including the oversight of Syria's DDR programme. This will require commitment from member states to conduct extensive operations in what will doubtless be a dangerous environment.

We suggest that an amnesty from future criminal or civil prosecution for crimes committed during the conflict should be offered to combatants who comply with the DDR program. It has been suggested that amnesties can have a perverse effect on democratisation, as they prioritise obtaining peace over the democratic principle of equality under the rule of law.⁴⁷ Although we believe that the human cost of the conflict in Syria justifies such a prioritisation, an amnesty program can also delegitimise peace itself. In October 2016, Colombians voted by a narrow margin to reject the peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), which was vilified by the No campaign as a blanket amnesty to Marxist war criminals who would

⁴⁷ Mimmi Söderberg Kovacs, "When rebels change their stripes: armed insurgents in post-war politics," in *From War to Democracy: Dilemmas of Peacebuilding*, ed. Anna K. Jarstad and Timothy D. Sisk (Cambridge: Cambridge University Press, 2008), 143.

be able to seize power in Colombia.⁴⁸ Although a modified peace deal was eventually ratified, the surprise result of the referendum risked a return to conflict. Our recommendations for an amnesty program are designed to strengthen peace, both in the short term by incentivising rebels to disarm, and in the long term by engaging local actors in peacebuilding to give the settlement legitimacy.

Amnesty provisions have proved an effective incentive for rebels to disarm. For example, Mozambique's civil war between the Frelimo government and Renamo insurgency ended with the 1992 General Peace Agreement (GPA) which included a blanket amnesty for all civil war era violence, followed by a DDR program overseen by UNOMOZ (United Nations Operation in Mozambique). Civil society organisations such as churches and mosques, which generally supported the amnesty, helped facilitate reconstruction and social healing, thus granting the peace agreement widespread legitimacy.⁴⁹ Since the GPA, Mozambique has become a stable, albeit still limited, democracy: it has held national elections in 1994, 1999, 2004, 2009 and 2014 which were generally considered fair, and gained 4 points on Freedom House's index between 1994 and 2004.⁵⁰ The renewed violence in Mozambique since 2013, which falls short of a civil war, demonstrates that peace is always fragile when former warring factions remain organisationally and ideologically unchanged, but nonetheless peacebuilding after the Mozambican civil war was largely successful.

A blanket amnesty, as in Mozambique, would be impractical in Syria. Instead, amnesty should be tailored to each group and conditional on continued compliance with the DDR operation. This is necessitated by the fragmented nature of both the opposition and regime forces in the Syrian conflict. The Syrian regime began in 2011 to distribute weapons, funding and security clearances to mostly Alawite loyalist families, "essentially weaponising the vast web of client

⁴⁸ The New York Times, "The Man Blocking Peace in Colombia," October 14, 2016, accessed January 4, 2017, http://www.nytimes.com/2016/10/14/opinion/the-man-blocking-peace-in-colombia.html?_r=0.

⁴⁹ Helena Cobban, "Transitional justice and conflict termination: Mozambique, Rwanda and South Africa assessed," in *Atrocities and International Accountability: Beyond Transnational Justice*, ed. William A. Schabas, Edel Hughes and Ramesh Chandra Thakur (New York: United Nations Press, 2007), 48.

⁵⁰ Cobban, "Transitional justice and conflict termination: Mozambique, Rwanda and South Africa assessed," 54.

networks constructed over four decades of Assad family rule.”⁵¹ As a result, a considerable portion of the pro-regime forces aren’t part of the formal structure of the Syrian Armed Forces, but instead consist of networks of militia, called *shabiha* (meaning ‘ghosts’) by the opposition. The fear engendered by pro-regime militia means that persuading opposition forces to demobilise with them still intact would be all but impossible. In order that decisions are unbiased and the amnesty is widely perceived as legitimate, we suggest that a Syrian committee be set up to oversee Syria’s amnesty program, including representatives from different ethnic groups as well as opposition figures. The committee should have powers to decide which groups are eligible for amnesty, monitor their compliance with the DDR programme and introduce restorative justice programs. This committee should work closely with the United Nations representatives overseeing DDR in Syria, in order to further legitimise its activity.

An amnesty for combatants does not exclude all forms of justice, but merely a prosecutorial form which is ill-suited for post-conflict situations. Undertaking criminal prosecutions of combatants is an extremely difficult undertaking for a post-civil war government with a weak judicial system, while prosecutions in international courts can ignore local realities and weaken the peace. The indictment by the International Criminal Tribunal for the former Yugoslavia of Prime Minister Ramush Hardinaj in 2005 demonstrates this point: the decision led to protests by Kosovo’s Albanians which could have escalated into violence had Hardinaj not publicly called for calm⁵². The amnesty programme can still offer forms of justice designed to recover truth and repair harm. South Africa required full disclosure of criminal acts to the Truth and Reconciliation Commission in exchange for amnesty. Timor-Leste’s successful Community Reconciliation Process (CRP), which was designed through consultations with “different political and human rights groups from the village to regional level”⁵³ included

⁵¹ Aaron Lund, “Who are the pro-Assad militias?” *Carnegie Middle East Centre*, March 2, 2015, accessed January 4, 2017, <http://carnegie-mec.org/diwan/59215>.

⁵² Mimmi Söderberg Kovacs, “When rebels change their stripes: armed insurgents in post-war politics,” in *From War to Democracy: Dilemmas of Peacebuilding*, ed. Anna K. Jarstad and Timothy D. Sisk (Cambridge: Cambridge University Press, 2008), 143.

⁵³ Amy Senier, “Traditional Justice as Transitional Justice: A Comparative Case Study of Rwanda and East Timor,” *Praxis: The Fletcher Journal of Human Security*

public apologies, reparations and community service as part of its amnesty process.⁵⁴ We recommend that both sides of the Syrian conflict recognise that amnesty can still allow for partial forms of justice even where full accountability is impossible. Syria's amnesty committee should work with local groups to encourage participation in the DDR programme and to prevent the amnesty from delegitimising the peace.

Evidence from early on in the conflict shows that local civilian groups and clergy have had an influence on armed groups within the Free Syrian Army: local coordination committees (LLCs) were effectively able to convince FSA commanders to commit to codes of conduct, while the local clergy became "increasingly relevant for ethics on the battlefield", according to the Center for Civilians in Conflict, a Washington humanitarian organisation.⁵⁵ Armed groups which rely on popular support for legitimacy or funding are therefore likely to be amenable to local pressure to disarm and to participate in restorative justice measures such as public apologies or community service. Although this is likely to be a lengthy process, we therefore suggest that amnesty or other benefits given to former combatants could be conditional on such measures, decided on a case by case basis.

The details of a DDR programme are beyond the scope of this paper, yet broadly speaking it will involve the UN establishing assembly centres for processing the demobilisation and disarmament of militiamen. Diplomatic pressure should be placed on countries supplying arms to Syria as part of the demilitarisation effort. Disarmament is likely to be partial at best, since many combatants will prefer to hold onto firearms for security reasons. Though Mozambique's disarmament programme failed to prevent both Renamo and Frelimo from hiding stores of weapons, and while the failure to remove firearms may have had an effect on

23 (2008): 67-88. <http://fletcher.tufts.edu/~media/Fletcher/Microsites/praxis/xxiii/PRAXIS-TraditionalJustice.pdf>.

⁵⁴ Louise Mallinder, "Amnesties in the Pursuit of Reconciliation, Peacebuilding, and Restorative Justice," in *Restorative Justice, Reconciliation, and Peacebuilding*, ed. Jennifer J. Llewellyn and Daniel Philpott (Oxford: Oxford University Press, 2014), n.p.

⁵⁵ Oliver Kaplan, "Nudging Armed Groups: How Civilians Transmit Norms of Protection," *Stability: International Journal of Security and Development* 2(3) (2013):11, accessed January 4, 2017, <http://doi.org/10.5334/sta.cw>.

Mozambique's subsequent high crime, it did not precipitate a return to conflict.⁵⁶ This example encourages us to recommend that although total disarmament is likely unattainable, every effort should be made to encourage combatants in Syria to disarm. Food and medical supplies in addition to those needed for survival should be given as incentives for disarmament, after which combatants should be enrolled in training programmes to develop employable skills. Effective job training increases the economic 'opportunity cost' of fighting and was critical to ex-combatant support in South Sudan's DDR programme, according to a survey of combatants.⁵⁷ Although retraining should be designed with a view to increasing employment amongst ex-combatants, the training itself has the beneficial effect of occupying likely spoilers while peace is most fragile.

The endpoint for armed groups must be dealt with on a case by case basis, and will, among other factors, depend on the ideology of the armed group as well as its command and funding structure. Groups, including the so-called Islamic State, with predatory funding structures, based on commandeering resources, or which have an ideology which rejects democracy and views the Syrian conflict as part of a greater millenarian conflict are likely to reject peace in all circumstances. Nonetheless, if given protection, individual jihadist fighters may defect; in 2011 rank and file Al Shabaab members requested assistance from the African Union Mission in Somalia to abandon the terrorist group and to receive retraining and education as part of the DDR programme.⁵⁸ The DDR programme thus may be able to weaken radical groups in Syria that do not demobilise.

Negotiating with warlords who refuse to disarm, without credible backing from the national army, will render them likely to make costly demands (for example in resources) in exchange for disarmament. It is highly probable that without an

⁵⁶ Lorenzo Striuli, "DDR in Mozambique: A Success without the first 'D'," in *Post Conflict Disarmament, Demobilisation and Reintegration: Bringing State-building Back In*, ed. Antonio Giustozzi (London: Routledge, 2012): n.p.

⁵⁷ Anup Phayal, Prabi B. Khadka and Clayton L. Thyne, "What makes an Ex-Combatant Happy? A Micro-Analysis of Disarmament, Demobilisation, and Reintegration in South Sudan," *International Studies Quarterly* (2015) 59: 659, accessed January 9, 2017, DOI: 10.1111/isqu.12186.

⁵⁸ Robert Muggah and Chris O'Donnell "Next Generation Disarmament, Demobilisation and Reintegration" *Stability: International Journal of Security* 4(1) (2015), accessed January 9, 2017, <http://www.stabilityjournal.org/articles/10.5334/sta.fs/>

overpowering existential threat to themselves from the national military, warlords will refuse to disarm altogether. To address this issue, the Syrian national army must therefore in the long-term be reformed to improve the efficiency of special operations against remaining militia bases. If the national military will have a clearly overriding military power over the remaining warlords, the latter may be easier convinced to surrender their weapons, if doing so means escaping annihilation.

Members of some militia groups may be integrated into the Syrian Army, particularly defectors who joined the opposition and moderate FSA commanders. This is not a suitable solution for all militia members: the integration of highly sectarian groups into the armed forces would be a poor start to rebuilding peace in a multi-ethnic country.

The formation of strong parties is crucial to preventing post-conflict Syria from returning to the authoritarianism which sparked the 2011 uprising. This includes the Kurdish PYD, as well as the Syrian Muslim Brotherhood, which although not an armed group is dominant within Syria's opposition in exile with the organisational capacity and support to be a major political party. Although the Syrian Muslim Brotherhood has a history of radicalisation and violence in the 1970s, it has embraced a democratic viewpoint, affirmed in its 2012 charter which described its commitment to respecting "the rights of ethnic and religious communities" without including a single reference to Islam.⁵⁹

B. The government structure

The second aim of this paper's proposals is to establish a centralised, legitimate government, which is the key to ensuring long-term stability in Syria.

i. Lessons of Bosnia

⁵⁹ Raphaël Lefèvre, *The Ashes of Hama: The Muslim Brotherhood in Syria* (Oxford University Press, 2013): 192.

As noted previously, sectarianism was not a major cause of the Syrian Civil War. Sectarianism in Syria has increased since the outbreak of the conflict, in particular through the popularisation of Islamism among the Syrian opposition. The Bosnian Civil War (1992-1995), on the other hand, was a sectarian conflict from the onset: ethnic Serbs fought against Bosnian Muslims and Croats. Despite this difference between both conflicts, the Dayton Agreement which ended the Bosnian war and NATO intervention (1995) can be useful lessons on post-conflict governance in a multi-ethnic and multi-confessional state, which is the case of Syria.

Following the Dayton Agreement, Bosnia was divided into two entities: the Republica Srpska (RS) and the Federation of Bosnia and Herzegovina (the Federation). The former was composed of the areas that were occupied mainly by the Serbs and the latter by the Croats and Bosnians. The Federation, unlike RS, was heavily decentralised: it was divided into ten autonomous cantons. The central government had little power over RS and the Federation, except in questions of foreign and monetary policy: the cantons of the Federation, for instance, each collected their own tax. The desire to more or less satisfy the different sides of the civil war resulted in a very complex power-sharing system that resulted in a dysfunctional central government. In response to the government's lack of productivity, the Office of the Higher Representative was established in 1997. The Office was to be filled by a European official who was not a national of Bosnia and Herzegovina. The Higher Representative could modify laws, nullify them and remove elected politicians from office if they violated or refused to implement some part of the Dayton Peace Agreements. Bosnia and Herzegovina today has its own functioning government, but the government's actions and composition are controlled by the Higher Representative, who is unaccountable to the population.

The example of Bosnian peacebuilding demonstrates that in a multi-ethnic, multi-confessional state emerging from civil war, decentralisation of power to fulfil the demands of various regional and sectarian interests does not necessarily lead to long-term government stability, which is precisely the aim of the post-conflict government proposed by this paper.

ii. The format of peace talks

A new round of negotiations should be called, Geneva III having stalled since February 2016. The Vienna Peace Talks that were begun in 2015 have also not been effective in peacebuilding. As in the Vienna talks, the main powers that have an interest in the region should be present. Such a strategy of international representation is a move away from the principle that the settlement should be developed mainly by the parties themselves. We argue that representation in the peace negotiations of key foreign state interests is essential to establish a lasting peace in Syria. If one or more key state players in the region are marginalised from the talks, they will lack the ability to shape the post-war order in the region. This will create incentives for them to destabilise the post-war order in the near future, to reshape it according to their interests. Participation of key foreign state actors in the Syrian peace talks renders this revisionist scenario less likely.

This paper likewise proposes that Syrian opposition groups and the Syrian government, should be represented at the peace talks. The Syrian opposition groups should be represented by an umbrella organisation such as the High Negotiations Committee (HNC), which participated in the Geneva 2016 peace talks. Which opposition groups ought to be represented at the talks should be determined by the UN officials chairing the negotiations. A lack of representation of parties to the Civil War would undermine the legitimacy of any peace settlement from the perspective of the Syrian people.

Apart from the Syrian opposition and the Syrian government, only states should be represented at the peace talks. Representation of non-state organisations may lead to disagreement as to which groups have sufficient legitimacy to be represented, and can create supplementary tensions between the state-actors present. Armed groups of the Syrian Civil War affiliated to, or supporting, Islamic State or Al-Qaeda, or other recognised terrorist organisations, should not be represented.

iii. Necessity of strong government centralisation.

The policy proposals in this paper aim to preserve the territorial integrity of Syria. Indeed, the example of Bosnian dysfunctional post-conflict governance demonstrates that decentralisation may cripple a multi-ethnic and multi-confessional state. Furthermore, a statistical study of civil wars between 1945 and

1999, has found no correlation between partition and a decreased risk of a return to war⁶⁰. The Yugoslav wars, which erupted after declarations of independence along ethnic lines, Eritrea's continued conflict with Ethiopia following secession in 1993, and the three wars fought between India and Pakistan since 1947, demonstrate that partition may merely transform ethnic tensions into interstate conflicts.

This paper therefore proposes that discussions on a peace-settlement should be approached with the *initial intention* that “no regional autonomy is to be allowed”. If regional autonomy is allowed for certain ethnic groups and not others, this may be a reason for future sectarian tensions.

While the civil war has undoubtedly increased animosity between Syria's ethnic and religious communities, sectarianism was not a primary cause of the fighting. A sense of nationhood and desire for unity remains strong, with both the SNC and the HNC rejecting federalism for Syria.⁶¹ The promotion of a Syrian national identity preoccupied the Syrian government throughout the Hafez period, and nowhere is this felt more strongly than in Alawite Latakia, the Assads' political heartland. Even among Syria's Kurds, the consensus in favour of separation is not as clear as in Iraq. The Kurdish opposition is divided, and the influential PYD supports autonomy, rather than independence, for Syria's Kurds. A July 2015 poll found that less than half of those who live in territory controlled by the PYD support a division of Syria⁶². The “no regional autonomy is to be allowed” approach to peace negotiations should be taken as an *initial stance* in matters concerning the Kurds. This paper recognises, however, that this *initial stance* should remain flexible depending on the progress of the peace talks and the rapidly changing situation on the ground in Syria.

⁶⁰ Nicholas Sambanis and Jonah Schulhofer-Wohl, “What's in a Line?: Is Partition a Solution to Civil War?” *International Security*, 34 (2)(2009), 82–118, http://belfercenter.ksg.harvard.edu/publication/19624/whats_in_a_line_is_partition_a_solution_to_civil_war.html.

⁶¹ Nick Crawford, “Fears of Federalism in Syria,” *International Institute for Strategic Studies*, April 2016, accessed January 4, 2017, <http://www.iiss.org/en/iiss%20voices/blogsections/iiss-voices-2016-9143/april-e738/fears-of-federalism-in-syria-1b7b>.

⁶² ORB International, “Syria Public Opinion – July 2015,” July, 2015, accessed September 11, 2016, <https://www.orb-international.com/perch/resources/syriadata.pdf>.

In November 2013, the PYD brought together a coalition of six political parties to establish an interim administration, called the Movement for Democratic Society or TEV-DEM, in the three non-contiguous cantons of Afrin, Jazira and Kobane which make up Rojava. In July 2016, the Federal Democratic Rojava Social Contract was agreed, which seeks to implement Abdullah Ocalan's ideology of libertarian democracy. It includes several principles never before applied to Syria, including the abolition of the death penalty, the division between military and civilian justice, the equal representation of women at all levels of government, and the recognition of all ethnic groups and minorities as stakeholders in Rojava⁶³. Every government position in Rojava has an equivalent, of equal authority, occupied by a woman. The TEV-DEM has been successful in establishing security in Rojava, having assembled a police force with over 6000 elected officers.

There are, however, concerns regarding PYD dominance of the TEV-DEM, particularly following the arrest of the KNC president Ibrahim Berro in August 2016 at a police checkpoint⁶⁴. Critics have also cited the cult of personality surrounding Abdullah Ocalan as evidence of the authoritarian tendencies of the PYD, saying they have merely replaced posters of Assad with those of Ocalan. Nonetheless, the TEV-DEM's success in delivering security and the inclusion of Arabs and other minorities in the political process means that even if an acceptance of Kurdish autonomy becomes necessary for the success of the peace talks, it will likely lead to successful governance.

If acceptance of Kurdish autonomy becomes necessary for the success of diplomatic negotiations, any agreement on this regard should contain provisions regarding Rojava's natural resources. The oil revenue from the Hassaka Province should go to the central government, so it can benefit the entire population of Syria. Any dams or large scale water projects on the Tigris or Euphrates in Rojava should be independently assessed to ensure they don't have negative downstream consequences. Some of the more radical demands in the Rojava Charter, such as freedom for Rojava to engage in diplomatic relations should be rejected, recognising Turkish concerns that such a policy will allow autonomous Rojava to fund the PKK.

⁶³ Sary, "Kurdish Self-governance in Syria: Survival and Ambition."

⁶⁴ Sary, "Kurdish Self-governance in Syria: Survival and Ambition."

iv. Popular representation of ethnic and religious groups in Syria.

1. Societal tolerance

The post of the Syrian President, as before, should be reserved for Muslims: attempts to secularise this position have already resulted in tensions in the past and would risk alienating the Sunni majority from the new government. All religious practices that are tolerant towards others should be officially accepted by the Syrian government, as was the case before the Civil War.

2. Institutional government structure

The institutional structure of the current government should not be radically revised as part of the negotiations on the Syrian post-conflict settlement. Building new government institutions is a lengthy process that will in the meanwhile leave Syria's central authority vulnerable to attacks by the so-called Islamic State and other extremist organisations operating in the region. To respond to the threat of terrorism and sectarianism, a strong government leadership is necessary in Syria, to adapt and respond rapidly to evolving security threats. Avoiding drastic changes to government structure in the immediate aftermath of the Civil War will additionally facilitate the administrative organisation of reconstruction and other peacebuilding initiatives. Nevertheless, in response to demands of better representation that were among the factors leading to the Civil War,⁶⁵ **this paper proposes the creation of a new institutional body, the 'Council of Representatives'.**

1. Role

The Council of Representatives will be part separate from the three traditional branches of government, so as to upset the current government structure as little as possible. **The first aim of the Council of Representatives is to act as an advisory body to legislators to prevent the pursuit of a sectarian agenda by the Syrian government. Its second aim is to respond to popular demand for democratic reform.**

⁶⁵ Goldsmith, Leon. (2013). 'God Wanted Diversity': Alawite Pluralist Ideals and their Integration into Syrian Society 1832–1973. *British Journal of Middle Eastern Studies*. 40 (4),

2. *Composition*

The Council is not directly affiliated to any of the three branches of the Syrian government. The main ethnic and religious groups in Syria should be represented on this Council: Kurds, Sunni Arabs, Alawites, Shia, Ismaili, Druze, Christians. **The number of representatives for each group should be arranged in such a manner that the minorities will have absolute majority:** with such representation, the Council will be more likely to be able to veto legislation that would discriminate against minority groups than with proportional representation. We recommend that the number of representatives in the Council be around 50, in order to avoid:

- (when representatives are too few) increased likelihood corruption and excessive subjectivity in decision-making.
- (when representatives are too numerous) competition with the debates held in Parliament.

Representatives for each group should be chosen by a method decided by that particular ethnic/religious group. The Syrian government will not intervene with this process. We do recommend that representatives be chosen from government supporters and opponents alike, to limit the Council's political bias.

3. *Functioning*

If the decision is taken during the peace talks to redraft a new constitution the Council can participate in its creation by voting on reforms. The Council of Representatives may also be involved in consultation on the writing of new legislation. A three-quarters majority will be necessary to block a reform. The same reform can be voted on a maximum of 2 times in 6 months. Once a constitutional text has been agreed on, the members of the Council can veto any new legislative projects by a three-quarters majority if the representatives consider it to infringe on their ethnic or religious group's interests. The same piece of legislation cannot be voted on more than twice in 5 years.

C. Bottom-up approach to government reconstruction

Consolidating a peace arrangement requires the involvement of local actors in the provision of immediate humanitarian relief and rebuilding a sense of security and community.

This paper recommends a 'bottom-up' reconstruction in which it is the local government that is initially responsible for rebuilding infrastructure

and providing aid. According to Lynch, “regional power struggles deeply shaped the fragmentation and thus the impotence of the Syrian National Council”.⁶⁶ It seems likely that the opposition to Assad will remain disunited, and so reconstruction will likely be carried out by multiple actors at a local level out of necessity. The principle of localism is recognised by the High Negotiation Committee (HNC), an umbrella commission representing the Syrian opposition deemed moderate enough to participate in the Geneva peace talks in 2016. The HNC include in their transition plan for Syria:

The Syrian state shall adopt the principle of administrative decentralisation in managing the country’s affairs, giving the people of each governorate and district a role in managing their local affairs: economic, communal, and daily life affairs in ways that do not adversely affect the unity of the country.⁶⁷

The ongoing civil war in Yemen offers a warning that prolonged peace negotiations after a ceasefire has been agreed can increase the risk of conflict reigniting.⁶⁸ The Yemeni Transitional Government’s failure to implement the outcomes of the National Dialogue Conference, a drawn out negotiation process between many groups, precipitated the 2014 Houthi takeover and subsequent conflict. If we adopt an approach based at the local level, reconstruction can begin in areas of reduced conflict before a full ceasefire has been reached. The World Bank has suggested a ‘day-before’ approach, which uses satellite technology to identify the damage inflicted by the conflict and begin preparations for reconstruction.⁶⁹ The opportunity to begin reconstruction as soon as possible should be seized upon, although we add one caveat. Humanitarian aid is not politically inert, and funnelling aid to relatively stable government held areas,

⁶⁶ Marc Lynch, *The New Arab Wars: Uprisings and Anarchy in the Middle East* (New York: Public Affairs, 2016), 121.

⁶⁷ “Executive Framework for a Political Solution Based on the Geneva Communiqué”, High Negotiation Commission, 2016, accessed Sep 11, 2016, <http://english.riadhijab.com/userfiles/HNC%20Executive%20Summary%20-%20English.pdf>

⁶⁸ Scott Lucas, Christalla Yakinthou and Stefan Wolff, “Syria: Laying the Foundations for a Credible and Sustainable Transition,” *The RUSI Journal*, 161(3), 27, <http://www.tandfonline.com/doi/full/10.1080/03071847.2016.1193353>.

⁶⁹ World Bank, “The Importance of Planning Syria’s Eventual Reconstruction”, last updated 2016, accessed September 12, 2016, <http://www.worldbank.org/en/news/feature/2016/05/24/the-importance-of-planning-syria-s-eventual-reconstruction>.

such as Latakia and Tartus may have the perverse effect of prolonging the conflict and undermining the legitimate opposition.⁷⁰ The need to create legitimate on-the-ground actors which can accept foreign aid whilst including Syrians in the reconstruction process guides our recommendations.

We suggest that local elections be held at a district level as soon as possible.

The district-level administration is less likely to be manipulated into pursuing a sectarian agenda than the governorate-level administration, in particular because smaller-scale districts (65 in total) are likely to be more homogeneous than governorates (14 in total). Civic participation, even if relatively dysfunctional in the opening months, will allow the Syrian people to become accustomed to civilian government after several years of war. District-level elections will also help to restore some semblance of official, legally regulated government procedure in a society where for the past four years government has often been hostage to informal sectarian militias. District-level elections should be monitored by a UN peacebuilding mission. All candidates should be allowed to run who fulfil two conditions: first, they are not known to be part of the group of radical organisations, as agreed upon during peace negotiations. Second, candidates should not be permitted to run who stand on a sectarian or no-to-peace platform. These monitoring measures restrict the freedom of the elections but are necessary to restore peace and order on Syrian territory.

Under Ba’ath rule, 70 percent of seats at a town or village level were reserved for labourers, farmers or craftsmen who are non-affiliated.⁷¹ Centrally appointed committees decided who met these criteria. This lack of transparency was a common grievance against the regime held by the Syrian protesters.⁷² In an effort to increase accountability and transparency, we would remove restrictions on who can run for office.

⁷⁰José Ciro Martínez and Brent Eng, “The unintended consequences of emergency food aid: neutrality, sovereignty and politics in the Syrian civil war, 2012–15,” *International Affairs*, 92 (2016), 153–173, https://www.chatham-house.org/sites/files/chathamhouse/publications/ia/INTA92_1_08_Martinez-Eng.pdf.

⁷¹ Division for Public Administration and Development Management, Department of Economic and Social Affairs, United Nations, “Syrian Arab Republic: Public Administration Country Profile,” last updated 2004, accessed September 12, 2016, <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan023183.pdf>.

⁷² Baczko et al, “Mobilisations par délibération et crise polarisante,” 824.

In 2012, the Syrian National Council helped support local councils with a mission to provide municipal services and humanitarian relief.⁷³ According to a report by the Institute for War and Peace Reporting, a London-based non-profit, these councils have been effective, achieving a “good-level of transparency” by using Facebook to make information on funding freely available.⁷⁴ We recommend adapting and democratising these local councils to provide the best possible representation for Syrians in the reconstruction process.

We believe that local government, adequately funded, will be effective in overseeing ‘bricks and mortar’ reconstruction, such as building homes, schools and hospitals. Providing food aid and WASH (water, sanitation and hygiene) support will be immediate tasks for local councils. The national government should focus primarily on infrastructure of strategic importance. The more difficult problems will likely arise in trying to re-establish the rule of law and resettling refugees and internally displaced persons (IDPs). These problems require a degree of coordination to solve, and so we suggest that the national government retain oversight and control over the efforts made to address them. Reconstruction initiatives should be as indigenously conducted as possible to prevent the Syrian government from becoming chronically dependent on support from international organisations in order to function (as has been the case in Bosnia and Herzegovina, as described in section B.i.).

i. Bashar al-Assad in national elections

It is important that all parties to this process have confidence in the new government, and it is for this reason that **Bashar Al-Assad must be allowed to compete in national elections**. Support for the Syrian government in loyalist regions depends on the personality of Bashar Al-Assad, so much so that senior figures within the Syrian government would not accept any settlement which requires that he leave office and be prevented from participating in subsequent elections. There is already a strong feeling in some quarters that the uprising was not a spontaneous eruption of civil disobedience from the Syrian people,

⁷³ National Coalition for Syrian Revolution and Opposition Forces, “Establishment of local councils,” accessed 12 Sep, 2016, <http://en.etilaf.org/syrian-local-councils/establishment-of-local-councils.html>.

⁷⁴ Ghias Aljuni, Wael Sawah, Marwan Maalouf and Radwan Ziadeh. “Local Governance inside Syria: Challenges, Opportunities and Recommendations.” *Institute for War and Peace Reporting*, March 2014, accessed 12 Sep, 2016, <https://iwpr.net/what-we-do/printed-materials/local-governance-inside-syria>.

but part of a conspiracy involving the United States, Israel, the Gulf States and the Muslim Brotherhood.⁷⁵ Excluding government supporters from the process of forming a new government would only serve to confirm these suspicions.

Despite the difficulty to negotiate with members of the opposition the permission for Bashar Al-Assad to run in presidential elections, this should be insisted upon by foreign representatives that participate in the negotiations. Any formal restrictions that will prevent particular individuals from running in the presidential election, except if they stand on a sectarian or no-to-peace platform, will impede on efforts to render these national elections as fair as possible considering the objective to hold them as early as possible. National elections should be held as soon as UN special envoys deem the peace to be sufficiently consolidated for most Syrians to be able to cast their vote unimpeded by lack of infrastructure and by violence. National elections should be monitored by international and Syrian observers.

We suggest that until national elections are held, and this as soon as possible, Assad's government should not be dismissed forcefully to be replaced by a transitional government. The reason for this is two-fold. First, if Assad remains temporarily in power, this will only increase the urgency of organising new national elections. Second, negotiating the composition of a short-term transitional government, will take precious time and effort away from peace enforcement, reconstruction, and negotiation of government reform with a long-term perspective in mind.

ii. Law and Justice

A vital task will be to build a professional police force, which can provide security and diffuse sectarianism. Any calls to incorporate militias into the police force should be resisted. The experience of Iraq suggests that incorporating combatants led to a police that, according to the Iraq Study Group Report, “routinely engage[d] in sectarian violence, including the unnecessary detention, torture, and targeted execution of Sunni Arab civilians”.⁷⁶ The Syrian National Council created a civil police (Shurta al-Madaniya) in the Aleppo governorate

⁷⁵ Rosen, “Among the Alawites,” 19-20.

⁷⁶ James A. Baker III and Lee H. Hamilton, *The Iraq Study Group Report* (New York: Vintage Books 2006), 9.

in a top-down manner. Police officers who defected from the regime have trained recruits to provide a police force in opposition areas, using a procedural and ethics code borrowed from the United Nations.⁷⁷ However, the training process is only two weeks, and as of January 2013 (over a year after founding) the police force numbered only 503.⁷⁸ The process of training a police force is therefore likely to be long and difficult. However, there is considerable evidence that peacekeeping missions can help establish the rule of law, participate in training local police forces and diffuse security dilemmas such as the perceived need to use preemptive or escalatory force out of fear.⁷⁹ **We advise the international community to commit forces to UN peacekeeping missions in post-conflict Syria, and advise Syrian transitional authorities ensure these missions have the necessary authority and access.**

The task of (re)establishing a judicial system in major urban conglomerates will likely be hindered by an inherent tension between groups which call for a secular justice system and Islamists who advocate religious law. The Syrian Muslim Brotherhood, an organisation which has rebuilt its networks and political base in Syria during the civil war, supports Islamic law, although Zouheir Salem, the second in command of the brotherhood, has stated it would have to be chosen democratically.⁸⁰ Other significant opposition groups, such as Ahrar al-Sham, would take a more hardline approach. Attempts to create a justice system during the conflict in the Aleppo governorate have been unsuccessful, undermined by the increasing prominence of militant Islamist groups such as Jabhat al-Nusra⁸¹. For example, the local court in the town of Al-Bab failed to comply with Aleppo's superior United Court of the Legal Council, and instead established sharia law and accepted funding from Jabhat Fetah Al-Sham.⁸² In light of these difficulties, **we estimate that the best achievable compromise would be a legal system based on a moderate interpretation of Islamic values.** This will mean enforcing the decisions of superior courts on local courts and will require a significant degree of national unity and decision making.

⁷⁷ Adam Baczeko, Gilles Dorronsoro, and Arthur Quesnay. "Building a Syrian State in a time of Civil War" *Carnegie Endowment for International Peace* (2013), 8.

⁷⁸ Baczeko et al, "Building a Syrian State in a time of Civil War," 8.

⁷⁹ Virginia Page Fortna. "Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace After Civil War" *International Studies Quarterly* 48 (2004): 269–292

⁸⁰ Raphael Lefevre, *The Ashes of Hama: The Muslim Brotherhood in Syria* (Oxford: Oxford University Press 2013), 173.

⁸¹ Baczeko et al, "Building a Syrian State in a time of Civil War," 6.

⁸² Baczeko et al, "Building a Syrian State in a time of Civil War," 6.

iii. Resettling refugees and Internally Displaced Persons (IDPs)

There are estimated to be close to seven million internally displaced persons in Syria.⁸³ The result of this often forced migration is that regions which were once predominantly minority, such as the government held province of Latakia, have seen an influx of Sunni Arabs, changing their demographics. This is likely to have a lasting impact on Syria's politics. National coordination and funding will help to decrease local resentment of migration. The task of resettling these people requires flexibility, as argued in a special report by the United States Institute for Peace, which notes that the return of displaced persons to their original homes may not always be the best approach,⁸⁴ since these areas are likely to suffer from poor surfaces and infrastructure. The forced migration should instead be treated as an opportunity to boost productivity and economic growth in post-conflict Syria, and the central government should pressure regions to help integrate newcomers. The situation in Liberia and Sierra Leone is instructive. Here, the authorities did not make a sharp distinction between those forced to flee violence and ex-combatants. The government provided IDPs with cash, shelter materials and food, whilst partnering with NGOs, the private sector and local civil society to resettle and integrate people.⁸⁵ **We advise the Syrian government to consider the resettling of IDPs and refugees as an integral part of post-conflict development.**

iv. Foreign funding and corruption

So far we have tasked local government with much of the reconstruction work in post-conflict Syria, whilst recognising the need for greater coordination in certain key areas. **We must now recognise a key limitation to this approach: local actors are not necessarily local.**⁸⁶ Saudi Arabia views the Syrian conflict

⁸³ "Syria IDP Figures Analysis", Internal Displacement Monitoring Centre. Accessed 12 Sep 2016 <http://www.internal-displacement.org/middle-east-and-north-africa/syria/figures-analysis>

⁸⁴ Patricia Weiss Fagen. "Refugees and IDPs after Conflict: Why They Do Not Go Home" *United States Institute for Peace* (2011)

⁸⁵ J.O. Moses Okello, "Reflecting on Liberia and Sierra Leone," *Forced Migration Review* 52 (2016): 13, accessed October 2, 2016, <http://www.fmreview.org/solutions/okello.html>.

⁸⁶ John Mitton, "The problem with everybody's favourite solution in Syria," *International Journal* 71(2)(2016), 283-290, accessed October 2, 2016, DOI: 10.1177/0020702016646996.

through the lens of a regional struggle with Iran. Their competition in the region acts as a factor of Syrian destabilisation. Foreign funding has played a significant role in lengthening the conflict in Syria. Iran has backed the Syrian army by providing military advisors, and funding Shi'a militias, such as Hezbollah, who directly engage in fighting⁸⁷. Saudi Arabia and Qatar have competed for influence within the Syrian opposition, each supplying funds and arms in a haphazard way to separate groups.⁸⁸ The influence of competing foreign powers not only threatens the efficacy of Syria's post-conflict governance, but could weaken its legitimacy in the eyes of Syrians. A 2015 poll conducted by ORB, a company specialised in polling in war-zones, finds that 55 percent of Syrians disapprove of the Gulf States influence on Syria, and the same figure holds for Iran.⁸⁹ **Recognising these dangers, we advise the total transparency concerning sources of funding for groups in Syria, and would ban foreign funding of elections within Syria.**

Transparency will also help reduce corruption and investigate war crimes committed during the conflict. However, transparency requires a strong and independent media to hold officials accountable. The early protesters who used Facebook and Skype to mobilise against the regime in 2011, should take on this challenge by setting up independent papers and news websites.

⁸⁷ Anton Evstratov, "Victory of Russian and Iran," October 9, 2016, accessed January 9, 2017, eadaily.com/ru/news/2016/10/09/pobeda-rossii-i-irana-bespoletnoy-zony-nad-siriyey-ne-budet.

⁸⁸ Emile Hokayem, "Iran, the Gulf States and the Syrian Civil War," *Adelphi Series* 54 (2014), 49, Accessed August 26, 2016, <http://www.tandfonline.com/doi/abs/10.1080/19445571.2014.995937?journalCode=tadl20>.

⁸⁹ ORB International, "Syria Public Opinion – July 2015," July, 2015, accessed September 11, 2016, <https://www.orb-international.com/perch/resources/syria-data.pdf>.

IV. Concluding remarks

In the light of Russia's extension of significant aerial support to the Syrian government, and the reluctance of the international supporters of factions within the Syrian opposition to do the same, it is reasonable to expect that Bashar Al-Assad will continue to make gains at the expense of the moderate opposition. It nevertheless remains unlikely that the Syrian government will achieve any decisive advantage over the opposition. Efforts should therefore focus on ending the civil war through a negotiated settlement which involves different sides of the conflict. Such an agreement should, in the short-term, seek to end the fighting, and provide the necessary conditions for the reconstruction process to take place.

Our proposals seek to provide a framework for short-term security, and long-term stability. To achieve security in the period immediately following a settlement, we recommend a Disarmament, Demobilisation and Reintegration program. District-level elections should be held in areas where fighting has ceased even before a national peace settlement has been agreed upon so that reconstruction may be launched at the local level.

We argue that a centralised, unitary Syrian state will best be able to defend its people from rampant sectarianism and security threats from radical organisations such as the so-called Islamic State. To allow rapid, effective response to these security threats, we argue that in the aftermath of the Civil War, the structure of the Syrian government should be destabilised as little as possible. To ensure that pursuing a sectarian agenda will be difficult for the newly elected national government, we recommend that a Council of Representatives is created, in which Syria's largest ethnic and religious communities will be represented. This body will possess a legislative veto to protect Syria's diverse ethnic and religious groups from persecution.

The conditions on the ground in Syria demand pragmatism, which inevitably requires that all sides make concessions. This will include allowing Bashar Al-Assad to stay on for a transitional period and to contest in national elections, as well as accepting moderate Islamist voices, such as that of the Syrian Muslim

Brotherhood, provided they respect the continuity of a pluralist Syrian state and repudiate violence.

In summary, to ensure peace holds it is necessary to:

- i. Allow UN peacekeepers and a UN diplomatic mission to access Syrian territory
- ii. Demilitarise militiamen
- iii. Immediately hold district-level elections where violence has ceased and launch bottom-up reconstruction
- iv. Hold national elections as soon as possible

We recognise the complexity of the situation in Syria, due to the involvement of numerous Syrian and international actors in the Civil War. Our proposals are meant to remain flexible depending on the progress of the peace talks and the rapidly changing situation on the ground. We hope that they may serve as guidelines for bringing peace and stability to Syria.

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