# Why Is Mediation So Hard? The Case of Syria

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#### Introduction

Over the past 60 years, mediation has become an accepted, almost commonplace response to addressing violent interstate or intrastate conflict, particularly after the end of the Cold War when many civil and regional disputes landed on the negotiation table.<sup>1</sup> Along with the rise in the practice of mediation, there has been an increase in the literature, capturing lessons learned and prescribing best practice for acting as a facilitator or mediator, often in civil wars and other internal conflicts.<sup>2</sup> However, studies that show there is often a renewal of violence within 5 years of a negotiated agreement suggest that there is still much to be learned about effective mediation (Call 2012; Fortna 2004; Hartzell 2009; Walter 2004).

One of the difficulties of mediating conflict arises from the constantly shifting landscapes in

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which mediation takes place. This chapter will examine two phases of third-party-assisted peacemaking in the Syrian conflict because they highlight three serious challenges to mediation. One challenge relates to the international environment and the external forces that support or undermine a nascent peace process. Another challenge arises from the nature of current conflicts and the complications associated with problems of legitimacy, state capacity, perception, and the internationalization of civil/regional conflicts. These two challenges are not new to students and observers of mediation. The third challenge has been studied less thoroughly and relates to the supply side of the equation, i.e., the number, quality, and coherence of institutions willing to undertake a mediation effort. This last challenge is generally exogenous to the conflict itself, but can have a profound impact on the trajectory and outcome of any peace process. This chapter will analyze these three challenges and examine how they affected the attempts to bring parties to the Syrian conflict to the negotiating table from March 2012 through December 2013.<sup>3</sup> It concludes with the argument that addressing the supply challenge through the effective coordination of different mediating bodies delivers a key component of a mediation effort. However, as the Syrian case points out, this coordination-even if

<sup>&</sup>lt;sup>1</sup>One dataset estimates that between the end of World War II and 1995, there have been over 1,900 international mediation attempts (Bercovitch 1999).

<sup>&</sup>lt;sup>2</sup>The literature ranges from the scholarly (see for instance the many books by I. William Zartman, Jacob Bercovitch, and others) to practitioner oriented (i.e., the publications by the Centre for Humanitarian Dialogue and the European Centre for Policy Development Management).

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<sup>&</sup>lt;sup>3</sup>These three mediation challenges are elaborated upon in Crocker et al. 2015.

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it brings together the most powerful nations does not guarantee a successful outcome to the process.

#### Challenges to Mediation<sup>4</sup>

Many analytical studies of mediation have focused on the how, why, whether, and when of mediation. In so doing, these studies examine substantive factors (the nature and dynamics of the conflict), agency factors (the parties and their relationships, the identity and characteristics of the third party), and procedural factors (the design of the mediation process, its timing, and how the mediator and parties go forward with the process) (Mandell and Tomlin 1991). These are critical elements of any mediation, but other lessrecognized factors that affect the demand for and supply of mediation are also important to the success or failure of mediation efforts. On the demand side, the countries and societies in conflict as well as neighboring countries and others with interest in the outcome form the major component of the equation. We suggest that the context, especially the type of conflict, is a strong influence on this demand. The third-party institutions and individuals involved in peacemaking form the supply side of the equation. Most discussion about the supply side focuses on whether or not there will be an outside effort to resolve the issues. But it is equally critical to look at issues of mediator readiness-to examine whether the mediation effort is properly staffed and sustained so that the supply side can meet the demand. Both supply and demand are further influenced by the international environment surrounding the mediation effort. This environment may serve to support or to block the process. Focusing on these contextual issues about supply, demand, and the environment can help us understand better the dynamics of mediation.

**Context on the Demand Side: A Typology of Conflicts** Before the end of the Cold War, most mediation efforts targeted interstate conflicts (see Crocker 1999; Solomon 1999, for two examples). Mediation in today's world, however, has to engage with many different types of conflict that

engage with many different types of conflict that occur within the borders of a given state as well between states. Each type of conflict brings its own obstacles and opportunities, making it difficult for mediators to apply lessons from one conflict type to another. While every conflict is different, most can be assigned to one of four different varieties: conflicts over legitimacy, conflicts arising from weak states, existential conflicts, and interstate conflicts.

- Conflicts over Legitimacy. This is an emergent-or more accurately, reemergent-type of conflict, and its future shape and scope are only dimly visible today. Writing in 2005, Zbigniew Brzezinski foresaw that "the central challenge of our time is posed not by global terrorism, but rather by the intensifying turbulence caused by the phenomenon of global political awakening" (Brzezinski 2005, p. 40). This scenario foresaw that the world's somnolent would rise into political awareness and demand change in the relation between rulers and the ruled. While these conflicts focus on legitimacy issues within a state or society, they also carry the risk of spillover and regional contagion, including for third-party institutions that try to help smooth the transition or support the government in place. Unless handled skillfully, this type of conflict risks drawing them in on behalf of contending sides, creating a fresh layer of polarization.
- Conflicts Arising from Weak States. A second, ٠ more familiar category of conflict results from state fragility or failure leading to political collapse, a vacuum of authority, and humanitarian crisis. Such scenarios emerged with a vengeance after the Cold War ended and bipolarity came to a sudden end. Numerous factors contribute to the weak state phenomenon such as the spread of criminal networks that undermine legitimate state authority, trade in arms and looted commodities, economic stagnation, the politics of greed and corruption that hollow out state institutions, the manipulation of sectarian and ethnic diversity by political entrepreneurs, and simply chronically bad political leadership. As a result, state weakness takes many forms and can descend into

<sup>&</sup>lt;sup>4</sup>This section draws on Crocker et al. 2015.

conflict along several pathways, some of which are more threatening to international order and the interests of major powers than others (Patrick 2011). A major share of such conflicts are recurrent cases where peace agreements break down (e.g., the DRC and Sudan) and intractable cases where peace efforts fail to get at the underlying sources of violent strife (e.g., the Naxalite conflict in India, Muslim insurgency in southern Thailand, or the Tuareg rebellions affecting Mali and Niger).

- Existential Conflicts. A third category of conflicts revolve around the perception of existential threats-in other words, threats to the existence or viability of one group due to the actions or attitudes of another group or groups. Because of the perceived zero-sum nature of the dispute, these conflicts often become intractable. A substantial portion of the most intractable cases derives from the circumstances and decisions made when things fell apart after major wars and imperial decline. Kashmir, Cyprus, the Balkan wars, the Korean peninsula, the Armenian-Azerbaijan dispute over Nagorno-Karabakh, and even the Israeli-Palestinian case all contain a variant of this group of what could be called imperial legacy conflicts. Such cases are impacted in the political rivalries of successor or neighboring states, captive to forces larger than the immediate territorial confines of the contested land (Bose 2007). While regional organizations may be the most likely candidates to try to mediate these conflicts, they are also likely to mirror such divisions which more often than not make mediating these conflicts difficult.
- Interstate Conflict. A fourth type of case is armed confrontation and outright conflict between great powers and/or rival regional powers or interstate conflicts that result from the expansion of internal conflicts. While various schools of thought come to distinctly different conclusions about the emerging international system and the relationships among its most powerful states, the possibility remains that major state rivalry, structural tests of strength, or sheer miscalculation could trigger outbreaks of interstate war as disputes

escalate or spill across borders. The internationalization of conflict—especially regional interstate conflict growing out of regional disputes (India-Pakistan) or crossborder warfare (Democratic Republic of Congo-Rwanda, Syria-Lebanon)—may also be the consequence of the first three categories.

It is not the case that current conflicts are more complex than conflicts of yesteryear, but there have been changes that increase the destabilizing potential of current conflicts. These include the proliferation of weapons of mass destruction, the capacity for mass mobilization, modern communications such as the Internet and social media, and the identity-based, zero-sum nature of current conflicts which erase shared interests among diverse communities and spread easily across borders. While a number of studies have shown a decrease in conflict and conflict-related fatalities, those conflicts that remain are hardened in ways that make them difficult for the conflict parties to resolve and resistant to outside engagement (on the decrease in violence, see Human Security Report Project 2011; Hewitt et al. 2012; Themnér and Wallensteen 2013; on intractability see Crocker et al. 2004; Bar-Tal 2001). The context of these intractable conflicts complicates a mediation process. In addition, current mediators may have to deal with several different types of conflict simultaneously. For instance, mediators engaged in peacemaking in Mali are working in a conflict environment which overlaps several categories-Mali is a weak state embroiled in a conflict over legitimacy and identity, with serious international spillover effects.

Understanding the Context of the Supply Side: Not Enough Mediators or Not Enough Readiness An important post-Cold War trend has been the broadening of the conflict management field to include many different players (Crocker et al. 2003). While governments/ states and intergovernmental organizations remain centrally important in conflict and conflict management, they increasingly have to share their roles with a growing list of others, both within their own societies and within the so-called international community. Conflict has become more distributed, but conflict management has become distributed as well. However, effective mediation in this distributed environment is not easy. For a number of years, there has been a growing awareness of the problems posed by too mediators-opportunities for many forum shopping by the conflict parties, lack of coordination among mediating institutions, difficulties in establishing leadership and creating momentum in a mediation process, and opportunities for preventing or resolving disputes lost because of differing agendas among the institutions sponsoring the mediation efforts.

Equally serious is the possibility that no one with the requisite tools and resources steps up to the plate and takes full responsibility for a mediation process. This might happen when significant powers prefer to "outsource" mediation to international or regional organizations without giving them the authority, backing, or resources to be effective. The paralysis also affects intergovernmental organizations, such as the UN and the OSCE, when they are hampered by membership debates over the best course of action-including whether or not to engage at all. Prolonged engagement is also a challenge to NGOs, which may be reluctant to start a process that they cannot sustain or withdraw from an ongoing process because they lack the resources to continue.

Mediator readiness is not just a numbers game. There are three levels of readinessstrategic, institutional, and personal readiness. Strategic readiness occurs at the political, social, economic, or strategic level surrounding the conflict and refers to the alignment of the strategic interests of the key third parties with the mediation process. Institutional readiness occurs within the institution that is sponsoring the mediation. Personal readiness refers to the personal characteristics, preparation, and accomplishments of the mediator. That the mediator is the right person for the job is of course essential. However, equally important are the support of the mediator's institution, the robustness of the mandate, and the leverage that the mediator can bring to the effort, either through his or her own resources or through borrowing leverage from powerful backers (Crocker et al. 2003).

**Impact of the International Environment** The international environment provides an important backdrop to any effort to resolve conflict, whether it is an interstate or intrastate conflict. The principal challenge that the current international environment poses for mediation is its changing nature. The state of the world has been called many names-the post-Cold War era, the post 9/11 era, a G-zero world (in which no country dominates the global agenda), the age of terrorism, the rise of the rest, and the Pacific century (Bremmer and Gordon 2011). These labels do not fully describe the world we live in. They do, however, point to a common denominator-the global order is breaking apart, national sovereignty is changing, boundary lines are more fluid, new norms are forming, and old norms are weakening. A systemic transformation is occurring. Some regions are on the rise, some are in decline, and some are simply in open revolt.

A new order has not yet materialized. In fact, with the emergence of new actors representing different institutions and using new approaches and methodologies, there is a diffusion of agency, authority, and action that will make a new global order unlikely to materialize soon. While rapid changes in the international environment can sometimes provide unexpected opportunities for conflict management engagement, they more often are destabilizing-it is hard to put together coalitions, develop cohesive pressure to urge parties to rethink their positions, and offer real alternatives. In these circumstances, mediators sometimes expend more energy on developing outside support for a process than they do on the process itself. When the international system itself is in transition, international interest in any particular conflict goes down.

## Mediation Efforts in the Syrian Civil War: Changing Challenges and Mixed Successes

In order to examine how the different characteristics of conflict, the uncertainty in the readiness and influence of mediators, and the impact of international politics affected mediation efforts in the Syrian Civil War, this chapter looks at two phases of the mediation process. The first is from the beginning of the uprisings in Syria (roughly March 2011) through former UN Secretary-General Kofi Annan's appointment in February 2012 as Joint Special Envoy for the United Nations and the Arab League and his subsequent resignation (August 2012). The second period (August 2012 to December 2013) covers the lead-up to January 2014 Geneva negotiations between the Syrian government and the rebel groups. Annan's mediation effort came at an early phase in the conflict, a fact which should have boded well for his chance of success (Regan and Stam 2000; Bercovitch and DeRouen 2005). However, despite extensive negotiations with the parties and the international community, Annan's six-point peace plan (SPPP) ultimately failed to gain any traction, and Annan resigned in frustration in August 2012. Lakhdar Brahimi, former Algerian foreign minister and special advisor to the UN Secretary-General since 2004, took over as Joint Special Envoy in the same month. A year and a half later, his efforts resulted in peace talks between the Syrian government and rebel groups. Examining these two mediation periods allows us to examine how the challenges associated with the nature of the conflict, capacity of the mediators, and impact of the international environment helped to cause one mediation effort to fail to get off the ground (the Annan plan) and helped the other to at least lead to direct face-to-face meetings of the conflict parties (Geneva II).

#### A Summary of the Syrian Conflict

The conflict in Syria has deep roots in history, but the current phase dates back to March 2011 when activists, echoing other popular uprisings across the Arab world, called for a "Day of Rage" against the regime of President Bashar al-Assad. The popular protests met with a strong repressive reaction from the government. Fighting grew over the year, although it remained relatively one-sided, as most violence was committed by the government or pro-Assad paramilitaries through this period.

International reaction to the violence was relatively swift. On August 18, 2011, the United States, Britain, France, and Germany and the European Union demanded Assad's resignation. Two months later, the United States withdrew its ambassador from Syria over security concerns. In November, the Arab League voted to suspend Syria's membership, approved sanctions against Syria, and in December deployed an observer mission to the country. Joining with the UN, it appointed Kofi Annan, former UN Secretary-General, as joint envoy to the Syrian conflict. It also supported the draft UN Resolution on Syria, calling on all parties to cease violence. The UN draft resolution was months in the making and the result of painstaking, behind-the-scene negotiations. Though the draft resolution did not call for immediate sanctions, it laid out some clear markers for Assad's embattled regime to change its ways with harsh measures to follow if it did not. In all, nine countries voted for it. Brazil, India, Lebanon, and South Africa abstained. The Americans, French, and the British thought they had finally secured the support of Russia and China in the careful wording of the resolution. However, Russia and China vetoed the resolution (United Nations Security Council 2012b).

In the wake of the failure of the UN resolution, an ad hoc body came into being, organized by the French government. Some 60 countries, under the mantle of the Friends of Syria, attended a meeting of foreign ministers and representatives of international organizations in Tunis in late February 2012 in a bid to raise the pressure on Syria's al-Assad's regime. The Tunis communiqué called on the Syria government "to cease all violence" and to allow free and unimpeded access by the UN and humanitarian agencies (Group of Friends of the Syrian People 2012). It also demanded that the regime "permit humanitarian agencies to deliver vital relief goods and services to civilians affected by the violence." In addition to enforcing current sanctions, the Friends agreed to introduce new ones, including travel bans, asset freezes, ceasing oil purchases, reducing diplomatic ties by closing embassies, and preventing the shipment of arms. The Syrian National Council (SNC) also got the nod to serve

as "a legitimate representative of Syrians seeking peaceful democratic change (Group of Friends of the Syrian People 2012)."

Former UN Secretary-General Kofi Annan was appointed special envoy for Syria by the UN and Arab League on the eve of the Tunis meeting. In mid-March, Annan tabled a six-point peace plan (SPPP) calling for a ceasefire, the start of a political process, military disengagement, humanitarian relief to civilians, release of political prisoners, and restoration of civil rights. When it appeared initially that the Syrian government might cooperate with Annan, an unarmed UN monitoring mission was inserted on the ground.

These efforts to pressure Assad and build up Syria's opposition, however, were not strong enough to stop the killing. A last ditch effort to back the Annan effort came in the "Geneva I" communiqué adopted June 30, 2012. Signatories identified themselves as the Action Group for Syria and included top UN-Arab League and EU officials as well as the foreign ministers of China, France, Russia, the United Kingdom, the United States, Turkey, Iraq, Kuwait, and Qatar. A final resolution laid out a full-fledged program of transition elements, but its main thrust was to condemn "the continued and escalating killing, destruction and human rights abuse" and to call for launching "a Syrian-led political process leading to a transition that meets the legitimate aspirations of the Syrian people ..." (Action Group for Syria 2012). However, the convincing threat or show of force necessary to persuade the conflict parties that the international community was serious was lacking. In July the stakes of an international intervention became higher as the government of Syria threatened to unleash chemical and biological weapons if the country was invaded. (This was the government's first acknowledgement that it possessed weapons of mass destruction.) In the face of these circumstances in August 2012, Kofi Annan announced his resignation as UN-Arab League envoy to Syria, citing official noncooperation, mounting opposition military action, and the lack of consensus in the UN Security Council (Martin 2012). Lakhdar Brahimi, another seasoned UN mediator, took over the position shortly after Annan resigned.

The year following Annan's resignation and Brahimi's assumption of envoy responsibilities saw a continuation of violence with a terrifying escalation. In April 2013, the White House reported that US intelligence indicated Assad had twice used chemical weapons in his country's civil war, but said the evidence was not sufficient to justify US involvement in the conflict. The situation in Syria deteriorated into a full-fledged civil war. By June 2013, it was reported that almost 100,000 people had died in the conflict (Price et al. 2013; Solomon 2013). By this time, the war had also been internationalized: violence had spilled over into sectarian clashes in Lebanon, and Hezbollah had begun combat operations in support of the Syrian Arab Army (SAA). Similarly, Syria's turmoil had begun to affect stability next door in Iraq, fueling sectarian struggles there which, in turn, affected the balance of forces in eastern Syria. These events were capped by chilling reports of the August sarin gas attack in the Damascus suburb of Ghouta, killing as many as 1,400 people.

This was a wholly different environment for any would-be mediators than a year earlier. All the belligerent parties had paid a substantial price in blood and treasure at this point, and the conflict had become more severe, as fighting took on a dark sectarian tone between August 2012 (when Annan resigned) and the Ghouta gas attack in August 2013. It was in this time period that Hezbollah entered the fray and groups like the Islamic State of Iraq and Syria (ISIS) multiplied and began portraying the conflict as a zerosum religious war. Ghouta was perhaps the climax of this trend: it appears to have been the single biggest loss of life during the war so far and was symptomatic of the changing nature of the conflict. Simply put, by the summer of 2013, the war was far bloodier, it involved a larger, more diverse range of actors, many of which had (and have) incompatible interests, and the belligerents were increasingly seeing the conflict in zero-sum terms. This meant that the conflict

|  | Difficulties  | Opportunities  |
|--|---|--|
| Annan Peace Plan<br>(SPPP) February –<br>August 2012 | Lack of support for the single mediator                                     | Conflict still relatively low-<br>intensity                                    |
|  | Weak Syrian state may have<br>reduced incentives to<br>negotiate, increased | No competition among mediators   |
|  | incentives to fight   | Relative cohesion among<br>Western camp (Friends of<br>Syria)                  |
| Toward Geneva II<br>August 2012- December<br>2013    | Increased number of participants in the war                                 | Heightened interest among<br>major powers to promote<br>negotiation and UN-led |
|  | Increased<br>sectarianism/existential<br>element to war                     | mediation  |
|  | Heightened polarization<br>among states on periphery of<br>conflict         |  |

Fig. 11.1 Difficulties and opportunities in the two Syrian mediation efforts

agenda had expanded (both thematically and geographically) while the range of potentially acceptable bargains that a mediator might be able to identify had shrunk.

In an attempt to restart a peace process, a number of governments agreed in principle to holding another conference in Geneva with the express goal of fashioning some sort of peace settlement. This was the genesis of what came to be called the Geneva II conference. Unlike the SPPP, the drive for a Geneva II conference produced the first face-to-face talks among the Syrian parties. While the SPPP suffered from the lack of serious engagement in support of the mediation, the Geneva II process benefited from serious efforts by the United States and Russia to attempt to manage the violence in Syria in the wake of US-Russian coordination in addressing the challenge of Syria's chemical weapons. While the Geneva II process produced little tangible result, they did bring the conflict parties together for talks, a significant step in a negotiating process. The chart in Fig. 11.1 summarizes the difficulties and opportunities present in the two mediation efforts as of December 2013.<sup>5</sup>

#### Challenges from the Conflict Characteristics: The Demand Side

The Syrian Civil War has attributes of all four conflict types that can make mediation difficult. It is a conflict arising from legitimacy disputes, state weakness, existential threats, and complicating international involvement.

**Legitimacy** At its foundation, the Syrian Civil War was a product of 100 years of exclusivist rule and contested political legitimacy as well as the influence of the Arab Spring. Bashar al-Assad

<sup>&</sup>lt;sup>5</sup> It is important to note here that the second process also failed and came to an end with Brahimi's resignation in May 2014, which occurred for many of the same reasons that led to Annan's resignation. However, this analysis reflects the state of play at the time of writing and confines its focus to the period of February 2012—December 2013. The authors feel that their conclusions remain relevant despite shifts in the Syrian conflict and the international response to it

inherited the Syrian presidency from his father Hafez al-Assad, who ruled Syria from 1970 until his death in 2000. From 1963 to when the senior Assad took power in Damascus, Syria was ruled by the Ba'ath Party. Before Ba'ath rule there were a series of regimes, all of which ruled on behalf of an urban landowning elite at the expense of the country's poorer Sunni majority. Despite some populist overtures early in Hafez al-Assad's presidency, the pattern of Syria's rulers governing with the support of a narrow coalition continued since 1970.

Another legitimacy-related factor affected the mediation environment, as a result of international pressure to oust al-Assad. By the summer of 2012, four authoritarian Arab regimes had fallen to popular uprisings during the previous 18 months. Among Western news outlets there was a sense that Assad's demise was inevitable and a natural continuation of the broader Arab Spring phenomenon (for examples, see Fletcher 2011; Hoagland 2011; Rifkind 2012; Taheri 2012). More importantly, a number of regional governments and the United States signaled that they considered the Assad regime not valid and ultimately doomed. As early as July 2011, US Secretary of State Hillary Clinton stated that the Assad government had "lost legitimacy" and that the United States was seeking "a democratic transition" in Syria, while a White House official bluntly claimed "the Assad ship is sinking" (Ignatius 2011). President Obama followed up a month later, on August 18, 2011, in a press statement that declared "the time has come for President Assad to step aside."

Key NATO allies took a similar position, and former Egyptian President Mohamed Morsi, speaking in August 2012 at the Non-Aligned Movement meeting in Tehran, declared "Our solidarity with the struggle of Syrians against an oppressive regime that has lost its legitimacy is an ethical duty and a political and strategic necessity" (Hider and Coghlan 2012). The conflict, rather than a typical insurgency, had become a brutal, multi-sided struggle over patches of turf at the expense of their inhabitants and a complex battle over competing claims of legitimacy. However, by underscoring the lack of legitimacy of the Syrian government, the international community effectively delegitimized it as a negotiating side, complicating both Annan's and Brahimi's efforts to bring the parties together.

**State Weakness** In 2011, Syria displayed many of the hallmarks of a weak and failing state. While the state security apparatus was exceptionally strong, and political opposition was highly regulated (to the point where there was no effective opposition in Syria), this apparent control was built on a weak foundation. Since the beginning of Ba'ath Party rule in 1963, the Syrian economy had been dominated by the government, in a system that has been characterized as "state capitalism" or "etatism" (Perthes 1997; Hinnebusch 2001). This meant that the public sector accounted for the vast majority of capital formation in the economy and provided the lion's share of jobs. Given its political backing, it often succumbed to inefficient practices (such as marking up the price of manufactured goods and putting the cost on the consumer) and wholesale corruption, with a handful of politically connected families owning vast swaths of the economy (Shadid 2011). While the large public sector and heavily subsidized consumer staples meant that relatively few Syrians lived in poverty before the war, the corruption, nepotism, and inefficiency of the economy also offered Syrian very few opportunities for upward economic mobility.

**Existential Threats** The Syrian conflict also assumed an existential quality on both a personal and a group basis. On the personal side, there was compelling evidence that Assad's very existence was threatened. The Arab Spring has not been kind to rulers it has deposed. Hosni Mubarak was tried for corruption and abuse of power and was literally displayed before Egypt in a cage. Nevertheless, he fared better than Muammar Gaddafi, who died an ignoble death in the streets of Sirte. If al-Assad believed his only option was to stand and fight, then his conclusion was understandable.

On a group basis, perceived existential threats also loomed large. For example, the massacre of as many as 190 civilians in Latakia in August 2013 by rebel forces was accompanied by graffiti calling for death to Syria's Alawites. Rebels also deliberately destroyed an Alawite shrine and allegedly executed an Alawite imam (Human Rights Watch 2013b). Some Alawites explained their support for the Assad regime as a function of the fact that they believe Syria's opposition forces, if given the opportunity "will kill me for simply being an Alawite" (Hersh 2013). More moderate elements of Syria's opposition may also have succumbed to extreme, absolutist views that put the possibility of a negotiated peace further out of reach.<sup>6</sup> The Syrian government's use of sarin gas in Ghouta also reinforced the sense among Syria's opposition that they were in a life-and-death struggle (Habboush 2013; Bayoumy 2013).

Interstate Dimensions Finally, there were significant interstate rivalries that drove the violence in Syria. These rivalries-notably between Iran and Saudi Arabia-predated the civil war. The Iranian-Saudi rivalry has numerous roots, including religious (Shi'ite-Sunni) and political (republican-monarchist) differences, as well as the desire of both countries to ensure their long-term security by supporting friendly regimes in the Middle East (Fürtig 2002). However, once the die was cast in 2012, the war in Syria created an opportunity for Saudi Arabia to weaken Iran by unseating a regime allied to Tehran and posed a major challenge to Iran which had supported the Assad government for years. Consequentially, both countries (along with others) funneled money, weapons, and fighters into Syria. These rivals posed the risk of becoming spoilers who could block a mediation effort from beginning in

the first place and would likely add their own issues to an already complex negotiating agenda.

Syria also shares a neighborhood with a host of fragile countries, which further exacerbates the conflict. Lebanon's politics had been dominated by sectarian conflict for years, reducing the legitimacy and effectiveness of many government institutions. Political parties, with membership along religious lines, moved into that vacuum, and they often had their own armed organizations to provide security, rather than exclusively relying on the national police or armed forces. Syria's de facto military occupation and control of Lebanese politics ended in 2005 after nearly 30 years, but Syrian influence continued, and the Syrian Civil War began to spill directly into Lebanon (McDonnell 2013a, b). Compounding the difficulties in Syria was another neighboring civil war, along the same sectarian lines as Syria's, began gestating in Iraq beginning in mid-2012. While around 110 Iraqi civilians were killed per month by political violence in 2011 and 2012, this number jumped to more than 250 per month for the first half of 2013, according to government of Iraq statistics (O'Hanlon and Livingston 2013). The porous Syrian-Iraq border made it relatively easy for Sunni, Shi'ite, and Kurdish fighters to pass back and forth between the two countries, particularly when national attention was focused on the deteriorating situation in Iraq's heartland.

### Challenges Posed By the Characteristics of the Mediation: The Supply Side

In addition to challenges brought about because of the nature of the conflict, the Syrian mediation also experienced the challenge of profound disagreements between the two most powerful external actors. In the first year and a half of the Syrian Civil War, the United States stuck to the strategy of getting a firm UN Security Council resolution that would open the door for more muscular action, and Russia continued to block that approach. In these circumstances, Annan's mediation effort was certain to run into a brick

<sup>&</sup>lt;sup>6</sup>In an infamous video recorded in May 2013, a commander from the Farouk Brigade carved the heart and liver from a dead pro-Assad fighter, and then declared to the camera, "I swear to God, soldiers of Bashar [al-Assad], you dogs—we will eat your heart and livers!...Oh my heroes of Baba Amr [Homs], you slaughter the Alawites and take their hearts out to eat them!" (Human Rights Watch 2013a).

wall. While Annan was highly respected, he could not bridge by himself the animosity and distrust that separated the two (or more) Syrian sides and a divided international community.

Before discussing why the first phase of mediation failed, it is important to recognize that there were at least some reasons to believe that mediation efforts had a chance of succeeding. First, as noted earlier, Annan's timing was good. In March 2012, when Annan took the job of special envoy, approximately 8,000 people had been killed in the uprising (UN News Service 2012; Russel and Bhatti 2012). While not an insignificant number, mediation attempts in violent conflicts are more likely to succeed the lower the casualty rates are (Bercovitch and Gartner 2006). There is also some evidence that diplomatic interventions in civil wars tend to help shorten the conflicts if the intervention happens relatively early on-after the phase where both parties are confident they can win, but before attitudes have hardened too much (Regan and Aydin 2006).

Second, the violence was still largely onesided, and at that point the Syrian opposition had not been infiltrated by radical Islamists. In essence, the conflict was, similar to the other Arab Spring uprisings. While it was much more violent than Tunisia or Egypt, the basic issue was the perception among a broad part of Syrian society that the government was illegitimate and needed to either reform itself or step down. While it was a serious crisis, it was not yet a full-fledged, existential war, and the interests and identities of the two principal sides did not appear to be fundamentally incompatible.

Finally, and most importantly, Kofi Annan was a veteran, high-status mediator with the standing to actively mediate between the Assad regime and the opposition. The Annan effort appeared to exhibit many of the attributes and characteristics that make for a successful mediator, including institutional backing and resources, ample experience, a global profile, and broad legitimacy (conferred by both the Arab League and from his stature as a former UN SG) (Crocker et al. 2003; Bercovitch and Gartner 2006). In principle, Annan also had the backing of the Security Council. United Nations Security Council Resolution 2042, passed in April 2012, called for a ceasefire in Syria and for the implementation of Annan's six-point peace plan.

However, while Annan had some leverage over the parties and their international backers, he had few hard power resources at his disposal. Annan's plan called for the government of Syria to withdraw its troops from-and stop the use of heavy weapons in-major population centers, and for a similar halt in violence from the armed opposition, without any way to enforce respect for these objectives and to demand a ceasefire. To the parties, the situation remained similar to a prisoner's dilemma.<sup>7</sup> If both sides were confident that they could win advantages by continuing to fight (i.e., not to cooperate and to eschew negotiation), they would continue to do so. Options to coerce the Syrian government into abiding by the Annan plan via a Security Council-sponsored threat of action under Chapter VII (use of force or severe sanctions) were out of the question in light of Russia's persistent and firm opposition (Dejevsky 2011). Russia justified its continued support for Damascus by drawing on international legal principle and the presumed legitimacy of the Assad government and insisted that the conflict be settled by Syria's warring factions. In July 2012, Russia's Foreign Minister Sergei Lavrov claimed, "we will accept any decision by the Syrian people on who will govern Syria, as long as it comes from the Syrians themselves" (RIA Novosti 2012b). China quietly deferred to the Russian lead. 8

<sup>&</sup>lt;sup>7</sup>During the spring of 2012, there were reasons for both the Assad government and the opposition to believe that momentum was on their side: the Syrian government still had a clear advantage in terms of armed force, while the opposition had the Libyan example, which offered the hope of an armed intervention by one or more outside actors. This created a situation where negotiating was not necessarily the most attractive option, since each side could hold out hope that by continuing to fight, the scales would tip in their favor. So while the government or the opposition may have tentatively agreed to participate in a mediation process, each side still had an incentive to defect from the mediation process and continue to fight.

<sup>&</sup>lt;sup>8</sup>Russia's refusal to help tip the scales in favor of the Syrian opposition was compounded by the opposition's own hard-line position in summer 2012. As the Annan plan floundered, the Syrian National Council (SNC) made

European diplomacy was largely absent, according to some, because of lowest common denominator policymaking and free-riding by some of the organization's members. As Finnish Foreign Minister Erkki Tuomioja put it, EU members "use the EU when it suits them," but otherwise set their foreign policies independently (Deutsche Presse-Agentur 2012).<sup>9</sup> The one critical exception to the lack of European movement on the issue was France's spearheading of the "Friends of Syria Group" initiative. The Friends of Syria initiative was a regionally inspired, collective response to the deadlock in the UN Security Council over Syria. It was initiated by France following the February 2012 veto by Russia and China of Chapter VII action on Syria. It also reflected the birth of a nascent collective conflict management initiative to increase collective pressure on al-Assad and work around UN while it was deadlocked.

The Friends of Syria, which could have easily confused the process by introducing too many mediators, instead helped attenuate some of the challenge posed by the fractious international context. First, it provided a focal point around which Western and Arab governments could coordinate their policies. Second, it acted as a forum where Western and Arab governments could directly work with their counterparts in the Syrian opposition. Importantly, this was reflected in efforts by Western governments to convince the opposition to attend the Geneva II conference.

Positive as it was, the Friends of Syria initiative did not succeed in unifying the opposition and reducing the number of factions and players involved in the conflict. In November 2012, moderate Islamist rebels initially rejected the Friends of Syria's recognition of the National Coalition as foreign meddling in Syrian affairs and asked for a larger role for Islamist groups in the National Coalition (Agence France-Presse 2012b; Atassi 2012). A year later, Islamist rebels formed an alliance known as the Islamic Front, which worked independently of the National Coalition (Atassi 2013; Surk and Hadid 2013). Again, the Islamist groups criticized the National Coalition as a foreign-sponsored entity that did not represent the will and interest of the majority of Syrians (Atassi 2013). Thus, while the Friends of Syria project helped to unify a number of national governments behind the Syrian National Coalition, and thus reduce the risk of Western and Arab governments working at cross purposes, the very act of endorsing one opposition group as the official and legitimate representative of the Syrian people gave other Syrian groups the opportunity to paint themselves as more authentically Syrian than the National Coalition.

it clear that "no dialogue with the ruling regime is possible. We can only discuss how to move on to a different political system" (Agence France-Presse 2012a). Instead, the SNC endorsed the Arab League's plan which called for Assad to relinquish power to a transitional government (RIA Novosti 2012a; United Nations Security Council 2012a). The SNC also refused to entertain the notion of Assad stepping down in return for immunity from prosecution, since "he has his hands stained with the blood of Syrians" (Interfax 2012). In June 2012, the National Coalition also called for "a resolution under Chapter VII, which allows for the use of all legitimate means, coercive means, embargo on arms, as well as the use of force to oblige the regime to comply" (Agence France-Presse 2012d). The SNC was also vocal in rejecting the Action Group's June 30 Geneva communiqué, including its reiteration of support for Kofi Annan's SPPP. Since the Geneva communiqué did not explicitly exclude Assad or members of the Ba'ath regime from participating in the proposed transitional process or any postwar government, the SNC criticized it as ambiguous, while Haitham al-Maleh, a prominent regime critic, described the agreement as a "farce" (Karam 2012). Finally, the SNC rejected any possibility of a regime figure leading the transitional government (Agence France-Presse 2012c).

<sup>&</sup>lt;sup>9</sup>Former Belgian PM and European Parliamentarian Guy Verhofstadt was particularly pointed in his criticism of EU policy in 2011, when he remarked that EU High Representative for Foreign Affairs, Catherine Ashton, would rely on the opinions of all 27 EU foreign ministers, rather than decisively leading on policy matters (De Redactie 2011). In the face of these criticisms, it is important to note that EU diplomacy and policy was at least consistent. This policy rested on two planks: first, economic sanctions on Syria and, second, the repeated insistence that all parties halt the violence in Syria and begin fashioning a negotiated transition to a new government. What the EU could (or would) offer to bring about a cessation in violence was never broached. A common refrain from the EU throughout 2012 was that the EU has been ready to provide support to any peace initiative, once it begins (Ashton 2012). However, throughout this period there was no peace process for the EU to support or facilitate.

In sum, the Friends of Syria may have strengthened some elements of the Islamist wing of the rebellion, but it also strengthened the mediation process by bringing some cohesiveness to the Western and moderate Syrian camp. The determination of key actors to support the mediation process received a much stronger boost by the Syrian war's intensification and by the cooperation between the United States and the Russians on dealing with Syria's chemical weapons. As Antony Blinken, President Obama's Deputy National Security Advisor, explained, the extremist trend in Syria has "begun to concentrate the minds of critical actors outside Syria" (Groll 2013). While the United States and Russia may not have agreed on a positive vision of what the future of Syria should look like or on how to get to that goal, they shared a common interest in preventing Syria from fragmenting into pieces or becoming a fully failed state ruled by local warlords and religious extremists. Neither country would benefit from a repeat of what happened in Afghanistan in the 1990s. This realization allowed Washington and Moscow to agree to explore the possibility of a mediated round of negotiations, and both implicitly accepted the fact that the Assad government would be part of that process. <sup>10</sup> With this change, several roadblocks that had hampered the Annan mediation were removed.

### Challenges from the International Environment: The Context

Some of the factors that contributed to the challenge of mediating a solution to the Syrian Civil War have been constant throughout the course of the conflict. The post-Cold War world was marked by the lack of a single (or small group) country that can dominate and unilaterally shape international politics. While the United States remained the world's predominant military, economic, and political power, it could not dictate political outcomes on its own (Hampson and Heinbecker 2013). There was much political "room" for others-including non-state actorsto help shape world politics. In the Syrian case, this meant that the Syrian Civil War was neither a straightforward ethnic Civil War nor a simple proxy war between ideological adversaries. It was both of those things and more and involved a broad array of diverse actors, ranging from the US to tribal militias.

This fractious international environment made mediation success in Syria elusive for two chief reasons. While there was a large discrepancy in the material, economic, and political power among the countries that backed various Syrian factions, some countries were more committed to their interests in the conflict than others and were able to shape disproportionately the course of the war. For instance, French and American reluctance to engage militarily created opportunities for Saudi Arabia and Qatar. Saudi and Qatari

<sup>&</sup>lt;sup>10</sup>This same logic helped drive US Secretary of State John Kerry and Russian Foreign Minister Sergei Lavrov to broker the deal with the Syrian government to accede to the Chemical Weapons Convention (CWC) and destroy its chemical weapons arsenal under the supervision of the Organization for the Prohibition of Chemical Weapons (OPCW). While the Ghouta attacks forced the White House to react, given President Obama's earlier vows that the use of chemical weapons would constitute a "red line" that would prompt American action, the Ghouta attack also brought greater coherence to the international environment by focusing the United States and Russia on a common point of concern.

The tripartite deal to have Syria eliminate its chemical weapons was a compromise that worked for three principal reasons. First, there were only four parties involved: the Syrian government, the US, Russia, and the OPCW. The fractious international environment that was making mediating an end to the war difficult simply did not apply for the chemical weapons issue. The Syrian opposition, Saudi Arabia, Qatar, Iran, Hezbollah, and the like could all be bypassed and did not need to be consulted. This meant, secondly, that the dynamics of the

conflict—namely, the sectarian nature and Assad's lack of legitimacy—did not matter. Instead, there was a severe disagreement between the United States and Syria about whether Syria would be allowed to use chemical weapons. This was not an existential disagreement, but a political one. This opened up the range of mutually acceptable potential solutions. Finally, there was no lack of mediators in this case. Since both Russia and the United States had a clear interest in containing the violence in Syria and trying to manage it down to some acceptable level, both had clear motives to do something about Syria's chemical weapons.

donors prioritized short-term battlefield success over longer-term considerations when selecting groups to arm and finance. On the other side of the conflict, Russia and Iran leveraged their not inconsiderable resources to benefit the Assad regime and SAA to the greatest extent possible. For Russia, this meant directly shipping arms and ammunition to the Syrian government. Iran (with a largely cooperative Iraq on its western border) extended lines of credit to Damascus, sent arms, ammunition, and oil, and even deployed the Iranian Revolutionary Guard Corps in Syria (Weiss 2013; George 2013; BBC 2013). Western hesitation to intervene militarily in the conflict even after Assad crossed a so-called red line when he used chemical weapons also allowed Russia to expand its influence as a leading sponsor of the second round of negotiations in Geneva because Russia was widely seen as the only country that had real influence and leverage on the Assad regime.

The second challenge brought about by the weakness of the governments in the immediate region was the number of non-state actors involved in the war. Since 2012, Syria's opposition went from an informal alliance of locally based, ad hoc guerillas and SAA defectors who seemed to share the general goal of ousting the Ba'ath government, to a broad, heterogeneous swath of secular nationalist guerillas. The alliance was joined by groups motivated by a radical and politicized version of Sunni Islam, with the goals of dismantling the Syrian state and reorganizing its society along very narrow, exclusionary, religious lines. These groups, such as the Islamic State in Iraq and Syria (ISIS), al-Qaeda affiliate Jabhat al-Nusra, and Liwa/Jaysh al-Islam, did not subscribe to liberal notions of statehood and international law. Instead, they tended to see the world in terms of believers and nonbelievers and had little use for notions such as legal sovereignty, territorial boundaries, or secular nationhood.

In addition, pro-regime non-state actors threw their weight behind the Syrian government. While the SAA was conducting the majority of combat operations on behalf of Damascus, the regime's dirty work was increasingly up to *shabiha*, loyalist paramilitaries that fight on behalf of the government, but often do so according to their own doctrines and on their own Syria's Alawites formed schedule. progovernment militias (Jaysh al-Sha'bi), and the country's Druze population reluctantly leaned toward supporting the government (Jasser 2013; Filkins 2013). Hezbollah also entered the fray. A long-time client of the Syrian government, Hezbollah claimed the conflict in Syria was not just about preserving the Assad regime, but also was a fight against *takfiris* who threaten to rip the Muslim world apart (BBC Monitoring Middle East 2013; Blanford 2013).

Overall, these challenges from the demand side, the supply side, and the international environment made for a very difficult environment for mediators. On the demand side, defining the parties was the first challenge. The government of Syria was widely denounced as illegitimate, and yet was an essential party to the negotiations. Rebel fragmentation exacerbated the problem of achieving a clear and authoritative spokesman for the opposition at a future peace conference. As the conflict intensified, attitudes hardened. What began as a popular uprising against an exclusionary dictatorship quickly took on sectarian tones. The government's indiscriminate killing of civilians fed into the Islamist narrative of a pitched fight between good and evil. Negotiating some sort of settlement simply became more difficult in this environment, especially in light of the reality that the opposition comprised diverse and fragmented factions, some of whom had begun fighting each other. Whereas while the Syrian government violated the ceasefire during Kofi Annan's mediation effort likely due to the belief that they could press their military advantage to get additional concessions from the opposition, by 2013 both regime and rebel violence seemed increasingly driven by the belief that the two sides' interests and goals were fundamentally incompatible. This effectively eliminated the bargaining space (i.e., the set of mutually acceptable peace deals) between the two sides, and left little room for a mediation process.

On the supply side, the interests of the key international actors converged briefly only in late 2013. The Annan phase occurred at a point in the conflict when violence was growing but was still somewhat limited. While the violence was largely one-sided in this first phase of the war, there was no prospect of a mutually hurting stalemate to incentivize the government and the opposition to sit down with a mediator (Zartman 2001). This period was marked by a fragmented international environment and a lack of external coherence behind the international, UN-sponsored mediation effort. The Geneva II phase of the conflict saw greater compatibility and at least nominal convergence in the positions of outside actors (namely, the United States and Russia), which helped to fix the supply-side "readiness" problem. The chemical weapons episode in 2013 created a degree of tactical convergence between Washington and Moscow as did the arrival of a new US Secretary of State, John Kerry, who threw his full diplomatic energy into resuscitating talks and building relations with Moscow and Tehran on the nuclear issue.

With regard to the international environment, the internationalization of the conflict brought more parties into the fray and raised the level of violence. A mediator not only had to work with the Syrian government and the Syrian National Coalition but also had to manage the United States, Iran, Saudi Arabia, Qatar, Russia, Turkey, and others. Some of these countries-namely, Saudi Arabia and Iran—had hostile relations and made concerted efforts to keep each other out of the Geneva II process. Since these countries had the ability to encourage and restrain the belligerent parties, they also had the potential to act as spoilers and derail negotiations. In sum, by December 2013, the nature and regional ramifications of the conflict in Syria made the challenge of mediation more complex, even as it appeared to motivate the external powers to take the possibilities of diplomacy more seriously.

## Meeting the Challenges:"Messy Multilateralism" or More Coordinated Action

As the Syrian case shows, in a world of fractured governance and diffused authority, it is apparent that responding to conflict will require a diverse

portfolio of instruments and actors to deal with security challenges. In such conflicts, however, mediation success may well be elusive because of the complex interplay of "demand side" factors in a conflict that contribute to its intractability even when it has reached a very bloody, hurting stalemate and there is little prospect that either side can win through military means alone. On the "supply side" of the equation, each mediating actor (or set of actors) and institution has its own strengths and weaknesses, but no single actor or set of institutions has a decided comparative advantage (or legitimacy) over the others in today's world. This poses its own challenge to effective conflict management. Further, the issues represented in current conflicts range from regional rivalries to the spread of nuclear materials and weapons, from transnational organized crime and terrorism to cyber security, and conflicts of the more traditional variety that occur within and between states. All of these elements are at play in Syria. By their nature, many of these challenges are best met by collective effort. In the signature phrase of Richard Haass of the US Council on Foreign Relations, it is a world of "messy multilateralism" (Haass 2010). But "messy" also means that there will not be a speedy resolution to a conflict even when mediators are able to assemble a quorum and get warring parties and their various backers to sit down at the table.

Nevertheless, there may be greater order in that "messiness" than at first appears to be the case. The UN still plays an essential role and is establishing a rich playbook for collaborating with regional organizations as we see in Syria. In addition, regional states and security organizations at times offer an effective alternative to UN engagement, as they increasingly assert their role as legitimizers and gatekeepers of international action (Bellamy and Williams 2011). And there are also examples of improvised forms of collaboration that bring together a variety of countries and institutions to support mediation efforts as in the case of the Friends of Syria (Crocker et al. 2011a, b).

As the Syria case powerfully demonstrates, even veteran professionals such as Kofi Annan and Lakhdar Brahimi cannot make water run uphill. If the warring sides are stuck in a stalemate that hurts the people but not the military leadership cadres, and if the latter enjoy firm support from their respective external patrons, processes such as Geneva I and II cannot produce a negotiated end to the bloodshed. If the sides cannot agree on an agenda or a sequence for discussing its contents, even this widely endorsed and UN-Arab League-backed process loses its purpose. If one side insists on discussing "terrorism" and the other side demands discussion of "regime transition," the mediator is well advised to bring the process to an end or place it on hold, as Brahimi suggested during his UN consultations in mid-March of 2014. There are situations such as Syria in early 2014 that demand ripening before serious international mediation is worthwhile. Elsewhere, we have written about cases of intractable conflict that appear to be captives of larger divisions in the regional or global political environment (Crocker et al. 2005). Any sustained deterioration in relations between Russia and the Western nations only aggravates Syria's captivity.

In conclusion, mediators will need to be increasingly sensitive to the nature of the emerging security environment where conflicts have multiple dimensions, and conflict management options are distributed and decentralized. Mediators need to work through teams and coalitions, throwing diplomatic energy into developing coordinated and layered responses and working closely with regional and local actors that have the knowledge, legitimacy, and capacity to act in constructive ways. Mediating in this environment is a team effort requiring new rules of engagement and cooperation among a diverse group of participants whose fields of action and core objectives differ. Diplomats and other negotiators will need the best possible situational awareness, the ability to conduct fluid and adaptable networking, and a readiness to accept the limits of tactical cooperation when genuine strategic coherence is beyond reach. Opportunities for solo operators will be more limited. But some aspects of mediation tradecraft are timeless. The ability of mediators to shape events will depend upon clear and stable mandates and a willingness to cooperate with others from whom leverage must be borrowed. Unity of action will continue to be essential in order to bring balanced influence to bear on warring sides. As the case of Syria richly illustrates, these characteristics do not come easily. Both the supply and demand curves in the mediation equation have to intersect if there is to be a successful negotiated outcome. In Syria, that intersection point was elusive.

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