## GENTIUM LAW

SYRIA: CAN THE CARNAGE BE STOPPED?

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The Syrian Civil War is one of the most devastating atrocities of modern times. In April 2016 the Special Envoy of the United Nations and Arab League to Syria, Staffan de Mistura, estimated that some 400,000 people had died in the course of a civil war lasting five years and in a country of fewer than 23 million. A horrific death toll, this represents about 2% of the population, almost as high as that in the war in Bosnia and Herzegovina in which approximately 100,000 people died in a country of 4 million in the course of the country's three and a half year war: 2.5% of the population. Bosnia's war was the bloodiest on record in European history since the end of the Second World War. Yet the difference between the Syrian conflict and the war in Bosnia is that the former sees no signs of coming to an imminent end. Syrians continue to die every day, and will continue to do so for the foreseeable future. In my view, the difference between combatant and civilian deaths is also mostly irrelevant. Any man's death diminishes me, because I am involved in mankind. Many people fight simply because they have no other choice. The policy goal must be to stop all deaths on all sides.

Deaths are only one aspect of the carnage and abasement that characterise contemporary Syria. Again, all figures are estimates by reason of the institutional chaos that infects any civil war: the dead and displaced cannot accurately be accounted for. But it is believed that some 4.8 million Syrians are refugees (that is to say, they no longer live in Syria by reason of the civil war): that represents some 21% of the population. A further 6.1 million (26%) live as internally displaced persons: refugees in their own country. Again, these figures are every bit as bad as for Bosnia. It is estimated that 13.5 million people (a staggering 58% of the population) rely upon humanitarian assistance to survive. This is one of the worst humanitarian catastrophes on record. On proportional terms, these figures dwarf the Iran-Iraq war. They make the loss of life in the Northern Irish conflict look modest. The crisis in Yemen is but a fraction of the tragedy in Syria. Libya, while violent and chaotic, has nothing like the body count of Syria. This is the gravest geopolitical problem of our age.

Why should the international community care? Why not embrace isolationism, and say that it is all someone else's problem? If this question needs to be answered in response to the most callous of cynics in the face of human suffering, then it can be. Syria is and long has been pivotal to Middle East regional stability. Israel is its neighbour, amidst a long-standing border dispute over the Golan Heights and Shebaa Farms. Israel's security concerns are a recurrent preoccupation of international attempts to achieve sustainable Middle Eastern political stability. The flow of refugees out of Syria places a massive burden upon the countries receiving the greater number of them, in particular Turkey and Jordan. It also catalyses racial tensions and the immigration debate underway in contemporary Europe, as many of these refugees seek finally to settle in EU member states.

Moreover the emergence of the so-called "Islamic State", possibly the most effective and ruthless terrorist organisation in recent history that has sought to carve out is own area of quasi-sovereign territorial continuity, was possible only by virtue of the political chaos in Syria. Turkey feels threatened further by the continuous military successes of the Syrian Kurdish forces. Turkey has historically seen the Kurds through a sceptical lens, because it perceives that they want to carve out their own national territory from southeastern Turkey. If the Kurds sustain what appears to be the beginnings of a self-governing territory called Rojava in northern Syria, fashioned from territories claimed in military conflict from the Islamic State in circumstances of admitted bravery, then there

remains a danger that Turkey might invade northern Syria in order to unwind Kurdish territorial gains. The Turkish President has said this explicitly.

It gets worse. Syria is the locus of the most impossible entanglement of proxy wars. Russia, seeing Syrian ports as their principal naval nexus in the Mediterranean, has been a consistent supporter of the minority Alawite regime in Damascus. The Alawites are followers of a branch of the Twelver School of Shia Islam, which Sunnis (the majority of Syria is Sunni) regard as heretical. Because Alawites are Twelvers, they are supported by Tehran, a Shia nation. Competition between Sunni-dominated Saudi Arabia and Shia-dominated Iran is a principal and increasingly concerning dynamic impacting upon the stability of the Middle Eastern region. Because Tehran supports the Alawite regime in Damascus, some Sunni Gulf monarchies have been supporting Sunni rebel organisations of varying hues in fighting against the Syrian government.

That is the not the end of the story, diabolically complicated as it already appears. Lebanon is involved. Hezbollah, a parastatal Shia Islam movement based in Lebanon, has been fighting on the side of the Damascus regime. Hezbollah's political wing, the Loyalty to the Resistance Bloc, dominates the seats in the multi-ethnic Lebanese parliament allocated to representatives of Shia Islam constituents. Hezbollah's paramilitary wing is regarded as more powerful than the regular Lebanese army. Hezbollah undertakes government functions in parts of Lebanon to the effective exclusion of the sovereign authority of the central government in Beirut. This is particularly so in southern Lebanon, on the border with Israel. Israel is intensely hostile to Hezbollah, regarding the organisation as an existential threat. Hezbollah and Israel even fought a conventional war in 2006. Now Hezbollah is extending its influence by virtue of fighting for the Damascene government on Syrian territory, and in particular upon that territory proximate to Israel. All this makes Israel nervous, particularly in the context of Israel's persistent fear that Hezbollah's ally Iran is seeking to become a nuclear power notwithstanding its treaty promises to the contrary. The line of logistical connection between Tehran and Hezbollah runs directly through Syria.

It now seems virtually certain that the Islamic State is destined for utter military annihilation at the hands of an unusual coalition of the Americans and their allies, the Russians, the Kurds and the Syrian army. Turkey has also pledged support for the military campaign to eliminate the Islamic State, but it has paid a substantial and tragic domestic political price for doing so. The geographical link between the Islamic State and the outside world was through northern Syria's porous desert frontier with Turkey. As Turkey has sought to seal that border, Islamic State militants have been taking revenge upon Turkey by committing terrorist atrocities on Turkish territory. Turkey therefore wants rid of the Islamic State as much as anyone else. But the Turkish army's participation in military operations against the Islamic State's self-declared capital, the northeastern Syrian city of Al-Raqqah, are hindered politically by the fears of Turkey's NATO ally, the United States, that Turkish troops may end up in open conflict with Rojava Kurdish-majority forces rather than coordinating their efforts to retake Al-Raqqah from the Islamic State.

In these circumstances there is a very real chance that the liberation of Al-Raqqah from the Islamic State could be dominated by a combination of Kurdish forces, supported logistically by US and other alliance special forces; and a Russian-Damascus-Iranian military alliance. How these two groups of military actors, not the most natural of partners, would thereafter coordinate to manage al Al-Raqqah; what would become of the adjacent Rojava territory; how the predominantly Sunni population of Al-Raqqah might react to what they could perceive as occupation by a Kurdish-Shia axis; whether any Gulf states might again intervene to support Sunni military forces as a counterpoise; whether Turkey might place troops on the ground in or around Al-Raqqah in order to reverse a Shia-Kurdish occupation of Al-Raqqah and undermine the political and military influence of Rojava: all these are omnipresent dangers.

Syria's second city of Aleppo represents yet another seemingly intractable complication. The city's buildings and infrastructure have been mostly completely destroyed. This in itself is a cultural

tragedy: one of the oldest continuously inhabited cities in the world, and a cradle of Islamic culture, the city now lies in ruins. At the time of writing the west of the city is occupied by a Damascene-Russian alliance. The east is occupied by Sunni forces. By virtue of Russian military superiority, the Sunni forces in eastern Aleppo are slowly but surely being eliminated. Nevertheless Sunni forces remain present in substantial numbers in suburbs of Aleppo and rural and metropolitan areas in the city's vicinity. Even if a Russian-Damascene military alliance takes total control of the city in the short- to mid-term future, then it is unclear how the city can return to any sort of normalcy, or any exercise in reconstruction can begin, when the areas surrounding the city are occupied by forces hostile to those occupying the city and where it is virtually inevitable that almost all of the population of the east of the city, mostly Sunni, will by the time the Russian-Damascus military offensive has been completed, have either fled or died.

And all the time, the humanitarian catastrophe continues, in circumstances in which it is virtually impossible for the United Nations to operate as a humanitarian relief coordinator because the ongoing internecine violence makes it far too dangerous for it to do so.

The question now facing the international community is whether it can do anything at all; and if so, then what. On one analysis, the Syrian Civil War is simply impossible to resolve because the complexity of proxy interest in continuing the conflict render any peaceable solution both impossible to agree (because there are too many parties with competing interests) and, even if it could be agreed, impossible to enforce. Complete absence of trust even between the relevant P5 members of the UN Security Council, never mind all the other actors involved in the conflict, rendered previous Geneva talks consistent failures. One inference that might be drawn is therefore that the Syrian Civil War is destined to continue indefinitely, just as did the Lebanese Civil War that lasted some fifteen years.

Yet we cannot allow this to happen. Syria is a much bigger country, and more strategically significant, than Lebanon. By reason of some parallels between the ethnic divisions in Syria and Lebanon, the Syrian Civil War might lead to re-ignition of the Lebanese Civil War if things are left to fester. It is an all too common adage amongst experts in Middle Eastern politics that the Middle East cannot be left alone to stay as it is. If one loses focus upon it, then things may start to backslide remarkably dramatically and remarkably quickly.

What then should the international community, through the UN Security Council, its organ of cooperation in the field of international peace and security, do? Doing nothing does not seem an option, and repetition of what has been attempted before manifestly is not going to work either. Nevertheless there are some causes for very cautious optimism that circumstances are changing in a way that might enable things to take a turn for the better. I can do no more than outline a possibility for progress towards peace in Syria. Any proposal for the pursuit of Syria is notoriously dangerous for its proponent, because Syria is a country where events on the ground have a habit of changing so rapidly as to render any prescription looking foolish within the shortest period of time. But as a former peacekeeper who also worked in what appeared at the time to be a virtually intractable conflict in Bosnia and Herzegovina; and with a sense of obligation at least to try to serve common humanity in some kind of way, I feel obligated to present my own ideas.

Consider the following. The last attempt at a peace negotiation to reduce the violence in Syria, to which the USA and Russia were the principal parties, took place this year at the tail-end of a US Presidency which has, at least latterly, suffered from poor relations between the governments of the United States of America and the Russian Federation. For this reason, it may be that the Russians did not trust anything the Americans promised about mutual military cooperation; and the Americans did not trust the Russians either. But one thing is clear. If the two largest and most sophisticated military powers involved in the Syrian conflict cannot trust each other, then no peace agreement can be reached because nobody can have any confidence that it will complied with or enforced by those two military powers.

Secondly, one might take some insight (although not too much) from recalling how the Lebanese Civil War came to an end. The very short answer is that the Syrian army occupied the country. A series of democratic reforms, involving consociational modes of multi-ethnic representation in the executive, legislative and judicial branches of the country, were then imposed from the outside. There would be power-sharing, and it would be imposed. After a period of time, the power-sharing arrangements became entrenched and stability and democracy, albeit with some bumps, persisted. This all required the cooperation of hitherto hostile and suspicious proxy participants in an interminable and bitter civil war. But it happened. It is not impossible.

Territorial disintegration of Syria is unimaginable in its horrors, by reason of the military competition for acquisition of territory the very idea would entail; the potentially even greater loss of life than that which has hitherto taken place; and the possibility that this notion would actually catalyse continuation of the civil war rather than conclusion of it. Instead, the principal military powers in the region have no choice but to cooperate in occupying the country militarily, albeit in different zones; and then imposing democratic state-building initiatives upon the ruins of the country's institutional structures.

Such a dramatic suggestion might seem astonishing in light of the failed coalition attempts at state-building in Iraq following the invasion of that country in 2003. Why would state-building succeed in Syria where it failed so abysmally in Iraq? There is one simple answer to that question. Prior to its invasion, Iraq was a politically relatively stable, if oppressive and totalitarian, regime. The invasion of Iraq unwound all of its government structures, and hence the exercise in state-building in fact became an exercise in state-destruction. By contrast, Syrian government structures have imploded under their own weight and it is five years too late to hypothesise upon the premises of some abstract utilitarian calculus that the Arab Spring should never have taken place in Syria. There is no government structure in Syria; the country is fragmented to a level of unimaginable failure of governance by virtue of years of house-to-house and town-to-town conflict. To imagine any scenario in which the Syrians, divided as they are by the scars of sectarian violence over the last five years, could themselves reconstruct any sort of government structure without external assistance and indeed an element of compulsion might be regarded as profoundly naive.

Thirdly, coalition state-building in Iraq was, by consensus, undertaken patchily at best. This is where the United Nations occupies a uniquely advantageous role. Although the UN and its specialist agencies are imperfect in many ways, they embody an unparalleled level of institutional experience in the enormous range of activities necessary to rebuild a country completely destroyed by war. None of this would be easy. The commitment of resources would be massive, yet far less than the financial costs currently born in mitigating the Syrian war's negative effects upon third nations. The only way of undertaking the massive state-building exercise Syria requires is to harness the skills that the United Nations has, and to use meticulous management skills to ensure all the various parts of the United Nations operative effectively and cooperatively to achieve Syria's reconstruction.

None of this can happen without some semblance of peace. The United Nations cannot operate in conditions of open and hot warfare, particularly where two nuclear powers are involved. Therefore the United Nations cannot do anything in Syria until the UN Security Council has come together in consensus, to impose a state of peace upon Syria, if necessary by the overwhelming military means at the disposal of some of its members. This is the only solution to the Syrian conflict. The UN Security Council must start talking, and must reach agreement, trust and confidence between its members. This will require inspired leadership rather than pursuit of narrow national interests. The United Nations has an outstanding and committed Special Representative to Syria, who the UK Permanent Representative has rightly described as possessing "relentless stamina". He has continued to say, in the context of the Syria crisis amongst others, that "member states, every single one of us, must meet [our] obligations so that civilians living in conflict today have a chance

to live in a peace that they deserve tomorrow". The Permanent Representatives to the UN Security Council in its current composition are, notwithstanding their periodically aired public differences, a remarkable group of people. They are every single one of them a statesman (or woman). I do not see that changing. In their wisdom and leadership, we might find a glimmer of hope for solving the wretched monstrosities of the Syrian crisis.

Some perceive state-building to be a dirty word. If it is, then that is because upon some occasions in the past it was done badly. But it has not always been done badly. In many cases it has been done well, and there are legions of experts who retain the experience of how to do it well. State-building is never something to be undertaken lightly, by reason of the inherent dangers it always entails. But in some cases it is the least bad option, and Syria is a rare such case. State-building in Syria should not serve as a precedent for similar projects elsewhere. Syria is unique in its horrors and tragedies. But in so severe a situation, the most severe of remedies may be a necessary prescription.

Secretary General-elect Antonio Guterres has pledged to serve the victims of conflicts, of terrorism, human rights violations, poverty and injustices of this world. His very first challenge will be Syria. He will need all the tenacity, good fortune, skilled advisors and super-human wisdom to be able to hope even to try. He deserves the very best wishes and supportive efforts of each and every one of us.

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