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World's best diplomats: Here's how to achieve peace in Syria

Six essential lessons and suggestions of those who ended wars from Central America to Bosnia, Yemen to Afghanistan

BY ROBERT COLLIER

(Credit: AP/Pablo Martinez Monsivais/Carolyn Kaster)

Russia's surprise proposal to quarantine and eliminate Syria's chemical weapons has thrown into disarray the Obama administration's plans for a military attack. But whether the Russian gambit eventually advances or fizzles, it has already succeeded in casting a spotlight on the previously little-noticed potential for peace negotiations to solve Syria's gruesome civil war.

The initiative on Monday by Russian Foreign Minister Sergey Lavrov seemed to get immediate traction, winning support from U.N. Secretary-General Ban Ki-Moon and expressions of interest from Secretary of State John Kerry and some leading members of Congress.

The proposal, which evolved from an apparently offhand suggestion from Kerry, will undoubtedly take several days to be defined. Crucial questions include whether a deal would eliminate the possibility of any military strike by the United States, its NATO allies or Israel (maybe), whether it would have any effect on international support to the Syrian rebels (maybe not) or whether the rebels would stop their fighting (almost certainly not).

In any case, however, diplomacy may finally gain an equal status with war on Syria's center stage.

Until now, the Congressional debate over Syria has cast a "no" vote as a series of negatives – fear that the United States could get trapped in an expanding sectarian war; rejection of the U.S. role as global policeman; and lingering doubt of the alleged proof of Syria's chemical weapons use. None of these offers a positive way forward to resolve Syria's nightmare or create a U.S. vision for the region.

A reversal for Obama's plan of attack need not lead to weakness and paralysis for the United States. Instead, the new developments could open up a chance for comprehensive peace talks to end Syria's war itself – but if and only if policymakers heed the practical lessons of successful peace negotiations that ended wars from Central America to Bosnia,

Yemen to Afghanistan.

Diplomats who have resolved many conflicts around the world said in recent interviews that peace talks for Syria are likely to succeed only if the international community pays attention to lessons learned from previous negotiating experiences. Here are a few of their do's and don'ts:

Lesson #1: Negotiate aggressively

"Neither non-intervention nor intervention will work for Syria," said Wolfgang Petritsch, formerly the European Union's chief negotiator at the Kosovo peace talks and the U.N. envoy overseeing implementation of the Bosnia peace accords. He rejected suggestions by pundits that Bosnia and Kosovo prove the case for a U.S. attack on Syria, and he said it was "too late" for armed intervention.

Petritsch noted that the Bosnia peace accords in 1995 came after a NATO military intervention that followed tens of thousands of deaths in the conflict, while the Kosovo accords in 1999 followed a NATO intervention that came while the conflict was still young, after only a few thousand deaths. "This is why after so many years, Bosnia is still very much unfinished business. There's no end in sight, and it's unclear how it can be a viable state. Reconciliation was easier in Kosovo. Syria will be much harder," Petritsch said.

In comparison to either Bosnia or Kosovo, Syria has a higher death toll, far greater destruction of infrastructure and displacement of refugees, and its neighbors have no European-style regional institutions that could provide crucial support. "Once you come too late, like in Syria, it becomes infinitely more difficult to find a solution," Petritsch added. "There needs to be a very strong and strategic political-diplomatic effort. It will be extremely difficult, but you have to try. It's the only option."

Lesson #2: Include all regional powers – including Iran

Since February 2012, when the United Nations began attempting to convene peace talks for Syria in Geneva, one U.S. position has been adamant – Iran must not be allowed to participate. Although U.N. envoy Kofi Annan advocated for the inclusion of Iran, the idea was shelved after strong opposition from then-Secretary of State Hilary Clinton. This American veto of Iran led directly to the collapse of the U.N. effort, known as Geneva 1, four months later.

Iran is President Bashar al-Assad's strongest military ally, linked by Shiite religious faith and decades of tight collaboration. Alvaro de Soto, who directed U.N. mediation efforts in peace negotiations in El Salvador, Guatemala, Cyprus and the Israeli-Palestinian conflict, said Assad's regime and the Russians are unlikely to make any significant concessions without buy-in from Iran's ayatollahs.

"Kofi Annan should never have agreed to convene Geneva 1 without Iran," said de Soto. "Iran can't be part of the solution if they are kept out. They have to be brought in, they have to be part of the solution."

De Soto's point was echoed by Francesc Vendrell, who served as chief envoy to Afghanistan for the United Nations and European Union, and also oversaw the peace talks that led to the independence of East Timor from Indonesia. "Iran's exclusion from Geneva was outrageous, but Kofi Annan went too quickly to a (Geneva) meeting without proper preparatory work," Vendrell said. "He should have been shuttling between the key external players, including Iran, Saudi Arabia and Qatar, to narrow their differences, and only convened a conference in Geneva when a consensus had been already reached."

The reported use of chemical weapons by the Syrian military can help elicit cooperation from Iran, said William Luers, a former U.S. ambassador who has worked with other retired American diplomats to develop back-channel diplomatic openings with Iran.

"The Iranians suffered horribly from chemical warfare from Saddam, so the Iranian position (on Syria) is becoming more and more interesting," said Luers, referring to Iraq's attacks with sarin and mustard gas from 1983 to 1988 that killed and maimed tens of thousands of Iranian soldiers. Luers and other diplomats said a valuable opening has been created by Iran's newly elected president, Hassan Rouhani, and his foreign minister, Mohammad Javad Zarif, who have offered a

series of olive branches to the West.

“The (Rouhani) government has condemned the use of chemical weapons in Syria, and while they haven’t said Assad did it, this may make them more committed to a Geneva solution,” Luers said.

Lesson #3: No preconditions about core issues

The conventional wisdom among policy elites from Washington to Ankara has long held that the Syrian rebels, who have been weakened by major army advances this year, would eventually surge on the battlefield and force Assad’s government to its knees.

Both U.S. diplomats and the Syrian rebels have insisted that negotiations be preconditioned on the removal from power of Assad and most Baath Party civilian and military leaders. This scenario carries strong echoes of the complete purges of the regimes in Iraq and Libya after their overthrow in 2003 and 2011, respectively. While the Obama administration has consistently said it wants a negotiated solution rather than a military victory, the precondition of Assad’s departure has led the rebels refuse to attend U.N.-sponsored talks in Geneva unless that precondition is spelled out explicitly.

But if Obama’s plan to attack Syria is stopped by either a Russian peace deal or a Congressional rejection, these assumptions would be upended. With the U.S. military option taken off the table and Assad’s military continuing to hold its own on the battlefield, the requirement that Assad must go may need to be jettisoned.

“This was single biggest mistake from the start of the conflict,” said Petritsch. He described the insistence that Assad be deposed as “a sword of Damocles that has made peace impossible. The framing of Syria as part of the Arab awakening, Tunisia, Libya, didn’t allow one to see that Syria is different. It’s difficult to undo this framing, but it should not be continued.”

Petritsch noted that at the Bosnia peace talks in Dayton, Ohio, in 1995, international negotiators allowed a central role for Serbian leader Slobodan Milosevic. He was accused of responsibility for atrocities in the conflict but was central to reaching a deal over the objections of radical Bosnian Serbs. Only several years later, after the Kosovo conflict, was Milosevic captured and tried as a warm criminal.

“For Syria, you have to be very objective in terms of the regime and the rebels, Petritsch said. “In Dayton, Milosevic was treated as a peacemaker. In diplomacy, sometimes one has to negotiate with the terrorists and war criminals.”

Lesson #4: No war crimes trials – at least not right away

With more than 100,000 deaths and millions displaced, as well as the recent chemical weapons attacks, the Syrian war has witnessed many grisly war crimes by all sides that could be prosecuted. For the United States, many human rights groups and the Syrian rebels, the desired solution would be criminal prosecution of Assad and many of his top aides. For the regime, however, this scenario is unthinkable and non-negotiable.

This standoff echoes one of the most wrenching question of any peace negotiations process. Which is more important – justice or peace?

Despite the dramatic example of the Nuremberg trials that tried the Nazis after World War II, the trend of international peacemaking since then has emphasized blanket amnesties for the warring parties. Since 1945, more than 500 cases of amnesty in post-conflict transitions were recorded, according to a recent study by former Israeli Foreign Minister Shlomo Ben-Ami. Since the 1970s, at least 14 states have given amnesty to regimes guilty of serious human rights violations.

In recent years, the international community has tried to reverse this trend. For example, the broad amnesties given to Chilean and Argentinean military officers for their role in death-squad killings have been reversed by local courts. The creation of the International Criminal Court in 2002, and the action of many judges such as Spain’s Baltazar Garzon, have allowed the prosecution of many war criminals who were not punished when their wars ended.

The United Nations has adopted a policy of opposing amnesties for war crimes and crimes against humanity, but this

policy is often ignored for the sake of expediency. In Yemen, for example, a peace accord brokered by the Gulf Cooperation Council in 2011 granted amnesty to President Ali Abdullah Saleh and his aides in exchange for Saleh's departure from power. The deal was endorsed by the United States and United Nations, despite Saleh's role in the killing of hundreds of civilian protesters.

"Amnesty is encouraged because you want the warring sides to be absorbed in society," said de Soto, speaking of peace talks in general. He supervised the El Salvador peace talks, which walked a fine line on the subject. Although the final pact, signed in 1992, did not mandate prosecution of the many rights abuses by the Salvadoran military and its death squads, it sharply reduced the size of the military and created two separate independent panels – one that recommended a purge of 102 leading rights abusers in the military, and a Truth Commission that apportioned blame (but no mandatory punishment) for the war's worst crimes by the army and rebels. Soon afterward, the Salvadoran government granted an amnesty to both sides. But the subsequent creation of the International Criminal Court in 2002 has opened up channels for international lawsuits and prosecution of retired Salvadoran army officers.

For Syria, the lesson is to step carefully, protect human-rights principles while avoiding the temptation to seek immediate punishment for war crimes. "It has become more difficult to turn a blind eye to certain categories of crimes," de Soto said. "So cutting that kind of deal has become more difficult now."

Lesson 5: Be creative

The Syrian conflict includes political, religious and personal factors that cross many boundaries, said Giandomenico Picco, who was chief U.N. negotiator for the Iran-Iraq war and personally negotiated the freedom of 11 Western hostages held by Hezbollah in Lebanon in the early 1990s. "You have to understand the national narratives as well as the personal narratives that form their decisions," Picco said.

Picco recounted an example: To carry out his Lebanon negotiations, he frequently arranged for himself to be kidnapped off the street at night by masked Hezbollah commandos. He would then be blindfolded, bundled into a car and taken away to have long discussions with the kidnappers, including Imad Mughniyeh, the notorious Hezbollah intelligence chief, who years later was killed by Israeli commandos in Damascus.

By keenly reading Mughniyeh's motivations as well as those of Hezbollah's Iranian backers, Picco was able to devise what he called a "truth for freedom" deal: Picco's boss, U.N. Secretary General Javier Perez de Cuellar, issued a report that blamed Iraqi leader Saddam Hussein for initiating the 1980-88 Iran-Iraq war. In return, Iran pressed Hezbollah for the hostages' freedom. No direct ransom payment was required, Picco said.

Picco said similar creativity will be needed in Syria because the Middle East's century-old national borders, drawn arbitrarily by England and France after World War I, are beginning to dissolve. "A new architecture of power and borders is in the making from Lebanon all the way to Pakistan," Picco said. "We are in the very dawn of horizontal institutions, not vertical. Anyone negotiating Syria will have to realize that."

Lesson #6: Freeze out the true extremists

Many international negotiations have nearly foundered over the opposition of radical extremists. In Syria, fighters linked to al Qaeda are playing an increasing role among rebel forces and have vehemently opposed to any peace talks. The widespread assumption among Western powers and the media is that the extremists must be fought and defeated militarily under any possible scenario, even if U.S.-backed rebels were to win power.

In the Bosnia conflict, the Bosnian Serb government refused to negotiate under Western auspices and it was ignored in the Dayton peace agreement. The Bosnian Serbs were systematically hunted down after the accord.

In Darfur, peace agreements were signed in 2006 and 2011 between the government and some rebel groups while leaving out others groups that rejected the agreements and pledged to continue fighting. Violence continued at a lower level but began to heat up again this year. Overall, it's a mixed picture, but the country has stabilized somewhat and human suffering is arguably diminished.

Petritsch said that his experience in the Balkans shows that peace in Syria will be messy. “Al Qaeda, for the time being, you exclude them, they will be spoilers. But you try to get their masters, Saudi Arabia, to send a clear message that they will be responsible for sidelining them,” he added. “In Syria, it’s more like the Bosnian Serbs, because of (al Qaeda), but eventually you will have to deal with the radicals. Even in Afghanistan, the Taliban will get their governing share sooner or later. Some will stay fighting, but you just … negotiate what you can.”

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