

Situation Assessment



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*High Committee for Negotiations
Formation, Challenges, and Possible Continuity*

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High Committee for Negotiations: Formation, Challenges, and Possible Continuity

Executive summary

High committee for negotiations was formed on the 11th of December 2015 in opposition conference held in Riyadh, Saudi Arabia to be the first opposition party which includes political and armed forces inside and outside of Syria although of the absence of a number of political and armed actors. However, the committee received public and political consensus to become the representative of opposition in negotiations held on the 25th of January to be resumed on the 15th of March 2016. Nonetheless, the formation of the High Committee for Negotiations remains functional since its work is limited to negotiation and coordination with all political and armed parties. Hence, it will lose its significance and its function if the negotiations stumbled, postponed or cancelled.

The High Committee was formed under very complex circumstances. It was formed during an international condition led by United States and Russia which want to push for a political process through their perspectives. Their approach does not necessarily agree with that of the Syrians' perspective be them pro or anti Syrian regime. This in turn leaves the committee with very few and risky options.

The committee tried to deal wisely with the complications of the negotiations and cooperated regionally especially with Riyadh in order to face the challenges and obstacles facing it to move forward in a successful negotiation process that would achieve opposition aspiration of forming a transitional governing body and implementing Geneva resolution. Still, the question is whether the committee would be able to withstand the international pressure and enforcement of a new reality.

The options of the committee are limited and there are three expected scenarios:

1. The committee participation in the negotiations and signing on the negotiation's outcomes
2. Reaching a decision of non-participation and postponement of negotiations

3. The committee discontinuing negotiations and resignation of committee's head and some of its members due to a possible disintegration because of conflicting visions and committee declaring to resume negotiations

In the light of these possible scenarios, the committee future fate will be clear and it would define whether the committee would continue or not.

1. Formation and Structure

The High Committee for Negotiation was formed following the International Support Group meeting in Vienna. The International Support Group commissioned Riyadh to gather the different spectrums of the Syrian opposition in a conference held in Riyadh during the period extending from the 9th to the 11th of December 2015. Around 100 representatives of the different Syrian factions inside and outside Syria participated in the conference. The conference is considered a positive step as it gathered all the political and military factions for the first time in a bid to find a comprehensive framework that represents the majority of the Syrian opposition forces.

According to the agreement, the committee was formed of 32 members who voted for a general coordinator, three representatives, a general secretary, and three official spokespersons for three languages: Arabic, English, and French. It was also agreed to form a negotiation delegation with regime representatives under UN sponsorship. Regarding the parties participating as members in the Committee, the Committee includes nine members of the Syrian National Coalition for Revolution and Opposition, ten members from different armed factions, five members of the National Coordination Committee, and eight independent members¹.

The number of Committee members increased to 34 members² by including one person from a military party and another from the National Coordination³. In the

¹ Riyadh Conference: "Syria Tomorrow," Democratic and with Al-Assad, Aljazeera net, 10 December 2015, <http://goo.gl/l4yjKo>

² The final list for the committee included 11 persons from military factions, 9 from the Coalition, 8 independent persons, and 6 from the Coordination Committee. They are: "Ahmad al Jarba, Ahmad al Asraoui, Bashar Manla, Bakkour al Saleem, George Sabra, Hosam al Hafez, Hassan Ibraheem, Khaled Khoja, Riad Hijab, Riad Seif, Riad Nassan Agha, Ziad Ouaf, Salem al Maslat, Samer Habbosh, Souher al Atasi, Saffouan Akkash, Abdul hakim Bashar, Abdul Aziz al Shallal, Abdul Latif al Horani, Farouk Taifour, Labib Nahhas, Louai Hussein, Mohammad Jomaa Abdulkader, Hassan Haj Ali,

Committee's first meeting, Riyad Hajab, the dissident Prime Minister, was voted the Committee General Coordinator with a majority of 24 votes from 34 votes⁴. It was also announced that an independent negotiation team formed of 15 people would be assigned. At a later point in time, a women's consultant committee for the High Committee for Negotiation would be formed. The move aligns with the Security Council decision 2254 that called for mobilizing the role of women.

Regarding forming the negotiation committee, a list of names was identified, the number reach 50 candidates, and 15 candidates were chosen to participate in the negotiation. After several discussions that witnessed presentations about the different possible forms for the negotiating delegation, three bodies were formed of 45 persons. The first body includes 13 military commanders and politicians, the second also includes 13 military commanders and politicians, and the third body includes representatives of the political bodies⁵.

On the 20th of January 2016 the names of the opposition delegation headed by General Asaad Al-zughbi were announced. George Sabra was assigned as Al-zughbi's deputy alongside the membership of Mohammed Aloush, as a political authority in Jaish el Islam, as a senior negotiator. (It is noteworthy that the names included in the delegation indicate the escalation and efforts to provoke Russia and confront their policies in Syria).

In this context, conversations have been held about interventions from international and regional parties to participate in decisions regarding the selection of members to the negotiation delegation; with the knowledge that the general coordinator has the most power in identifying the names of the negotiation delegation members. It is worth nothing that those gathered agree that by becoming members in the negotiation delegation they revoke their right to participate in the Transitional Governing Committee.

Mohammad Hijazi, Mohammad Mostafa Allosh, Mohammad Mansour, Moath al Khateeb, Mounther Makhos, Mounir Bittar, Hind Kabaouat, Waleed al Zoebee, Yahia Kadamani, Iyad Ahmad ”.

³ The members of the High Committee for Negotiations rises to 34. ALSOURIA.net

<https://goo.gl/RdhPfb>

⁴ Riad Hijab.. The President of the opposition delegation to negotiate with Assad. Al-Arabia net 17/12/2015.

<http://goo.gl/GIE8yX>

⁵ Riyadh Conference support the political solution. Al Hayat. 10/12/2015.

<http://www.alhayat.com/m/story/12699082>

Prior to making the selections for the negotiation delegation that will undertake the negotiations with the regime delegation under the auspices of the United Nations, it was necessary to arrive at a united political document and vision for the compromise process, and identify the basis for negotiating with the regime, and these are still not clear at this point in time. The Riyadh conference outcomes were the equivalent of the general steps for the negotiating committee. The conference expressed the desire to execute a ceasefire based on conditions which will then enable transitional governance institutions to be established, obtain international guarantees, and Al-Assad will leave with the start of the transitional phase. This desire was confirmed with the General Coordinator's announcement that the Riyadh manifesto principles will be adopted as a basis to negotiate with the Syrian regime delegation⁶.

Several days after the Riyadh conference, the Security Council approved the resolution numbered 2254 to solve the crisis in Syria. The resolution demands, "The General Secretary will through his efforts and those of his special envoy to Syria, invite the political representatives of the Syrian government and the opposition to enter as quickly as possible into official negotiations about the political transitional process. The start of January 2016, was placed as a target date for starting the discussions, working from the Geneva resolution, and in alignment with the International Team's resolution date 14 November 2015 with the purpose of reaching a permanent political compromise for the crisis."⁷

The resolution decision defined the general framework for the negotiations that it will invite the regime and the opposition to participate in, and the framework is:

1. A Syrian political process facilitated by the United Nations.
2. Evaluating the process in a targeted duration of six months, in a process that is credible and inclusive of all parties.
3. Defining a schedule and process for writing the new constitution.
4. Supporting free and fair elections, and implementing the new constitution after 18 months under the supervision of the United Nations.

⁶ Hijab: We have taken the Riyadh Statement a basis for negotiation. Al-Jazeera net. 05/01/2016.

<http://goo.gl/VhxiEv>

⁷ The Security Council statement No 2254.

<http://assafir.com/Article/5/462785/SameChannel>

Based on the aforementioned, it is clear that President Bashar Al-Assad's fate was not proposed on the talks agenda for Geneva 3 which contradicts the outcomes of the Riyadh conference and the Negotiation Committee. De Mistura had defined in a press conference 4 main subjects that will be discussed in "Geneva 3," and they are:

1. The system of governance
2. Ceasefire
3. Guarantees on the arrival of humanitarian aid
4. Fighting terrorist

It has been noticed that the international envoy to Syria did not give any details about his imaginings of the system of governance. Another fundamental point is that the Security Council resolution confirmed a tight bond between the ceasefire and launching a new political process simultaneously.

2. The Committee's Response to the Decision 2254

The Committee's first response to the Security Council's decision emerged through Riyadh Hajab's statements, and the following are some of the points conveyed:

1. The Security Council's resolution dispels some of the points of dispute between the greater forces which works to prolong the duration of the crisis.
2. The time is not appropriate for any project concerning the Syrian negotiation process given the escalation of the regime and its allies systematic bombardment.
3. It is necessary for good intention initiatives to be made prior to any political process as a way of building trust.
4. The International Security Council resolution 2254 raised more questions than it answered concerning the proposed methods to achieve the Syrian people's aspirations through the political process.
5. The Syrian opposition emphasizes that it will not compromise on its demand for the President Bashar Al-Assad to go.⁸

⁸ 22/12/2015

The situation developed in a dramatic fashion on the group which complicated the Committee's orientation in the forecasted talks. At the time, several developments occurred regarding the Committee directly:

1. The Russian air force assassinating Zahran Aloush, the leader of Jaish El-Islam, on the 26th of December 2015. Aloush was considered one of the principle components in the negotiation committee.
2. On the 30th of December 2015, the regime arrested two members of the Negotiation Committee, Ahmed Assir and Mounir Al-bitar, but following pressure and accusations about the arrest, the regime released the men. The arrests and subsequent release indicate a lack of commitment to finding a political solution.

Based on these, the Negotiation Committee saw that what happened is a targeting of the Security Council's 2254 resolution and that the time is inappropriate to negotiate with the regime especially given international community's lack of movement to stop the attacks against civilians.⁹

The Security Council's tone was insistent on directing the negotiations which led the Committee to host consultation meetings with supporting countries to clarify some of the mysterious points in the 2254 Resolution, and for instance what relates to the ceasefire:

1. The regime has neither the sovereignty nor the credibility to take decisions of ceasefire because his forces are around 10% of the fire, and of the foreign militias fighting on its side.
2. The regime controls 18% of the land which raises questions about the effectiveness of the negotiation process.

De Mistura hosted a meeting in Riyadh on the 6th of January 2016 with the Committee coordinator who notified him of the Committee's readiness to move with the international efforts to stop the bloodshed. The Committee also called for continued international efforts to perfect the resolution 2254 which left gaps that allowed the regime to continue its bombardment without tying the issue to the negotiation process. The Committee emphasized entering aid to the besieged areas.

⁹ Press release, Riad Hijab 25 January 2016.

It was clear that the Committee, some regional and international parties do not want to start negotiations the seriousness of which can be doubted. The United States of America on the other hand, is insistent on holding serious negotiations as a beginning to a political solution.

After meeting De Mistura, the Committee hosted a series of high level meeting with each of:

1. The German Minister of Foreign Affairs Frank-Walter Steinmeier (13 January 2016)
2. The Belgian Minister of Foreign Affairs Didier Reynders, and the European Union Minister of Foreign Affairs Federica Mogherini (14 January 2016)

It is clear that these meetings were partially to exercise pressure on the Committee regarding the participation and delegate participants. It appears in Hijab's announcement about the Committee's refusal to succumb to any pressure regarding the delegate names or their participation in the negotiations without finding a solution to the humanitarian crisis. The subsequent announcement was the names of the negotiation delegates.

The Committee then announced it had not taken the decision to participate yet and was ready to agree to participate in the negotiation process with their waiting for the clarifications it demanded from the international envoy, confirming its conditions amongst which are ending the blockades and the release of prisoners.¹⁰

On the 26th of January 2016, based on the above mentioned, the preliminary agreement and citing the Security Council's decision, De Mistura officially invited the Syrian participants to attend the Geneva 3 discussions which were scheduled to start on the 29th and continues for six months.

¹⁰ Press release, 26 January 2016

3. The Complications

The situation also raised several complications amongst them the Kurdish United Democratic Party's protest about them not receiving an invitation to attend, talks of pressure, and Washington's desire for them to attend. Also the activist Haythem El-Manaa's messages of opposition over the Riyadh conference and calls to include the Syrian Democratic forces in the discussions.

From its side Turkey announced it will boycott Geneva 3 in the event the United Democratic Party is invited as Turkey considers it an extension for the terrorist Kurdish People's Party.

Washington's stance came through Kerry's notifying the Committee that Washington cannot provide any more as he confirmed, "The opposition will lose its allies if it does not go to the negotiations." It was clear that Washington is overlooking the subject of Al-Assad's continuation and even about his participation in elections. With the continued pressure on the Committee to participate in the discussions without any pre-conditions. The situation reached the point of Washington threatening the Committee with halting its support in the event the Committee does not participate. There were also attempts to bypass to involve persons such as Haythem El-Manaa and Kader Jamil in the discussions both as participants and as experts and consultants.

4. The Committee's handling of the complications

1. The Committee confirmed that the Kurds are represented in the Committee through the Kurdish National Council that gathered more than 600 signatures from Kurds in Syria, and called on the United Party to stop its activities against the rebels and announce a clear stance towards the Al-Assad regime.¹¹
2. The Committee accused Russia of placing obstacles in the way of the negotiation process through its work on imposing names onto the Negotiation delegation.

¹¹ Salem Al-Maslat, statement, 27 January 2016.

3. Announcing the possibility of excluding themselves as participants in the Geneva talks on the 25th of January in the event a third party is invited and added to the opposition delegation. They confirmed that there will only be two delegations: The High Committee for Negotiations delegation and the regime delegation.
4. The continued refusal regarding Al-Assad's presence in the event of any future solution and especially in the transitional process.
5. Refusal to succumb to pressure, and increase the coordination with supporting countries and military factions.

5. The Committee's stand on participation

Amidst random bombardment and the besiegement of certain areas, the Negotiation Committee which had appeared hesitant to participate in the discussions, released a statement announcing its decision to participate in the discussions with support from Riyadh. It described the discussions as a serious test for the other side while emphasis its humanitarian demands as a preliminary to the negotiation operation, the completion of the political transition process by forming a transitional governance committee with complete executive authority.¹²

On the 30th of January 2016, the Committee delegation arrived in Geneva, but the possibility of them not entering the negotiation hall remained as long as the humanitarian demands they made remained unanswered. It was emphasized that the Committee's presence in the conference is linked to improving the humanitarian situation and not the negotiation process. In the event the regime insisted on continuing its practices the Committee will have no choice but to withdraw the Negotiation Committee¹³. In this context, Mounthir Makhous, one of the Committee's official spokespersons, said that the Committee will not remain for longer than a week in Geneva if its demands are not met. At the same time, Russia raised the subject of Jaish Al-Islam and Ahrar Al-Sham and that they are terrorist factions while the regime and its allies intensified their attacks on a number of cities including Aleppo and its countryside.

¹² Concerning the participation in the Geneva talk, press release, 29 January 2016.

¹³ Committee delegation arrives in Geneva, press release, 30 January 2016.

Under these circumstances, Dr. Riyad Hajab arrived in Geneva to meet with De Mistura at the delegation headquarters. Hajab came with the conviction that starting the discussions is pointless, and it seemed that De Mistura was unable to convince the delegation of his vision which was to start the discussions and work to achieve a progress on both political and humanitarian processes. Given the General Coordinator's insistence on leaving the following day, De Mistura held a consultation with the American envoy for Syria Michael Ratney whereby they announced the suspension of the talks under the 25th of February 2016.

The Committee responded to comments saying the Committee delegation would leave Geneva and will not return until the situation on the ground changes which clearly indicates their conviction that no fundamental changes have been achieved in light of De Mistura's efforts. The American Secretary of Foreign Affairs placed the responsibility of the failure of the peace process on the Syrian Opposition while France, Germany, and Turkey placed the responsibility of this failure on the regime.

6. Attempts to Remedy the Situation

After the failure of the Geneva talks, international sides attempted to remedy the situation through the Munich Security Conference that was held on the 12th of February 2016 for three days. The International Group in Support of Syria tried to reach solutions through taking decisions to begin delivering humanitarian aid and put in place a formulation to halt acts of hostility that would come into effect a week after the end of the Munich conference, as until that time discussions would be held with both the regime and the opposition.

The Negotiation Committee started to face negotiation challenges after the International Group Support of Syria used a formulation and charged terms such as "acts of hostility", or ambiguity about how the humanitarian aid will be delivered, or mechanism to define areas under terrorist groups' control.

Despite this, the Syrian opposition, through the High Committee for Negotiations, welcomed the Munich agreement confirming its willingness to participate in Geneva 3 talks, "If the agreement's targets are achieved on the group." It welcomed the agreement as it linked the ceasefire with the political transition, and the opposition

confirmed it would agree to any proposed truce unless the military leaders of the armed factions agreed to the truce.

In that regard, on the 20th of February 2016, the Committee held a meeting with representatives of all the different military factions, and the factions showed their preliminary agreement to hold a temporary truce in the event the proper international guarantees are made available.

7. The Truce

The Committee voiced its bewilderment on Russia's inclusion alongside American as a guarantor of the two week truce given the Russian bombardment of the opposition (Russia is a participant in acts of hostility) however, the Committee saw the truce as an opportunity to test the regime's commitment and announced it viewed the subject of the truce positively. It made the following demands:

1. Identifying the text, "halting all military operations that external forces are conducting on Syrian territory."
2. Neutral party, and mechanisms to guarantee monitoring activities to ensure the truce is not breached.¹⁴
3. Criticizing the American Russian plan for neglecting to account for the oppositional factions need to defend themselves against terrorist groups.

Agreeing to the Truce

On the 26th of February 2016, the Committee announced the Free Syrian Army factions and the armed opposition's agreement to the temporary truce starting on the morning of the 27th of February 2016 at 00:00 am. The temporary truce would continue for two weeks with the fulfillment of the comments the Committee made on the draft truce project put forward by Washington and Moscow.

Ninety-seven oppositional factions commissioned the Committee to make a decision about the truce, and a military council was formed. The Committee's statement called

¹⁴ Al-Jazeera net, 25 February 2016.

for a series of restrictions to ensure the success of the truce, and the halting of “acts of hostility.” It is necessary to note that the Committee’s statement included the phrasing.

The Committee prepared a memorandum that it presented to the Friends’ of Syria Group, that included:

1. Demand for Russia and Iran to commit to ending their fighting in Syria on the basis they are fighting to the benefit of the Al-Assad regime.
2. The need to prevent the regime and its allies from taking advantage of the draft text to continue their bombing of rebel held locations under the excuse of “fighting terrorism.” They confirmed the rebels’ right to defend themselves against any attack.
3. The need to place a limited schedule regarding the start and end, especially to impose compliance and guarantee the truce is not breached.
4. Commission a neutral party to monitor the cease fire.
5. The truce will be considered to be one sided and temporary in the event the fundamental comments that were voiced are not committed to.¹⁵

Despite the truce being made effective, the regime and its supporting parties continued their acts of aggression. According to the opposition, major breaches were documented in 25 different areas. Also the Russian Ministry of Defense published wrong information in a map about the areas that of political hegemony, and it attributed the map to the United Nations. Faced with the situation, the Committee directed a letter to the United Nations demanding the necessary measures to be taken to stop the breaches, and call for the defining of the areas included in the truce. It also indicated that not achieving any progress in this truce will push the opposition to look for security methods, and other means.¹⁶

In the latest development, with the regime and the opposition exchanging accusations about breaching the truce, De Mistura, the United Nations Special Envoy to Syria, said that the round of talks in Geneva will start on the 15th of March 2016 rather than the 7th and 9th of March as previously decided. He mentioned that he postponed the

¹⁵ About the temporary truce, press release, 26 February 2016.

¹⁶ The Negotiation Committee: The Syrian regime’s continued crimes will limit the truce, Al-Arabiya Al-Jadida, 28 February 2016.

<https://goo.gl/aah39a>

round of talks for logistical reasons and the improve the agreement to stop the fighting that was put into effect last Saturday.

It is unusual that the Committee released statements that it had not been officially notified of the dates for the negotiations nor the planned agenda while it was confirmed that the Committee Coordinator was notified of these details. Committee member, Riyadh Naasan Agha, said the opposition will study the invitation to the negotiation based on the developments on the ground. He added that the Committee only heard about the appointment on the 9th of March through the media. He continued that he did not see any serious implementation of the humanitarian clauses, that were included in the International Security Council's decision, and which the opposition had demanded the regime implement prior to starting any peace negotiations. He concluded saying the United Nations Special Envoy for Syria, Staffan De Mistura "seems to be in a hurry."¹⁷

8. Evaluating the negotiation and media performance

Based on the aforementioned, it is clear to us that the Committee faces several fundamental challenges

1. Indicators of weak negotiation performance

Despite the Committee's stand appeared strong in resisting pressures especially about the forming the delegation and the conditions of participating except that delaying making a decision about participating whether in past times or in the latest announcement De Mistura made about holding the talks on the 15th of March 2015 counts as a point of weakness for the Committee. Until this point in time, the Committee had not announced its decision on whether or not it will participate. Delaying making a decision on participating, narrows the margin of time available to develop a negotiating stand, and conduct the necessary consultations with the concerned parties.

From another angle, it is necessary to indicate that subject of the negotiating delegation's capabilities and its negotiation skills that should be developed in

¹⁷ De Mistura announces the recommencement of the Syrian negotiations on the 9th of March, Al-Hayat, 1 March 2016. <http://goo.gl/ULfyaB>

the event a decision to participate is taken now or in the future. In this regard, the delegation is said to have received trainings on the principles and skills of negotiation for a week in Riyadh. The trainings are insufficient especially as the countering side has an extensive experience in the field of negotiation.

2. Contradictions in the media discourse

Contradictions were noticed in the Committee's spokespersons' statements especially regarding the decision to participate. Riyadh Naasan Agha confirmed the decision to participate whereas Riyadh Hajab said that the statement about the decision has not yet been issued. Asaad Al-zughbi took the decision to participate whereas Salem Al-msalat insisted that there is no final decision yet to participate. It is clear that the persons commissioned to represent the Committee in the media do not have a common unified narrative. This situation should be remedied and prevented from occurring.

Conclusions and Scenarios

Based on our studies of the negotiating committee's process since its formation, as an outcome of the Riyadh Conference on the 11th of September 2015 until the International envoy announced the recommencement of the negotiation discussions on the 9th of March 2016 which the Committee has not yet announced its decision on whether it will participate or not, we present the following scenarios:

1. The Committee's participation in the negotiation, and signing on the negotiations

The scenario of the Committee participating in the negotiations remains a possibility until this moment especially with the Committee's acceptance of the two-week truce, and subsequently committee representatives speaking about a decrease in the number of breaches to the truce two days before the expected date of the negotiations. Signing on the negotiations remains doubtful given the current difficulties. This scenario is enhanced by Washington's pressure on the Committee regarding its conditions. Also a current within the committee, represented by its General Coordinator, is pushing the Committee in this direction.

2. Reaching a Decision to not Participate and the Postponement of the Talks

This scenario is likely in light of the continued breaches, increase of mistrust, and the Committee's insistence on its conditions that the negotiations begin with discussions on forming a transitional governance committee with complete executive powers, and its insistence on Al-Assad leaving power. The odds are increasing that each of Washington and Russia will refuse the Committee's conditions.

3. The Negotiation Committee will not continue in the negotiation, the resignation of the head of the Committee and some of its members as a result of the potential breakdown because of difference in vision, and the Coordination Committee announces its appeal of the negotiations.

This scenario is tied with the previous scenarios in that it will be based on the non-participation or the failure of the Committee's participation. This scenario is more pessimistic regarding the unity of the opposition, but it logically aligns

with the Committee's experiences. In particular, the Committee's experiences of Washington and Moscow's prior stances, their holding the Negotiation Committee responsible for the failure of the previous round of talks, their objection to delegation members, and their desire to have other persons included. It opens the door for other parties to step in to fill the vacuum in the negotiations. Other parties such as the Coordination Committee which is believed to be more flexible with Washington and Moscow's conditions. The Saudi efforts remain a potential guaranteeing factor preventing this scenario from occurring.

In the event of this scenario happening, though achieving the scenario will not be easy in the short term, any Syria party that takes on the role of negotiator will not have the consensus that the Committee had as an outcome of the Riyadh Conference. Any alternative negotiating party may also face regional objection from Saudi Arabia and Turkey.

It is clear from the above mentioned logical scenarios that in light of complications in the situation internationally, regionally and in the field, that each of these scenarios have factors enhances or reduces their possibility of occurring. At the same time, international and regional efforts and even the Syrian opposition in its majority are ready to continue the political process which enhances the scenario of the Committee participating in the talks and then leaves the possibility of progress or regression in the talks as the factor affecting the future of the Committee with the expectation of changes to the Committee's structure and the representatives.