

The Vienna Process

Priorities for a process towards peace and transition in Syria

During their meeting in Vienna on 14 November 2015, the International Syria Support Group (ISSG) agreed on a framework for a nationwide ceasefire and a parallel political process in Syria. The Vienna process was welcomed by the international community, especially as the urgency to address the conflict in Syria was highlighted by the terror attacks claimed by ISIS that took place in the days before the meeting. In this Syria Alert, PAX outlines urgent actions that must be taken in order for the Vienna process to have any chance of success.

◆ For a political process to gain the trust of the Syrian population, confidence-building measures (CBMs) must be taken at the beginning. PAX recommends prioritising the following CBMs:

- An immediate end to attacks on civilians and civilian infrastructure by all sides; to all use of indiscriminate and banned weapons such as landmines and cluster munitions; and to the use in populated areas of explosive weapons with wide area effects;
- End sieges and allow unhindered delivery of humanitarian aid; and
- An agreement on the release of political prisoners and enforced disappeared persons.

CBMs and a monitoring mechanism to enforce them must be stipulated in a UN Security Council resolution with a credible threat of sanctions in case of noncompliance.

◆ The political process must be inclusive and participatory and therefore include:

- Secured participation of internally displaced persons (IDPs) and refugees;
- Participation of all ethnic and religious communities, specifically Kurdish parties;
- Proportional women's participation;
- Involvement of groups designated as "terrorist" via back channels; and
- Formalised role of civil society.

◆ For a ceasefire to succeed, it must be:

- Signed in the presence of an independent third party that will monitor its implementation;
- Free of conditions that require or result in violations of international humanitarian and human rights law, including forced population transfers; and
- Followed by a sustained increase in humanitarian assistance.

◆ Do not close the door to justice by:

- Highlighting the importance of transitional justice from the outset; and
- Involving civil society in developing a strategy to address transitional justice.

1. The main elements of the Vienna process

Representatives of the United Nations, the Arab League, the European Union, and countries playing a major role in Syria, including Turkey, Iran, Russia, the US and Saudi Arabia, united in the International Syria Support Group (ISSG), came together in Vienna on 30 October and 14 November to discuss a political process to end the conflict in Syria. This was the first time Iran had joined international meetings on Syria. However, Syrians were not present or represented in the meeting.

Though the exact interpretation of its implementation varies, Vienna participants jointly expressed their commitment “to ensure a Syrian-led and Syrian-owned political transition based on the Geneva Communique in its entirety.” The representatives agreed on the parallel implementation of a nationwide ceasefire, a UN-led effort to be endorsed by the UN Security Council¹, and a political transition process.

Starting on 1 January, the 18-month political process aims to secure the formation of a transitional government, develop a process for drafting a new constitution, and end with elections. It is significant that all members of the ISSG committed to “Syria’s unity, independence, territorial integrity, and non-sectarian character.”

The ceasefire will not be applicable to “offensive or defensive actions against Da’esh or Nusra or any other group the ISSG agrees to deem terrorist.” Jordan took the lead in developing the list of organisations that are deemed terrorist. These groups will be excluded from the political process.

2. Confidence-building measures: increased human security

The Vienna outcome was received with cynicism and indifference by Syrian civilians, who have lost faith in the international community, and in particular the Friends of Syria, for not improving their situation or protecting them from the violence of the Assad regime, and, later ISIS. Two previous nationwide ceasefire efforts, in 2011 and 2012, did not hold. It will therefore be essential to win the trust of the Syrian population through confidence-building measures from the start.

The Vienna statement mentions humanitarian access, the return of refugees and internally displaced persons (IDPs), and ending the use of indiscriminate weapons. Looking at the most urgent steps that can be and should be implemented at the beginning of the process, PAX recommends a focus on:

- ◆ An end to the civilian harm resulting from the ongoing attacks in Syria, including:
 - An immediate end of attacks on civilians and civilian infrastructure by all sides and compliance by all parties to the conflict with obligations under international humanitarian law, including the prohibition on indiscriminate attacks.
 - An immediate end of the use of indiscriminate and banned weapons such as cluster munitions and landmines.
 - An immediate end of the use in populated areas of explosive weapons with wide area effects due to the predictable pattern of humanitarian harm that results from this practice. An example of such practice is the use of barrel bombs in Syrian towns and cities which results in numerous Syrian civilian casualties on a daily basis.

On 9 November, the Syrian Ministry of Foreign Affairs and Expatriates issued a statement that “the Syrian Arab Armed Forces do not and will not use indiscriminate weapons.”² However, reports of use continue.

- ◆ The Vienna statement also mentions humanitarian access as a confidence-building measure. Securing humanitarian access was agreed in UNSC 2139 (2014), 2165 (2014), and 2191 (2014), which demand that UN agencies and humanitarian organisations have safe and unhindered access to communities in need. As of 31 October, 13 out of the 88 inter-agency requests made by the UN in 2015 had been implemented,

¹ 14 November 2015, Statement of the International Syria Support Group Vienna <http://www.un.org/undpa/Speeches-statements/14112015/syria>

² Report of the Secretary-General on the implementation of Security Council resolutions 2139 (2014), 2165 (2014), and 2191 (2014) <http://www.refworld.org/pdfid/564b3c894.pdf>

according to the UN Secretary-General.³ By denying access to food and medical care in strategically important areas until the civilians surrender, the practices of the Assad regime and to a lesser extent some of the other armed groups may amount to war crimes, and they must stop immediately in order to make a political process credible.

◆ A third key issue to address in confidence-building measures is the plight of political prisoners and enforced disappeared persons. Thousands of people are held in regime prisons and detention centers and thousands more are missing. Armed groups have also been involved in arrests and kidnappings, for example the Douma four who have been missing for two years at the time of writing. Because so many families have a relative who has been detained or abducted, the effect on society is substantial. Therefore, an agreement on the release of political prisoners by the different parties involved in the conflict would be an important measure to build confidence.

3. Who represents the Syrian people?

Syrians had no role in the Vienna meetings in October and November. Although the ISSG claims to have as its aim “to ensure a Syrian-led and Syrian-owned political transition,” it has not put any procedures in place to secure a broad participation of Syrians in the process and ensure that the process will be inclusive and participatory. For example, the opposition meeting in Riyadh only included a limited representation of actors. Until now it is not clear if and how Kurdish parties will participate in the Vienna process as they have to be either on the regime delegation or on the opposition delegation. Women have been underrepresented throughout previous political initiatives and risk to be side-lined again in Vienna. Parties designated as terrorist organizations, such as Jabhat al-Nusra, cannot be formally included, but it is crucial to involve them through back channels as they are one of the actors with power on the ground. Not having them on board is likely to be detrimental to the process.

Another concern is the lack of involvement of civil society. Syrian civil society should be given a formal role in the process, as they are the ones who are currently working on the ground and ultimately will play a key role in successfully translating political agreements into practical steps. Involving civil society does not mean civil society should have a place at the negotiating table, but rather an open and transparent consultation process should be put in place and civil society should be invited to monitor implementation of agreement and to give feedback on the process. A parallel civil society Vienna process, in which civil society agree on their strategies to work towards the objectives of the political process, would be another option.

A third point of concern is how the Syrian refugees in neighbouring countries and other parts of the world will be able to participate in the political process. With half of the Syrian population displaced and millions outside the country, developing instruments to secure the participation of these Syrian citizens in the design of their future is required.

4. The ceasefire dilemma

In the current Vienna set-up, the political process is linked to a nationwide ceasefire, which is quite risky. Making a political process dependent on the success of a ceasefire allows for any party to use force to destroy the political process. The two previous attempts at a nationwide ceasefire, in 2011 and 2012, were unsuccessful. New attempts at a nationwide ceasefire are unlikely to succeed given the enormous number of actors, the lack of functioning chains of command, and the vast array of geo-political interests that the different parties have.

³ *ibid*

An alternative approach that some international actors have been promoting is to work on local ceasefires. Experience to date with agreements presented as local ceasefires provides reasons for concern. As PAX has stated before⁴, such agreements have often been reached following human rights violations and war crimes, like besieging, starving and aerial bombarding of communities. Additionally, recent ceasefire agreements, such as the one in Waer, have contributed to the demographic engineering strategy of Iran and the Assad regime and included an agreement to a population transfer on a sectarian basis (Sunni population was displaced to Idlib province). Such steps mean new sources of conflict. Experience has also shown that agreements that have been deemed ceasefires do not necessarily mean the end of a siege and sustained humanitarian access. In many cases, after a first delivery of aid with wide media coverage, humanitarian access was again denied and the siege de facto in place.

There have been no positive improvements in most of the long-besieged areas of Syria near Damascus and in northern Homs province, where more than 600,000 remain besieged by government forces. With the 2015 additions of Deir Ezzor and several towns in the mountains northeast of Damascus City to the list of besieged locations, there are well over 800,000 people currently suffering under siege.⁵ In many besieged areas, the humanitarian situation has actually worsened in recent months with the start of Russian airstrikes - which bomb them at night and in poor weather conditions when the Syrian Air Force previously did not fly - and the onset of winter, which is exacerbating the severity of food and heating oil shortages.

To conclude, the ISSG has to ensure that ceasefire agreements are negotiated and signed in the presence of a third party, preferably the UN, which will also be appointed to monitor the implementation of the ceasefire. Furthermore, the ISSG must ensure that no violations of international humanitarian and human rights law are accepted as part of a ceasefire, specifically including forced population transfers. Finally, any ceasefire should lead to a sustained increase in humanitarian aid or the free movement of people and goods.

5. Do not close the door on justice

The Vienna declaration does not contain any reference to transitional justice. An enormous amount of war crimes and grave human rights violations have been committed by the warring parties in Syria, including massacres, use of chemical weapons, enforced disappearances and rape. Given the severe suffering of civilians from these violations, it is unthinkable that any political process can be successful and sustainable if it does not properly address these violations and the trauma they caused. In order to move on, people will need a sense of justice.

Although justice is normally an issue addressed in a later stage of a peace process, it is essential that early political agreements do not close the door on justice and obstruct transitional justice in a later stage, for example by agreeing on amnesties for certain war criminals.

Civil society plays a key role monitoring violations of international humanitarian and human rights law and supporting the victims of these violations. Cooperation with civil society should therefore start immediately to develop transitional justice strategies.

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⁴ Syria Alert XIII: Forced ceasefires – the case of Barzeh and Qaboun <http://www.paxforpeace.nl/media/files/syria-alert-xiii-2014-6-19-final.pdf>

⁵ Figures from baseline research of forthcoming “Siege Watch” project by The Syria Institute and PAX