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UN MEDIATION IN THE SYRIAN CRISIS: *From Kofi Annan through Lakhdar Brahimi to Staffan de Mistura*

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Thinking About Mediation

UN mediation in Syria for the decade of the 2010s since the beginning of the Arab Spring in 2011 has failed because the conflict was not ripe. To arrive at that evaluation, one has to understand the basic challenges a mediator faces and the paths followed by the three UN mediators, Kofi Annan, Lakhdar Brahimi, and Staffan de Mistura.² Five basic challenges—agency, entry, strategy, leverage, inclusivity—confront a mediator on the pursuit of his/her efforts, and will be used as the framework for the following analysis. These challenges have been identified because they encompass the major parameters of the mediation process. They correspond to several headings emphasized in the *UN Guidance for Effective Mediation*³ and highlight principal obstacles in the cardinal variables—actors (agency, inclusivity), structure (entry), process (leverage), strategy, and outcome—used in negotiation analysis.⁴

Agency. The mandate of the mission is set by the authorizing agency.⁵ The spectrum runs between full freedom to mediate and full backing from appropriate authorities, to a very restrictive mandate that requires the mediator to return home to cultivate support at each juncture. At the same time, the mandate is a two-way street; it commits the granting agency to support the designated mediator by endorsing and implementing his results, both collectively and as individual members. The mediator is an intermediary both between conflicting parties and also between the parties and the mandating source, but the latter has a responsibility to support his work.

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Inclusivity. The parties in the conflict on all three levels--parties, patrons and powers--should be parties to the negotiation of a solution.⁶ If they persist as spoilers and refuse to be part of the solution, they can be excluded only if they are not strong enough to upset the agreement among others.

Strategy. With the goal defined, the mediator has to consider how it is to be achieved, and most notably the relation between the procedural requirement of ending violence (conflict management--CM) and the need for a substantive formula for handling the conflict issues (conflict resolution--CR). Specifically, does the mediator manage the conflict with a ceasefire and disengagement first and then perhaps turn to seek a settlement, or does the mediator work on a resolving agreement which would give a reason for ceasing violence and then, or in the process, install a ceasefire.

Each has its logic: Putting ceasefire and disengagement before resolution argues that the parties need to have fully abstained from violence before they can talk peace. Examples are Northern Ireland, the Liberian civil war, Bosnia, Sri Lanka, and Darfur. The problem is that early ceasefires rarely hold without some parallel movement toward resolution and are an if-and-on process, so that a requirement of total abstinence may prevent peace talks.⁷ Ceasefires between Israel and Hamas in 2008, 2012, and 2014, mediated by Egypt, were their own end; some, including Hamas, have regretted the fact that they did not proceed on toward elements of CR. Ceasefires in Western Sahara, Nagorno-Karabakh and Cyprus have been more or less successful but have not led to CR.

On the other hand, agreement on an outcome or procedure to resolution can be required before violence is ended, so that a ceasefire does not come fully into effect until the peace agreement is signed or close to it, and parties know for what outcome they are giving up violence. Examples are the 2013-2015 Colombian talks with the FARC, or the 1989-1992 Salvadoran talks with the FNLM, or the 1990-1994 Mozambican talks with

RENAMO, or the 1980-1988 South Africa, Cuban and Angolan talks over South West Africa (Namibia). The advantage is that the parties see what they are ceasing violence for; the danger is that the violence may simply overwhelm the peace process.

Entry. The mediator is a meddler, not necessarily welcome, and must find a way to be accepted by the parties. They may be looking for a mediator to help them out of the conflict, but, if not, the mediator will have to convince them of the need for mediation.⁸ In the first case of a ripe conflict, both parties would be convinced of the impossibility of a one-sided victory and would be looking to emerge from a painful situation under the best terms. Both the US and Iran were willing to look for a solution to the hostage-and-sanctions situation in 1979 and welcomed Algeria to serve as a mediator to work out an agreement. In such cases there is no victory to be had, both sides are in a costly stalemate and feel it, and they looked for a way out.

On the other hand, when the conflicting parties do not realize their impasse and the burden that continued conflict imposes, the mediator must first ripen their perception of the situation, either by developing an awareness of the costly impasse or by presenting an alternative so attractive in comparison with the present impasse that it catches their attention.⁹ But the mediator can push only so far, lest he lose the entry completely. It took the efforts of the Gulf Cooperation Council (GCC) behind those of UN SESG Jamal Benomar, backed by threats from the UNSC, to convince the two sides in Yemen of their need for mediation and to bring them to an agreement on Ali Saleh's departure from the presidency (in exchange for amnesty) in 2012. But if the hurting stalemate is not perceived and felt by the parties to push them to accept mediation, no amount of enticing plans for the future can pull them to negotiate.

Leverage. Although leverage in the common understanding refers to hard power or "muscle", in reality the mediator has little of this type. He depends on the wisdom and appeal of his

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arguments. In the context of negotiation as “giving something to get something,” the mediator is a *demandeur* and thus in a weak position. He rarely has the means to threaten or promise anything substantive and can only warn and predict consequences beyond his control or borrow leverage (power) from the context. Conflicts tend to come in stacked layers or circles (in Lakhdar Brahimi’s language): first among the parties themselves, second among their regional patrons, and third among the powers of the members of the UNSC. All three levels—parties, patrons and powers—offer terrain on which the mediator can operate in search of leverage over other levels and a source from which to borrow power.

These five challenges frame the practice of mediation as used by the three successive mediators.

The Unfavorable Mediation Context

The conflict in Syria is particularly resistant to mediation.¹⁰ The Syrian regime, made up of hardened Machiavellians, has been prepared to do whatever necessary to survive, whatever the cost to the country; constituted along neo-patrimonial lines, it would find it very hard to share power or to remove the president without risk of collapse. Asad warned: “No political dialogue or political activity can succeed while there are armed terrorist groups operating and spreading chaos and instability.”¹¹ The opposition contributed to the intractability of the conflict through its maximalist demands for the “fall of the regime”¹² and its unwillingness, whether in the name of a democratic or Islamist state, to accept a political compromise. The opposition also lacked credible leaders who could deliver its consent to any negotiated settlement, being divided between a fractious exiled opposition with little legitimacy inside the country and those inside Syria who were increasingly fragmented into multiple localized factions and dominated by intransigent and often warring jihadist factions.

A mediation’s first window of opportunity comes before violence becomes too deep and closes as it intensifies mutual

hostility; however this opportunity depends on ripeness in prospect, where the parties realize that a precipice is looming ahead.¹³ In the Syrian case, the first opportunity was when the Arab League made its efforts in 2011.¹⁴ It failed because of the inexperience of the mediator, a Sudanese general, and the bias of the mediating agency, and because of the ineptitude of the ceasefire monitors.

The last obvious opportunity while violence was still somewhat contained was in April-May 2012 during Kofi Annan's mediation. This had failed by July 2012 and violence was sharply ratcheted up as the opposition was militarized, with casualties doubling from 2200 in June to 5000 in August 2012. A de facto partition soon emerged, with the front lines fairly stabilized and the turf won by rival warlords compensated for the damage inflicted by the conflict. This was the situation encountered by Brahimi's mediation mission throughout 2013. Statistical research¹⁵ suggests a hurting stalemate is most often reached 130 months and 33,000 battle deaths into a conflict; in Syria battle deaths by far exceeded this in less than half the time (220,000 by January 2015 according to UN figures).

A new window of opportunity for a political settlement could open only when both sides simultaneously would recognize the impossibility of military victory. Objectively, such a "hurting stalemate" appeared to have been reached by at least the third year of the conflict as it became apparent that neither side could defeat the other, particularly after the battle lines between regime and opposition-controlled parts of the country became hardened. Decisive in explaining why a hurting stalemate was not perceived by the warring parties was the way external intervention fueled the conflict. Each side believed that, if only its external patrons provided it with more resources or increased their intervention on its behalf, the balance of power would shift, allowing it victory. External players continued to provide their clients with enough support to keep fighting and avoid defeat but not enough to defeat their opponent.¹⁶

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The opposition had declared that Asad's departure was non-negotiable but, lacking the means to force it, was counting on Western intervention and would accept UN mediation only if it produced regime change. The Western powers showed no appetite for military intervention but saw UN diplomacy as a way to remove Asad, whom they had de-recognized in favor of the exiled Syrian National Council (SNC) as a legitimate representative of the Syrian people.¹⁷

On the other side, Asad's great power backers were not prepared to abandon him. On 12 May, 10 June, 11 October 2011 and 4 Feb 2012, Russia (and China) had blocked Western drafts condemning the Syrian government's repression of protestors on the grounds that it did not also condemn outside arming and violence by the opposition. The Russians saw a Libyan scenario unfolding in favor of the US and wanted above all to avoid it. Annan's appointment was a compromise to get beyond this stalemate, but the powers agreed to it for opposite reasons: Russia to allow the Syrian regime to survive and the West to remove it.^{18 19}

Kofi Annan's Mediation Mission

Kofi Annan took up his mandate in February 2012 amid many indications the conflict was not ripe for a negotiated settlement. In Annan's view, the mission was worth the attempt since the alternatives were so bleak: the spillover effects of the crisis threatened to de-stabilize the whole region.²⁰ Annan proposed a 6-point conflict management plan on 16 March 2012 under which the Syrian government should immediately cease troop movements and the use of heavy weapons, and begin a pullback of military concentrations in population centers, permit access and timely provision of humanitarian assistance, release prisoners, and respect freedom of expression and assembly. Annan delivered the plan to Asad but the Syrian government asked for clarifications and seemingly wanted to negotiate the plan, despite minor adjustments already made in response to Syrian concerns. Annan aimed to present the regime with two bad

choices—accepting or rejecting—in the expectation it would choose the least bad; while it may not have liked the 6 points, it would not feel it could publicly reject them. Annan submitted the plan to the UNSC, which endorsed it on March 21. He then successfully enlisted Russia to pressure Asad into acceptance of the plan on March 27. He announced the Syrian government’s acceptance before it had done so to maneuver it into committing to a *fait accompli*.

Ceasefire: Pincer Move

Next, Annan extended the plan to a ceasefire. Again, the Syrian government demurred on the grounds that the opposition was being armed from without; but again Russia successfully pressured Asad to accept. The ceasefire required the government make the first withdrawals by 10 April, while the Free Syrian Army (FSA) would follow two days later. The regime agreed to start withdrawing its heavy weapons but qualified this by asserting that the security forces would not withdraw from cities until “normal life” had been restored. It also asserted that “a crystal clear commitment” from the US, France, Turkey, Qatar and Saudi Arabia to stop aiding rebel fighters was “an integral part of the understanding” with Annan.²¹ UNSC 2042 was passed unanimously on 21 April, providing for a UN Supervision Mission in Syria (UNSMIS) to deploy 300 unarmed soldiers to observe compliance with the ceasefire.

In Annan’s thinking, the ceasefire would change the psychology of escalation that was driving the conflict and open the door to political negotiations.²² He aimed to catch the regime in a pincer movement combining international and, especially, Russian pressure from above and renewed mass protest from below. A watershed was the contested massacre at Houla on 26 May for which UNSMIS blamed pro-Asad forces. The Security Council was unable to agree on a response due to Russia’s refusal to blame the Syrian government. In May, believing that its flank was protected by Russia and that the international

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consensus against its use of violence had been broken, the regime returned to use of heavy weapons.

Action Group: Creating a Transitional Government

In response, with the aim of increasing the pressure on the regime, Annan convened the Action Group on Syria, centered on UNSC members and excluding the Syrian government and its patron, Iran (vetoed by the US). The Group issued the Geneva Communiqué on 30 June 2012, calling for inclusive national dialogue on a political transition with all parties represented; the shape of a future Syrian state was sketched, including constitutional reform and a multi-party system. To reassure the government, it supported the continuity of government institutions, including the military and security forces, albeit submitted to a transitional government. The reference to political transition and transitional justice, including accountability for crimes, was bound to be seen as threatening by the regime. At Russia's insistence, the communiqué did not explicitly call for Asad to go, either before or during negotiations, as the opposition had insisted.

The Geneva Communiqué was not implemented—indeed it was not even adopted by the UNSC for another two years—and as violence continued to increase, the observer mission ceased its activities on 16 June. On 19 July 2012, Russia and China vetoed a strong resolution that would have applied non-military sanctions to the regime under Chapter 7 if it did not end the use of heavy weapons, withdraw troops from towns and cities, and implement Annan's peace plan. This was the last straw for Annan and he resigned as mediator on 2 August 2012.

What went wrong?

Annan blamed the Syrian government's refusal to implement the 6-point plan; the escalating military campaign of the Syrian opposition; and the lack of unity in the UNSC. But leverage to get the regime to buy into the plan was lacking, as were incentives to divide the regime. He also had no strategy for addressing

opposition intransigence and no pressure on regional powers to stop opposition financing. Annan had no leverage to bring the neighbors into his plan, only persuasion, which had no weight. As a result, he put much effort on the “outer ring” or third level of players, the US and Russia, and was relying on Russian pressure on the regime to deliver its acquiescence.²³ While Asad would acquiesce in Russian pressure to engage with the mediator, he was impervious to influence insofar as the plan put his vital interests at risk. Asad and Putin hid behind each other.

Annan understood that the Russians were determined to prevent a repeat of the West’s manipulation of the UNSC humanitarian resolution over Libya for purposes of military intervention and regime change; hence he tried to reassure them that his plan was a genuine diplomatic alternative. “One of my biggest disappointments”, Annan recalled, “was on the 30th of June. We had a difficult but a constructive meeting in Geneva, to discuss a political transition. They agreed on a communiqué, but on the 19th of July, when the council eventually acted, the resolution was vetoed by Russia and China.”²⁴ This was a result of the US insistence that the resolution had to be given teeth under chapter VII. Annan believed chapter VI would suffice and Moscow, would have accepted it.²⁵ UNSC unity foundered on the opposite expectations held by the West and Russia for the outcome of mediation; change of the Syrian regime for the West, its preservation (albeit reformed) for Russia.

The Geneva communiqué, based on Annan’s 6-point plan, remained the ideal internationally accepted template for a political settlement in Syria that could still be activated if the parties were to come, as a result of shifts in the power balance, to believe a negotiated settlement is in their interests.²⁶ However, it reflected a stage when it was still thought possible to roll back the damage done by the conflict and constitute a pluralist settlement within a working state.

Lakhdar Brahimi’s Mediation Mission

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Lakhdar Brahimi took the reins as U.N.-Arab League Envoy to Syria on 17 August 2012 after a long career of mediator in Lebanon, Afghanistan and elsewhere for the UN and for Algeria. He felt from the start that the mission was impossible but took it on “because the UN cannot resign from its role [just] because crises are difficult.”²⁷ Indeed, the conflict had become much more intractable from Annan’s time, as militarization, sectarianization and state failure proceeded apace.

Inner Circle Strategy: Reaching out to the parties

Brahimi began his mission by making contact with the conflicting parties, including Assad, and with the regional patrons, including Iranian president Ahmedinejad. His repeated message, meant to ripen perceptions of a hurting stalemate (that arguably existed objectively), was that “there is no military solution to this devastating conflict. Only a political solution will put an end to it. And the basis for such a solution does exist. It is the [Geneva] Communiqué.”²⁸ The first meeting with Assad was cordial with wishes of success for the mediation mission. But when Brahimi raised the question of his resignation in the second meeting, Assad reverted to his claim of elected legitimacy and the inconceivability of stepping aside, and called Brahimi biased.

Brahimi tried small concrete conflict management measures to foster trust and start reducing violence, with a four-day ceasefire on October 24 marking ‘Id al-Adha with UNSC endorsement. The ceasefire was only a framework, with a number of voluntary provisions, and rapidly collapsed. In the beginning of 2013, in January and February, Brahimi brought government and opposition leaders to Geneva for two rounds of peace talks and produced a ceasefire in Homs, again for humanitarian purposes, but it lasted only a week.

Since early in his tenure, Brahimi struggled to find a legitimate negotiating partner within the diversified opposition, split between the U.S.-supported moderate opposition based in Istanbul and a slew of more Islamist armed rebel groups plus some regime-recognized opposition groups inside Syria. Shortly after

the foreign ministers' meeting, on 12 December 2012, the US formally recognized the National Coalition of Syrian Revolutionary and Opposition Forces (COS) that Secretary of State Hilary Clinton and Qatar had cobbled together as the "legitimate representative" of the Syrian people. As Brahimi saw it, fragmented into hundreds of groups supported by rival external powers, Qatar, Saudi Arabia and Turkey, the opposition never became a truly national movement, such as the FLN or the Vietcong, which could negotiate and deliver on any agreements reached. According to Brahimi, the Americans' hands in the third circle were "tied in knots by their allies" in the second circle.²⁹ When the Arab League voted to give Syria's chair to the opposition on 6 March 2013, Brahimi felt that the door on the second level was closed and with it the chances of mediation, and he resigned. Pressed by all sides, he agreed to stay on because of the upcoming meeting in Moscow.

Outer Circle Strategy: Betting on the Big Powers

Faced with the conclusion that no movement was possible on the first or second circles, Brahimi sought movement, as had Annan, through the third circle—Russia and the US.³⁰ "We tried the outer ring, which is the Security Council, and for me that was specifically the Americans and the Russians." He urged a meeting of great power foreign ministers to develop the Geneva Communiqué into a full transition plan. He laid more detailed proposals before Secretary Hilary Clinton and Foreign Minister Sergey Lavrov in Dublin on 7 December 2012, specifying some of the steps and timings left imprecise in the Communiqué. It included provision for a transition government "with full executive power" with no progress on the specific consequences for Assad. He followed up the foreign ministers' meeting with the "3Bs" meetings of Brahimi, US Under Secretary of State William Burns, and Russia's Deputy Foreign Minister Nicholas Bogdanov to try to reach a consensus on which to base a move toward a peace conference. Although the meetings proceeded cordially, they repeatedly deadlocked on the same issue, the

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status of Asad, and the Russians rejected a US proposal to discuss the composition of a transitional government as an outside attempt to impose a leadership on Syria. From Brahimi's perspective, both "the Americans and the Russians discovered that their agreement was superficial" shortly after they had agreed to it.³¹ In guaranteeing mention of a transitional government, the US thought it had won support for the notion that Asad would not participate in any transition, whereas the Russians believed the "transitional phase should begin with the regime and opposition sitting down together."³²

Like Annan, Brahimi banked particularly on Russian cooperation, since the Russians on occasion intimated flexibility. Noting that "Western countries have not realized yet how angry the Russians felt about what happened in Libya,"³³ Brahimi hoped that proper recognition of the Russian role could convince it to work on getting cooperation from the Syrian government. In fact, the Russians maintained that they were not inextricably committed to Asad, and that if the opposition "got its act together" and a viable substitute emerged, as long as none of the Islamist groups would take power, Russia would support an interim transition body instead of an immediately negotiated outcome. But, at the same time, the Russians consistently said it was not up to them to ask President Asad to leave office: "We do not have that much influence over him, even if we wanted."³⁴ They seemed to want the transition council also to contain opposition figures from Damascus, whom the US and the opposition derided as Asad puppets.

Two events provided some impetus to kick-start Brahimi's faltering mediation mission. First, on 7 May 2013 the US and Russia appeared to reach a breakthrough agreement during Secretary of State John Kerry's first official visit to Moscow. "Something extremely important took place,"³⁵ in Brahimi's assessment: a declaration of shared interests on Syria and a plan for an international peace conference to end the escalating civil war, planned for the end of May 2013. For the US, which had

been lukewarm on the idea of a peace conference, this was a major shift.

It took a second event, the chemical weapons attacks on the Damascus suburbs of East Ghouta, to jolt the global level parties into intervening in the stalemate. UNSC resolution 2118 of 22 September 2013 finally included a formal UN endorsement of Annan's Geneva Communiqué and called for "the convening, as soon as possible, of an international conference on Syria to implement" the Communiqué.^{36 37} Just getting the government and opposition to the table on 15 January 2014 was an accomplishment of sorts and might potentially have allowed an exploration of common ground between the two. Brahimi was keen that Iran, the most influential force behind Assad, be also involved and enlisted the UN Secretary-General's help. Ban issued an invitation to Iran just days before the Conference was set to begin, on 19 January, whereupon the opposition National Coalition threatened to back out. Ban withdrew the invitation under US pressure; the US view was that since Iran had not endorsed the terms of Geneva Communiqué, it could not attend as a full participant.

Geneva II: Bringing together the regime and opposition

Though the Geneva II Conference to be held on 22-31 January and 10-15 February 2014 marked the first time the Syrian government sat down with an opposition body, it failed to deliver a breakthrough. Yet, on the Conference's second day, 26 January, Brahimi announced one step forward, as the government agreed to allow some 6,000 women and children leave the opposition-held central neighborhoods of Homs, Syria's third-largest city, to which the pro-government forces' siege had denied humanitarian access for more than a year.³⁸

"I think rather the progress we have made is that whereas the opposition and their supporters were saying that there is nothing to talk about until Bashar leaves, they are saying now that we can talk while Bashar is there," Brahimi said.³⁹ The government, however, accused the opposition of terrorism and never

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departed from its refrain that the first requirement was to deal with the terrorism problem. Brahimi remarked to the government delegation: "I'm sure that your instructions were: 'Go to Geneva, only don't make any concessions, don't discuss anything seriously.'" ⁴⁰

Thus, the remaining days of the Conference bore little fruit:⁴¹ A second round of talks, reconvening in February, quickly collapsed after thirty minutes.⁴² "I am very very sorry and I apologize to the Syrian people," Brahimi told reporters at the conclusion of the talks, which were largely overshadowed by yet another round of deep violence and displacement, as 50,000 Syrians fled the Syrian air force bombardment of the Qalamoun area.⁴³ Less than two months later, following the government's announcement that it would hold Presidential elections in June 2014, effectively terminating Brahimi's attempts to revive the Geneva process, he tendered his resignation.

What Went Wrong?

In his twenty-one months as U.N.-Arab League Envoy, Brahimi made admittedly little headway, as the conflict continued to spiral. Caught between rival spoilers: Brahimi's mediation appropriately reflected a new realization that the Syrian regime was not easily or soon going to go.

Geneva II failed, Brahimi concluded, because the conflict was not ripe for resolution, and he had no leverage to make it so, although it did provide an occasion for him to repeat his message: devastating conflict, no military solution, political solution indicated by the Geneva Communiqué. In keeping with his view that the key to a resolution had to be a US-Russian convergence to push their regional and Syrian clients into a compromise settlement, Brahimi pursued the top-down strategy, as had Annan. However, "neither Russia nor the US could convince their friends to participate in the negotiations with serious intent."⁴⁴ This conflicting assessment of the situation prevented their reaching agreement on the details of a transition: the US wanted

too much, the Russian conceded too little and the mediator was caught between the two.

Ostensibly, the second circle of states offers a field for mediation. Because of the Sunni-Shi'a Divide and the individual ambitions behind it, there was simply no way to bring the disparate middle level states—Iran, Iraq, Saudi, Qatar, Turkey—together about a common policy, and the more the Sunni states did come together, the more they riled the Shi'i states. But because of the hostility of the Gulfis, who considered Asad an outsider just like Qaddafi, Asad would not hear of any such efforts, and so they persisted in their divisive tactics. And because Brahmi was seeking a modification of that position, they would not hear him.

Staffan de Mistura's Mission

Staffan de Mistura was appointed Special Envoy of the Secretary-General of the UN to Syria (SESG) in July 2014, not long after Brahimi left the post. In the previous decade and a half, he had been Special or Personal Representative of the Secretary-General in Afghanistan, Iraq, and Southern Lebanon, as well as holding various positions in the UN and the Italian Foreign Ministry. He spent the entire first year, including six weeks in the field and three months in involved capitals, in consultations toward bringing about the resurrection of the Geneva process, but also to “come up with initiatives, even if they are not necessarily the most effective ones.”⁴⁵ He described his approach as “a minimalistic, if you want, but concrete and realistic approach, what the UN can do at this stage.”⁴⁶ His three initiatives were all designed to augment the transition process with actions drawing on the first, lowest level to circumvent the top level stalemate—a representative constitutional committee, substantive informal discussion sessions, and local ceasefire freezes. From the beginning, like his predecessors, he emphasized that there was no military solution. “The one constant in this violently unpredictable conflict is that neither side will win.”⁴⁷

The Geneva Process

The basic charge for the SESG was the pursuit of full implementation of the Geneva Communiqué, as the basis for a Syrian-led and Syrian-owned conflict resolution political transition to end the conflict.^{48 49} In May 2015 he started with a series of in-depth, separate consultations with the Syrian stakeholders and regional and international actors.⁵⁰ Following a year's attempts by de Mistura to establish a ceasefire to serve as the prelude for the revival of the Geneva process, the US, Russia, Saudi Arabia and Turkey met in Vienna in late October to revive the Geneva process through broad peace negotiations rather than local freezes. Within a week, the 20 states of the International Syria Support Group (ISSG)—which did not include the Syrian government or opposition—prepared a set of guidelines, issued as a formal Vienna Declaration on 15 November and endorsed as UNSC Resolution 2254 on 18 December, for a conclusive peace process to be relaunched by the end of the year. The talks were opened in Geneva at the end of January 2016 as the Syrian government forces pressed their offensive around Aleppo with Russian air support. The government declared it would not meet with the “terrorists” and Russia said that the opposition High Negotiating Committee established at Riyadh in December to meet the government in the upcoming talks did not represent the opposition. The two sides refused to sit in the same room together and de Mistura suspended Geneva III at the beginning of February 2016 after five days, much as Geneva II had been adjourned by Brahimi two years earlier.

The SESG continued to press arrangements to recover the Geneva process. Agreement was finally reached on participation in a Geneva IV meeting by February 2017; when it began at the end of the month, it lasted a week. The procedures were accomplished rapidly enough but without substantive movement, as the two sides debated different agendas—the government focusing on counterterrorism and the opposition on transition; each essentially challenged the other's existence, the government considering the opposition as terrorists and the opposition working to

remove the government. Geneva V in April 2017 “saw no breakthroughs—let us be frank—but no breakdown, either,” reported de Mistura to the Security Council.⁵¹

The VI Geneva round in May 2017 was the first time a joint UN-facilitated meeting of the government and opposition invitees in one room occurred, substantively discussing during the whole day among themselves with the SESG.^{52 53} “All agree on the need to de-escalate the fighting and form a UN-sponsored constitutional committee... But these commonalities risk getting lost, especially in the absence of serious international dialogue,”⁵⁴ Mouin Rabbani, who briefly served as the head of de Mistura’s political-affairs unit stated: “The mission became the extension of the mission.”⁵⁵ The SESG discerned incremental progress on joint meetings with opposition delegations at Geneva VII in July 2017 at which common positions were identified. But he also indicated the government has so far not provided concrete thinking on issues in the different baskets, particularly on a proposal regarding the schedule for drafting a new constitution.

Nearly two years after the first attempts to put substance into the Geneva process, the parties still did not engage in direct talks at Geneva VIII on 28 November to 14 December 2017. De Mistura told the UNSC, “The opportunity to begin real negotiation was not seized. A golden opportunity was missed.”⁵⁶ He cited four barriers, all from Damascus: The government rejected the Riyadh 2 statement’s condition for the exclusion of Iran and for the departure of Asad at the start of any transition period. It questioned whether the Opposition delegation was sufficiently representative, even though by then it was unified including the Moscow and Cairo platforms and the old or renewed Riyadh platform. Finally, it added – actually using a video on YouTube – that until full Syrian sovereignty was restored and terrorism defeated in all parts of the Syrian territory, it was not possible to entertain real movement on a constitutional review process or elections. “That to me was a new condition,” noted de Mistura.⁵⁷

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The four objections were reiteration of Syrian positions over the years and they signaled that the interparty talks had gotten nowhere. Two and a half years earlier, on de Mistura's last trip to Damascus, he was allegedly told by Syria's foreign minister that there was no room for external involvement in reforming the country's constitution.⁵⁸ Yet, at the end of January 2018, de Mistura convened a special Geneva meeting in Vienna to focus specifically on the constitutional basket. "I also continue to pursue the convening, naturally, of the further formal intra-Syrian talks and advancing on all the four baskets of the political process in Geneva in accordance with resolution 2254,"⁵⁹ he told the UNSC in February.

New Initiatives

From the beginning, de Mistura had other ideas to bring some movement into the peacemaking process. He developed three different initiatives with a focus on conflict resolution that were to occupy his tenure alongside the Geneva process itself. On his appointment, he stated "I do not have at this stage—and it would be presumptuous to have—a peace plan but I do have an action plan. The action plan is based on a bottom-up approach in order to do something concrete at the time when everybody seems to be desperate about what's going on in Syria,"⁶⁰ thus reversing the level of attack of his predecessors. The option was obvious, since the top-down approach had twice failed, but it was based on the assumption that the bottom did not depend on the top.

The first part of the plan was to return to the conflict management idea of ceasefire that had dissolved at the hands of the previous mediators and focus it on conflict resolution, building from the local level, specifically using neighborhood ceasefires to cobble together wider and wider, and so higher and higher, ... engulfing the second and third levels from the bottom. The idea of neighborhood ceasefires, or freezes, was focused on the same principle as the earlier ceasefire of Brahimi, to protect civilian population but also "to build first some political process at a local level and then eventually at the national level, to give some

hope to the local population”.⁶¹ It was proposed in a study prepared in the Geneva-based Center for Humanitarian Dialog (CHD) by Nir Rosen and was presented to the UNSC at the end of October 2014 early in de Mistura’s tenure (Kenner 2014). Local truces had already worked in a few scattered places—Zabadani, Homs, Barzah, Ras al-Ain⁶²—but the envoy wanted a place of immense symbolic value, “rather like Sarajevo,” and proposed Aleppo, Syria’s second largest city, despite its fractured opposition and continuing combat between government and Da’esh (ISIS) forces.

In early 2015, de Mistura reported that the Syrian Government had committed to suspend all aerial attacks and artillery shelling over the entire city of Aleppo for six weeks to allow the UN to implement the pilot project of unhindered delivery of humanitarian aid and build incrementally from one district to others.⁶³ ⁶⁴ The freeze plan collapsed in February when the government launched a final offensive to starve out and eliminate the opposition enclaves, claiming it had signed on to no ceasefire. De Mistura felt betrayed and considered resignation.⁶⁵ When later, in May, he condemned the Syrian government for a barrel-bomb attack on Aleppo that killed at least 70 people, Asad cut off personal contact, the last time that de Mistura would meet with him personally and dashing all hope for agreement on a local freeze. In the future, he would be received only by lower-level officials.⁶⁶

The ceasefire, the initial element in the Vienna Guidelines, was now in the hands of the upper level of states in the ISSC. Co-chaired by the US and Russia, the effort for a nation-wide ceasefire began with the collapse of Geneva III in February 2016. The ISSG immediately moved to reestablish and monitor a nationwide ceasefire, reset for the end of the same month. After six months of consultations under resurgent combat, the ceasefire was finally accepted for mid-September 2016 by the Syrian government and the opposition High Negotiating Committee, but after a week it was declared inoperative by the Syrian government.

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Undaunted, de Mistura turned again to the parties, working to overcome divisions among the opposition factions that prevented the formation of a representative delegation. Turkey and Russia then undertook the ceasefire issue and achieved agreement in December. UNSCR 2401 of 24 February 2018 again called for a nationwide ceasefire in Syria for 30 days (but not to affect operations against ISIS and other terrorist groups as designated by the Security Council). A month later, de Mistura told the Security Council that cease-fire had failed.⁶⁷ It had lasted a week.

The second initiative of de Mistura was again an idea to work on conflict resolution with lower level activity beneath the transition deadlock. By establishing functional bodies with representatives from the two sides to address the matters of conflict termination, grouped into safety and protection, military and security, political and constitution, and institutions and development, the blocked formal talks could be circumvented. As proposed on 29 July 2015, the four working groups were to meet in Geneva under a UN chairmanship to restart substantive discussions with the open participation of all Syrian factions and eventually become a “fully powerful transitional authority,” as endorsed by the UNSC on 17 August.

The discussions in Geneva turned the four baskets of issues into 12 principles, —rather philosophical ideas— “twelve living points that can be further developed as the negotiations progress on the substance,” issued at the end of November 2017.⁶⁸ They covered sovereignty and unity, governance and democracy, separation of powers and human rights, religion and the state, decentralization, measures against terrorism, respect for all Syria’s components, full participation of women, right to return for refugees, among others. Sessions were convened in Geneva in late February 2017.⁶⁹ However, in September the Syrian government refused de Mistura’s invitation to take part in meetings to address constitutional and legal issues;⁷⁰ the initiative got lost in the attempts to renew the Geneva process and its alternatives.

De Mistura's third conflict resolution initiative, this time within the Geneva process, was on the creation of a Constitutional Committee to draft a new Syrian constitution and eventually lead to UN-backed elections. After intensive consultations with all levels after Geneva V, he said "I believe the time has come for the UN to provide specific elaborations on the constitutional and electoral baskets (2 and 3) and how they relate to governance and counter-terrorism, security governance and confidence-building measures (1 and 4) and develop agreed and clear modalities for the full implementation of UNSCR 2254, and stimulate wider consultations as well."⁷¹ The two institutions emerging from discussions on the constitution-making process were to be a Constitutional Commission to prepare an initial draft and a National Conference which could oversee a national dialogue and refer any draft constitution for popular approval—as laid out in UNSCR 2254. Keeping a key role in the process, de Mistura indicated that "both institutions should have their mandate, terms of reference, powers, rules of procedure, agreed in UN-facilitated intra-Syrian talks in Geneva."⁷²

The constitutional commission was to comprise 50 Government delegates, a 50-member broadly representative opposition delegation; and 50 Syrian experts, civil society figures, independents, tribal leaders and women; a core group of 15 from each delegation would act as the drafting committee, to submit their results to the larger committee for approval, according to the Sochi National Dialog Congress of January 2018 and consistent with UNSCR 2254. Syria provided its list at the end of May, with Russia and Iran's support; a list was received from the opposition a month later, with support from other states. De Mistura convened top level representatives of Iran, Russia and Turkey on 10-11 September 2018 in Geneva when it became clear that, unlike the first two lists, "the middle third list — the list for which I have a particular responsibility to facilitate and then to finalize— was significantly questioned" and issues such as chairing, voting and the rules of procedure were left unresolved.⁷³

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At the end of September 2018, the Syrian Deputy Prime Minister and Foreign Minister Al-Moualem met with the Secretary-General and de Mistura to call for a fundamental reassessment of the work that had been done on the middle-third list and rules of procedure, as well as on the United Nations facilitation role.⁷⁴ Russia and Iran also significantly questioned the middle-third list. De Mistura defended his list at length to the UNSC on 17 October 2018. “Before the end of the month I also intend to invite the Astana guarantors for consultation with me in Geneva and to engage with the small-group countries. In my view that would be our final opportunity to put the finishing touches to the preparations for convening a constitutional committee. I would then hope to be in a position to issue invitations to convene the committee, if possible during November.” Of the meeting in late October “within the context of the Geneva process,⁷⁵ he reported, “I intend to strike while the iron is hot and try to move the Geneva process ahead in consultation with all concerned.”⁷⁶

Russian Replacement of the Geneva Process

In fact, the iron had been heating elsewhere. As the Geneva process strained, a competitor arose: Russia and Turkey moved to fill the vacuum left by the water treading in the Geneva process and two years of pressure provided by the massacre of civilians and the stalemate of combatants. When Russia moved in militarily to prop up the tired regime with air power on 15 September 2015, it also sought a diplomatic cover to accompany its efforts. While the Syrian government improved its military position with Russian help, Russia opened its diplomatic initiative with Turkey, soon joined by Iran, by offering Astana in Kazakhstan as a “neutral” alternative site to Geneva for the peace negotiations, with good offices from the trio. Proposed in mid-December 2016, the meeting took place with Syrian representatives from both sides at the end of the month and declared an immediate ceasefire. A month later the sides met together at Astana IIb for an agreement by the mediators to form a joint monitoring body to enforce the ceasefire and the preparation of a Russian draft

constitution. The agreement was reaffirmed in Astana III in March and three de-escalations zones—an enlargement of de Mistura’s idea of local freezes—in the south, in Eastern Ghouta (Damascus), and north of Homs—were established at Astana IV in May 2017. Yet by Astana V in July neither the ceasefire nor the constitution draft was signed by the two sides, although de Mistura said they were making clear progress to reducing violence.⁷⁷

The same issues were discussed and a fourth zone was created in Idlib at Astana VI in September—with two others in Ifrin and Eastern Qalamoun brokered by Russia⁷⁸—and discussions concentrated on working groups on the exchange of missing persons, POWs and detainees at Astana VII in 29 October; eight months later “the outcome has been zero.”⁷⁹ Discussions continued inconclusively at Astana VIII in December reflecting the same blockages as at Geneva.

Russia then sought to jumpstart the process and convened a Congress of National Dialog of some 1500 Syrians from all sides in Sochi to initiate the selection of the National Committee to draft the constitution mandated by UNSCR 2254. Disputes over the delegates to the Dialog ended its session after one day, on 30 January 2018, but it did affirm that a Constitutional Committee should be formed “of Government, Opposition representatives in the intra-Syrian talks – which means those which are facilitated by the UN in Geneva – [and] Syrian experts, civil society, independents, tribal leaders and women.”⁸⁰ It endorsed the 12 living principles and called for a list of candidates for the constitutional committee of 150 with a drafting committee of 45, and recognized the role of the UNSESG as facilitator of the process.” The following year was spent in a “marathon of consultation” to implement the charge, culminating the foreign ministers’ meeting of the three supporting states at Sochi (de Mistrua 20 Dec 2018).

Although on a separate track, the UN envoy threw his weight behind the talks, saying that they “should be seen as laying the basis for a renewed Geneva process.”⁸¹ “Astana must

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bring forth Geneva and vice versa. That is why the United Nations will be in Tehran and Astana, and provide whatever technical support it can to what we consider a very important step,” he told the UNSC after Astana III.⁸² On Astana IV, “In my modest opinion, Astana produced a promising step — a memorandum between the three guarantors on the creation of de-escalation zones...[whose] precise areas and ambit will become clear only when the guarantors complete the extremely important so-called mapping process... We should therefore urge together the ceasefire guarantors to address those details quickly, diligently and fairly within the time frame they themselves stipulated in the memorandum.”⁸³ “From the point of view of the sponsors of Astana, de Mistura’s role was to lend it international legitimacy,” said Rabbani. “And I don’t think he realized that he was basically blessing his own irrelevance.”⁸⁴

Yet he continued to work for collaboration between the competing processes. In November 2017, before Astana V and Geneva VII, both of which he attended, he told the UNSC, “The UN team continues to stand ready to provide technical advice, whenever and wherever needed. Because we need a success in Astana, as Astana desperately needs a success in the Geneva political process in order to consolidate what we are all trying to do. Let’s give de-escalation efforts a fair chance to succeed...”⁸⁵ Preparing for Geneva VIII, “the ideal trajectory over the coming two weeks would be: progress in Astana [V] on 4-5 July; then a further set of joint technical expert meetings with the opposition groups in the same week; and then a continued discussion and dialogue hopefully among international stakeholders... And all this in support of both the Astana de-escalation efforts and the intra-Syrian Geneva-based political process. I hope that a combination of these elements would help shape an environment conducive for the next round of intra-Syrian talks in Geneva in the months to come, and bring us one step forward on the journey towards our shared goal of implementing the resolutions of this Council, in particular 2254.”⁸⁶

As the attempts at negotiation continued, he urged a more active merger of the processes. After Astana VI, he reported, “The Astana effort should be seen as laying the basis for a renewed Geneva process... the time has come for the focus to return to Geneva, and the intra-Syrian talks under the auspices of the United Nations – yourselves. That is the only forum in which the transitional political process envisaged by this Council in resolution 2254 can be developed with the Syrian parties themselves, with the full legitimacy that the UN provides and the backing of the international community.”⁸⁷ Again, in September before Geneva VIII and Astana VII, he worked with Saudi Arabia to unite the opposition delegation, but he spoke more insistently. “The Astana effort should be seen as laying the basis for a renewed Geneva process”⁸⁸ He briefed the Security Council. “So the next Astana meeting should focus on putting the existing arrangements back on track... you [the UN Security Council] have solely mandated the United Nations, [...] to advance the intra-Syrian political negotiation process for a political solution to the conflict – and no one else.”⁸⁹

After the Congress on National Dialog at the end of January 2018, de Mistura explained to the UNSC his decision to attend the rival meeting (opening session only, since all non-Syrians except Russian Minister Lavrov were excluded): “It was a carefully considered decision, made after special consultations in Vienna with the Syrian parties and with the Russian Federation — and not just by me, but involving the Secretary-General himself, too. Based on those consultations, the United Nations had reason to believe that Sochi would contribute to accelerating the Geneva process.”⁹⁰ “We pressed the Astana guarantors at that meeting and before to make progress on the crucial issue, which to us, is one of the main reasons we attend meetings in Astana,” he told the UNSC in February 2018.

De Mistura’s technical team participated in the first meeting of the Working Group on detainees and missing persons that took place in Astana in March.; “the issue ... was first raised in Astana a year ago and, sadly, no concrete progress has been

made so far.”⁹¹ By May “the outcome has been zero.”⁹² Six weeks after the National Dialogue Congress in Sochi, de Mistura had not yet received the complete inputs on the pool of candidates for a constitutional committee developed in Sochi, from the three guarantors. He reiterated that the government of Syria continued to refuse to engage on the committee’s formation, and in consultations he raised the possibility of establishing interim arrangements and timelines to begin its work. “We have never had for any length of time a nation-wide ceasefire or confidence-building measures that [had] been asked for in resolution 2254.”⁹³ At the end of November, De Mistura announced that he would step down as SESG for family reasons.⁹⁴ Astana XII continued in late April and July 2019, after de Mistura’s tenure was ended, and reached no agreement even among the host trio on basic issues.⁹⁵

What Went Wrong?

Staffan de Mistura was the longest serving of the three Special Envoys—four years and four months, more than twice the terms of his predecessors combined. He was persistent, active, imaginative, and innovative, and diligently optimistic. He continually consulted a wide range of parties—even after he was refused entry by Asad; he engaged in rival processes to manage the conflict; and he reported comprehensively to the UN Security Council, his mandator. He had a number of good ideas, for another context. His “living principles” were like declaiming the Sermon on the Mount to the fleets in Caesar’s battle of the Nile. Yet the initiatives left a legacy that will be helpful elsewhere, if not in Syria. His constitutional emphasis and the balanced committee which caused him much trouble are necessary procedural steps in the transition process; his local ceasefires can be the undergirding foundation on which a conflict management superstructure rests; and his informal discussions sessions can air ideas and plumb differences that formal debates could not yet take on. But in Syria, they ignored the structure and evolution of the conflict.

De Mistura started with the assumption that neither side could win. Unfortunately, the assumption was not shared by the parties. The Special Envoy seems to have spent little time on ripening the parties' perceptions of their situation, like his predecessors, but instead tried to move ahead working on procedures as if ripeness had occurred. De Mistura's initiatives, which to varying extents focused on lower level actions to circumvent, assist, or parallel upper level (in)action, fell into the same swamp of delay and resistance that characterized the cease-fires and the Geneva processes. Geneva was an exercise in repeated failure but the alternative process under new ownership at Astana, after two and a half years, fell before the same internal wrangling among the conflicting parties and their patrons.

The Special Envoy never had control of the Geneva-mandated process of establishing a Syrian transition, but he at least worked within the successive UN Security Council resolutions as his appointed assignment. When an alternative process was established, it undermined the Geneva process and left the Special Envoy outside of its competitor that was designed to replace its inactivity.⁹⁶ The Special Envoy's increasing efforts to assert the continuing viability and predominance of Geneva and his instructions to Astana via the Security Council were sad and desperate attempts to reassert control of the process. If Syrian obstructionism and refusal to accept any role for either peace process in the establishment of a constitution was the insurmountable obstacle to any movement, it was made possible by the dereliction of the Security Council members to support their Special Envoy. He was sent on a diplomatic suicide mission.

Conclusion and Lessons

What were the techniques, styles, strategies of the mediators against the challenges they faced, and what lessons can be learned for mediation? Annan focused on developing the guidelines for a way out of the conflict, which were necessarily ambiguous in order to achieve a consensus even among the limited number of subscribers. Brahimi strove to get them implemented

and put into practice, which brought to light the very details of dispute that had been hidden to achieve passage. His job was necessarily long, and further prolonged by the chemical weapons interruption, which paradoxically further strengthened and legitimized the regime. Longer still than the first two combined, de Mistura's activities followed a number of strategies, from spreading local ceasefires to pressing for a constitutional committee to reviving the Geneva process many times. But they all fell apart and the new Astana process set up by the spoilers—Russia, Iran, Turkey—was also stopped short of any substantive progress at the hands of the Syrian government they supported.

Mandate: The mediators appeared to have broad mandates, enjoyed high prestige, and faced no competing mediation missions until the end. Yet the members of the mandating agency did not follow through with support for the mediators' efforts. The mediators' reaction was to appeal to the UNSC to support its own mandate. Annan set up an Action Group on Syria to translate his plan into the Geneva Communiqué; it was not endorsed by the UNSC until two years later in a different context (chemical weapons), but it became a permanent template for settlement of the conflict. De Mistura pleaded to the UNSC to back its own Geneva process against the Astana rival.

Syria's ability to obstruct the whole process and to refuse to accept any role for either Geneva or Astana in the establishment of a constitution was the insurmountable obstacle to any movement and was made possible by the dereliction of the Security Council members in not supporting the mandate. Only Russia had the means to persuade Syria to accept the all-Syrian process organized in the Constitutional Committee that de Mistura had worked to set up, and if the Astana process made any progress, it was because a mandator—Russia—put its diplomatic weight behind it.

Entry: The fact that the objective conditions of stalemate were at no time more than superficially felt by both parties and

their supporters as a mutually hurting stalemate meant that the conflict was simply not ripe for effective mediation, and any strategy for ripening it ran the risk of having the ripener declared mediator non grata, as happened to all three. While cultivating the parties' perception of a hurting stalemate, mediators must keep the ear of the parties, not getting too far ahead or leaning too heavily on them. Rather, a stable, self-serving—although scarcely soft—stalemate took hold in which the warring sides believed negotiations to be more and protracted stalling less costly for them than continuing a war, and the mediator was never able to turn entry into participation in the process.

Annan's principles failed, in good part because the two sides had not yet tested their relative capacities in all out combat. Brahimi tried but was unable to shake the various parties' illusion of military victory, and neither wanted negotiation that would require incorporating the other side in a settlement. Working through the Great Power sponsors, the mediators were only able to drag the conflicting parties "kicking and screaming," in Brahimi's words,⁹⁷ to Geneva II to IX. De Mistura too started with the assumption that neither side could win but then tried to move ahead by working on procedures as if ripeness had occurred. He tried to walk around the absence of ripeness with his "new" approaches and his 12 living principles; as a result he lost control of the process.

As the conflict continued, the Syrian government began to have objective evidence that it could indeed win, with Russian help, while the opposition continued to cling to the conviction that it could not afford to lose, and on that basis continued to squabble among itself. While Annan and Brahimi called off their respective Geneva sessions, de Mistura did the contrary and pursued six more Geneva sessions with no effect except to keep the rival Astana process company.

Strategy: After detailed canvasses of the three levels of actors, the mediators soon felt that the positions of the first and second circles were so firmly locked in that the only level on

which to operate was the third, on US-Russian relations. They figured that if the interests of the top of the layers could be brought into sync and if that layer could be brought to unhook its interests from those of the lower two levels, the latter would be obliged to come along. However, there was a catch-22 in the circle of choices: the outer circle members had their interests in not moving, and they were able to hide behind the intransigence of the inner circle parties, who were in turn strengthened by the intransigence of the outer circle. They believed the Russians saw Asad's course as unsustainable, and sought to convince Russia that if it became co-manager of a peaceful power transition under the Annan plan, it could preserve the Syrian state and Russian influence in it (which is, ironically what happened under different circumstances after the three mediators had left).⁹⁸ Annan and Brahimi arguably overestimated Russian leverage over the Asad regime (or Russian desire to use that leverage) and the course of the Astana process showed the inability of Russia to deliver during de Mistura's tenure. Asad and Putin were hiding behind each other.

All three mediators used ceasefires in an effort to bring some initial flexibility into the positions. As Brahimi explained, there are two type of ceasefire—from a war perspective to evacuate civilians without affecting ongoing hostilities and in a peace perspective to provide a breathing time or space in the conflict. Twice (Annan and Brahimi) they saw a ceasefire in a war context as a conflict management action to evacuate civilians; de Mistura's *tache d'huile*, or creeping freeze tactic of the second type, was to expand islands of peace into large areas but it turned into the first type after 2015 and was simply savaged by the Syrian government. The first had a humanitarian purpose, to save innocent civilians from being casualties, but also a strategic one, to shame the combatants. The one outcome of Geneva II was the Syrian release of 6,000 women and children; for Brahimi the measure was a recognition “that you cannot start negotiations about Syria without having some discussions about the very, very bad humanitarian situation.”⁹⁹ That fact—or observation—

was recognition of the inherent limits on Syrian shame, and participation.

Critics who criticized the choice of focus confuse the ideal situation with the real context: The parties of the first level were locked in an existential perception of the conflict, both believing not only that they could, but that they had to hold out. Asad was not moving, the opposition was at sixes and sevens (literally), and none of the three SESGs had the leverage to move either party. Had Russia not entered the fray in 2015, Asad would have been in a much weaker position but would most likely hold on as long as he could. He felt he *dare* not lose. Everyone in the conflict felt it was there for the right reasons, and was interested in managing or resolving only on its own terms.

The mediators were also criticized for not leaning on the regional powers who gave the parties the resources and encouragement to continue the fight. Annan vainly tried to get the Saudis and Qataris invested in his plan; Turkey, although invited to the Geneva I conclave, urged its clients in the Syrian National Council to reject the Communiqué. The fact that the succession of plans—Arab League, Annan Principles, Geneva Communiqué, Clinton-Lavrov, Kerry-Lavrov—were very similar potentially offered the Arab states, the source of the original plan, a chance to unite behind the mediator to bring the two Syrian sides together. For multiple reasons, the second level states preferred sticking with their clients and so fell prey to the same inaction as the first level. De Mistura was able to convince second level states, notably Saudi Arabia, to bring the disparate opposition together behind a list of constitutional commission members, a tiny important procedural step.

From the point of view of mediation theory, the UN attempts had two faults. A general rule of thumb of negotiation is that one should not demand as a precondition what one hopes to gain in negotiation. To do so would remove an item of exchange for the other party. All mediators urged a relaxation of the precondition that Asad had to go and should have no part in a

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negotiated settlement before negotiations could begin. The demand was shot down by a precondition from Asad's side, and the two preconditions blocked each other. De Mistura did not even try to break open the block.

The UN mediation was one of two types: for reconciliation and for transition. The aim of the Syrian mediation, in crude terms, was to engineer regime change and the replacement of the Asad regime. Strict evenhandedness (Impartiality, *Guidance*, 10-11) is required for the first, a certain direction for the second. Yet even mediation for transition requires a fair and balanced treatment of the parties; Asad did not feel that he received such, and he took the efforts to create a realization of a hurting stalemate as proof of bias.

Inclusivity: Inclusivity was a major thrust for Brahimi, perhaps more than for Annan or de Mistura. Inclusivity meant all the second and third level factions, or at least those capable of disrupting an agreement if left out, but the more parties were to be brought in, the more agreement becomes difficult. It also meant bringing in Iran on the second level. The test of inclusivity is practical: whether any excluded party can disrupt an agreement or whether an included party can prevent an agreement. At Geneva I, the excluded parties on the third and second levels did not prevent a useful agreement in the Communiqué but were needed to complement it with agreement on the details and on its implementation, which even the included parties could not agree on. Through Geneva II until the signing of the Joint Comprehensive Plan of Action (JCPOA), the US was firmly opposed to full Iranian participation. By the time of de Mistura, Iran was included in the rival process.

Since no party really believed that there was "no military solution", it was a mistake to go to Geneva II. As Brahimi summarized with inside insight, everyone was under pressure to just "do something, but we went to Geneva II with very little conviction that it would lead anywhere. The government was clear [as] daylight in August that they were only there because of the

Russians and did nothing but parrot the claim that the opposition were terrorists. The opposition...didn't represent anybody; for them, getting rid of al-Asad would resolve all issues... The players still think of military solutions and nobody is exhausted to such an extent as to accept a mediator voluntarily, the only thing that the UN can offer. It was very different in Taif [on Lebanon in 1989] when the warring parties welcomed any suggestion by a mediator because they wanted to end it.”

All of the UN mediators made busy use of their staffs to continue contacts that they themselves were unable to continue (in Brahimi's and de Mistura's case because Asad refused to see them and left contacts to their staffs). All faced strong dissidence at some point from their staffs, although a common thread other than personality is hard to discern. Brahimi had his Nasir al-Qidwa, who left in disagreement over approaches. In his first year, de Mistura lost his political director Mouin Rabbani in a damaging outburst.¹⁰⁰

Leverage: In this situation, the substantive leverage available to the mediators over the parties' positions on any level was minimal; the most available was procedural leverage, urging the conflicting parties to attend Geneva to defend those positions. Media reports continually used the term “urged” to capture the means of influence of the mediators. Without the means to threaten or promise, the mediators were reduced to warnings and predictions. The extremely high costs imposed on the population, who remained voiceless and unrepresented, were cited but ineffectively. Annan had no leverage to bring the neighbors into his plan, only persuasion, which had no weight, and his successors had none either; only states on the other two levels had leverage. The lack of leverage took its toll on the mediators as well, who took on the job with no illusions. Annan resigned after five months, Brahimi after seven and then eighteen months, de Mistura was disillusioned at a number of points but persisted doggedly with patience and pathos.

One could argue that engagement with the regime could,

in principle, have shifted its calculations toward compliance. Annan had deliberately framed his initiative as a “Syrian-led” political process” to avoid raising a regime defensive reaction against encroachment on its sovereignty. To more fully incentivize the regime to cooperate it might have been allowed more input into the shaping of the 6-point plan. Part of the Annan plan envisioned the regime appointing an interlocutor to negotiate the precise nature of the transitional executive to which full powers were to be transferred (although Annan himself was such an interlocutor); but discussions which Annan planned as his next step were aborted by the Houla massacre. The Syrian government could have been invited to Geneva I; not having been invited Asad was not invested in the outcome: he told Annan “it’s not my thing. I was not there.” For Annan and Brahimi, Asad refused to discuss any plan that provided for his departure. By the time of de Mistura, Syria refused to involve any foreigners in discussion of its future. That ended whatever was left of UN mediation.

In sum, arguably the regime was unshakably committed to a strategy of survival and was uninterested in negotiating as long as it did not have to. By 2012, it had Russian military support, which only grew in the following years. The diplomatic game was played for diplomatic purposes, not to find a solution. As Brahimi remarked to the government delegation: “I’m sure that your instructions were: ‘Go to Geneva, only don’t make any concessions, don’t discuss anything seriously.’”¹⁰¹ Thus, getting any movement depended on changing the regime’s estimate on the chances of holding out, and as their own unassisted ability weakened, that was in Russia’s hands, not the mediators’. It was Russia that had leverage, not the UN Secretary-General’s Personal Envoys. Arguably, the US could have had leverage too, if it had chosen to use it. The opposition was bound by a compound fear of their opponent: they feared the government’s centralized coherence in the face of their own disorder and the government’s duplicity in all its past offers of reforms and elections, and so were unwilling to run any risks. Without leverage of his own,

without support from the mandators, without the means to ripen an unripe (and further unripening) situation, there was little that a UN mediator could do except urge. The Personal Envoys' failure was the Security Council's failure, and more broadly, in terms of its own mission, the UN's failure.

One can propose many alternatives, out of context, and many critics have done so. They all run up against the situation on the ground, or the mediators' experiential reading of it, operatively the same thing, which is authoritative. The mediators enjoyed the highest prestige and a finely-honed sense of persuasion. They cultivated and counted on the Great Powers' felt need for an end to the conflict and they laid out a process that could have taken them there. But the locals did not see it that way; they did not and indeed dared not see a process to be shared with the other side, and in this view they entrapped their patrons. The mediators urged hard—incredibly hard and patiently against obvious odds—but deep underneath the parties were not interested and their patrons buttressed their disinterest.

¹ This article is part of the Uppsala University Conflict Prevention and Resolution project on Mediation in the Arab World which it will

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² Gair Pederson has been appointed as the fourth UNS-G Personal Envoy but the conditions are different from those of the first three—and his tenure has been so short as of present writing—that he is not included in this analysis.

³ United Nations, *Guidance for Effective Mediation* (New York, NY, 2012); henceforth *Guidance*. For conceptual discussions of mediation, see Jacob Bercowitz, "Mediation and Conflict Resolution" in *SAGE Handbook on Conflict Resolution*, edited by Jacob Bercovitch, Victor Kremenyuk, and I. William Zartman (Thousand Oaks, CA: SAGE, 2009); I. William Zartman and Saadia Touval, "International Mediation," in *Leashing the Dogs of War*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: USIP, 2007); Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, eds., *Herding Cats: Multiparty Mediation in a Complex World* (Washington, DC: USIP, 1999); Mohammed O. Maundi, et al., *Getting In: Mediators' Entry into the Settlement of African Conflicts* (Washington, DC: USIP, 2006); I. William Zartman, *Preventing Deadly Conflict* (Malden, MA: Polity Press, 2015).

⁴ Victor Kremenyuk, ed. *Negotiation Analysis* (Jossey-Bass, 2002).

⁵ *Guidance*, 6-7.

⁶ *Ibid.*, 11-12; 18-19.

⁷ Sylvie Mahieu, "When Should Mediators Interrupt a Civil War? The Best Timing for a Ceasefire," *International Negotiation*, 12:2 (2007): 207-28.

⁸ *Guidance*, 8-9.

⁹ I. William Zartman, and Alvaro de Soto, *Timing Mediation Initiatives* (Washington DC: USIP, 2010).

¹⁰ Marc Lynch, "The Political Science of Syria's War," *Project on Middle East Political Science*, briefing no. 22, 2013.

¹¹ Quoted on the BBC March 11, 2012.

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