

**ENGAGING SYRIA? U.S. CONSTRAINTS
AND OPPORTUNITIES**

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ENGAGING SYRIA? U.S. CONSTRAINTS AND OPPORTUNITIES

EXECUTIVE SUMMARY

Candidate Obama pledged that his Middle East policy would include re-engagement with Syria; President Obama will find that the past is not easily overcome. The reasons behind his vow remain pertinent. Syria holds important cards in Lebanon, Iraq and Palestine, is Iran's most important Arab ally and has substantial influence over Hamas and Hizbollah. There are indications of potential common ground on which to build, from resuming Israeli-Syrian negotiations, to consolidating progress in Iraq to blunting the rise of jihadi militancy and sectarianism. But significant obstacles to healthy, mutually beneficial relations remain, along with a legacy of estrangement and distrust. They dictate the need for a prudent approach that seeks first to rebuild ties and restore confidence. It will be critical to reassure Damascus that the U.S. is interested in improving relations and resolving the Israeli-Arab conflict, not in regime change. It is also equally critical not to compromise on core principles such as Lebanon's sovereignty or the integrity of the international tribunal investigating the assassination of former Prime Minister Rafiq Hariri.

President Bush's policy was premised on the belief that isolation and pressure would lead to substantial changes in Syrian behaviour. It failed on both counts. The policy crumbled, and the sought-after behavioural changes never truly materialised. Awareness of this outcome, coupled with Senator Obama's own conviction that engagement – far from being a sign of weakness – was the mark of diplomatic strength, formed the backdrop to his campaign pledge and is likely to inform his presidential policy. The question no longer is whether to engage Syria but how.

That is where the hard part begins, for engagement is easier said than done. Although the open hostility witnessed under the Bush administration was an anomaly in U.S.-Syrian relations, the ordinary state of affairs hardly has been the reverse. Even prior to the Bush presidency, whether under President Clinton or his predecessors, the relationship had been problematic, marked by disagreement as much as dialogue. From Washington's perspective, Syria continued to support militant Palestinian and Lebanese groups; from Damas-

cus's, the U.S. continued to harbour a regional agenda inconsistent with its own aspirations and interests. In short, while breaking with the Bush legacy is part of the solution, simply reverting to what preceded it is not.

Nor, even if it were advisable, would it be possible to rewind the tape. The last eight years have left their imprint in several, at times indelible ways. The legacy is threefold. First is the web of legal or administrative measures aimed at Syria. These include an array of binding UN Security Council resolutions related to Damascus's role in Lebanon, the establishment of the international tribunal regarding the Hariri assassination and an assortment of U.S. economic sanctions. They undoubtedly will continue to shape U.S.-Syrian relations; for the most part, their relaxation will occur, if at all, as a by-product of improved relations rather than as a means of achieving them.

Secondly, U.S. policy has deepened estrangement between the two countries. As Washington recalled its ambassador, downgraded its representation in Damascus and shunned routine encounters with Syrian representatives, Damascus responded by boycotting what remained of the U.S. embassy. Syria has undergone significant change since the U.S. last had sustained interaction. It will take time for policy-makers to come to terms with transformations in the regime's governance style, power structure, threat perceptions, regional positioning and socio-economic constraints. A policy shift will be all the more difficult to undertake as these years coincided with a hardening of public and congressional attitudes toward Syria that inevitably will influence the new team. Most of the president's advisers, although in favour of a policy of engagement, bore witness to Syrian action in Iraq and Lebanon, are sceptical about the nature of the regime, question prospects for a genuine shift in its regional posture and sense that Damascus is more likely to move when ignored than when courted.

A third constraint stems from changes in the regional landscape. The Iraq invasion fuelled sectarian tensions and boosted Iran's influence; neglect and mismanagement of the Arab-Israeli conflict bolstered Palestinian

and other rejectionists; Lebanon's polarisation and the 2006 war enhanced Hizbollah's influence; attempts to isolate Syria strengthened its ties to Iran; jihadi militancy is on the rise; and the Arab world is as divided as ever. The net result will be to complicate any putative Syrian strategic repositioning.

But there are promising signs, too. For several reasons – most having little or nothing to do with the U.S. – Damascus appears to be softening its posture on Iraq and Lebanon, undertaking at least some effort to control its border with the former while establishing diplomatic relations with the latter. Talks with Israel, although halted due to the war in Gaza and the elections in Israel, might well resume with U.S. participation. Relations with Turkey have become a central element of Syrian foreign policy, offsetting Iran's exclusive influence and providing Ankara with real leverage. Signs of unease already can be detected in Syrian-Iranian relations; with patience and deft management, they might be substantially transformed.

How the two sides first engage one another will be critical; mistakes, miscalculations or mismatched expectations could do significant damage. In this, the second of three companion reports, Crisis Group examines in greater depth the last eight years' legacy, drawing lessons for the new administration's Syria policy. It concludes that, in order to pave the way for a more fruitful relationship, the U.S. early on should take the following steps:

- Clearly articulate a set of guiding core principles, including:
 - support for and participation in renewed peace negotiations on all tracks;
 - consistent with past Israeli-Syrian negotiations, any final agreement should entail full Israeli with-

drawal from the Golan Heights, firm security arrangements and the establishment of normal, peaceful bilateral relations;

- no arrangement or compromise over the international tribunal or Lebanon's sovereignty;
 - respect for such international norms should not be read as a desire to destabilise or change Syria's regime; and
 - open acknowledgment of positive Syrian measures.
- Set in place effective channels of communication, by:
 - nominating an ambassador;
 - requesting that Syria treat U.S. diplomats respectfully and doing likewise with Syrian diplomats posted in the U.S.;
 - establishing a privileged, personal and direct channel between President Obama and President Assad, possible through Middle East Peace Envoy George Mitchell; and
 - conducting a relatively early visit by a high-level U.S. military official in order to establish U.S.-Syrian-Iraqi security cooperation.
 - Carefully rethink sanctions in line with clear policy objectives, streamline licensing procedures and loosen restrictions on humanitarian or public safety grounds, such as for medical items or civil aviation-related goods to help replace an ageing and dangerous national fleet.

The initial briefing in this series described lessons from the French experience at re-engagement with Syria. The third and final report will consider evolutions on the Syrian side and propose broader policy recommendations for Washington and Damascus.

**Damascus/Washington/Brussels,
11 February 2009**

ENGAGING SYRIA? U.S. CONSTRAINTS AND OPPORTUNITIES

I. INTRODUCTION: CYCLES OF ENGAGEMENT AND CONFRONTATION¹

During his presidential campaign, Barack Obama made clear he rejected the Bush administration's equation of engagement with weakness and openly called for resumption of high-level, sustained contacts with Syria.² Today, that position has become relatively uncontroversial in U.S. policy circles. Improving relations with Damascus is now seen as necessary, mainly because it is viewed as having regional ripple effects – in Iraq, in Lebanon as well as in relation to Iran and the Arab-Israeli conflict.

Yet, even as it seeks to turn its back on the Bush legacy, the Obama administration will find it cannot turn toward that of Clinton or any of his predecessors. Even then, relations were far from smooth or fully functional. Rather, in seeking to pressure the U.S. to take account of its interests, Damascus has tended to adopt policies viewed as hostile by Washington; likewise, U.S. attempts to promote its core concerns typically have antagonised Syria.³ Under President Clinton's administration, relations were sustained but rarely healthy; the two countries interacted frequently, even as Syria remained on the U.S. list of state sponsors of terrorism and even as America figured prominently in Syrian pronouncements as a dangerous foe. In short, engagement and pressure have been two sides of the same coin, alternating answers to the unresolved dilemmas of a conflict-ridden rapport.⁴

Over the past decades, U.S.-Syrian relations rarely have known prolonged tranquillity. They have witnessed cycles of engagement, cycles of confrontation and, for the most part, cycles that blended the two. They evolved against the backdrop of often competing interests: America's rivalry with the Soviet Union for influence in the Middle East, pursuit of Arab-Israeli peace and conflict with hostile states (Iraq and Iran) on the one hand; Damascus's efforts to protect its regime, regional role and influence in the Lebanese and Palestinian arenas, as well as to recover the Golan Heights on the other.

Nor is the Bush administration the first or only one to have failed to meet its objectives. During the Cold War and especially in the aftermath of the October 1973 Arab-Israeli war, the U.S. sought to counter Soviet influence and bring Syria and Israel to the negotiating table. In this, it registered only mixed success, the most notable achievement being the 1974 disengagement agreement.⁵ During the 1990s, the peace process brought Israel and Syria to the negotiating table and came close to a breakthrough. There again, however, the end result fell significantly short of expectations.

ers' infiltration into Iraq is another. Provision of weapons to Hizbollah is a major problem. And we have human rights, Palestinian groups, weapons of mass destruction and other issues". Crisis Group interview, U.S. official, Washington, April 2008. In his introduction to a recent report arguing for engagement with Syria, Richard Haass, a former official and current president of the Council on Foreign Relations, lists the many reasons for which Syria "more often than not represented a problem for U.S. foreign policy". See Mona Yacoubian and Scott Lasensky, "Dealing with Damascus: Seeking a Greater Return on U.S.-Syria Relations", Council on Foreign Relations report no. 33, June 2008. A Syrian official offered this analysis: "The Bush era was worse than usual. Relations have been going through different phases, sometimes smooth, sometimes tough. You turn a page, and you turn it again. But since Bush took over, it's been stable, negatively stable". Crisis Group interview, Syrian official, Damascus, November 2007.

⁵The agreement, signed on 31 May 1974 in the wake of the 1973 Israeli-Arab war, created an area of separation between Syria and Israel, established two equal zones of limited forces and armaments on both sides of that area and called for a United Nations observer force (UNDOF) to supervise implementation.

¹This report should be read as a companion to Crisis Group Middle East Briefing N°27, *Engaging Syria? Lessons from the French Experience*, 15 January 2009. A third and final study in the series will look at evolutions on the Syrian side and propose a broader set of recommendations for Washington and Damascus.

²See, e.g. his interview in *The Jerusalem Post*, 24 July 2008.

³See Crisis Group Middle East Report N°23, *Syria Under Bashar (I): Foreign Policy Challenges*, 11 February 2004, p. 2.

⁴This is stressed by U.S. analysts and officials alike. "Our relations with Syria are determined by a broad range of problems. Obviously Lebanon is one of them. Facilitation of fight-

Throughout the years, the U.S. deployed various combinations of carrots and sticks, again with uncertain results. Syria was added to the list of state sponsors of terrorism in 1979,⁶ joining, among regional states, Libya, Iraq and South Yemen in response to its hosting of militant Palestinian groups.⁷ This in turn triggered a series of sanctions, notably a ban on economic assistance and the export of so-called dual-use items (civilian goods susceptible to military usage). Diplomatic relations also experienced ebbs and flows. In 1986, Washington withdrew its ambassador, based on evidence of direct Syrian involvement in an attempt to blow up an Israeli airliner, and banned all military equipment sales.⁸ The U.S. eventually returned its ambassador the following year, after Syria expelled the Abu Nidal Organisation⁹ and helped secure the release of an American hostage held in Lebanon.¹⁰

In the 1990s bilateral relations progressed somewhat, due chiefly to shifts in both sides' strategic outlook. The Soviet Union's collapse led Syria to undertake a swift realignment;¹¹ for its part, the U.S. sensed an opportunity to resolve the Arab-Israeli conflict and value in doing so. A series of significant steps followed. Syria

⁶Current designated countries include Syria (1979), Cuba (1982), Iran (1984) and Sudan (1993). The list is reviewed annually by the State Department in accordance with Section 6(j) of the Export Administration Act of 1979, which requires, inter alia, the secretaries of Commerce and State to notify Congress before licensing goods or technology valued at more than \$7 million to countries determined to have supported international terrorism. See Jeremy M. Sharp, "Syria: U.S. Relations and Bilateral Issues", Congressional Research Service, 26 February 2008.

⁷Syria hosts the following groups (among other, less significant ones): George Habash's Popular Front for the Liberation of Palestine (PFLP, founded in 1967); Ahmad Jibril's Popular Front for the Liberation of Palestine-General Command (PFLP-GC, a splinter group born in 1969 and based in Damascus); Abu Musa's Fatah Intifada (a 1983 Fatah spin-off headquartered in Damascus); Hamas (founded in 1987, the political leadership of which moved to Syria after its expulsion from Jordan in 2000); and Palestinian Islamic Jihad (which emerged in the late 1970s and whose leadership also resides in Damascus).

⁸See Omnibus Diplomatic Security and Antiterrorism Act of 1986. Subsequent measures expanded the ban to cover all conventional military sales.

⁹Abu Nidal was the nom de guerre of a Palestinian leader turned mercenary, founder of a Fatah splinter group commonly known as the Abu Nidal Organisation.

¹⁰"Background Note: Syria", State Department Bureau of Near Eastern Affairs, May 2007, at www.state.gov/r/pa/ei/bgn/3580.htm.

¹¹A Syrian historian commented that "Syria-U.S. relations went through a honeymoon in the 1990s due to Syria's need to compensate for the loss of its Soviet ally". Presentation attended by Crisis Group, Damascus, May 2007.

joined the U.S.-led coalition in the 1991 war against Iraq, and Washington acquiesced in its military presence in Lebanon. In short order, the U.S. persuaded Syria to participate in the October 1991 Madrid peace conference, which brought Syrian and Israeli officials around the same table. In subsequent years, Israel and Syria engaged in U.S.-sponsored negotiations, which were punctuated by repeated visits to Damascus by senior American officials.¹² Private sector cooperation peaked, culminating in the 1998 award of a \$430 million gas project in eastern Syria to the U.S. energy giant ConocoPhillips (in conjunction with France's Total).¹³

Syria remained on the terrorism list, and the U.S. maintained its sanctions, but participation in the peace process spared Damascus from overt pressure on other issues of concern, such as support for Hizbollah and militant Palestinian groups – matters whose resolution the U.S. administration presumed would occur in the context of a peace accord.¹⁴ That frame of mind would radically alter due to failure of the 26 March 2000 Geneva summit between Presidents Hafez al-Assad¹⁵ and Bill Clinton (which ended the Israeli-Syrian track, at least temporarily; George W. Bush's election as president (under whose administration Arab-Israeli peace lost its centrality); and the 11 September 2001 attack which placed the fight against terrorism at the top of U.S. priorities.

The 11 September 2001 attacks initially appeared capable of repairing strained bilateral ties. Immediately thereafter, Syria provided the U.S. with what the administration considered valuable intelligence.¹⁶ In

¹²Contrasting the meagre efforts deployed by the Bush administration in preparation for the November 2007 Annapolis conference to the intense shuttle diplomacy during the Bush senior and Clinton eras, a Syrian official said, "[Secretary of State] James Baker came to Damascus 33 times in the context of Madrid, and Warren Christopher [secretary of state from January 1993 to January 1997] came 23 times: this is the kind of commitment the U.S. needs to show if there is to be real progress in the peace process". Crisis Group interview, Syrian diplomat, November 2007.

¹³The project, completed in September 2001, allowed most Syrian power stations to switch from oil to gas, making more Syrian oil available for export – an economic lifeline. Upon completion, ConocoPhillips signed a four-year agreement to operate the project. The company announced in February 2004 that it was ending its operations in Syria due to tightening sanctions. "ConocoPhillips to end local operations", *Middle East Economic Digest*, 20 February 2004.

¹⁴Presentation by a former U.S. official attended by Crisis Group, Damascus, May 2007.

¹⁵The late father of Syria's current president, Bashar al-Assad.

¹⁶Syria reportedly provided intelligence stemming from its interrogations of a German-Syrian national, Muhammad Haydar Zammar, suspected of playing a role in the 11 September

October 2001, the U.S. acquiesced in Syria's UN Security Council membership, despite reported Israeli misgivings.¹⁷ In March 2002, the administration opposed congressional efforts to pass the "Syria Accountability and Lebanese Sovereignty Restoration Act" (SALSA), which outlined a series of additional economic and political sanctions.¹⁸

In the longer term, however, by shifting the emphasis to the fight against terrorism, the attacks put an end to any prior complacency toward the regime's support for militant groups. Washington soon placed Syria before a clear-cut choice: either stop supporting them or forget about a productive bilateral relationship. Changes in Syrian policy toward Hizbollah and other armed groups became a condition for engagement rather than its anticipated outcome.¹⁹ Syria's reaction, predictably, was negative. According to a Syrian analyst, "there was a feeling that 9/11 would bring the U.S. and Syria closer. But the stumbling block was the Bush administration's

attacks. Damascus also reportedly provided information on Muhammad Atta, one of those directly involved in the World Trade Centre attack, who worked in Aleppo in the 1990s, as well as on Mamun Darkazanli, a Syrian businessman said to have served as a financial conduit to al-Qaeda members. See Crisis Group Report, *Syria Under Bashar (I)*, op. cit. In 2002, State Department officials acknowledged that Syrian intelligence cooperation "helped save American lives". Gary C. Gambill, "The American-Syrian Crisis and the End of Constructive Engagement", *Middle East Intelligence Bulletin*, vol. 5, no. 5, April 2003.

¹⁷ See, e.g., *Haaretz*, 9 March and 10 April 2001.

¹⁸ The draft legislation required the president to impose penalties on Syria unless it ceased support for international terrorist groups, ended its occupation of Lebanon and halted the development of weapons of mass destruction.

¹⁹ Asked if Syria would be offered incentives to encourage a change of behaviour, Secretary of State Colin Powell enumerated the preconditions it would have to fulfil: "That all is something to be seen, to be examined in the future. Obviously, if their behavior changes and if they now show a willing attitude to work with our teams in Iraq, for example, to make sure they do nothing that undercuts in any way the efforts underway to build a new Iraq, with the government firmly in the hands of people who have been selected by their own citizens, if they are supportive of that effort, if they keep their borders sealed, if they don't harbor anybody who might be still trying to get out of Iraq. In other words, if they behave in a new and more positive way, and if they also do not play a spoiling role or allow others in Syria or Lebanon to play a spoiling role as we move forward down the [Israeli-Palestinian Roadmap for peace], then, obviously, there are advantages to them and there are new options on the table that might benefit them". ABC News, 4 May 2003. See also Crisis Group Report, *Syria Under Bashar (I)*, op. cit. pp. 3-4.

one-size-fits-all approach to Islamist groups, which lumped together movements like al-Qaeda and Hamas".²⁰

Matters worsened with the 2003 invasion of Iraq, made more ominous from Syria's perspective by its underlying – and barely concealed – ideological underpinning, the desire to reshape the region through forceful regime change. For the first time in many years, the two countries were striking at their respective core interests, the U.S. by challenging the regional status quo and Syria by obstructing America's plans in Iraq. Prior to the invasion, Syria flouted sanctions against Iraq, strong pressure from Washington notwithstanding;²¹ once the war began, state-chartered buses transported volunteers to fight in that country with considerable fanfare and publicity.²²

The U.S. responded in kind. On 18 June 2003, a U.S. military task force carried out a 25-mile incursion into Syrian territory in pursuit of a "convoy of SUVs, heading for Syria", based on intelligence suggesting it was "linked to senior fugitive Iraqi leaders".²³ In September, Undersecretary of State for Arms Control John Bolton testified before Congress about Syria's weapons of mass destruction program, against the U.S. intelligence community's desires.²⁴ When, on 5 October, Israel launched an air strike against an alleged Palestinian training camp outside Damascus (the first of its kind in 30 years) in retaliation for an Islamic Jihad suicide attack in Haifa that killed twenty people, President Bush justified the action on the ground that Israel "must do what is necessary to protect [itself]".²⁵ The next day, he added: "We could be doing the same thing".²⁶ On

²⁰ Presentation by a Syrian analyst attended by Crisis Group, Damascus, May 2007.

²¹ "Powell came to us in 2002 to say the U.S. considered our use of the Iraqi-Syrian pipeline a red line. At the time the Turks were making \$2 billion a year thanks to oil smuggling from Iraq. The Jordanians earned as much from their deal with Saddam. The Emirates and Iran also derived huge benefits from smuggling. But the U.S. only saw Syria as a wrongdoer. And then they accuse us of being dishonest!" Crisis Group interview, adviser to President Assad, Damascus, May 2008.

²² Syrian actions were often brazen: the regime allowed volunteers seeking to fight the U.S.-led coalition to gather in front of the Iraqi embassy, located across from the U.S. embassy, and the Syrian mufti, the most senior state-appointed cleric, formally endorsed holy war against the invaders.

²³ *The Washington Times*, 17 July 2003.

²⁴ See, e.g., Crisis Group Report, *Syria Under Bashar (I)*, op. cit., p. 22.

²⁵ "President discusses National Economic Security in Cabinet Meeting", The White House, 7 October 2003. The air strike was on a camp 25 kilometres from Damascus. No one was killed. Syria and Islamic Jihad denied it was used for training. *The Daily Star*, 6 October 2003.

²⁶ Cited by the Associated Press, 7 October 2003.

11 December, the president signed the Syria Accountability and Lebanese Sovereignty Restoration Act into law.

Further signalling a fundamental shift in policy, the U.S. actively opposed both Syria's military presence and its political interference in Lebanon, challenging an interest deemed vital by the regime. The February 2005 assassination of former Prime Minister Hariri, which the U.S. along with many others blamed on Syria, further heightened tensions. Having secured the withdrawal of Syrian troops, Washington threw its weight behind the anti-Syrian March 14 coalition, strongly backed the UN probe into Hariri's murder and, later, fully backed Israel's 2006 war targeting Hizbollah. Throughout this period, a series of political assassinations and security incidents took place in Lebanon; Syria's hand was widely suspected.

As confrontation escalated, communication broke down. The U.S. withdrew its ambassador in February 2005, limited its contacts with Syria's envoy to Washington and issued a list of non-prioritised demands without specifying any potential incentives or rewards.²⁷ Syria, consistent with a long tradition, made unpersuasive promises and half-hearted concessions designed to release pressure, all the while adhering to a rigid set of principles. For the U.S., the range of political and diplomatic options was reduced to one: pressure through isolation and sanctions,²⁸ while for Syria the goal became to resist and weather the storm.

There are clear lessons to be drawn for the U.S. from the past several decades, though more nuanced ones than often assumed. That the Bush administration's policy failed in meeting its core objective – fundamentally altering Syria's behaviour – is clear enough, as will be more fully discussed below. But the relationship was neither genuinely productive nor free of basic contradictions prior to that. A return to the past hardly is a recipe

for success; it would, instead, replace a narrow, ideological, ineffective policy with a muddled, inconsistent and equally ineffective one. As a Bush administration official put it, "the question is not isolation or engagement. It is: what will work? Past offers of engagement failed. And, we have to admit, so too did isolation".²⁹

²⁷ In May 2003, Powell purportedly told President Bashar al-Assad, "you can change your policy on Iraq and toward the Israeli-Palestinian conflict and join us in the anti-terrorism coalition.... Or you can continue in your ways and be left behind.... We will not beg you". Quoted in Crisis Group Report, *Syria Under Bashar (I)*, op. cit., p. 4. For a U.S. account of the meeting see, e.g., State Department press briefing, 3 May 2003, as quoted in www.globalsecurity.org/wmd/library/news/syria/2003/syria-030505-usia01.htm. A Syrian official commented that "Powell's way of treating us was simply unacceptable. He thought he could just dictate his demands to our president and be obeyed". Crisis Group interview, senior Baath party official, Damascus, June 2007.

²⁸ Looking back, a U.S. diplomat said, "the administration's policy was a test case of what can be achieved through sanctions and isolation". Crisis Group interview, Damascus, December 2008.

²⁹ Crisis Group interview, Washington, December 2008.

II. THE BUSH ADMINISTRATION: A BALANCE SHEET

The Bush administration employed three principal tools to alter Syrian behaviour: economic sanctions; multi-lateral political pressure; and democracy promotion.³⁰ Some successes notwithstanding, it is difficult to deny that the policy has failed. At the end of his tenure, a senior Bush administration official who strongly advocated this approach conceded, “the purpose of the policy was not isolation, it was a tactic to produce changes in Syrian policy. So, yes, we may have succeeded in ‘isolating’ Syria. But we did not change its policy in Iraq, in Lebanon, on Hizbollah or toward the Palestinians. We did not succeed”.³¹

This is not to say that Syria’s policy has not evolved. It has. In Iraq and Lebanon, Damascus altered its approach, in some ways consistent with American expectations. But there is no reason to believe – and ample reason to doubt – that the more significant changes resulted from U.S. policy. The lone exception, and it is not to be belittled, is Syria’s 2005 military withdrawal from Lebanon, which likely would not have occurred without strong U.S. and French efforts.³² Even in that case, however, Syria managed to perpetuate its influence through other, less direct means and continues to provide significant backing to Hizbollah. On other issues – notably relations with Iran and militant Palestinian groups – little has changed. Meanwhile, whatever boycott was imposed on Damascus is crumbling. Not a week goes by without some high-level European visit; most notably, France has now normalised its relations.

Along the way, Syria made some tactical concessions to the U.S.,³³ but these were far from momentous; per-

³⁰In 2004, Crisis Group wrote, “In the U.S., many prefer a policy of sticks without carrots, believing that Syria should be forced to change its behaviour without receiving any benefits; they fear that engagement before Syria has acted would let its leaders off the hook and convince them that the U.S. was not serious about its new approach. They regard SALSA and the Israeli air strike [of October 2003] as powerful signals that the regime is only beginning to absorb. Even more hard-line officials and some outside analysts argue that without a fundamental change in the regime, anything it does will be tactical and illusory”. Crisis Group Report, *Syria Under Bashar (I)*, op. cit. p. 8.

³¹Crisis Group interview, Washington, December 2008.

³²Even a number of Lebanese politicians hostile to U.S. policy acknowledge this. Crisis Group interviews, Beirut, October 2008.

³³Events in 2003 illustrated Syria’s tendency to initiate small steps without undertaking a fundamental policy revision.

formed piecemeal they ended up hardening attitudes on both sides. Their occurrence encouraged U.S. officials to believe pressure was working, while their half-hearted nature irritated more than they placated the Bush administration. As for Syria, it learned the lesson that nothing it could do would pay off. The end result was to simultaneously entrench America’s confrontational approach and weaken its impact.

A. ECONOMIC SANCTIONS

The Bush administration added a vast array of new sanctions to those flowing from Syria’s inclusion on the list of state sponsors of terrorism. The impact of these measures is a matter of some controversy. Effective in disrupting some day-to-day business, major investments and the activities of crony capitalists, they do not appear to have produced desired policy changes, largely because they have not been calibrated to specific goals. In this sense, they have been more akin to indiscriminate punishment than to sound policy.

Even so, to lift them as abruptly as they were imposed would be politically unfeasible and strategically unwise. Although the White House has broad discretion, it cannot ignore strong congressional sentiment concerning Syrian support for Palestinian groups and Hizbollah, control of the Iraqi border, development of weapons of mass destruction or the fate of the international Hariri tribunal.³⁴ The sanctions might not have been optimal policy to begin with; however, now that they are in place, they ought to be used as flexible tools to encourage meaningful change.

1. SALSA legislation

The Syria Accountability and Lebanese Sovereignty Restoration Act outlines steps Damascus must take or face penalties. Specifically, it is called on to halt all support (including hosting media offices) for U.S.-designated terrorist organisations, withdraw all its forces

After Secretary Powell’s May 2003 visit, Palestinian groups in Damascus were told to lower their profile, and an earth berm was erected along the border with Iraq. Around the same time, Syria reduced its military footprint in Lebanon somewhat and, toward the end of the year, adopted a slightly more forthcoming attitude regarding Saddam-era Iraqi funds held in Syrian banks. Finally, it signalled renewed willingness to negotiate with Israel. See Crisis Group Report, *Syria Under Bashar (I)*, op. cit.

³⁴Ironically, the Bush administration invoked this rationale in September 2002 at a time when it opposed sanctions legislation. It argued then that this would unduly tie its hands, complicating its ability to offer incentives for improved behaviour. See *ibid*, p. 3.

and security personnel from Lebanon, cease development of weapons of mass destruction as well as medium and long range missiles and stop “all support for, and facilitation of, all terrorist activities inside Iraq”.³⁵ The administration must choose two from among six possible sanctions if Syria fails to comply with those demands,³⁶ although the President has the authority to waive them should he determine “that it is in the national security interest of the United States to do so and submits to the appropriate congressional committees a report containing the reasons for the determination”.³⁷ On 11 May 2004, pursuant to SALSA, the White House announced a ban on all exports save food and medicine and barred the landing and overflight of Syrian aircraft in the U.S.³⁸

The export ban’s impact has been palpable.³⁹ As a result of a bureaucratic idiosyncrasy, it makes it harder for a Syrian company to legally obtain American products than it is for countries with which the U.S. entertains no diplomatic relations at all, such as Iran, North Korea and Cuba.⁴⁰ Practically, Syrian officials and busi-

nessmen assess that SALSA’s most biting impact has been on the import of certain specific goods with over 10 per cent U.S. content (defined by U.S. law as U.S. products):⁴¹ Items such as commercial aviation parts, electricity and oil industry components are available from only a handful of companies around the world, which have been reluctant to do business with Syria out of fear of jeopardising their global interests.⁴²

In mid-2007, officials blamed the sanctions for massive, country-wide power outages and declining internet speed.⁴³ They also faulted the U.S. for obstructing export licences for aircraft parts for the national carrier.⁴⁴ Local businessmen complain that the waiver process, however streamlined, inevitably affects some routine purchases that are too modest to justify the bureaucratic hassle. This, they say, applies in particular to healthcare sector items.⁴⁵

Syrian officials see SALSA as having triggered a de facto international boycott because of its extraterritorial impact on potential third-party trading partners. One said:

Sanctions don’t hurt much directly, because there are not so many big deals, nor basic trade, between us and the U.S. However, their real effect is indirect.

³⁵The full text can be found at www.congress.gov/cgi-bin/bdquery/z?d108:H.R.1828.

³⁶These include a ban on all U.S. exports to Syria except food and medicine; a ban on U.S. businesses operating or investing in Syria; a ban on landing and overflight of Syrian aircraft in the U.S.; travel restrictions for Syrian diplomats beyond a 25-mile radius in Washington DC and New York; downgrading diplomatic relations and blocking transactions in which the Syrian government has an interest.

³⁷Syria Accountability and Lebanese Sovereignty Restoration Act, public law 108–175, 12 December 2003.

³⁸The latter step was essentially symbolic given the absence of Syrian air traffic in North America. In his message to Congress, President Bush stated that waivers would be issued for certain “discrete categories of exports... to support activities of the United States Government and United Nations agencies, to facilitate travel by United States persons, for certain humanitarian purposes, to help maintain aviation safety, and to promote the exchange of information”. See Executive Order 13338 – Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria, Federal Register, 13 May 2004.

³⁹Paradoxically, the dollar value of U.S. sales increased by 41 per cent between 2004 and 2007, a fact chiefly due to steep price increases in corn and soybeans, which accounted for 90 per cent of American exports to Syria. www.census.gov/foreign-trade/balance/c5020.html#2007.

⁴⁰The U.S. Treasury Department’s Office of Foreign Asset Control (OFAC) enforces export controls on Iran and most other designated state sponsors of terrorism. However, due to heavy demands on OFAC following the 11 September 2001 attacks, the administration handed enforcement of SALSA’s export ban to the Department of Commerce’s Bureau of Industry and Security (BIS), which on 14 May 2004 issued, its own stricter implementing regulations. Crisis Group interview, U.S. lawyer specialising in U.S. export controls and economic

sanctions, Washington, January 2008. See also “General Order Implementing Syria Accountability and Lebanese Sovereignty Act of 2003”, US Department of Commerce, Bureau of Industry and Security, 15 CFR Part 736, www.bis.doc.gov/policiesandregulations/syriareg5_12_04.html.

⁴¹Because items with more than 10 per cent U.S. content are considered U.S. products, SALSA covers exports of products manufactured in third countries as well. Although these restrictions can be waived, the process entails a complicated eleven-step application process involving numerous interlocutors. Export licence applications are currently processed in 45 days but are often turned down.

⁴²“Sanctions have had a dramatic effect, particularly with regard to high-tech”. Crisis Group interview, Syrian official, Damascus, May 2007.

⁴³“U.S. sanctions have affected the construction of power stations. The resulting delays explain the power cuts we experienced in the summer, prompting [Prime Minister] Otri to criticize the U.S. This was the first official recognition that sanctions were hurting”. Crisis Group interview, Syrian economist, Damascus, November 2007. See also *The New York Times*, 15 August 2007.

⁴⁴The subject was deemed important enough to be raised on the margins of the first talks on Iraq between Secretary of State Condoleezza Rice and Foreign Minister Walid Mualim on 4 May 2007. Crisis Group interview, Syrian official, Damascus, November 2007.

⁴⁵A supplier of healthcare utilities explained: “I can’t try to get a waiver each time I need a \$20 replacement cable for a specialised piece of medical equipment. It would cost me undue time and money just to do the paperwork”. Crisis Group interview, Damascus, May 2008.

European companies with U.S. capital are more reluctant to involve themselves in Syria. More generally, many potential investors have been blocked by the U.S. The U.S. played a big role in convincing friends and allies not to take positive steps in the context of our economic reform drive.⁴⁶

One of the more prominent examples involves a contract, discussed in the wake of Assad's July 2008 visit to Paris, for the purchase of Airbus planes to replace Syria's aging and depleted fleet. The U.S. administration weighed in to stop the deal, which involved products with over 10 per cent American content.⁴⁷ Around the same time, Syria failed to secure an agreement with NYSE Euronext to establish a stock exchange in Damascus.⁴⁸ Other illustrations abound, in many instances related more to SALSA's broad deterrent effect than to its actual implementation.⁴⁹ A well-known Syrian business lawyer said:

The sanctions are ambiguous in as much as it is not always clear what a 10 per cent U.S. content really means, nor how it might be interpreted in court. Some companies are discouraged because more than 10 per cent of their stocks are U.S. owned or more than 10 per cent of their staff comprises U.S. nationals. Others fear that their considerable use of U.S.-made machinery, technology or software might qualify them in one way or another. Finally, it is sometimes even difficult to estimate the percentage of U.S. content in products such as cars. All this has led

companies such as Turkcell, Jaguar or Schlumberger to be cautious. Some international law firms have distanced themselves from Syria for similar reasons, concluding that our market simply isn't big enough to justify the attendant risks.⁵⁰

At the same time, and despite fear of additional sanctions, many areas have been spared by SALSA. Several large international investors have entered into deals that do not involve products with over 10 per cent U.S. content (such as real estate, low-tech infrastructure, natural resources, outsourced industrial plants).⁵¹ Moreover, particularly in the case of easily tradable goods such as computers, Syrian suppliers can obtain U.S. products illegally through regional re-exporters willing to defy sanctions. As a result, a large amount of petty U.S. goods currently is available in Syria.⁵²

Overall, SALSA has significantly affected fields that are key to modernisation, including the oil sector, health-care, telecommunications and transportation, even as many aspects of day-to-day business have been left untouched. The real victim, in other words, has been the country's much needed longer-term economic and social development. Arguably, this could create incentives for normalisation with the U.S., albeit not in the swift timeframe evidently contemplated by the Bush administration.

Rather than enact a wholesale lifting of these sanctions, the next administration should act in a calibrated fashion, implementing a new, conditions-based approach that ties loosening of the penalties to concrete Syrian gestures. Both sides could take initial confidence-building measures. For Syria, this might include facilitating long-obstructed U.S. efforts to relocate its embassy (e.g., by granting visas to those in charge of preparatory work)

⁴⁶ Crisis Group interview, Syrian official, Damascus, November 2007. The impact is sometimes indirect; according to a university dean, "sanctions in principle do not affect cultural exchanges. That said, our international partners have rescinded many such programs as a result of the overall negative climate. They want to stay on the safe side". Crisis Group interview, Damascus, May 2007.

⁴⁷ "We leaned hard on Airbus and told them 'are you serious about this?' That's when they started having second thoughts". Crisis Group interview, U.S. official, December 2008.

⁴⁸ A French diplomat explained: "U.S. sanctions made the Airbus and Euronext deals difficult. What we need is an export licence from Washington. We succeeded in getting one in the past in the case of Iran. This should be possible for Syria, too, but only if things move in the right direction. We must wait for the moment to be ripe". That said, he added that another obstacle remained, which was Syria's antiquated business legislation, "dating from the Soviet era". Crisis Group interview, Damascus, October 2008.

⁴⁹ In 2006, the U.S. prosecuted fifteen cases of illegal trading with Syria. Penalties were as high as \$1 million, 60 months in prison and denial of export privileges for twenty years, mostly for re-exports of computers through the UAE to Syria. "Annual Report 2006", Bureau of Industry and Security, U.S. Department of Commerce, at www.bis.doc.gov/news/2007/annreport06/bis07_all.pdf.

⁵⁰ Crisis Group interview, Damascus, November 2008.

⁵¹ Russian, Chinese and more importantly Gulf State investments remained largely unaffected. "Syria: Old Friends, New Ties", Oxford Business Group, 24 June 2008; *The Financial Times*, 7 July 2008; "Kuwait Jumps the Queue", Oxford Business Group, 20 February 2008. Iranian investment also appears not to have suffered, but in any event it pales in contrast with massive Arab investment. See Nimrod Raphaeli and Bianca Gersten, "The Iran-Syria Alliance: The Economic Dimension", *MERIA*, 9 July 2008. Two major French companies – Lafarge and Total – took advantage of the mid-2008 Franco-Syrian rapprochement to negotiate large contracts with Syria; others, including EADS and Alstom, are slated to follow suit. Bloomberg, 5 September 2008. Still, Syria's desire to modernise its commercial aircraft fleet by purchasing Airbus liners could not proceed in so far as it involves products with over 10 per cent U.S. content.

⁵² Crisis Group interviews, prominent Syrian businessman and Syrian official, Damascus, November 2007.

and re-opening the educational centres closed in the aftermath of the 26 October 2008 U.S. air raid inside Syria⁵³ (reportedly targeting an individual suspected of involvement in smuggling weapons and people into Iraq);⁵⁴ on the U.S. side, exemptions from some of the sanctions on humanitarian or public safety grounds. Among the latter, possibilities include granting an export licence allowing conclusion of the Airbus deal, thereby enabling Syria to replace an ageing civilian fleet that is becoming increasingly unsafe, or expanding the list of exempted goods to comprise medical technology.

2. Sanctioning the Commercial Bank of Syria

Invoking Section 311 of the “USA PATRIOT” Act in March 2006,⁵⁵ the administration ordered domestic financial institutions to sever correspondent accounts handling transactions on behalf of the state-owned Commercial Bank of Syria (CBS). The decision had far reaching implications. It impaired Syria’s ability to carry out activities involving U.S. currency or repatriate its oil export revenues, while simultaneously dissuading many foreign entities from commercial dealings with Syria. Anticipating the move, Damascus shifted its foreign currency transactions from dollars to euros. Even so, European and other banks routinely turn down currency transfers as well as credit card or ATM transactions with Syrian banks for fear of running afoul of U.S. law.⁵⁶

The U.S. justified the measure by citing money-laundering concerns. It claimed that the bank had been used by “terrorists and their sympathisers”, including an unnamed “financier for Osama bin Laden” and that it was “a conduit for the laundering of proceeds gen-

erated from the illicit sale of Iraqi oil”.⁵⁷ No evidence has been made public.

Paradoxically, there have been some unintended benefits. Seeking to limit the damage, Syria ended its four-decade-old policy of tightly controlling all foreign currency exchanges.⁵⁸ As their central bank came under intense international scrutiny, local businessmen and merchants moved accounts to new private sector banks, a step toward the financial system’s long-overdue liberalisation.⁵⁹ A Syrian economist said, “sanctions on CBS are benefitting the private banking sector. Moreover, money is being repatriated and reinvested in Syria. This has helped spark a real estate boom”.⁶⁰

⁵⁷ Syria was required to return these proceeds to Iraq pursuant to UN Security Council Resolution 1483. The Treasury Department claimed that CBS accounts had been used by Saddam Hussein’s regime to divert monies from the UN’s Oil for Food (OFF) program. “Treasury Designates Commercial Bank of Syria as Financial Institution of Primary Money Laundering Concern”, Department of Treasury, 11 May 2004. While the department did not provide specific examples of misconduct, it cited CBS’s “inadequate money laundering and terrorist financing controls”. According to a U.S. official, “the Commercial Bank of Syria has been used by terrorists to move their money....As a state-owned entity with inadequate money laundering and terrorist financing controls, the Commercial Bank of Syria poses a significant risk of being used to further the Syrian Government’s continuing support for international terrorist groups....The serious risks posed by CBS have not been adequately mitigated by the Syrian Government’s limited efforts to address deficiencies in Syria’s financial system”. “Treasury Issues Final Rule Against Commercial Bank of Syria – U.S. Financial Institutions Must Terminate Correspondent Accounts”, Department of Treasury, 9 March 2006, www.ustreas.gov/press/releases/js4105.htm. Syrian Finance Minister Muhammad al-Husseini branded the decision and its timing “fundamentally political” and claimed his country had fully cooperated with the probe. *Khaleej Times*, 16 March 2006.

⁵⁸ Reform of Syria’s strict foreign currency law had been awaited for nearly a decade.

⁵⁹ Events in Lebanon also drove Syria to accelerate economic reform. Deprived of some of the economic benefits accruing from its presence there – most notably use of that country’s banking system and illicit trade to Syria through Lebanese ports – the regime lifted its ban on certain banking procedures and relaxed restrictions on imports, spurring the most significant wave of economic reform in over 40 years.

⁶⁰ In this respect, too, the Lebanon crisis was helpful. Syria’s diminished dependency on Lebanon’s financial services prompted long-overdue reforms and encouraged traditionally flagging domestic investment. The Syrian economist added: “Part of the reason why banks are awash with foreign exchange is because Syrians have repatriated their money from Lebanon as a result of the crisis. This includes legitimate businesspeople and individuals. The government also has allowed banks to finance trade and loosened foreign exchange

⁵³ These included a local American school, cultural centre and language teaching institute. See below, fn. 169.

⁵⁴ See *ibid* below.

⁵⁵ The USA PATRIOT Act was signed into law on 26 October 2001; the acronym stands for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” (Public Law Pub. L. 107-56).

⁵⁶ “The fate of credit card and ATM transactions remains mysterious. Some still seem to work (especially transactions routed through Lebanon or Jordan), others don’t. Many banks halted transactions with Syria after sanctions were implemented in May 2004. After CBS was deemed a money laundering institution, banks stayed clear of it and, in many cases, of private banks as well. Many Syrians cannot even use credit cards online”. Crisis Group email communication, U.S. analyst, December 2008. As one way to circumvent the sanction, transfers transit through banks in Lebanon, a number of which have opened branches on Syrian soil.

3. Asset seizures

President Bush issued a number of executive orders directing the seizure of assets of Syrians accused of, *inter alia*, assisting terrorist-list groups, undermining Lebanon's sovereignty, developing weapons of mass destruction, destabilising Iraq or contributing to public corruption in Syria.⁶¹ To date, eight senior Syrian officials and several Lebanese figures with close ties to Damascus have been designated.⁶² It is hard to quantify the measures' effectiveness. Some analysts doubt whether designated Syrians actually maintained assets in the U.S.,⁶³ though U.S. officials believe they disrupted the designees' ability to carry out international transactions and investments.⁶⁴ Questions also have been raised concerning why certain individuals had been targeted while others have not.

regulations, so people don't need to go to Lebanon anymore. In this sense what happened has had a positive impact. The most negative economic impact of the Lebanese-Syrian crisis has been on Syrian migrant workers, but many have returned since mid-2006, after the war, to rebuild southern Lebanon". Crisis Group interview, Syrian economist, Damascus, November 2007.

⁶¹ The list of organisations includes Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine and the Popular Front for the Liberation of Palestine-General Command. The orders include Executive Order 13338 (May 11, 2004 – implementing SALSA), Executive Order 13441 (August 2007 – support for Hizbollah and Palestinian militants), Executive Order 13460 (February 2008 – public corruption), Executive Order 13388 (April 2006 – assassinations in Lebanon) and Executive Order 13438 (July 2007 – threats to stabilisation efforts in Iraq).

⁶² Order 13338 of 11 May 2004 designated Rami Makhlof, a prominent businessman and one of the president's cousins for "contributing to public corruption related to Syria, including by misusing Syrian public assets or by misusing public authority". Others designated include Assef Shawkat, the president's brother-in-law and director of military intelligence; General Muhammad Nassif Kheirbek, deputy vice president; General Hisham Ikhtiyar, head of the Baath Party Regional Command's National Security Bureau; General Jamaa Jamaa, former head of the Syrian Military Intelligence office in Beirut; Rustum Ghazali, former chief of Syrian Military Intelligence for Lebanon; and the late Ghazi Kanaan, former interior minister and Rustum Ghazali's predecessor. There also were several former Lebanese officials (Abd al-Rahim Mrad, Asaad Hardan, Asim Qanso, Michel Samaha, Nasser Kandil and Wiam Wahhab). Order 13441 of 2 August 2007 designated Hafez Makhlof, a senior intelligence official and a presidential cousin, for "undermining the sovereignty of Lebanon or its Democratic Processes and Institutions".

⁶³ Crisis Group interview, Syrian economist, Damascus, March 2008.

⁶⁴ U.S. officials draw parallels to successful U.S. designations of "narco-traffickers" in Latin America. Crisis Group interview, U.S. official, Damascus, January 2008.

Unlike broader sanctions, U.S. officials contend that these enjoy widespread support among ordinary Syrians in light of what the U.S. claims are the targets' unsavoury reputations. They point in particular to business tycoon Rami Makhlof, one of the president's cousins and, to some, a symbol of crony capitalism, resented by many colleagues for having bullied them into forced partnerships or out of lucrative deals.⁶⁵ His designation reportedly hindered both the operations and sale of his mobile telephone company, Syriatel. A prominent local businessman seemed to echo this assessment: "Because of its affiliation with Makhlof, Syriatel is facing difficulties in developing popular products such as roaming or Blackberry services that require partnerships with large foreign companies. Targeted sanctions are efficient and morally more acceptable than those that hurt average citizens".⁶⁶ A U.S. official described Makhlof's designation as "the first economic sanction that really seemed to resonate in Damascus".⁶⁷

Such sanctions undoubtedly were more in tune with U.S. claims that it aimed to punish the regime rather than average citizens; they also touched upon the ruling family and key security-related individuals. For those reasons, they also are among those many influential regime figures most resent and on which they would like to see progress. Syrian officials characterise the measures as arbitrary in so far as they singled out some individuals among many others with a comparable track record and reputation on the basis of undisclosed evidence. They could be reviewed in the context of more substantial progress in Lebanese-Syrian relations, Syrian policy toward Iraq or Israeli-Syrian negotiations. As a U.S. official explained, the fact that these sanctions are both unilateral and based on executive orders provides a measure of flexibility. "These sanctions are not tied to a bigger set we need to coordinate with our allies. Practically, an executive order can be lifted tomorrow,

⁶⁵ Crisis Group interview, U.S. diplomat, Damascus, April 2008.

⁶⁶ Crisis Group interview, Damascus, November 2008.

⁶⁷ Crisis Group interview, U.S. official, Washington, April 2008. Makhlof responded by issuing a rare public statement: "I should thank President Bush for raising the level of my support in Syria. I am no hit-and-run businessman. My companies employ 6,000 Syrians, mostly young qualified professionals...I don't have a penny in the United States anyway". Reuters, 27 February 2008. So far, his economic empire does not appear to have been shaken. The day after his designation, the Dubai-based real estate company Emaar Properties announced it had signed a \$100 million joint venture with the Makhlof-controlled Cham holding. "Properties signs joint venture deal with Cham Holding Company", Emaar press release, 27 February 2008.

which doesn't mean it would be easy politically. But the president has the authority to do so".⁶⁸

B. MULTILATERAL PRESSURE

Against the backdrop of the Lebanese crisis, the U.S. assembled an impressive multilateral coalition to pressure Damascus and lessen its interference in its neighbour's affairs. It produced significant results, particularly in the wake of Hariri's assassination. Over time, however, the outcome proved less clear-cut. The Bush administration registered two notable achievements vis-à-vis Syria. The first, intentional, was to pressure Damascus to withdraw from Lebanon. In so doing, the administration simultaneously shifted the terms of debate in Washington; protecting Lebanon's sovereignty and independence, once an afterthought, became part of a clear bipartisan consensus.

The second, involuntary achievement was to prove beyond all doubt the failure of a policy based exclusively on isolating and sanctioning Syria. Never entirely successful, the approach fell apart as European and other leaders flocked to Damascus; as Israel – notwithstanding U.S. objections – engaged in indirect negotiations with its neighbour; and as Syria reasserted its regional role. While Syria's military presence ended, and Lebanon acquired far greater sovereignty than in the past, Damascus and its local allies successfully reasserted both power and influence, while Syria's diplomatic isolation largely broke down.

Even so, the Obama administration inherits a legacy of multiple UN resolutions that inevitably will frame its approach as it begins to re-engage. Consolidating Lebanese sovereignty and pursuing justice and accountability with regards to Hariri's assassination have become part of U.S. and international norms.

1. UN resolutions

Led by the U.S. and France, the UN Security Council passed several resolutions designed to end Syria's hegemony in Lebanon and eventually disarm its key ally, Hizbollah. Resolution 1559 demanded respect for Lebanese sovereignty and withdrawal of all foreign forces from its soil, as well as the disbanding of all militias. Paris and Washington had different motivations. France's stance derived from an increasingly tense relationship with Syria born of conflicting visions

of Lebanon's future.⁶⁹ The Bush administration, in contrast, fitted Lebanon into its broader attempt to reshape the regional order. In short, whereas France saw Syria through a Lebanese prism, the U.S. viewed both through a regional lens.⁷⁰ For the U.S., securing Damascus's military withdrawal was a step objective in a wider approach designed to weaken the Syrian regime, pressure it into compliance on other issues (such as Iraq), disarm Hizbollah and turn Lebanon into a new regional model.⁷¹

The trigger for the intensive international effort to oust Syria from Lebanon was the 14 February 2005 assassination of Hariri. Although Syrian officials repeatedly and consistently denied involvement, few believed them. Massive anti-Syrian demonstrations in Beirut coupled with international pressure led to Syria's military withdrawal on 26 April 2005, 29 years after its army first entered the country. Washington hailed the move, as well as the subsequent election of a March 14-led government, as a victory for its Middle East democracy agenda.⁷²

Simultaneously, the UN began an investigation into the murder that swiftly turned its attention to Damascus. In his 20 October 2005 report, the first UN investigator, Detlev Mehlis, accused the regime of cooperating "in form, not substance" with his efforts and asserted that several Syrian officials, notably the minister of foreign affairs, had "tried to mislead the investigation by giving false or inaccurate statements".⁷³

⁶⁹ President Chirac also reportedly felt betrayed and let down by his Syrian counterpart. See Nicholas Blanford, *Killing Mr Lebanon* (London, 2006), pp. 95-96.

⁷⁰ See Crisis Group Middle East Report N°48, *Lebanon: Managing the Gathering Storm*, 5 December 2005, p. 10. For a discussion of how the two countries coordinated their approach in spite of their divergent overall outlooks, see Crisis Group Middle East Report N°39, *Syria After Lebanon, Lebanon After Syria*, 12 April 2005, pp. 10-11.

⁷¹ In meetings with Crisis Group, U.S. officials made clear that there should be no compromise on the issue of Hizbollah's weapons. One official said, "Hizbollah is absolutely right in its assumption that the core objective pursued by the U.S. is its disarmament". Crisis Group interview, Washington, May 2008.

⁷² "Across the broader Middle East, people are claiming their freedom. In the last few months, we've witnessed elections in the Palestinian Territories and Lebanon. These elections are inspiring democratic reformers in places like Egypt and Saudi Arabia. Our strategy to defend ourselves and spread freedom is working. The rise of freedom in this vital region will eliminate the conditions that feed radicalism and ideologies of murder, and make our nation safer". "Presidential Address to the Nation", Fort Bragg, 28 June 2005.

⁷³ Detlev Mehlis, Commissioner, "Report of the International Independent Investigation Commission established pursuant

⁶⁸ Crisis Group interview, U.S. official, December 2008.

The Security Council threatened further action in the event Syria did not fully comply with the investigation. A second report, released on 11 December, again pointed to Syria, referring to new information regarding the purported involvement of its intelligence services.⁷⁴ On 30 May 2007, the Council established a special tribunal for Lebanon under Chapter VII of the UN Charter.⁷⁵

Other resolutions added to the multinational pressure. UNSCR 1614 (29 July 2005) warned that the United Nations Interim Force in Lebanon (UNIFIL) would be withdrawn unless Beirut deployed its army on its southern border, thereby constraining Hizbollah's activities; UNSCR 1680 (17 May 2006) called on Lebanon and Syria to demarcate their common border and establish normal diplomatic relations. In the aftermath of the 2006 war, Resolution 1701 (11 August 2006), which led to the Israeli/Hizbollah ceasefire, reiterated the earlier objectives, while also considerably expanding UNIFIL's mandate in the south. The UN force was mandated to help the Lebanese army establish exclusive control over the area between the Blue Line and the Litani River.⁷⁶

The combined effect of these various developments could be felt acutely in Damascus. Days before release of the initial UN report, Syria's long dormant opposition drafted a united political platform for the first time in 40 years.⁷⁷ Issuance of that report, together with dissemination of an earlier draft that contained the names of suspected senior Syrian officials, triggered economic panic. Overnight, the Syrian pound lost 25 to 30 per cent of its value against major currencies. In

May 2006, Syrian dissidents and anti-Syrian Lebanese figures released the Beirut-Damascus Declaration condemning Syrian policies in Lebanon.⁷⁸

More ominous for the regime were early signs of fear and friction within the power structure. On 12 October 2005, officials announced that Ghazi Kanaan, the interior minister and former intelligence chief in Lebanon, had committed suicide; although the fact of his death was indisputable, observers voiced scepticism that he had taken his life. Next, Vice President Abd al-Halim Khaddam, a longstanding regime stalwart, defected to Paris and, in a 30 December interview, claimed that Assad had once warned Hariri he would "crush" whomever opposed his decision to extend the Lebanese president's mandate. He added that the assassination could not have happened without Assad's knowledge and consent.⁷⁹

In response to growing criticism, Syria sought to placate the international community. In late 2004 and early 2005, it improved relations with the Iraqi government; facilitated voting of Iraqi citizens residing in its territory; returned some Iraqi assets held in national banks; evinced greater concern for border security and arrested some Iraqi militants.⁸⁰ It also began complying, however grudgingly, with the UN investigation, acquiescing on 25 November 2005 to the questioning of five senior intelligence officers in Vienna. Of greatest significance, it withdrew its military forces from Lebanon.⁸¹

to Security Council resolution 1595 (2005)", Beirut, 19 October 2005.

⁷⁴The credibility of two key Mehlis witnesses has been questioned by some. See *The New York Times*, 7 December 2005.

⁷⁵Chapter VII of the United Nations Charter sets out the UN Security Council's powers to maintain peace. It allows the Council to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to take legally binding decisions for military and non-military action to "restore international peace and security".

⁷⁶www.un.org/Depts/dpko/missions/unifil/mandate.html.

The Blue Line was drawn by the UN after Israel ended its eighteen-year occupation of southern Lebanon in 2000.

⁷⁷Issued on 16 October 2005, less than a week before the scheduled release of the first UN report into Hariri's assassination, the declaration used remarkably strong language. It openly blamed the "authoritarian, totalitarian and cliquish" Syrian regime for bringing about "stifling isolation" through its "destructive, adventurous, and short-sighted policies on the Arab and regional level – especially in Lebanon..." "The Damascus Declaration for Democratic National Change", 16 October 2005. See also Andrew Tabler, "Democracy to the Rescue," *Institute of Current World Affairs Letters*, March 2006.

⁷⁸The declaration can be found at www.free-syria.com/en/loadarticle.php?articleid=6924.

⁷⁹Al-Arabiya, 30 December 2005.

⁸⁰For details, see Crisis Group Report, *Syria after Lebanon*, op. cit., pp. 2-3. Despite assurances that it wished to stabilise Iraq, Syria soon came under renewed heavy criticisms from Iraqi and U.S. officials over its alleged support for the insurgency. Syrian officials told Crisis Group of their disappointment that their "positive steps" regarding Iraq (such as attending a multilateral conference devoted to Iraq in Sharm al-Sheikh; promising to resume diplomatic relations; and arresting scores of jihadi militants in Syria) had failed to impress U.S. and Iraqi decision-makers. Crisis Group interviews, Damascus, January 2005. Saddam Hussein's step-brother, Sabawi Ibrahim, considered by the U.S. a key insurgency supporter, was arrested shortly after Hariri's murder along with other former officials, reportedly with Syrian help. *The Times*, 28 February 2005.

⁸¹The withdrawal was read as a sign of genuine fear on the regime's part. An Israeli official later commented: "I never understood why Assad left Lebanon. He left because he was too young and inexperienced. If he was acting today, he would not have done so". Crisis Group interview, Jerusalem, November 2006.

The regime also attempted to release domestic steam. It evoked political reform more positively and, at the June 2005 Baath party conference, raised the prospect of “reconsidering” the 1963 Emergency Law,⁸² passing a new political parties law to end the Baath’s monopoly and transitioning from a socialist to a “social market” economy. (Only the latter subsequently materialised). Some prominent intellectuals were released from prison – a gesture also presumably intended to mollify Western critics. Simultaneously, in a sign of growing insecurity, the regime heightened its appeal to notions of patriotism, denounced foreign interference, delivered defiant speeches and organised massive rallies in the second half of 2005.

At the time, one could detect some signs that pressure and isolation were working. But these were both slightly misleading and remarkably short-lived. Asked in December 2005 whether Syria was most likely to make concessions, muddle through or lash out, a senior Syrian official made clear it would do all three at once.⁸³ Amid its mostly symbolic gestures, it tried to strengthen its regional position by deepening ties with Iran, Hizbollah and Hamas. In November 2005, Iran’s foreign minister, Manouchehr Mottaki, arrived in Damascus for talks with Assad, Damascus-based Palestinian factions and Hizbollah leader Hassan Nasrallah. A week later, Hizbollah launched its largest attack against Israel since it withdrew from Lebanon in May 2000. During a January 2006 state visit to Damascus, Assad and his Iranian counterpart, Mahmoud Ahmad-i-Nejad, announced they were forming an alliance to confront foreign pressures. High-level Iranian officials became frequent Syria visitors throughout 2006-2007, leading to a variety of bilateral agreements.⁸⁴

Nor was Lebanon spared. The pro-Syrian opposition intensified its defiance of the government, leading the country toward a perilous institutional stalemate. While Syria’s direct involvement in a series of assassinations and violent incidents never has been established, West-

ern and March 14 officials have not harboured much doubt.⁸⁵

2. The international tribunal

Set up to investigate Hariri’s assassination, the international tribunal was seen by the U.S., other Western countries and March 14 forces as potentially the most potent instrument against the regime. Because it might possibly identify high-level Syrian complicity, it could be used to undermine the regime or as leverage to obtain concessions on other issues. In late 2006, U.S. officials described it as central to their Lebanon and Syria policies; should Syrian leaders be indicted, it would become a “whole different ball game with a whole different magnitude of pressure”.⁸⁶

In its initial stages at least, the probe unquestionably heightened concerns in Damascus. The release of every new UN report coincided, clockwork-like, with a rise in anxiety levels. In late 2005 and early 2006, officials lacking any information regarding the assassination visibly froze on the eve of issuance and visibly relaxed only when it became clear no hard evidence had been uncovered. Mehlis’s high-profile, dramatic style caused the greatest nervousness. His more low-key January 2006 replacement, Serge Brammertz, adopted a different approach. Rather than hurl sharp accusations through the media, he discreetly sought to encourage Syrian cooperation. Still, and while he progressively earned Syria’s respect, unease and apprehension remained. Officials continued to question the investigation’s objectivity, the better to dismiss any eventual negative finding:

Mehlis was a maverick seeking to fulfil his ambitions at Syria’s expense. Brammertz is dangerous in different ways. He believes in his mission and refuses to consider its political implications. Although he hasn’t found any proof, he can be fed false intelligence. The tribunal, as it has been conceived, could ignore his work anyway. The whole thing is a fabrication. It has been turned into a diabolical instrument designed to hound high-level officials. The tribunal exists only to pressure Syria and, through this pressure, to subvert the existing regional order. Anyhow, we will examine the probe’s final report

⁸² The government instituted the Emergency Law on 9 March 1963, a day after Baathist military officers staged a military coup. The law gives the state the power of indefinite detention without charge. While originally justified in terms of internal political instability, the Emergency Law today is based on Syria’s continued state of war with Israel.

⁸³ Crisis Group interview, Damascus, December 2005.

⁸⁴ By March 2007, the Syrian press boasted that over 30 bilateral agreements had been signed. See Nimrod Raphaeli and Bianca Gersten, “The Iran-Syria Alliance: The Economic Dimension”, *op. cit.*

⁸⁵ Asked whether his government had evidence of Syria’s involvement, a French diplomat replied: “No evidence. No doubt”. Crisis Group interview, New York, 26 September 2007.

⁸⁶ Crisis Group interviews, U.S. officials, Washington, December 2006.

and, if it doesn't convince us, we'll simply refuse to cooperate.⁸⁷

In a similar vein, an official asserted the tribunal was a politicised instrument designed to destabilise the regime:

The tribunal was tailored to fit the assumption that Syria is guilty. In May 2007, a senior UN official told me, "I have a long background with Lebanon and Syria, and I'm sure you did it". The Americans and French, who are controlling the tribunal, aren't seeking the truth; they're seeking our government's head. We will cooperate with the investigation, but we will not surrender to an American-controlled tribunal.⁸⁸

On a practical level, Syria's Lebanese allies mounted vigorous efforts to thwart the tribunal. This was most manifest in November 2006, when Hizbollah withdrew from the government after it tabled a motion on the establishment of the judicial body.⁸⁹

Over time, and despite these obstacles, the tribunal gradually assumed a life of its own. To a large degree, it is now an essentially bureaucratic, technical and legal process in which political interference appears limited. The Lebanese government having fulfilled most of its required tasks, Damascus's ability to hamper its progress has been substantially reduced.⁹⁰ A UN official remarked:

The UN needs very little from Lebanon, and the tribunal can function even if it doesn't get it. The mood is one that I'd call procedural optimism. All the talk about blocking the tribunal is just that – talk. There will be a tribunal, and even the Security Council cannot really stop it unless it adopts a

new resolution to reverse direction, which basically is out of the question.⁹¹

The Bush administration, too, appeared to have reached a similar conclusion.⁹² Once initial hopes for a quick breakthrough were frustrated,⁹³ American officials acknowledged the new reality in which the tribunal would proceed, but at its own, deliberate and independent pace:

The tribunal is a rather shaky basket in which to put all of our eggs. We've been warning our Lebanese allies repeatedly about this. We don't know what the investigation will yield, if it will produce sufficient evidence to back up indictments, when these might occur, and so forth.⁹⁴

The tribunal's depoliticisation also means it will be difficult to reach a negotiated outcome should the culpability of Syrian officials be established. There is reason to doubt that Damascus would accept the tribunal's legitimacy or turn over the accused under those circumstances, setting the stage for a new crisis. The option of granting immunity to high-level officials in exchange for clear steps by Syria (regarding respect for Lebanon's sovereignty, acknowledgment of past wrongdoing or changes in its regional posture) might be considered at that stage, but it would almost certainly be unacceptable to those in Lebanon and the international community in search of real accountability.⁹⁵ Alternatively, Damascus might choose to judge its nationals in domestic courts, but such a process is unlikely to be viewed as satisfactory either.

⁸⁷ Crisis Group interview, senior Syrian official, Damascus, February 2007.

⁸⁸ Crisis Group interview, Syrian diplomat, November 2007.

⁸⁹ For a detailed discussion on the struggle within Lebanon over the tribunal, see Crisis Group Middle East Briefing N°20, *Lebanon at a Tripwire*, 21 December 2006, pp. 8-11.

⁹⁰ "The tribunal is a fait accompli. Even Hizbollah acknowledges this. The Lebanese government hardly has anything left to do. In fact it exaggerated the role it played in the past in order to maximise its leverage. But now we are on autopilot. Funding, nominations, all that's done". Crisis Group interview, senior Lebanese official, February 2008. That said, a U.S. official expressed two remaining concerns. "If the Lebanese government decides it will not fund the tribunal after the first year (and, by law, it must fund 51 per cent of the budget), then what will the UN do? Also, what happens if it doesn't let judges leave Lebanon?" Crisis Group interview, U.S. official, Washington, June 2008.

⁹¹ Crisis Group interview, UN official, New York, April 2008.

⁹² According to a British official, the Washington administration was especially keen to get the tribunal up and running by mid-2008, but the lack of sufficient evidence led to the decision to prolong the investigative commission's mandate up to the end of the year. The official expressed displeasure at "Brammertz's investigative methods" which, he argued, had slowed down the process. Crisis Group interview, UK official, New York, April 2008.

⁹³ In an October 2006 interview with Crisis Group, a U.S. official made clear he invested high hopes in the probe. "There is no impetus to do anything on Syria until the Brammertz report comes out. The U.S. is absolutely determined to push forward on an international tribunal. Then we'll see". Crisis Group interview, U.S. official, Washington, October 2006.

⁹⁴ Crisis Group interview, U.S. official, Washington, April 2008.

⁹⁵ Evoking the possibility of granting immunity to certain high-level officials as part of a political deal, a UN official raised another issue: "How do you let the biggest fish off the hook while ensuring that the eventual sacrificial lambs do not undermine the process by volunteering too much information?" Crisis Group interview, New York, April 2008.

For now, some Syrian officials (admittedly ignorant of who ordered or carried out the assassination) place their hopes in an improved regional and international climate. Under such circumstances, they surmise, neither the U.S. nor other Western powers would be inclined to jeopardise gains for the sake of the tribunal. A senior Lebanese official echoed this view:

The process will be drawn-out, and the tribunal won't indict anyone in a long time. In the meantime, the situation in Lebanon and the region may improve. Supposing evidence against Syria is revealed, the tribunal could rule in absentia. At that point, Syria will decide whether to cooperate and, if so, whether to simply get rid of some people while protecting others.⁹⁶

Regardless of the eventual outcome, Syrian anxiety is visibly reduced. Although officials occasionally restate, as a thinly veiled threat, the tribunal's potential to destabilise Lebanon and the region,⁹⁷ they are reassured by the process' languid pace, as well as growing trends toward international re-engagement.⁹⁸ In the words of a local analyst, "Syria cannot allow its political decision-making to be on hold, held hostage by the tribunal. Besides, Syria is not truly under fire, and for the U.S. and others to gamble on the tribunal would be a mistake".⁹⁹

For the Obama administration, the lesson should be clear: do not sacrifice the tribunal, but do not raise it with Syria either or assume that it is at the centre of the regime's decision-making. In other words, treat it as the non-political judicial process it should be. France's recent experience in dealing with Damascus, and the fact that Syrian responses to French overtures

were wholly unrelated to the tribunal's fate – illustrate this point.¹⁰⁰ The U.S. should make clear it remains committed to the tribunal's integrity and will insist it follow its course unhindered. But it should not discuss it or its possible outcome with Syrian officials who – if only because they do not wish to suggest guilt – are unlikely to raise it themselves.

3. Support for March 14

The U.S. rapidly threw its weight behind the anti-Syrian Lebanese movement that coalesced in the wake of Hariri's assassination and became known as the March 14 coalition. On 24 July 2005, a mere two days after a government dominated by its supporters was formed, Secretary Rice made an unannounced visit to Beirut to express her support for Fouad Siniora's cabinet. The visit came a week before Siniora's own meeting with the Syrian president, for decades an incoming Lebanese prime minister's first port of call. The March 14 coalition, an eclectic assortment of political leaders that includes several former Syrian allies, opposed both Syrian interference and Hizbollah's continued armed status and rapidly gained widespread domestic and international backing.¹⁰¹

Over subsequent months, Washington sought to strengthen its March 14 allies, step up Syria's isolation and minimise its influence in Lebanon. Officials saw signs of success. Most notable was strong international support for these objectives as embodied in UN Security Council resolution and remarkable Franco-American coordination. Although U.S. officials privately acknowledged that the outcome of the 2006 war was mixed, in that case too they seized upon evidence of political gains. The Lebanese army deployed to the south for the first time in three decades, extending the state's sovereign reach, and UNIFIL's mandate was extended. In both cases, the result curbed Hizbollah's freedom of action.¹⁰² A U.S. official said:

The war ended on a mixed note, neither the hoped-for triumph nor the dreaded defeat. On crucial issues, we achieved our goals. Hizbollah's long-range missile capability has been seriously impaired. If the border can be policed, that will be another achievement. Many Hizbollah fighters have been killed – we estimate between 500 and 700, which is a heavy toll given the movement's size. They

⁹⁶ Crisis Group interview, senior Lebanese official with in-depth knowledge of the file, February 2008.

⁹⁷ "Regarding the tribunal, all we desire is for it not to be politicised. Just let it deal with its business, with no political interference. Obviously, we disapprove of the notion of an international tribunal in this instance. An international tribunal may be necessary when the local legal system is defunct because of war or other reasons. This is not the case in Lebanon. Also, the tribunal is a dangerous factor of instability. Supposing it summons Nasrallah or other Lebanese leaders. You can imagine the impact on national unity". Crisis Group interview, senior Syrian official, Damascus, April 2008.

⁹⁸ "The information I see leads me to believe the investigation has produced very little. In a sense, this is a concern to me, because it opens the door for all kinds of fabrications. International justice can easily be manipulated. But still, as they stand things look good". Crisis Group interview, senior Syrian diplomat, Damascus, February 2008. "On the tribunal, I increasingly hear things that put me at ease". Crisis Group interview, Syrian diplomat, Damascus, May 2008.

⁹⁹ Crisis Group interview, Syrian analyst, March 2008.

¹⁰⁰ Crisis Group Briefing, *Engaging Syria?*, op. cit.

¹⁰¹ Crisis Group Middle East Report N°48, *Lebanon: Managing the Gathering Storm*, 5 December 2005.

¹⁰² See e.g. Crisis Group Middle East Report N°59, *Israel/Hizbollah/Lebanon: Avoiding Renewed Conflict*, 1 November 2006.

can replace them, but it will take time. Hizbollah's infrastructure has been badly damaged. Finally, UNIFIL's deployment to the south is a victory in itself.¹⁰³

There were other such achievements. Hizbollah could not obstruct efforts to establish the international tribunal; failed to topple the government despite massive street protests; and watched as the military crossed a former red line by entering the Palestinian refugee camp of Nahr al-Bared to root out Fatah al-Islam, a jihadi group. In late 2007, a U.S. official offered yet another upbeat assessment:

If after the war you had said that Siniora would survive, take on extremists in the Palestinian camps, move on the tribunal and face down Hizbollah on the streets, people would have called you crazy. But that's exactly what happened, and Hizbollah does not know what to do.¹⁰⁴

Yet, for all these presumed successes, the underlying balance of power hardly shifted in the majority's favour. Lebanese politics were at a stalemate, a precarious equilibrium between majority and opposition that paralysed institutions, obstructed decision-making and continually threatened to collapse into violence. Hizbollah consolidated its position among Shiites, continued to rearm and replenished its ranks.¹⁰⁵ By early 2008, U.S. officials were expressing doubts that March 14 could prevail in light of the opposition's resilience and the majority's own dysfunctionality. "Lebanon's paralysis above all reflects the country's structural shortcomings. As a result, Hizbollah, Syria and Iran don't have to try very hard to achieve a stalemate. We also have to remember that March 14 is a diverse organisation. That's a good thing, but it also creates serious coordination problems".¹⁰⁶

The most revealing episode occurred in mid-2008, when the Lebanese government sought to address the issue of Hizbollah head-on, questioning its control of Beirut airport and seeking to end its parallel, autonomous communication network. In response, the Shiite movement swiftly took over West Beirut by force.¹⁰⁷ As it displayed its might, the U.S. was out of sight,

rebuffing appeals by several March 14 members. A U.S. official noted:

March 14 was stunned, depressed and disillusioned by the lack of U.S. response once Hizbollah took to the streets. Some among them asked us to take steps to send a strong signal to Syria, such as expelling the Syrian ambassador or even bombing Damascus airport, arguing it should not operate as long as Beirut's was shut down. There was a debate within the administration, but we essentially decided to do nothing. March 14 had no reason to expect more – we had told them we could not fight on their behalf. But they were left with a profound feeling of betrayal.¹⁰⁸

Whether March 14's sense of U.S. disloyalty was justified or not, officials in Washington conceded that events had dealt a severe blow to their allies' confidence. One went so far as to analogise the situation to the U.S. encouragement of the Hungarian uprising in 1956 or the 1991 betrayal of Iraqi Kurds.¹⁰⁹ There is little dispute that U.S. inaction contributed to March 14's acceptance of the 21 May 2008 Qatari-brokered Doha accord, which yielded to core opposition demands. In the words of another U.S. official:

The backdrop to Doha was that March 14 felt abandoned and had to accept the deal once Hizbollah won. The U.S. was consulted by the Qataris, who constantly asked if the deal was acceptable to us; Rice said it was. Hardliners within the administration held another view, and this is reflected in the very different tones adopted by the State Department and National Security Council in their public statements. State was relaxed, the NSC less so.¹¹⁰

¹⁰³ Crisis Group interview, U.S. official, Washington, August 2006.

¹⁰⁴ Crisis Group interview, U.S. official, Washington, November 2007.

¹⁰⁵ Crisis Group Report, *Hizbollah and the Lebanese Crisis*, op. cit.

¹⁰⁶ Crisis Group interview, U.S. official, Washington, April 2008.

¹⁰⁷ For details, see Crisis Group Middle East Briefing N°23, *Lebanon: Hizbollah's Weapons Turn Inward*, 15 May 2008.

¹⁰⁸ Crisis Group interview, U.S. official, Washington, May 2008. "I don't know if March 14 was surprised by our reaction or lack thereof. They could have been disappointed, but they really should not have been taken aback. We told them repeatedly that there were limits to what we could do. We were not about to take military action over this; we had raised the possibility of expelling the ambassador in the past but concluded it would cost us more than we would gain because they would expel all our diplomatic personnel, and we would be left without any source of information". Crisis Group interview, U.S. official, Washington, May 2008. Only a few weeks before Hizbollah's takeover of West Beirut, an official had told Crisis Group: "We keep reassuring March 14 regarding our policies, which have been consistent. But they have reason to be sceptical as our history has been to walk away from them". Crisis Group interview, Washington, April 2008.

¹⁰⁹ Crisis Group interview, U.S. official, Washington, May 2008.

¹¹⁰ Crisis Group interview, U.S. official, Washington, May 2008. Another official said that resumption of Israeli-Syrian

Since then, U.S. options in Lebanon have further narrowed. There is no realistic option of confronting Hizbollah, at least in the foreseeable future.¹¹¹ Extending support to March 14 remains official policy, but the coalition's ability to deliver on its earlier promises is in growing doubt. "March 14 is disoriented. Engagement with Syria is taking place and being condoned by the Lebanese government. Even Saad al-Hariri [son of the slain prime minister and March 14 leader] is meeting with Hizbollah. What is left of their cause?"¹¹² As a result, the focus shifted more to institution-building and to bolstering the newly-elected president, Michel Suleiman.¹¹³

Even those policy options could become far more complicated should the current opposition prevail in the June 2009 parliamentary elections. While that likely would lead to a new national unity government in which March 14 holds an important number of ministries, including possibly the prime minister – a post traditionally reserved for a Sunni – Washington inevitably would find it more complicated to deal with.¹¹⁴ Military assistance programs could well come to a halt and institution-building efforts be in jeopardy if Hizbollah were involved, given U.S. legal constraints. Perhaps most significantly, an opposition victory by any margin would strike a psychological and political blow to the March 14 coalition.

None of this should suggest U.S. impotence with regard to Lebanon. The legacy of the past eight years, however unsatisfying, provides several tools the new administration can use with greater pragmatism and savvy than its predecessor. Syria's withdrawal from Lebanon creates opportunities to solidify genuine sovereignty and

strengthen the central state. Already, the presidency's role has evolved from bridgehead of Syrian influence to political arbiter. The U.S. should encourage that process, for instance by helping Suleiman expand his office and develop the institutional expertise and capacity that would enable him to fulfil a central role.

Likewise, mechanisms theoretically are now in place to overcome remaining obstacles to full Lebanese-Syrian normalisation. These include border demarcation, unearthing the fate of Lebanese citizens disappeared in Syrian prisons and reviewing bilateral agreements reached at a time of Syrian domination. As the new administration engages with Syria, it should seek progress on all three – beginning actual demarcation; releasing detainees or providing information on their status; and renegotiating some bilateral treaties.

4. Diplomatic boycott

Driving the Bush administration's approach was the conviction that engaging Syria merely would encourage its harmful regional policies, while isolation and pressure might trigger consequential change.¹¹⁵ To bolster this argument, officials pointed to the 1990s, when bilateral contacts and intensive efforts to promote Israeli-Syrian negotiations came hand in hand with continued Syrian support for Hamas and Hizbollah and strong ties to Iran. The late President Assad, they argued, sought to maximise gains and minimise pressure by engaging in pro forma negotiations with Israel and maintaining relations with Washington while hosting and backing militant groups. They claimed to have experimented themselves with a form of engagement early on when, in the context of the Iraqi and then Lebanese crises, they presented clear demands to Syria yet got nothing in return.¹¹⁶ In their view, the issue

peace talks, coupled with U.S. passivity during the Beirut fighting, significantly undermined March 14's confidence. Crisis Group interview, U.S. official, Washington, May 2008.

¹¹¹ A U.S. official remarked: "After Hizbollah took to the streets, any remaining illusion that U.S. policy could weaken Hizbollah's position on the ground was erased. The logic of confrontation between March 14 and Hizbollah proved wholly unrealistic". Crisis Group interview, December 2008.

¹¹² Crisis Group interview, U.S. official, December 2008.

¹¹³ "We're doing what we can to ensure that the majority remains the majority, because we believe they are far more suited to our interests. We're supporting all kinds of institution-building programs, and we are supporting President Suleiman with whom we are very pleased". Crisis Group interview, U.S. diplomat, Beirut, December 2008.

¹¹⁴ A U.S. official sought to downplay the impact of an opposition win. "Victory in Lebanon is a very relative term. Whoever wins will not win by much; then there will be some unity. Neither side can govern without the other. From a strictly Lebanese perspective, the difference might not be so great". Crisis Group interview, Washington, December 2008.

¹¹⁵ Some officials in Washington, whether in the Clinton or Bush years, were attracted to the notion of "talking Turkish to Damascus", a reference to Turkey's 1998 military build-up at Syria's border as a means of pressuring Damascus to cease support for the PKK, a violent Kurdish movement. Echoing this sentiment, an Israeli official said, "Turkey was very successful in convincing Syria to give up its support for terror. Other than English, the only foreign language Bashar understands is Turkish – and he does so without actually speaking a word. I'm not sure he understands Hebrew yet". Crisis Group interview, Jerusalem, November 2006.

¹¹⁶ "The U.S. sees no reason to engage with Damascus. That was tried before, in 2004-2005, to no avail; then, Bashar was given a clear indication of what he needed to do to warrant reengagement. He failed the test". Crisis Group interview, U.S. official, Washington, October 2006. In Senate testimony, Assistant Secretary of State David Welch said, "the Syrian regime is well aware of the steps it must take in order to have a better relationship with the United States. It has not taken

never was Damascus's lack of information regarding what was expected of it.¹¹⁷ A Bush administration official took strong exception to the notion that it had not genuinely sought to engage:

Bush did not begin with a policy of isolation toward Syria, on the contrary. We extended several offers of engagement, and just look at the number of high-level visits at the beginning. We told them there could be a much improved relation if Syria changed its policy – not its regime, its policy. In the flurry of meetings we asked for a change in policy toward Palestinians, Lebanon, and later Iraq. We only moved toward isolation when all our efforts were rejected by Syria, and Syria sided against us in Iraq. Damascus airport became the place where Arabs transited to go fight in Iraq, Hariri was assassinated and a long series of murders ensued. Throughout, Syria was arming Hizbollah. And, throughout, it was repressing its people.¹¹⁸

The regime, the administration concluded relatively early on, was a lost cause.¹¹⁹ An official summed this up:

They know exactly what they need to do in order to change the relationship. In each of our meetings over the past years, we asked Syria to shut down its border with Iraq, curb activities of violent Palestinian groups in Damascus and stop interfering in Lebanon. Not once did they respond positively. In fact, each time Bashar received a foreign visitor the regime's reaction was to say, "see, our tactics are working, they are coming to us. Let's keep it up". That is why we oppose engagement. This is not solely a U.S. position; it is one that is widely shared

those steps. Its failure to do so is not for a lack of U.S. engagement". David Welch, "Syria – Options and Implications for Lebanon and the Region", testimony before the Senate Foreign Relations Committee, 8 November 2007, p. 6.

¹¹⁷ In President Bush's words, "my patience ran out on President Assad a long time ago. The reason why is because he houses Hamas, he facilitates Hizbollah, suiciders go from his country into Iraq, and he destabilises Lebanon. ... and so, if he's listening, he doesn't need a phone call, he knows exactly what my position is". *International Herald Tribune*, 20 December 2007.

¹¹⁸ Crisis Group interview, Washington, December 2008.

¹¹⁹ "Engagement with Syria makes no sense. Our goal is to strengthen Lebanese sovereignty and bolster Siniora – and Syria wants neither of those. People who believe the Golan to be a Syrian priority are mistaken. They want Lebanon, and we should not give it to them. They want engagement in order to end their isolation and to find a way back into Lebanon. They will not break with Iran or return to the Sunni Arab fold. The alliance with Tehran is three decades old, and they will not trade it for us". Crisis Group interview, U.S. official, August 2006.

in the Arab world and Europe. Their envoys go to Damascus and always return empty handed.¹²⁰

Similar sentiments were voiced in various Western and Arab capitals.¹²¹ In 2005, in the wake of Hariri's assassination and the ensuing Lebanese crisis, Syria's isolation climaxed. U.S. officials boycotted Damascus – the last high-level bilateral encounter until March 2007 occurred in January 2005, when then Deputy Secretary of State Richard Armitage met with President Assad. Washington, as noted above, recalled its ambassador the day after Hariri's assassination and severely curtailed the Syrian envoy's access in the U.S.¹²² Most European countries kept up routine diplomatic ties but froze high-level interaction. A European Union (EU)-Syria association agreement, covering political, economic

¹²⁰ Crisis Group interview, U.S. official, Washington, February 2008. "Then Secretary of State Powell visited Damascus in May 2003. My predecessor, Ambassador Burns, met with Syrian President al-Asad in September 2004; Secretary Powell met with then-Foreign Minister Shara'a at the UN [General Assembly] in late September 2004 and again in Sharm al-Sheikh in November 2004; and former Deputy Secretary Armitage visited Damascus in January 2005. In each of these efforts, the Syrians promised to take action against the flow of foreign fighters into Iraq, end their interference in Lebanon, expel Palestinian terrorist leaders from Damascus and to end Syrian state sponsorship of terrorism. Unfortunately, the Syrian regime has yet to demonstrate the necessary willingness to reorient its behavior back toward international norms". Welch, testimony, op. cit., p. 7.

¹²¹ See e.g. French President Jacques Chirac's interview in *Le Monde*, 26 July 2006. Before Doha, some Arab regimes were expressing growing frustration with Syria. Crisis Group interviews, Egyptian and Arab League officials, Cairo, January 2008.

¹²² Damascus responded by treating remaining U.S. diplomats in Syria in like manner, preventing nearly all interaction with local officials. When some of these restrictions were relaxed in late 2007, a Syrian official said, "officially our instructions haven't changed, and the access granted to U.S. officials should remain minimal. This is a matter of reciprocity. That's the way they treat our ambassador to Washington. But sometimes the U.S. chargé d'affaires gets to meet a few people, not at a very high level, and not very often. It's better than before but it's not much". Crisis Group interview, Damascus, November 2007. Although foreign diplomats in principle can meet non-officials, domestic security services routinely discourage Syrians from attending functions organized by the U.S. embassy. Passive obstruction of routine embassy work is another source of U.S. frustration. "One of our major complaints toward Syria today is the way they are treating U.S. officials in Syria and on logistical issues – when they want help finding a new embassy, need visas for Americans, etc. Security people in Damascus are bent on not treating them well". Crisis Group interview, U.S. official, Washington, October 2008.

and cultural relations, was put on hold after being initialised in October 2004.

Yet, isolation proved short-lived. The first serious cracks were prompted by the 2006 war in Lebanon; more than one Western country concluded that engaging Syria was essential to prevent a far more dangerous escalation. Prominent Americans, Europeans and Israelis argued strongly for a policy change,¹²³ while European diplomats began visiting Syria at the height of the fighting.¹²⁴ In October, the European Parliament called for dialogue,¹²⁵ and the UN Special Coordinator for the Middle East Peace Process urged talking to “all parties” involved in the Israeli-Arab conflict.¹²⁶ Later that month, UK Prime Minister Tony Blair sent his top advisor, Nigel Sheinwald, to Damascus.¹²⁷

Annoying to the Bush administration without being particularly gratifying to the Syrian regime, this ad hoc, uncoordinated European approach yielded little. Over time, a plethora of European diplomats would travel to Syria, hoping to obtain through polite engagement

what Washington could not through pressure. EU officials did not conceal their frustration:

We are unhappy with this chaotic approach; it's like a set of lone rangers, each carrying out his own ineffective diplomacy. The end result is to convince the Syrians that the EU needs them, boost their confidence, all without persuading them to do a single thing. The regime will not move until it sees it can get what it wants, such as improved relations with the U.S. or resumption of negotiations with Israel aimed at recovery of the Golan, and it is not about to get it either from Israel or the U.S. There really is no point in engaging Syria at this time.¹²⁸

Seeking to provide a measure of discipline, European foreign ministers dispatched Javier Solana, the EU's High Representative for the Common Foreign and Security Policy, to Damascus. Along with traditional demands, he reportedly offered a basket of incentives, including support for Syria's claim to the Golan, conclusion of the EU association agreement and assistance for Iraqi refugees.¹²⁹ Even then, however, Syria appeared doubtful that Brussels could deliver much in the absence of a shift in U.S. or Israeli policy.¹³⁰

Ultimately, both Europeans and Syrians were left feeling frustrated, the former for lack of results, the latter – once they overcame their initial satisfaction¹³¹ – out of weariness with the endless stream of visitors offering little more than encouraging words. Looking back, a Syrian official said, “some people think that we see just talking to us as the ultimate prize. But we are not weak; we have dignity and self-respect. We don't want anyone to come just to chat. [French President] Sarkozy initially had that approach. I suppose he expected us to say ‘Paris is talking to us, this is a huge victory. His majesty the Emperor of France has deigned to pay attention to us’”.¹³²

The frenzy of activity left the Bush administration at best unmoved, at worst irritated at the Europeans for

¹²³ See, e.g., Jimmy Carter, “Stop the band-aid treatment. We need policies for a real, lasting Middle East peace”, *The Washington Post*, 1 August 2006; Danny Yatom and Moshe Amirav, “The Golan in the role of Sharm”, *Haaretz*, 6 October 2006; *Foreign Affairs*, vol. 85, no. 6, November/December 2006.

¹²⁴ Even as the fighting raged on, Miguel Moratinos, Spain's foreign minister, travelled to Syria and stressed the need to address all parties in the region, saying “Syria was part of the solution”. A planned visit to Syria by German Foreign Minister Frank-Walter Steinmeier was cancelled at the last minute in response to Assad's inflammatory 15 August speech; still, Germany immediately reiterated its desire to involve Syria in a regional peace process. See, e.g., the minister's interview in *Deutschlandradio*, 17 August 2006.

¹²⁵ European Parliament resolution containing a recommendation to the Council on the conclusion of a “Euro-Mediterranean Association Agreement between the European Community and its Member States, of the one part, and the Syrian Arab Republic, of the other part”, 2006/2150(INI), 26 October 2006.

¹²⁶ UN Press release SC/8855, 19 October 2006. Italian Prime Minister Romano Prodi followed suit, appealing for Syrian and Iranian involvement. *Bloomberg*, 2 December 2006.

¹²⁷ Foreign Secretary Margaret Beckett later sought the assistance of her Syrian counterpart to help secure the release of a British journalist held in Gaza. Speaking of Sheinwald's trip, a British official stressed: “This is not a ministerial visit and should not be taken as a change in policy towards Syria. Sheinwald made the basic point that Syria could be either constructive or obstructive in relation to Iraq, Hamas, Lebanon and so forth. This visit was designed to test the waters but the ball was clearly left in Syria's court. Now we will wait and see whether Syria acts on the messages we delivered”. Crisis Group interview, London, November 2006.

¹²⁸ Crisis Group interview, EU official, Brussels, November 2006. Other officials claimed that Syria was not genuinely interested in Arab-Israeli progress but rather wished to begin a process to lessen international pressure. As they saw it, there was no indication of Syrian willingness to relinquish ties to Iran and every indication those ties reflected more than a marriage of convenience. Crisis Group interviews, EU officials, Brussels, January 2007.

¹²⁹ *Al-Hayat*, 17 March 2007.

¹³⁰ Crisis Group interviews, Damascus, March 2007.

¹³¹ See, e.g., Agence France-Presse, 23 December 2006.

¹³² Crisis Group interview, senior Syrian official, Damascus, April 2008.

breaking ranks.¹³³ As U.S. officials saw it, such engagement in the absence of Syrian goodwill gestures only further bolstered the view in Damascus that their hard-line stance ultimately would pay off. In October 2006, one official commented:

Syria today is more self-confident due to the strengthened position of its allies, events in Iraq, diminished pressure on the Hariri investigation and European engagement. All this makes it even less likely they would respond positively to U.S. requests. Even the minority within the administration that favoured some kind of engagement now believe the time is not ripe. First we need to increase pressure through sanctions and isolation; only then we can lay out carrots and sticks.¹³⁴

Yet cracks soon were felt within Washington itself. In December 2006, a prominent bipartisan committee headed by former Secretary of State James Baker and former Congressman Lee Hamilton released the Iraq Study Group Report. Among its key recommendations was the need to talk to all of Iraq's neighbours, Syria and Iran included. The report paved the way for several high-level congressional visits to Damascus.¹³⁵

The administration did not hide its displeasure. Speaking at the time, an official said:

There remains great scepticism about engaging Syria, Baker-Hamilton notwithstanding. Several considerations are at play: what does Syria have to offer, especially in Iraq? Not much. What price do they demand? Far too high. As importantly, our Arab allies, including Saudi Arabia, Jordan and to a lesser degree Egypt, are adamant we not deal with Syria. They believe Assad is a lost cause, that he is in bed with Iran and that Syria cannot help in Iraq.¹³⁶

Throughout 2007 and early 2008, Washington sought to preserve what it could of the boycott, for example

by lobbying to ensure a low turnout at the March 2008 Arab summit in Damascus.¹³⁷

Ultimately, it took two events occurring in rapid succession – the 21 May 2008 announcement of indirect Israeli-Syrian talks, facilitated by Turkey, and the Doha agreement – to bury the notion of Syria's isolation. The former development, coming eight years after President Clinton's unsuccessful efforts to broker an Israeli-Syrian deal, was particularly significant. Though the Bush administration repeatedly had discouraged Israeli Prime Minister Ehud Olmert from resuming negotiations, it could not denounce them once they took place. Instead, it welcomed them even as they amounted to a solid and stinging repudiation of U.S. policy. In the words of a senior Turkish official, "our success is the most blatant indictment of a policy that relies exclusively on sanctions and isolation. The lesson is that it makes far more sense to engage Syria so that it has something to lose rather than to put it in a no-win situation".¹³⁸

The Doha agreement likewise undermined a core pillar of U.S. policy. Europe's, and in particular France's, backing of or acquiescence in Washington's approach largely flowed from hostility toward Syria's actions in Lebanon. After the accord was signed with Syrian support, Sarkozy took the lead in reaching out to Damascus, much to Washington's dismay.¹³⁹

These twin developments prompted renewed debate within the administration. Some pressed for a shift in U.S. policy. As one official explained, "we tried to isolate Syria, but we ended up isolating ourselves".¹⁴⁰

¹³³ "U.S. policy toward Syria has been negatively affected by insufficient European cooperation. As a result our unilateral action has had minimal impact". Crisis Group interview, U.S. official, Washington, April 2008.

¹³⁴ Crisis Group interview, U.S. official, Washington, October 2006. "To engage now would be to send a signal that Bashar's ways worked; we cannot afford that". Ibid.

¹³⁵ In December 2006, three Senators from the Democratic Party (John Kerry, Christopher Dodd and Bill Nelson) and one from the Republican Party (Arlen Specter) visited Syria. Three other Republican members of congress met with Assad on 1 April 2007. House Speaker Nancy Pelosi did so on 3 April 2007, joined by a bipartisan group of members.

¹³⁶ Crisis Group interview, U.S. official, Washington, December 2006.

¹³⁷ An official expressed satisfaction at the outcome: "The low participation in the Arab League summit created much embarrassment." Crisis Group interview, U.S. official, Washington, April 2008.

¹³⁸ Crisis Group interview, senior Turkish official, May 2008.

¹³⁹ "Our main cause for frustration on Lebanon and Syria is France, which seems eager to resume engagement. On Lebanon, they are not treating March 14 as the legitimate government but merely as one faction. They also want to reward Syria for not blocking Doha. We wanted a Security Council resolution to condemn what was happening in Beirut, but France objected, saying we had to wait until after Doha. After Doha, we obviously could no longer do it. That was the wrong outcome because Hizbollah still should have been condemned for what it did". Crisis Group interview, U.S. official, Washington, May 2008.

¹⁴⁰ Crisis Group interview, U.S. official, Washington, October 2008. In May, an official said, "The camp of those who want engagement with Syria is now much stronger than before because of three reasons: the Israeli-Syrian talks; General Petraeus' nomination as head of Central Command, in so far as he favours an opening to Syria to help us in Iraq; and the Doha agreement, which for now freezes the Lebanon file". Crisis Group interview, U.S. official, Washington, May 2008.

Others remained deeply sceptical. The outcome fell somewhere in between: no significant change, yet a willingness to start talking. In September 2008, at the margins of the UN General Assembly, Secretary Rice met with Foreign Minister Muallim, reportedly against the wishes of other senior officials.¹⁴¹ But time was short and Syrian goodwill (after years of intense U.S. pressure) in even shorter supply. A Syrian official asked, “why should we do them any favours? They did nothing but try to destabilise us for years; they should not expect anything from us in return. We’ll do what we can with the next administration”.¹⁴² To which a senior official added, “the administration’s current engagement makes as much sense as their prior non-engagement; in both cases, there is no strategy or purpose”.¹⁴³

Even if the U.S. were quickly to resume normal diplomatic relations, the estrangement of the past several years inevitably will leave its mark. Communication between the two countries has essentially broken down. Mutual distrust aside, American policy-makers will need time to come to terms with transformations in the regime’s style of government, power structure, threat perceptions, regional positioning and socio-economic constraints.¹⁴⁴ A first useful step to re-establish a modicum of trust would be to establish a channel between the two presidents; this should be supplemented by a visit by a top U.S. military commander – such as David

Petraeus, the head of Central Command – to discuss the situation in Iraq.

C. DESTABILISATION, DEMOCRACY AND HUMAN RIGHTS

In a break with its predecessors, the Bush administration emphasised the need for democracy and respect for human rights in Syria. Officials initiated talks with Syrian opposition groups as early as March 2005, when Elizabeth Cheney, deputy assistant secretary of state and daughter of the vice president, met with Farid Ghadry. Ghadry heads the Washington-based Reform Party of Syria, which reportedly advocates covert operations and funding to overthrow the Syrian regime.¹⁴⁵ Officials subsequently held discussions with Kamal Labwani, a Syrian dissident, and leaders of the exiled National Salvation Front.¹⁴⁶ On 4 December 2007, Bush met with two regime critics, Maamoun Homsy, a Beirut-based democracy activist and former parliamentarian who left Syria in June 2006, and Ammar Abdulhamid.¹⁴⁷

Yet, symbolic encounters aside, there was little to suggest a systematic democracy- or human rights-promotion effort. The \$5 million “Syrian democracy program” announced in February 2006¹⁴⁸ was riddled with problems virtually from day one. Syrian civil society activists feared a possible regime backlash that eventually occurred. Upon returning to Damascus in December 2005, Kamal Labwani was detained and sentenced to twelve years hard labour for “inciting a foreign state to attack Syria”.¹⁴⁹ There also was concern, particularly in the context of the Iraq war, that any U.S. affiliation might discredit beneficiaries.¹⁵⁰ In the month following the announcement, the government barred citizens from participating in standard Fulbright and other U.S.

¹⁴¹ A U.S. official told Crisis Group that Rice’s meeting (brokered by the Emir of Qatar) was not divulged to senior White House officials, who were both stunned and angered upon hearing it; Rice reportedly had cleared her meeting with President Bush alone. Crisis Group interview, Washington, September 2008.

¹⁴² Crisis Group interview, Syrian official, October 2008.

¹⁴³ Crisis Group interview, senior Syrian official, Damascus, October 2008.

¹⁴⁴ As two U.S. analysts said, “it is difficult to ascertain Syrian leader Bashar al-Assad’s interest in or capacity to negotiate with the United States. Little is known about the balance of power within the ruling clique. Moreover, the Syrian government’s intentions can be difficult to discern. For example, what lies behind Syria’s proposal to resume negotiations with Israel? Is Damascus genuinely interested in pursuing peace? Or is it manoeuvring to break out of international isolation? What impels the Syrian government to crack down on internal dissent? Is the regime feeling insecure and under siege, or is it acting from a renewed sense of confidence? The answers to these and other important questions remain something of a ‘black box’ and any insight into Syrian politics and strategic decisions has further eroded as the U.S. policy of isolation has intensified. Indeed, given U.S. estrangement from Syria, coupled with the opacity inherent to any authoritarian regime, concrete information on decision-making in Syria, critical to policy decisions, is sorely lacking”. Mona Yacoubian and Scott Lasensky, op. cit. p. 6.

¹⁴⁵ Quoted in *The Boston Globe*, 26 November 2006.

¹⁴⁶ The Front is headed by former Vice President Abd al-Halim Khaddam and Muslim Brotherhood chief Ali Sadr al-Din al-Bayanouni.

¹⁴⁷ “President Bush Meets with Syrian Opposition”, David Schenker, Counterterrorism Blog, http://counterterrorismblog.org/2007/12/president_bush_meets_with_syri.php.

¹⁴⁸ The Syria democracy program aims “to accelerate the work of reformers”, including “build[ing] up Syrian civil society and support organisations promoting democratic practices such as the rule of law; government accountability; access to independent sources of information; freedom of association and speech; and free, fair and competitive elections”. See “Syria Democracy Program Announcement”, U.S. Department of State, 18 February 2006, <http://mepi.state.gov/61533.htm>.

¹⁴⁹ Human Rights Watch press release, 10 May 2007.

¹⁵⁰ Andrew Tabler, “Democracy to the Rescue”, op. cit.

educational programs.¹⁵¹ The grant allocation process the U.S. operated for these programs was opaque and chiefly benefited exiled groups with questionable domestic legitimacy.¹⁵²

Neither pressure nor engagement appeared to have much impact on Syria's performance. While U.S. efforts to raise the issue prompted harsh regime reactions, interaction with American or other international figures hardly had the opposite effect. In the aftermath of high-level visits by U.S. members of Congress, Syrian courts dealt harsh sentences to several dissidents.¹⁵³ At the height of Franco-Syrian endeavours to resolve the Lebanese conflict, 40 Damascus Declaration signatories were detained.¹⁵⁴ When relations between Paris and Damascus improved markedly in mid-2008, new arrests occurred.¹⁵⁵ In April, the regime extended Kamal Labwani's twelve-year sentence,¹⁵⁶ and on 31 October, a state criminal court sentenced the Damascus Declaration's twelve leaders to two-and-a-half-year prison terms for "weakening national sentiment" and "spreading false information that weakens national morale."¹⁵⁷

¹⁵¹In November 2006, seemingly in retaliation against U.S. sanctions, the regime shut down the Damascus offices of Amideast, a U.S. government-sponsored educational non-governmental organisation that had operated in Syria for over 30 years. Visas and residency permits for Americans subsequently were restricted. The government issued permits for teachers at the local "American School" – the Damascus Community School – only after intense diplomacy, a day before classes began in September 2007.

¹⁵²See *Time*, 19 December 2006, and Seth Wikas, "Battling the Lion of Damascus: Syria's Domestic Opposition and the Asad Regime", *Policy Focus*, no. 69, The Washington Institute for Near East Policy, May 2007.

¹⁵³Crisis Group interviews, congressional staffers, Washington, January 2008. See, e.g., *The New York Observer*, 15 May 2007. A senior Syrian official said he was perplexed and distressed at the fact that the regime was sending the worst possible message at the worst possible time – precisely when the policy of isolation was beginning to break down. Crisis Group interview, Damascus, May 2007.

¹⁵⁴On 28 January 2008, twelve were charged with "weakening national sentiments," inciting sectarianism, spreading false information, and belonging to an "association that aims to change the economic or social structure of the state". Human Rights Watch press release, 4 February 2008.

¹⁵⁵The release of Aref Dalila, a prominent political prisoner, did not fundamentally alter the picture. See *al-Watan*, 5 August 2008 and the *International Herald Tribune*, 16 September 2008.

¹⁵⁶See, e.g., State Department spokesman Sean McCormack's press statement on 23 April 2008.

¹⁵⁷Syrian Human Rights Committee press release, 31 October 2008.

In the view of Syrian leaders, U.S. efforts on behalf of democracy or human rights activists were designed to undermine the regime. Washington's mixed signals, a combination of implicit threats and half-hearted overtures, harsh rhetoric and assurances that the goal was behaviour change, not regime change, confused more than they reassured.¹⁵⁸ In fact, officials often saw no genuine difference between the latter two objectives in so far as breaking ties with traditional allies (Iran, Hamas and Hizbollah) meant losing leverage and influence in Lebanon and Palestine, together with domestic legitimacy, without the guarantee of a viable alternative. One official quipped that the choice presented to Syria was "commit suicide or we will kill you".¹⁵⁹ Targeted sanctions against high-level officials (described above) further strengthened Syrian leaders' assessment of Washington's intentions.¹⁶⁰

At first glance, the perception that the U.S. had undermined the regime was not entirely without merit. From mid-2007 onwards, several developments suggested greater internal turmoil and uncertainty than customary. President Assad partly reshuffled the security chain of command, as formerly highly influential figures

¹⁵⁸In some instances, U.S. officials believed their positive gestures were not appreciated – or not understood – in Syria. One official remarked: "We did not object to Prime Minister Siniara's decision to include Hizbollah in his government; we then held a meeting a meeting between Rice and [pro-Syrian] president Lahoud after Syria's withdrawal. Yet Syria ignored these overtures". Crisis Group interview, Washington, May 2008. That said, even he acknowledged that "different voices within the administration may have created confusion on the Syrian side". Ibid. In an article reflecting many of the myths Syrian officials had come to believe, a local analyst wrote, "The U.S. State Department created a 'Syria De-stabilisation Unit' (according to U.S. Undersecretary of State for Political Affairs R. Nicholas Burns), charged with weakening the Syrian currency, 'whispering' to international banks that they should not do business with Syria, blocking Syrian attempts to promote trade and economic relations with foreign parties, bolstering opposition groups, dissuading tourists from going to Syria, orchestrating propaganda warfare and preventing Syria from acquiring spare parts for its Boeing fleet". *Asia Times*, 6 December 2007.

¹⁵⁹Crisis Group interview, Syrian official, Damascus, June 2008. "The U.S. behaves as if Syria has no alternative but subordination. But we want some equality; we want to be treated as a partner. Our leaders see their regional alliances as assets. How can they give them up in exchange of vague suggestions the U.S. ultimately will show some leniency?" Crisis Group interview, Syrian official, February 2008.

¹⁶⁰A well-connected Syrian businessman commented, "It has become very personal. Through its sanctions, the Bush administration has targeted and defamed members of the family and sought to fuel friction within the ruling family. It is beyond the point of no return". Crisis Group interview, Damascus, May 2008.

gradually were sidelined or removed. Within civilian branches of power, changes occurred more rapidly and intensely than usual, with figures thought to have been marginalised suddenly resurrected in prominent positions and longstanding stalwarts pushed aside in an unusually visible manner. At least two dramatic assassinations – that of Imad Mughniyeh, a senior Hizbollah official, in the centre of Damascus in February 2008, and that of Assad confidant General Muhammad Suleiman near Tartus in August 2008 – prompted intense speculation that double agents had penetrated the regime.¹⁶¹ The 6 September 2007 Israeli attack on an alleged Syrian nuclear facility also pointed to vulnerabilities and to the possibility that insiders were providing information to outside parties. A U.S. official said,

The announcement about Syria's nuclear facility could affect internal dynamics by demonstrating access to information available only to a very narrow group.¹⁶²

All in all, however, the regime proved capable of containing and managing whatever internal friction was generated. As an official suggested, it did so for the sake of its ultimate objective – group survival. “They simply can't afford to let things go too far. The system is built precisely to deal with tensions that constantly ebb and flow”.¹⁶³ Different power networks – driven by personal rivalry, private interests and competing strategic views – coexist, mediated by the president,

whose ability to impose his will has increased over time.¹⁶⁴

If there is little doubt that U.S. policy put the regime on the defensive, there also is copious evidence that it failed to produce changes in its behaviour or to destabilise it. Instead, the regime weathered the storm, sought to mobilise domestic support by exploiting public patriotism and forging an at times uncomfortable alliance with domestic Islamists,¹⁶⁵ while waiting out the Bush administration. Describing the impact of outside pressure, an analyst invoked an image reportedly used by Ali Duba, the then intelligence chief, in a meeting with Muslim Brotherhood representatives at the height of their insurgency in the 1980s: “Take a donkey and pull his ears. You can bend them forward; you can push them back; and you can twist them. But you can't pull them off. In the meantime, the donkey will not have budged an inch”.¹⁶⁶

¹⁶¹ One Syrian official admitted being shocked: “The assassination of Mughniyeh came as a huge surprise and embarrassment. I'm too dumbfounded to even analyse it right now. We have to wait and see how things develop. It also generated a feeling of vulnerability. Our own officials are very exposed. I keep on telling my boss to take precautions, but he doesn't heed my advice”. Crisis Group interview, Damascus, February 2008.

¹⁶² This official also rejoiced at the sight of “an economic situation that appears shaky to the point of weakness”. Crisis Group interview, Washington, April 2008.

¹⁶³ Crisis Group interview, Syrian official, Damascus, May 2008. One of the more persistent rumours concerned the fate of Assef Shawkat, Assad's brother-in-law and intelligence chief, who was said to have been put under house arrest. A generally well-informed Western official sought to put it to rest: “As far as I know, these rumours are unfounded. Assef remains at work, and his wife is at home, not scouting new dwellings in the Gulf or in Paris. He might well be on the decline but that is not the same thing. No family member has presidential ambitions; they know that for now Bashar is the only one who can protect their collective interests. Nor is Bashar like Saddam. He knows how to handle tensions with greater subtlety, without triggering a vendetta”. Crisis Group interview, Damascus, May 2008.

¹⁶⁴ A close Assad adviser said, “there may well be some truth to stories about internal strife, but they have been exaggerated. If a security official fails in his mission, he will have to pay the price. Even top-level officials are essentially employees; none of them is all-powerful. Our president may be affable but that does not mean he is weak. He reigns, and ultimately everyone else is accountable to him. It's as simple as that”. Crisis Group interview, Damascus, May 2008.

¹⁶⁵ “Outside pressure led Syria to ally itself with Islamist partners and even to promote their ideas. Our secularism, a distinctive characteristic and essential pillar of the regime, is under threat, for this reason among others, including poverty”. Crisis Group interview, Syrian economist, March 2008.

¹⁶⁶ Crisis Group interview, Damascus, April 2008.

III. RELUCTANT ENGAGEMENT

The last year of the Bush presidency witnessed a thawing of sorts. The U.S. invited Syria to the Annapolis peace conference, and senior officials held meetings with Syrian counterparts. However, even that relative opening was dramatically interrupted with the 26 October 2008 U.S. air raid inside Syria aimed at an individual suspected of aiding the Iraqi insurgency.¹⁶⁷ Perhaps more importantly, the administration's half-hearted and ambiguous overtures produced little other than an undermining of its own earlier policy of isolation.

A. THE IRAQI CONFLICT

2006 was a disastrous year for Iraq. Baghdad became the theatre of intense sectarian strife and cleansing; in the rest of the country, the situation spun out of control. Among the criticisms levelled against the Bush administration, one of the most generally accepted concerned its failure to reach out to neighbouring countries, in particular Iran and Syria. As seen, the bipartisan Baker-Hamilton report echoed that critique and recommended heightened diplomatic involvement.

At roughly the same time, Syria reassessed its own approach. Long persuaded that the Iraqi quagmire served its interests by weakening the U.S. and absorbing its energies, Damascus gradually realised the dangers of an all-out Iraqi civil war which risked spilling across its own borders.¹⁶⁸ As a result, it sought a middle

ground between wholesale rejection and acceptance of the occupation.¹⁶⁹ In November 2006, Syria restored diplomatic relations with Iraq in the wake of a highly publicized visit to Baghdad by Foreign Minister Mualim, thereby formally recognising the reality and legitimacy of a political process it had until then denounced. While calling on the U.S. to set a clear withdrawal timetable, it reached out to a wide spectrum of Iraqi politicians,¹⁷⁰ suggesting its relations with different, and often competing, factions could be put to constructive use.¹⁷¹

Faced with a deteriorating security situation, domestic pressure for diplomatic engagement with Iraq's neighbours and at least partial Syrian steps, the U.S. responded ambivalently. At its core, the administration's Iraq strategy principally relied on increasing the number of troops and seizing opportunities on the ground; reaching out to neighbours (allies as well as foes) was an afterthought. Officials tended to dismiss Syria's policy shifts as occurring for its own reasons – which was true – and therefore not warranting a response, a far more questionable conclusion.¹⁷² The focus remained on steps

that the biggest threat in the region right now is the sectarian one. This is why we in Syria have started to act independently with our Iraqi brethren. We hosted many delegations from tribes and different religions. We had them conduct direct dialogues and meet with each other. We didn't witness at the popular level what we are witnessing at the political level, which means that until now the sectarian dispute is limited to the political arena.... Arab states must deal with Iraq not on a sectarian basis but as a whole. Without its Arab identity... Iraq will be divided, ... and this will have direct repercussions on us, on you [Saudi Arabia] and on other states. Later on, it will expand to far-away states, but neighbouring states will be the first ones affected. We must act immediately". Al-Jazeera, 19 March 2007.

¹⁶⁹ Syria had made some openings toward Iraq in the past, but those were far less deliberate or decisive. See Crisis Group Report, *Syria Under Bashar (I)*, op. cit., p. 20.

¹⁷⁰ Syria also invited various Iraqi figures it had earlier held in suspicion, including Ahmad Chalabi.

¹⁷¹ In Assad's words, "the problem in Iraq is political ... and our role is going to be through supporting the dialogue between the different parties inside Iraq with the support from the other parties like the Americans and the other neighbouring countries and any other country in the world. So that's how we can stop the violence.... It doesn't matter how strong economically or what army you have, it's a matter of credibility. We have credibility.... We have good relations with all the parties, including the parties participating in this government and the others who oppose this political process. So that's how we can help". ABC News, 5 February 2007.

¹⁷² President Assad claimed the U.S. had stood in the way of Iraqi-Syrian normalisation in late 2006 and early 2007. See Farid al-Khazen's interview with Assad in *al-Hayat*, 17 April 2007. The administration also rebuffed General Petraeus's request to visit Damascus and work on border control issues.

¹⁶⁷ A U.S. official explained: "We undertook the attack because we had reliable intelligence about the target, Abu Ghadiya, who was involved in smuggling weapons and people into Iraq. We had earlier informed the Syrians and asked them to take action but they did nothing; in fact, they did worse than nothing. That said, we hope this will not put an end to some of the more positive steps Syria had been taking, in particular its deepened relations with Iraq". Crisis Group interview, Washington, October 2008. An adviser to a senior U.S. military commander confirmed that account, adding that, some progress notwithstanding, many questions remained regarding the involvement of Syrian officials in cross-border activity. Crisis Group interview, Washington, December 2008. For its part, Syria claimed U.S. forces targeted unarmed and innocent civilians, describing the event as "a terrorist act of aggression". Al-Jazeera, 27 October 2008. Its retaliation was modest: other than an intensive media campaign, the regime shut down a local American school, cultural centre and language teaching institute.

¹⁶⁸ See Crisis Group Middle East Report N°77, *Failed Responsibility: Iraqi Refugees in Syria, Jordan and Lebanon*, 10 July 2008, pp. 16-22. In an interview with a Saudi newspaper, Assad expanded on his fear of sectarianism: "We say

the regime still had not taken to fully secure its borders or deal with former Iraqi Baathists and insurgent sympathisers residing in its territory. At the same time, the U.S. remained eager to maintain pressure on Syria to stop interfering in Lebanon.¹⁷³

Still, timid signs of a change in the U.S. approach began to emerge. In May 2007, Secretary Rice met with her Syrian counterpart on the margins of a summit on Iraqi security in Sharm al-Sheikh.¹⁷⁴ The encounter aptly embodied the state of bilateral relations: a symbolic repudiation of the isolation policy, albeit almost entirely devoid of substance.¹⁷⁵ According to both sides, discussions amounted to little more than a recitation of past positions, and there was no follow-up.¹⁷⁶ A subsequent meeting between the two took place on the margins of the November 2007 Iraq summit in Istanbul.¹⁷⁷

Despite low expectations, Syrian officials claimed to be encouraged by the gradually broadening dialogue. According to a senior official, “this meeting was different from the previous one, in that Rice said all issues were on the table, not just Iraq. I don’t expect a significant shift in Washington’s strategic stance, but it is important to continue working, at a minimum to pave the way for better relations with the next administration”.¹⁷⁸ From Washington’s vantage point, on the other

hand, the outcome hardly could be deemed satisfactory, insofar as it amounted to further erosion of Syria’s isolation without any tangible return.¹⁷⁹

That said, the Sharm al-Sheikh summit in particular underscored the broad congruence of views between the two countries on Iraq. Syrian officials reported that they had more in common with Rice’s outlook than with that of either the Iraqi or Iranian representative; indeed Prime Minister Nouri al-Maliki’s glowing assessment of his achievements received unqualified Iranian support, while both Washington and Damascus expressed frustration with lack of political progress.¹⁸⁰ A senior Syrian official later explained that Washington and Damascus shared the objective of Iraq’s stability and territorial integrity, adding that Obama’s pledge to withdraw bolstered this common agenda. In contrast, he pointedly noted that Iranian interests at times differed, for example with regard to support for the Islamic Supreme Council of Iraq (ISCI), one of the governing Shiite Islamist parties, that advocates an autonomous “super region” in the south.¹⁸¹ As the new administration begins its dialogue with Syria, it should seek to make use of such overlapping concerns.

B. THE IRAQI REFUGEE CRISIS

The number of refugees fleeing war-torn Iraq skyrocketed in 2006-2007. As pressure grew on the U.S.

Crisis Group interview, U.S. official, Washington, December 2008.

¹⁷³ On the margins of a November 2007 meeting in Istanbul on Iraq, the U.S., France and a number of Arab countries met to warn against any interference in Lebanon’s upcoming presidential elections.

¹⁷⁴ An initial meeting took place between ministry of foreign affairs spokeswoman Bushra Kanafani and David Satterfield, senior adviser to the secretary of state and coordinator for Iraq, at a March 2007 international conference on security in Baghdad. See *al-Hayat*, 10 March 2007.

¹⁷⁵ Even so, a U.S. official said that every proposed visit gave rise to a tug of war within the administration, as more hard-line members opposed any suggested opening to Damascus. Crisis Group interview, Washington, January 2009.

¹⁷⁶ Crisis Group interview, Syrian official, Damascus, May 2007.

¹⁷⁷ A regional forum devoted to Iraq’s stability was held on 9 August 2007 in Damascus. There, U.S. diplomats were invited to sit at the same table as the head of one of Syria’s intelligence services. In light of U.S. diplomats’ habitual lack of any access to Syria’s intelligence community, this unusual encounter could be interpreted as signalling Syria’s interest in security cooperation.

¹⁷⁸ Crisis Group interview, senior Syrian official, Damascus, November 2007. “In Sharm al-Sheikh, Rice was only willing to discuss security on the Iraqi-Syrian border and requested U.S. participation in the Iraqi-Syrian security committee. We said we had nothing against that, but they couldn’t just pick and choose some issues and ignore our concerns. In Istanbul, on the contrary, there were no limitations regarding agenda

topics”. Crisis Group interview, Syrian official, Damascus, November 2007.

¹⁷⁹ A U.S. analyst explained the evolution in U.S. policy as follows: “There is a sense of movement in U.S.-Syrian relations, dictated chiefly by American desperation regarding Iraq and a realisation that time is running out for the administration. It also has been facilitated by the neo-conservatives’ overall decline. The clearest manifestation was Rice’s meeting with Muallim, which occurred a mere two weeks after Pelosi was blasted for her trip to Syria. But the result was what a State Department official described as the worse of both worlds – talking to Syria but without an overall strategy defining what the U.S. wants in exchange”. Crisis Group interview, Washington, May 2007.

¹⁸⁰ Crisis Group interviews, Syrian official and journalist, Damascus, May 2007. An official outlined how Syria saw possible cooperation with the U.S.: “We have the feeling that the U.S. is going nowhere in Iraq. The violence cannot be contained without coordinated action by neighbouring states. Sealing the border is a key U.S. demand, but it is not the only issue. Syria has a big role to play inside Iraq. A global approach and solution are needed”. Crisis Group interview, Damascus, May 2007.

¹⁸¹ Crisis Group interview, Damascus, October 2008. On the Supreme Council, see Crisis Group Middle East Report N°70, *Shiite Politics in Iraq: The Role of the Supreme Council*, 15 November 2007.

to provide assistance, attention inevitably turned to Syria, which had admitted the lion's share.¹⁸² In the highest-level encounter since the U.S. recalled its ambassador, Ellen Sauerbrey, the Assistant Secretary of State for Population, Refugees and Migration, met with Deputy Foreign Minister Faisal Muqdad on 12 March 2007. Damascus hoped discussions would touch on a variety of issues, but Sauerbrey's mandate was narrowly restricted to technical, refugee-related matters.¹⁸³

Syrian frustration at the limited nature of the talks was compounded by fear that the U.S. chiefly was interested in Iraqis who had worked with coalition forces. These two factors quickly obstructed possible cooperation. Syria refused to renew the visas it had granted in May 2007 to Department of Homeland Security officials charged with interviewing candidates for resettlement in the U.S.¹⁸⁴ However, in October 2007, James Foley, the senior coordinator on Iraqi refugee issues, travelled to Syria and pointedly praised the government's generosity. Syrian officials then agreed to renew the visas and speed up the interviewing process. A U.S. official expressed unusual satisfaction:

We do continue to engage the Syrian regime on humanitarian issues. The U.S. is concerned with the plight of the estimated 1.4 million Iraqi refugees currently living in Syria. We recognise that Syria plays a humanitarian role in this regard and has largely kept its borders open to Iraqis fleeing violence and allowed Iraqis access to critical social services such as health care and education. We recognise that the refugees place a large burden on Syria's public services and institutions.¹⁸⁵

Again, however, U.S. offers of help fell far short of the broader political engagement to which Syria aspired¹⁸⁶

and did not signal a genuine policy shift.¹⁸⁷ Washington was prepared to contemplate narrow cooperation on an issue of common concern, not more.¹⁸⁸ In the words of a U.S. diplomat, "I don't think normal relations are coming any time soon. Syria continues to interfere in Lebanon, and there is still a lot of frustration in Washington about our inability to entice or compel constructive behaviour on its part".¹⁸⁹ Syrian frustration was equally palpable.¹⁹⁰

C. ANNAPOLIS AND THE GOLAN

For Syria, one of the most troubling aspects of U.S. policy under the Bush administration was refusal to encourage, let alone participate in, Israeli-Syrian talks, even after Assad repeatedly expressed willingness to restart the process.¹⁹¹ In a Syrian analyst's words, the regime saw it as part of a U.S.-Israeli attempt to "close the Arab-Israeli conflict without solving it".¹⁹²

Washington viewed the situation differently. Officials were convinced that Syria was interested in replaying the game Hafez al-Assad purportedly had mastered in the 1990s: engage in negotiations to relieve international pressure, maintain Syria's central regional role and ensure good ties to the U.S. without truly intending to reach a deal that risked jeopardising the regime's hold on power, deprive it of its principal ideological card and strain relations with regional allies. Indeed, should it be at peace with Israel, it was argued, the Baathist regime would find it much harder to justify clinging to minority Alawite rule and would face heightened demands for political opening and economic reform. Under existing circumstances, the administration felt Bashar merely was looking to placate the international community, end his country's isolation and find a way to reassert its role in Lebanon.¹⁹³ Even

¹⁸² See Crisis Group Report, *Failed Responsibility*, op. cit. pp. 17-19.

¹⁸³ *Ibid.*, p. 17.

¹⁸⁴ The decision to issue the visas generated intense debate among Syrian officials. Crisis Group interview, Syrian official, Damascus, January 2008. A UN official remarked: "The Syrians were concerned that the U.S. was giving priority to former translators and contractors who worked with the coalition. The government also wanted to use the refugee issue as a launching-pad for broader discussions on an overall political package". Crisis Group interview, Damascus, October 2007.

¹⁸⁵ Welch testimony, op. cit.

¹⁸⁶ "The Syrian government feels *we* want something, so they want something in return. Our answer to them is: 'all you get is international good will'. Apparently, that's not enough. We tell them that if they cooperate, they will get more aid via UNHCR [the UN High Commissioner for Refugees] and more donations from the Gulf." Crisis Group interview, U.S. diplomat, Damascus, October 2007.

¹⁸⁷ "Despite Welch's overall negative demeanour, Syria's cooperation on the Iraqi refugee issue seems to be in the headlines. To include the reference, Welch had to fight some other officials, but not that hard. What Syria does with respect to Lebanon will determine how hard that fight will be in the coming month". Crisis Group email communication, U.S. diplomat, November 2007.

¹⁸⁸ Crisis Group interview, U.S. officials, March 2008.

¹⁸⁹ Crisis Group interview, U.S. diplomat, Damascus, October 2007.

¹⁹⁰ See Crisis Group Report, *Failed Responsibility*, op. cit. p.17.

¹⁹¹ Crisis Group Middle East Report N°63, *Restarting Israeli-Syrian Negotiations*, 10 April 2007. See also Crisis Group Middle East Briefing N°22, *The Israeli-Palestinian Conflict: Annapolis and After*, 20 November 2007.

¹⁹² Crisis Group interview, Syrian analyst, March 2008.

¹⁹³ "If Syria is serious and Israel wants to engage we will not object. But the real problem today with Syria is unrelated to

if he was serious about a deal, the U.S. was not interested in helping out. An official said, “we are not against returning the Golan to Syria. We are against returning it to *this* regime”.¹⁹⁴

Although the administration publicly denied it was obstructing Israeli-Syrian talks, in private officials made no secret of their opposition.¹⁹⁵ When the U.S. announced an international conference to jumpstart Israeli-Palestinian negotiations, its first instinct was to exclude Damascus. Two months prior to the November 2007 gathering in Annapolis, one official remarked, “whether Syria will be invited remains an open question. Some in the administration support the idea, others reject it. The end result is likely to be an invitation on terms the Syrians will not accept”.¹⁹⁶ Ultimately, the administration changed its view as a result of efforts by Arab and European governments, but also by Israel – all of whom felt that Syria would play a far more damaging role from the outside, challenging the legitimacy of a summit that already generated considerable scepticism among the Arab public. Even then, the U.S. made clear the focus would remain squarely on the Palestinian track and mention of the Golan be kept to

a minimum; nor was there any hint the U.S. might be prepared to sponsor renewed Israeli-Syrian talks.¹⁹⁷

After the summit, a U.S. official explained his country’s reservations:

Everyone, Lebanon included, thought it would be better to have Syria at Annapolis. What’s more, the Syrian representative gave a reasonable presentation. But the jury still is out as to whether the regime is ready to take strategic as opposed to tactical steps. In our opinion, the Israeli-Palestinian track is ripe but not the Israeli-Syrian one, because Syria continues to play a negative role on too many issues, including supporting Hamas, perpetuating assassinations in Lebanon and allowing foreign fighters into Iraq.¹⁹⁸

As a result, many U.S. officials appeared taken aback by the 21 May 2008 announcement of indirect, Turkey-mediated talks.¹⁹⁹ According to U.S. and Turkish reports, President Bush was informed beforehand,²⁰⁰ but most of his subordinates were kept in the dark and, in some cases, reacted bitterly to the news.²⁰¹ Tellingly,

the Golan. It has to do with Lebanon. Syria is as single-minded on this as possible: they want to stop the tribunal and reassert influence in Lebanon. And they will do what they can to achieve both. Also, there is a cost to dealing with Syria, because a deal on Iraq and the Golan would come at Lebanon’s expense. Even if we test Syria, it will send the message to March 14 that we are thinking of a deal. March 14 forces are very fearful we will cut a deal behind their backs”. Crisis Group interview, U.S. official, Washington, February 2008. See also Crisis Group Report, *Restarting Israeli-Syrian Negotiations*, op. cit. pp. 5-6. Arab officials had similar qualms. “Syria is not eager to have a peace deal but is eager to have a peace process”. Crisis Group interview, senior Jordanian official, Amman, May 2007.

¹⁹⁴ Crisis Group interview, Washington, October 2007.

¹⁹⁵ “If Olmert were to come to us and suggest starting a track with Syria, the U.S. probably would oppose it”. Crisis Group interview, U.S. official, Washington, October 2006. An Israeli official who favoured resumed talks put it more bluntly after a series of meetings in Washington. “The message was unmistakable: the U.S. does not want Israel to engage in anything with Syria. Now is not the time. U.S. officials say: ‘Even assuming, for argument’s sake, that at some point engagement will be needed, we first need to soften them by increasing pressure. They need to know there is a price to pay for misbehaviour’”. Crisis Group interview, October 2006.

¹⁹⁶ Crisis Group interview, U.S. official, Washington, September 2007. See also Crisis Group Briefing, *The Israeli-Palestinian Conflict*, op. cit., pp. 15-16.

¹⁹⁷ “The meeting is about the Israel-Palestinian track, not Syria. We will not be rude hosts: If the Syrians want to speak about the Golan, we will not stop them. We also made clear that the process is about a comprehensive peace and Bush mentioned that word five times in a recent interview. Their track is indeed part of a comprehensive settlement, but this meeting is about the Palestinian track. Also of great importance are the Lebanese elections. How they occur, and whether Syria interferes, will have significant impact on the atmosphere of Annapolis as far as Syria is concerned”. Crisis Group interview, U.S. official, Washington, November 2007.

¹⁹⁸ Crisis Group interview, U.S. official, Washington, November 2007.

¹⁹⁹ In April, Syria had already hinted at possible talks, revealing that Turkey had conveyed an Israeli message to that effect. See the Syrian minister of expatriates’ interview on Al-Jazeera, 22 April 2008.

²⁰⁰ “Our mediation efforts were kept very secret, and only a handful of people knew. In the U.S., Bush was told right before the announcement of indirect talks”. Crisis Group interview, senior Turkish official, May 2008. “We just can’t afford to wait for the new administration to be set up and ready to run. In the meantime, we can negotiate with the Syrians. The U.S. president knew about it. Although he was not enthusiastic, he never said no”. Crisis Group interview, senior Israeli official, Jerusalem, June 2008.

²⁰¹ “With the possible exception of Bush, we were not informed. When news came, many of us were on the phone seeking to figure out what had happened. Some expressed great displeasure. The difference between us and Israel is that they see everything through the lens of Iran, and therefore see talks with Syria as of potential use. In contrast, the administration doubted Syrian willingness to break from Iran and believed in isolating Damascus as well”. Crisis Group inter-

only days before the announcement, Bush delivered a speech to the Knesset in which he warned against the “foolish delusion” that “we should negotiate with terrorists and radicals”.²⁰² With the talks now public, Washington restated its scepticism and concerns. Bowing to the inevitability of continued talks, they warned against Syria reaping benefits without paying any cost. In the words of a senior Bush administration official:

It's fine to test Syria's willingness to reach an agreement, but we cannot pretend that testing does not come at a cost. Among other things, Syria's isolation has completely broken down, and March 14 forces feel betrayed and undermined, fearing Israel will reach a deal at Lebanon's expense. And Syria has paid no price at all. So long as negotiations continue, and Syria does not change its policy at all, there is a considerable cost for both the U.S. and Israel.²⁰³

There were voices in the administration advocating a different approach. Now that Israel and Syria were talking, they reasoned that the U.S. should participate and have a seat at the table to ensure its interests – regarding Lebanon in particular – were taken into account.²⁰⁴ However, internal U.S. resistance to such a U-turn combined with Syrian reluctance to deal with the departing administration foreclosed the possibility of such a shift. In the words of a Syrian diplomat, “even if this administration had a sudden change of heart, we would not want to change things with them. They spent years trying to undo us. We are not about to do them any favours”.²⁰⁵

view, U.S. official, Washington, May 2008. Unlike the U.S., many Israeli officials also see some merit in Syrian involvement in Lebanon as a means of restraining and, ultimately, disarming Hizbollah. Crisis Group interviews, U.S. and Israeli officials, Washington, Jerusalem, September-October 2008.

²⁰² See full text in *The Wall Street Journal*, 15 May 2008.

²⁰³ Crisis Group interview, Washington, December 2008.

²⁰⁴ “It would be far better for the U.S. to be at the table when Israel and Syria talk, so that it could advance and defend its equities. Otherwise, we might simply be presented with the outcome of Israeli-Syrian talks and not be able to shape them at all”. Crisis Group interview, U.S. official, Washington, May 2008. Another remarked, “After many years when it was near impossible to have an open debate about Syria – harder even than on Iran – things began to change after Doha and the announcement of indirect talks. Finally, all kinds of questions are being asked within the administration, for example what our approach should be toward the talks?; if we send our ambassador back, how do we avoid looking weak?” Crisis Group interview, U.S. official, Washington, May 2008.

²⁰⁵ Crisis Group interview, Syrian diplomat, September 2008.

IV. CONCLUSION: THE PAST AND THE FUTURE

Judging strictly from today's starting point, it is hard to imagine U.S.-Syrian relations not improving in a substantial way. Where President Bush prized isolation, President Obama has promised engagement, and whereas the former administration at times contemplated the notion of remaking the region, the new one has espoused far more modest – and realistic – goals. Regime change, whether in Damascus or Tehran, no longer seems on America's agenda; pursuit of a regional strategy to promote a successful withdrawal from Iraq remained, till the end of the election campaign, uppermost on candidate Obama's mind. For all those reasons, prospects for improved bilateral ties seem promising.

Yet, as the legacy and lessons of the past suggest, the course is likely to be anything but smooth. From the perspective of the U.S., several factors will hinder and complicate any substantial policy revision:

The challenge is not merely to close the Bush chapter but to invent a new one. As discussed in this report, bilateral relations have been troubled for decades, not just over the past eight years. Even during the heyday of the Israeli-Syrian peace process, Syria remained on the U.S. list of state sponsors of terrorism, sanctions were in place, and policy differences between the two sides were stark. The Obama administration will not want a return to the past, in which what the U.S. perceived as hostile Syrian policies coexisted alongside deep and sustained bilateral contacts.

Bush leaves behind a legacy of additional sanctions and international resolutions that will be impossible to ignore and difficult to undo. Again as explored above, the past eight years have seen the imposition of a web of economic sanctions and UN Security Council resolutions that inevitably will affect bilateral ties. Obama cannot simply erase the sanctions, nor will he wish to as they have become an important source of pressure and leverage. For the U.S., the challenge will be to relax them gradually and judiciously, particularly in response to Syrian steps; for Syria, it will be to understand that they cannot be eliminated by an early stroke of a pen and that the country will have to live with these additional constraints for some time to come.

U.S. attitudes have hardened, and official scepticism will outlast the transition. For many in the U.S., including in the new administration, Syria today is associated with actions that led to American casualties in Iraq and to death in Lebanon. That will be hard to erase. A for-

mer U.S. official put it as follows: “Syria is a puzzle for the U.S. It remains little known. What is known of it, above all, is its alliance with Iran and the cross-border issue. Syria last was in the news positively, so to speak, eight years ago [when U.S.-mediated peace talks were still ongoing]”.²⁰⁶ Moreover, the lesson appears to have been learned in the U.S. that the more Syria is courted, the less pressure it feels to act; conversely, only when Damascus senses Washington’s lack of interest in Syria or focus on the Israeli-Palestinian track will it feel compelled to prove its goodwill. This legacy too likely will result in a cautious, go-slow approach.

Promotion of Lebanon’s sovereignty and independence has become a strong, bipartisan U.S. consensus. Unlike in the 1990s, the U.S. is now adamant that Syrian interference in Lebanese affairs or any infringement on Lebanon’s sovereignty cannot be countenanced. This is not merely a Bush or even a Republican concern; rather it has become a priority espoused by the political class as a whole.²⁰⁷ In effect, March 14 forces have developed a powerful political constituency in the U.S. that cannot be dismissed. As a result, there would be great resistance toward any step which would have the perceived or actual effect of undermining Lebanon’s sovereignty and strong negative reaction toward Syrian meddling in its neighbour’s affairs.

The proceedings of the Hariri tribunal could interfere with any U.S.-Syrian rapprochement. As a corollary to the above, bilateral ties might well be affected by the tribunal’s finding of Syrian involvement in the former prime minister’s assassination. If Damascus were to reject the court’s legitimacy and, for example, refuse to turn over a suspect, pressure in the U.S. to retaliate and halt any improvement in bilateral relations would be strong. Added to this is the possibility that the findings of the International Atomic Energy Agency’s investigation into Syria’s alleged nuclear program could further contaminate the atmosphere.

The regional context will complicate efforts to normalise bilateral ties. As a result of three wars – in Iraq, Lebanon and most recently Gaza – together with the spread of sectarianism, popular radicalisation and deepening inter-Arab polarisation, there are new obstacles to improved U.S.-Syrian relations and an Israeli-Syrian agreement. Syria has grown closer to states and movements with which Washington wishes it would break, and the regime must closely manage those relations

even as it considers policy changes toward the U.S. or Israel. As a result, relations cannot be considered a strictly bilateral affair any more than can Israeli-Syrian negotiations; far more than in the past they are deeply connected with and require attention to a host of complex regional issues.²⁰⁸

A rapprochement with the U.S. and peace agreement with Israel necessarily will require the regime to undergo a significant strategic readjustment. This would be hard for it to contemplate under any circumstances given the proven usefulness, durability and reliability of its alliances with Iran, Hizbollah and Hamas. It will be virtually impossible to achieve if the regime lacks a clear vision of what it will receive in exchange.

Traditionally pro-American Arab countries could seek to slow down any rapprochement. This is particularly true of Saudi Arabia and Egypt, both of which are locked in a cold war of sorts with Syria – the former mainly over Lebanon, the latter principally as a result of the Gaza war. In the absence of quick inter-Arab reconciliation, which is improbable as of this writing, Riyadh and Cairo likely will seek to persuade the Obama administration to move very slowly vis-à-vis Damascus and focus chiefly on the Israeli-Palestinian track; Washington – keen to retain its alliances with traditional Arab partners – is likely to pay heed.

Working with Syria to improve the situation in Iraq has become less of a priority. Unlike the pre-surge situation, the U.S. no longer views conditions in Iraq as rapidly deteriorating and in need of a significant corrective. The argument that the U.S. needs Syrian cooperation – central to the Iraq Study Group report – arguably has far less resonance today, despite a far more sympathetic administration, because the situation appears to have stabilised in the interim. Although Obama’s team probably will seek to fashion a regional strategy to ensure a successful withdrawal, Syrian leverage has been reduced substantially. As a U.S. official put it, “we

²⁰⁶ Presentation attended by Crisis Group, Damascus, May 2007.

²⁰⁷ Crisis Group interviews, Democratic and Republican Party policy-makers and members of Congress, Washington, December 2008-January 2009.

²⁰⁸ A Bush administration official admitted that “any prescription for the next administration must be both complex and integrated. We cannot afford to compartmentalise issues or to look at them through a single prism, be it counter-terrorism or democratisation”. Crisis Group interview, U.S. official, Washington, September 2008. A Syrian official concurred: “The four major crises, Iraq, Iran, Lebanon and Palestine are beginning to be linked in a quasi-structural fashion. All crises must be tackled together. The idea that one problem can be addressed separately from the others is a utopia. If the next U.S. administration seeks regional stability, an integrated approach is the only option”. Crisis Group interview, Syrian official, Damascus, February 2007.

are doing much better in Iraq now and need the Syrians less; in effect, we are succeeding without them".²⁰⁹

In light of this, Washington's first steps will need to be prudently and wisely managed. The Obama administration should aim to set the stage for a possible future breakthrough by putting in place a new diplomatic framework. Prior to exploring what Syria might or might not do, the administration ought to clarify its own objectives. Among realistic goals: resuming direct Israeli-Syrian negotiations in the context of a comprehensive peace process; diluting the strategic importance of Syria's relationship with Iran by strengthening alternative ties (with the U.S., Turkey, France, the UK, the EU); developing trilateral security cooperation between Damascus, Washington and Baghdad; and consolidating achievements in Lebanon (a depoliticised international tribunal; normal diplomatic relations and initiation of border demarcation with Syria).

Of equal importance will be for the U.S. to put itself in a position to rapidly detect and capitalise upon opportunities. To that end, Washington will require a fully operational presence in the field. This in turn entails nominating an ambassador, requesting Syrian authorities to treat U.S. diplomats respectfully and reciprocating by doing likewise with Syrian diplomats posted in the U.S. President Obama also should seriously consider establishing a privileged, personal and direct channel to President Assad; this could possibly be George Mitchell, the Middle East Special Envoy. A relatively quick visit by a high-level military official, such as General Petraeus, chief of U.S. Central Command, to discuss policy toward Iraq also would be advisable. Such steps could be crucial in overcoming years of estrangement and built-up suspicion.

To communicate effectively with Syria, the administration should clearly and early on lay out, in words and deeds, the following parameters, which offer both tangible incentives and realistic constraints to any improvement in bilateral ties:

- support for and participation in renewed peace negotiations on all tracks;
- consistent with past Israeli-Syrian negotiations, any agreement ultimately should entail full Israeli withdrawal from the Golan Heights, firm security arrangements and the establishment of normal, peaceful relations between the two states;
- there will be no arrangement or compromise over the international tribunal charged with investigating the assassination of former Prime Minister Rafiq Hariri

or any acquiescence in a return of Syrian hegemony in Lebanon;

- respect for such international norms should not be read as a desire to destabilize or change Syria's regime; and
- open acknowledgment of positive Syrian measures.

Finally, the administration should rethink and recalibrate sanctions on the basis of clear policy objectives. As mentioned, the first confidence-building measures could involve streamlining licensing procedures and loosening restrictions on humanitarian or public safety grounds, such as for medical products or the Airbus deal.

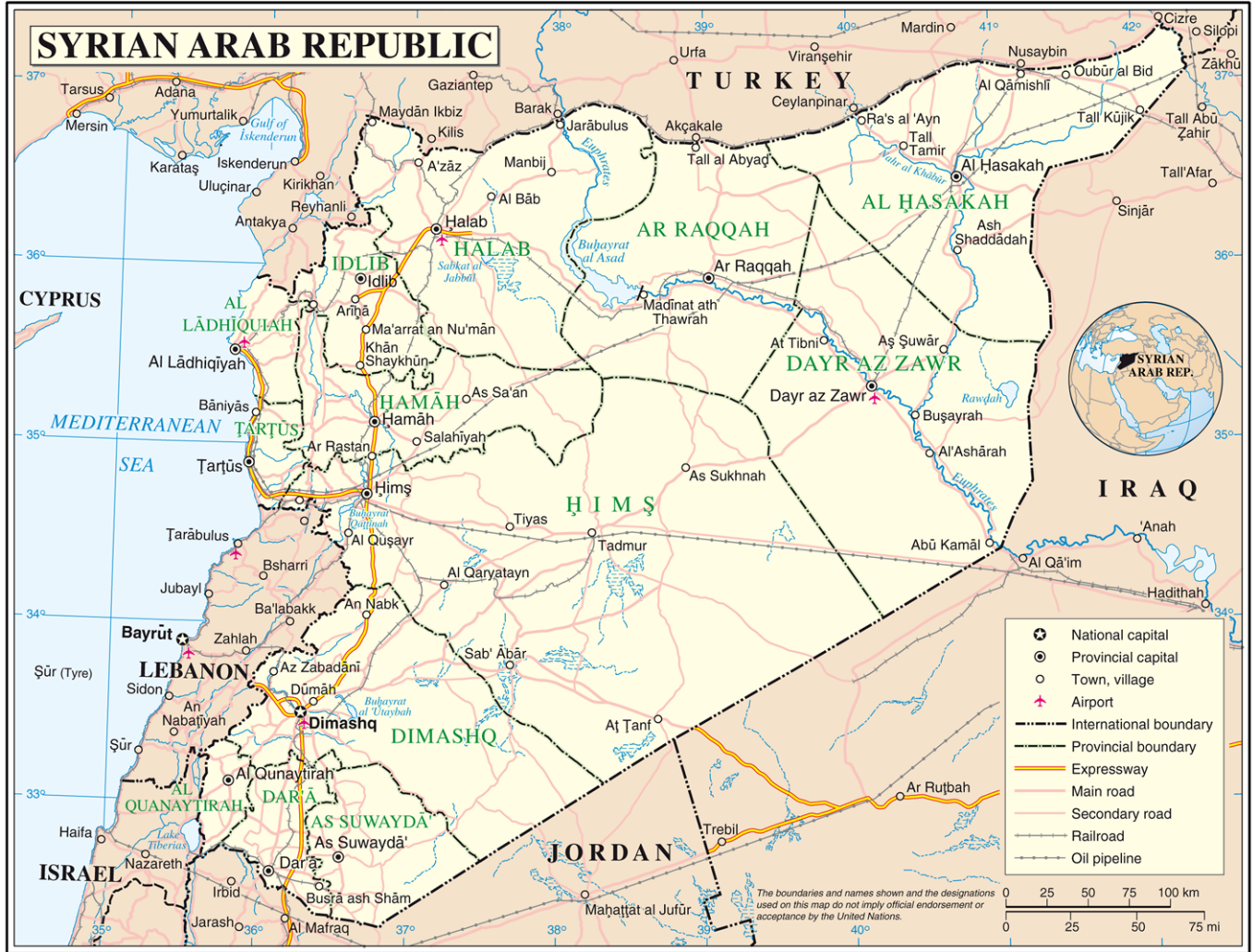
It will not have escaped the Syrian leadership's notice that neither President Obama, nor Secretary of State Clinton nor George Mitchell mentioned their country when the Special Envoy was introduced. By the same token, Mitchell skipped Damascus in his first, wide-ranging regional tour. None of this is to say that the administration has jettisoned one of Obama's central campaign pledges – that he would engage with countries like Syria and Iran. To the contrary: U.S. officials believe that improving relations with Syria is key to elaborating an effective policy toward Iran; aware of the difficulties of the Israeli-Palestinian track, they see greater potential for a breakthrough on the Syrian one; and they can imagine Damascus playing a role in persuading or pressuring Hamas and Hizbollah to alter their behaviour.²¹⁰ But all of this suggests that it will take a cautious, prudent road; that misgivings toward Syrian policy remain acute; and that normalisation of U.S.-Syrian relations will entail an arduous path.

**Damascus/Washington/Brussels,
11 February 2009**

²⁰⁹ Crisis Group interview, Washington, 24 January 2009.

²¹⁰ Crisis Group interviews, U.S. officials, Washington, February 2009.

APPENDIX A
 MAP OF SYRIA



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates eleven regional offices (in Bishkek, Bogotá, Cairo, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina, Seoul and Tbilisi) and has local field representation in seventeen additional locations (Abuja, Baku, Bangkok, Beirut, Colombo, Damascus, Dili, Dushanbe, Jerusalem, Kabul, Kathmandu, Kinshasa, Ouagadougou, Port-au-Prince, Pretoria, Sarajevo and Tehran). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo,

Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Nigeria, Rwanda, Sierra Leone, Somalia, South Africa, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Myanmar/Burma, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia, Turkey and Ukraine; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the rest of the Andean region, Guatemala and Haiti.

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APPENDIX C

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Egypt's Sinai Question, Middle East/North Africa Report N°61, 30 January 2007 (also available in Arabic)

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Western Sahara: Out of the Impasse, Middle East/North Africa Report N°66, 11 June 2007 (also available in Arabic and French)

Egypt's Muslim Brothers: Confrontation or Integration?, Middle East/North Africa Report N°76, 18 June 2008 (also available in Arabic)

IRAQ/IRAN/GULF

In their Own Words: Reading the Iraqi Insurgency, Middle East Report N°50, 15 February 2006 (also available in Arabic)

Iran: Is There a Way Out of the Nuclear Impasse?, Middle East Report N°51, 23 February 2006 (also available in Arabic)

The Next Iraqi War? Sectarianism and Civil Conflict, Middle East Report N°52, 27 February 2006 (also available in Arabic)

Iraq's Muqtada Al-Sadr: Spoiler or Stabiliser?, Middle East Report N°55, 11 July 2006 (also available in Arabic)

Iraq and the Kurds: The Brewing Battle over Kirkuk, Middle East Report N°56, 18 July 2006 (also available in Arabic and Kurdish)

After Baker-Hamilton: What to Do in Iraq, Middle East Report N°60, 18 December 2006 (also available in Arabic and Farsi)

Iran: Ahmadi-Nejad's Tumultuous Presidency, Middle East Briefing N°21, 6 February 2007 (also available in Arabic and Farsi)

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