



Peaceful protest in Binnish, Syria, June 2012

Post-Asad Syria

BY DANIEL SERWER

The situation in Syria has gone from bad to worse. United Nations (UN) observers have been unable to do more than report on numerous violations of the UN Security Council (UNSC)-sponsored ceasefire as well as atrocities committed against civilians. The authorities restrict their movements, threaten their security, and interfere with their communications. The Syrian government continues to use artillery, helicopter gunships, and paramilitary *shabiha* (loosely translated as “thugs”) against peaceful protesters as well as armed insurgents. The Free Syrian Army and other insurgent forces control at least some territory and are attacking Syrian security forces and installations.¹ Unknown assailants have committed a series of bombings against government offices and assassinated senior defense figures. Arms are flowing to the government from Russia while Saudi Arabia and Qatar are supplying the Free Syrian Army.

Former UN Secretary-General Kofi Annan’s plan looks doomed, but it is still not too early to begin thinking about what Syria is going to look like postwar, assuming Bashar al-Asad eventually falls and a transition toward democracy begins. A year or two of lead time is not too early to begin planning. How the transition occurs will depend a good deal on the particular circumstances in which it takes place. An opposition military victory, a palace coup, and a negotiated turnover of power would look dramatically different, especially in the initial stages. This path dependency should not prevent analysis of the ultimate objectives and issues that will likely arise in trying to reach them. Working backward from the endstate eliminates some of the complexity associated with path dependency and allows a more farsighted and strategic approach to issues that are too often reduced to sequencing or other tactical details that cannot necessarily be decided in advance.

Unification of the Syrian opposition around a clear set of democratic transition goals and the organization needed to achieve them could provide the kind of cohesion that has been sorely lacking so far.² Once the goals are determined, some division of labor is appropriate. It would be particularly useful for expatriates to focus on longer term transition, as the opposition inside Syria will have difficulty focusing on anything more than tomorrow’s most urgent security and humanitarian requirements. This division of labor was at least partially productive in Libya,

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where the Stabilization Team worked abroad even while the fight against the Muammar Qadhafi regime continued. Expatriates will also have an advantage in dealing with the international community, if only because communication with the multination “Friends of the Syrian People,” as well as international organizations, will be easier for those located abroad. The expatriate Future of Iraq project, which the U.S. State Department conducted in advance of the Iraq invasion, might have been useful had the Pentagon been more receptive. But ultimately, people who have lived under the Asad regime will want to determine the country’s transition path.

Mine is not the first effort to consider future scenarios in Syria, nor will it be the last. I focus here on the situation inside Syria. Patrick Clawson has considered the regional implications of a democratic transition and other scenarios.³ Others have worried about the divided opposition—whether it can lead a transition and if so, to what.⁴ They have also outlined immediate steps to begin to establish security, rule of law, democracy, and transitional justice.⁵ The focus in this article is on longer term objectives associated with a transition to democracy and the medium-term measures (the next 1–3 years) needed to achieve them.

As we know from Iraq and Afghanistan, postwar failures can absorb resources and shape outcomes as much as wartime events. We are seeing that happen also in Libya, where wartime militias are refusing to disarm or put themselves under central command, weakening the new government and slowing—perhaps even derailing—the transition to democracy. Syria has a diverse population and displays many of the warning signs associated with mass atrocity following

political upheavals.⁶ Its transition is likely to be no easier than those in Tunisia, Libya, Egypt, and Yemen. It may be a good deal more difficult.

Every postwar situation is unique. Context matters. Syrians, not foreigners, should make the key decisions. The Syrian National Council, in a statement that has not generated dissent and appears to represent consensus, has laid out a broad goal for the transition in its National Covenant for a New Syria: “Syria is a civil, democratic, pluralistic, independent and free state. As a sovereign country, it will determine its own future based only on the collective will of its people. Sovereignty will belong in its entirety only to the Syrian people who will exercise it through democracy.”⁷ Within this overall objective, it is instructive to explore some of the main issues—using a framework that spans these endstates—for a successful democratic revolution:

- safe and secure environment
- rule of law
- stable governance
- sustainable economy
- social well-being.⁸

Safe and Secure Environment

This is job number one in many postwar environments and will certainly be the top priority in Syria. No matter how the war ends, there will be several armed forces in the country: the Syrian army, the shabiha (armed but not uniformed regime paramilitaries), the various internal security services, the police, and the disparate units of the resistance, usually but not always going by the appellation Free

Syrian Army.⁹ A stay-behind operation, such as the one conducted by Saddam Hussein's Fedayeen in Iraq, is likely and would probably have Iranian support. The mainly Alawite shabiha would be the likely vector for a post-war insurgency.

If serious post-Asad slaughter is to be avoided, the pro- and anti-regime forces will have to be kept separate, at least for a time. They will then have to be at least partly disarmed, demobilized, and reintegrated—with some of them going into a new army, some into other security forces, and some into civilian life, including prosecution of human rights abusers. It is difficult to see how separation of various forces can be accomplished without a substantial peacekeeping force, one that would assist the transition administration not only in disarming, demobilizing, and reintegrating but also in reforming the security forces—that is, security sector reform. This will be a multiyear effort leading eventually to restoration of the state's monopoly on the legitimate use of violence.

Postwar environments often require police forces with more substantial firepower and manpower than are normally available to police on the beat in peacetime situations. These “constabulary” or “gendarmerie” forces, which are trained and equipped to act in “formed” police units of about 100 paramilitaries, will likely have to be supplied internationally at first. Their roles may include prevention of rioting and ethnic cleansing, confrontation with armed militias or spoilers, protection of vital infrastructure, and other internal security functions where enhanced capabilities are needed.

One particular problem will preoccupy the Americans: dealing with Syria's weapons of mass destruction (WMDs). Although

thought to be mainly chemical weapons, Syria's WMDs are likely also to include nuclear and biological material. Special arrangements will need to be made to ensure that this material does not get into black market circulation.¹⁰ Of additional concern to both the Americans and Syria's neighbors will be other sensitive weapons such as MANPADs (man-portable air defense systems), antitank missiles, and heavy machineguns. We are facing problems with the circulation of arms of these sorts from Libya in the Sahel and elsewhere. Syria will be no less problematic. Its neighbors—especially Iraq and Turkey—will want the postwar regime to ensure that these arms do not get into the hands of their own domestic insurgents (mainly Sunnis in Iraq

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and Kurds in Turkey). Israel will also have reason to be concerned. Weapons collection in the aftermath of war is always difficult. Young men do not give up their arms readily. Only once a safe and secure environment is established under new and less abusive security forces can the new authorities hope to disarm the general population.

Rule of Law

Syria has police, prosecutors, judiciary, and prisons, but they have been subservient to an autocratic and abusive regime for the past 40 years. The legal frameworks under which they have operated since the mid-1960s, which include “exceptional” laws and courts operating outside the constitutional framework,

will have to be dismantled.¹¹ The personnel will need to be vetted by a transition regime, the worst human rights abusers weeded out, and new people trained to take their places. Police are especially problematic in postwar situations; it is impossible to do without them, but at least some of them are likely to be deeply implicated in abusing the population. Whether to vet and retrain, or start a new police force from scratch, is an important decision. Establishment of a judiciary that is independent of executive and legislative power as well as impartial in applying law based on respect for human rights will be a major responsibility during the transition to democracy.¹²

Treatment of former regime persons is an important issue, especially if many share a distinct minority ethnic or sectarian background. Big shots are particularly problematic. Will they be tried in Syria, as was done in Iraq, or will they be transferred to the International Criminal Court (ICC) in The Hague? Most countries prefer to try their own people, especially those who want to apply the death penalty, an option that is not available at the ICC. Ensuring transparent and fair treatment of Alawites will be especially challenging, since they provided mainstays of the Asad regime, even if some have joined the revolution. Some Druze and Christians will also be suspect. Not everyone will want to distinguish between those who benefited from the regime and those who did not. As the Public International Law and Policy Group notes, establishing clear criteria for who will be prosecuted and how, even before the fall of the regime, could be helpful in gaining support from those who are trying to decide now whether to support the opposition.¹³

The question of compensation for victims of the regime, including for misappropriated property as well as human rights violations, will need to be decided in due course. There are many different precedents. It is easy for expectations to grow inordinately. Their disappointment can be a serious political problem, so deciding on principles and a process that is clear and understandable is important, even if early compensation or restoration of property is impossible. It will likely take years and even decades before all the claims and counterclaims are definitively settled.

Notably, the question of shariah, which has arisen in Tunisia, Libya, and Egypt, is not even mentioned in a 2007 review of political Islam in Syria.¹⁴ Nor does it appear in the National Covenant for a New Syria.¹⁵ Nevertheless, for many Islamists—and in particular for the Muslim Brotherhood that is said to strongly influence the Syrian National Council—rule of law necessarily entails implementation of some form of Islamic justice, or justice based on Islamic principles.¹⁶ Precisely what this means has varied widely in different countries and under different regimes, but the issue will likely arise, along with the status of women. The questions of shariah and the status of women are particularly problematic in a multiconfessional society such as Syria where significant portions of the population may not view shariah—whatever its specific meaning—as part of their cultural tradition.

Stable Governance

Syria, unlike Libya, has fully developed state institutions that will in principle be at the disposal of whoever takes over. State services, which in Syria include water, electricity,

education, health, and food subsidies among other things, will presumably continue their operations as best they can until decisions are made otherwise. But an autocratic state such as Syria is unused to the demands for openness, responsiveness, and efficiency that will quickly arise. Government employees may be even more sullen and resistant than usual. Keeping expectations down and performance of state institutions up is vital.

While some may hope that the Syrian army will push Asad out and guide the transition, Egypt illustrates how problematic military control of a political revolution can be.¹⁷ The Syrian army will have substantial interests of its own to protect, including economic interests and impunity for acts committed under the Asad regime. If it takes over, it cannot be relied on to move in a democratic direction, or to do so with conviction. Even more than in Egypt, the Syrian army has acted as an instrument of the autocracy, committing many of the worst abuses. Anti-regime Syrians would see an army takeover as a change in window dressing, from which the networks that supported the Asads would continue to benefit.

A civilian-led transition in a country wracked by war is no panacea either, as we have seen in Libya where the nominal civilian leaders have often played second fiddle to revolutionary militias. But let us assume that the Syrian National Council, or maybe some umbrella organization that encompasses it, becomes the de facto governing authority in the aftermath of Asad's exit. Whoever it is will need to lay out a process quickly for revising or replacing the constitution (the latest one supposedly approved in a referendum on February 26, 2012), electing a new president and a serious parliament—the one

supposedly elected in May 2012 is a sham—as well as new officials at the provincial and local levels. The covenant does not establish the order and timing of these essential steps.¹⁸ The order is important, as is transparency and breadth of participation. Best practice nowadays calls for a broad consultative or representative process in preparing the constitution and electoral laws.¹⁹ Achieving this can be difficult in postwar conditions. Temporary arrangements may be required, allowing time for a more deliberative process.

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The Syrian revolution has generated a remarkable array of local revolutionary councils and coordination committees. It would be wise to consider building local governance on their initiative, empowering them to organize elections and begin the reconstruction of governance from the grassroots up rather than from Damascus down. Local before national elections provide a way to test the electoral mechanism and see who is beginning to emerge politically. In addition, local elections are more often fought on issues and personalities rather than identity or ideology. In a society likely to be plagued by sectarian and ethnic division, focusing initially on local issues would provide an opportunity to build political parties driven more by economic and social needs than by ideological and sectarian wants.

Sustainable Economy

Syria has big problems in this department, largely due to excessive state involvement in a less-than-thriving economy.²⁰ Oil production

is declining and likely will continue in that direction even with foreign help. Some financial assets are frozen abroad and can be repatriated, but that process is often slow. While the stock of public debt is not large, the budget deficit is high and rising, as is inflation. Credit has dried up. Foreign currency reserves have been plummeting. The currency is collapsing. Income disparities have been widening, and the poor have tended to support the revolution. Half the population is younger than 25. Unemployment is dramatically high (likely 20–30 percent).

Any transition regime will be broke and face difficult economic issues: whether to continue subsidies (in particular to food and fuel), whether to keep the Syrian pound or replace it with a new currency, whether to try to slow inflation, what to do about foreign debt, and how to reverse the privatizations and other economic privileges granted to regime cronies that have aroused enormous popular resentment. All this will need to be

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decided with the general population clamoring for jobs and continued state support. Disentangling the networks that bind elite business actors to state officials through ill-gotten wealth will be difficult. Even outside the inner circle of the regime, the economy is dominated by businessmen, many of whom have so far refused to join or support the opposition. This will not be forgotten and will fuel a great deal of resentment that could make economic stability difficult to attain.²¹

While there may be some frozen assets that can be repatriated quickly, Syria will likely face a much more difficult financial situation than oil-rich Libya—one more like Egypt and Tunisia. Quick international action to make resources available to Syria will be vital. The Syrian National Council has initiated planning for a “Marshall Syrian Recovery Plan” through the Working Group on Economic Recovery and Development, a Friends of the Syrian People group that is expected to provide funds to rebuild Syria.²² Anticipated initial needs amount to \$11.5 billion to stop the currency from collapsing and to pay public sector workers’ salaries.²³

Social Well-being

There will be massive requirements for immediate humanitarian assistance in Homs, Hama, Idlib, and other population centers the Syrian army has been attacking for the better part of a year. Food, shelter, and medical assistance are the obvious priorities.

In addition, Syria harbored approximately 1 million refugees from Iraq, more than 400,000 Palestinians, and more than 300,000 internally displaced persons (IDPs) even before last year’s fighting (many from Golan).²⁴ The number of IDPs will now be much higher, and several hundred thousand Syrians are currently refugees in Turkey, Jordan, Lebanon, and Iraq.

Sectarian and ethnic tensions will be evident quickly. Alawites will be at immediate risk as will Druze and Christians who have benefited from regime privileges. Kurds are unlikely to be resented as they have suffered discrimination and worse under the Asad regime, but it is not clear to what extent they will lend support to any transition, which Arabs will necessarily dominate. The Syrian National Council

recently elected a Kurd as its leader, but the Syrian Kurdish National Council remains separate, at least for now. Ensuring Kurdish and other minority representation in the transition is vital to overcoming the fears, resistance, and centrifugal forces to which it will give rise.

Looking longer term, Syria will have to decide how to deal with the legacy of the Asad regime, and in particular it must design accountability and reconciliation mechanisms that satisfy at least some of the craving for justice without preventing the government and society from moving forward. Egypt has not been successful at this, and the process has not even begun in Libya.

Bottom Line

This catalogue only scratches the surface in describing the problems that will arise in a post-Asad transition to a more open

society. While Syrians should lead, it is clear that a good deal of outside assistance will be required: financial, economic, technical, operational, military, and legal. It is hard to picture all this being managed without a substantial foreign presence, including peacekeeping forces to relieve the new authorities of the burden of maintaining a safe and secure environment while they focus on the many other matters requiring urgent attention. Planning may have begun for a UN/Arab League force, which would be the logical follow-on from Kofi Annan's UN/Arab League mediation effort.

Syria is a big country of over 22 million people, albeit not as populous as Iraq or Afghanistan. Any serious international peacekeeping/building effort would still require, even with permissive conditions, on the order of 50,000 troops and police. A significant portion might be Syrian, provided units can



U.S. Air Force (H.H. Deffner)

Syrian soldier aims Chinese AK-47 assault rifle and wears Soviet NBC warfare mask during Operation Desert Shield

be found that did not participate actively in Asad's repression. The international actors will not be easy to find and, of course, the transition authorities will need to invite them in.²⁵ This will be over and above a substantial international civilian effort, first for humanitarian relief and eventually to support the Syrians as they find their own way politically and economically.

Who can provide the forces required? The North Atlantic Treaty Organization is out of the question—neither Europe nor the United States would be prepared to consider the proposition for financial and political reasons. The Arab League has never done this kind of operation. It is time for them to figure out how, with help from Turkey and some others. But both Arab League and Turkish troops will be overwhelmingly Sunni, which will not reassure Alawites and other Syrian minorities. It is difficult to picture Lebanese or Bahraini forces, which are at least in part Shia, playing more than bit parts. Iraqi forces are preoccupied with their own country's challenges. Russia might be willing, but Moscow's position during the revolution will be widely resented. Indonesia? Republic of the Philippines? Raising the forces for any substantial international presence in post-Asad Syria is going to be extraordinarily difficult.

These requirements arise in the best of all possible worlds, where Syria is moving more or less decisively in a more democratic direction. But be careful what you wish for. Post-Asad Syria will be no picnic. **PRISM**

Notes

¹ Joseph Holliday, *Syria's Armed Opposition*, Middle East Security Report 3 (Washington, DC: Institute for the Study of War, March 2012), available at <www.

understandingwar.org/sites/default/files/Syrias_Armed_Opposition.pdf>.

² Elizabeth O'Bagy, *Syria's Political Opposition*, Middle East Security Report 4 (Washington, DC: Institute for the Study of War, April 2012), available at <www.understandingwar.org/sites/default/files/Syrias_Political_Opposition.pdf>. As this article went to press, a Cairo conference of 210 adherents to the Syrian opposition published a "joint political vision" concerning the transition period and a "national compact" laying out the future constitutional basis. See "Syria: the final statement of the Syrian opposition conference," July 6, 2012, available at <http://othersuns.wordpress.com/2012/07/06/syria-the-final-statement-for-the-syrian-opposition-conference/>. These documents confirm the overall democratic direction but leave a great deal of details still unspecified.

³ Patrick Clawson, *Post-Asad Syria: Opportunity or Quagmire*, INSS Strategic Forum 276 (Washington, DC: NDU Press, February 2012), available at <www.ndu.edu/press/lib/pdf/StrForum/SF-276.pdf>.

⁴ Yezid Sayigh, "The Coming Tests of the Syrian Opposition," Carnegie Endowment for International Peace Commentary, April 19, 2012, available at <http://carnegieendowment.org/2012/04/19/coming-tests-of-syrian-opposition/acqs>.

⁵ Public International Law and Policy Group (PILPG), "Planning for Syria's 'Day After'—Security, Rule of Law and Democracy," March 2012; and "Planning for Syria's 'Day After'—A Framework for Transitional Justice in Post-Assad Syria," April 2012.

⁶ Barbara Harff, "Assessing Risks of Genocide and Politicide: A Global Watchlist for 2012," available at <www.gpanet.org/webfm_send/120>.

⁷ Syrian National Council, "National Covenant for a New Syria," March 27, 2012, available at <www.syriancouncil.org/en/issues/item/618-national-covenant-for-a-new-syria.html>. Steven Heydemann, a United States Institute of Peace (USIP) senior advisor for the Middle East who has worked extensively with a broad spectrum of the Syrian opposition, has confirmed the lack of dissent in a private communication.

⁸ This framework is laid out in *Guiding Principles for Stabilization and Reconstruction* (Washington, DC: USIP Press, 2009), available at <www.usip.org/publications/guiding-principles-stabilization-and-reconstruction>.

⁹ "Appendix I: Structure and Command of Armed Forces and Intelligence Agencies," Human Rights Watch, December 16, 2011, available at <www.hrw.org/node/103558/section/12>; Holliday.

¹⁰ Andrew Exum, "What the Hell Should We Do About Syria: Lock Up the WMDs," *Foreign Policy*, May 30, 2012.

¹¹ Muhanad Alhasani, "An Analysis of Existing Legislative and Constitutional Structures in Syria," Strategic Research and Communication Centre, 2012, available at <www.syriancouncil.org/en/analysis/item/658-an-analysis-of-existing-legislative-and-constitutional-structures-in-syria.html>.

¹² Michal Shammas, "Restructuring Judicial System in Future Syria," Strategic Research and Communication Centre, 2012, available at <www.strescom.org/research/policy-papers/item/119-restructuring-judicial-system-in-future-syria.html>.

¹³ PILPG, "Planning for Syria's 'Day After'—A Framework for Transitional Justice in Post-Assad Syria."

¹⁴ Salam Kawakibi, "Political Islam in Syria," Centre for European Policy Studies Working Document No. 270, June 2007.

¹⁵ Syrian National Council.

¹⁶ Liz Sly, "Syria's Muslim Brotherhood Is Gaining Influence over anti-Assad Revolt," *The Washington Post*, May 12, 2012.

¹⁷ March Lynch, "That's It for Egypt's So-Called Transition," *Foreign Policy*, June 14, 2012.

¹⁸ For one proposal as to how the new governing arrangements should be set up, see Rouba Al-Fattal Eeckelaert, "Electoral System in Future Syria," Strategic Research and Communication Centre, 2012, available at <http://strescom.org/sites/default/files/Electoral_Reform-en.pdf>. She favors a presidential system with a parliament elected by proportional representation with closed electoral lists.

¹⁹ Vivien Hart, *Democratic Constitution Making*, Special Report 107 (Washington, DC: United States Institute of Peace, July 2003). See also Laurel Miller, ed., *Framing the State in Times of Transition: Case Studies in Constitution Making* (Washington, DC: USIP Press, 2010).

²⁰ "Syria," Heritage Foundation 2012 Index of Economic Freedom, available at <www.heritage.org/index/country/syria>.

²¹ Bassam Haddad, "The Syrian Regime's Business Backbone," *Jadaliyya*, March 22, 2012, available at <www.jadaliyya.com/pages/index/4778/the-syrian-regimes-business-backbone>.

²² Some of this work is reflected on the Syrian National Council Web site, available at <www.syriancouncil.org/en/bureaus/finance-a-economic-affairs.html>.

²³ "SNC Participates in Friends of Syria Economic Recovery Working Group," May 24, 2012, available at

<www.syriancouncil.org/en/news/item/681-snc-participates-in-friends-of-syria-economic-recovery-working-group.html>.

²⁴ Sherifa Shafie, "Palestinian Refugees in Syria," Forced Migration Online Research Guide, available at <www.forcedmigration.org/research-resources/expert-guides/palestinian-refugees-in-syria/fmo017.pdf>; and Office of the United Nations High Commissioner for Refugees (UNHCR), 2012 UNHCR Country Operations Profile—Syrian Arab Republic, available at <www.unhcr.org/pages/49e486a76.html>.

²⁵ James F. Dobbins, "Guidelines for Nation Builders," *Strategic Studies Quarterly* (Fall 2010), 15–42, available at <www.au.af.mil/au/ssq/2010/fall/dobbins.pdf>.