

# The Vienna Declaration: Precision Is Key to Avoiding a Slippery Slope

by [Andrew J. Tabler \(/experts/andrew-j-tabler\)](#), [Olivier Decottignies \(/experts/olivier-decottignies\)](#)

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## ABOUT THE AUTHORS



### [Andrew J. Tabler \(/experts/andrew-j-tabler\)](#)

Andrew J. Tabler is the Martin J. Gross fellow in the Geduld Program on Arab Politics at The Washington Institute, where he focuses on Syria and U.S. policy in the Levant.



### [Olivier Decottignies \(/experts/olivier-decottignies\)](#)

Olivier Decottignies, a French career diplomat, was a 2015-2016 diplomat in residence at The Washington Institute.



Brief Analysis

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**For all the sound principles laid out in Vienna, future talks cannot evade the timeline and mechanism of a transition in Syria, and Russia needs to prove its goodwill on the ground.**

**A**n October 30 multilateral meeting in Vienna has produced a nine-point statement of "mutual understanding" on how to end the violence in Syria "as soon as possible." The Vienna Declaration, which complements and refers to the 2012 Geneva Communiqué, seeks to provide a more inclusive mechanism to "narrow remaining areas of disagreement and build on areas of agreement," and thus could be a starting point for involving supporters of the opposition and the regime (including, for the first time, Iran).

Yet while inclusiveness in Syria necessarily implies a certain degree of ambiguity -- as reflected in the declaration's wording -- finding a workable way out of the crisis will require much more precision on the issue of transition, particularly in terms of establishing a timeline to test Russia and the Assad regime. For example, the current declaration omits the word "transition" in favor of "governance," and it fails to acknowledge that a sustainable settlement is a prerequisite for defeating ISIS and other terrorist groups. Such imprecision could allow Russia and Iran to argue that the Vienna Declaration gives them a diplomatic imprimatur to pursue a military solution, one based solely on keeping President Bashar al-Assad in power. This scenario would only perpetuate the war, fuel

terrorism, create more refugees, and likely lead to Syria's long-term partition.

## THE DECLARATION'S GAPS

In some ways, the Vienna Declaration seems like diplomatic progress. Seventeen countries (including Iran) joined the UN and European Union in signing onto nine points of understanding:

1. Preserving Syria's territorial integrity and secular character (the first time the latter point has received such recognition).
2. Maintaining state institutions.
3. Protecting civil (read: minority) rights.
4. Accelerating diplomacy to end the war.
5. Ensuring humanitarian access.
6. Defeating ISIS and "other terrorist groups."
7. Establishing "governance" via UN-supervised elections pursuant to the Geneva Communiqué and Security Council Resolution 2118. The ever-growing Syrian diaspora has the right to participate in these elections, which will determine the country's new leadership (a point that has elicited worries in Damascus).
8. Ensuring a Syrian-led political process.
9. Implementing nationwide ceasefires.

But the declaration is far more ambiguous on transition than the Geneva Communiqué. For example, point seven speaks vaguely of a process leading to "credible, inclusive, non-sectarian governance" without mentioning the word "transition" or related mechanisms. In contrast, the Geneva Communiqué centered on the creation of a "Transitional Governing Body" with "full executive powers" formed by "members of the present government and the opposition and other groups." And while it allowed regime members to be included in the transition, Geneva precluded the possibility of the sort of Assad-led "reform" process that his backers are now pushing toward.

In addition, the Vienna Declaration does not reiterate Geneva's call for a national dialogue process and the release of political prisoners, freedom of movement for journalists, and the right to demonstrate -- all preconditions for a genuine transition. Also missing is a transition timeline. The talks are due to resume in a fortnight, and other meetings are likely to follow, so setting a timeline is vital to determining whether Russia -- now Assad's most important patron at the negotiating table -- is able and willing to deliver a bona fide transition. Otherwise the default deadline will be 2021, when Assad's current term in office comes to an end following his "reelection" last year. The modalities of transition are unmentioned as well -- while the declaration notes that Syria's state institutions should remain intact, devolving executive powers to a transitional governing body will be crucial, especially regarding the security apparatus.

The international community also needs to sober up about what kind of election is really possible in Syria, and under what kind of supervision. The current regime is one of the world's biggest electoral manipulators, with Assad winning a laughable 94.6 percent of the vote in 2000, 97.6 percent in 2007, and 88.7 percent last year. Parliamentary votes in favor of his Baath Party supporters are a certainty as well. This means that any plan based on the argument "Assad stays until new elections" is really a formula for his continued rule. Only a new government that creates a safe environment for public debate and mobilization can lay the groundwork for new elections at the local, provincial, and national level. As in Bosnia and Kosovo years ago, the UN should seek a more serious and sustained formula than the awkward wording in point seven of the Vienna Declaration: "These elections must be administered under UN supervision to the satisfaction of the governance and to the highest international standards of transparency and accountability."

## NEXT STEPS

Explicitly outlining a transition process (as described in the Geneva Communiqué) and setting a firm timeline will help avoid the mistakes made last year, when battlefield developments overtook diplomacy. In early 2014, when Washington anticipated regime "victory" and advocated "de-escalation" and "local ceasefires," UN Special Representative Staffan de Mistura put forward his "Freeze Plan" for Aleppo, in which the regime would halt its attempt to encircle that city in exchange for a ceasefire and negotiations with the opposition. The plan failed, largely because the regime lacked the manpower to retake and hold Aleppo and the various Sunni-dominated areas where opposition forces were strongest. While Russia's intervention has now propped up Assad for the time being, lack of manpower remains a hard reality, and moving the diplomatic goalposts from "transition" to "governance" will not alleviate that shortage, leaving no viable alternative to a negotiated solution.

Agreeing on these issues will likely require more than one round of negotiation. Although it is unclear whether Assad's allies can actually bring him into such a settlement, their willingness to try should be put to the test. Regarding Iran, questions remain about the Foreign Ministry's mandate to negotiate a true transition given that the Supreme Leader's Office and the Islamic Revolutionary Guard Corps have primacy on Syria policy and have invested a great deal of blood and treasure in preserving the Assad regime. Meanwhile, Assad has repeatedly thumbed his nose at the opposition during attempts to negotiate a settlement in Moscow, most recently in April.

Other tests should come on the battlefield: Russia claims that its intervention is aimed at fighting terrorists, so its forces should abstain from striking groups that are not recognized as such by the UN Security Council. Moscow's military role also puts it in a unique position to pressure Assad on renouncing assaults against civilian-populated areas (including through the use of barrel bombs) and allowing humanitarian access throughout Syria. Both efforts could serve as short-term confidence-building measures to facilitate diplomacy toward agreement on a stable end state. Without such agreement and a plan to achieve it, the war will not only perpetuate human suffering and displace more people, it also risks becoming a mechanism for Syria's permanent partition into regime-controlled areas and durable terrorist safe havens.

Last but not least is the importance of the declaration's penultimate point: "This political process will be Syrian led and Syrian owned, and the Syrian people will decide the future of Syria." The next rounds of talks should consult with the widest possible circle of Syrians other than those internationally condemned as terrorists. Gone are the days when ending the war required a two-sided negotiation between the regime and a single opposition body. Future declarations should stipulate that any solution to the crisis must be broadly accepted as legitimate and appropriate by this wide circle of Syrians, or else the "solution" will be an empty piece of paper.

*Andrew Tabler is the Martin J. Gross Fellow in The Washington Institute's Program on Arab Politics. Olivier Decottignies is a French diplomat-in-residence at the Institute.* ❖

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