

Syria's Critique of the U.S. Draft Treaty:

A Textual Analysis

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Brief Analysis

Syria-Israel negotiations are on hold, but Israelis and Syrians have found a way to negotiate through third parties--the media. Two weeks ago, Israel leaked the U.S. draft text of a proposed peace treaty, complete with a timeline for implementation, in the Israeli daily Ha'aretz. Over the last ten days, a surprised and embarrassed Syria has responded with its own leaks through the Lebanese media. Beirut's al-Safir newspaper is the favored recipient of these leaks, the most authoritative of which were a set of interviews by Syrian foreign minister Faruq al-Shara and a document detailing article-by-article amendments to the proposed U.S. text. The Shara interviews highlight Syria's (professed) obsession with dignity as an essential ingredient in negotiations as well as Damascus's demand that the United States procure a clear Israeli commitment to withdraw to the June 4, 1967 borders prior to the renewal of talks. More important, though, is the al-Safir critique of the original U.S. draft treaty. A close reading of that chilly document suggests that Syria is keen to project the image of offering Israel only an arctic-cold peace, correcting the impression advanced by some press reports that al-Shara had offered numerous concessions to Israeli prime minister Ehud Barak during the Shepherdstown talks.

Context At the close of the Shepherdstown round, U.S. diplomats gave the two parties a "working draft" of a peace treaty and asked each to prepare comments for further negotiations. Whenever the U.S. hosts believed the two parties were in dispute over a particular item, they presented competing positions "within brackets" in the text. Although a cautionary note on the draft underscores the fact that the parties had not accepted any of the language therein, the reader is left with the clear impression that--in the eyes of the U.S. mediator--all non-bracketed language has been accepted by the two parties. The most important aspect of the al-Safir critique is that it raises numerous complaints regarding the non-bracketed language, suggesting that many items thought to have been resolved may, in fact, remain in dispute. In addition, the al-Safir critique offers an array of new Syrian demands that are not found in the U.S. text.

Disputes with the U.S. Text It is no surprise that the Syrian paper incorporates all Syria's preferred formulations found in the bracketed parts of the U.S. draft, especially Syria's emphasis on the fact that "the permanent line agreed to be demarcated between the two countries is the 4 June 1967 line." What is important is the extent to which the al-Safir text departs from the U.S. wording in other areas.

- Whereas the U.S. text states the two parties will "cooperate in promoting peace, stability, and development in their region," the al-Safir critique states only that the two parties will "work to strengthen peace, stability, and development in their region"--suggesting that Syria wanted to avoid any reference to joint efforts with Israel on security matters.
- Whereas the U.S. text states that the two parties will establish "full diplomatic and consular relations," the al-Safir critique deletes the word "full"--suggesting that Syria has something less than "full relations" in mind.
- Whereas the U.S. text states, without qualification, that the two parties will "promote beneficial economic and trade relations including by enabling the free and unimpeded flow of people, goods, and services," the al-Safir critique states that economic relations will be established "in conformity with [each state's] interests and . . . in accordance with the laws and regulations valid in their countries"--suggesting that Syria would like to maintain the option of a locally mandated firewall to prevent free trade.
- Whereas the U.S. text states that the two parties will remove "all discriminatory barriers to normal economic relations," the al-Safir critique deletes the word "all"--suggesting that Syria wants some barriers to remain.
- Whereas the U.S. text had a relatively weak commitment to maintaining "normal" relations in the field of transport, the al-Safir critique waters this down even further to simply a commitment to "establish ties"--otherwise undefined--in transportation.
- Whereas the U.S. text has a commitment to "promote cooperation in tourism," the al-Safir critique only includes a vague "agreement to establish tourist ties" and even then in the context of "comply[ing] with the practices and customs valid in their respective countries."
- Whereas the U.S. text states that the "parties have agreed to cooperate on water-related matters," the al-Safir critique deletes any reference to cooperation, citing only an annex detailing the formation and powers of a water committee.
- Whereas the U.S. text includes specific commitments to "refrain from cooperating with any third party in a hostile alliance of a military character" and to "ensure that territory is not used by any military forces of a third party," the al-Safir critique deletes this altogether.
- Whereas the U.S. text includes a commitment to "establish a direct liaison and coordination mechanism" for security matters, the al-Safir critique deletes all reference to direct contact, stating only that the parties will "establish a mechanism for coordination with the international observers."
- Whereas the U.S. text includes commitments against "organizing, instigating, inciting, assisting or participating in any acts or threats of violence against the other party," the al-Safir critique only includes a promise not to "organize" such acts, suggesting that Syria may seek to retain its current role of "state-sponsor" of terrorism and orchestrator of violence-through-proxy. Similarly, whereas the U.S. text extends these commitments to each party's "territory or territory under its control," the al-Safir critique deletes the latter phrase, suggesting that Syria wishes to retain its ability to control anti-peace groups in Lebanon.
- Whereas the U.S. text includes a commitment that the two parties will fulfill this agreement in good faith "without regard to action or inaction of any other Party," the al-Safir text deletes this clause entirely, suggesting that Syria may envision circumstances that would permit it to opt out of treaty responsibilities.
- Whereas the U.S. text includes a commitment that the two parties will "abstain from actions that will curtail the rights of either party to participate in international organizations to which they belong," the al-Safir critique deletes this paragraph in its entirety, suggesting that the effort to maintain a political boycott on Israel (at the United Nations, for example) may survive the treaty, even if a specific requirement to end the economic boycott is enforced.

New Demands In addition to advancing the Syrian position on the bracketed items in the original U.S. text (such as the fact that demilitarized zones will be equal in size and character on both sides of the international border) and to offering competing language on all the issues noted above, the al-Safir critique injects a number of additional wrinkles into the negotiations. These include the following demands:

- that the early warning station on the Golan Heights will operate, under the auspices of three outside parties, for only five years;
- that the United States will undertake satellite monitoring of the agreement and convey all information simultaneously to each party;
- that, as part of the agreement itself, the two parties commit to sign a treaty only if a Lebanon-Israel treaty is signed at the same time;
- that once this treaty takes effect, the parties will begin negotiations for a Middle East zone free of weapons of mass destruction (WMD) (though, interestingly, not a missile-free zone); and
- that commitments to refrain from permitting acts or threats of violence are limited by "sovereignty, basic rights, freedom of expression in politics and media, and finding a fair solution to the Palestinian refugee problem."

Conclusion Spooked, perhaps, by U.S. headlines--including one on the front page of the Washington Post--that accentuated apparent Syrian concessions in the U.S. draft treaty, Damascus has responded with a document that highlights Israel's withdrawal (military and civilian) to the June 4, 1967 borders, reduces both the solidity and longevity of security arrangements, strips the text of any reference to cooperation with Israel, and injects numerous loopholes that would permit the Syrians to prevent any meaningful normalization. Other Syrian demands--such as those regarding a WMD-free zone and a solution to the Palestinian refugee problem--seem to be political "add-ons" useful for inter-Arab consumption but likely to be bargained away; the former proposal tweaks the Egyptians, who have long sought to champion this issue in inter-Arab circles, whereas the latter may rattle Yasir Arafat, who might fear Syrian efforts to gain a say on Palestinian matters through the back door of the refugees. What remains to be seen is whether the al-Safir document is a true negotiating position or just an effort to reclaim the public relations high ground following the humiliation of the Ha'aretz leak. If, in fact, the critique truly reflects Damascus's position on the key issues of security arrangements and normalization, then the negotiations have a long, long way to go.

Robert Satloff is executive director of The Washington Institute.

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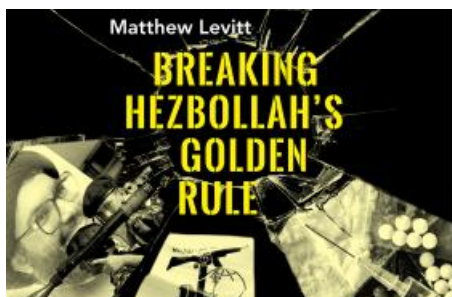
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