

## Position Paper

# Syrian Presidential Elections: Final Blow to Geneva

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Assad regime soldiers celebrate Bashar Assad's presidential re-election in Damascus, Syria, Wednesday, 4 June 2014 [AP/Dusan Vranic]

## Abstract

With interest in the Geneva conference's lacklustre progress fading, and the Syrian regime's presidential election showcase, any prospects for a political solution based on the 30 June 2012 Geneva declaration have been completely erased. The declaration, which was the basis for Geneva II in January 2014, had called for the formation of a transitional government drawn from both the regime and the opposition. Given this reality, and with the international community's attention turned to other issues, the possibility of a political solution will be set even further back after the recent 3 June 2014 elections. It is likely that both parties to the conflict – the regime and its allies as well as the opposition and its supporters – will continue to strengthen their military and negotiating positions before any potential political process is launched. In addition, unpublicised contact between Iran and western countries will continue as a "second track" of the Syrian crisis.

## Introduction

With interest in the Geneva conference's lacklustre progress fading, and the Syrian regime's presidential election showcase, any hope for a political solution based on the 30 June 2012 Geneva declaration was completely erased. The declaration, which was the basis for Geneva II in January 2014, had called for the formation of a transitional government drawn from both the regime and the opposition. The regime, encouraged by its military achievements on the ground, has chosen the election route to secure some level of legitimacy. Meanwhile, the opposition is engaged in a fight against the Islamic

State in Iraq and the Levant (ISIS) in many places across Syria and confined by divisions between its various factions. Finally, the regime took advantage of declining international interest in the Syrian crisis due to events in Ukraine and the shift of US interests to the Iranian nuclear agreement, using it as an opportunity to proceed with the presidential election and impose the outcome on all parties involved.

### **Election design**

Since the beginning of the crisis, the regime has taken a unilateral approach that eludes any political, civic, local or external change. At the same time, the regime has tried to give the impression that it is responsive to international and regional initiatives aimed at resolving the crisis. This is what happened with the Arab League initiative and the Arab observer mission sent to monitor the security situation in late 2011; with the Kofi Annan and international observers mission in the first half of 2012; and again with the Geneva II process starting at the end of 2013. In each case, the regime agreed to external initiatives in order to buy time, waiting for domestic, regional or international forces to change the game.

As soon as the second round of negotiations in the Geneva II Conference ended 10 February 2014, there were leaks to the media about President Bashar Al-Assad's intention to run for presidential elections. The Assad regime was testing international reactions regarding its continued leadership of Syria's political scene. In the absence of any strong rejections, on 21 April 2014, the head of the Syrian parliament, Jihad Al-Laham, announced that candidates could contest the presidential elections which would take place 3 June 2014. During the ten-day window for candidates to apply, twenty-four candidates applied, but the Supreme Constitutional Court approved only three: Assad, former minister Hassan Abdullah Nouri, and member of parliament Maher Hajjar, making it clear the Assad regime made concise arrangements for the so-called electoral race.

The 1973 constitution, enacted by former president Hafez Al-Assad after he came to power three years earlier, abolished multi-candidate elections for the presidency, with Article Eight stipulating the Ba'ath Party had a monopoly on power and naming it as the leading party "of the state and of society". Accordingly, the Ba'ath Party's Regional Command chose its presidential candidate, and then referred him to parliament for approval before subjecting his name to a popular referendum. The only candidate in thirty years, Hafez Al-Assad never won by less than ninety-nine per cent of the vote. In 2012, under pressure of the revolution, a new constitution was adopted, abolishing Article Eight and allowing multi-party elections.

However, this month's election was a sham because opposition candidates in Syria and abroad were excluded. The election law passed in 2012 as part of the "presidential reform" package stated that the presidential candidate must have been living in Syria during the last ten years as well as have the support of at least thirty-five out of 250 deputies of the Syrian Majlis Ash-Sha'ab (People's Council). This makes it difficult, if not almost impossible, for opponents inside and outside Syria to contest the elections. To ensure that it achieves the desired result in the elections, the law excludes anyone who left Syria without a passport and without an official exit visa through border crossings controlled by the regime. This deprives around three million refugees living abroad from voting, allowing only about 200,000 expatriate Syrians to cast their votes. Thus, the regime orchestrated the results it desired in order to prevent any surprises. From the selection of rival candidates to deciding who was entitled to vote, as well as controlling the composition of the committee overseeing the electoral process, the election was a showcase of the regime's strategic plan to maintain some level of legitimacy on an international scale. To illustrate just how much the regime orchestrated the election, the "Supreme Judicial Electoral Committee" was created based on a decree from Bashar Al-Assad in which he appointed members to sit on the committee.

### **Militarily priming a new stage of governance**

Simultaneously, and as a prelude to the presidential election, the regime took rapid steps to alter the situation on the ground and re-impose itself on both the international and regional scenes. In mid-March 2014, with Hezbollah's help, the regime regained control over Yabroud in specific and then over all areas of Qalamoun in general. It permanently closed the western border with Lebanon, which was considered an important supply line for the opposition in areas north and west of Damascus. It also secured the interstate between Damascus and Homs. The regime agreed to Russian-Iranian mediation to evacuate opposition fighters from Homs to regain full control over Old City. This was part of an agreement which included the release of prisoners by both sides. Earlier, on 29 March 2013, the regime succeeded in regaining control of the town of Krak des Chevaliers Citadel near the interstate between Homs and Tartous, and so ended the presence and activities of opposition battalions in the rural areas west and south of the city.

The regime adopted a reconciliatory approach to calm opposition-held areas, especially in areas around the capital city. It began to limit hostilities in remote areas to make it easier to hold elections, giving the impression the crisis was on its way to being resolved, sometimes by force and sometimes through negotiations, giving the impression that those areas which were previously in the opposition's hands had returned to its control. Thus, several truces were concluded in neighbourhoods south of the capital in February, with the regime entering with food supplies to besieged

neighbourhoods in order to raise the Syrian flag on government buildings. This “truce” or “reconciliation” was preceded by similar agreements in the neighbourhoods of Old City, Homs in January 2014, and in the city of Moadamiyeh west of Damascus in December 2013, including a ceasefire in exchange for the evacuation of civilians and the provision of humanitarian aid to areas cut off by regime forces. The agreements have extended to include the exchange of prisoners and abductees in different areas in the context of what the regime called a “national reconciliation plan”.

Parallel to this process, pro-Assad election rallies were held to support his nomination. Calls for the return of dissidents from abroad and for a national dialogue conference began, together with calls for the adoption of an agreed-upon internal solution. In the meantime, the regime began promoting the notion that after the presidential elections a national unity government would be formed which would hold local elections with international monitoring based on local ceasefire agreements in the Damascus and Homs areas, followed by parliamentary elections and a constitutional amendment to reduce presidential powers in favour of the prime minister.

### **Divided international community**

International reactions to the Damascus Declaration regarding presidential elections conformed to the pattern of divisions on the Syrian crisis since its start. While the regime’s allies – Iran and Russia – declared their support for the presidential election, the regime’s regional and international opponents denounced it as a farcical move given the continuing violence across the country. International opposition to the election was weak at first, but the regime’s insistence on moving ahead resulted in avalanche of these responses. International envoy Lakhdar Brahimi submitted his resignation to the UN Secretary-General, suggesting that the election undermined efforts towards a settlement ending the three-year conflict. He also accused Damascus of resorting to “delaying tactics” to prevent a resolution.

European countries responded to Damascus’ decision to hold the election by preventing Syrians residing in their territories from voting. Some Arab countries also prevented Syrians from voting on their territories. The UAE was the first to announce this ban, while Jordan expelled the Syrian ambassador and facilitated the opening of a mission representing the opposition’s National Coalition in Amman.

France, with European support, presented a resolution to the UN Security Council to refer the Syrian matter to the International Criminal Court (ICC). In what has become the status quo over anything relating to Syria over the past three years, Russia responded with a draft resolution to support reconciliation and a political settlement in Syria based on what it termed “the positive experience of reconciliation in Homs”,

followed by collaboration with China to use their UNSC veto for the fourth time, protecting the Syrian regime from punitive political or legal measures resulting from the French draft resolution. Moscow's ambassador to the UN, Vitaly Churkin, asserted that the Geneva Declaration did not prohibit the holding of presidential elections.

The strongest reaction was from Washington, with the White House declaring the election a "farce". Its response was on two levels. The first level was diplomatic, with Washington ordering the Syrian embassy be closed on 18 March, and raising the opposition's National Coalition level of representation to that of a foreign mission. It also hosted, for the first time, a visit by the Coalition's leadership in Washington, with President Barack Obama meeting the delegation at the White House in May. Secondly, Washington increased its aid to the opposition, including military assistance such as missiles that have been used effectively in northern Syria against the regime's tanks and armour. Obama further approved a "program to train and equip 'moderate' opposition fighters". Many analysts believe it was not a coincidence that the "Eager Lion" multinational military drill was taking place in Jordan simultaneously, with over 12,000 participating soldiers representing twenty-two countries.

Since Iran had offered itself as a sponsor for internal reconciliation in Syria, to be conducted with international assistance, Tehran facilitated the agreement for opposition fighters to leave Homs. It also presented a plan to resolve the crisis after the presidential election – in fact, Iran fully supported the election and sent delegates to help oversee it.

### **Dubious legitimacy**

Despite all regional and international objections, and the inability of half of the Syrian electorate to participate because of refugee and internally displaced (IDPs) conditions, and although the polling was limited to about forty per cent of Syrian territory, the regime was determined to hold the election in order to impose a new political reality on Syria. It also wanted to eliminate the idea of a solution based on the establishment of a transitional authority that would exclude Assad. In its quest to be able to claim a popular mandate to continue its policies, and to survive and maintain recognition by the international community, the regime ignored the fact that Syrians are becoming the largest refugee population in the world, with three per cent of these refugees exposed to death, deformity or injury.

Faced with this reality, and given the international community's preoccupation with other issues as well as their inability to act, the possibility of a political solution will most probably recede even further now that the election is over, before regaining focus as part of a package of agreements on the Iranian nuclear issue. Thus, it is likely that both

the regime and its allies, as well the opposition and its supporters, will continue to strengthen their military and negotiating positions before the beginning of any possible political process, with continued undisclosed negotiations between Iran and western countries on the “second track” of the Syrian crisis.

Until a regional and international understanding is reached, Syrian citizens will continue to pay the price for the armed conflict imposed on them by the current regime, a regime which has now further deprived them of the right to freely choose who will govern them.

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