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Coming Home? A Political Settlement in Syria Must Focus on Refugees

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SUMMARY

A sustainable political settlement to end the multiple conflicts in Syria will not be possible without a real focus on the challenges of refugee returns. The complexities of the Syrian wars as well as previous international experiences with similar conflicts underscore that ensuring long-term peace requires a more focused attention on the challenges for effective repatriation of refugees and internally displaced persons, including significant security and protection guarantees. Without these, and irrespective of the eventual shape of a political solution, their return may be neither possible nor sustainable—with significant repercussions for peace in Syria, neighboring countries, and states beyond.

Recommendations for the International Community

- **Ensure that a refugee-focused policy is embedded into any final political accord.** Parties to any Syrian settlement should adopt a holistic approach toward refugees that addresses the principal challenges of security and access to justice and services. Without this, voluntary repatriation will be difficult, if not impossible, to achieve.
- **Provide refugees with access to justice as part of any political settlement.** Transitional justice mechanisms are needed to address local grievances, including acts committed during the conflicts such as massacres, forced disappearances, sieges of towns or villages, and population transfers that occurred as elements of local peace deals. Justice should also include economic measures that incorporate property restitution and the provision of equitable economic opportunities.
- **Make certain that the return of refugees is voluntary and that their refugee status can be preserved for a time after the end of the conflicts.** Repatriation is the favored option of host states, but in the absence of security guarantees, refugees will refrain from moving back to Syria. Any political agreement must rest on the principle of refugees' right to choose. Meanwhile, to ensure the cooperation of host countries, the international community, especially the EU, should arrange economic support and preferential partnership agreements for host countries Jordan and Lebanon. Both countries are in dire need of support to help mitigate some of the burdens associated with large surges in their populations, including infrastructural and employment challenges.

- **Push for power-sharing options that address the identity-based aspects of Syria's conflicts, but do not resort to identity-based governing mechanisms.** Power-sharing options can address political, sectarian, and ethnic concerns of different population groups. However, any settlement should steer clear of grounding a future Syria in a governance model that entrenches sectarian and ethnic identities.
- **Include women in peace discussions, as required by UN Security Council Resolution 1325.** Women are not only victims of Syria's conflicts. Many are also participants at all levels in the wars, which have profoundly altered their role in society. This shift has given women a valuable perspective on what is required to reinforce a durable settlement and strengthen economic and political rights.
- **Prioritize educational reform in any settlement.** Millions of Syrian children today are denied educational opportunities, while those in school have been exposed to diverse educational curricula, which have often been formulated to fit different, frequently hostile, ideological frameworks. This educational cacophony, in a country already divided by identity issues, may create an environment that ultimately drives children toward crime and extremism, posing security risks in a postwar context in which social cohesion will be necessary.
- **Use international support for reconstruction to promote the safe return of refugees as well as economic and political reform that would mitigate potential discrimination against specific population groups.** The regime's main backers, Russia and Iran, are financially unable to sponsor the massive reconstruction of Syria. Gulf Arab countries are unlikely to get involved in view of their own economic challenges and their hostility toward Syrian President Bashar al-Assad's regime. This provides Western countries with an opportunity to offer conditional support to promote reform and protect the rights of returning populations and other Syrians amid the fragmentation of Syrian territory and the creation of new facts on the ground.

CHALLENGES TO REACHING A POLITICAL SETTLEMENT

The Syrian conflicts have generated the largest refugee crisis in recent history. As of December 2016, there are more than 4.8 million Syrian refugees worldwide and around 6.3 million internally displaced persons in Syria; one in every five displaced individuals in the world is Syrian. The population exodus is a result of overlapping conflicts and proxy wars involving state and nonstate actors. The complex geopolitical situation, grassroots dissent, and civil strife have rendered the current reality in Syria bleak, and the prospects for a just political settlement and voluntary refugee returns are even more distant.

The incompatible agendas of the different parties to the conflicts have raised concerns that the return of refugees and internally displaced persons to their homes may be complicated by political, sectarian, and ethnic considerations. These concerns are compounded by three interconnected factors: (1) the involvement of regime forces in population transfers through sieges and local

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peace deals, (2) the territorial fragmentation of Syria and the widespread destruction of urban centers and rural areas, and (3) the proliferation of gangs and armed militias in regime- and opposition-held areas.

The Syrian regime's central role in the conflicts and in war crimes has eroded its coercive and financial capabilities; the capacities of state institutions, including those providing social and other services; and the regime's legitimacy among broad sectors of the population. This has undermined prospects that it will be able to govern effectively after a peace arrangement. Militarily, the regime has been forced to turn to external allies—Iran, Russia, and nonstate actors such as Hezbollah and Iraqi Shia militias—to regain areas it has lost and control those still under its authority. It has also resorted to local militias to govern key territories, as service delivery by state institutions has been weakened. Financially, it is estimated that Syria's physical reconstruction would cost $100–200 billion, an amount the regime cannot afford.

Meanwhile, Syria's fragmentation and the apparent inability of any one side to achieve a complete military victory will have an impact on the shape of a political settlement and prospects for the return of refugees. The country today is divided into separate and contiguous zones of influence under the respective control of the regime as well as a broad range of nonstate actors. They include the self-proclaimed Islamic State, the al-Qaeda–affiliated Hay'at Tahrir al-Sham, the Kurdish-Arab Syrian Democratic Forces, and various rebel groups (a number of them allied with Turkey). As of December 2015, around 10.1 million individuals lived in government-controlled areas, while rebel-, Kurdish-, and Islamic State–controlled areas contained approximately 2 million people each. In each of those zones, there is further fragmentation because a multitude of smaller actors exert influence locally, particularly emerging economic networks profiteering from the war economy.

In light of the conflicting agendas of the parties involved in Syria, debates on the eventual shape of a political settlement continue to revolve around which groups will eventually be involved in negotiating it. Current discussions of governance modalities include various forms of administrative decentralization or federalism based on ethnic and sectarian identities, among others. However, such talk is taking place even as the parties are militarily imposing new facts on the ground. Meanwhile, the preconditions for the return of refugees and internally displaced populations do not seem to be on the discussion table in Geneva, where the peace negotiations between the Syrian regime and the opposition are taking place under the auspices of the United Nations.

REFUGEE AND INTERNALLY DISPLACED CONCERNS

Given Syria's uncertain political outlook, focusing on the challenges of voluntary refugee returns is a critical piece of forming a comprehensive framework that enshrines the right of return as a central part of any settlement. Some conditions related to returns are technical, including the need to rebuild infrastructure and provide access to health and education services. However, others, such as the provision of funds for reconstruction as well as security and justice, are more political and require the involvement of the international community as well as trusted

local actors, including tribal leaders and civil society activists.

If adopted, a refugee-focused approach would protect refugees and internally displaced persons, irrespective of who is in power, and would introduce mechanisms to address challenges to social cohesion at the local level. Such an approach would rest on three key tenets: (1) the political settlement takes communal dynamics into account and actively addresses them, (2) returning populations are guaranteed security, and (3) a transitional justice mechanism is established to provide accountability and economic justice. While these may seem aspirational given the difficulties of achieving a just political settlement, without them, the prospects of a lasting peace are relatively grim.

GUIDING PRINCIPLES

Ensure that a refugee-focused policy is embedded into any final political accord. Parties to discussions on a political settlement of Syria's conflicts should adopt a holistic approach that addresses the principal challenges of security and access to justice and services. This is based on the principle that repatriation is not only the physical movement of people back home, but also requires that elaborate infrastructure be put in place. Such an approach has to be included as a central component of a peace agreement, with clear mechanisms for upholding and monitoring it, including guarantees for the security of returning populations. This may well require deploying a United Nations force, or another neutral force, as opposed to allowing parties to the conflicts to be responsible for security. Without this, voluntary repatriation will be difficult to achieve.

Provide refugees with access to justice as part of any political settlement. While such access is difficult to achieve if those who perpetuated injustice remain in power, it is still important to maintain the issue as a guiding principle for all negotiations. In the Syrian context, justice would have two components: transitional justice, which aims to provide accountability, and economic justice, which provides the moral principles for rebuilding economic institutions with the aim of providing equal opportunities for dignified and productive lives for all. Access to justice remains a major component in guaranteeing a sustainable peace. Transitional justice mechanisms that are homegrown and tailored to the Syrian situation are necessary to address forced disappearances and crimes against humanity. These mechanisms should include compensation or rehabilitation as well as the provision of psychosocial support and programs aimed at encouraging social inclusion for victims on all sides. Survivors of abuse, torture, or ethnic cleansing—as well as families of the disappeared—will require additional guarantees for return. This includes protection from those who abused them and may still be living in the area.

Economic justice, in turn, is tied to reestablishing the state's judicial system and enforcing the rule of law. Avoiding the economic marginalization of particular social and political groups should be a foundation of postwar reconstruction plans. Any such effort should also include the establishment of a commission concerned with the restitution of property and access to land. Housing, land, and property rights are particularly challenging issues in Syria, given the level of devastation. Six years of war have resulted in the destruction of or damage to 1.2 million housing

units, including entire neighborhoods in large cities such as Aleppo and Homs.

With more than 900,000 internally displaced persons living in abandoned property, ownership is likely to be disputed between successive occupants (who could be from different ethnicities or sects), a predicament that will worsen if property deeds have been lost. The legal vulnerability of refugees and internally displaced persons, many of whom fled without property deeds, as well as the substantial damage to land registries, will further exacerbate the problem. This situation may be exploited by postconflict governing authorities that seek financial or political gain and may enact legislation making it difficult for returnees to recuperate their properties or remain in certain areas.

Therefore, guaranteeing the housing, land, and property rights of refugees and internally displaced persons means, in part, addressing instances in which local peace deals have actively hindered people's return to their homes. In addition, property restitution should necessarily cover business facilities or land that was destroyed or usurped during the conflicts. Lack of attention to these examples could undermine local economic opportunities and employment potential, which in turn would thwart the process of return.

Make certain that the return of refugees is voluntary and that their refugee status can be preserved for a time after the end of the conflicts. Repatriation is the favored option of host states, but in the absence of security guarantees, refugees will likely refrain from going home. Refugees must not be made to return against their wills. The international community can coordinate with host countries—especially Jordan, Lebanon, and Turkey—to maintain refugee status for those who fear moving back. International partners can also offer Jordan and Lebanon preferred partnership agreements and long-term economic aid to address developmental and infrastructural challenges. Turkey is already receiving substantial support through the EU-Turkey partnership agreement amounting to 6 billion euros.

At the same time, the UN should put mechanisms in place to ensure that refugee status remains temporary and that it does not become institutionalized with people remaining refugees forever, as happened with the Palestinians. In cases where neither repatriation nor integration is possible, the international community should introduce an asylum program to guarantee that refugees do not remain in limbo for generations. And the international community should emphasize positive assistance and support in Syria, rather than the withdrawal of support and protection in host countries, once there is a cessation of hostilities. The latter is particularly important considering that the conflicts in Syria are likely to continue for some time to come with a protracted refugee crisis.

Push for power-sharing options that address the identity-based aspects of Syria's conflicts, but do not resort to identity-based governing mechanisms. Power-sharing mechanisms can focus on addressing sectarian- and ethnic-based acts committed during the conflicts, including population transfers that occurred as parts of local peace deals. However, a final settlement should steer clear of basing a postwar Syrian governance model on identity. Such a strategy would acknowledge that the legacies of conflicts, sieges, forced population transfers, and atrocities have scarred Syrian society, but

it would avoid anchoring sectarian and ethnic differences institutionally in a way that may sow the seeds of future conflicts.

A decentralized approach that addresses local grievances, acknowledges existing alternative modes of governance, and empowers local authorities is preferable, because most reintegration efforts will have to take place at the local level to foster reconciliation, participation, and social cohesion as well as to permit a durable peace. This can be based on the full enactment and detailing of Legislative Decree 107, a decentralization law promulgated by the Syrian Parliament in 2011 and supported by the regime, opposition, and external actors such as Russia and the United States. Local popular councils, civil society organizations, and other local social and political entities—especially those that emerged in the past six years in opposition-held areas—should be involved in repatriation and reintegration efforts because they have taken the lead in addressing the diverse needs of Syrians (for example, in areas like education and health) during ongoing conflicts, especially in opposition-held areas where state services have been halted or disrupted. Members of those councils are often local community members elected to office with intimate knowledge of social dynamics, communal needs, and challenges in their immediate areas; many have been involved in reconciliation efforts and addressing local disputes.

Include women in peace discussions, as required by UN Security Council Resolution 1325. This would be in line with recent findings on the positive role of high-quality participation of women in negotiations and in ensuring sustainable peace. Women are not only victims of conflict. Some are also participants as fighters on the ground or political representatives among opposition groups both in Syria and in exile, and they are engaged in political discussions and assessments of future options for Syria. Many others are at the forefront of providing support to refugees and the internally displaced through civil society organizations. This is especially significant in a context of changing gender roles: women's economic participation has increased in Syria and in host countries. Many have become de facto heads of households and have intimate knowledge of familial and communal challenges. Effectively, Syrian women are well positioned to know what it would take to reinforce a lasting settlement as well as economic and political rights.

Prioritize educational reform in any settlement. Close to 3 million Syrian children are either out of school or being educated informally. Without the proper educational infrastructure, these children could become easy prey for illicit activities and crime networks or could possibly join extremist groups.

In addition to rebuilding educational infrastructure, reforming school curricula and teaching practices is particularly important for creating a postwar generation with a shared worldview—facilitating reconstruction, societal rehabilitation, and social cohesion.

Since the start of the conflicts, Syrian children have been exposed to different curricula inside Syria and a multitude of others outside. Through these systems, children are absorbing often divisive narratives of their history and identity that frequently reflect one particular perspective, imparted with a clear hierarchy of moral values. The roles of

the international community and grassroots organizations are critical to weakening the hold of ethnic and sectarian leaders over education. Moreover, carrying over wartime divisions into the postwar period could eventually pose the serious security challenge of an easy regression into conflict.

Use international support for reconstruction to promote a just political settlement, the safe return of refugees, and economic and political reform that would mitigate potential discrimination against specific population groups. International support for reconstruction should not be provided without a comprehensive political settlement in place that addresses the role of the Assad regime and engages with demands of Syrians for freedom and equity. Focusing on stabilization and reconstruction rather than political transition is a piecemeal approach that may lead to longer term instability. Syria's current allies, Iran and Russia, will continue supporting the regime but will not take responsibility for the gargantuan task of reconstruction; nor will Gulf Arab states, which face their own economic difficulties and oppose the Assad regime.

However, if Assad remains in power—reconstruction support should be provided on the basis of a broader strategic vision for the Syria end game. Western governments, especially in the EU, will be the only ones capable of supporting this process, because they are the only ones able to finance it. They can use this role as leverage to combat discrimination that may include preventing refugees and internally displaced persons from returning to their areas of origin or denying them access to economic opportunities, such as employment and housing.

Accordingly, the international community must commit to long-term support for the political, economic, and physical reconstruction process and must establish mechanisms that consider recent regime tactics to control funding for reconstruction. It must earmark funds to support economic initiatives, local governance councils, and affordable housing for low-income refugees. Otherwise, economic and physical reconstruction efforts will remain concentrated in areas where new economic elites, warlords, and private sector companies feel they can profit most; these tend to be areas that offer a measure of investment security, particularly major cities—such as Damascus, Aleppo, or Homs—and coastal areas under regime control. That would mean that marginalized regions, many of them where the Syrian uprising began and reconstruction is most urgent, will continue to be denied the dividends of peace.

CONCLUSION

The complexities of the Syrian conflicts, the multiple actors involved, and the internal dynamics of population displacement make it impossible to imagine an enduring peace in Syria without a clear architecture for addressing the challenges of population returns. However, current discussions of a settlement in Syria have not begun to tackle this subject. The exclusion of certain military groups from political discussions means that fighting will continue in parts of Syria, displacing more residents.

Yet delay is a luxury Syria can ill afford. A peace accord that ushers in a cold civil war that persists for decades would unlikely be stable or allow the country to be reborn from

its ashes. With continued discrimination and marginalization come greater risks of a new downward spiral of violence. A failed process of refugee return may, in turn, bring on a second exodus of Syrians, posing new humanitarian, developmental, and security challenges for neighboring countries and states beyond.

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