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The Dynamic of Syria's Return to the Arab League

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Introduction

For the last two years, several members of the League of Arab States (LAS) have taken incremental steps to bring Syria back under the LAS tent. Oman never cut diplomatic ties with Syria, and the United Arab Emirates and Bahrain reopened their embassies in Damascus. Several other Arab states such as Algeria, Iraq, Tunisia, and Lebanon have been calling for Syria's return to the League. With respect to non-regional global players, Russia openly backed the case for Syria to return to the League. The only non-regional global player that still stands in the way of the Syrian regime's political rehabilitation is the United States of America. The Caesar Act the US Congress passed, and President Trump signed into law in late 2019, imposes various sanctions on the Syrian regime including sanctions on companies, individuals, and institutions doing business with it and intending to profit from Syria's reconstruction. Do these developments still mean Syria's return to the League of Arab States is near? How does the process of the return of a member state suspended from the Arab League work? What will the implications be of this measure when, and if, it happens after almost a decade?

A Brief History of LAS Suspensions

Several member states have neared suspension since the founding of the League of Arab States. When King Abdullah of Jordan annexed the West Bank, 'the Arab part of Palestine', in 1950 and caused rumors that he was closing in on concluding a separate peace treaty with Israel, the LAS led by Egypt reacted very harshly.[1] The LAS entertained the idea of dismissing Jordan but eventually did not. When Iraq joined Pakistan, Iran, Turkey, and the United Kingdom under the Baghdad Pact in 1955, the LAS, again led by Egypt, considered expelling Iraq. Yet, Iraq remained a member. In 1965, Tunisia risked expulsion. President Habib Bourguiba had pulled Tunisia voluntarily from the League in 1958 upon his evident clash with the Egyptian President until he decided to return in 1961. When President Habib Bourguiba said in 1965 that Arab states should consider recognizing Israel within 1947 borders per UN partition resolution, he touched a nerve at the LAS. Tunisia was not suspended, however.[2] In 1978, North Yemen pushed for suspension of South Yemen from the LAS over its culpability in the assassination of its President Ahmad al-Ghashmi.[3] Though the LAS did not formally suspend South Yemen, it froze political and diplomatic relations with it and terminated its economic and technical assistance – a decision taken despite absence of six members in the meeting.[4] Even when Iraq invaded Kuwait in 1990, the Arab League did not suspend Iraq, though the latter was diplomatically isolated for the next decade. Therefore, the Arab League rarely suspends its members, and similar occurrences have only occurred twice: expulsion of Egypt when it signed a separate peace treaty with Israel in 1979 and suspension of Syria because of its killing of civilian protestors in 2011.

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It is not because of technical difficulties posed by unanimity rule that the LAS rarely suspends its members. Admittedly, the Arab League Charter carefully crafted a de facto 'unanimity' rule into its decision-making process. Even when unanimity is not legally required (as in the requirement of approval of two-thirds of all members to amend the Charter), the League's main urge is to look for consensus. However, Arab leaders have taken turns trying to change consensus rule when it has blocked their way. In 1981, King Fahd in Saudi Arabia is claimed to have threatened to support proposals to change consensus rule to 'majority' rule when his Middle East peace proposal was rejected by Algeria, Palestinians, and Syria. His threats bore fruit as his plan was accepted by the League a year later. In 1984, Jordan wished the League to decide by majority rule because it wanted to advance its own plan for peace initiative with Israel. LAS's summit meeting in Casablanca, Morocco in August 1985 tried to open discussions, among other things, on the consensus rule, yet it declined to vote on it because Algeria, Syria, South Yemen, and Iraq did not show up to the meeting. In fact, earlier in 1980, after Egypt's suspension, the LAS appeared more determined to institute majority rule. Committees were formed and amendment suggestions were made. Amendments suggested that Council decisions would be taken with a two-thirds majority rule and new powers would be vested in the heads of state to follow up Supreme Council decisions with joint military forces. These proposals were discussed in 1982 and 1984 yet failed to pass again.[5]

Above all else though, the Arab League Charter does not say much about conditions under which a member can be suspended. Article 18 of the Charter says broadly that, "The Council of the League may consider any State that is not fulfilling the obligations resulting from this Pact as excluded from the League, by a decision taken by a unanimous vote of all the States except the State referred to". Not only can the definition of any particular time of the content of these obligations be very political, but also the suspensions of Egypt in 1979 and Syria in 2011 were done despite an absence of unanimity. Both decisions were taken by a majority of member states.

Expulsion of Egypt

The LAS expelled Egypt largely because the latter pulled the rug under other members' feet by concluding a separate peace treaty, the Camp David Treaty, with Israel. Even then, Saudi Arabia and Oman were unwilling to see Egypt be expelled.[6] Carter Administration urged Saudi Arabia to help not get Egypt ostracized in the region by maintaining its bilateral ties to Egypt. It also pressed hard on Saudi Arabia, which had delivered to Egypt economic aid worth more than three billion US dollars and military aid worth 1.8 billion US dollars from 1974 to 1978,[7] to continue its aid to Egypt. Yet, Saudi Arabia not only felt slighted that Egypt took such an initiative without consulting with fellow Arab nations but also came under immense pressure to bandwagon with region-wide effort to isolate Egypt.[8] Carter Administration tried to mediate between Saudi Arabia and Egypt so that their contretemps after Camp David would not explode further and at least ensure 'a period of calm' without any public attacks on one another.[9] However, Saudi Arabia was first forced by fear of regional public backlash, possibly ignition of instability that could be started by Palestinians,[10] Iraq, and Syria,[11] and secondly, by fear of an external threat: unrest in Iran which had the potential to stir the region and galvanize publics.[12]

Therefore, Egypt's return was as much a political decision as its expulsion a decade before. In other words, Egypt did not return to the 'Arab fold' because it suddenly remembered its obligations emanating from the Arab League Charter. There had been no doubt Egypt would maintain its peace treaty with Israel once it came back. Instead, several other political factors played a role in this outcome. To begin with, specter of Iran emerging as the victor from the Iran-Iraq war convinced Saudi Arabia that Egyptian counteraction was badly needed. President Sadat had started helping out the Iraqi military against Iran and Egypt under Mubarak and maintained this policy throughout the Iran-Iraq war.[13] President Mubarak followed in Sadat's footsteps not only on the Iraq-Iran war front but also on the theater of Afghan jihad. He carefully maintained military assistance to Afghan mujahideen and ingeniously allowed what it saw as its 'radical' Muslims to relocate to Afghanistan, fight against the Soviets, and hopefully die there.[14]

Economic downturn and emerging instability in Egypt, as evidenced by a mutiny police conscripts staged in 1986, also convinced Saudi Arabia to uphold Egypt. Besides, Egypt had also displayed the right attitude by stopping attacks on other Arab states, including Libya despite several provocations by the latter[15] on its official newspapers and radio.[16] Saudi

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economic aid had been reduced throughout the decade of Egypt's suspension but not cut entirely. The CIA estimated that between 1986 and 1988, before Egypt was reinstated, Gulf states provided Egypt with more than a billion dollars in cash and 235 million dollars in project assistance.[17] Back door contacts, including intelligence cooperation,[18] with the Gulf and other Arab states also continued. The United States, as then the preeminent non-regional global player, discreetly supported this process because it wanted to strengthen what it called 'the moderates' such as Jordan, Tunisia, Morocco, and Saudi Arabia by making Egypt's return happen.[19]

The theatrics of the return of a member state suspended earlier should also be noted. In the case of the suspension of Egypt from the LAS, as much as Egypt wanted to come back under the Arab umbrella, it would not beg to return. It was the Arab League that felt Egypt was needed back. Like Sadat, who reportedly had thought, "Egypt isn't isolated in the Arab world, the Arabs are isolated from Egypt",[20] Mubarak was confident that it was the Arabs that lost Egypt, not the other way around. Egypt already maintained its place and activism in the Organization of African Unity thanks to active contribution by its FM Boutros Ghali.[21] An Egyptian-American security relationship and ties in military and economic assistance also grew in the 1980s. In the end, the decision for Egypt's return, however, was taken in a summit meeting in 1989 by twelve members of the LAS with Syria and Libya not joining that meeting.

Nonetheless, Egypt's return to the LAS did not eliminate deep suspicion that characterized inter-Arab relations. Even Egypt's support for Kuwait against Iraq by contributing two divisions to the international coalition[22] that repelled Iraqi invasion and alleged further assistance to Kuwaiti authorities in interrogation and torture techniques[23] did not dispel an innate sense of distrust in the Gulf toward Egypt or Syria. The fate of the 'Damascus Declaration' illustrates this perfectly. Bahrain, Kuwait, Qatar, Saudi Arabia, and United Arab Emirates as members of the Gulf Cooperation Council signed this security cooperation agreement with Egypt and Syria in 1991. In return for Gulf financial aid, Egypt and Syria pledged to provide military weight to protect the Gulf. However, as former Egyptian diplomat Nabil Fahmy said, the Gulf rejected the Egyptian and Syrian military offer[24] because they could not trust that Egypt or any other Arab military force would not turn on the small Gulf kingdoms if times changed. On the contrary, Saudi officials could not even trust more civilian projects seeking to establish closer links to Egypt. According to Chas Freeman, former U.S. Ambassador to Saudi Arabia (1989-1992), the project to build a

bridge and causeway across the Strait of Tiran to connect Sinai and the Saudi coast opposite to that in late 1989 was demurred by the Saudi Royal Family, concluding that they could not trust Egypt.[25] Closer links following the first Gulf War did not even result in the employment of more Egyptians in the Gulf economies. To the opposite, the process of transformation of the foreign Saudi workforce from an Arab origin to a South Asian orientation, which had already been under way despite aspirations to 'Saudization' policy, continued unabated.

The Case of Syrian Suspension

Syrian membership in the LAS was suspended in 2011 for its murder of civilians during anti-regime protests. This could not be the real reason though for several members of the League including the Syrian regime itself had previously brutally suppressed civilian protestors and yet were not suspended from the LAS. Therefore, Syria's suspension was more a result of palpable public and non-regional pressure than 'failure to fulfill obligations to the Arab Pact'. The decision to suspend Syria was not taken unanimously either; it was a majority decision taken by eighteen members out of twenty-two. Several members of the LAS already thought that this was a bad decision to make. Oman, as before in the case of Egypt's suspension, never broke ties with Syria. As the Syrian regime regained more territory from the rebels in the civil war for the last two years, more Arab states showed readiness to bring Syria back after almost a decade. Oman had acted as an intermediary between Egypt and Gulf states including Iraq as early as 1981,[26] and it could very well be doing the same now with Syria. Iraq, Lebanon, and Algeria have been calling for Syria's return.

What are we, therefore, looking at when we consider the prospects of Syria's return to the Arab League? The delay is in fact surprising. In the case of Egypt, Syria and Libya had to be co-opted. Saudi Arabia needed to feel threatened by the specter of Iranian victory against Iraq and a possible disorder inside Egypt. In Syria, all Arab states, except Qatar and Saudi Arabia, expressed support for Syria's return. Arab League Secretary General Ahmed Aboul

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Gheit said in early 2019 that there was not yet consensus for Syria to return.[27] Yet, we have seen that the answer does not lie in a lack of consensus. The LAS could simply decide to bring Syria back by a majority decision. Needless to say, the delay is also not due to some sort of lingering suspicion in the rest of the LAS members on the oppressive nature of the Syrian regime, which after all does not seem to be a particular concern for the Arab League.

The Dynamic of Syria's Return

The reasons why Arab states want Syria back in the LAS vary. Lebanon wants to be in a stronger position in discussing the return of Syrian refugees directly with the regime under the Arab League umbrella and speed up the process. Jordan would like to do the same and also increase trade volume with Syria. United Arab Emirates would like to bring Syria into the Arab fold and shroud its activism for a new status quo in the cloak of 'Arab' language and interests. It sees no risk in resuscitating Syria from its point of view because historical Arab centers of power in Damascus and Baghdad are long broken and Egypt is financially dependent on Gulf Arab aid and militarily dependent on outside powers in Russia, the U.S., and China.

There are still issues that will have to be addressed before Syria returns though. The issue of reconstruction of Syria is one. President Trump said Saudi Arabia will pay for Syria's reconstruction,[28] yet, given the estimated cost, it is difficult to imagine Saudi Arabia will be able to or want to foot the bill alone. Given the drop in oil prices, expensive adventures in Libya and Yemen, and COVID-19 aftereffects, Saudi Arabia may not be able to underwrite it. Besides, financial assistance from the Gulf (or anywhere else) toward Syrian reconstruction may benefit, as Imad Harb rightly noted, Iranian companies[29] and rescue the Iranian economy under immense pressure due to international sanctions and the pandemic. China could help mitigate or moderate this concern by providing loans for reconstruction and, per Chinese practice, by moving in Chinese companies to crowd the environment and increase

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competition for contracts. Syria's to-be Gulf partners can also subcontract this to India, which had had some experience in construction and technical assistance in the Middle East, in particular in Iraq from the early 1970s[30] to 1980s.[31] In brief, though there can be ways to help Syrian reconstruction without providing a lifeline to Iran, it will require a high-wire act by multiple actors who must really want Syria back.

On a related note, Saudi Arabia is concerned about whether Syria's return to the Arab League will mean restoration of what it has long perceived as the Syria, Iran, and Hezbollah 'triangle' and whether Iranian influence in Iraq will continue. King Salman recently called for the disarmament of Hezbollah and re-reiterated deep skepticism of the Iranian role in the region.[32] Whether and to what extent the Syrian regime will be willing and can make any commitment on its links to Iran and Hezbollah will be a dynamic in the way forward.

The Arab League will continue to be reluctant to take a step further before a political settlement to the Syrian civil war appears on the horizon. Egyptian Foreign Minister Sameh Shoukry said last year that a political settlement could facilitate a dialogue regarding Syria's return.[33] If Syria's return is allowed before a political settlement clears outstanding issues such as status of non-Syrian military forces and various militias in the country, relations between Damascus and Kurdish areas, and the return of refugees and IDPs, Syria could try to use the LAS platform to drag it into negotiations to settle the conflict and force Arab states to take a position. Managing the return of a suspended member state not yet having come out of an ongoing civil war is also new territory for the LAS. Though Lebanon experienced a civil war from 1975 to 1990, Lebanon had not been suspended from the LAS and the LAS had institutionally been more involved in Lebanon by at least sending an Arab Deterrent Force (albeit dominated by the Syrian forces). Civil war in Yemen was not also as complicated as Syria for the LAS. Yemen had been a minor member of the League anyway and the LAS had also been involved in it by its mediation efforts in 1972[34] and 1979.[35] The Syrian case, however, despite regime gains recently, is still very messy in light of the presence of Russian, American, and Turkish military forces, various militias and armed groups, future relations between Damascus and Kurdish areas, and various unknowns ranging from the execution of the Caesar Act to policies of the next American administration.

Regarding the latter issue, the plan to normalize relations with Syria faced headwinds from the Trump administration fearing that such a move would break its 'maximum pressure' campaign on Iran. The assassination of Mohsen Fakhrizadeh, a top nuclear scientist in Iran, that many blamed Israel for, indicates that the Trump administration will be firing on all cylinders in its final two months. Although the incoming Biden administration is likely to use diplomacy and negotiations more than sanctions in dealing with Iran, a quick greenlight to Saudi Arabia, United Arab Emirates, and Egypt to bring Syria back to the League is highly unlikely.

'Normalization' with Israel is the final issue that will need to be addressed if Syria is to return. The Palestinian cause provided legitimation for the LAS for a very long time. It had become a tool the LAS members used to put pressure on each other by publicly naming and shaming each other. Today, when UAE, Oman, Sudan, and Bahrain agreed to normalize relations with Israel, Saudi Arabia and Morocco appear to be next: what kind of a modus vivendi will be reached with regards to Syria's position on the issue? Syrian President Bashar al-Assad spoke on the possibility of normalization with Israel and said that it is possible if Israel returns the Golan Heights. President Assad did not even express a muted criticism of the Gulf Arab states, except Qatar and Kuwait, officially normalizing with Israel.[36] Syria's permanent representative to the United Nations, Bashar al-Jafaari, said return of Golan Heights is a must, and they support Palestinian independent state with Jerusalem as its capital.[37] At the same time, the Syrian regime may feel the urge not to remain isolated against Israel. It looks like there will have to be some sort of unspoken agreement on the issue of 'normalization with Israel' before Syria's return to the LAS is finalized.

Old Wine in an Old Bottle

Governments of the majority of the LAS members seem anxious for Syria's return for different reasons. While some such as Lebanon and Jordan desire it to facilitate the return of millions of refugees to Syria, others such as the United Arab Emirates are anxious to bring Syria back to help build a new status quo in the region that will push Turkey's forays into Libya, Iraq, and Syria back. This paper argued that if there is any delay in bringing Syria back, the history of past LAS suspensions shows us that it does not result from unanimity rule. Syria's return looks much more complicated than Egypt's in 1989 in three respects. While the U.S. was clearly pushing for Egypt's return throughout the 1980s, the Trump Administration has put into force the Caesar Act to ramp up its pressure

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on the Syrian regime. Next the American Administration -whether Trump's or Biden's- will need to reassess its Syria policy including its relations with SDF, a future Russian and Iranian presence in Syria, and political settlement. Then, there appears the issue of Syria's ties to Hezbollah and Iran and whether its return will be a pre-Arab revolts redux. Besides, there is the case of whether Syria will go along with the situation by simply acquiescing in normalization with Israel or if it will insist on the return of Golan Heights.

It is ironic and instructive though that transitional justice issues, peace, human rights, democracy, rule of law, accountability, and good governance are not discussed at all as preconditions for Syria's return. The LAS is trying to put old wine in an old bottle, unaware that the wine has gone bad, and the bottle is broken.

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