

**THE ROLE OF EXTERNAL ACTORS IN  
CONSTITUTION-MAKING PROCESSES: THE CASE STUDY OF  
SYRIAN POST-CONFLICT CONSTITUTION-MAKING PROCESS**

by  
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## ABSTRACT

### THE ROLE OF EXTERNAL ACTORS IN CONSTITUTION-MAKING PROCESSES: THE CASE STUDY OF SYRIAN POST-CONFLICT CONSTITUTION-MAKING PROCESS

MUSTAFA EMRE

CONFLICT ANALYSIS AND RESOLUTION, M.A. THESIS, JULY 2021

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Keywords: Civil War, Mediation, Constitution-making

This research explores the external actors' intervention in civil wars via mediation that relies on constitution-making as a strategy and how it may impact civil war duration. Constitution-making is increasingly used as a conflict transformation mechanism in reaching a negotiated settlement. To examine the role of external actors in constitution-making within the broader process of negotiated settlements and its effect on civil war duration, the thesis' theoretical explanation draws from the bargaining framework, with its emphasis on commitment problems. First, based on the veto-player approach, I conduct a preliminary quantitative analysis on the effects of external actors' intervention on the duration of civil wars by focusing on the number of mediators. Second, with a case study on Syria, I explore the role of external actors in the mediation and constitution-making efforts during the Syrian civil war. The quantitative analysis shows that the more actors involved in mediations, the longer the civil wars last; however, if the United Nations (UN) is one of those mediators, then the impact of the number of the mediators on civil war duration is weaker. Syrian constitution-making process, which is an outcome of two reinforcing mediation attempts, is used as a case study to examine the relationship between civil war duration and mediation by focusing on the constitution-making process that includes the UN and other external states, namely Russia, Turkey, and Iran. This research suggests that a mediation strategy led by multiple external actors that relies on constitution-making makes the bargaining process more difficult and thus lengthens the conflict duration.

## ÖZET

### ANAYASA-YAPIM SÜRECİNDE DIŞ AKTÖRLERİN ROLÜ: ÇATIŞMA SONRASI SURIYE ANAYASA-YAPIM SÜRECİ

MUSTAFA EMRE

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Anahtar Kelimeler: İç Savaş, Arabuluculuk, Anayasayapımı

Bu araştırma, bir strateji olarak anayasa yapımına dayanan arabuluculuk yoluyla dış aktörlerin iç savaşa müdahalesini ve bunun iç savaş süresini nasıl etkileyebileceğini araştırıyor. Anayasa yapımı, müzakere edilmiş bir çözüme ulaşmada giderek artan bir şekilde bir çatışma dönüştürme mekanizması olarak kullanılmaktadır. Dış aktörlerin müzakereci çözüm süreci kapsamında anayasa yapımındaki rolünü ve bunun iç savaş süresi üzerindeki etkisini incelemek için, tezin teorik açıklaması taahhüt sorunlarına vurgu yapan pazarlık modeli kavramsal çerçevesinden yararlanmaktadır. Öncelikle veto-aktörü yaklaşımına göre, arabulucu sayısına odaklanarak dış aktörlerin müdahalelerinin iç savaşların süresi üzerindeki etkilerine ilişkin nicel bir analiz yapılmaktadır. İkinci olarak, Suriye üzerine bir vaka çalışmasıyla, arabuluculuk ve anayasa yapım girişimleriyle dış aktörlerin Suriye iç savaşı sırasındaki rolü araştırılmaktadır. Nicel analiz, arabuluculuklara ne kadar çok aktör katılırsa, iç savaşların o kadar uzun sürdüğünü; ancak bu arabuluculardan biri Birleşmiş Milletler (BM) ise, arabulucu sayısının iç savaş süresine etkisinin daha zayıf olduğunu göstermektedir. Birbirini destekleyen iki arabuluculuk inisiyatifi sonucu ortaya çıkan Suriye anayasa yapımı süreci, BM ve diğer dışarıdan devletler (Rusya, Türkiye ve İran'ın) anayasa yapım sürecindeki rollerine odaklanarak iç savaş süreci ve arabuluculuk arasındaki ilişkiyi incelemeye yönelik bir vaka çalışması olarak kullanılmıştır. Bu araştırma, anayasa yapımına dayalı birden fazla dış aktör tarafından yönetilen bir arabuluculuk stratejisinin pazarlık sürecini zorlaştırdığını ve dolayısıyla çatışma süresini uzattığını ileri sürmektedir.

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*To my family*

## TABLE OF CONTENTS

<b>LIST OF TABLES</b> .....	<b>x</b>
<b>LIST OF FIGURES</b> .....	<b>xi</b>
<b>LIST OF ABBREVIATIONS</b> .....	<b>xii</b>
<b>1. INTRODUCTION</b> .....	<b>1</b>
<b>2. LITERATURE REVIEW AND THEORETICAL FRAMEWORK</b>	<b>5</b>
2.1. External Actors and Civil War Duration .....	7
2.2. Mediation .....	12
2.2.1. Mediation via International Organizations .....	14
2.3. Negotiated Settlement and Constitution-Making .....	17
2.4. External Actors and Constitution-making .....	19
2.4.1. The UN and Constitution-making .....	22
2.5. Conclusion .....	24
2.6. Theoretical Framework .....	26
<b>3. METHODOLOGY</b> .....	<b>33</b>
3.1. Quantitative Analysis.....	33
3.2. Case Study.....	34
3.3. Limitations .....	36
<b>4. CROSS COUNTRY ANALYSIS</b> .....	<b>38</b>
4.1. Research Design .....	38
4.1.1. Dependent Variable .....	40
4.1.2. Independent Variable.....	40
4.1.3. Control Variable.....	40
4.2. Empirical Findings and Analysis .....	41
4.3. Discussion.....	45



<b>5. SYRIAN CIVIL WAR</b> .....	<b>47</b>
5.1. Historical Overview Before the Civil War .....	47
5.1.1. Establishment of Independent Syrian State .....	48
5.1.2. The Rise of Hafez Assad and Consolidation of Power .....	50
5.2. The 2011 Uprising and Its Transformation to a Civil War .....	53
5.2.1. Its Complex Roots and Fault Lines .....	53
5.2.2. Civil Uprising Devolves into Civil War .....	56
5.3. Quest for a Political Settlement to Syrian Civil War .....	59
5.3.1. Initial Domestic and International Responses to the Syrian Conflict .....	59
5.3.2. External Actors in Syrian Civil War .....	60
5.4. Mediation Attempts .....	62
5.4.1. UN-led Geneva Process .....	63
5.4.2. Astana Process .....	69
5.5. Discussion .....	75
<b>6. CONCLUSION AND DISCUSSION</b> .....	<b>77</b>
<b>BIBLIOGRAPHY</b> .....	<b>80</b>
<b>APPENDIX A</b> .....	<b>98</b>
<b>APPENDIX B</b> .....	<b>101</b>

## LIST OF TABLES

Table 2.1. United Nations Constitutional Assistance (Sripati 2020, 4-5) . . .	23
Table 4.1. Summary statistics for the Estimation Sample . . . . .	41
Table 4.2. Summary statistics for the UN-mediated Conflicts . . . . .	41
Table 4.3. Summary statistics for Others-Mediated Conflicts . . . . .	41
Table 4.4. Regression Analysis between Civil War Duration and the Num- ber of Mediators . . . . .	44
Table 5.1. Timeline of the Geneva and Astana processes. . . . .	69

## LIST OF FIGURES

Figure 4.1. Histograms for the Dependent and Independent Variables.....	42
Figure 4.2. Scatterplot with Fitted Line .....	43

## LIST OF ABBREVIATIONS

<b>ASEAN</b> Association of Southeast Asian Nations .....	16
<b>CWM</b> Civil War Mediation .....	40
<b>EU</b> European Union .....	20
<b>FSA</b> Free Syrian Army .....	71
<b>HNC</b> High Negotiations Committee .....	58
<b>ICC</b> International Criminal Court .....	67
<b>ICRC</b> International Committee of the Red Cross .....	39
<b>IDEA</b> International Institute for Democracy and Electoral Assistance .....	20
<b>IMF</b> International Monetary Fund .....	20
<b>IOCM</b> International Organizations Conflict Management .....	16
<b>IOs</b> International Organizations .....	16
<b>ISIL/ISIS/DAESH</b> Islamic State of Iraq and the Levant .....	60
<b>ISSG</b> International Syria Support Group .....	68
<b>LAS</b> League of Arab States .....	2
<b>MENA</b> Middle East and North Africa .....	53
<b>NATO</b> North Atlantic Treaty Organization .....	20
<b>OSCE</b> Organization for Security and Cooperation in Europe .....	20
<b>PKK</b> Kurdistan Workers Party .....	68
<b>PRIO</b> Peace Research Institute Oslo .....	5

<b>SDF</b> Syrian Democratic Forces .....	68
<b>SNA</b> Syrian National Army .....	99
<b>SNC</b> Syrian National Council.....	57
<b>SNC</b> Syrian Negotiation Committee.....	74
<b>SNHR</b> Syrian Network for Human Rights .....	1
<b>UN</b> United Nations.....	2
<b>UNCA</b> United Nations Constitutional Assistance.....	19
<b>UNHCR</b> United Nations High Commissioner for Refugees.....	1
<b>UNPI</b> United Nations Peace Initiatives.....	15
<b>UNSC</b> United Nations Security Council .....	23
<b>UNSMIS</b> United Nations Supervision Mission in Syria .....	63
<b>USAID</b> The United States Agency for International Development .....	20
<b>YPG</b> People’s Protection Units.....	68

## 1. INTRODUCTION

The deadliest conflict of the new century, the Syrian civil war, marked its tenth anniversary. According to the Syrian Network for Human Rights (SNHR), it led to (documented) 227,781 civilian deaths (SNHR 2021) and around 250.000 combatant deaths from all sides (Reuters 2021*a*). Since the outbreak of the civil war, millions of Syrian people have been forced to leave their homes. The United Nations High Commissioner for Refugees (UNHCR) estimates the number of internally displaced people as 6.7 million and refugees as 6.6 million (UNHCR 2021), the combined total outnumbers half of the Syrian population in 2011 (21 million) (WorldBank n.d.).

With a focus on external actors' diplomatic intervention in the form of mediation that relies on constitution-making during, this thesis provides two analyses. In the first section, I analyze how the number of mediators affects civil war duration in a broader context by examining civil war conflict episodes across the globe. This question has remained unexplored in the literature, therefore our puzzle aims to fill this gap. Following section provides a comprehensive evaluation of Syrian constitution-making process which was utilized as a conflict management tool by external actors through mediations on the duration of civil wars. Building on the bargaining model of war, it is argued that the more external actors involved in mediation processes, the longer civil war endures. Our key argument is that third-party actors may have different motivations and interests in intervening internal conflicts, and their intervention may transform them into veto players for a negotiated settlement. Arguing that constitution-making is increasingly used as a mediation strategy, next I theorize how a mediation strategy with multiple external actors that relies on constitution-making would make achieving a negotiated settlement more difficult and civil war duration longer. In order to explore this trend, I provide an in-depth analysis based on a case study on the role of external actors in the mediation and constitution-making efforts during the Syrian civil war. Hence, this two-fold approach enables us to incorporate the insights from the broader context on the impact of external actors' mediation efforts on civil war duration with a case study that involves

constitution-making as a mediation strategy.

Civil war has been the dominant type of conflict in the international system in the post-Cold War era (1991-2019) (Pettersson and Öberg 2020). Even though its name suggests a conflict that erupts and escalates within the borders of a state, in reality, they show transnational character considering their impacts on neighboring states and regions and usually involve the intervention of external actors. External actors intervene in civil war via economic, military, and diplomatic means (Regan and Aydin 2006). Mediations constitute a considerable share in the diplomatic interventions between 1945 and 1999 in the civil war (Regan, Frank, and Aydin 2009). Although scholars have studied diplomatic interventions and mediations, whether the number of external parties in mediations impacted civil war duration has remained unexplored. Hence, the quantitative analysis addresses the gap in the civil war literature. I hypothesize that the number of actors involved in the mediation process impacts how long the civil wars last. In chapter 4, this study demonstrates that the higher the number of parties involved in the mediation process, the longer the conflicts endure. Additionally, I test whether the type of external actor involved in the mediation matters, i.e. whether there is a conditional effect. The results suggest that when the United Nations (UN) is one of the mediators, the impact of third parties on civil war duration is substantially less significant.

Next, the study examines a civil war that has not reached a negotiated settlement but has involved constitution-making as a mediation strategy -the Syrian civil war. Although the parties continue to seek a political settlement for the resolution of the Syrian civil war, the developments on the ground suggest that it is close to favoring the Assad regime even if it is short of military victory. Syrian civil war has witnessed third-party interventions by different means. With a focus on diplomatic interventions, the qualitative chapter examines how the mediation efforts unfolded and explores how the multiplicity of the actors may have impacted the duration of the Syrian civil war. Besides the League of Arab States(LAS) and UN mediation attempts, neighboring and regional powers have engaged in diplomatic interventions providing alternative mechanisms. As the case study reveals, the early efforts saw the joint diplomatic intervention of two international organizations, the Arab League and the UN. Later, it was the Russia, Turkey, and Iran-led Astana process that reinforced the UN-led Geneva process to halt fighting and bring conflicting sides to the negotiation table. However, as the veto player approach to civil war suggests, external actors may also evolve into veto players whose approval is required for the resolution of civil wars (Cunningham 2006, 2010). Because the mediation efforts have envisioned constitution-making as part of the negotiated settlement, I examine how the external actors' intervention may have affected the conflict's duration. In

the Syrian case, the crucial outcome of the two mediation tracks was the formation of a constitutional committee to write a new constitution. Since, in the Syrian case, constitution making was devised as a mediation strategy (as opposed to post-conflict constitution-making), I argue that it has a potential to prolong the civil war.

Therefore, I trace how a constitutional approach to the Syrian civil war shaped the mediation efforts. The Assad regime had used the 2012 constitutional referendum to ease opposition during a civil war. Later it was the UN framework that pushed for a political transition that involved a constitutional redrafting. The UNSC Resolution 2254, which remains “the main point of reference for international diplomacy on the Syrian conflict” called for the drafting of a new constitution (Hauch 2020). Unlike the regime’s amendment attempt, UN-sponsored constitution-making was to provide for the inclusion of all groups. Although the Russia drafted constitution in 2017 was rejected by all sides, the Astana process, endorsed by the UNSC, allowed Russia, Turkey, and Iran to play a crucial role in the bargaining process for constitutional drafting. By 2021 the Constitutional Committee has met five times, and the Syrian civil war remains far from a negotiated settlement.

The outline of this thesis is as follows. The next chapter provides a literature review first on how civil wars end and how external actors’ intervention in civil war impacts its duration and secondly, focuses on mediation. Next, I review the use of constitution-making as a conflict management tool in mediations within the context of efforts to reach negotiated settlements. Here I first summarize how external actors influence constitution-making, with an emphasis on their approach to constitution-making as a post-conflict and conflict transformation tool.

The next section provides the theoretical framework on the bargaining model of war to examine the role of external actors in constitution-making within the broader process of negotiated settlements and its effect on civil war duration. In order to answer this broader question, I follow a two fold analysis first on the effects of external actors’ intervention on the duration of civil wars by focusing on the number of mediators and second on constitution-making as a conflict transformation tool with a case study on Syrian civil war. The theoretical expectations on the external actors’ impact on civil war duration are built on the bargaining model of war, specifically the veto-player approach, and second, I theorize that constitution-making as a mediation strategy by external actors would make achieving a negotiated settlement more difficult and civil war duration longer. Chapter three explains the methodology for this two-step analysis.



In chapter four, I present empirical support for the theoretical expectations by employing Civil War Mediation Dataset (DeRouen, Bercovitch, and Pospieszna 2011) to analyze the relationship between civil war duration and the number of third parties involved in mediation processes. The empirical findings show that as the number of mediators increase, conflicts endure for longer periods. However, the presence of the UN as a mediator weakens the impact of the number of mediators on civil war duration. The fifth chapter provides first a historical account of Syrian uprising and its descent into civil war and next provides an account of the process to find a negotiated settlement with a focus on the role of external actors' in mediation efforts that use constitution-making as a strategy. The final chapter incorporates the analysis made in the previous chapters and summarizes the findings on the role of external actors in constitution-making within the broader process of negotiated settlements and its effect on civil war duration . To conclude, this thesis aims to examine the application of this trend of using constitution-making as a conflict transformation tool in an ongoing conflict (Syrian civil war) and seeks to assess the impact of mediation and constitution-making with multiple actors on the duration of the conflict.

## 2. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

After the destructive consequences of the two world wars, the prevalent type of war in the international system has been replaced with intrastate conflicts.<sup>1</sup> The Cold War period has further consolidated the prevalence of civil wars.<sup>2</sup> According to the PRIO Armed Conflict Dataset (1946-2001), between 1946 and 2001, intrastate conflict is the most common type of conflict. Although we did not observe an interstate conflict for two years (1994-1995) (Gleditsch et al. 2002, 623), the expectation that the end of the Cold War would usher in a more peaceful and stable future in the post-Cold War era also did not materialize.

According to version 21.0 of the PRIO Armed Conflict Dataset, as updated by Pettersson and Öberg (2020), between 1991 to 2019, there have been 30 interstate conflicts, whereas 931 intrastate and 223 internationalized interstate conflicts have occurred.<sup>3</sup> Thus, it is not surprising that scholarly attention has shifted towards the study of civil wars and studied the onset (Collier and Hoeffler 1998; Fearon, Kasara, and Laitin 2007; Hegre and Sambanis 2006; Miller and Ritter 2014; Thies 2010) and termination (Fearon and Laitin 2007; Howard and Stark 2018*a*; Kreutz 2010; Sawyer, Cunningham, and Reed 2017; Walter 1997; Zartman 1995) of intrastate wars. These works contributed to our understanding of the emergence and evolution of civil wars. The growing literature has also underlined the international character of civil wars and the role that the external actors play.

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<sup>1</sup>The Correlates of War Project shows that there have been 80 civil wars during the Cold War, in the same period, interstate wars amounted to 23 (Singer and Small 1994).

<sup>2</sup>See Themnér and Wallensteen's (2013) study on armed conflicts, 1946-2012.

<sup>3</sup>According to dataset's codebook, the conflicts categorized into four categories (coded from 1-4) as follows: extrasystemic ("between a state and a non-state group outside its own territory, where the government side is fighting to retain control of a territory outside the state system", interstate, intrastate and internalized intrastate conflicts. The last type refers to a conflict between a government and one or more rebels and also a foreign state intervenes on either side. See: <https://ucdp.uu.se/downloads/ucdprio/ucdp-prio-acd-201.pdf>

Mediation is often used as a conflict resolution tool. Previous research has uncovered that compared to other forms of third-party interventions; mediation has a more substantive effect on civil war duration (Regan 2010) and makes civil wars more likely to end with negotiated settlements (Regan and Aydin 2006). It has been reported that civil wars commonly ended with a military defeat of either side during the Cold War period, however, the intrastate wars frequently have terminated through negotiated settlements from 1990s onwards (Howard and Stark 2018a). Howard and Stark (2018a, 163) persuasively argue that this shift towards negotiated settlements through mediation, has to do with “external ideas of appropriate conflict resolution”.<sup>4</sup> According to the Civil War Mediation Dataset (1946-2011) (DeRouen, Bercovitch, and Pospieszna 2011), in the post-Cold War period, mediation has become a more popular form of intervention in settling intrastate conflicts.<sup>5</sup> However, a more in-depth and extended analysis of this period shows that while the 1990s had witnessed high rates of mediation, mediation is in fact on decline (Lundgren and Svensson 2020). This development has taken place even though mediation capabilities have advanced. Howard and Stark (2018a) argues that this trend in decline of mediation attempts and hence, negotiated settlement is related to normative shifts in the post-September 11 period where the goal of achieving stabilization and non-negotiation with terrorists have altered the external actors’ preferences of how civil wars end.

But mediation efforts may adversely affect the duration as well. This is so because mediation may take place in different stages of the conflict, not just in the early periods and settlement phase but also during the active stages of the fighting. For instance, in the case of civil war in Angola, mediation was used in the “intermediate phase”<sup>6</sup> of the conflict and enabled rebels to reinforce their forces with the help of ceasefire and extend the duration of the conflict (Regan and Stam 2000, 244). Besides the timing of the mediation, who mediates may also impact the duration of the conflict. Considering that each mediator may have its own preference, the number of parties in a mediation process may also influence the time needed to reach a negotiated settlement.

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<sup>4</sup>According to their emphasis on material and ideational factors, in the aftermath September 11 terrorist attacks, negotiated settlement is still the prevailing norm regarding how civil wars end but because negotiating with terrorists is not deemed acceptable and stabilization is prioritized over other concerns, scholars observe that civil wars, in general, are less likely to end (Howard and Stark 2018a)

<sup>5</sup>According to descriptive statistics in Civil War Mediation Dataset (1946-2011) (DeRouen, Bercovitch, and Pospieszna 2011), 63.94 percent of the whole conflict episodes (N=757) are mediated. Moreover, 73.86 percent of the whole civil war episodes (N=505) were mediated in the period between 1991-2011.

<sup>6</sup>“Bercovitch (1999) identifies six phases of a conflict in which mediation might take place. The earliest phase is the dispute onset; the latest is the settlement phase. The intermediate phases involve periods of crises and/or hostilities” (Regan and Stam 2000, 244)

In order to show their causal claims about how the end of the Cold War produced an international environment in which external actors opted for mediation and negotiation to intervene in civil conflicts and supported a negotiated outcome, Howard and Stark (2018a) examine how the civil wars in El Salvador and Bosnia-Herzegovina ended. These two cases are also two prominent examples of post-conflict constitutions that were employed as part of the effort to end the civil war (Nathan 2019). Among the 34 comprehensive peace agreements concluded between 1989 and 2012, twenty (including El Salvador and Bosnia and Herzegovina<sup>7</sup>) explicitly required constitutional reform as part of the negotiated settlement (Nathan 2019). Therefore, in the aftermath of the Cold War, we can observe that when civil wars end through a negotiated settlement, amending or replacing the country's constitution is frequently employed as part of the conflict resolution process (Nathan 2020).

Since negotiated settlements have proliferated through third-party actors' diplomatic intervention in the form of mediations, the political process may be exposed to the influence of external actors. The next section will examine how, in general, external actors may affect civil war duration.

## 2.1 External Actors and Civil War Duration

Civil wars on average last around seven years (Balcells and Kalyvas 2014; Collier, Hoeffler, and Söderbom 2004).<sup>8</sup> Previous empirical works on civil war duration have revealed that a myriad of independent and confounding variables may produce varying results on the duration of civil wars. The conflict type, i.e., whether the rebels seek to overthrow the government or have self-determination goals may also impact the duration of the conflict. The factors that drive the duration of civil war are varied. Collier, Hoeffler, and Söderbom (2004) analyze the role of structural conditions that existed before and during conflicts. By examining economic indicators, ethnic divisions, and external interventions, authors find that specific factors may lengthen (lower per capita income, high inequality, a moderate degree of ethnic division) and shorten (recession in exported commodity prices and external

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<sup>7</sup>The 1995 Bosnia-Herzegovina Constitution was embedded in the annex of the peace agreement called the General Framework Agreement for Peace in Bosnia and Herzegovina. The peace agreement (the Chapultepec Peace Accords) that ended the civil war included provisions for constitutional reform.

<sup>8</sup>Balcells and Kalyvas' study estimates that on average civil wars last for 80.19 months (2014, 1398). Similarly, Collier, Hoeffler, and Söderbom's (2004) study estimates the average to be close to seven years. However, this finding may differ depending on how a scholar defines civil wars. In the same study authors reference Fearon (2004) that calculates the mean duration of civil wars as 12 years because he includes cases where for the entire conflict a minimum of thousand deaths have taken place, as opposed to for each year.

intervention on rebel's side) the duration of intrastate conflicts. Previous research has also shown that rebel fighting capacity also matters. However, rebels' military capacity interacts with different aspects of the geography of where the civil conflict takes place (Buhaug, Gates, and Lujala 2009). Because power projection gets more complicated with distance and some regions pose additional challenges, Buhaug, Gates, and Lujala (2009) examine how these factors are interrelated and find that civil conflicts that occur in international borders, far away from the state's main strongholds and in areas that have rich natural resources endure for more extended periods.

Civil war ends either with a negotiated settlement or a military victory for the government or rebels. Besides the domestic factors that impact the duration of the conflict, namely the characteristics related to the state in civil war such as its political system and its grievances and the characteristic of the civil war such as whether it is costly and involves separatist demands, and the capacity of the rebels and their strategies, scholars have also examined the relationship between its duration and how a conflict ends. An early finding is that a civil war's duration is the most critical determinant of whether it ends in military victory or a negotiated settlement (Mason and Fett 1996). This key finding that "the longer a civil war has lasted, the more likely the participants are to seek a negotiated settlement as the conflict drags on" (Mason and Fett 1996, 563) has been confirmed across studies (Enterline and Linebarger 2014). This is because "civil wars last a long time when neither side can disarm the other, causing a military stalemate. They are relatively quick when conditions favor a decisive victory" (Fearon 2004, 276).

A factor that may contribute to a stalemate is external intervention. Even though civil wars are intrastate conflicts in appearance, one way or another, they are subject to foreign interference (Gleditsch 2007). External actors may intervene in civil wars via military, economic, and diplomatic means (Regan and Aydin 2006).<sup>9</sup> Nevertheless, it does not necessarily mean that they intervene only through one of those means; the literature illustrates that they may get involved in multiple forms using these means simultaneously and/or successively (Ilgaz 2019; Lektzian and Regan 2016; Regan and Aydin 2006).<sup>10</sup>

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<sup>9</sup> Another type of third-party intervention that Enterline and Linebarger (2014) identify as a distinct category is covert or overt assistance to parties in the conflict in the form of funds, sanctuary, and weapons.

<sup>10</sup> For example, with a more comprehensive approach, Ilgaz (2019) examines the relationship between types of foreign interventions and civil war termination with a particular focus on the cases where foreign powers intervene in multiple ways rather than a particular one such as military, economic and diplomatic interventions alone. It allows the author to estimate the impacts of numerous interventions simultaneously for a particular conflict. His analysis reveals that different modalities of interventions are interrelated. Therefore, it's not just the timing but the sequence of intervention that influences the termination of conflicts. According to the empirical evidence, "when diplomacy is launched after a state-biased military intervention, it enhanced the effect, increasing the odds of a negotiated outcome." (Ilgaz 2019, 143).

The literature differentiates external interventions from other multilateral and impartial operations such as peacekeeping “which typically take place at the war’s end, or at least when a ceasefire has been agreed” (Elbadawi and Sambanis 2000, 16). External intervention is therefore understood as “a unilateral intervention by one (or more) third party government(s) in a civil war in the form of military, economic or mixed assistance in favor of either the government or the rebel movement involved in the civil war.” (Elbadawi and Sambanis 2000, 8). Alternatively, an intervention can be more broadly understood as a third-party intervention as “the use of an actor’s resources to affect the course of a civil conflict” (Regan 2000, 9) that would include forms such as weapons transfer and deployment of peacekeeping forces (Enterline and Linebarger 2014).

Third parties do so for a variety of reasons (Cunningham 2010; Gartzke and Gleditsch 2006). Although Regan (2000) views the primary motivation behind third-party (military) intervention as stopping the fighting, surely external actors are interested in other outcomes besides regional stability, but Regan (2000) argues that this first requires the cessation of fighting. Motivations may include human rights concerns, ideological affinity, political, economic, or military interest, or desire for territorial acquisition (Regan 2000, 12). Third parties may also wish to see the conflict endure because they want to exploit the civil war state’s resources or see that rival states get mired in conflict and drain their own resources (Balch-Lindsay and Enterline 2000, 616-617).

As earlier study by Mason and Fett (1996) did not find that third-party intervention affects how a civil war ends but the authors did not account whether the intervention is on the one side of the conflict and only examined military interventions. Building on this line of research, Balch-Lindsay and Enterline (2000) show that third-party interventions do affect conflict duration. The authors find that, because of the “interdependent nature of third-party involvement” (2000, 617), in cases where third party intervention involves support for the government and the opposition sides simultaneously in a balanced way, a stalemate becomes more likely. Therefore, because external actors’ interventions also differ in their forms (military, economic and diplomatic) and type (government biased, rebel biased, and balanced), scholars have studied how these factors affect civil wars’ outcome and duration.

As Cunningham (2010, 115) explains, “Foreign states can play a variety of roles from hosting and facilitating negotiations, offering incentives to groups to negotiate, deploying peacekeepers or peace enforcers, and providing economic or military support to either side, all the way to sending military forces to participate in the conflict”. External actors may refer to different types of actors: states, neighboring states, regional powers, or global great powers that have vast economic and military capabilities; non-state actors (rebels), non-governmental organizations, regional and international organizations. In other words, it refers to any group or entity except the conflicting sides. The previous scholarship has engaged with the potentially different effects of those groups that are all labeled as “external actors” on civil war duration (Doyle and Sambanis 2000; Regan, Frank, and Aydin 2009). Decades of research have shown that external actors’ involvement in civil wars affects the duration of the conflict. This is because of how civil wars end, with either a military victory for one side or a negotiated settlement between the parties. Whether the parties decide to continue fighting or agree to a settlement depends on which outcomes give them the highest expected utility (Cunningham 2010). From a cost and benefit perspective, the duration of a conflict, therefore, depends on “factors that affect the ability of parties to win the conflict, the incentives they have to negotiate, and the ease of reaching a negotiated settlement” (Cunningham 2010, 216). External actors can affect the parties’ ability to negotiate but also achieve military victory.

With respect to the relation between the type of involvement of external actors and duration, Regan (2002) finds that biased interventions, interventions made in support of either side, shorten the duration in comparison to neutral interventions. Similarly, as explained above, Balch-Lindsay and Enterline (2000) find that balanced interventions, leading to a stalemate, lengthen the duration of civil wars. In addition to the target of intervention, scholars have also examined how the identity of the intervening state impacts civil war duration. Akcinaroglu and Radziszewski (2005) found that when an intervention involves a state rival, it prolongs civil wars. This is not only because rival states have an interest in protracting the war but also because the opposition groups expecting that foreign assistance will come from the rival state would give them a reason to continue fighting.

Cunningham (2006) conceives civil war parties as veto players to analyze civil war negotiations. Accordingly, when external actors intervene “to pursue an independent agenda they represent an additional actor” who has its own sets of preferences that need to be satisfied (Cunningham 2006, 878). Arguing that “more veto players in civil war negotiations shrink the range of bargains that all parties prefer to continued warfare”, the research shows civil wars with more actors are longer (Cunningham

2006). Moreover, external actors that intervene with an independent agenda cause conflicts to endure for substantially longer periods (Cunningham 2010).

The theoretical explanation is rather straightforward. Because when third party states intervene and bring their own agenda, they make civil war resolution harder. This is so, not just because external actors increase the number of veto players who have to either consent to a settlement or be defeated militarily (Cunningham 2006). As external players, their motivation in seeing how wars are different from states and rebels. They face lower costs from fighting and have less to benefit from a settlement.

Besides focusing on what happens when external actors intervene in civil wars militarily, scholarship has also examined what happens to conflict duration when third parties intervene using economic means. Economic interventions refer to “grants, loans, non-military equipment or expertise, credits, relief of past obligations and economic sanctions” (Collier, Hoeffler, and Söderbom 2004).

Economic sanctions have become the most common economic instrument of intervention into civil war. By studying the association between economic sanctions and civil conflict duration, Escribà-Folch (2010) shows that economic sanctions and duration are negatively correlated, and the more years they are imposed, the more influential they become. However, Lektzian and Regan (2016) note that economic sanctions increase the likelihood of civil conflict termination only when they are accompanied by military interventions; otherwise, by themselves, they don’t have a significant impact on conflict termination.<sup>11</sup>

Besides intervening militarily and economically, third parties intervene in civil war via diplomatic intervention. Diplomatic intervention refers to all types of third-party interventions that rely on diplomatic efforts. Third-party interventions (arbitration, mediation, or consultation) aim to end armed conflict and subsequently prompt conflicting parties to find mutually satisfying outcomes. The objective is “to facilitate a negotiated settlement to end the civil war short of victory for either side” (Mason and Fett 1996, 552-553). Diplomatic interventions are inherently different from economic and military interventions. The latter are structural interventions, meaning that when third parties provide such support, they influence the structural conditions such as the relative capabilities of rebels and the government (Regan and Aydin 2006). However, diplomatic interventions can make settlements more at-

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<sup>11</sup>An earlier study by Regan (2002, 71) had found that interventions, regardless of whether they are military or economic, are not “effective tools of conflict management”, meaning that both types increase the duration of the conflict. However, a follow-up study (Collier, Hoeffler, and Söderbom 2004) found that economic interventions, whether they are pro-government or pro-rebel, are not effective. In contrast, military interventions on the rebels’ side reduce the duration of a conflict.



tractive by “transmitting information on the preferences of adversaries and offering inducements that make a negotiated outcome more attractive than other solutions.” (Regan and Aydin 2006, 740).

## 2.2 Mediation

A common way to resolve such strategic problems between adversaries is to employ a tool of conflict management: mediation. As DeRouen and Bercovitch (2017) have suggested that third parties apply mediations in the management of conflicts in an increasing number in the last decades. Theoretically, mediation is different from diplomacy in general. It must be stressed that unlike the process of mediation, where all parties’ interests are sought, and their consent to a mutually acceptable settlement is the goal, diplomacy prioritizes states’ foreign policies and national interests (Initiative Mediation Support Deutschland 2016). Bercovitch, Anagnoson, and Wille (1991, 8) define “international mediation broadly as a process of conflict management where disputants seek the assistance of or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law”. Mediation involves a nonbinding form of intervention<sup>12</sup> where mediators using noncoercive and nonviolent means, “enter into conflict to affect, change, modify, or influence the outcome” (Regan and Aydin 2006, 745). From a practical perspective, for conflicting sides mediation can function as a “face-saving procedure”, where each side can make concessions to the other without appearing weak" (Ross and Conlon 2000, 417). Besides mediation, there are other ways that third parties can use diplomatic efforts to settle civil wars. To the extent that external actors use diplomacy to “convey information about costs, prospects for victory benefits from settlement, or the subjective estimates of each held by the adversary”, Regan and Aydin (2006, 745) count international forums, the recall of ambassadors and rejected mediation offers as diplomatic interventions. According to their dataset that covers civil conflicts between 1944 and 1999 most cases of diplomatic efforts by third parties involve mediations.

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<sup>12</sup>It is important to note that conflicting sides participate in the process with their consent, and the default mediations do not have a legally binding character (Kathman and Shannon 2016). This feature diverges it from legal practices such as arbitration and adjudication, where participants must abide by the settlement (Gent and Shannon 2010).

In civil war studies, the bargaining theory of war has been the dominant framework after Fearon's work (1995) that approaches war as a bargaining interaction. Applying this explanation to civil war context, Walter (2002; 1997) draws attention to the credible commitment problem that exists between warring sides. Accordingly, when a belligerent group lays down its arms, it becomes vulnerable to attack by the other sides. External actors help resolve this dilemma. In other words, external actors provide some international guarantee for parties to credibly committing to ceasing fighting (Walter 2002). Another influential idea in conflict resolution has been that in a given conflict a "mutually hurting stalemate" position (Zartman 1995, 18), where parties are forced to recognize the deadlock and question the likelihood of their ultimate win, exists.<sup>13</sup> This is when the conflict presents a ripe moment where mediation promises to have its highest chance of success (Zartman and De Soto 2010). Accordingly, third parties may influence bargaining dynamics and help achieve negotiated settlement.

But it is possible for external actors to have their own agenda. In such cases, they have less to gain from negotiation and less to lose from fighting (Cunningham 2010). When the fighting takes place outside of their territories, it does not affect their civilian population, and when external actors intervene militarily, they may get more resources. Thus, external actors when they intervene in civil wars, have low costs and as such, low incentive to negotiate. For the domestic actors, negotiations can help empower them, but external states "have much less ability to continue to influence politics in the civil war state after they exist the conflict than domestic groups that have signed a peace agreement and joined the government" (Cunningham 2010, 119). However, until Regan and Aydin (2006) and Regan, Frank, and Aydin (2009), research on mediations' impact on civil war outcomes was limited.<sup>14</sup>

While other types of third-party interventions can also make conflict management objectives, mediation is more directly linked to ending violence, and making peace (Regan, Frank, and Aydin 2009, 137). Although mediation "remains a blunt instrument, failing more often than it succeeds," the previous research has examined the conditions under which it is more likely to succeed (Lundgren 2017, 616). Similarly, the literature has established that there is also a relation between mediation and reduction in violence. Mediations can reduce battle-related deaths in civil wars by negotiating, building trust, and hence mitigating the fighting intensity by establishing cooperative signals such as ceasefires (Ruhe 2020).

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<sup>13</sup>This observation for intrastate conflicts, also seems to matter for the settlement of civil wars (Mason and Fett 1996, 563).

<sup>14</sup>It was Bercovitch and his colleagues (1991) first compiled a dataset to study international mediation and mediation outcomes.

Even though mediation, understood as an impartial and consensual process, is a practical and helpful mechanism that assisting parties may use to settle their dispute (Bercovitch and Regan 1999; Bercovitch and Diehl 1997), its success depends on a number of factors including its timing, mediator’s experience and mediation strategy (Bercovitch and DeRouen Jr. 2004). The literature has also considered that mediation bias may be necessary for the mediators to be credible (Kydd 2003).

The power of the mediator may affect its ability to influence conflict outcomes. For instance, when a great power acts as a mediator, we expect it to pursue its own interests and its involvement to alter the negotiated settlement. In contrast, weaker states may not have direct self-interest when they act as mediators, but at the same time, “they have little or no power to alter events, and relationships with the conflicting parties may be of less interest to them than to great-power mediators” (Zartman and De Soto 2010, 7). For this thesis, we will also investigate the mediation efforts of the international organizations. Therefore, in the next section the literature on mediation by international organizations and specifically by the UN is discussed.

### **2.2.1 Mediation via International Organizations**

In the post-Cold War period, the UN has shifted its agenda on peace and security. “Agenda for Peace” (Boutros-Ghali 1992) introduced a new tool “post-conflict peacebuilding” to established practices existing under the UN: preventive diplomacy, peacemaking, and peacekeeping. While traditional peacekeeping missions “involves separation of the conflict parties, monitoring of ceasefires, and maintaining buffer zones with the consent of the parties” (Heldt and Wallensteen 2007, 10); in transformative peacekeeping, the UN became an “active participant of peacemaking process” (Clayton and Dorussen 2021, 4) by providing political and economic reconstruction projects which involve civilian experts besides military troops. Those initiatives can be considered under the framework of “second generation” operations (Mackinlay and Chopra 1992). According to Clayton and Dorussen (2021), in addition to second-generation missions, transformative peacekeeping includes “third-generation” operations that aim to protect people without the consent of conflicting sides. This paradigm change points out the transformation of UN peacekeeping operations. These are not considered as diplomatic interventions.<sup>15</sup>

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<sup>15</sup>Beardsley (2012, 341) categorizes the UN’s involvement in conflicts under four broad categories: military involvement (authorized military deployments that signalize use of force), assurance (observer missions and humanitarian assistance), diplomatic engagements (through special representatives and mediations) and intimidation (threat of sanctions and condemnation).

Studies that concentrate on the role of the UN through peacekeeping operations in post-conflict peace indicate that the higher the number of deployed troops are the less likely the conflict is to reoccur again (Hultman, Kathman, and Shannon 2016) and the lesser duration to a negotiated settlement (Kathman and Benson 2019). However, diplomatic interventions in the form of mediation and their impacts have attracted less attention compared to above mentioned. Peacekeeping is not the only way UN intervenes in civil wars, in the United Nations Peace Initiatives (UNPI) dataset (Clayton, Dorussen, and Böhmelt 2021), UN initiatives are comprehensively classified into four categories as “diplomatic, technocratic, political development/peacebuilding, and peacekeeping operations”. Since the latter category is predominantly composed of and headed by military personnel, the initiatives in the first three categories can be labeled as “political” (Clayton, Dorussen, and Böhmelt 2021). According to the dataset, the UN commonly applies technocratic initiatives –“i.e., sanctions monitoring teams, groups, committees, panels of experts”- (Clayton, Dorussen, and Böhmelt 2021, 168). From 2010 onwards, the civilian-led missions and diplomatic attempts visibly outnumbered peacekeeping missions (Dorussen 2020). This gives clues on the UN’s changing perception toward conflict resolution and its new way of dealing with contemporary conflicts.

Besides states, international organizations, religious organizations, and other types of non-governmental organizations may also diplomatically intervene in civil wars (Regan, Frank, and Aydin 2009, 14). Among the 153 civil wars identified by Regan, Frank, and Aydin (2009) between 1945 and 1999, 68 of them involved diplomatic interventions where most diplomatic efforts take the form of mediations. Among these instances of intervention, the United Nations takes the lead in terms of the number of times it has been involved in mediations. While the UN Secretary-General can take on a mediation effort by their own initiative, UN mediations depend on the Security Council’s authorization and mandate (Zartman and De Soto 2010, 8).<sup>16</sup> This is why the end of bipolarity between the two superpowers after 1989, has potentially allowed the Security Council to take recourse to mediation more easily.

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<sup>16</sup>Mediation is of course not the only way that the UN intervenes in a civil war. Doyle and Sambanis (2006) identify four other ways to get involved in a conflict and peace process. These include monitoring/observing missions, traditional peacekeeping, multidimensional peacekeeping, and peace enforcement. While the first three require the consent of the host government, the last type of UN mission, peace enforcement, can take place under Chapter VII of the UN Charter that outlines the Security Council’s powers in maintaining peace and security. Thus, it can occur in the absence of the consent of the state that is the target of UN involvement. Relying on Doyle and Sambanis’s (2000) data on UN peacekeeping operations, De Rouen and Sobek (2004) find that UN intervention increases the probability that the civil war will end in truce and treaty, in other words, a negotiated settlement. Although the authors find that the UN intervention increases the duration for both government and rebel victories, they use the UN intervention as one variable and do not consider how UN intervention may lead to different outcomes depending on whether it involves traditional peacekeeping or peace enforcement.

Besides the UN and the US, which according to Regan, Frank, and Aydin (2009) are the most frequent interveners<sup>17</sup> mediators mostly come from the region where the conflict has erupted. These can also include regional organizations like the ASEAN, the Arab League, and the African Union. Therefore, one strand of this literature on mediations by international organizations has examined the relationship between the institutional design of IOs and mediation outcomes (Lundgren 2017). According to the International Organizations Conflict Management (IOCM) dataset (Lundgren 2016a, 198), IOs' conflict management tools can be broadly categorized as mediations, economic sanctions, and peacekeeping missions. Working on the impacts of International Organizations (IOs) on the duration of conflicts, Shannon, Morey, and Boehmke (2010, 1123) concluded that IOs influence conflict duration in accordance with their capabilities. Accordingly, those organizations which are established to mitigate commitment problems decrease the conflict duration; those concentrated on lessening information asymmetries don't have an impact on the international conflicts' duration.

Further research on civil wars shows that IOs which have field deployment power are more effective than organizations whose powers are restricted to information gathering and sharing (Lundgren 2017). The rationale behind this explanation is linked with IOs' potential to change the bargaining process. Walter (as cited in Lundgren 2017, 616) shows that IOs may offer "compliance guarantees" and therefore contribute to the occurrence and maintenance of peace. Employing mediation together with peacekeeping has the potential to reinforce each other and reduce violence (Beardsley, Cunningham, and White 2019). This suggests that UN mediation, coupled with peacekeeping missions, is more effective in terms of battle deaths.

The literature has shown that mediation makes negotiated settlement more likely (Gartner and Bercovitch 2006; Regan, Frank, and Aydin 2009). Increasingly, negotiated settlements include constitutional change and constitution-making is employed as a conflict management tool as part of the mediation efforts. Therefore, the next section will examine this new trend and discuss the relation between negotiated settlement, including peace agreements and constitution-making.

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<sup>17</sup>In general, according to the Managing Intrastate Low-Intensity Conflict (MILC) dataset (Melander, Möller, and Öberg 2009, 70) the United States and United Nations are the most active third-party actors having been involved in 541 and 401 events, respectively, in civil conflicts occurred between 1993 and 2004. "MILC maps nine different types of third party measures: indirect, direct, unclear, and bilateral talks; good offices; arbitration; fact-finding missions; permanent observers; and peacekeeping operations" (Melander, Möller, and Öberg 2009, 61).

### 2.3 Negotiated Settlement and Constitution-Making

In previous decades, it had been reported that civil wars commonly end with the complete military defeat of the losing side whereas conflicting sides occasionally reach a negotiated settlement (Licklider 1995).<sup>18</sup> Likewise, historically negotiated settlement was a less common outcome in civil wars in contrast to interstate conflicts (Walter 1997).<sup>19</sup> However, this trend has changed from the 1990s onwards with the emergence of the norm of the negotiated settlement to terminate civil wars, which outnumbered one-sided victory (Howard and Stark 2018a). In other words, with the end of the bipolarity but also because the US, its allies, Russia and the United Nations came to embrace “the appropriateness of civil war termination through mediation and negotiation” in the decade following the end of the Cold War, civil wars most have commonly ended through negotiated settlement (Howard and Stark 2018a, 130). But in the period after September 11 terrorist attacks, with the shift to emphasis on stabilization and concerns about terrorist groups, fewer civil wars end with negotiated settlements where mediation is used as a conflict resolution tool (Howard and Stark 2018a). And in general, civil wars are less likely to end (Howard and Stark 2018a).<sup>20</sup>

A negotiated settlement may result in a formal peace agreement that involves a political status quo change with some power-sharing arrangement (Hartzell 2016; Maekawa 2019). Working on designs of peace agreements in civil wars between 1975 and 2011, Lounsbury and DeRouen (2018, 140) classify peace agreements as comprehensive, partial, and process agreements according to their capacity to address main issues of conflict. The authors find some support to their hypothesis that mediated peace agreements are more elaborate, including power-sharing provisions.

Examining comprehensive peace agreements negotiated between 1989 and 2012, in terms of constitutionalization, Nathan (2019) finds that in the post- Cold War period, in cases where the civil wars ended through a negotiated settlement, the outcome has frequently involved constitutional change as it has been the case with El Salvador and Bosnia (Howard and Stark 2018a). In fact, in the post-Cold War

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<sup>18</sup>“The data suggest that most civil wars ended by military victory but that negotiated settlements are a regular phenomenon. Of the 57 civil wars which have ended, one quarter (N=14) ended by negotiation, while the remaining 43 ended in military victory.” (Licklider 1995, 684).

<sup>19</sup>“Unlike interstate wars, civil wars rarely end in negotiated settlements. Between 1940 and 1990, 55 percent of interstate wars were resolved at the bargaining table, whereas only 20 percent of civil wars reached similar solutions.” (Walter 1997, 335)

<sup>20</sup>Working also with the UCDP dataset as Howard and Stark (2018a), Kreutz (2010, 246) previously found that while only 8.5 percent of the intrastate conflicts ended with peace agreements during the Cold War Period (1946-89), this rate corresponds to 18.4 percent in the ensuing 15 years (1990-2005).

period, post-conflict constitution making is often employed as part of the effort of peace building.

Even though classically peacemaking and constitution-making were examined individually as “separate processes” (Ludsin 2011, 239) since their goals were perceived to be different (Ludsin 2011, 247), in recent decades it has been seen that they are intertwined in the conflict transformation and reconciliation processes. Nathan (2019, 7) argues “new or revised constitution that is enacted as part of efforts to end a violent intra-state conflict and prevent its recurrence” or in other words, post-conflict constitution should be understood as peace agreements.

Certainly there are numerous reasons for states to apply constitution-making, however, prominent ones are: to fix or improve the current constitution, to revise if it is outmoded compared to its contemporaries, and to abolish deadlocks which it creates, or to utilize it as a response to a crisis. Yet a commonly held view is that “constitution-making is coincident with a cataclysmic event of some kind, such as war, coup, economic crisis, or revolution ” (Ginsburg, Elkins, and Blount 2009, 209). According to Widner (2005, 503), between 1975 and 2003, there have been 200 new constitutions adopted in countries that faced the risk of internal violence.

Increasingly constitution-making and reform is utilized as a conflict management mechanism (Hart 2001; Ludsin 2011). According to Johnson (2017, 300), constitution-making has occurred in various settings: following revolutions sparked by non-violent protests like in Tunisia, in the aftermath of a long-term civil strife such as in South Africa, in occupied territories by foreign troops as in Iraq. The literature defines these constitutional outcomes as post-conflict constitutions (Samuels 2006). However, in the recent examples of civil wars in the Arab world, we have witnessed the pursuit of constitution-making taking place during an ongoing violent civil war (Johnson 2017). Johnson (2017) examines such processes which he defines as “conflict constitution-making” in Libya and Yemen. He shows that during such processes armed actors may exploit the constitution making for their political objectives and may “co-opt ongoing constitution-making processes to achieve their political ends under the threat of force” (Johnson 2017, 302). Constitution-making may further fuel the political conflict (Van Lier 2018). Without a ceasefire or a political settlement that can end the violence, a constitution making process that takes place amidst an ongoing civil war carries the risk to worsen the political and social divisions and extend the duration of the conflict (Johnson 2017, 303). In other words, in contemporary cases where constitution-making is used as a conflict resolution tool, the sequencing of political settlement and constitution-making is different. According to Bell (2017, 21-22) as the cases of Yemen, Libya and Somalia

show where the constitution-making comes before or separate from the process of finding a political settlement and face the challenge of making constitutional change in the difficult circumstances of conflict.

The increasing use of constitutional change for conflict situations is partly driven by the international actors' support for constitution making as a "peacemaking tool" (Ludsin 2011). Ensuing section offers a short review of emergence and utilization of constitution-making as a conflict management tool to show that in cases of mediated settlements external actors may play a central role in constitution-making, a process which may impact the civil war duration.

## 2.4 External Actors and Constitution-making

Constitution-making has been employed as a conflict management tool, in the context of mediated settlements by external actors. We can include constitution-making as a contemporary mediation strategy where mediation strategy is defined as "an overall plan of mediators to resolve and manage conflicts" (Bercovitch and DeRouen Jr. 2004, 156). While the use of constitution-making as a conflict resolution may be a recent trend, external actors have historically influenced constitutional orders of other countries in context of political change.<sup>21</sup> In the aftermath of the Second World War, newly independent states mimicked and "tended simply to copy basic constitutional rules of their former colonial masters" (Lijphart 2004, 96).<sup>22</sup> The United States infamously played a major role in the adoption of constitutions of Germany and Japan. The decolonization period and the dissolution of the Soviet Union, led to the emergence of new sovereign states whose state-building processes were influenced by external actors.<sup>23</sup>

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<sup>21</sup>While mapping the historical evolution of constitutional assistance Sripati (2020, 94-95) discusses the emergence of "civilized standards" that presupposes the supremacy of western liberal constitutions. Critically she argues that the birth of the European constitutional democracy and colonization occurred together. Accordingly, the western liberal constitution was internationalized predominantly through foreign administrations established during the colonization period. This was implemented via foreign state-conducted and international organization-conducted territorial administrations.

<sup>22</sup>The "uncritical adoption of foreign models" is seen as controversial (Ndulo 2014, 9) but having a written constitution was understood as a central component of political modernization for states (Sripati 2009).

<sup>23</sup>Sripati (2020, 153-155) examines the "rise, rejection, and revival" of constitution-making by categorizing it into three phases. The first phase dates back to the 1979 Treaty of Versailles and ends with the emergence of UN constitutional assistance (UNCA)(1949-1952).The second phase refers to the decolonization when there was opposition against the western liberal constitution-making with the rising norm of self-determination (Sripati 2020, 171). In the third phase, with the process of transformation toward being liberal market democracies through the support of structural adjustment programs and Poverty Reduction Strategy Papers, the Bretton Woods Institutions have promoted the western liberal constitutions in other countries (Sripati 2020, 183). Because constitutions emerged as a model for development Sripati (2020, 211) defined internationalized constitution-making as "new legal imperialism". Accordingly, the UN Development Programs had a significant impact on the internationalization of western liberal constitutions.



However there are other ways that external actors may influence the constitutions of other countries. Lerner and Lupovici (2019, 418) created a typology of international influence on constitution-making by categorizing the role of external actors: imposition, external inducement, guidance, and borrowing and non-borrowing.

The international influence in the form of imposition refers to international actors' use or threat of force to adopt a constitution drafted by external actors. Substantive imposition involves explicit involvement in determining the content of the written constitution such as in the formulation of the Japanese constitution (1947) after the Second World War and the 1996 Bosnian Constitution whose design was annexed to Dayton Peace Agreement (Yee 1996); procedural imposition encompasses situations where external actors define procedures and cornerstones of the drafting the constitution making process such as the role of the Allied Forces in the drafting of the German Basic Law (1949) (Lerner and Lupovici 2019). Similar to the experience of Japan and Germany, in drafting the 2005 Iraqi constitution, the US forces played a central role in outlining the main procedures and timetable (Arato 2009, 34). Therefore, the Iraqi case can be included in the imposition category as well.

Secondly, the influence of external actors can be seen in the form of external inducement in which actors pledge some material and nonmaterial incentives (international status/ prestige). This type of influence is applied by international institutions such as the North Atlantic Treaty Organization (NATO) and the European Union (EU) through the promise of accession. His more voluntary way can be seen in the Spanish democratic reform packages and preparation of a new democratic constitution in the late 1970s to join the European Economic Community and extract economic benefits from it (Bonime-Blanc 2010). Similarly the EU accession process in the early 2000s paved the way for constitutional amendments in Turkey.

Thirdly, international actors may guide countries via persuasion and the use of soft power. The international practice of guidance has been prevalent in contemporary world politics not only by the supervision of international political actors such as the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE) but also by economic institutions like the World Bank and International Monetary Fund (IMF). Besides multilateral organizations, which Alkon (2002, 332) defines as "assistance providers", states, civil society organizations, intergovernmental organizations like IDEA and USAID and constitutional experts may also assist constitution-making processes. The South African constitution writing process (1992-1996) and the process in South Sudan (2010) are examples of constitutional guidance where international actors played a crucial role in the drafting process (Lerner and Lupovici 2019).

Lastly, borrowing represents an intentional acceptance of external influence. The Argentine constitutional amendment in 1994 after the brutal military regime to incorporate “all rights and liberties recognized by international human rights laws” (Rosenkrantz 2003, 281) as human rights guarantees can be given as an example. Taken together, the external actors’ impact scope ranges from guidance to imposition.

In the post-1990 period, the external actors have often played a direct role in constitution building as part of their intervention in the resolution of civil conflicts. In other words, increasingly post-conflict constitution-making is a tool that external actors employ to address commitment problems (Nathan 2019). Mediation by external actors offer security guarantees that alleviate the dilemma that belligerents face when they are ready to lay down their arms and surrender and similarly, peace agreements that provide power-sharing arrangements offer another way to address such commitment problems. However, security guarantees and peace agreements are not sufficient enough to assure warring parties.

As Nathan (2019, 15) explains, “the former are usually confined to the transition period, after which the domestic actors are left to their own devices; strong domestic parties can easily abandon power-sharing arrangements that are not entrenched and enforceable; and peace agreements induced by international leverage are at risk of collapsing when external actors withdraw”. In cases where the peace agreement constitutionalizes its provisions, it provides “a strong signal that the negotiated settlement is not merely an agreement equal in status to other agreements reached previously or subsequently. Instead, the agreement will become part of the foundational basis of the constitutional order, the state and the post-conflict society as a whole” (Nathan 2019, 20). A post-conflict constitution that is adopted as part of the effort to end a conflict and ensure that it does not reoccur, offers an even more credible commitment than peace agreement because such new or revised constitutions also become “the supreme law of the land” and have a greater potential to be a self-enforcing peace institution” (Nathan 2019, 19).

The promise of the post-conflict constitution as offering a more credible commitment than negotiation and meditation with security guarantees, as well as peace agreements may explain why they have become common.<sup>24</sup> Because such post-conflict constitutions often involve internationalization of constitution building, the role of external actors have gone beyond established peace-building mechanisms (Ladley 2011). In such intertwined peace and constitutional processes that occur concur-

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<sup>24</sup>An additional explanation is that domestic actors may seek the external legitimacy function provided by constitutions drafted according to some international standards (Grenfell 2016, 123).

rently, states, the UN and individual advisors often play a central role (Ginsburg, Elkins, and Blount 2009, 209).

### 2.4.1 The UN and Constitution-making

Historically, through its trusteeship model the UN had aimed to address problems until local actors gained self-governance capabilities while providing a model for governance and increasing development levels (Sripati 2020, 139). This system usually involved imposing a constitution.<sup>25</sup> Today, local actors-led inclusive constitution-making is the conventional norm but external actors, including the UN do provide assistance. While the UN’s governance and electoral assistance are addressed under its democracy assistance, the United Nations Constitutional Assistance (UNCA) has received relatively less attention (Sripati 2020, 35). Even though today constitution-making is recognized as an ‘instrument for conflict resolution’ and the UN has provided constitutional assistance in practice for many years, it was only in 2006 when constitutional assistance appeared in an official document.<sup>26</sup>

“My envoys used their good offices in seeking peace agreements or in trying to prevent disputes from violently escalating. Peacekeepers deployed to conflict zones in record numbers and complex multidimensional operations - working not only to provide security but also to disarm, demobilize and reintegrate former fighters; to permit the safe and sustainable return of refugees and internally displaced persons; and to help war-torn countries, **write constitutions**, hold elections and strengthen human rights and the rule of law.” Report of the Secretary-General Kofi Annan on the work of the Organization, 2005 (General Assembly 2005).

The US president George Bush reflects this faith in the UN’s constitutional assistance: “I do think it would be helpful to get the United Nations in to help write a constitution [for Iraq]. . . I mean, they’re good at that.” (as quoted in Grenfell 2016, 120). The establishment of the Peacebuilding Commission in 2005, whose policy committee works on constitutional reform and constitution-making, marked the emergence of UNCA for the first time in an institutionalized manner (Secu-

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<sup>25</sup>The trusteeship model ended in 1960 but Sriptai (2020) likens this colonial practice to the UN’s constitutional assistance.

<sup>26</sup>Progress report on the prevention of armed conflict- June 2006 available here: <https://digitallibrary.un.org/record/581457?ln=en>

ity Council 2007). Similar to practice in peacekeeping missions, according to the 2009 Guidance Note of Secretary-General (United Nations 2009), the United Nations may provide assistance to constitution-making processes upon the request of states and/or its transitional authorities.

UNCA Statistic	
1949	Libya & Eritrea
1960	Congo
1989-2019	Afghanistan, Angola, Bhutan, Burundi, Bolivia, Cambodia, Central African Republic, Colombia, Côte d'Ivoire, DRC(Congo), East-Timor(Unit), El Salvador, Egypt, Guatemala, Guinea, Guinea-Bissau, Haiti, Iraq, Kenya, Kosovo(Unit), Kyrgyzstan, Liberia, Libya, Madagascar, Malawi, Maldives, Mali, Mozambique, Nauru, Nepal, Papua New Guinea, Rwanda, Solomon Islands, Sierra Leone, Somalia, Sudan, Southern Sudan, Syria, The Gambia, Tunisia, Yemen, Zambia and Zimbabwe (listed in alphabetical order)

Table 2.1 United Nations Constitutional Assistance (Sripati 2020, 4-5)

It has been reported that UNCA has provided assistance to “41 sovereign states and 3 territorial units” and paved the way for completion of constitutional drafts (3 states), revising existing constitution in terms of good governance lines (6 states), and adoption of new constitutions (26 states and 3 territorial units) from 1960 to 2019 (Sripati 2020, 225). Since the UN considers itself as “a neutral actor” while offering constitution-making, which has been widely understood as a peaceful conflict resolution tool, and believes that “the default method in some states is deemed defective”; it perceives its involvement in the form of constitutional assistance as legitimate (Sripati 2020, 344). Owing to having “lawfully authorized”, “temporary”, “not exploitative” characters, the UN’s assistance has not been accused of promoting a colonial practice, although according to Sripati (2020, 425) it has its origins in international trusteeship. A possible explanation for this might be that the Security Council, a powerful and legitimate authority, may mandate constitutional assistance/ internationalized constitution-making.

Considering that since 2011, the UNSC includes constitution-making assistance to its mission mandates, such has been the case with South Sudan and Libya, Grenfell (2016, 120) argues that it no longer has a problem that its constitutional assistance may be perceived as “interference with sovereign affairs of post-conflict states”. Whether it is with the intervention of the UN or other external actors, such reliance on “constitutionalism as a tool for reaching political settlements capable of

resolving conflict” is a difficult enterprise (Bell 2017, 13). The conflict-resolution role of constitutions in the attempt to find a political settlement is difficult first, because of the challenges of bargaining between domestic power holders and secondly, because of the central role that international actors and organizations play in contemporary cases of post-conflict constitution-making. As Bell (2017) asserted, the external actors’ involvement calls into question the legitimacy of the constitution and because their involvement may extend beyond constitutional assistance, their particular preferences may shape the outcome of the political settlement.

## 2.5 Conclusion

In this chapter, first, the literature on third parties’ involvement in civil wars was introduced with a focus on the impact of external actors’ intervention on the duration of civil wars. Next, the literature on external actor intervention via mediation was explored in order to understand how it may impact conflict outcomes focusing on how civil wars end. Because the main focus of this thesis is to explore the mediation efforts in the civil war in Syria, which has involved international organizations’ intervention, the next section focused specifically on mediation by international organizations. Here, the emphasis was on the UN and how mediation is different from other conflict management tools. The literature review showed that scholars draw mostly from the bargaining theory of war to explain civil war duration, termination and durability of post-conflict settlement. Although previous works have examined the timing of the mediation and who intervenes, besides Cunningham (2006; 2010) no study has specifically focused on the number of actors to study how their involvement makes civil war negotiation more difficult and duration longer. However, these seminal works that apply veto player framework to civil war negotiations do not specifically focus on the number of mediators. Previous studies (Beardsley, Cunningham, and White 2019) have showed that the UN mediation has a pacifying effect on the severity of civil war but does not provide evidence on how it impacts its duration.

An important insight from the broad literature on mediation and civil war is that mediation makes negotiated settlement more likely. Keeping in mind the changing dynamics in the international environment, specifically with the end of the Cold War, the next section focused on how civil wars are likely to end. Here, I have outlined that negotiated settlement became a more common way for the civil wars to end. Because the thesis will explore the mediation efforts during the civil war in Syria,

this section on negotiated settlement also drew attention to the increasing reliance on constitution-making and constitutional change in negotiated settlements. In order to examine this relatively new trend in conflict management, I have relied on the constitutional law and politics literature, as well as conflict resolution studies and discussed the relation between negotiated settlement, including peace agreements and constitution-making. An important insight from this review is that constitution-making during an ongoing civil war may prolong civil war duration.

Having outlined that constitution making is increasingly employed as a conflict management tool, which is partly driven by the international actors' support for such an approach, the next section examined how and why external actors outside the state influence constitution making processes with a focus on their involvement as part of their intervention in the resolution of civil conflicts. This was supplemented with a review of the UN's constitutional assistance and how it has evolved from its previous practices.

The literature on how civil wars end and how external actors' intervention may impact civil war duration is quite vast. The findings from the literature also indicate that how external actors intervene and their preference for certain conflict outcomes may change over time. Bringing together insights from constitutional law, this review has drawn attention to the fact that constitution-making is employed as a conflict management tool and in cases of negotiated settlements where external actors have a central role in constitution-making, mediation and constitution-making may play out as an intertwined process. Taking into consideration that constitution-making amidst an ongoing violent civil war such as become the case in Libya and Yemen (Johnson 2017) as well as in Syria (Hauch 2020), this study aim to contribute to the literature by exploring how external actors' intervention via mediation that relies on constitution making as a conflict transformation tool may impact civil war duration.

## 2.6 Theoretical Framework

The literature review has shown that civil wars are the dominant form in contemporary conflicts. There is a myriad of variables that can affect the onset, duration, and termination of civil wars and the scholarship highlights the international dimension of civil wars (Cederman, Gleditsch, and Buhaug 2013; Cunningham 2006; Cunningham, Gleditsch, and Salehyan 2009; Gleditsch 2007; Regan 2002; Regan and Aydin 2006; Salehyan and Gleditsch 2006). The review also demonstrated that external actors' intervention has an impact on how the civil war ends.

The overall research question that this thesis seeks to answer is how external actors' intervention via mediation that relies on constitution making as a conflict transformation tool may impact civil war duration. To examine the role of external actors in constitution-making within the broader process of negotiated settlements and its effect on civil war duration, I examine mediation and constitution-making during the Syrian civil war. Therefore, this study will first conduct a preliminary quantitative analysis on the effects of external actors' intervention on the duration of civil wars by focusing on the number of mediators and second with a case study on Syria, will explore the role of external actors in the mediation and constitution-making efforts during the Syrian civil war.

The theoretical explanation is conceptualized around the bargaining framework. First, the theoretical expectations on the impact of mediations on the durations of war are built on the bargaining model of war, specifically the veto-player approach, and second, I theorize how a mediation strategy with multiple external actors that relies on constitution-making would make achieving a negotiated settlement more difficult and civil war duration longer.

According to rationalist bargaining theory (Fearon 1995; Powell 2002), conflicts and wars result from a failure in reaching a negotiated settlement among conflicting sides and costly phenomena. This theoretical framework refers to asymmetric information and commitment problems and how they influence bargaining between different actors to impact civil war durations. According to Reiter (2003, 27): "The bargaining model does not see war as the breakdown of diplomacy but rather as a continuation of bargaining, negotiations occur during war, and the war ends when a deal is struck" or alternatively, with a military victory. Because conflicting sides can advance their position during negotiation as a result of developments in the battlefields, in practical terms these two fronts of the civil war are interrelated (Wagner 2000). Therefore, the duration of civil war is driven both by factors that make military

victory easier/harder and by factors that make achieving a negotiated settlement easier/harder (Cunningham 2010, 116). External actors via their intervention can affect the civil war parties' ability to negotiate or to achieve a military victory. However, the duration of civil war is not just related to the conflicting parties' ability to achieve military victory and the incentives they have to negotiate but also the ease of agreeing to a negotiated settlement (Cunningham 2010, 116). Because the thesis is interested in examining the role of external actors in constitution-making as a mediation strategy, the theoretical framework focuses on constitutions as a credible commitment but argues that bargaining in the process with multiple external actors as a difficult undertaking that can prolong the duration of civil war.

Civil conflicts may stem from issues such as distribution of resources, policy decisions, and government repression, where decision-makers can apply any means, including the use of force, to reach the desired outcomes. Here, "private information" is considered as the source of a conflict since ambiguity over capabilities of other directs parties to pursue assertive policies; therefore, one of the core factors that leads to giving an end to the conflict can be the disclosure of information (Filson and Werner 2002, 819). However, a compelling revelation process may even lead to a war, although "states and other actors usually try negotiations, incentives, or diplomacy before resorting force" (Stam 1999, 34). While waging war, belligerents grasp information on the capabilities and power limits of the other (Smith and Stam 2004). Accordingly, information asymmetries affect the duration of warfare. Although the developments in the battlefield can also help reveal information, the external actors by facilitating the transfer of information can also "help civil war parties to disclose private information on their capabilities, expectations, and payoffs from a negotiated settlement" (Regan and Aydin 2006, 739).

Mistrust between the conflicting sides make it difficult to convince each other that they will credibly commit to a negotiated settlement. In the context of civil wars, rebels may fear that once they lay down their arms, the government forces may renege on its commitment to a negotiated settlement. The government may also be reluctant to enter into a negotiated settlement, being concerned that rebels in the meantime can acquire more power or influence (Hartzell 2017). Third-party interventions in civil wars that provide international guarantees help overcome commitment problems (Walter 1997).



In short, mediation via external actors can address information asymmetries and provide security guarantees on the implementation of negotiated settlement. One way to study how long civil wars last and how they end is to apply a veto player approach (Cunningham 2006).<sup>27</sup> Accordingly, we need to consider that civil wars are multiparty. There is the government, rebels and external actors. To simply consider civil wars as a two-actor phenomenon is problematic, rather we need to take into consideration different parties whose agreement is required for a negotiated end to civil war (Cunningham 2006, 878).

According to this veto player approach (Cunningham 2006), the number of parties in a civil war may impact the duration of the conflict and the parties' ability to negotiate a settlement. Indeed, the research shows that when there are multiple veto players who must approve a negotiated settlement, the civil wars last longer. This is because distinct preferences of different actors narrow down the bargaining range of acceptable settlement and combined with "heightened information asymmetries, incentives to hold out, and shifting alliances" the number of actors in civil war affects the duration of the conflict (Cunningham 2006, 881).

According to Cunningham (2010), external actors may intervene in a civil war to pursue an independent agenda and in such cases where they have their own set of preferences, they potentially have the ability to block a negotiated settlement. Presence in the mediation table not only enables third-party actors to improve their international prestige and (directly/indirectly) to insert its agenda; but also transforms the mediator into a veto player whose approval is needed for the resolution. The influence of third parties can be depicted as a double-edged sword since they may have leverage over conflicting sides through promises of rewards (incentives, economic and political support) and threats of punishment (in the form of sanctions). Their intervention also may make achieving a negotiated settlement more difficult because they may have their own self-centered motivations to intervene in a conflict. Nevertheless, the type of third parties -being a state, non-governmental organization, regional or international organization- may cause varying impacts on the duration of a conflict. For instance, the United Nations differ from third-party states in conflicts due to its status as the legitimate authority responsible for maintaining international peace. The UN Secretary-General Dag Hammarskjöld's words on UN to the American Political Science Association in September 1954 highlight the promise of the role that the UN can play in conflict situations:

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<sup>27</sup>Cunningham's veto player approach does not challenge or contradict the information and commitment problem mechanisms that have been theorized to study civil war duration (Cunningham 2006; Thyne 2012).

“I believe we have only begun to explore the full potentialities of the United Nations as an instrument for multilateral diplomacy, especially the most useful combinations of public discussion on the one hand and private negotiations and mediation on the other.” (Ki-moon 2011).

Although the UN has received its share of criticism, it has managed to create new mechanisms and transform its institutional apparatuses to respond to the challenges posed by decolonization and conflicts in the post-Cold War period.

What makes the UN different from other external actors and political organizations is its role in providing legitimacy for states as an agent in the international system (Claude 1966). Since member states voluntarily join and their presence is preserved by the organization, the UN has a tacit authority over its members whose acceptance constitutes the UN’s legitimacy as well. Moreover, “the UN embodies many of the most important constitutive norms of the international community, norms that, in effect, prescribe how modern, sovereign states are expected to behave.” (Barnett 1997, 542). Even without the imposition of sanctions by the UN, the Security Council via its resolutions on civil wars can place reputational costs on conflicting parties of a civil war (Cockayne, Mikulaschek, and Perry 2010), most significantly on the member states.

As a multilateral institution, the UN in general can enable states to learn information about one another, help parties to reach a settlement, and raise “the cost of renegeing on commitments thereby increasing the credibility of promises” (Keohane 2006, 57). The Security Council engages with the resolution of civil wars which “often takes the form of an iterative process designed to reinforce the bargaining under way between civil-war parties and to support the implementation of agreements they conclude” (Cockayne, Mikulaschek, and Perry 2010, 31). By employing threats, sanctions and incentives the UNSC can make its demands on civil war parties more credible, which in return may “deter civil-war parties from adopting courses of action contrary to the Council’s request” (Cockayne, Mikulaschek, and Perry 2010). However, the demands issued in Security Council resolutions may constraint the type of action or settlement that the civil war parties may seek. In responding to the contemporary civil wars, the Security Council increasingly gets involved in the post-conflict phase of the peace processes “that often include political reform and strengthening state institutions” (Cockayne, Mikulaschek, and Perry 2010, 12).

Thus, in addition to its normative function, the United Nations is an information-providing as well as commitment enhancing organization. Because the UN is conceived as the “grand guardian of international peace and security” (Yilmaz 2005, 14), we don’t expect the UN to act as a veto player whose confirmation is a must in the settlement. Rather it facilitates and brings conflicting sides to negotiations. Previous research has shown the UN mediation (especially when coupled with peacekeeping), has a pacifying effect on patterns on violence (Beardsley, Cunningham, and White 2019). Thus, I expect that the UN’s influence on the duration of intrastate conflicts would differ from other third parties in mediation.

In terms of addressing commitment problems, external actors’ mediation efforts are “only as effective as the guarantees their home states are willing to offer” (Walter 1997, 356). As the literature review chapter showed, in contemporary civil wars, constitution-making is employed as a conflict resolution tool, perhaps because it offers guarantees that go beyond the transition period and the post-conflict constitution provides an entrenched and enforceable settlement in contrast to a peace agreement (Nathan 2019). Yet, we don’t know much about how this mediation strategy that relies on constitution-making may impact the civil war duration.

A constitution that becomes “the supreme law of the land” as a result of a negotiated settlement is a more difficult bargain than a peace agreement that the government can more easily abandon. Especially when conflicting sides evaluate the constitution-making process as an opportunity to achieve their goals in the political sphere in addition to their armed struggle in the field, then constitution-making amid ongoing violence, i.e. “conflict constitution-making” (Johnson 2017, 300) can further prolong the civil war duration (Ludsin 2011). Besides from the fact that external actors’ involvement in constitution-making process may be perceived negatively as interference in a sovereign process, to the extent that external actors’ have their own set of preferences that can influence the procedure and substance of constitution-making, they can be discerned as veto players in the bargain for a post-conflict constitution as part of the negotiated (mediated) political settlement.

Applying Cunningham’ insights from the veto player approach (2006; 2010) that the civil wars are longer when they involve more actors who can block a settlement (veto players) and when external actors have an independent agenda their intervention can prolong civil wars, in this thesis the aim is to find out how external actors’ intervention via mediation that relies on constitution making as a conflict transformation tool may impact civil war duration. Arguing that a constitution is a more credible commitment (Nathan 2019) but a negotiated settlement that involves a constitution-making process with external actors’ mediation may complicate the

bargaining dynamics, this thesis aims to understand the impact of constitution-making as part of the broader negotiation and mediation process with a focus on the effect of the number of external actors (mediators).

Building on this theoretical discussion on bargaining theory of war and focusing only on diplomatic interventions that employ constitution-making as a mediation strategy, this research follows two analyses: quantitative and qualitative. In the quantitative part, I seek to assess the relationship between civil war duration and the number of mediators through civil war episodes that occurred from 1946 to the 2014 update of Civil War Mediation dataset. Thus, my first research question is that whether the number of third parties involved in the mediation process affects the duration of civil wars. A rise is expected in the conflict duration with the presence of a higher number of mediators. There is a conditional expectation on the presence of the UN as a mediator.

We have witnessed that there have been two mediation tracks that directed the efforts to find a negotiated settlement process in the Syrian conflict. One is the Geneva process which is led by the United Nations, and the other one is initiated by Russia, Turkey and Iran with the Astana format. Since constitution-making is an outcome of mediation attempts that developed with the diplomatic intervention of external actors as my second research question, I explore the impact of a mediation strategy with multiple external actors that relies on constitution-making on reaching a negotiated settlement and civil war duration.

**H<sub>1</sub>:** Increase in the number of external actors involved in the mediation in a conflict lengthens its duration.

**H<sub>2</sub>:** If the United Nations (UN) is one of the mediators, then the effect of the number of external actors on conflict duration is expected to be substantially less significant.

**H<sub>3</sub>:** A mediation strategy that involves constitution-making lengthens civil war duration.

In the qualitative section, I will explore how constitution-making influences the duration of civil wars by examining the Syrian constitution-making process as a case study where mediation attempts by external actors preceded and laid the foundation of creation of the constitution committee to draft a new constitution. It has been assumed that the bargaining process persists until parties reach a negotiated settlement in civil war settings, and the outside intervention by external actors may have an adverse impact on the bargaining process among conflicting sides. In Syrian case, mediation attempts and following the constitution-making process reflect an

overview on the impact of external actors on civil war duration and bargaining.

Before the thesis proceeds with a two-fold analysis, the next chapter will outline the methodology used to conduct these two sets of research questions on the effects of external actors' intervention on the duration of civil wars and constitution-making as a mediation strategy.

### 3. METHODOLOGY

In this thesis, I utilize a mixed-method approach to address the impacts of external actors in constitution-making processes through their diplomatic interventions in the form of mediation. As its name would suggest, in a mixed-method study, the researcher combines qualitative and quantitative data collection methods and analyses (Creswell 1999). Since it enables the researcher to triangulate different data collection methods (Olsen 2004), this may mitigate each type's inherent weaknesses/limitations. Because we don't have comprehensive data on constitution-making as a mediation strategy<sup>1</sup>, I conduct a two-fold analysis. I will first analyze the relationship between civil war duration and the number of mediators involved and later investigate a case to explore how external actors may extend civil war duration through their participation in constitution-making process as part of the mediation strategy. The Syrian conflict is used as a case study to explore the impact of external actors when constitution-making is employed as a conflict management tool, while the quantitative analysis provides a broader overview of the relationship between civil war duration and number of external actors in mediations.

#### 3.1 Quantitative Analysis

Although Cunningham's veto player approach to explain variation in civil war duration (2006; 2010) show that multiparty bargaining in civil war impacts its duration, no study examines specifically the number of mediators. Theoretically, this research examines civil wars as a part of the bargaining process between conflicting sides (Filson and Werner 2002; Reiter 2003; Wagner 2000) and starts from the assumption

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<sup>1</sup>PA-X Peace Agreement dataset offers a dataset on peace agreement provisions; Comparative Constitutions Project provides data on constitutional texts of world constitutions and Peace Accords Matrix Implementation (PAM) Dataset offers data on the implementation of comprehensive peace agreements. Based on PAM, Nathan (2019) categorizes comprehensive peace agreements according to the level of constitutionalization and legalization required by the negotiated settlements.

that external interventions may change the bargaining dynamics.

To examine the relationship, I use the Civil War Mediation dataset (DeRouen, Bercovitch, and Pospieszna 2011). The dataset provides information on the start and end dates of civil war and mediation initiatives by third parties. Moreover, the name of the third-party/mediator is written, enabling us to count the number of parties. The empirical analysis is conducted according to the latest version of the dataset (August 2014 update). After the conceptualization and operationalization of dependent and independent variables, which is further explained in detail in the research design section of chapter 4, I run an Ordinary Least Squares (OLS) regression analysis to investigate the relationship between civil war duration and the number of actors involved in the mediation process. There is a conditional expectation on the United Nations' involvement in mediations due to the role the UN plays in international politics. The UN can be seen as a legitimacy-providing organization for states in the international arena that formulates the fundamental norms that state behaviors. From a bargaining framework, the UN is an information-providing as well as commitment enhancing organization. As a result, it is expected that when the UN is involved in the mediation process, the impact of third parties on civil war duration is weaker.

### 3.2 Case Study

The Syrian conflict will be analyzed thoroughly as a single case. According to Gerring (2004, 341), "a case study is best defined as an in-depth study of a single unit (a relatively bounded phenomenon) where the scholar aims to elucidate features of a larger class of similar phenomena." As Zainal (Zainal 2007, 1) points out "It can be considered a robust research method particularly when a holistic, in-depth investigation is required". Moreover, it enables researchers to identify causal mechanisms of social phenomena, and has a "heuristic impact" (Neuman 2014, 42) by providing an in depth account.

Although the Syrian civil war is an ongoing conflict, the case has witnessed diplomatic intervention of some external actors- both international organizations (the Arab League, the UN) and individual states (Russia, Iran, and Turkey). Mediation attempts gave rise to the formation of a constitutional committee to draft a new constitution. Therefore, the Syrian case will be analyzed as an explorative case study to examine the role of external actors in mediations that rely on constitution-making as a conflict resolution and its impact on civil war duration.

The civil wars in Yemen, Libya, and Syria have devolved from the uprisings that began with the Arab Spring.<sup>2</sup> Interestingly, in each of those countries, constitutional change became one of the cornerstones of these transitions (Johnson 2017). In these three cases, the pursuit of constitution-making took place amid ongoing violent civil war. In all, it was the UN that played a crucial role in mediation and constitutional drafting efforts. As Mancini and Vericat (2016, 2) argue, all three cases attracted regional and global powers and transformed into proxy wars in which external actors played out their geopolitical rivalries.

Moreover, in these conflicts, the disagreements between the US and other Western states and Russia have deadlocked the UNSC's ability to make unified decisions, and the confrontation between regional actors added to the complexity of finding political solutions. These three civil wars have emerged and evolved at a time when we can observe a "shift of global influence from the West toward the East" which Mancini and Vericat (2016, 2) argue "makes power more diffuse". As a result, the civil wars in Libya, Yemen, and Syria are very different from other post-Cold War cases. There was no deployment of UN peacekeeping troops. More importantly, mediation efforts aimed to end the violence, bring parties together to negotiate, and find a political transition that involves a constitution-making process. In Libya, it was the UN-brokered peace agreement that led to the completion of a constitutional draft. The civil war ensued after completing the first draft in 2015 and the final draft of a new constitution in July 2017 (Johnson 2017). In Yemen, the process of constitution-making was initiated after the ouster of the president because it was part of the transition agreement brokered by the Gulf Cooperation Council (GCC) (Johnson 2017). In the case of Yemen, the process exacerbated the conflict, the UN-mediated talks were not effective, and the completion of the draft constitution was followed by the intervention of Saudi Arabia in 2015. In both cases, the draft constitutions did not only function as "peace agreements" but also deepened the conflict. In the case of Syria, as the conflict entered its tenth year, the constitution-making process is at its beginning stage and it was formulated as part of the mediation efforts of external actors (Russia, Iran, and Turkey). The Syrian case offers an opportunity to investigate this trend of relying on constitution-making as a conflict transformation tool that is sought as part of the efforts of finding a negotiated settlement.

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<sup>2</sup>The other cases of Arab Spring that did not devolve into civil war, namely in Egypt and Tunisia, constitutional change also took place.



### 3.3 Limitations

Case studies by nature have external validity (generalizability) problem. We cannot generalize from an outcome of a single case study. But here, the relation is not zero-sum in terms of validity, it creates a trade-off because the application of in-depth analysis of a single case increases the internal validity of the research. Since the data gathered by this research will be detailed, the research can portray multiple factors and complexities compared to large-N studies. Besides, the issue of equifinality, which is based on the idea that an outcome can be reached through different means, may arise, yet this can be addressed by triangulation and comprehensive analysis of the case.

In our case study on Syria, even though the research provides a comprehensive account, some mechanisms may not be observed directly, therefore, necessitates further research with different methods such as in depth-interview with representatives of opposition or government and third-party actors in the Syrian conflict. Moreover, we follow the process by tracing the UN News and official statements from involved actors. To better understand dynamics, the sources in Arabic may be explored since it is the state's official language.

While chapter 4 provides a broader overview of the influence of external actors through mediation in civil wars, the research has limitations in terms of control variables which will be detailed in the research design. For instance, one of the crucial limitations of the research is that it does not offer a comparative analysis on whether the conflict erupts in the Cold War period and post-Cold war era. The dissolution of the Soviet Union and the end of the Cold War paved the way for fundamental changes in the international system. International norms and practices have changed according to the unipolar and ensuing multipolar world order. It is also possible to argue that norms on how civil wars end have shifted since the September 11 attacks (Howard and Stark 2018a) but in this analysis, we don't control for the time period.

The mixed methods research has an array of strengths, and the most significant is its complementarity. The preliminary quantitative analysis on the number of mediators and civil war duration informs and benefits the single case study on Syria. This feature serves the primary goal of mixed methods research which is stated by Johnson and Onwuegbuzie (2004, 14-15) as “not to replace either of these approaches but rather to draw from the strengths and minimize the weaknesses of both in single research studies and across studies”.

Therefore, the two step approach to the research question on whether external actors' intervention via mediation that relies on constitution making as a conflict transformation tool impacts civil war duration, first explores broader dynamics on mediation and then with an explorative case study examines mediation by external actors and their employment of constitution-making as part of their efforts to find a negotiated settlement.

## 4. CROSS COUNTRY ANALYSIS

### 4.1 Research Design

The unit of analysis of the quantitative analysis is a civil war in a given year. The cases are drawn from the “Civil War Mediation” dataset (DeRouen, Bercovitch, and Pospieszna 2011), which is based on the Uppsala Armed Conflict Termination dataset (Kreutz 2010) and the Uppsala Conflict Data Program’s PRIO Armed Conflict’s dataset (Strand, Wilhelmsen, and Gleditsch 2003). Accordingly, a civil war is defined as a conflict between at least two actors, one of which must be the executive body of a state and has caused more than 25 deaths per year. In the previous version (2008), the scope of the dataset was limited due to the constraint on the issue of conflict (incompatibility), where only aspirations of autonomy and secession were taken into account (DeRouen, Bercovitch, and Pospieszna 2011). With its first release in 2011, DeRouen, Bercovitch, and Pospieszna (2011) generated a dichotomous variable for the incompatibility that includes not only territorial aspiration but also control of the government. They coded territorial wars as "1" and war over control of government as "2". Hence, the cases represent two of the most prevalent issues that lead to conflict. For this inquiry, the August 2014 update of the dataset is used to create the sample of civil wars. By analyzing the number of external actors involved in the mediation process and whether the United Nations (UN) is one of those actors, inferences will be made on the relationship between the duration of civil war and the number of external actors.

The dependent variable of this research is conflict duration in days, and the main independent variable is the number of parties diplomatically involved in the mediation process. By subtracting the end dates of civil war episodes from the start dates, duration in days is measured. I expect that increase in the number of external actors involved in the mediation in a conflict lengthens its duration ( $H_1$ ). To measure this expectation, third parties in the mediation process will be counted. Because the

dataset enabled us only to see mediators' names in civil wars, each comma (,) in the "name of third party" variable was treated as a new actor. However, the coders of the dataset did not follow a standard rule while they inserted names and the roles of mediators. They sometimes used commas (,), yet, commas are also used before the official title of the mediator. Therefore, I recorded inappropriate estimates after I checked each cell. While counting the number of mediators, it is important to bear in mind that if there is more than one representative, envoy, or staff, the evaluation corresponds to "1" regardless of the number of people appointed by the same entity. Likewise, if the mediator is an international, regional or non-governmental organization such as the United Nations (UN), the European Union (EU), and the International Committee of the Red Cross (ICRC), then this entity is considered a single actor notwithstanding its members<sup>1</sup>. However, I take into account that the UN as an external actor may impact the duration differently than third party states. Therefore, I expect that when the UN is an intervening party, it alters the relationship between the number of interveners and the duration of intrastate conflicts. Accordingly, if the United Nations (UN) is one of the mediators, then the effect of the number of external actors on conflict duration is expected to be substantially less significant(H<sub>2</sub>).

Since the dependent variable of the proposed design is duration, it theoretically necessitates a different analysis, such as a survival analysis, than the linear regression model. However, our outcome of interest and the main explanatory variable are continuous variables, therefore we can practically use linear regression to understand the association. There is an expected conditionality on the relationship between the main dependent and independent variables on whether the UN is a third party in mediations. In other words, the effect of mediators is conditional on whether the UN is one of the mediators. While studying the relationship between battle deaths and mediations, Beardsley, Cunningham, and White (2019, 1702) generated a dummy variable for UN and non-UN mediations to estimate the impact of the identity of third-party mediators. In a similar vein, a split-sample design can be employed to assess the theoretical expectations. The variation among the dependent and the independent variable will be examined across space, which contains different civil wars around the world.

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<sup>1</sup>In case where the data show there are two instances, one International Conference and one Ministerial Conference, where mediation takes place both will be counted as "1" because each meeting serves as an entity under which the multiple actors coexist and decide unanimously.

### **4.1.1 Dependent Variable**

The dependent variable is conceptualized in line with the aforementioned description of civil war, which relies on 25 battle-related death per year among two actors, one of which must be the government of a state, by the PRIO Armed Conflict dataset, which is used as the primary source on the creation of the Civil War Mediation (CWM) dataset. Although civil wars' onset and end dates are provided in the latter dataset, the duration of conflict has not been measured in days. The duration of civil wars in literature is measured in months (Balch-Lindsay and Enterline 2000; Collier, Hoeffler, and Söderbom 2004; Cunningham 2006; Regan 2002) and days (Cunningham 2010). The civil wars' episode duration is examined in days in this study to include episodes starts and ends from 1 to 29 days which makes our sample more inclusive. To operationalize the duration, I subtract the end dates of civil war episodes from the start dates and calculate the duration in days.

### **4.1.2 Independent Variable**

External actors involved in mediation may be an entity/group or individual that is not considered as a member of conflicting sides. Since the CWM dataset (DeRouen, Bercovitch, and Pospieszna 2011) lists the names of third parties in words, I count the names to operationalize the independent variable of the research that is the number of third-parties in mediations. Moreover, there is an expected interaction effect on the presence of the UN in the mediations, thus the mediation cases will be divided into two where "0" represents absence and "1" illustrates the existence of the UN in mediations. This dichotomous coding enables us to measure the impact of the interaction using a split sample design.

### **4.1.3 Control Variable**

Apart from the expected interaction between the dependent and independent variable, the dependent variable may be affected by some other confounding variables such as the GDP per capita of civil war countries, availability of lootable resources, seize of opposition, whether the civil war country is a democracy, level of ethnolinguistic fractionalization, the level of inequality, power asymmetry among conflicting sides, and whether the conflict erupts in the Cold War. However, it is beyond the scope of this research, and all of these can be considered limitations of the research design. The quantitative analysis has one control variable which is related to the

issue of conflict, and it can be labeled as “incompatibility”, according to this variable conflicts were categorized as either a territorial war or a war on the control of the government. For the operationalization, I re-coded the issue of conflict (incompatibility), territorial conflicts are coded as “1” and conflicts over control of government are coded as “0”.

## 4.2 Empirical Findings and Analysis

### Descriptive Statistics

Table 4.1 Summary statistics for the Estimation Sample

<b>Variable</b>	<b>Mean</b>	<b>Std. Dev.</b>	<b>Min.</b>	<b>Max.</b>
Duration	3186.823	4728.131	0	17531
Number of Third Parties	0.952	1.391	0	11
N		537		

Table 4.2 Summary statistics for the UN-mediated Conflicts

<b>Variable</b>	<b>Mean</b>	<b>Std. Dev.</b>	<b>Min.</b>	<b>Max.</b>
Duration	3548.338	4230.36	70	17531
Number of Third Parties	2.308	2.053	1	11
N		65		

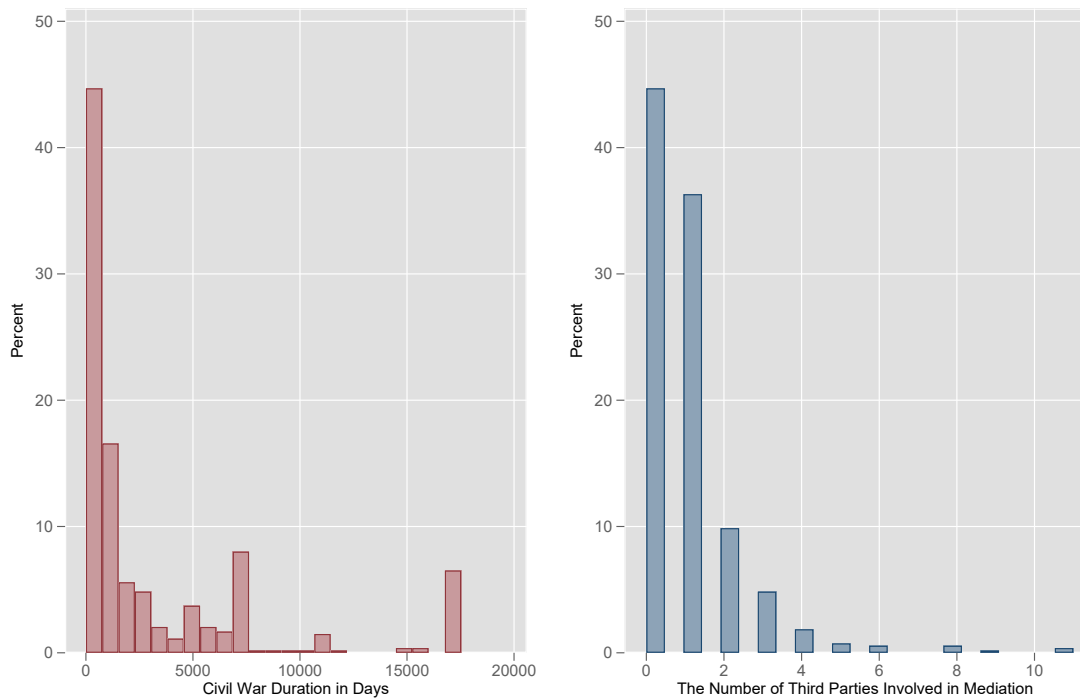
Table 4.3 Summary statistics for Others-Mediated Conflicts

<b>Variable</b>	<b>Mean</b>	<b>Std. Dev.</b>	<b>Min.</b>	<b>Max.</b>
Duration	4399.275	5209.987	0	17531
Number of Third Parties	1.568	1.225	1	9
N		229		

Although the dataset has 762 observations, the missing observations were deleted according to the operationalization of the dependent and independent variables. According to Table 1, civil wars last 3186 days, which is more than 8.5 years, whereas it ranges from 0 to 17531 days. It can be inferred from the table that, on average, civil wars have one mediator. There are 294 mediated civil wars that correspond to 54.75 percent of the estimation sample; non-mediated conflicts constitute 45.25 percent with 243 observations. Since the main inquiry of research will be centered on the number of mediators and whether the UN is one of the external actors, descriptive statistics provide a synopsis of our sample. The table demonstrates that the UN-mediated 65 of 294 conflict cases, whereas 229 conflict cases were mediated

without the inclusion of the UN. Table 4.2 illustrates that when the UN intervenes, it seems it is accompanied by another actor (Mean:2.308). Comparison between the means of duration of Table 4.2 and Table 4.3 indicates that UN-mediated conflicts on average last shorter vis-à-vis mediations where other actors mediated. There was one discrepancy in Table 4.3 that illustrates summary statistics when the other actors mediated conflicts. Although the minimum number of third party was indicated as “0” according to the code, this inconsistency stemmed from a gap in the dataset where authors did not write the mediator’s name in a territorial conflict episode (coded in 379th observation in the dataset) in Myanmar between 2005-2007, although they coded conflict episode as “mediated” in the former cells. Since mediation means involvement from at least one third party, I adjusted the related cell with “1” to fix the missing information.

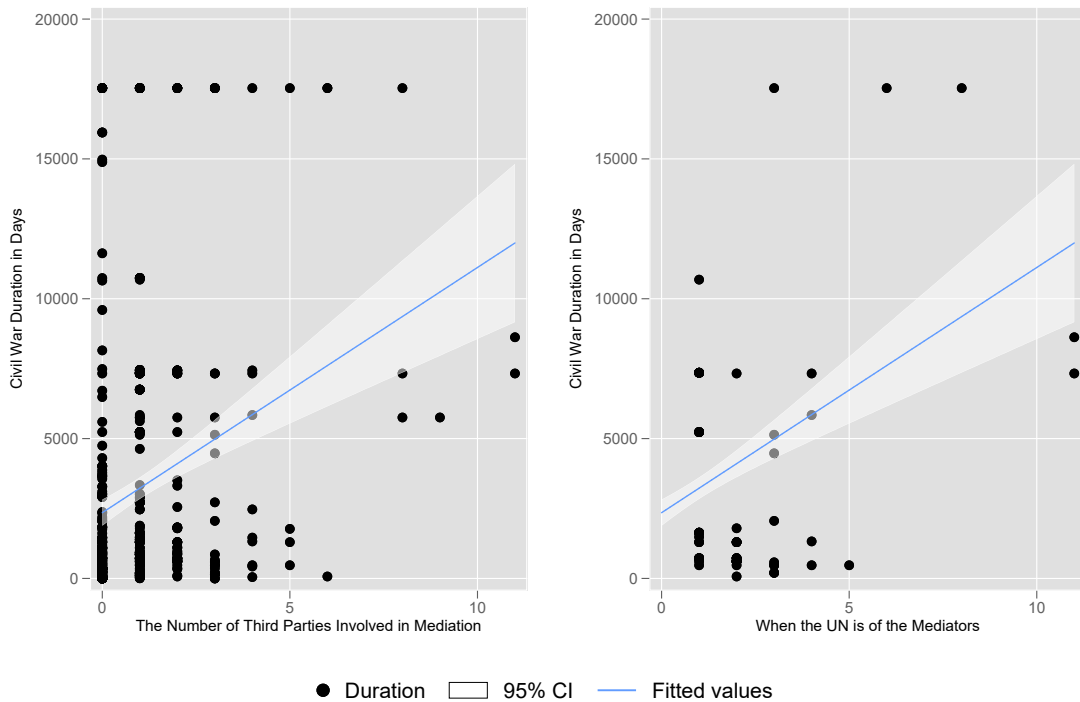
Figure 4.1 Histograms for the Dependent and Independent Variables



The first graph on the left (distribution of dependent variable) in Figure 4.1 demonstrates that most civil wars last less than 5000 days.. The first three bars, which constitute more than 50 percent of the sample, show that most civil wars endure less than 2500 days, although some outlier cases exist. The second graph illustrates that civil wars with no mediators constitute a considerable number of observations (40 percent) in our sample. Since it may have an impact on the inferences that will be made at the end, deletion of the observations with no mediator may mislead the inquiry. Besides, the graph shows that one third party mediates in most of the

observations (more than 40 percent) while occasionally two external actors do so. Also, there are some outlier cases in both the plots. Afghanistan and Cambodian conflict episodes have 11 mediators as the highest numbers, which are demonstrated on the right side of the second plot. In the first plot, the Israeli–Palestinian conflict has the longest conflict episode with a number of 17531 days and is illustrated with a column on the right side.

Figure 4.2 Scatterplot with Fitted Line



The slope of the fitted line and the associated confidence intervals on the left side in Figure 4.2 shows that there is a positive relationship between the number of parties involved in mediation and civil war duration. The observations are denser in the area encompassing 0-3 actors on the X-axis and 0-5000 days on the Y-axis. The second graph on the left in Figure 4.2 is plotted on purpose. Since the main hypothesis includes a conditional expectation, it is important to illustrate the relationship in a graph. We can deduce by looking at this graph that there is a positive relationship. Next, I run an Ordinary least squares (OLS) regression analysis on civil war duration to further investigate this relationship with the number of third parties/mediators involved in mediation.



## Regression Analyses

Table 4.4 Regression Analysis between Civil War Duration and the Number of Mediators

	Duration	Duration (UN-mediated conflicts)
Number of Third Parties	862.568*** (142.385)	787.224*** (225.397)
Issue of Conflict	90.599 (921.698)	-4241.291*** (1272.863)
Constant	2279.806** (913.518)	5320.452*** (1252.379)
N	537.000	65.000
$R^2$	0.064	0.261

Standard errors in parentheses

\*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

To start with, regression estimates between civil war duration (in days) and the number of third parties in the mediation process presented in Table 4 demonstrate that there is a statistically significant relationship between these variables at 0.01 significance level. Hence, empirical findings support my first hypothesis ( $H_1$ ). Moreover, the coefficient of the number of third parties is positive which means that when the number of third parties as mediators increases, a rise is expected in the civil war duration. In other words, one unit increase in the number of mediators is estimated to cause 862 days of increase in the duration of civil wars. Furthermore, the relationship between civil war duration and the issue of conflict (either a territorial war which is coded as “1” or war for the control of government which is coded as “0”) is not statistically significant.

The aforementioned conditional expectation ( $H_2$ ) is investigated by dividing the sample into two, rather than adding interaction terms to the regression analysis. In this way, it is more practical to grasp differential effects between the divided samples. The regression estimates in Table 4 demonstrate that there is a statistically significant relationship between civil war duration and UN-mediated conflicts at 99 percent confidence level. Similar to the first regression analysis, the relationship is positive, yet the coefficient is lower in the latter analysis. Therefore, the second hypothesis ( $H_2$ ) finds evidence by the analysis. Put differently, based on the value of the coefficient, the impact of third parties is weaker when the UN is one of the mediators. Yet, this may be due to the decline in the number of observations.

### 4.3 Discussion

The linear regression estimate reveals that the effect of the number of third parties in the mediation process on civil war duration is statistically significant. The more third parties present in mediations, the longer conflicts endure. In addition, the association between civil war duration and the issue of conflict is not statistically significant which means that whether a conflict is based on control of government or territory does not influence the civil war duration. Therefore, we can assume that external actors evolved into veto players (Cunningham 2006) whose confirmation is needed for reaching a negotiated settlement, thus their diplomatic intervention in the form of mediation prolongs civil wars. It seems possible that these results are due to distortion of the bargaining process.

The estimates conducted by splitting the sample into two groups illustrate that the impact of the number of parties on civil war duration is statistically significant and weaker when the UN is one of the mediators (H<sub>2</sub>). In the light of theoretical expectations based on the UN's role, as being a normative, legitimizing actor whose power assures conflicting sides to negotiate by facilitating a healthy atmosphere where commitments and promises are guaranteed, it seems parties reach a settlement in a shorter period when UN participates in mediations.

The literature has provided that IOs that have power to alleviate commitment problems shorten the conflict duration (Shannon, Morey, and Boehmke 2010). Moreover, those which have field deployment power are more effective compared to organizations that concentrate on information problems (Lundgren 2017). Apart from other actors in mediations, the UN addresses not only commitment problems but also is an influential actor in providing information. Accordingly, empirical findings are consistent with the scholarship on the influence of the UN.

This preliminary quantitative analysis on the relationship between the number of actors and civil war duration corroborate findings from Cunningham (2006) that there is a relationship between the number of veto players and the duration of civil war. However, this analysis specifically focuses on the number of mediators and the finding on the conditional impact of UN mediation on the duration of civil wars is a first study and contributes to the civil war literature. Since the variance between the dependent and the independent variable is examined across space, and the number of observations is quite high, the external validity/generalizability of the findings is high. Unlike studies that measured conflict duration in years and months, the duration analysis in days is more precise to make inferences. Since the dataset

includes conflicts that start and end within the same day and less than 29 days.

Due to that analysis includes a single control variable (incompatibility) -the issue of conflict-, the interval validity of this research is low. Further research may improve this study by introducing new control variables. The aforementioned possible confounding variables in the research design section may alter the relationship and findings at hand. In terms of measurement presence of a single coder may have caused possible coding errors considering the high number of data operations conducted.

Having concluded that the more actors involved in mediations, the longer the civil wars last, I move on to the second part of my analysis to investigate how external actors' intervention via mediation that relies on constitution making as a conflict transformation tool may impact civil war duration. For this analysis, I explore the Syrian civil war and specifically, the mediations conducted by external actors and their employment of constitution-making as part of their efforts to find a negotiated settlement.

## 5. SYRIAN CIVIL WAR

### 5.1 Historical Overview Before the Civil War

“Ashaab yurid isqat an-nizam” (“The people want to bring down the regime”) (Dagher 2019, 209).<sup>1</sup>

Syrian civil war broke out in 2011 with the brutal suppression of civil protests by the government of Bashar al-Assad, and it has been marked as one of the most complicated and prolonged conflicts of the 21st century. Civilian casualties and the refugee flows have been the most visible part of the humanitarian crisis in Syria. Dubbed as the Arab Spring, winds of Arab uprisings that have spread across the Middle East in 2011, were anticipated to bring a positive transformative change for people in the region. In its tenth anniversary, only in Tunisia, where the protests erupted first, a fragile democracy still endures after a peaceful regime change (Parker and Fahim 2021). In fact, authoritarian regimes were also overthrown in Egypt, Libya, and Yemen (Kilavuz and Sumaktoyo 2020). But Egypt’s short experiment with democracy ended with a coup in July 2013, and in Libya, anti-government demonstrations ultimately led to civil war. Like Libya, unrest in Syria and Yemen have descended into civil wars.

Constitution-making has been a peculiar feature of the political transitions and conflicts that have followed the Arab Spring (Johnson 2020). New constitutions were adopted in Egypt (2012 and 2014), in Syria (2012), and in Tunisia (2014). Draft constitutions in Yemen (2015) and in Libya (2014) have not only failed to end the conflicts, but constitution-making in the midst of an ongoing violent conflict have made it difficult to follow a conciliatory process and hence, “risked the creation of conflict constitutions that would prolong, rather than remedy, the sources of conflict” in these cases (Johnson 2020, 7). The only exception has been Tunisia,

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<sup>1</sup>This was a popular slogan of the Arab uprisings. The five teenagers who wrote it on the outer wall of their school were later taken by the security forces.

where following an inclusionary and participatory process, “the most democratic Arab constitution ever was promulgated in January 2014” (Eisenstadt and Maboudi 2019, 2158).

The case study on Syrian civil war offers an opportunity to explore whether mediation that relies on constitution-making as a conflict transformation tool lengthens civil war duration. Based on the insight that the duration of civil war is not just related to the conflicting parties’ ability to achieve military victory and the incentives they have to negotiate but also the ease of agreeing to a negotiated settlement (Cunningham 2010, 116), I have developed the theoretical argument that constitutions are credible commitments but bargaining in a constitution-making process with multiple external actors is a difficult endeavour that can prolong the duration of civil war. This section proceeds first with a short history of Syria that emphasizes the episodes of constitutional change and next provides an account of the civil war to understand whether constitution making can address some of the underlying causes. The rest of the chapter details the external actors’ intervention to the civil war in Syria, via mediation and explores their employment of constitution-making as part of their efforts to find a negotiated settlement. Based on the theoretical arguments on the bargaining model, I conclude with a discussion on the role of external actors in the mediation that employ constitution-making as a strategy.

### **5.1.1 Establishment of Independent Syrian State**

Syrian state-building process was profoundly affected by the legacy of colonialism. Syrian territory was under the Ottoman Empire’s control for about four hundred years before World War I. Against the promises of independence and in accordance with the Sykes-Picot Agreement, the Ottoman provinces were partitioned between French and British. Even though nationalist forces established a congress, drafted and approved a constitution (the Constitution of 1920), the short-lived constitutional monarchy known as the Arab Kingdom of Syria was not recognized by the international community (Thompson 2020). The French control of the territory of contemporary Syria became formal under the League of Nations’ mandate system, which lasted until 1946. Although the objective of the French mandate was to assist Syria in preparation for self-government, France failed to do so. A Constitutional Assembly with a nationalist majority was elected in 1928, but ultimately the French High Commissioner rejected the draft due to some “offending articles” (Fildis 2011) that empowered the presidency, and called for the creation of a national army and political unity. These moves triggered nationalist movements in Syria and severely

deteriorated French dominance, which was forced to negotiate a treaty of independence. Following World War II, when Nazi Germany occupied France, Syria under British and Free French occupation, declared its independence in 1941. French troops withdrew from Syria five years later, in 1946. This period was marked by constitutional instability. Within ten years (1946-1956), four constitutions were drafted (Constitutionnet n.d.).

Following the end of the French mandate, the military became an influential actor in the early years of state-building. Arab Socialist Ba'ath (resurrection) Party, which will be the primary determinant in the country's political fate, was established in 1947 to spread the "doctrine of unity" (Devlin 1991, 1399) to the Arab world. However, following the decade after the country's independence, governments were dissolved by subsequent military coups (1949 and 1954) that caused political instability in the long run. Eight coups were staged from 1949 to 1970 in Syria (Phillips 2016). The armed forces waged war in the Levant Crisis (1945), First Arab-Israeli War (1948-1949), First Iraqi Kurdish War (1963-1970), and the Six-Day War (1967).

In addition to internal dynamics, regional developments played a significant role in shaping the country's future. Shukri al-Quwatli, the first president of post-independence Syria, restored power in 1955- until then the president had changed eight times. He established close ties with Egypt to facilitate the revival of Arab unity. Consequently, the United Arab Republic (UAR) was formed by Egypt and Syria in 1958 with unanimous support from political parties of Syria (Palmer 1966). Egyptian president Gamal Abdel Nasser was in command of the new union. This membership brought a fundamental change in the Syrian political system: all political parties were banned, including the Ba'ath Party, which had been one of the biggest advocates of unification (Palmer 1966, 54). It gave rise to discontent towards perceived Egyptian domination in political life, especially among some Syrian army officers who considered the appointment of Egyptian officers to top positions as a deal-breaker. Ultimately, a group of Syrian army officers who saw no point and future in the union staged a coup d'état in 1961 and ended Syria's presence in the UAR. Syria was re-established as an independent state -the Syrian Arab Republic. Following its dissolution, the political union's provisional constitution of 1958 no longer remained in force, and Syria restored its 1950 Constitution, which reinforced the idea that there was continuity with the pre-1958 Syrian state- Republic of Syria (Young 1962).

### 5.1.2 The Rise of Hafez Assad and Consolidation of Power

The United Arab Republic experience triggered the emergence of radical movements in the Ba'ath Party. Party's founding principle – the pan-Arabist view- was heavily criticized by various factions in the party. Consequently, the dissent gave rise to a military committee, which consisted of Ba'ath party-affiliated officers that staged the coup in 1963. A provisional constitution was adopted in 1963. This seizure of power was not just another case of military takeover. The 1963 coup can be evaluated as a critical juncture in Syria's history. First, the state of emergency, which was declared after Ba'ath seized power, has continued to remain in force for nearly a half-century (Hadad 2009). It was only in 2011 that President Bashar al-Assad repealed this emergency law as a concession to protestors that wanted to end his authoritarian rule (Marsh 2011).<sup>2</sup> In addition to the long-term state of emergency, Hafez Assad's appointment as Air Force commander by the committee laid the foundations of the Assad family's domination in Syrian politics. The continuing power struggle led to an internal coup in 1966 and the overthrow of the old leadership. Even though Assad did not participate in the coup, he became the new defense minister.

Another provisional constitution was promulgated by the Ba'ath Party government in 1969. Nevertheless, the new administration was divided into two camps; the political group led by Salih Jadid and the military faction headed by Hafez Assad and his supporters. This split can be seen in party meetings where the military group charged Salih Jadid's faction with the devastating outcome of the 1967 war, arguing that it was political leadership that had raised tensions with Israel and ignored the warnings that the Syrian army was unprepared to counter Israeli forces (Mann 2013, 559). As the military faction in the Ba'ath Party expected, the Six Days War (1967) traumatized the young and inexperienced leadership in Syria that lost nearly its whole air force and Golan heights' control to Israel (Zisser 2017). In what has been dubbed as “corrective movement”, in 1970, Hafez Al-Assad took control of the state by removing its de-facto leader, the left-wing General Salah Jadid. He first became the prime minister, in addition to being the minister of defense. Later with amendments made to the 1969 constitution, he became the president of Syria (Yodfat 1971, 337). Even though on the surface it appeared that the Six-Day War led to the rise of Hafez Al-Assad and brought political stability, it did not. The Ba'ath regime ignored the challenges at home, focused on foreign affairs as “deep-rooted demographic, economic, and social processes were changing

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<sup>2</sup>The state of emergency has allowed the Assad regime to maintain its presence as immune to any allegation, since it legitimizes any arbitrary measures (such as detention and arrests) by security forces and enacts the ban on the opposition. For more on state repression and the role of emergency rule, see Human Rights Watch's report: <https://www.hrw.org/reports/2007/syria1007/3.htm>

the characteristics and internal composition of the Syrian society” (Zisser 2017, 557).

The aforementioned chain of events demonstrates that Syria experienced a turbulent state-building process where subsequent coups destabilized the country. Hafez al-Assad took rigorous measures to maintain the status quo and make it immune to external interference; however, this transformation led to a more autocratic state (Ayubi 1996). Drafted by a committee and approved in a referendum in 1973, the new constitution came to be known as the constitution of Hafez al-Assad because it empowered the president with both the executive and legislative powers and defined the president as not only the Head of State, the leader of the Ba’ath Party and but also the Commander in Chief (Art. 103) (Constitutionnet n.d.). Reflecting the design of one-party rule, the constitution adopted the Ba’ath Party’s ideas and visions and provided that it was the leading party of the state and society (Art. 8).

In order to consolidate his power, Assad reorganized the security forces, including the secret service and deployed his relatives and Alawites in general to critical positions. The fact that the president belonged to the religious minority of Alawites<sup>3</sup> and the Ba’ath Party’s secular stance led to backlash from Sunni Muslim groups. In order to appease these groups, he made several gestures, such as bringing back the presidential oath sworn in the name of Allah (Art. 7), which had been replaced by a secular formulation in the 1969 Constitution (Maoz and Yaniv 2014, 30). The Muslim resistance movement was notably supported by the Muslim Brotherhood, which had been prohibited after the 1963 coup. Following violent protests against the draft constitution, which did not include a provision requiring the president’s religion to be Islam, this provision was reintroduced (Art. 3) (Kerr 1973, 703-704).<sup>4</sup> Moreover, Assad also received a fatwa from a prominent Lebanese imam that Alawites were Shia Muslim and the constitution recognized the Islamic jurisprudence as the main source of legislation (Art. 3). This symbolic move appeased neither the Muslim Brotherhood nor Islamic groups (Polk 2013). The 1979 Islamic Revolution in Iran encouraged Islamists to initiate uprisings in several cities such as Aleppo, Homs, and Hama. According to different sources, the quell of the Hama riots by the Syrian army, known as the Hama Massacre, caused 5000 to 25000 deaths (Conduit 2016).

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<sup>3</sup>Alawites constitute a sect of Shia Islam. There has been a relative geographic separation between Alawites and Sunnis in Syrian territory during the Ottoman control in the area (1492-1918) (Qaddour 2013). They gained their autonomy with respect to territories they reside in with French mandate in Syria(1921-9145) while the Sunni majority objected to the French presence by projecting an independent Syrian state (Qaddour 2013, 68).

<sup>4</sup>Under the 1930 Constitution, president’s religion was established as Islam. This provision was maintained in the 1950 Constitution, but no such provision existed under the UAR constitution. The provision that established the president’s religion as Islam was eliminated in the 1969 provisional constitution.



In terms of policy making, especially on high policy matters such as foreign policy, internal security, and economic policy (Hinnebusch 2002, 68), Hafez al-Assad and his inner circle were the sole decision-makers. The social base of the regime was strengthened by economic rent and political identity (Hinnebusch 2002, 83). The patronage networks were established as a result of the massive control of the economy. The rising oil production and secular Arab nationalism enabled the government to consolidate its power. Moreover, the enmity against Israel became one of the cornerstones of the regime's legitimacy (Hinnebusch 2002).

However, according to Hinnebusch (2012, 97), "this regime, though very durable, had built-in vulnerabilities". Alawi officers' domination in ruling positions required tolerance to corrupt practices of intelligence and military units who were immune to efforts of accountability. The nature of the regime did not allow the private sector to develop, and the public sector could not foster the accumulation of capital (Hinnebusch 2012). These vulnerabilities led to an economic downturn in the late 1980s. The peace process with Israel and the fall of the Soviet Union changed the dynamics further. Syria could no longer rely on external aid and sought domestic investment. The military spending declined, but the regime "continued balancing between its old popular constituencies and its newly emerging bourgeois ones" (Hinnebusch 2012, 98).

Hafez al-Assad's son Bashar al-Assad replaced him after Hafez's death in 2000. Accordingly, the age requirement for presidential candidacy in the 1973 constitution - (Article 83): "Any candidate to the presidency of the Republic must be a Syrian Arab and in full enjoyment of his civil and political rights. He must be at least 40 years of age" (Heller 1974, 60-61)- was amended to 34 on the day that Al-Assad's death was announced. This was not simply an illustration of "the personalized character of Syria's hereditary succession" that primarily aimed to keep the Assad family in power by allowing his young son to succeed (Stacher 2011, 198). In fact, the regime built by Hafez al-Assad had certain weaknesses and to ensure its survival, regime elites coalesced around his son, rather than risk the uncertainty of a power struggle (Stacher 2011).

This short review has recounted key developments that highlight the instability during the early years of the Syrian state and the Assad family's dominance afterward with an emphasis on constitutional change. However, as the next section outlines more in-depth, as Bashar al-Assad sought to consolidate power within the regime he had inherited, the regime's capacity to maintain his power over society weakened. This transformation, along with other international dynamics dragged Syria into a protracted civil war.

## 5.2 The 2011 Uprising and Its Transformation to a Civil War

“Syria is not isolated from what is happening in the Arab world. We are part of this region. We influence and are influenced by it, but at the same time, we are not a copy of other countries.” Bashar al-Assad, President of Syria, speech to the People’s Assembly on 30 March 2011. (Dagher 2019, 42).

Bashar al-Assad was celebrated early on as a Western-oriented reformist, but the optimism was short-lived. Father Assad had left his son an authoritarian state, yet the new Assad regime also carried out an “authoritarian upgrading” (Hinnebusch 2012). According to Heydemann (2007, 5), there are five key features of authoritarian upgrading: “appropriating and containing civil societies: managing political contestation; capturing the benefits of selective economic reforms; controlling new communications technologies; diversifying international linkages”. The Assad regime borrowed from these practices to address the economic vulnerabilities of the regime and restructure its social base in order to consolidate his power. However, these upgrades were not sufficient to keep Syria out of the Arab uprising. In fact, some of the changes introduced by Bashar al-Assad had negative consequences for regime strength and without a political adaptation that followed these economic and social changes, contributed to the crisis that ultimately erupted in 2011. As a result, when the uprisings began in the region, the seeds of a revolt were already planted in Syria (Hinnebusch 2012).

### 5.2.1 Its Complex Roots and Fault Lines

The Syrian regime when it encountered an uprising movement similar to the ones that had been ousting authoritarian leaders across the Middle East and North Africa (MENA) region, refused to acknowledge its genuine demands. According to the International Crisis Group 2011 Report (Harling 2011), the regime’s initial mistake was “misdiagnosing” the protestors by treating their grievances as separate issues. However, the emerging national dissent expressed through reform demands required a wholesome approach in economic, social, and political spheres.

To start with, the aforementioned authoritarian upgrading through which the Assad regime enriched a small group of crony capitalists led to widening inequality between people who live in the countryside as peasants and the lower classes in the cities and the ruling elite. The prevalent relationship between the ruling elite and the masses was based on state patronage. However, the regime's scarce resources meant that it could not seek a broad co-optation strategy and instead, it could offer "privileged access to goods and services" to a limited group of people (De Juan and Bank 2015, 91). Syria had attempted the process of economic liberalization as it faced international isolation, forcing the regime to cut back on its welfarist functions. Public/welfare spending, an essential source of allegiance (De Mesquita et al. 2003), could only be tapped selectively.

Bashar al-Assad's shift to an increasingly neoliberal economic policy not only widened the socioeconomic gap like in the housing provision (Goulden 2011); but also increased unemployment (Hokayem 2017, 12-13). Prior to the outbreak of mass protests, Syria had experienced a stable growth rate, but the private sector was not sizable enough to make up for the decline in the public sector (Hinnebusch 2012). Because the regime did not initiate the required structural reforms that could provide a remedy to the problems of equality and distribution, an appeal of economic reform became one of the cornerstones of peaceful protests.

Syria, in its attempt to evade sanctions, had established economic relations with non-Western countries, but by 2011, these links were no longer there, and with the use of state repression to suppress protests, it once again became economically isolated (Hinnebusch 2012). Apart from these, the 2006-10 drought had adversely affected the Syrian economy. Thanks to reduced state subsidies, its agricultural industry had already weakened, and when the drought hit, the conditions worsened forcing more than a million people to migrate to south Syria looking for employment (Hurley 2018). But drought was a "threat multiplier" (Hurley 2018)- it was the government's failure to address the humanitarian crisis and resource scarcity that prompted the uprising (De Châtel 2014).

According to the World Bank(2011), the Syrian population was around 21 million when the protest movement erupted in 2011. It is hard to find reliable estimates on Syrians' demographic composition since ethnicity, religion, and sect are used as differently by various sources to define minority groups. According to the CIA Factbook (2021), Arabs constitute around 50 percent whole population in terms of ethnicity, whereas Alawites<sup>5</sup> make up around 15 percent. Kurds and Levantine follow

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<sup>5</sup>Before the French mandate in Syria, the Alawi/Alawite community were called as "Nusayris" or "Ansaris" by the outside world, the mandate enforced the name change (Fildis 2011, 150). " 'Nusayri' emphasizes the group's differences from Islam, 'Alawi' suggests an adherent of Ali (the son-in-law of the Prophet

these groups by around 10 percent, and the others, which include Druze, Nusairi, Turkoman, Armenian, and others, are around 15 percent of Syria's population. Sunni Islam is the prominent religious affiliation with 75 percent, followed by Alawite Islam and Christianity with 12 and 10 percent respectively, based on Minority Rights Group International (Minority Rights Group 2018). The remaining 2-3 percent is composed of other Muslim beliefs, Druze and Yezidis.

The Ba'ath party's ideology that rests on "Arab socialism" had decayed in the minds of citizens due to the economic downturn and failures in foreign policy such as the continuation of Israel's occupation of the Golan Heights. Besides the ideological downfall, some alleged that the sectarian divide played an essential role in uprisings. This is based on the account that the ruling regime had longed favored Alawites from which the ruling and political elite formed and marginalized the Sunni Arab population. Common sectarian narrative argument depicts struggle in Syria: "a government dominated by an alliance of minorities' against a Sunni supermajority" (Corstange and York 2018, 443). However, as Phillips (2015, 358) strongly argues, sectarian identity may have been a factor in the transformation of the relatively peaceful uprising to a civil war, it was not the only factor and its importance changed over time.

The regime established close ties with the Sunni and Christian urban bourgeoisie, the Sunni middle class and merchants mostly remained loyal once the violence erupted. Sunni bureaucrats similarly remained loyal. Suggesting that the economic motivations were more critical, it should be noted that the uprising first began "in poor neighborhoods, often hosting recent rural-urban migrants. Most were Sunni, but protests were not replicated in richer Sunni areas" (Phillips 2015, 360). However, the emphasis on the sectarian narrative helped "reinforce Assad's attempt to portray his rule as the only way to head off an endless cycle of sectarian violence" (Hurd 2013). Even though the uprising was not mostly about sectarianism, "sectarian instrumentalization" helped descend the country into civil war (Hinnebusch 2019).

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Muhammad) and accentuates the religion's similarities to Shi'i Islam." (Pipes 1989, 430). Therefore, the Hafez al-Assad regime favored the latter usage while consolidating its rule.

### 5.2.2 Civil Uprising Devolves into Civil War

It was the Assad regime that was primarily responsible for sectarianizing the conflict by using violence against the opposition groups to provoke them into a war that it thought it could win easily. Following the opposition's successes in capturing territory in 2012, the regime sought support from regional sectarian actors, namely Hezbollah and Iraqi Shia militias (Phillips 2015, 369). Other regime actors like Turkey, Saudi Arabia, and Qatar also fueled sectarianism by supporting ethno-sectarian militias. The UN Commission of Inquiry stated in late 2012 that "as battles between government forces and anti-government armed groups approach the end of their second year, the conflict has become overtly sectarian" (UN News 2012b). Although sectarian framing is one of the competing alternatives such as struggle for democratic freedoms and foreigner intervention in Syrian domestic affairs (Corstange and York 2018), the focus on this dimension may have shaped the plans on how to achieve the way out of the conflict. Those who emphasize the centrality of the sectarian roots of the conflict have come to "argue that a viable political settlement of Syria's conflict must embrace these 'genuine' ties, possibly based on the ethnic models that ended other wars characterized as ethno-sectarian, such as those in Yugoslavia, Bosnia, Lebanon and Iraq" (Phillips 2015, 358).

Here it should be noted that the self-immolation of a Tunisian street vendor that decried corruption was the catalyst for the protests there and the wider Arab Spring. When the protests began in Syria, demonstrators did not necessarily call for regime change (Phillips 2016). They demanded an end to the state of emergency, more freedoms, and end to corruption<sup>6</sup> (Dagher 2019; Laub 2021). Assad offered some reforms and concessions but it also used its heavy arm to suppress the protests. Because of the very nature of the one-party system, political life in Syria was already restrictive. The president held various official titles such as party leader, chief of staff for the army and police, and was equipped with powers including the authority to issue presidential decrees and make critical appointments to bureaucracy (Hinnebusch 2019). Moreover, a nearly half-decade-old state of emergency<sup>7</sup> allowed the regime to maintain control over civil society and restrict press freedom.

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<sup>6</sup>According to the 2011 Index generated by Transparency International (2021), Syria ranked as 129 out of 183 countries with a score of 2.6. In a regional(MENA) inverse ranking, Iraq (worst), Libya, Yemen, and Lebanon followed by Syria on public sector corruption respectively.

<sup>7</sup>"Emergency law (officially Decree No. 51) had been in place since 1963, ostensibly due to the continued state of war with Israel but in reality utilized to arbitrarily detain, try and sentence on the grounds of 'protecting the state'" (Phillips 2016, 459).

The Syrian government, whose power goes beyond its contemporaries, successfully suppressed the crowd who wanted to voice their solidarity with Tunisian and Egyptian demonstrators. During the crackdown in the early phase of the conflict, the regime detained more people for their participation in the protests. Some political prisoners were released, and Assad announced a general amnesty in May 2011 right before the UN Security Council debate on Syria (AmnestyInternational 2011). However, the security forces replied with harsh measures; this contributed to protests escalating rather than creating fear and submission among those that participated in these protests.

A number of opposition groups were formed in reaction to the protests and regime repression. It is beyond the scope of this chapter to cover the number of blocks, assemblies, platforms and coalitions that have encountered internal conflicts and splits. One such opposition grouping, called the Syrian National Council(SNC) formed in Istanbul, Turkey in August 2011. It later joined a broader coalition of opposition forces that officially came together in Doha, Qatar in November 2012. Known as the National Coalition for Syrian Revolutionary and Opposition Forces, the UK, France, other European countries, and Turkey, Yemen and Saudi Arabia recognized it practically as the Syrian government in exile. The United States was instrumental in the establishment of this new council to represent the Syrian opposition (Rogin 2012).<sup>8</sup> The EU also recognized the coalition as the legitimate representative of Syria and welcomed it as a step towards unity. The US President Barack Obama said that his administration officially recognized them as “the legitimate representatives” of Syrian citizens (NPR 2012) and the rebel coalition formally became the country’s representative in the Arab League (Black 2013).

Although the coalition’s objective was to take over Syria’s seat at the UN, this could not be possible because of the rejection of Russia and China. In October 2013, The SNC broke away from the National Coalition over its decision to participate in the peace talks in Geneva backed by Russia and the United States ahead of the Geneva II meeting, which is discussed below. The Syrian National Coalition has continued to exist alongside other opposition groups and coalition. While it could not establish a monopoly over the opposition, it has maintained “the broadest political base that any Syrian opposition group ever got”, even though its support from Syrians at home has been weak (Ulutas 2016).

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<sup>8</sup>In November 2012, US Secretary of State Hillary Clinton said "We've made it clear that the SNC can no longer be viewed as the visible leader of the opposition " and explained that "They can be part of a larger opposition, but that opposition must include people from inside Syria and others who have a legitimate voice that needs to be heard. So our efforts are very focused on that right now." (Stearns 2012).

A number of other factors have impeded the efforts to form a unified political opposition against the Assad regime. First, the Syrian opposition figures and groups had no prior experience in institutionalized opposition because of the autocratic nature of the Assad rule. Second, the opposition groups have been characterized by their “overdependence on international actors” (Ulutas 2016). This is related to the fact that some of the key opposition groups, including the Syrian National Coalition are based in other countries, and opposition groups need international actors to gain financial support and legitimacy. Because the conflict transformed into a proxy war, the opposition groups also sought backing from external actors, regional and global powers (Ulutas 2016).

An umbrella organization called the Syrian High Negotiations Committee (HNC) initially came together at the Riyadh Conference in December 2015 to negotiate with the government of Assad. This Saudi-backed body’s members included delegates from the National Coalition- the main coalition of politicians in exile, its rival group National Coordination Body, independents and armed rebel groups (Lund 2015). While it was the Syrian National Coalition that represented the opposition in the Geneva II meeting, it was the HNC that participated in peace negotiations in the Geneva III meeting. With the early militarization of the conflict, the expectation that the opposition groups can find a political solution became more difficult.

This section has provided a description of the causes of the uprising to understand why constitutional change is sought in the efforts to find a political settlement. The next section outlines the external actors’ mediation attempts to find a negotiated solution to the Syrian conflict with a focus on constitution-making as a conflict transformation tool. Although the groups that claim to represent the Syrian opposition are multiple and their strength has ebbed and flowed within the broader complexities of the Syrian conflict. Therefore, in the following section as we outline the quest for a political solution to the Syrian conflict, namely the UN-led negotiations, Astana process and the work of the Constitutional Committee, the main actors of concern are external actors that have participated in the search for a political settlement in Syria. Similarly, the factions within the Syrian military opposition and military developments on the ground are beyond the scope of the following analysis.

## 5.3 Quest for a Political Settlement to Syrian Civil War

### 5.3.1 Initial Domestic and International Responses to the Syrian Conflict

The spread of protest movements directed the Syrian regime to initiate a referendum for a constitutional amendment in the midst of an ongoing violent civil war. The civil society produced some suggestions for the new constitution (Turkmani and Saffour 2019). Nevertheless, the initial logic behind the amendment was to ease protestors' tensions. In October 2011, President Assad formed a commission in charge of drafting the new constitution. It was approved via referendum on February 26, 2012.

The proposed changes aimed to facilitate political pluralism at least on paper, through some revisions. These changes included an end to the sole control of the Ba'ath party in political life and limited the president's tenure to two seven-year terms (Reuters 2012). Amendments also included the expansion of rights and freedoms such as the right to assemble, form public associations, and trade unions. Nevertheless, according to ElectionGuide (n.d.), voter turnout was considerably low with 56 percent. This is consistent with reports that the protestors and opposition groups boycotted the referendum. Therefore, the triumph of the "yes" vote, which constitutes 92.35 percent of whole casted votes, was not surprising at all (MacFarquhar and Cowell 2012).

The process through which the constitutional change was adopted in 2012 fell short of offering a political solution to the conflict. The process took place as ongoing fighting continued. The committee that drafted the text was handpicked by the president and was far behind being an outcome of national consensus. A spokesperson for the State Department defined it as a process where Assad "is putting forward a piece of paper that he controls, to a vote that he controls, in an effort to try and maintain control" (CNN 2012). Even though it could be interpreted as major political reform for political pluralism, in reality, it did neither change the monopoly of the party nor the domination of the Assad family. Another such purported attempt at reform was the parliamentary elections on May 7, 2012. A future member of the National Coalition described the vote's futility as "The regime is killing people at the same time it is announcing elections and reforms" (MacFarquhar 2012).



Indeed, the 2012 constitutional amendment paved the way for Bashar Al-Assad to become a candidate and win in 2014<sup>9</sup> and 2021<sup>10</sup> for seven-year terms (Dagher 2019). In addition to the volatile political atmosphere, the human rights violations, explicit political violence, the use of chemical weapons and the complex internal environment, which was fundamentally altered with the emergence of the Islamic State of Iraq and the Levant (ISIL/ISIS/DAESH) the agendas and foreign policies of external actors toward Syria changed. The next section outlines the intervention via mediation undertaken by external actors such as regional powers, namely Iran, Russia and Turkey and international organizations, namely the Arab League and the UN.

### 5.3.2 External Actors in Syrian Civil War

The Syrian conflict that first started out from peaceful protests transformed into a civil war. By June 2012, the UN under-secretary for peacekeeping operations declared that the conflict had grown into a civil war (BBC 2012). Syrian civil war's complexity is not just related to its alleged sectarianized characteristics, it is "a proxy war that has become intensely transnational with high levels of regional spillover and engagement by regional and international actors, both state and non-state actors alike" (Heydemann 2020, 155). The international context where the Syrian conflict emerged and spiraled into a protracted civil war was instrumental in this transformation. The conventional view among scholars is that the unipolarity of the post-Cold War international system that relies on the United States' dominance has markedly deteriorated over time, especially since the Great Recession (2007-2009). This period has marked the rise of new great and emerging powers with the declining appeal of the west (Layne 2012).

Howard and Stark (2018*a*) argue that in the Cold War period, the main normative framework for how the end of the civil war was military victory. Although with the fall of the Soviet Union and hence bipolarity, the United States and its allies could push for military defeat in civil wars, they have not preferred the continuation of such a norm. Instead, negotiated solutions became the norm to end civil wars. This was the result of "the overarching international political environment, characterized by both the absence of major threats and the quest for democratization, that led to the appropriateness of civil war termination through mediation and

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<sup>9</sup>President Assad won the election by taking 88.7 percent of 11.6 million votes in the 2014 election (Dagher 2014).

<sup>10</sup>As expected, President Assad was elected with 95.1 percent of the whole votes, has continued his presidency by starting his fourth term (Reuters 2021*b*).

negotiation” (Howard and Stark 2018*a*, 130). However, the authors argue that this norm changed over time as it came to be understood that negotiation with terrorist organizations is unacceptable, and as a result, we observe that fewer civil wars that end with negotiated settlements, especially in cases where the conflict includes groups labeled as terrorist. Accordingly, in this period, the conflict resolution norm has shifted towards stabilization (as opposed to democratization), and in this period after 9/11 civil wars are not expected to end with negotiation. Applying this constructivist argument to the Syrian conflict, the same authors argue that “The Syrian civil war is an example of a general trend: civil wars are lasting longer and are increasingly likely to end with a one-sided victory rather than a negotiated settlement” (Howard and Stark 2018*b*). As the rest of this chapter shows, in its tenth year, reaching a negotiated settlement for the Syrian civil war seems remote, if not unlikely.

External actors operate in an international political context, which influences how they behave including the main conflict resolution norms they adopt and promote. Arguably, the Syrian civil war emerged in an international political environment that expects one-sided victory in civil wars and emphasizes stability over other concerns. Since external actors have the power to influence how the civil wars end, the intervention (military, diplomatic and economic) of new regional powers have further lengthened its duration. In the Syrian conflict, the regional actors Russia, Iran, Turkey, Saudi Arabia<sup>11</sup>, and Qatar have militarily and economically intervened. In terms of military and economic intervention, which is beyond the scope of this thesis, external actors (like Turkey and the Gulf states) either engaged in regional power struggle<sup>12</sup> and prolonged the conflict or intervened to support the Assad regime (like Iran and Russia) and lengthened the conflict by preventing the regime’s collapse (Howard and Stark 2018*b*).<sup>13</sup> The United States as the global power has also intervened, more explicitly, with military airstrikes against ISIS- the so-called Islamic State that was defeated in 2019.

The lengthy Syrian civil war has also attracted the same external actors’ diplomatic intervention in the form of mediation that could potentially produce a negotiated settlement. The US and the UN led the Geneva conferences, the United Nations Security Council(UNSC) has adopted a resolution that called for a political settle-

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<sup>11</sup>According to Phillips (2016, 62), Saudi Arabia was the most worried actor in the region about “the contagion effect” of the Arab Spring.

<sup>12</sup>In terms of regional power struggle, the rivalry between Saudi Arabia and Iran symbolizes the sectarian character of power struggle- what Gause (2014) defines as the "New Middle East Cold War".

<sup>13</sup>Beyond those actors, non-state actors Hezbollah, ISIS, and the PKK (Kurdistan Workers’ Party) are influential actors (Phillips 2016).

ment in Syria and later, this resolution has been invoked by regional powers Iran, Turkey, and Russia to claim that the Astana process follows the UNSC res. 2254 and aims to find a political solution to the civil war (MFA 2018*a*). The next section will outline the mediation attempts during the Syrian civil war (2011-2021) and the role of constitution-drafting in the broader peace process.

The empirical findings in chapter 4 demonstrate that the more actors involved in the mediation process, the conflicts endure for a longer period in civil wars. The findings of the preliminary analysis suggest that when the UN is one of the mediators, then the impact of the number of the mediators on civil war duration is weaker. Therefore, particular attention is given to the role of the UN while exploring the external actors' intervention. Recalling the theoretical argument drawn on the bargaining model of war that evaluates constitutional commitments more credible, I explore why external actors may have sought constitution-making as a mediation strategy. Based on the veto player framework, I argue that external actors may be conceived as veto players because of their ability to influence the procedure and substance of constitution-making as a result of their role as mediators.

## 5.4 Mediation Attempts

The civil war in Syria has passed its tenth year and although the conflict has relatively cooled off, it is far from over (WorldPoliticsReview 2021). The UN Human Rights Council chief in 2017 characterized it as “the worst man-made disaster since World War II” (Collins 2017). Over the ten years, external actors and international organizations have attempted to find a political settlement. The two main mediation efforts have been the one carried out by the United Nations and the parallel track sponsored by Russia, Iran and Turkey (Lundgren 2019). Before the overview of these two processes- the Geneva process and the Astana process, this section first describes the earlier short-lived attempts and then proceeds to the role of external actors in the UN-led mediation efforts and the parallel initiative by the regional actors.

The Arab League has always pursued a non-interference policy toward its members on the issues that they treated as internal affairs, yet the Arab Spring had raised the organization's concerns. Accordingly, the Secretary-General of the organization condemned the violence three months after the initial protests in 2011 (Chulov 2011). Two initiatives offered by the League ultimately failed, and the League decided to suspend Syria's membership and impose economic sanctions (Jones 2011). The

League's conflict management effort, known as the 'Arab Action Plan', called for "the cessation of violence, withdrawal of military equipment, and initiation of a 'national dialogue'" (Lundgren 2016*b*, 275). The Assad regime initially agreed to this plan on December 19, 2011, but the opposition body known as the Syrian National Council rejected it. The regime also accepted the League's offer to send a monitoring mission to Syria in late December. However, its member states could not agree on a unified position and the Arab League, with pressure from Qatar and Saudi Arabia, called for Assad's removal and regime change. According to Lundgren (2016*b*, 275) the mediation initiatives conducted by the Secretary-General of the Arab League -Nabil al-Arabi, did not produce credible outcomes due to lack of trust by the Syrian regime that evaluated these initiatives as "proxy intervention by Qatar and Saudi Arabia".

#### 5.4.1 UN-led Geneva Process

While the Assad regime was preparing for the approval of constitutional amendments to appease protestors' tensions, the UN and the League of Arab States agreed to appoint Kofi Annan as Joint Special Envoy for the Syrian crisis just three days before the referendum on 23 February 2012 (UN News 2012*c*).<sup>14</sup> Kofi Annan prepared a "six-point plan", which was later accepted by the Assad government for the cessation of armed conflict and establishing a political dialogue. "External leverage" (Lundgren 2016*b*, 276) was applied as a key strategy by Annan, who held separate meetings with the representative of the Assad regime, opposition, and state representatives of regional members at the UN. The UN saw it as "an inclusive Syrian-led political process" (AlJazeera 2012). It was important to the extent that it led to a ceasefire<sup>15</sup> and the deployment of UN military observers (Hinnebusch et al. 2016).<sup>16</sup> In less than eight months, he resigned citing the opposition and regime's failure to commit to his peace plan and the problems of disunity among the members of

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<sup>14</sup>Following the meetings between the Arab League and the UN (January 26 and February 4, 2012) they prepared a draft UNSC resolution that called for the Syrian regime to abide by the Arab Action Plan but this was vetoed by Russia and China. The UN General Assembly passed a very similar resolution on February 12, 2012- A/RES/66/253 available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/474/00/PDF/N1147400.pdf?OpenElement> This allowed Kofi Annan's joint appointment (Scharf, Sterio, and Williams 2020, 136)

<sup>15</sup>Karakus and Svensson (2020) study external mediation efforts in the Syrian civil war (2011-2016) by the UN, Russia, Iran, Turkey, and the U.S. and examine the ceasefire arrangement outcomes. See also Ruhe (2020) on the effect of mediation by external actors with some suggestive findings based on a case study on the Syrian civil war's fighting intensity.

<sup>16</sup>A ceasefire took effect on April 12, 2012 between the Assad government and the opposition group Syrian National Council. The UNSC adopted Resolution 2043 and approved the creation of the UN Supervision Mission in Syria(UNSMIS). This was adopted on April 21, but the mission suspended its operation, citing increased violence on June 16, 2012.

the UN Security Council (Mancini and Vericat 2016). While he was briefing the Security Council, Annan forewarned that this plan is the “last chance to avoid civil war” (UN News 2012a).

According to Hinnebusch et al. (2016), the international context made his efforts very difficult to be successful. First, Annan had inherited the failed Arab League’s plan and was appointed as the joint envoy for these two organizations. Arab League was perceived by the Assad regime as representing its regional enemies (Mancini and Vericat 2016, 9). Within the Security Council, there was no agreement. On the one hand, Russia and China have voted against resolutions that would have condemned the Assad regime<sup>17</sup>, the Western powers had declared that they saw the opposition groups as legitimate representatives of the Syrians. As Mancini and Vericat (2016, 8-9) explain, “While the West and the Syrian opposition were setting Assad’s departure as a precondition for negotiations, the Russians wanted a power-sharing compromise”. In short, there were differences among the members of the UNSC about the mandate’s scope and goal and failed to provide adequate support to back it up.

One of the two milestones in the mediation effort was reached through the "Geneva Communique". The UN-backed Action Group agreed upon a “roadmap” for a political transition by adapting Annan’s six-point plan. This plan, which was announced on 30 June 2012, aimed to strengthen the implementation of the main issues initially proposed by Annan’s six-point plan, including addressing concerns of Syrian people, ending the armed conflict, enabling humanitarian relief, releasing political prisoners, establishing political dialogue and media freedom (United Nations 2012). This Communique continued to be the main guide for the UN’s mediation efforts in Syria and was adopted in the meeting that later came to be known as the Geneva I Conference.<sup>18</sup>

Following the Geneva meeting, the Action Group issued a final communique that outlined the steps for transition. These included a transitional body, a national dialogue process, a review of the constitutional order, elections, and for women to be represented in the process. As for the constitutional revision, the settlement plan envisioned that “there can be a review of the constitutional order and the legal system. The result of constitutional drafting would be subject to popular approval” (United Nations 2012).

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<sup>17</sup>The UNSC issued its non-binding statement in August 2011 and this was considered insufficient by Amnesty International. Two draft resolutions were vetoed by Russia and China in October 2011 and February 2012. The UNSC members later agreed after a compromise to adopt Resolutions 2042 and 2043 to deploy military observers in Syria.

<sup>18</sup>This meeting was attended by the five permanent members of the Security Council and representatives from Turkey, Iraq, Kuwait, Qatar and the EU. Notably Iran was absent.

As a result of the disagreement among the Security Council members, it was approved after a year. According to Mancini and Vericat (2016, 9), although the communique did become “a permanent template for the settlement of the conflict”, because of the disagreements among the great powers at the UNSC, they could not adopt “a unified stance behind its implementation”.

The UN-led efforts continued under Annan’s successor envoys Lakhdar Brahimi and Staffan de Mistura. Lakhdar Brahimi, former Algerian Foreign Minister who had served as the special representative of the UN in Iraq and Afghanistan where the UN assisted the constitutional-building mission in line with the Bonn Agreement (Sarwar 2010), was appointed as the new envoy (UN News 2012*d*). Brahimi’s main contribution to the Geneva process was his determination to include opposition groups and a key regional actor that was excluded in the previous meeting in Geneva-Iran.

“The difference between Geneva I and Geneva II is that in Geneva II, Syria will be represented by two delegations, the first representing the Syrian Government and the second representing the Syrian opposition.”  
Lakhdar Brahimi, the Joint Special Representative of the United Nations and the League of Arab States (UN News 2013*a*).

According to Lundgren (2016*b*, 277), the rise of the Islamic State and the use of chemical weapons in the civil war in August 2013 raised international concerns and prompted Russia and the US to be more willing to cooperate. Since the Obama administration had opted for a retrenchment policy (Brooks, Ikenberry, and Wohlforth 2013) and the US public opinion had leaned toward “international isolation” according to estimates (Pew Research Center 2011), the United States did not pursue a direct military intervention in Syria. The recent example of UN-backed NATO intervention in Libya left no enthusiasm for US direct intervention in the Syrian civil war. The US rather utilized international organizations and regional actors (Yalçın 2016, 33,51) rather than deploy troops into conflicts. It also intervened in the Syrian conflict through “train-and-equip” programs offered to rebel groups (McKelvey 2015). Back in 2012, the Obama administration had said that the use of chemical weapons in Syria was a “red line” and, if crossed, would change the US’s calculation of whether to intervene or not (WashingtonPost 2013).<sup>19</sup>

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<sup>19</sup> Assad had acknowledged that it did possess them. In fact, according to the Nonproliferation Center of CIA (1995) and Department of Defense’s reports (1997), Syria had launched its chemical weapons program in the 1970s and 1980s. Although this was intended as Syria’s deterrence tool against Israel, once the civil war spiraled, it raised the possibility that the state could use it against its own people, it could also be used by rebels since radical groups may have access to these.

Despite Obama’s “red line” declaration, Syria’s alleged use of chemical weapons in August 2013 did not lead to US intervention. Although Syria held the opposition rebel groups responsible for the use of poisonous gas and demanded the UN investigation (Security Council 2013), there was no development to support this claim. In September, the US and Russia agreed on a deal for the destruction or removal of Syria’s chemical weapons arsenal and Syria acceded to the 1993 Chemical Weapons Convention (CWC) (Gordon 2013).<sup>20</sup> However, this diplomatic approach did not prevent further use of such weapons in the Syrian civil war. There is strong evidence that both the regime and the rebels used chemical weapons. The Joint Investigative Mechanism (JIM) was established to investigate the progress on the elimination of chemical weapons and production facilities. The UN together with the Organisation for the Prohibition of Chemical Weapons (OPCW)<sup>21</sup> worked on this process. Although the joint UN-OPCW mission declared completion of removal in 2014 (UN News 2014b), numerous reports published by Human Rights Watch showed that the chlorine was used by the Assad regime in 2014, 2015, 2016 (HRW 2017). In short, although the international reactions prompted the Syrian government to ratify the CWC in 2013, because the Russian veto power in the Security Council blocked condemnation and further action against the Assad regime on the use of chemical weapons, there was no multilateral or unilateral US response to the regime’s actions. It was only under the Trump administration that the US, together with UK and France used airstrikes in April 2018 in response to the alleged use of nerve agents by the Syrian army (AlJazeera 2018).

As stated above, The Geneva II meeting was significant for being the first meeting where the Syrian government and opposition were seated at a negotiation table to seek a political solution and a negotiated settlement (UN News 2014a). However, this initiative was difficult to achieve. This is why Brahimi, who was appointed in October 2012, could only bring the actors to the negotiation table in January and February 2014. The UN mediator could not gain the trust of several Arab states due to his remarks that implied that he did not think Assad’s departure was necessary and because he had expressed his will to involve Iran in discussions (Lundgren 2016b, 277).<sup>22</sup> Like his predecessor, Brahimi handed in his resignation. By then, the conflict had caused more than 100.000 deaths. Brahimi was frustrated

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<sup>20</sup>Known as the Framework for Elimination of Syrian Chemical Weapons, the US and Russian deal followed with the UNSC Resolution 2118. It reiterated the steps in the Syrian political transition, including constitutional drafting (Security Council 2013).

<sup>21</sup>OPCW was awarded the 2013 Nobel Peace Prize (NobelPrize.org n.d.). This UN-OPCW joint mission was approved by the Security Council (UN News 2013b).

<sup>22</sup>In fact, invitation to Iran was withdrawn after the National Coalition threatened to not participate in the talks (Hinnebusch et al. 2016, 16). See also the SWP report on the process that led to Geneva II by Asseburg, Lacher, and Transfeld (2018).

over the Assad regime's unwillingness to engage in genuine negotiations and Ban Ki-moon evaluated the UN's attempts as "failure", calling the international community as "hopelessly divided" over how to terminate the bloodshed and find a political settlement (UN News 2014c).

Because the five permanent members of the Security Council have veto powers and had conflicting interests and approaches, a number of resolutions on the Syrian conflict were blocked. By May 2014, Russia and China had together voted four times against a draft resolution supported by the rest of the Security Council, including a resolution that would have referred the Syrian case to the International Criminal Court (ICC) that would have allowed it to possibly investigate war crimes and crimes against humanity committed by the regime and the rebel forces (DeutscheWelle 2014). Although a possible ICC intervention may have made the prospect for a negotiated settlement more difficult (Duursma 2020), these deadlocks clearly showed the necessity of alternative mechanisms.

Following Brahimi's resignation, Stefan De Mistura became the new UN mediator. The mediation efforts by Annan and Brahimi had mostly involved negotiations between the US and Russia, rather than among the regime and the opposition groups (Mancini and Vericat 2016). De Mistura instead sought limited ceasefires to build trust between parties (Lundgren 2016b, 278).

“We must be optimistic. Every conflict has an end, and this conflict – which is probably the worst conflict in terms of humanitarian consequences in the last 40-50 years – has to come to an end after five years”  
Stefan De Mistura, UN Special Envoy to Syria. (UN News 2015).

When that incremental approach failed to facilitate results, de Mistura sought to organize talks, within the framework of the Geneva Communiqué (Lundgren 2019). Besides the fact that parties were more willing to negotiate because of “war exhaustion”, a number of developments in the military front allowed for a more rapid rise of the Islamic State that drew the world's attention allowed for a more conducive setting to engage in negotiations for a political settlement (Lundgren 2016b). The rapid rise of the Islamic States had led to high-profile terrorist attacks in Europe and territorial gains in Iraq and Syria between 2014-2015. This development led to the formation of an anti-Islamic State coalition- called the Global Coalition to Counter the Islamic State of Iraq and the Levant in December 2014. Supported by the Arab League, the EU, NATO, and GCC, the coalition carried out strikes against the Islamic State. Another important development was the West's conclusion of a



nuclear agreement with Iran in 2015 and Russian military intervention in September 2015.<sup>23</sup> Along with Russia, Turkey became militarily involved in the Syrian conflict by initiating cross-border operations against ISIS with Operation Euphrates Shield (August 2016- March 2017).<sup>24</sup>

Following the developments in 2014-2015 with regards to ISIS and Russian intervention, a number of individual states<sup>25</sup> and international organizations, including the Arab League, the EU, and the UN came together in Vienna in November 2015 for talks known as the International Syria Support Group (ISSG). The group reaffirmed the Geneva Communique as the central framework for a political transition with a process for drafting a new constitution (UN 2015).

The outcome of this meeting was reinforced by the unanimous adoption of UN Resolution 2254 in December 2015. This was an important development since Russia and China had previously vetoed such initiatives. Resolution 2254 outlined the scope of political transition with a determined timetable for a ceasefire, facilitation of free and fair elections, and schedule for drafting a new constitution under the UN auspices (Security Council 2015). Special Envoy de Mistura described the logic behind the political press by saying: “The first immediate objective is to make sure that the talks continue and that everyone is on board. It’s crucial that no one should be feeling excluded and that everyone should be concretely, constructively but also effectively be part of it.” (UN News 2016*b*).

From 2016 onwards, Resolution 2254 “provided the strategic vision that underpinned the UN’s work (Lundgren 2016*b*, 278). In many aspects, the document followed the previous Res. 2118 and the Geneva Communique regarding the transitional process (See Appendix A). However, with regard to the constitutional process, it was more “explicit than the Geneva Communique’s call for a review of the constitutional order” and drew from the November 2015 statement of the ISSG (Scharf, Sterio, and Williams 2020, 151). It also left out the Geneva Communique’s call for ratification of the draft by popular approval.

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<sup>23</sup> According to Kofman and Rojansky (2018, 8), the decision was given to prevent the “Libya-like intervention” scenario that would cause the overthrow of the Assad regime. Even though the military intervention was the biggest intervention made in the Middle East by Russia since the end of the Cold War (Stent 2016).

<sup>24</sup> In this operation, Turkey’s target also included the Syrian Democratic Forces (SDF). In later stages of the conflict, Turkey conducted Operation Olive Branch (January–April 2018) against the Kurdish unit (People’s Protections Unit (YPG)) of SDF, which Turkey considers to be the affiliates of the Kurdistan Workers Party (PKK) (Gurcan 2019). According to Köstem (2020, 1) Turkish military’s cross-border operations were conducted “with Russian consent”.

<sup>25</sup> Participants include China, Egypt, France, Germany, Iran, Iraq, Italy, Jordan, Lebanon, Oman, Qatar, Russia, Saudi Arabia, Turkey, United Arab Emirates, the United Kingdom, the United States.

Further talks among the ISSG followed the Geneva Process and led to a cease-fire starting from February 27, 2016, but this was short-lived. The Geneva track diplomatic efforts continued in 2017 and 2018.<sup>26</sup>The UN's efforts shifted to the constitutional process as set out in Resolution 2254 (Lundgren 2019, 7). However, it proved difficult for parties to agree on the composition of the body that would be in charge of drafting the constitution.

#### 5.4.2 Astana Process

<b>Geneva I, June 2012</b>	
<b>Geneva II, 2014</b>	
<b>Geneva III, January 2016</b>	<b>Initiation of Astana talks and ceasefire (December 2016)</b>
	<b>The first round of Astana talks (January 2017)</b>
<b>Geneva IV, February–March 2017</b>	<b>February 2017 Astana talks</b>
	<b>March 2017 and May 2017 Astana talks: De-escalation zones</b>
<b>The Geneva VII talks, July 2017</b>	<b>Astana talks, July, September, October, December 2017</b>
<b>The Geneva VIII talks, November 2017</b>	
	<b>Sochi talks, January 2018</b>
	<b>Astana Talks, March 2018</b>
<b>Syrian Constitutional Committee meeting in Geneva, October 2019</b>	

Table 5.1 Timeline of the Geneva and Astana processes.

<sup>26</sup>Hostilities continued. By 2018, the death toll was more than 350,000 people (France24 2018).

According to Lundgren (2019), the constitutional process moved forward with the Astana talks, which convened in early 2017 at the capital of Kazakhstan. This opened the second process, which provided an alternative to the Geneva process, “which at times appeared to overshadow the UN’s mediation primacy in Syria” (Lundgren 2019, 8). It first took off to support a ceasefire agreed by Russia and Turkey. The UN “welcomed” and “supported” joint Russian-Turkish efforts that aim to provide a nationwide ceasefire and to arrange political talks between the Syrian regime and opposition in Astana (UN News 2016a). Once again, the Security Council underlined the expectation toward the character of the process as “inclusive” and “Syrian-led” on resolution 2336 by referencing the 2012 Geneva Communique (Security Council 2016). Because these two external actors, together with Iran, led the process and acted as its guarantors, Lundgren (2019, 9) defines it as a “process of sponsored negotiation, where the sponsors are also parties to the conflict”. The three external actors have maintained influence over different actors in the Syrian conflict and to that extent, are able to shape the process.

A critical development in the Astana peace talks was the draft constitution that the Russian government presented for Syria. According to Partlett (2017), this was an example of a “non-liberal constitutional model”. While the western liberal constitution has been promoted by the UNCA, commonly concentrating on democracy, protection of rights and freedoms, Russia’s proposed document has emphasized the unity of state and concentration of power (Partlett 2017). This approach could be attributed to Russia’s interpretation of the root causes of conflict as the weakened unity of the state. Furthermore, Partlett (2017) asserts that the draft borrows from “Eurasian constitutional exceptionalism” by promoting the role of president as the head of state and a symbol of unity, introducing a bicameral legislative body in which not all of the members of the upper house are popularly elected, and allowing cultural autonomy within the scope of the unitary framework. Because it was an attempt by an external actor to impose its post-conflict constitutional vision to a country, it has been compared to the US’ role in drafting a new constitution for Iraq in 2005 (Adi, Cohen, and Sherry 2017). It is no surprise that the key opposition groups rejected the draft. However, Russian delegates underlined that they intended the draft to serve as a guide in order to move the peace process (Norberg 2018).

The three external actors established and became responsible for monitoring de-escalation zones in May 2017. It allowed the Assad regime to make military advances but not achieve full control over territories it had previously lost. According to Stepanova (Stepanova 2018, 44), the Astana process was aimed to cope with three main issues which had caused impasses in the UN-led Geneva process: participation of armed opposition leaders in the field, making a long-lasting ceasefire

plan, considering the interest of major regional actors. Since the UN-led political process had failed to address these issues, the Astana format promised to be an integral and complementary process. While Russia and Iran backed the Assad regime and Hezbollah, Turkey hosted many opposition leaders who had fled from the onset of civil war and supported the Free Syrian Army (FSA). In other words, they functioned as the guarantors of the ceasefire in the field but also had leverage over parties of the conflict that participated in negotiation talks. The United States also sent a representative to the first closed-door meeting organized by the Astana Trio (UN News 2017a).

It is worthwhile to examine the emergence of the Astana format with regard to the shifts in the positions of Russia, Turkey, and Iran. Both Russia and Turkey had conflicting projections on Syria regarding the future of the Assad regime in the first instance. While Turkey had demanded the departure of the Assad regime, Russia had backed the regime from the beginning of protests. Although the Turkish army's shootdown of a Russian fighter jet in November 2015 in the Syrian border severed ties between the two countries, a rapprochement was reached in the following year with the changing strategic priorities. As Köstem (2020, 1) argues, they came to terms with "agreeing to disagree on Bashar al-Assad's future". While Turkey's objective moved from overthrowing the Assad regime to preventing the formation of a Kurdish corridor in Northern Syria and avoiding terrorist attacks from Kurdish forces and ISIS, Russia acknowledged Turkey as an influential actor that should be included in long term solutions, considering its leverage on armed groups in the field (Köstem 2020).

An alternative diplomatic track to the UN mediation efforts "with partly different participants, added complexity" (Lundgren 2019, 10). The UN feared that it could lead to "additional coordination problems" (Lundgren 2019, 10) but also underlined that this was necessary in order to resume the Geneva talks. "Our presence in Astana was an absolute must in order to guarantee that after Astana, we could have Geneva. Furthermore, in Geneva, we could discuss the key political aspects that are essential to be on the table" said António Guterres, UN Secretary-General (UN News 2017b).

Moreover, the talks were significant for bringing the Syrian government representatives with the Syrian opposition groups for the first time, albeit not all. At the request of Turkey, Syrian Democratic Forces which includes Kurdish groups were excluded. Some armed groups that were excluded from the Geneva process participated but hard line rebels were also not part of these talks (Lundgren 2019, 9).

Although this parallel diplomatic track opened mainly because Russia was not satisfied with the UN mediation process, it also recognized that the Geneva process was necessary to move forward, provide legitimacy to the regime and attract international funds for post-conflict reconstruction (Heller 2018). Therefore, it chose to export the central elements of Res. 2254, including ceasefires, releasing detainees, and drafting a new constitution (Heller 2018). In both processes, the UN and other external actors repeatedly stressed that they facilitate good offices and mediating by considering inclusivity, while the process of constitution-making is defined as “Syrian-owned” and “Syrian-led”.

In a subsequent meeting on 30 January 2018 in Sochi, the UN played an active role. According to Norberg (2018), de Mistura perceived this as an opportunity to reinvigorate the UN’s role in the Syrian peace process. The conference, called the Congress of the Syrian National Dialogue, was hosted by Russia and called for a political settlement on the basis of Res. 2254 (MFA of Russian Federation 2018). According to Turkey’s Ministry of Foreign Affairs press release, Turkey participated in congress “on the condition that the UN’s participation is ensured and the credible opposition is given credit for its role in the political process” (MFA 2018*b*).

The UN proposed the creation of a 150-member Constitutional Committee with equal delegates proposed by the UN, the Assad regime, and the opposition. The UN suggested delegates from the civil society, but this was rejected by the Syrian government. Even though some opposition groups were absent (notably the High Negotiations Committee and the Syrian National Coalition), Turkey as the “guarantor of the opposition” delivered a list of candidates for 50 members in the Constitutional Committee to represent the opposition (MFA 2018*b*). According to Lundgren (Lundgren 2019, 10), the opposition list proposed by the three external actors Russia, Turkey, and Iran, was also not welcomed by the opposition groups.

Indeed, from 2018 onwards, the two diplomatic initiatives overlapped on the subject of drafting a new constitution for Syria (Lundgren 2019, 10). The UN’s efforts to move the process forward were very slow. According to Lundgren (2019, 7), the composition of the constitutional drafting committee “proved to be an enduring impediment”. On the one hand, the difficulty “signaled that they took the constitutional process seriously enough to care about who participated”, but on the other hand, “it also reflected the inflexibility of the disputants’ positions and their mutual suspicion” (Lundgren 2019, 7).

Russia maintained that its mediation efforts complemented the UN mediation, but according to Asseburg, Lacher, and Transfeld (2018), it weakened it. By redirecting the efforts away from Geneva to Astana, it undermined the former process. Moreover, it was different from the transition roadmap agreed by the UNSC Res. 2254, which had called for a political transition to be followed by a constitution drafting process. Moscow's efforts pushed the constitutional process to begin without first establishing a transitional governing body (Asseburg, Lacher, and Transfeld 2018, 40). Although the Astana process kept the constitutional process relevant and helped to move it forward, it also "shifted the diplomatic focus from political transition to constitutional reform" and moved away from a central opposition demand of removing Assad from power (Lundgren 2019, 10). Because the Astana process undermined Res. 2254's vision for transition and reduced the process to constitution-making, it had raised objections among the opposition (Hauch 2020). But the appearance of complementarity between the Astana process and Res. 2254 helped ease the concerns of the opposition groups (Norberg 2018).

For over a year, the Special Envoy de Mistura tried to put together a drafting committee without success (See Appendix B). The Syrian government submitted its list in July 2018. The UN confirmed it and, in return, allowed the opposition to submit its own. According to the Clingendael Institute's report, because Russia and Turkey did not get to decide the composition of the Syrian government and the opposition's delegations, they sought to influence the composition of the civil society delegation (Hauch 2020, 12). Without a concrete deadline, discussions about the constitution-making body's procedure also took time. On December 20, 2018, he explained to the Security Council all the diplomatic steps he took to facilitate it but said "So let us be frank, there is real progress. We nearly have a list. The rules of procedure became a little clearer. But we need to go that extra mile" before he announced his resignation (de Mistura 2018).

It was difficult to agree on the members of the committee among the UN, the Syrian government, the opposition groups, and the external actors and produced impasses for around two years. The lengthy negotiations undermined the UN's influence and politicized the process further (Hauch 2020, 14). The ongoing violence and, specifically, the regime's advances into the opposition-held zones made the process for finding a negotiated settlement less credible. De Mistura explained that his resignation was over his frustration, "Why did I leave last year? Well, officially, for personal reasons. Unofficially, because I felt the war territorially was leading to an end and having really fought against what happened in Aleppo, in Idlib, in Daraya, I could not be the one that is shaking Assad's hand and saying *malesh*[Arabic for don't worry]" (Wintour 2019).

The protracted UN mediation has so far witnessed four envoys. Until the end of 2018, three Special Envoys -Kofi Annan (March-August 2012), Lakhdar Brahimi (September 2012-May 2014), and Staffan de Mistura (September 2014-December 2018)- served as mediators in the Syrian conflict with the authorization of Secretary-General (Hellmüller 2021, 3). Subsequently, after January 2019, the new special envoy, Geir Pedersen, took on the task of leading the constitution-making process. Secretary-General Guterres announced the facilitation of a "balanced" and "inclusive" committee agreed by the regime and opposition in 2019 (UN News 2019b). According to his letter to the UNSC dated September 26, 2019 <sup>27</sup>, the Constitutional Committee is to include 150 delegates, but the drafting process is to be carried out by a smaller body. The small body includes 45 delegates, with 15 nominated by the Syrian government and 15 nominated by the Syrian Negotiation Committee (SNC). Although the other 15 delegates were to be nominated by civil society groups, the government decided the eight delegates, and the Syrian Negotiation Committee chose the remaining seven (Hauch 2020). According to the agreed rules of procedure, for both the small and larger body, there is a 75 % threshold to make a decision. The external state actors do not have a formal role but the UN facilitates the talks.

The first time the Constitutional Committee met was on 30 October 2019. Secretary-General Guterres spoke highly of the Constitutional Committee's meeting in Geneva by defining it as "a clear success of mediation" in the 6th Istanbul Mediation (UN News 2019a). In fact, even though it was a meeting where the parties showed willingness to compromise, because this was the first meeting, it "achieved no concrete results regarding either a constitutional reform process or a new constitution" (Hauch 2020, 15). In the following weeks of negotiation, the Syrian government delegates adopted a more hostile attitude towards the opposition delegates. Each, in return, accused the other of being led by an external actor (Hauch 2020, 17).

Another round of negotiations in November 2019 witnessed a deadlock over the agenda of the meeting. The UN envoy Pederson's efforts to overcome the division failed, and the government delegation left the talks without the meeting of the smaller body that is tasked with negotiating the constitutional drafting (Reuters 2019). Since then, there have been three more rounds of talks in August 2020, November 2020, and January 2021. Following the fifth round of talks in late January 2021, an opposition delegate Nasr al-Hariri complained, "The regime constantly hinders any progress in the political process, and it wants a marginal political ne-

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<sup>27</sup>"Terms of Reference and Core Rules of Procedure for a Syrian-led, Syrian-owned, credible, balanced and inclusive Constitutional Committee facilitated by the United Nations in Geneva". See the document on the rules of procedure at: <https://digitallibrary.un.org/record/3828851>

gotiation process that continues forever without any horizon and without achieving any progress nor contributing to any solution” (Aslan 2021).

By June 2021, there has not been any further progress in the efforts of finding a negotiated settlement. Presidential elections in May 2021 granted Bashar al-Assad his fourth term. Some countries accused Assad of delaying negotiations until after the presidential elections took place (SwissInfo 2021). There is some tentative hope for possible talks in summer 2021, which is planned to take place according to the Astana format, leaving aside the UN framework (UN News 2021).

## 5.5 Discussion

To conclude, the wave of protest movements sparked in the Middle East and North Africa, which ousted Zine El Abidine Ben Ali in Tunisia, Hosni Mubarak in Egypt, Muammar Gaddafi in Libya, and Ali Abdullah Saleh in Yemen, failed to overthrow the Assad regime in Syria, instead dragged the country into a protracted civil war. The external actors had considerably altered the flow of events and skewed the battlefield favoring their allies and interests. Consequently, the conflict resolution required the will of external actors that militarily and economically intervened in the Syrian civil war. Intervention by mediation involved not only international organizations (Arab League and the UN) but also external states.

As Cunningham (2013) pointed out in Project on Middle East Political Science (POMEPS) brief, those actors can be evaluated as “veto players” since they heavily intervened via military and diplomatic means, thus having a capacity to block settlement efforts that may adversely influence the bargaining process. Based on his insights on veto-player framework, during the earlier phase of the conflict, Cunningham (2013, 26) argues that “Finding a negotiated settlement to the Syrian civil war is challenging because these external actors either will have to agree to any settlement or will have to be prevented from undermining it”.

In this chapter, I examined the Syrian civil war as a case study to explore how external actors’ intervention via mediation that relies on constitution making as a conflict transformation tool may impact civil war duration. Based on the argument that external actors’ intervention affects bargaining dynamics because finding a negotiated settlement also depends on the ease of agreeing to a negotiated settlement, the use of constitution-making as a mediation strategy raises the question on whether it makes civil wars endure longer. On the one hand, the outcome of a



constitution is entrenched and enforceable and consequently, offers a more credible commitment that can function as a self-enforcing peace institution (Nathan 2019). On the other hand, because it is more credible and ultimately becomes “the supreme law of the land”, it is harder to commit to it. In this case, we can observe that the UN attempted to utilize constitution-making as a conflict resolution tool. However, the UN-led mediation’s focus on drafting a new constitution as part of the political transition ultimately allowed other external actors to reduce the process to merely constitutional reform. The skeptics argue that it intends to give “a veneer of renewed legitimacy” to the Assad regime (Scharf, Sterio, and Williams 2020, 155) and may have helped it take control of opposition-held territories and avoid pressure in the months leading to the presidential election (Thépaut 2020). The quest for a negotiated settlement may have inadvertently helped bring about a military victory for the regime.

This case study on the mediation efforts in Syria, which includes two alternative tracks: UN-led Geneva political process and the Astana process led by Iran, Russia, and Turkey, showed the complexity of bargaining as part of the constitution-making in such a context with multiple veto players. A constitution-making process that involves external actors that may have their own set of preferences and have the ability to influence the procedure and substance of constitution-making because of their role as mediators, can lengthen the civil war duration by making a negotiated settlement a more difficult undertaking. External actors helped determine who among the opposition groups participate in mediation talks and through their direct and indirect intervention, influence the composition of the Constitutional Committee. The case study also suggests that constitution-making that takes place during an ongoing violent civil war, parties including external actors may have less incentive to bargain. However, the mediation of the UN does not pose such challenges. Because the constitution-making process is in the early stages, we don’t have enough data to discuss the bargaining dynamics in the Constitutional Committee when talks are facilitated by the UN.

The analysis has left out the disunity among the opposition groups in Syria and ignored the concurrent military developments on the battlefield.<sup>28</sup> A more comprehensive case study can benefit from an analysis of the dynamics between internal and external veto players and the interaction of military and diplomatic interventions.

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<sup>28</sup>See the Clingendael Report from August 2020 for more on how the parallel military developments and constitutional process unfolded and affected one another (Hauch 2020).

## 6. CONCLUSION AND DISCUSSION

Diplomatic interventions could be considered as a less costly way to intervene and commonly take the form of mediations. Mediations have been frequently offered by third parties to direct conflicting sides to a mutually satisfying outcome or/and possibly negotiated settlement. This thesis sought an answer to the question of whether constitution-making as a mediation strategy by external actors influences the conflict duration. Reliance on constitutional change for conflict situations is partly driven by the external actors' support for constitution making as a conflict resolution and transformation tool. In contemporary civil wars, such as in Yemen, Libya and Syria, the constitution-making process unfolded amidst an ongoing violent civil war. Because in the Syrian civil war, we can observe how the external actors's intervention specified constitution making as a mediation strategy, it provides an opportunity to explore the employment of constitution-making as part of the efforts to find a negotiated settlement.

I conducted a two-fold analysis to investigate whether constitution making as a conflict transformation tool may impact civil war duration. Theoretical expectations are built upon the bargaining theory of war, with its emphasis on commitment problems. The civil war period, including negotiations and mediations, is treated as part of the bargaining process where external interventions may distort the bargaining. In the preliminary quantitative analysis, I apply the veto player approach to analyze the relationship between civil war duration and the number of mediators involved. My findings show that the more actors involved in mediations, the civil wars' durations are longer.

I also hypothesized that the type of mediators may have a different impact on the civil war duration. Since the two main bargaining problems are referred to as commitment problems and information asymmetries (Hartzell 2017), some actors may be more helpful in mitigating those. For instance, the United Nations is assessed as an organization that has a capacity to address both of these problems (Shannon, Morey, and Boehmke 2010). By considering its role in sustaining peace and security

together with these features, I expected that the presence of the UN in mediations might have a conditional impact on the duration of civil wars. Indeed, the regression estimates show that the influence of the number of third parties on civil war duration is lesser when the UN is one of the mediators.

Having uncovered the broader overview of the relationship between civil war duration and number of external actors in mediations with the quantitative analysis, I move onto the Syrian conflict as a case study to explore the impact of external actors when constitution-making is employed as a conflict management tool. Based on the argument that a constitution is a more credible commitment, it is not surprising that constitution-making can be utilized as a mediation strategy by external actors. However, the inclusion of external actors as mediators may distort the bargaining process since those actors can evolve into veto players. In the Syrian constitution-making process, the external actors played an important role in deciding who would participate in peace talks for the opposition in mediations, formation of constitutional committee and election of committee members by nominating a list of names. Since all these mechanisms occurred in an ongoing war setting, reaching a negotiated settlement is harder. Failure in reaching a political settlement may cause deadlocks in peace process timetables, escalate the conflict level and prolong the constitution drafting process and hence, the duration of negotiated settlement. Therefore, the agendas of mediators may directly influence conflict duration and mitigation process.

In the Syrian case, we observe an internationalized civil war where external actors use proxies and their forces in the armed battlefield to support their allies and maximize their interests. Besides such military interventions, in the Syrian civil war with diplomatic interventions in the form of mediations, the UN-led Geneva process and the Astana process illustrate that third parties may become influential actors in reaching a settlement. Although Russian military intervention in 2015 on the side of the Assad regime assisted the Syrian government to become the “military winner of the war” (Hellmüller 2021, 10), the political process still remains as the main mechanism to conclude it. UN Secretary-General Guterres (UN 2021) shared his remarks by saying: “There is no military solution for the Syrian crisis. The only possible solution remains political”. Therefore, it is important to highlight that the mediated settlement process whose outcome is envisioned a draft constitution for the Syrian Arab Republic is still seen as the way that this civil war will end.

To conclude, this research demonstrates that constitution-making is applied as a conflict resolution tool via mediations in the Syrian civil war by external actors. The inclusion and impact of third-party actors in mediations were reflected in the formation of the Constitutional Committee. Although UN Resolution 2254 called

for a new constitution in 2015, it was only when Russia, Turkey and Iran requested formation of a Constitutional Committee to draft a new constitution at Syrian National Dialogue Congress in Sochi in early 2018 that the external actors adopted constitution making as a mediation strategy. Moreover, it took about two years to agree upon the members of the committee. Until now, the Constitutional Committee has met five times, yet, the process has not produced substantial results. My findings suggest that mediation attempts by external actors, and constitution-making initiative adversely influenced the duration of the Syrian civil war since external actors evolved into veto players whose approvals are needed for settlement. Accordingly, these initiatives have prolonged the duration of the civil war.

Further research can be conducted by comparing similar cases in which constitution-making is offered as a conflict resolution mechanism as part of mediation by external actors in internationalized civil wars. For instance, Libya and Yemen constitute cases where constitution-making was employed in the aftermath of Arab uprisings in the Middle East and North Africa (MENA) region. It may be interesting to examine the relationship by comparing the cases, yet, the actors and their influences may likely vary in different conflict settings.

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## APPENDIX A

### Timeline of Mediations<sup>1</sup>

15 March 2011: The Syrian government applied harsh measures to protest movements

14 June 2011: Arab League denounced the regime's repression in Syria. 23 August 2011: Syrian National Council (SNC) was established in Istanbul.

12 November 2011: The Arab League suspended Syrian membership due to the rising violence in Syria and decided to impose economic sanctions on November 27.

19 December 2011: The Assad regime declared the approval of the "Arab Action Plan" offered by the Arab League, however, the opposition group ,Syrian National Council, turned it down.

16 February 2012: UN General Assembly called for Assad to abandon the presidency.

23 February 2012: Kofi Annan was appointed as Joint Special Envoy for Syrian crisis by the United Nations and League of Arab States (LAS). 16 March 2012: Annan proposed a peace plan, which is different from the second peace plan of the League of Arab States that projects a regime change.

27 March 2012 : Syrian regime admits Kofi Annan's "six-point peace plan" that mainly calls for the cessation of armed conflicts and instigating an inclusive political dialogue.

21 April 2012: UN Supervision Mission in Syria (UNSMIS) was authorized by the UN Security Council with resolution 2043 to observe the ceasefire and support the peace plan.

8 May 2012: Annan informed and warned the Security Council on the possibility of an outbreak of a civil war in Syria.

12 June 2012: Herve Ladsous, United Nations Under-Secretary-General for Peacekeeping Operations, defined Syrian conflict as a civil war. It was the first labeling

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<sup>1</sup>Both timelines in Appendix A and B are arranged according to the comprehensive evaluation of following sources: Hinnebusch et al. (2016, 21-22) and Mancini and Vericat (2016, 18-22). Internet sources: UN News, Constitutionnet.

that came from a UN official.

30 June 2012: UN-backed Action Group for Syria determined steps and measures of peaceful political transition which was known as “Geneva Communiqué”. Formation of a transitional governing body to lead free and fair elections is stated in the document. It has been treated as the main guiding document for the following mediation efforts. Syrian government, Iran and Saudi Arabia were excluded from the setting. The meeting was known as the “Geneva I Conference”.

17 August 2012: Lakhdar Brahimi became Joint Special Envoy fifteen days after Annan’s resignation.

11 November 2012: Syrian National Coalition was established in Doha as an inclusive representative of opposition groups. 12 December 2012: Syrian National Coalition was recognized as the formal representative of Syrian citizens by the United States and Qatar.

1 November 2013: Brahimi declared that Syrian opposition will be represented at the Geneva II as well as the Syrian government.

27 September 2013: UN Resolution 2118 was adopted by the Security Council, and it asked for the elimination of chemical weapons from Syrian government. 20 January 2014: Secretary-General Ban Ki-moon retracted Iran’s invitation to the UN conference on terminating civil war in Syria due to inconsistencies between its commitments and public statements.

22 January 2014: Geneva II conference paved the way for the first face-to-face talks between the representatives of the opposition and the Syrian regime. The talks emphasized on the implementation of the Geneva Communiqué of 2012.

22 May 2014: A draft resolution proposed by France to address human rights violations and submit the situation in Syria to the International Criminal Court vetoed by Russia and China. 10 July 2014: Staffan de Mistura was appointed as the new special envoy for the Syria crisis by the UN.

30 September 2015: Russia militarily intervened in Syrian civil war. 18 December 2015: First UN Resolution for Syrian crisis (Resolution 2254) was approved by the UN Security Council. The UN is authorized to lead conflicting sides to a political transition by forming a roadmap and timetable for ceasefire, elections, and drafting a new constitution.

24 August 2016: Turkey launched a cross-border operation against ISIS with Syrian opposition group (Free Syrian Army (FSA)/Syrian National Army(SNA)), thus



militarily involved in Syria with the Operation Euphrates Shield.

31 December 2016: UN Security adopted a resolution and supported the joint Russia-Turkey initiative aimed to bring nationwide ceasefire in Syria and plan to facilitate peace talks between the Syrian government and opposition groups in Astana.

23 January 2017: Astana talks convened by Russia, Turkey and Iran started.

1 February 2017: UN Secretary General Guterres welcomed the Astana initiative, and emphasized its role in maintaining the UN-led Geneva process.

9 November 2017: UN Humanitarian envoy declared that Syrian civil war's duration has passed World War II.

14 December 2017: Stefan de Mistura defined his meeting with a united opposition delegation for the first time as a "golden opportunity" yet evaluated it as a missed chance.

20 January 2018: Second Turkish cross border operation in Syria with FSA started against the PKK / YPG (People's Protection Units).

30 January 2018: Syrian National Dialogue Congress held in Sochi called for a 150-member Constitutional Committee.

31 October 2018: Geir O. Pedersen was appointed as new envoy by the United Nations.

9 October 2019: Operation Peace Spring (third cross border operation from Turkey to Syria) was launched by Turkey with SNA against terrorist groups ( PKK, YPG and DAESH/ISIS). 30 October 2019: Constitutional Committee convened at Geneva for the first time.

## APPENDIX B

### **Timeline of Constitution-making**

26 February 2012: In the midst of the crisis, Syrian citizens casted their votes in the constitutional referendum which was orchestrated by the president Assad. The 2012 Constitution of Syrian Arab Republic was accepted with 90 percent “yes” vote while voter turnout was 57 percent.

30 June 2012: According to the Geneva Communiqué, the legal system and constitutional order can be reviewed, and the constitutional drafting would be considered upon the public approval.

14 September 2013: The Framework for Elimination of Syrian Chemical Weapons which was initiated by the United States and Russia reinforced the political transition process including constitutional drafting.

18 December 2015: UN Resolution 2254 states scheduling process of a new constitution under UN auspices.

30 January 2018: Syrian National Dialogue Congress held in Sochi called for a 150-member Constitutional Committee which would represent the Syrian government, the opposition and civil society in equal numbers of representatives. Initially, it was expected that the UN would decide on delegates, yet Russia and Turkey opposed this view. Alternatively, it was proposed that Russia and Iran would nominate 50 delegates for the government of Syria, Turkey would propose 50 representatives for the opposition and the UN would pick 50 people to represent the civil society. However, the parties did not come to an agreement.

July 2018: Syrian regime handed over the list of 50 candidates to the UN by claiming the process should be Syrian owned. The UN demanded a list from the opposition as well for the Constitutional Committee.

October 2018: Lists of the Syrian government and opposition were approved by the UN. However, the composition of civil society representatives caused deadlocks.

14 December 2018: Sergei Lavrov, the Russian Foreign minister, declared the completion of the Constitutional Committee’s list.

23 September 2019: UN Secretary-General Guterres announced the agreement on the balanced and inclusive Constitutional Committee by the Syrian government and Syrian Negotiation Commission. Besides the 150-member committee, a smaller body was formed with the nominations from Syrian government (15 members) and the opposition (Syrian Negotiation Committee-SNC) (15 members). The civil society group could not offer its candidates, rather 8 members picked by the Syrian government and 7 members by the SNC. In both bodies, decisions are made with the 75 percent of yes votes to any proposals.

30 October 2019: Constitutional Committee convened at Geneva for the first time. There was a respectful atmosphere in the first round of talks, and it reflected on speeches.

25 November 2019: Syrian government left the meeting on the first day of the second round of talks due to the fact that their proposals were rejected. While Syrian regime sought to concentrate on national foundations and principles as an agenda, the opposition was eager to focus on rights, freedom, and constitutional principles.

August 2020: The third rounds of talks were put on hold due to COVID-19 pandemic.

29 November 2020: The fourth rounds of talks were held in Geneva to discuss a peaceful political solution.

29 January 2021: After the fifth rounds of talks (started on 25 January), Pedersen remarked on the Syrian constitution-making process by identifying its progress as slow after the fifth rounds of the meeting where the Small Body of Committee was authorized to draft a constitution. He conveyed his disappointment to the members of the committee.

9 February 2021: Geir Pederson called for “constructive international diplomacy” to advance the peace process.