

October 2016 Monthly Forecast

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MIDDLE EAST

Syria

Expected Council Action

Following the breakdown of the 9 September cessation of hostilities agreement between Russia and the US, it remains unclear how Council members will address the situation in Syria. At press time, Council members expected to receive the regular monthly briefings on the political, humanitarian and chemical weapons tracks but could not rule out other activity, given the fluid nature of the Syrian crisis.

On the chemical weapons track, the mandate of the UN-Organization for the Prohibition of Chemical Weapons (OPCW) Joint Investigative Mechanism (JIM), the body instructed to determine responsibility for the use of chemical weapons in Syria, was extended to 31 October.

Key Recent Developments

Developments over the course of September centred on the negotiation, agreement, initial implementation and rupturing of a renewed cessation of hostilities agreement between Russia and the US, followed by a massive military escalation by the Syrian government and Russia against opposition-held eastern Aleppo.

On 9 September, Russia and the US agreed to create the conditions necessary for the resumption of political talks through a cessation of hostilities that would begin on 12 September and would include the grounding of Syrian air assets and humanitarian access, in exchange for greater counter-terrorism cooperation against Al-Nusra Front, now known as Jabhat Fatah al-Sham.

While the cessation of hostilities largely held for almost a week, it was seriously challenged on several fronts.

On 12 September, the day the cessation of hostilities went into effect, President Bashar al Assad said from Daraya, a suburb of Damascus surrendered by the opposition in late August after years of a government imposed siege and aerial bombardment, that he was “determined to retake every inch of Syria.” The surrender of Daraya has been characterised by the opposition as a forced population transfer disguised as a “local truce”. Another evacuation, under almost identical circumstances, of the opposition-held Al Waer neighbourhood of Homs began on 22 September.

A key component of the cessation of hostilities agreement was unfettered humanitarian access. The day after the cessation of hostilities went into effect, UN aid convoys en route to eastern Aleppo were held up in the zone between the Turkish and Syrian borders. If allowed to proceed, the convoys would have been the first aid delivery to reach the opposition enclave since 7 July, when Syrian government forces and allied militias—backed by Russian air strikes—took control of Castello Road, severing the opposition’s final supply route and setting the stage for a siege.

Despite these challenges, Russia and the US were unwilling to declare the agreement dead, though the US exhibited scepticism about whether the cessation of hostilities would last. In anticipation of possibly adopting a resolution to endorse the cessation of hostilities, Russia and the US called for consultations on 16 September to brief Council members on the content of their agreement, which had yet to be made public at the request of the US. However, the meeting was cancelled at the last minute as there was disagreement about how much information to share with other Council members.

The confidence in the agreement was further eroded by US airstrikes on 17 September which killed Syrian military personnel and 19 September airstrikes against a humanitarian convoy, allegedly by Russia.

On Sunday, 17 September, Russia requested emergency consultations regarding the US-led coalition airstrikes in Deir ez-Zor. In comments to the media, Russia suggested that the US might have intentionally attacked Syrian government targets. The US stated that the strikes had been meant for ISIL targets, and that it had ceased attacks once informed by Russia that the targets were thought to be Syrian military. The US dismissed Russia’s call for consultations as a stunt to draw attention away from the Syrian regime’s actions.

On 19 September, Syria announced that the cessation of hostilities had ended, and regime airstrikes against Aleppo, Deraa and Idlib were immediately resumed. On the same day, a UN/Syrian Arab Red Crescent (SARC) humanitarian convoy and a SARC warehouse were attacked by sustained airstrikes, resulting in 20 deaths and the destruction of 18 of the 31 convoy trucks. The UN described the attack as a possible war crime, called for an independent investigation and suspended all aid convoys in Syria for several days. On 21 September, the US announced that it had reached the preliminary conclusion that Russian jets carried out the attack. Russia has said neither it nor Syria carried out these airstrikes.

Despite this turn of events, neither Russia nor the US had yet to declare an end to their efforts to shore up the cessation of hostilities. On 20 September, US President Barack Obama said in his General Assembly address that “the hard work of diplomacy” had to be pursued in Syria. On the same day, the International Syria Support Group (ISSG), co-chaired by Russia and the US, met in New York and agreed that it was imperative to continue to pursue a nationwide cessation of hostilities. However, by 28 September the US said it would take steps to suspend bilateral engagement with Russia on Syria unless Russia moves to end the Aleppo assault.

Before the Deir ez-Zor strikes and the attack against the humanitarian convoy, a high-level meeting on Syria held on 21 September was viewed as an opportunity for the Council to endorse the cessation of hostilities agreement and provide momentum towards the resumption of political talks. However, as the agreement collapsed, there was palpable tension between Russia and the US displayed at the Council's high-level meeting, where US Secretary of State John Kerry said that to restore credibility to the cessation of hostilities agreement all aircraft flying in key areas should be grounded in order to de-escalate the situation and give a chance for humanitarian assistance to flow unimpeded. There was a meeting of the ISSG the next day to discuss this proposal, which by all accounts was acrimonious, and agreement to ground air assets could not be reached.

Beginning on 21 September there has been some of the heaviest aerial bombardment by Russian and Syrian forces of eastern Aleppo since the Syrian crisis began, with media reports of the use of incendiary bombs, cluster bombs and bunker busters. The pace of the strikes continued for days, leading France, the UK and the US to call an emergency meeting of the Council on Sunday, 25 September, requesting that Special Envoy Staffan de Mistura brief on the massive military escalation against Aleppo. De Mistura described the strikes against eastern Aleppo as unprecedented and posing the greatest threat to civilians. He also reported the use of hellfire rockets by armed opposition groups. He added that the presence of Al Nusra in Aleppo was no justification for the heavy bombardment of densely populated areas. He called on the Council to press for:

- a cessation of violence, particularly aerial bombardment, and to protect civilians and civilian infrastructure, particularly in Aleppo;
- weekly 48-hour pauses to allow for the delivery of humanitarian aid;
- medical evacuations;
- a common understanding on a monitoring and enforcement mechanism for the cessation of hostilities agreement; and
- the resumption of political talks.

At press time, OCHA head Stephen O'Brien was set to brief the Council on 29 September on the deteriorating humanitarian situation where the impact of the ruptured cessation of hostilities agreement and the subsequent severe escalation of fighting in Aleppo will be a key focus.

September consultations on the chemical weapons track were cancelled. The JIM's third report concluded that of the nine cases investigated, the Syrian regime used chlorine gas against its own population in two cases and that ISIL used mustard gas in one case. Three cases required further investigation and there was insufficient evidence to make a determination in the remaining three cases. The JIM's final report was expected to make a determination on the three cases requiring further investigation and was to be submitted before the JIM's mandate expired on 23 September. However, in an exchange of letters with the Secretary-General, the Council agreed to extend the report's deadline to 21 October and extend the JIM's mandate to 31 October.

Human Rights-Related Developments

In his opening statement at the Human Rights Council's 33rd session on 13 September, High Commissioner for Human Rights Zeid Ra'ad Al Hussein said Syria, "is a state led by a medical doctor and yet is believed to have gassed its own people; has attacked hospitals and bombed civilian neighbourhoods with indiscriminate explosive weapons; and maintains tens of thousands of detainees in inhuman conditions... The government, which is responsible for some of the gravest violations on record in the history of this Council, has regularly sent notes verbales to my office reporting abuses by armed groups. But it offers no possibility whatsoever for independent scrutiny."

The Human Rights Council considered the latest report of the Independent International Commission of Inquiry on Syria during its 33rd session in September ([A/HRC/33/55](#)). Among the report's findings are that since late March there has been a marked upsurge in the fighting, with indiscriminate and disproportionate attacks on civilian-inhabited areas, particularly through aerial bombardments. Recent indiscriminate attacks on civilians, including on medical workers and facilities, blocked humanitarian convoys, enforced disappearances, summary executions and other crimes committed by all parties to the conflict, have left Syrians in a state of despair, with violence reaching unprecedented levels in Aleppo. The Commission reiterated its recommendation that the Security Council refer the situation to the ICC or an ad hoc tribunal.

Key Issues

With Syria in the fifth year of a war that has exacted a death toll of 470,000, left 860,000 living under siege and displaced half of the Syrian population, including 4.8 million refugees, the essential issue for the Council is to exert effective leadership in supporting a cessation of hostilities and efforts to reach a political solution.

Regarding chemical weapons, the preliminary conclusions of the JIM report and the determination by the OPCW's Director-General that Syria's declared chemical weapons arsenal cannot be considered accurate and complete means that the Council is in a position to consider whether Syria is in breach of [resolutions 2118](#), [2209](#) and [2235](#).

Options

While the Council has many tools at its disposal—such as imposing an arms embargo or targeted sanctions, referring Syria to the ICC or authorising a no-fly zone to deter Syria from using its aerial capacity—P5 divisions have made it impossible for the Council to fulfil its role in maintaining international peace and security in the case of Syria.

In this context, the Council could vote to refer Syria to the General Assembly under the "[Uniting for Peace](#)" procedure, so that the General Assembly might recommend collective action, including sanctions and the use of force. This would be a procedural vote and therefore could not be vetoed by any of the P5, requiring only nine affirmative votes. A "Uniting for Peace" resolution by the General Assembly can confer legitimacy on international collective action, but it would carry no binding obligation for such action. (Alternatively, the General Assembly does not require a Security Council referral to adopt a "Uniting for Peace" resolution.)

The Council has found a degree of agreement on humanitarian, non-proliferation and counter-terrorism efforts, but has been unable to effectively stop or hold accountable a government responsible for indiscriminate attacks on civilians and widespread violations of international humanitarian and human rights law. In practice, the Council has limited its options to receiving more briefings or findings which confirm what is already widely known about the brutal tactics employed by parties to the conflict. In this context options for the Council include:

- responding to the Secretary-General's call to establish an immediate, impartial and independent investigation of the 19 September air strike on a UN/SARC humanitarian convoy;
- taking up de Mistura's suggestion of authorising a monitoring and enforcement mechanism for the cessation of hostilities agreement (if it can be salvaged); and
- inviting the Human Rights Council's Commission of Inquiry on Syria or the High Commissioner for Human Rights to give periodic briefings to the Council.

Regarding chemical weapons, if the Council is able to determine that Syria has violated resolutions 2118, 2209 and 2235, it has the option to pursue the "further measures" cited in all three resolutions, commonly understood to be an implicit threat of sanctions.

Council Dynamics

The quick collapse of the cessation of hostilities agreement has led Council members to conclude that the chances for a near-term political solution have been severely diminished.

Many Council members are of the view that the government's offensive in eastern Aleppo confirms the regime's preference for prolonged armed conflict over a negotiated settlement. There is also broad recognition that if fighting in Syria cannot be controlled, particularly in Aleppo, then it will be close to impossible for UN mediation between the government and the opposition to resume.

With Russia and the US publicly displaying the depth of their disagreement over Syria, a few Council members think it might be a good time for others to inject new thinking or energy to help resolve the situation. However, a majority of Council members believe that if Russia and the US cannot agree bi-laterally, it will be almost impossible to achieve agreement in a multi-lateral setting.

At press time, it was too early to gauge whether there was broad support in the Council for pursuing "further measures" against Syria with the OPCW and JIM reports pointing to non-compliance with resolutions 2118, 2209 and 2235. However, most Council members feel certain that if such a draft resolution were tabled for a vote it would be vetoed by Russia.

Four of the P5 members (France, Russia, the UK and the US) are involved militarily in the Syrian war to varying degrees.

UN Documents

Security Council Resolutions

26 February
2016
[S/RES/2268](#) This was a resolution that endorsed the cessation of hostilities and called for the resumption of political talks.

18
December
2015
[S/RES/2254](#) This was the first resolution focused exclusively on a political solution to the Syrian crisis. It was adopted unanimously.

7 August
2015
[S/RES/2235](#) This was a resolution that requested the UN Secretary-General and OPCW Director-General to recommend the establishment and operation of a UN-OPCW Joint Investigative Mechanism to determine responsibility for the use of chemical weapons in Syria.

6 March
2015
[S/RES/2209](#) This resolution condemned the use of toxic chemicals such as chlorine, without attributing blame; stressed that those responsible should be held accountable; recalled resolution 2118; and supported the 4 February 2015 decision of the OPCW.

27
September
2013
[S/RES/2118](#) This resolution was adopted unanimously by the Council and required the verification and destruction of Syria's chemical weapons stockpiles, called for the convening of the Geneva II peace talks and endorsed the establishment of a transitional governing body in Syria with full executive powers.

Secretary-General's Reports

16
September
2016
[S/2016/796](#) This was a report on the humanitarian situation.

29 August
2016
[S/2016/748](#) This was the 35th OPCW report on chemical weapons.

24 August
2016
[S/2016/738](#) This was the JIM's third report.

Security Council Meeting Records

25
September
2016
[S/PV.7777](#) This was an emergency meeting called by the P3 on the massive military escalation in Aleppo.

21
September
2016
[S/PV.7774](#) This was a high-level meeting on Syria with the participation of US Secretary of State John Kerry and Russian Foreign Minister Sergei Lavrov.

Security Council Letters

21
September
2016
S/2016/807

This was a letter from the Security Council, in an exchange of letters with the Secretary-General, to extend the mandate of the JIM until 31 October 2016.

21
September
2016
S/2016/806

This was a letter from the Secretary-General, in an exchange of letters with the Security Council, to extend the mandate of the JIM until 31 October 2016.