

# July 2014 Monthly Forecast

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MIDDLE EAST

## Syria

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Expected Council Action

Early in the month Sigrid Kaag, Special Coordinator of the Organization for the Prohibition of Chemical Weapons (OPCW)-UN Joint Mission, will brief Council members on the implementation of [resolution 2118](#) regarding the destruction of Syria's chemical weapons.

Under-Secretary-General for Humanitarian Affairs Valerie Amos will brief Council members on humanitarian access later in the month. Australia, Jordan, Luxembourg and the P5 have spent a month negotiating a draft resolution to follow-up the lack of any meaningful implementation of [resolution 2139](#) since its adoption on 22 February. At press time, it was unclear when the draft might be circulated to the wider Council for consideration and a vote.

Council members are also tentatively planning to hold an Arria-formula meeting with the Human Rights Council's Commission of Inquiry on Syria, which has collated testimonies that indicate a massive number of war crimes and crimes against humanity.

Finally, on the political track, Council members will be anticipating the Secretary-General's announcement of a new Special Representative to succeed Lakhdar Brahimi.

Key Recent Developments

On 3 June, President Bashar al-Assad was re-elected to a further seven years in office with 88.7 percent of the vote. Polling was only held in government controlled areas and the elections were widely viewed as a sham poll in the midst of a violent civil war.

Shortly after the elections, the Islamic State of the Iraq and al-Sham (ISIS)—an extremist group that has been operating in eastern Syria and western Iraq—launched a surprise deep offensive into neighbouring Iraq, seizing Mosul on 10 June and threatening Baghdad while consolidating control of border crossings between Iraq and Syria.

Kaag last briefed Council members on 4 June, reporting that the 30 June deadline for the completion of all removal and destruction activities would be missed. On 23 June, the OPCW announced that the final 7.2 percent of declared chemical weapons material had been removed from Syria. It seems it will take a further two to four months to destroy the chemicals abroad.

During the 4 June consultations, Kaag reiterated that other important issues remained such as verification work, the destruction of production facilities and clarification of the declared chemical weapons stockpile. There was also a discussion of the OPCW's fact-finding mission to investigate allegations that the regime had used chlorine-filled bombs against civilians. On 17 June, the fact-finding mission issued a report that its review of the evidence supported such allegations.

On 20 June the Secretary-General delivered a major public address, presenting six points for an integrated, international approach to Syria. He called for an arms embargo, unfettered humanitarian access, new efforts for a serious political process, accountability, completion of the destruction of chemical weapons and the need to address the regional dimensions of the conflict, including the threat by extremist groups. Regarding a renewed political process, the Secretary-General said he would soon announce a new special envoy with a mandate to pursue a political solution.

On 26 June, Amos briefed Council members, presenting a report that clearly demonstrates that the regime has used the distribution of humanitarian aid as a tactic of war. She reported that there continues to be no progress in implementing any of the key demands in [resolution 2139](#), such as authorising cross-border aid operations, allowing access to besieged or hard-to-reach areas, observing medical neutrality, ceasing aerial bombardments or easing administrative hurdles. In fact, since the adoption of resolution 2139 on 22 February 2014, those in need have increased from 9.3 million to 10.8 million and those in hard-to-reach areas have increased from 3.5 million to 4.7 million. Most alarmingly, while needs have increased, access continues to drop significantly due to even more arduous clearance and transport procedures put in place by the government over the course of the last two months.

#### Human Rights-Related Developments

In a 30 May statement, six special rapporteurs of the Human Rights Council and two working groups warned that the 22 May veto by China and Russia of the draft resolution referring Syria to the International Criminal Court could expose the Syrian population to further gross human rights and humanitarian law violations.

During her opening statement to the Human Rights Council on 10 June, High Commissioner Navi Pillay regretted the Security Council's inability to ensure accountability in Syria. She deplored that war crimes and crimes against humanity are commonplace in Syria and occur with complete impunity.

On 17 June, the chair of the Commission of Inquiry on Syria, Paulo Pinheiro, presented an update on the unprecedented level of violence in Syria that threatened the entire region.

Pinheiro emphasised the need to find a negotiated political solution and insisted that accountability must be part of any future settlement. Regarding humanitarian access, Pinheiro stressed that the Syrian government and non-state armed groups are egregiously violating resolution 2139. He called on the Security Council to use the tools available in the UN Charter and strengthen the mechanisms for implementing its resolutions.

Human Rights Watch released a report on 23 June reporting that non-state armed groups in Syria have used children to fight in battle and in support roles. The report does not cover all armed groups that have used children, in particular allegations regarding pro-government militias.

#### Underlying Problems

The situation in Syria is devastating, with a death toll estimated at 162,000. There are almost 2.9 million refugees and there are 6.4 million internally displaced persons. The head of the UN Refugee Agency said on 20 June that the number of people displaced by conflict has reached levels not seen since World War II and that Syria was a significant factor behind that trend.

Adding to the dire humanitarian situation are alarming reports of intentional government policies of starving areas under siege and deliberately attacking the health infrastructure. The regime has increased its use of incendiary weapons, cluster bombs and barrel bombs, with recent allegations that it has used chlorine bombs. The proliferation of extremist armed groups and their increasing use of suicide attacks, car bombs, mortars and tunnel bombs under government military positions have contributed to the escalating violence. Although infighting between opposition groups has waned as ISIS has concentrated on Iraq, it seems ISIS has transferred part of the significant weaponry and other military assets it has seized in Iraq, back to Syria.

Meanwhile, the political and accountability tracks remain blocked.

#### Key Issues

In the fourth year of the conflict, the key issue is whether and when the parties, in particular the government, will meaningfully implement resolution 2139 on humanitarian access. An issue for the Council is what further steps it might take if substantive implementation continues to lag.

Another issue for the Council is to find ways to support a cessation of violence and resuscitate efforts for a political solution to the crisis.

A final issue is how to address the mutually destabilising impact of the crises in Iraq and Syria, the disappearance of the common border, and the realignment of priorities and allegiances by the parties on the ground as a result of the gains accumulated by ISIS.

#### Options

On humanitarian access, Council members could adopt a resolution:

- authorising cross-border aid deliveries across routes under the supervision of UN monitors; and/or
- authorising the UN to carry out cross-border aid deliveries in the absence of state consent.

Another option for the Council is to begin brainstorming how to approach the cross-pollination of the crises in Iraq and Syria—particularly the dimension of competition between Iran and Saudi Arabia for regional primacy as well as the proliferation of ISIS and Hezbollah fighters in both countries. In this regard, it will be important in the Syria prong of any such approach that the counter-terrorism aspect of the conflict does not overshadow the humanitarian, political and accountability tracks.

A less likely option is for the Council to heed the Secretary-General's call for the international community to support an end to all violence in Syria, in particular by stopping the flow of arms into Syria and impose an arms embargo.

#### Council and Wider Dynamics

At press time, humanitarian leads Australia, Jordan and Luxembourg had just marked an intense month of complex negotiations with the P5, in consultation with OCHA, on a draft resolution on humanitarian access.

The initial draft was a short text that, under Chapter VII, would have permitted the UN to carry out cross-border aid operations in the absence of state consent. China and Russia, clearly uncomfortable with the prospect of casting a fifth veto on Syria, have been genuinely engaged in negotiations while firmly flagging their objection to a Chapter VII resolution challenging state sovereignty.

Early in the negotiations, Russia suggested that the draft resolution expand upon the suggestion in the 22 May report on humanitarian access that the UN ensure aid operations at border posts outside government control are conducted in a transparent way. Much of the negotiations since have been dedicated to working out what the modalities of such a monitoring mechanism would be while, in tandem, Russia sought buy-in from Syria. Some progress was made and it seems Syria has agreed in principle to the mechanism at four UN-identified priority border crossings outside government control.

A fundamental obstacle remains, Syria has insisted that all such aid would need to be redistributed under the government's authority, undermining the original intent of enabling aid to reach those in need via the most direct route possible. The humanitarian leads and the P3 are unlikely to agree to a text which could potentially strengthen Syria's use of aid distribution as a tactic of war. The guiding principle for these members has been to come up with a formula in New York that will have a positive impact on the ground in Syria. In addition, Syria's letter to the Council on 18 June stating that the delivery of aid without consent constitutes an attack is a worrying development.

On chemical weapons, with the final tranche of declared chemicals having left Syria Council members are unlikely to be interested in doing more than monitoring the remaining activities of the OPCW-UN joint mission. Nevertheless, divisions linger on this track. Russia had put forward a draft statement welcoming the final removal. The statement was blocked by the US, with the support of several other members, given the seemingly deliberate delays by Syria in the pace of removal activity as well as other outstanding government obligations—in particular a full declaration of its chemical weapon arsenal and destruction of the 12 production facilities.

France is the penholder on Syria while Australia, Jordan and Luxembourg are the penholders on the humanitarian track. However, most texts need to be agreed between Russia and the US prior to agreement by the broader Council.

#### UN Documents on Syria

##### Security Council Resolutions

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22 February 2014 <u>S/RES/2139</u>	This resolution demanded that all parties, in particular the Syrian authorities, allow humanitarian access in Syria across conflict lines, in besieged areas and across borders and expressed the intent to take further steps in the case of non-compliance.
27 September 2013 <u>S/RES/2118</u>	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.

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##### Security Council Letters

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18 June 2014 <u>S/2014/426</u>	This letter from Syria stated that the delivery of aid without consent constitutes an attack on their country.
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##### Security Council Meeting Records

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26 June 2014 <u>S/PV.7212</u>	This was a briefing by OCHA head Amos on humanitarian access in Syria.
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##### Secretary-General's Reports

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20 June 2014 <u>S/2014/427</u>	This was a report of the Secretary-General on humanitarian access.
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<u>22 May 2014</u> <u>S/2014/365</u>	This was the third report on implementation of resolution 2139 on humanitarian access.
<u>23 May 2014</u> <u>S/2014/368</u>	This was the eighth OPCW-UN Joint Mission monthly progress report.

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#### Human Rights Council Documents

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<u>16 June 2014</u> <u>A/HRC/26/CRP.2</u>	This was an oral update of the Independent International Commission of Inquiry on Syria covering the period 15 March to 15 June 2014.
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