

# August 2015 Monthly Forecast

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MIDDLE EAST

## Syria

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### Expected Council Action

In August, Council members expect to receive their regular monthly briefings on the chemical weapons and humanitarian tracks in Syria.

### Key Recent Developments

On 9 July, Acting UN High Representative for Disarmament Affairs Kim Won-soo briefed Council members on the chemical weapons track. During the consultations, the US introduced a draft resolution to set up a UN-OPCW “Joint Investigative Mechanism” to determine responsibility for the use of chemical weapons in Syria. The draft had been negotiated by the P5 for months before it was introduced to the full membership. After two rounds of expert-level negotiations, the draft reverted to bilateral negotiations between Russia and the US. At press time, the US was optimistic it would soon be adopted.

Regarding the military situation, the Syrian government and the Iran-backed Lebanese militia Hezbollah launched a joint operation in mid-July to take control of the rebel-held town of Zabadani—a key supply route between Damascus and the Lebanese border. According to media reports, the government has dropped barrel bombs on civilian areas in this border town at the rate of 30 per day. On 22 July, UN Special Envoy for Syria Staffan de Mistura asserted that the bombs had caused “unprecedented levels of destruction and many deaths among the civilian population”. He called on the government “to halt the use of crude and indiscriminate weapons, such as barrel bombs, on its own cities”.

Meanwhile, a coalition of Islamist rebel forces, supported by the Al Qaida-affiliated Al Nusra Front, began a new offensive on 3 July to expel government forces from Aleppo. The Southern Front of the moderate rebel Free Syrian Army continued its offensive against the remaining government positions in Dera’a province.

US President Barack Obama has pledged to do more to help Syria’s moderate opposition. However, the US train-and-equip programme is designed to aid opposition forces in fighting the Islamic State of Iraq and al-Sham (ISIS) and not in fighting the regime. As a result, only 60 Syrian fighters have volunteered for training.

In early July, US-led airstrikes pounded ISIS targets in Raqqa after a Kurdish offensive in mid-June caused ISIS to retreat and lose control of almost a third of its stronghold in Raqqa province. On 6 July, Obama said, in reference to Kurdish forces, that ISIS could be

countered with effective partners on the ground.

On 7 and 8 July, a US delegation to Turkey pressed for access to Incirlik airbase. In the past, Ankara has insisted the use of Incirlik would be conditioned on a US commitment to increase its military engagement in Syria beyond anti-ISIS strikes—in particular to help enforce a “safe zone” in Syria. Ankara has further concerns that the US air support for Kurdish forces that has enabled their territorial gains in Syria could ignite Kurdish separatist sentiment in Turkey.

An ISIS-linked terrorist attack on 20 July that killed 32 people in Suruc, a Turkish town near the Syrian border, altered these calculations. A majority of the Suruc victims were Kurdish. In retaliation, the Kurdistan Workers’ Party (PKK) claimed responsibility for a series of attacks against Turkish security forces in the week following the Suruc bombing, further escalating tensions. In response, the Turkish government has claimed over 1,000 people have been detained who are suspected of belonging to the PKK or ISIS. Ankara has also begun to carry out air-strikes against ISIS in Syria and the PKK in northern Iraq and has agreed to allow the US to use Incirlik airbase. In exchange, Turkey and the US have agreed on an “ISIS-free zone” in northern Syria that Ankara has interpreted as a de-facto “safe zone”. However, there is no confirmation that the US will widen its military objectives in Syria beyond ISIS. Kurdish fighters in Syria view the “safe zones” as Turkey’s attempt to prevent a contiguous area under Kurdish control.

On 24 July, Turkey sent a letter to the Security Council reporting that it was taking military action against ISIS in Syria, citing Article 51 of the UN Charter—the right of self-defence under Chapter VII. It made no reference to its military strikes in northern Iraq.

Media reports indicate that Turkey is prioritising its operations against the PKK over its anti-ISIS strikes in Syria. Analysts note that there is certain level of confusion around the relative US silence on Turkey’s strikes against the PKK—whose Kurdish affiliates have been effective in cooperating with the anti-ISIS coalition in both Iraq and Syria.

On 28 July, NATO condemned terrorist attacks against Turkey after Turkey called for a meeting of the body under article 4 (a request for consultations). Turkey did not invoke article 5 which would set in motion the possibility of collective self-defence and requires reporting to the Security Council. It seems that that behind closed doors NATO ambassadors urged Turkey to temper its use of force against the Kurds.

The adoption by the Security Council on 20 July of resolution 2231, which establishes a monitoring system of Iran’s nuclear programme in exchange for the lifting of UN sanctions, is seen as having implications for Syria. The US has argued that sanctions relief will empower Iran’s moderates and lead to greater regional cooperation, but the Gulf allies of the US have expressed concern that Iran will use this economic boost to continue to support the regime of President Bashar al Assad in Damascus. (On 22 July, a new \$1 billion credit line from Tehran to Damascus went into effect, in addition to the \$3.6 billion from July 2013.)

Under-Secretary-General for Humanitarian Affairs Stephen O'Brien briefed the Council on 28 July presenting the Secretary-General's report that said the devastating humanitarian situation in Syria "bears unflinching witness to the urgent need to find a political settlement to this ruinous conflict."

On the political track, de Mistura met with Secretary-General Ban Ki-moon in July to present the results of the UN-facilitated consultations he launched in Geneva on 5 May. These consultations were convened to find areas of commonality for implementing the Geneva Communiqué, a political transition plan agreed in June 2012 that has been continually stymied over the role of Assad and has been complicated by the presence of ISIS in Syria. On 30 June, the third anniversary of the Geneva Communiqué, Ban said the Security Council could not afford to waste further time in ending the cycle of violence, and the cost of further delay is unacceptable to all—strategically, politically and morally.

However, the recent Geneva consultations were not convened in order to achieve an immediate and concrete political solution. Rather, they were undertaken to keep a mediation process alive despite the prevailing climate of insufficient political will among the major domestic, regional and international actors to untangle what has become known as the "Assad knot" enshrined in the Geneva Communiqué—i.e., trying to find openings between Iran's and Russia's support for the Assad regime and the position of the P3 and their Arab allies that Assad must go.

When de Mistura briefed the Council on 29 July, he announced that his office would facilitate intra-Syrian working groups on ways to implement key elements of the Geneva Communiqué. Such working groups would get underway in September and hold parallel discussions on political and constitutional issues; military and security issues (including counter-terrorism); public institutions; and reconstruction and development. He said that the results emanating from such intra-Syrian working groups could generate a "Syrian-owned framework document" on the implementation of the Geneva Communiqué. Such a framework could also provide for a transitional governing body, procedures for a national dialogue, the constitution drafting process and transitional justice issues. He stressed that the support of the Security Council would be critical to convince all Syrian and regional players to get involved.

#### Human Rights-Related Developments

By a vote of 29 in favour, six against (including Security Council members China, Russia and Venezuela) and 12 abstentions, the Human Rights Council adopted a resolution on 2 July condemning the widespread use of sexual violence and torture in detention centres; the continued use of chemical weapons, including chlorine gas; use by the Syrian authorities of heavy weapons, cluster munitions and aerial bombardments, including any indiscriminate use of ballistic missiles and barrel bombs and the shelling of medical facilities; and demanding access of UN and humanitarian actors, including to besieged areas, in accordance with the relevant Security Council resolutions.

#### Key Issues

The main issue for the Council—in the fifth year of a war that has exacted a death toll of 250,000, injured one million and displaced half of the Syrian population—is to find ways to provide leadership, particularly in supporting a cessation of violence and resuscitating efforts for a political solution.

Ongoing issues include how to get agreement to follow up on the violations of resolutions 2139, 2165 and 2191 on the humanitarian situation and 2118 and 2209 on chemical weapons.

#### 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.

Although unlikely, 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.)

At press time, it seemed that the potential adoption of a resolution establishing an attribution mechanism on the use of chemical weapons in Syria, in tandem with the successful conclusion of the Iran nuclear deal, may open space for Council members to move forward on a range of initiatives. These include:

- a resolution drafted by France on indiscriminate attacks, including the government’s use of barrel bombs;
- a resolution drafted by the humanitarian leads—Jordan, New Zealand and Spain—to set up an assessment of conditions in besieged communities; and
- the US draft presidential statement on violations of medical neutrality.

#### Council and Wider Dynamics

Despite overwhelming indications that various resolutions threatening consequences for lack of implementation have continually been breached, it is unlikely that Council members will push for follow-up measures, such as targeted sanctions or another attempt at an ICC referral. The assumption that Russia would veto any such action specific to the government remains a deterrent.

Council members uniformly support de Mistura’s efforts but acknowledge that his newest proposal may be little more than a place holder until there is a major shift on the part of external actors to tilt the balance toward a political solution.

The great majority of Council members think that a UN-OPCW “Joint Investigative Mechanism”, if established, would have the potential to allow the Council to receive explicit information about the actors responsible for the use of chemical weapons in Syria. However, none believe that this would be sufficient to bridge divisive Council dynamics in order to adopt the “further measures” which have been persistently threatened for non-compliance with Security Council resolutions, such as targeted sanctions or an arms embargo.

France is the penholder on Syria overall. Jordan, New Zealand and Spain lead on humanitarian issues. In practice, however, most texts need to be agreed between Russia and the US prior to seeking agreement by the broader Council.

Council members France, Jordan, Lithuania, New Zealand, Spain, the UK and the US are part of the anti-ISIS coalition. Though not all directly participate in air strikes, British pilots have been embedded with the US-led coalition.

#### UN Documents

##### Security Council Resolutions

6 March 2015 <u>S/RES/2209</u>	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.
17 December 2014 <u>S/RES/2191</u>	Renewed authorisation for cross-border humanitarian access until 10 January 2016.
14 July 2014 <u>S/RES/2165</u>	This resolution authorised cross-border and cross-line access for the UN and its partners to deliver humanitarian aid in Syria without state consent and established a monitoring mechanism for 180 days.
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.

##### Security Council Press Statement

22 July 2015 <u>SC/11979</u>	Condemned the ISIS-linked terrorist attack in Suruc, Turkey, a town near the border with Syria.
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##### Security Council Meeting Records

29 July 2015 <u>S/PV.7497</u>	The Secretary-General and Special Envoy Staffan de Mistura briefed on the political situation.
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28 July 2015 OCHA briefed on the humanitarian situation.  
S/PV.7493

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Security Council Letter

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24 July 2015 Turkey reported to the Security Council that it was taking military action  
S/2015/563 against ISIS in Syria, citing Article 51 of the UN Charter—the right of  
self-defence under Chapter VII.

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Secretary-General's Reports

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23 July 2015 This was the Secretary-General's report on the humanitarian situation.  
S/2015/561

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26 June 2015 This was the 21st OPCW report on chemical weapons.  
S/2015/485

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Human Rights Council Document

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2 July 2015 Was a resolution on the grave and deteriorating human rights and  
A/HRC/29/L.4 humanitarian situation in Syria. The vote was 29 in favour, six against  
(including Security Council members China, Russia and Venezuela)  
and 12 abstentions.