

February 2016 Monthly Forecast

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MIDDLE EAST

Syria

Expected Council Action

Special Envoy Staffan de Mistura is expected to brief in February pursuant to the request in resolution [2254](#) for an update on the UN-facilitated political process within 60 days.

There will also be the regular monthly briefings on the chemical weapons and humanitarian tracks. Regarding chemical weapons, in addition to the monthly OPCW report on implementation of resolution [2118](#), Council members will also consider the first report of the UN-OPCW Joint Investigative Mechanism.

Key Recent Developments

On 18 December 2015, the Council unanimously adopted resolution [2254](#), setting out the sequence of events to end the war in Syria: UN-mediated political talks, a national ceasefire and a two-year timeline to achieve a political transition.

Agreement on the broad parameters of a political process by Russia and the US, as well as buy-in from regional actors Iran and Saudi Arabia, was critical in the lead-up to the adoption of resolution [2254](#). However, on 2 January, Saudi Arabia executed prominent Shi'a cleric Nimr al-Nimr. There were subsequent attacks on Saudi diplomatic premises in Iran, followed by Saudi Arabia's severing of diplomatic ties with Iran. Council members condemned the attacks in a press statement but also called on the parties to reduce tension in the region. While both Iran and Saudi Arabia remain publicly committed to the Syria peace talks, the incident created even deeper rifts ahead of what was already a very fragile process.

When de Mistura briefed Council members on 18 January, he said he would only issue invitations to UN-facilitated talks in Geneva when he had clarity about who would represent the Syrian opposition from those with influence—i.e. Russia and the US. He stressed the importance of maintaining the momentum towards a political solution, but not at the cost of convening a process that would be a stillborn repetition of previous Geneva talks. After a series of meetings in late January between US Secretary of State John Kerry and Russian Foreign Minister Sergey Lavrov, followed by a meeting between Kerry and Saudi Foreign Minister Adel al-Jubeir, de Mistura announced the talks were scheduled to begin on 29 January. A meeting of the International Syria Support Group (ISSG) was also tentatively scheduled for 11 February in order to maintain the momentum toward a negotiated political transition.

Talks were postponed from 25 January due to disagreements about who would represent the opposition. It seems the opposition bloc's Riyadh-based High Negotiating Committee (HNC) had insisted on its primacy and threatened to not attend if invitations were extended to other opposition groupings. There has been a particular focus on the HNC's exclusion of the opposition Kurdish Democratic Union Party, which controls territory in northeastern Syria near the Turkish border and has been active in the fight against the Islamic State of Iraq and al-Sham (ISIS).

Another issue was which opposition groups should be identified as terrorists, in addition to those already designated by the Security Council, such as Al-Qaida, ISIS and Al-Nusra Front. The government, along with Iran and Russia, is of the view that opposition groups Ahrar al-Sham and Jaysh al-Islam should be included on the terrorist list and thus barred from participating in the talks. Others regard this as impossible since these groups are significant actors on the ground and in the HNC.

Aside from the issue of representation, the opposition has said it would participate in the talks only if the government met several demands: lift sieges, release detainees and stop indiscriminate attacks—particularly aerial bombardment.

The Council focused on besieged areas at three meetings in January, in part to build the opposition's confidence that the Security Council would use its leverage on the humanitarian track in the lead-up to talks.

Humanitarian leads New Zealand and Spain requested a briefing under “any other business” on 11 January to keep pressure on the government to fulfil its 7 January agreement to grant humanitarian access to Madaya. The situation in Madaya—besieged by government forces—was a matter of particular concern after alarming images of starving residents appeared in the media. The UN has credible reports of people dying from starvation and being killed by sniper fire or landmines while trying to flee. The government's agreement linked any aid received in rebel-held Madaya to simultaneous aid deliveries to Foah and Kefraya—the only two government-held villages besieged by rebel groups.

In comments to the press, New Zealand and Spain said that access to Madaya had to be a start to broader humanitarian access in Syria and not a one-off event. They underscored that humanitarian access is an obligation under international humanitarian law and that siege with the goal of starvation is a war crime. The P3 also condemned siege tactics by the government in press statements made in their national capacities.

France and the UK, supported by the US and the humanitarian leads, requested a public briefing on 15 January to follow up the Madaya briefing. Assistant Secretary-General for Humanitarian Affairs Kyung-Wha Kang reported that the situation in Madaya was not unique given that there are 181,200 people who are besieged by the government, 200,000 by ISIS and 12,500 by rebel groups. She added that while access to Madaya was welcome, it was just a trickle and that food aid had reached less than 1 percent of besieged areas in 2015. She urged Council members to set aside differences and put Syria on a firm path to peace.

The regular monthly humanitarian briefing was held on 27 January, with briefings by OCHA and by the World Food Programme on access to food, malnutrition and starvation in Syria. The Human Rights Council's special rapporteur on the right to food warned on 19 January that the deliberate starvation of civilians as a tactic of war constitutes a war crime and could also amount to a crime against humanity if it can be shown that denial of food is a deliberate and systematic tactic to cause civilian suffering.

In other developments, Acting UN High Representative for Disarmament Affairs Kim Won-soo briefed Council members on the regular chemical weapons track on 5 January. He reported that the destruction of Syria's declared chemical weapons had been completed. Separately, he said further investigation was required by the OPCW fact-finding mission to determine if there was sarin exposure in one case of the 11 chemical weapons attacks alleged by the government.

Key Issues

The essential issue for the Council—in the fifth year of a war that has exacted a death toll of 300,000, injured one million and displaced half of the Syrian population, including 4.6 million refugees—is to build on the momentum of resolution 2254 and exert effective leadership in supporting a cessation of violence and efforts to implement a political solution.

Options

The ISSG and resolution 2254 have identified roles for the Security Council in the event that anticipated political talks in 2016 produce concrete results towards a national ceasefire. How such a ceasefire would be monitored would require more consideration by the Council. On 18 January, de Mistura provided the outline of what the UN is planning in terms of a “light touch” option, based out of Damascus, whereby national counterparts would call in violations that could be investigated by a small group of UN personnel. If future security conditions permit, a further option might be a strengthened international role.

Council Dynamics

Resolution 2254 was the first time the Security Council adopted a resolution focused exclusively on a political solution to the Syrian crisis. However, it left the fundamental question that has divided the P5 since the beginning of the Syrian conflict intentionally ambiguous—the role of President Bashar al-Assad in any political transition.

Some Council members are of the view that the Russian and the US positions on Assad have quietly moved closer together, in that Assad would have a role in the transition but would not stand for re-election. However, regional and national actors have yet to subscribe to this understanding. There may also be a grudging convergence on the issue of which opposition groups to designate as terrorists. It seems Russia may forgo the immediate need to designate terrorist groups ahead of talks. On the part of the US, it may be willing to consider designating certain groups based on their conduct on the ground after a ceasefire agreement is reached.

The proposed modality for monitoring a ceasefire is not controversial. However, the negotiating parameters for what a ceasefire might look like remain contentious. This was an important issue during the negotiation of resolution 2254, when France placed a great deal of importance on the Council expressing support for a national ceasefire. Some Council members are concerned about the criticism that the local ceasefires achieved to date have received. They are often seen as surrenders after siege and starvation tactics are imposed by the government on rebel-held areas; they benefit the government by allowing them to redirect their forces to achieve military objectives elsewhere; and they have often been accompanied by massive military build-ups, disappearances of rebel fighters and population exchanges.

Regarding the confidence-building measures requested in resolution 2254, the Secretary-General has said that lifting sieges, the release of those arbitrarily detained, and stopping indiscriminate attacks will be fundamental tests for the credibility of the renewed political process. Council members have mixed views about the proposals for confidence-building measures. A few are cautious about treating obligations under international law as bargaining chips in a political process. Many others share that view but also believe that if such demands are met as part of a larger political process it would ameliorate the dire humanitarian situation civilians are facing, and an enhanced protection environment would create a positive momentum for negotiations. A smaller set of Council members view these as unacceptable pre-conditions to the opposition's participation in the Geneva talks.

Council members are unanimous in their support for political talks starting in January and many think it would be dangerous to backtrack on resolution 2254. If the political process collapses, a window of opportunity may be lost for some time.

Egypt, New Zealand and Spain lead on humanitarian issues. In practice, however, most outcomes are agreed between Russia and the US prior to seeking agreement by the broader Council. France and the UK are also active in calling for meetings and drafting texts.

UN Documents

Security Council Resolutions

18 December 2015 <u>S/RES/2254</u>	This was the first resolution focused exclusively on a political solution to the Syrian crisis. It was adopted unanimously.
7 August 2015 <u>S/RES/2235</u>	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 <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.

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.
22 December 2015 <u>S/RES/2258</u>	Renewed the authorisation for cross-border aid delivery until January 2017 and included language calling on member states to prevent and suppress the flow of foreign terrorist fighters in and out of Syria.
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.
Security Council Press Statement	
4 January 2016 <u>SC/12190</u>	This was a statement that condemned the attacks on the Saudi diplomatic premises in Iran.
Security Council Meeting Records	
27 January 2016 S/PV.7612	This was a meeting on humanitarian situation.
15 January 2016 <u>S/PV.7605</u>	This was a meeting on humanitarian situation.
Secretary-General's Reports	
21 January 2016 <u>S/2016/60</u>	This was a report on humanitarian situation.
29 December 2015 <u>S/2015/1049</u>	This was a report on chemical weapons.