

# May 2016 Monthly Forecast

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MIDDLE EAST

## Syria

### Expected Council Action

Special Envoy Staffan de Mistura is expected to brief in early May on the intra-Syrian proximity talks in Geneva and the challenges to the cessation of hostilities in light of the resumption of intensified fighting, particularly in northern Syria.

Council members will receive their regular monthly briefings on the humanitarian and chemical weapons tracks. The Council may reach agreement on a draft resolution circulated by China and Russia in mid-April addressing the use of chemical weapons by non-state actors, with a particular focus on Syria as well as Iraq and Libya.

In addition, the Security Council is expected to adopt a resolution condemning attacks on health care workers and facilities and demanding compliance with international humanitarian law. While the draft resolution is not country-specific, it is relevant to Syria in light of ongoing attacks against medical facilities there, in particular the airstrike targeting a hospital in rebel-held Aleppo on 27 April that killed at least 27 people.

### Key Recent Developments

The first round of talks ended on 24 March and de Mistura provided a “Paper on Points of Commonality” to the government and the Riyadh-based umbrella Syrian opposition group, the High Negotiations Committee (HNC). As in 2012 and 2014, UN mediation hit an impasse over the issue of political transition and the future of President Bashar al Assad. The 24 March paper reflects this obstacle by citing the 30 June 2012 Geneva Communiqué without a specific reference to the Communiqué’s call for a transitional governing body with full executive powers.

De Mistura planned for the April talks to focus on “political transition, governance, and constitutional principles,” presumably in line with resolution 2254 that called for UN-mediated political talks, agreement on a parallel ceasefire and political process leading to credible, inclusive and non-sectarian governance within six months, followed by the drafting of a constitution and elections within 18 months.

A second round began on 13 April amidst several warning signs that the talks would falter. The opposition HNC signalled its concern over the lack of meaningful concessions as the government: (1) proposed a national unity government, but explicitly rejected a transitional governing body with full executive powers and insisted that Assad’s presidency was not subject to negotiation; (2) held parliamentary elections in

government-controlled areas on the same day that the second round of talks began; and (3) announced a revised constitution could be ready “within weeks” for a referendum, implying that a constitution would not be drafted and agreed within the Geneva process.

Aside from the expected maximalist positions, the near collapse of the political talks came about due to a noticeable slow-down in the delivery of humanitarian aid in tandem with an unravelling cessation of hostilities in Aleppo, Idlib, and around Damascus. In Aleppo, government forces, supported by Russian air power, have resumed targeting armed rebel groups fighting in coordination with Al Nusra Front, which is not a party to the cessation of hostilities. Meanwhile, further north, armed opposition groups lost territory to an offensive by the Islamic State of Iraq and al-Sham (ISIS) near the border with Turkey. Finally, on 20 April, opposition leaders left Geneva following government airstrikes that hit two markets in Idlib province, killing 44 people. Some members of the delegation stayed behind, cognisant that completely abandoning the talks would allow the government to blame the opposition for the failure.

Regarding aerial bombardment, when de Mistura briefed Council members on 14 March, he said that the Syrian minister of defence had assured his Russian counterpart that the government would not “arbitrarily” use weapons, presumably in reference to strikes against civilian targets. Nevertheless, on 31 March, government air strikes hit civilian infrastructure in the Damascus suburb of Deir al-Asafir, killing approximately 30 people. The US produced a draft press statement condemning the attack, but it was blocked by Russia, which cited the lack of convincing information about the attack and argued that the International Syria Support Group’s (ISSG) ceasefire task-force had agreed to investigate the incident. The increasing violations of the cessation of hostilities and the challenges they pose to successful political talks were a key concern when de Mistura briefed Council members again on 12 April and then again on 27 April. De Mistura called for engagement by Russia and the US at the highest level and a ministerial meeting of the ISSG to try and shore up the cessation of hostilities and regain political momentum.

Regarding the humanitarian situation, the slow-down in aid delivery, the continued removal by government forces of medical supplies from convoys and the lack of access to besieged suburbs of Damascus, particularly government-besieged Darraya, negatively affected the overall political climate in Geneva. On 5 April, the US called for a briefing from OCHA on these besieged areas under “any other business.” During the consultations, Russia argued that Darraya was controlled by Al-Nusra and ISIS. The US and OCHA said that there was no evidence of terrorist groups controlling Darraya. The Syrian government claimed there were no civilians in Darraya. Subsequently, a fact-finding mission by de Mistura’s office visited Darraya in April and confirmed the presence of civilians in need of food and medicine.

On 21 April, de Mistura said the ISSG humanitarian task force and the UN had made modest progress on humanitarian issues. He reported that over half of those living in besieged areas had received some level of aid, including by air-drops in ISIS-besieged Deir ez-Zor. However, the government continued to deny access to the remaining six of 18 besieged areas. He also reported on the medical evacuation of 515 people; however, getting medical supplies to those in need, even if other aid was permitted, remained

difficult. On 28 April, Jan Egeland, who chairs the ISSG humanitarian task force, said the situation in Aleppo was catastrophic and the supply route into Aleppo was at risk of being blocked, once again raising the spectre of a government siege of Aleppo. OCHA echoed many of these observations in its monthly briefing to the Council on 28 April.

On chemical weapons, Acting UN High Representative for Disarmament Affairs Kim Won-soo briefed Council members on 13 April. He reported on the 23 March decision by the OPCW Executive Council that its Director-General should engage directly with Syrian government officials regarding gaps in Syria's declared chemical weapons arsenal, since 15 visits over the course of two years by the OPCW's Declaration Assessment Team had been unable to clarify discrepancies. Virginia Gamba—the head of the UN-OPCW Joint Investigative Mechanism (JIM), the body mandated to determine responsibility for the use of chemical weapons in Syria—also briefed on the nine cases for which in-depth investigations began on 1 March.

During those consultations, China and Russia circulated a draft resolution to expand the JIM's mandate to include the monitoring and investigation of the potential use of chemical weapons by non-state actors. Since August 2015 there have been several allegations of ISIS using mustard gas in Iraq and Syria.

### **Human Rights-Related Developments**

On 23 March, the Human Rights Council adopted a resolution submitted by the P3, Germany, Italy, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia and Turkey on the human rights situation in Syria, with a vote of 27 in favour, six against (including current Security Council members China, Russia and Venezuela) and 14 abstentions (A/HRC/RES/31/17). The resolution strongly condemns the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by all parties; demands that all parties take all appropriate steps to protect civilians; stresses the need to pursue practical steps towards accountability, noting the important role the ICC can play; demands that the Syrian authorities facilitate, and all other parties do not hinder, the full, immediate and safe access of UN and humanitarian actors; and extends for one year the mandate of the Commission of Inquiry. The resolution also recommends that the General Assembly submit the reports of the Commission of Inquiry to the Security Council for appropriate action.

### **Key Issue**

The essential issue for the Council—entering the sixth year of a war that has exacted a death toll of 470,000 and displaced half of the Syrian population, including 4.84 million refugees, is to exert effective leadership in supporting a cessation of hostilities and efforts to reach a political solution.

### **Options**

The ISSG and resolutions 2254 and 2268 have identified roles for the Council in the event that talks in 2016 produce concrete results towards a national ceasefire and a parallel political process, including elections. In the near term, however, Council options are

limited as the day-to-day oversight of resolutions 2254 and 2268 has been outsourced to the ISSG broadly, and Russia and the US in particular.

### **Council Dynamics**

In late March, the general perception among Council members was that the cessation of hostilities had lowered overall levels of violence, allowed increasing flows of humanitarian aid and created a more conducive political environment. That optimistic outlook has now shifted towards caution. There is a sense that the government's recent offensives, particularly around Aleppo, could again shift the trajectory of the conflict away from negotiations back towards prolonged armed conflict.

During the course of April, Council members were unable to reach consensus on several draft press statements attempting to address violations of the cessation of hostilities, besieged areas, the participation of the Kurdish Democratic Union Party in the Geneva talks and victories against ISIS in Syria. It is unclear to many Council members whether the lack of consensus on these statements reflects larger disagreements between Moscow and Washington DC about the way forward on the Syrian political track. Russia and the US have invested a great deal of political capital in the Geneva talks and seem to still be on the path of engagement. However, tensions have flared over Russia's recent uptick of air operations (though well under February levels) and redeployments of artillery units near Aleppo, and provisional planning by the US to provide anti-aircraft weaponry to the opposition if the cessation of hostilities collapses.

Tensions have also re-emerged on the chemical weapons track after China and Russia circulated a draft resolution that would expand the JIM's mandate to monitor and investigate the use of chemical weapons by non-state actors. While all Council members agree this is a serious issue, the P3 and many other members believe it is a broad threat that should not be tied to the JIM's mandate, which is specific to Syria. They are in favour of anchoring the issue in the Chemical Weapons Convention and the work of the OPCW. At press time, no agreement had been reached.

Most outcomes on Syria are agreed between Russia and the US prior to agreement by the Council. Egypt, New Zealand and Spain lead on humanitarian issues.

UN Documents on Syria

#### **Security Council Resolutions**

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26 February 2016 <a href="#"><u>S/RES/2268</u></a>	Endorsed the cessation of hostilities and called for the resumption of political talks.
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18 December 2015 <a href="#"><u>S/RES/2254</u></a>	This was the first resolution focused exclusively on a political solution to the Syrian crisis. It was adopted unanimously.
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#### **Secretary-General's Reports**

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26 April 2016 <u>S/2016/384</u>	This was on the humanitarian situation.
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28 March 2016 <u>S/2016/285</u>	This was a report on chemical weapons.
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