

November 2015 Monthly Forecast

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MIDDLE EAST

Syria

Expected Council Action

In November, Council members will receive their regular monthly briefings on the chemical weapons and humanitarian tracks in Syria.

Two new elements this month include a political briefing by the Special Envoy for Syria, Staffan de Mistura, and updates regarding the UN-OPCW Joint Investigative Mechanism (JIM), established to determine responsibility for the use of chemical weapons in Syria.

Key Recent Developments

On 7 October, Acting UN High Representative for Disarmament Affairs Kim Won-soo briefed Council members on the regular chemical weapons track as set out in resolution 2118. During those consultations, there was also discussion of a Russian draft resolution that included elements from a draft presidential statement on countering terrorism in the Middle East, which Russia had wanted the Council to adopt at the 30 September ministerial-level open debate on the same topic. (30 September was also the day that Russian airstrikes commenced in Syria.) The draft statement was not adopted due to the lack of agreement from the US. Apparently the US believed that adoption of such a text would be perceived as (1) a requirement for the US-led coalition against the Islamic State of Iraq and al-Sham (ISIS) to cooperate with the Syrian government, and (2) a signal of Council approval of Russian military activity in Syria. For the same reasons, the P3 and a number of other Council members refused to negotiate the subsequent draft resolution. It was never tabled for a vote as Russia could not garner the necessary nine votes.

The US avoids clashes with Syrian airpower through “de-confliction” that occurs because the Iraqi government acts as a liaison between the two forces. On 20 October, the US signed an air-to-air conduct agreement with Russia to similarly “de-conflict” US and Russian airstrikes in Syria. However, the US-led anti-ISIS coalition does not conduct joint strikes with Syria or Russia against ISIS.

On the day Russian airstrikes began in Syria, Russia said its military goal was to combat terrorism and support the forces of Syrian President Bashar al-Assad, a broader scope of activity than earlier assertions that its military activity would be focused on ISIS. On 2 October, the Secretary-General met with Russian Foreign Minister Sergey Lavrov and stated the UN’s position that the military campaign should only target terrorist groups specified by the Security Council (i.e., Al-Qaida, ISIS and Al Nusra Front). He also said the use of indiscriminate weapons, such as barrel bombs, should immediately cease. At

the 22 October open debate on the Middle East, France, Spain and the UK signalled their intent to draft a resolution on indiscriminate attacks, in particular the indiscriminate use of barrel bombs.

Reuters reported on 21 October that 80 percent of Russia's declared targets have not been in ISIS-controlled areas but rather are targeting armed opposition groups opposed to Syrian President Bashar al-Assad—in some cases groups backed by the US and its allies. Regarding the US, media reports indicate that US Secretary of State John Kerry revived the idea of the US leading the establishment of no-fly zones or safe zones in Syria, but that continues to be an option not highly favoured by US President Barack Obama. The US policy remains focused on a negotiated political transition and backing opposition groups fighting ISIS.

On 4 October, Assad said that the US-led anti-ISIS coalition had been counterproductive but that a coalition of Syria, Russia, Iran and Iraq could achieve real results. On 15 October, Syrian government forces, the Iranian-backed Lebanese militia Hezbollah, and Iranian and Iraqi Shi'a militia forces, with close air support from Russia, launched an offensive against rebel-held areas of Aleppo and the surrounding countryside. Regime forces, reportedly backed by Russian airstrikes, have also carried out attacks in Homs, Idlib, Hama, Dera'a and the Damascus countryside. The UN estimates that 120,000 people have been displaced as a result of this recent surge in fighting. The Syrian Civil Defence, or White Helmets, reports that of the 436 civilian deaths in the two-week period after 30 September, over half are attributable to Russian airstrikes.

Regaining control of Aleppo, together with large swathes of territory in northwestern Syria and major supply routes, would be a significant victory for the regime. Some analysts view the offensive as an attempt to solidify government gains before any possible negotiations regarding a political transition.

In his first known trip outside Syria since the civil war began, Assad met with Russian President Vladimir Putin in a surprise visit to Moscow on 20 October, the same day the US and Russia signed their agreement on air-to-air conduct. He thanked Russia for its military support, and the leaders agreed on the need for a political transition. The US responded that the "red carpet" welcome for Assad was at odds with Russia's stated commitment to a political transition.

On 22 October, a Bloomberg interview of an unnamed Russian official reported that as part of a political transition deal Russia is seeking early parliamentary and presidential elections in Syria and that Assad would decide himself whether to run for the office. In a 27 October statement, the Syrian government reiterated that any political initiative would only be possible after terrorism was dealt with—a position held by the regime since before terrorism was an actual dynamic in the Syrian conflict. The statement did not reference Russia's proposal for early elections.

On 23 October, US Secretary of State Kerry and Russian Foreign Minister Lavrov met in Vienna to discuss Syria. This was followed by another meeting with their counterparts from Saudi Arabia and Turkey. Ahead of the meeting, Putin said he foresaw talks between

the Syrian government and the “full spectrum of the Syrian opposition”—but did not specify which opposition groups should be included. After the meeting, Kerry said that some ideas surfaced which he hoped could change the dynamic.

Reportedly nine countries, including Iran, Turkey and the US, have signalled preliminary support for Assad to serve as the head of a transitional administration on condition of his departure after six months. This is an idea that has been circulating for well over a year. The new element is whether Iran and Russia will use their leverage to impose this solution on Assad. An unanswered question is where control of the security forces will remain during any transition—with the current regime, which is larger than Assad alone, or with the transitional body. The Geneva Communiqué calls for security to be under the control of the transitional government.

The UN, permanent Council members France and the UK and regional power Iran were not invited to the 23 October Vienna talks. However, Russia, Saudi Arabia, Turkey and the US reconvened in Vienna on 29 October and met with an expanded set of participants including the UN and the EU; the remaining P5 members China, France and the UK; regional countries Egypt, Iran, Iraq, Jordan, Lebanon, Oman, Qatar and the UAE; and European countries Germany and Italy. This will be the first time that Iran has participated in international talks aimed at finding a common position on a political solution to the war in Syria.

OCHA head Stephen O’Brien briefed the Security Council on 27 October and presented the latest Secretary-General’s report on the humanitarian situation in Syria. The report reiterated the Secretary-General’s call during the 70th General Assembly for the Security Council to refer Syria to the ICC. It also included information on Russian airstrikes and the toll on civilians. On the issue of medical neutrality, it included documentation of six attacks against medical facilities carried out by the government in September. Separately, there were media reports that Russian airstrikes also hit several field hospitals in October. On 15 October, the ICRC sent a letter to the Security Council on the ethical principles of health care in times of armed conflict and other emergencies (S/2015/794).

Human Rights-Related Developments

On 1 October, the Human Rights Council adopted a resolution on Syria ([A/HRC/RES/30/10](#)) with 29 votes in favour, six against (including Security Council members Russia, China and Venezuela) and 12 abstentions, including Security Council member Nigeria. The resolution condemns the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias; terrorist acts and violence committed against civilians by ISIS, including the gross and systematic abuse of women's and children's rights; the Syrian authorities' use of heavy weapons, cluster munitions and aerial bombardments, including any indiscriminate use of ballistic missiles and barrel bombs; and attacks on medical facilities and the starvation of civilians as a method of combat. It also recommends that the General Assembly submit reports of the International Commission of Inquiry on Syria to the Security Council for appropriate action. A similar request was included in the Human Rights Council's March resolution which renewed the mandate of the Commission of Inquiry on Syria. However, no such action seems to have been taken.

On 13 October, the Secretary-General's Special Advisers on the Prevention of Genocide and on the Responsibility to Protect expressed alarm about the escalation of incitement to violence in Syria on religious grounds. In particular, they condemned calls by clerics in Saudi Arabia for Sunni Muslims and their states to support a "holy war" against Shi'a Muslims and Christians in Syria. They similarly expressed concern that Russian Orthodox clerics had referred to Russia's participation in the conflict as a "holy battle" against terrorism.

Key Issues

The essential 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, including 4 million refugees—is to find ways to exert effective leadership, particularly in supporting a cessation of violence and resuscitating meaningful efforts for a political solution.

Options

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—but P5 divisions have made it impossible for the Council to fulfil its responsibility to maintain international peace and security in the case of Syria.

The increasing militarisation of the conflict, with four of the P5 and elected member Jordan having carried out airstrikes, leaves extremely limited room for Council members to take forward any new initiative on Syria.

Although unlikely, the Council could vote to refer Syria to the General Assembly under the "[Uniting for Peace](#)" procedure. 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, which can include sanctions and the use of force, but 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.)

Council and Wider Dynamics

For some time, the assumption that Russia would veto any Council outcome that points to government culpability has been a deterrent to any meaningful action on the Syrian situation. That dynamic has only hardened subsequent to Russia's military activity in support of the Assad regime. The possibility that the Council might take any action on the French, Spanish and UK initiative on indiscriminate attacks, let alone on more robust actions like a genuinely agreed plan for political transition, targeted sanctions, an arms embargo, authorising a no-fly zone or another attempt at an ICC referral, now seems ever more remote.

A few Council members believe that the Russian military involvement could be the event that tips the conflict toward a political solution; the question then is what that solution might look like.

Russia, Syria and Iran have signalled support for a political transition but are reiterating well-known positions that power-sharing can only occur in the context of a united effort against "terrorism", elections and talks with a "healthy" opposition. Iran and Russia have also publicly stated that they are not wedded to Assad but have not yet noticeably used their leverage to significantly rein in the government's behaviour.

The P3 and some regional states have modified their stance on Assad's role in a political transition, indicating that the timing of his exit from power did not have to be immediate. This has been a private position for some time but has only recently been signalled publicly.

Meanwhile, the UN's position is laid out in the Secretary-General's latest humanitarian report. It said a credible political process should be based on the Geneva Communiqué, in particular the agreed principles and guidelines for a Syrian-led transition. These principles and guidelines clarify that members of the transitional government shall not have blood on their hands. This will be an impossible litmus test if, indeed, the West shifts its position on Assad's role in a transition.

The Council's failure to take meaningful action to end the Syrian crisis and the four joint vetoes cast by China and Russia since 2011 on Syria, are commonly seen as the impetus behind the French initiative for veto restraint and the support exhibited by 104 UN member states on 23 October for the ACT group's code of conduct on the use of the veto. (The code of conduct is supported by nine of the current 15 Council members: Chad, Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain and the UK. Three of the incoming members also support the code of conduct: Japan, Ukraine and Uruguay.)

France is the penholder on Syria overall. In practice, however, most texts are agreed between Russia and the US prior to seeking agreement by the broader Council.

UN Documents

Security Council Resolutions

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.
17 December 2014 S/RES/2191	Renewed authorisation for cross-border humanitarian access until 10 January 2016.
14 July 2014 S/RES/2165	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 S/RES/2139	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 Letters	
15 October 2015 S/2015/794	ICRC letter on the ethical principles of health care in times of armed conflict and other emergencies
8 September 2015 S/2015/745	France reported to the Security Council that it would take military action against ISIS in Syria, citing Article 51 of the UN Charter—the right of self-defence under Chapter VII.
Security Council Meeting Records	
27 October 2015 S/PV.7543	Was a briefing by OCHA on the humanitarian situation in Syria.
Secretary-General's Reports	
22 October 2015 S/2015/813	This was the Secretary-General's report on the humanitarian situation.
24 September 2015 S/2015/737	This was the 24th OPCW report.
Sanctions Committee Documents	
20 October 2015 SC/12090	Included suggestions to member states for the implementation of resolution 2199 regarding the illicit financing of ISIS and Al-Nusra Front.

2 October 2015
SC/12067 This was the 1267/1989 Al-Qaida Sanctions Committee listing of four ISIS-affiliated individuals and one individual affiliated with Al-Nusra Front.

25 September
2015 S/2015/739 A summary by the chair of the 1267/1989 Al-Qaida Sanctions Committee of the Monitoring Team's report on the implementation of resolution 2199 regarding the illicit financing of ISIS and Al-Nusra Front.

Human Rights Council Documents

1 October 2015
A/HRC/RES/30/10 Was a resolution condemning the violation of human rights in Syria with 29 votes in favour, six against (including Security Council members Russia, China and Venezuela) and 12 abstentions, including Security Council member Nigeria.