

# June 2015 Monthly Forecast

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Posted 1 June 2015

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MIDDLE EAST

## Syria

### Expected Council Action

In June, Council members expect to receive their regular monthly briefings on the chemical weapons and humanitarian tracks in Syria. While no outcome is planned, at press time the US draft resolution to set up a process to attribute responsibility for the use of chlorine bombs in Syria was being discussed among the P5. Meanwhile, the humanitarian leads—Jordan, New Zealand and Spain—were discussing with the P3 ways to strengthen the Council's response to the use of siege tactics in Syria and the violation of the principles of medical neutrality.

Special Envoy for Syria Staffan de Mistura has been in Geneva facilitating low-level shuttle diplomacy on a political solution to the Syrian crisis. It seemed possible that he might report back to Council members this month.

### Key Recent Developments

On 4 May, de Mistura and UNRWA representative Michael Kingsley-Nyinah briefed Council members under “any other business” on the situation in Yarmouk—a Palestinian refugee camp on the outskirts of Damascus that has been besieged by the government for two years and was briefly overtaken by the Islamic State of Iraq and al-Sham (ISIS) in early April. The US drafted a press statement condemning the government's aerial bombardment of the camp, which had resumed in late April. Russia insisted that the draft include references to the 64 people that were killed on 1 May near Aleppo, allegedly as a result of a US-led anti-ISIS airstrike. No press statement was issued.

Nevertheless, the crisis in Yarmouk has refocused the Council's attention on the use of siege tactics in Syria. The humanitarian leads are reviewing how to take up Under-Secretary-General for Humanitarian Affairs Valerie Amos's recommendation, made to the Council in her 24 April briefing, to conduct a mission on the situation in besieged communities.

On 28 May, Amos presented the Secretary-General's most recent humanitarian report during her final briefing to the Security Council in her role as head of OCHA. The report detailed the plight of the 422,000 people besieged in Syria, largely by the government and ISIS. The report said that, aside from the security situation, the lack of humanitarian access is a consequence of active obstruction by the parties to the conflict, in particular the government. It noted that attacks on medical facilities were the highest ever seen in comparison to previous reporting periods. All fourteen of the reported attacks were

carried out by government forces, over half by barrel bombs and the remainder by missiles, rockets and mortar fire. The report underscored that the deliberate targeting of civilians via barrel bombs is a war crime and that those responsible must be held accountable.

On the political track, de Mistura launched UN-facilitated consultations in Geneva on 5 May among low-level representatives of the Syrian government, the Syrian National Coalition, the P5, neighbouring states and regional actors Iran, Saudi Arabia and Qatar. The aim of these consultations is 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 President Bashar al Assad and Iran's support for the regime.

The consultations had a rocky start on 11 May when the Syrian National Coalition refused to attend due to its concerns that de Mistura was too partial to the government's position and that Iran was invited to participate. Similarly, there has been no discernible shift in Syria's or Russia's position, with both prioritising a "united front" against terrorism over discussions of a political transition.

Meanwhile, Iran has been invited but whether it will participate is less clear. Ongoing P5+1 talks on the Iranian nuclear file are set to conclude in June. It remains an open question whether a rapprochement between Washington and Tehran on the nuclear file will create momentum toward resolving the Syrian crisis or further aggravate regional rivalries between Saudi Arabia and Iran.

On 7 May, Council members received their monthly briefing on the destruction of Syria's chemical weapons stockpile. During these consultations, allegations were raised that the government had used chlorine bombs in March and April during clashes with opposition groups over control of Idlib. The US has drafted a resolution to set up a process to attribute responsibility for the use of chlorine bombs. However, at the time of writing it had only been shared with the P5.

On 19 May, Council members agreed to "press elements" condemning a mortar attack on the Russian embassy in Damascus.

### **Key Issues**

The overarching key issue for the Council—in the fifth year of the civil war—is to find ways to show 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—in particular aerial bombardment and the use of chlorine bombs.

### **Options**

While the Council has many tools at its disposal—such as imposing an arms embargo or targeted sanctions, referring Syria to the ICC and 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. While some feel that such action might be the leverage the Council requires to shift the parties' priorities towards a negotiated solution, the Council has a history of not escalating pressure in the midst of other sensitive processes, such as the political consultations de Mistura is facilitating and the ongoing P5+1 negotiations on the Iran nuclear file.

The Council has found a modicum of agreement on humanitarian, non-proliferation and counter-terrorism efforts, but there has not been the corresponding ability to effectively stop or hold accountable a government that systematically attacks its own citizens. In practice, the Council has limited its options to receiving more briefings that confirm what is already widely known about the brutal tactics by the government and extremist groups. In this context, options for the Council include:

- inviting the Commission of Inquiry or the High Commissioner for Human Rights to give periodic briefings to the Council;
- inviting Special Representative on Sexual Violence in Conflict Zainab Bangura to brief on her 16-29 April visit to Syria and to the countries that host the conflict's refugees (Iraq, Jordan, Lebanon and Turkey); and
- taking up Amos's 24 April recommendation for the Security Council to mandate a mission to assess the needs among and facilitate sustained access to besieged communities.

An option for Council members concerned about the government's continued use of chlorine bombs would be to put forward a resolution determining that Syria has breached resolutions [2118](#) and [2209](#) and impose targeted sanctions. Given that chlorine is delivered in barrel bombs, such an outcome could be an opportunity to address the broader and more pervasive issue of indiscriminate aerial bombardment.

Another option is to follow up on the US suggestion for an "attribution mechanism" on the use of chemical weapons. The US has drafted a Chapter 7 resolution that creates the legal obligation for Syria to allow access for a panel to travel to sites of alleged chemical weapons attacks since resolution [2209](#) was adopted in March and report its findings back to the Council. However, the Chapter 7 provision continues to be a red line for Russia and, at time of writing, the draft had not been discussed beyond the P5. An alternative to a Council-mandated panel would be for the Secretary-General to establish his own investigative team. It could be charged with independently reviewing the work of the 2013 Sellström investigation into the sarin attack on Ghouta and the work of the fact-finding mission of the OPCW into the chlorine bomb attacks. Because such a team would be reviewing existing evidence there would be no need to enter Syria. If the reviewed evidence warranted attribution, the findings could be brought to the attention of the Security Council by the Secretary-General.

## **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 effort specific to the government remains a deterrent. Any discussion of a Council-authorized no-fly zone is also a non-starter among Council members, due to Russia's veto power but also the lack of US interest in pursuing this course of action.

Indeed, the Council's ability to agree on countering violent extremism while simultaneously being impotent to counter the government's responsibility for the devastating violence in Syria was demonstrated in a [22 May press statement](#) on ISIS's seizure of Palmyra, a world heritage site. While the statement highlighted the Syrian authorities' primary responsibility to protect civilians it did not directly condemn the government, despite reports that Syrian forces blocked civilians from leaving Palmyra ahead of ISIS's takeover.

On the political track, Council members expect de Mistura will likely want to limit expectations about whether conditions on the ground have shifted enough 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. Council members acknowledge that the Geneva consultations may be little more than a place holder until there is a major shift on the part of the US or Russia to tilt the balance toward a political solution. US Secretary of State John Kerry met with Russian President Vladimir Putin and Foreign Minister Sergei Lavrov on 12 May to discuss the Iranian nuclear file as well as Syria, reportedly without any significant breakthroughs.

On the chemical weapons track, fundamental differences remain. The US has maintained that it views resolution [2209](#) to be a final warning to Damascus before consequences are sought for its use of chlorine bombs. Russia insists that the Council cannot apportion blame to Damascus since only the OPCW has the capacity to fully assess the situation. While the OPCW fact-finding mission can investigate whether chlorine has been used as a weapon, its mandate prohibits it from attributing responsibility. Many Council members are curious about what form the US-suggested "attribution mechanism" might take if it makes it out of the confines of the P5.

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 agreement by the broader Council.

## UN Documents

### Security Council Resolutions

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|                                            |                                                                                                                                                                                                                                |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 March 2015<br><a href="#">S/RES/2209</a> | 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. |
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| 27 September 2013<br><a href="#"><u>S/RES/2118</u></a> | 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 February 2014<br><a href="#"><u>S/RES/2139</u></a>  | 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.                                           |
| 14 July 2014<br><a href="#"><u>S/RES/2165</u></a>      | 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.                                                                                               |
| 17 December 2014<br><a href="#"><u>S/RES/2191</u></a>  | Renewed authorisation for cross-border humanitarian access until 10 January 2016.                                                                                                                                                                                                                       |
| Security Council Presidential Statements               |                                                                                                                                                                                                                                                                                                         |
| 22 May 2015<br><a href="#"><u>SC/11904</u></a>         | This was a statement on the seizure of Palmyra by ISIS.                                                                                                                                                                                                                                                 |
| Security Council Meeting Record                        |                                                                                                                                                                                                                                                                                                         |
| 27 March 2015 <b>S/PV.7452</b>                         | This was a briefing by OCHA on the humanitarian situation .                                                                                                                                                                                                                                             |
| Secretary-General's Reports                            |                                                                                                                                                                                                                                                                                                         |
| 22 May 2015<br><a href="#"><u>S/2015/368</u></a>       | This was Secretary-General's report on the humanitarian situation.                                                                                                                                                                                                                                      |
| 28 April 2015<br><a href="#"><u>S/2015/295</u></a>     | This was Secretary-General's report on chemical weapons.                                                                                                                                                                                                                                                |