

# March 2015 Monthly Forecast

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MIDDLE EAST

## Syria

### Expected Council Action

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

At press time, Special Envoy for Syria Staffan de Mistura was in Damascus for further discussions on a possible cessation of hostilities in Aleppo. It was unclear whether he would report back to Council members in March.

### Key Recent Developments

De Mistura briefed Council members on 17 February on his efforts to secure a UN-mediated freeze zone for Aleppo to de-escalate violence and to allow the entry of humanitarian aid. He announced that, following his 11 February meeting with President Bashar al-Assad, Syria had indicated a willingness to halt all aerial bombardment over Aleppo for a period of six weeks. (The same day de Mistura met with Assad, the government and allied foreign militias launched a new offensive south of Damascus against mainstream opposition fighters in Daraa and Al-Nusra Front in Quneitra.) De Mistura could not say when such a freeze would go into effect, reporting that a date would be announced from Damascus. In addition, he asked Syria to allow a humanitarian surge in the UN-identified district of Salah al-Din in Aleppo.

On the same day of de Mistura's briefing, government forces launched a surprise offensive north of Aleppo near a strategic road that is the opposition forces' last remaining supply line from Turkey—setting the stage for a government siege of Aleppo. De Mistura said he feared it was an attempt to solidify gains before the freeze went into effect and that he was returning to Damascus to bring the government and opposition into agreement on a freeze plan. Some opposition groups have condemned de Mistura's proposals as favourable to the government. At press time, opposition groups had recaptured territory north of Aleppo from the government.

On 20 February, Council members held a closed Arria-formula meeting with the Human Rights Council's Commission of Inquiry on Syria. The Commission said that the inability of the Council to refer Syria to the ICC has contributed to the environment of impunity in which the Syrian government operates. In this context, the commissioners said they were considering whether to publicly release a list of alleged perpetrators when the Human Rights Council considers their latest report on 17 March ([A/HRC/28/69](#)). The report noted that keeping the names confidential would only reinforce the impunity the

Commission was mandated to combat. (In the past, the Commission has always transmitted a confidential list of alleged perpetrators to the High Commissioner for Human Rights.)

The Commission's investigations have reinforced that the main causes of civilian casualties are due to deliberate targeting of civilians, indiscriminate attacks, attacks on protected objects—such as schools, hospitals and mosques—and the punitive imposition of sieges and blockades. The scale of government violations continues to outpace that of opposition and extremist groups with widespread reports of aerial bombardment, deaths, sexual violence and torture in government detention centres and extra-judicial killings, beatings and enforced disappearances.

On 26 February, Assistant Secretary-General for Humanitarian Affairs Kyung-wha Kang and High Commissioner for Refugees António Guterres briefed the Council on the devastating humanitarian situation. Those requiring humanitarian assistance in Syria number 12.2 million. Of those needing assistance, 7.6 million are internally displaced, 4.8 million are in hard-to-reach areas and 212,000 are besieged, largely by government forces. The death toll in Syria is conservatively estimated at 220,000 people.

Kang reported that there had been 66 cross-border aid deliveries but cross-line deliveries within Syria remain difficult. She reported on the intensified clashes in eastern Ghouta, south of Damascus, during the reporting period—echoing media reports of a government offensive there that left hundreds dead over the course of ten days. Kang also identified five areas that require urgent progress: lifting the siege on 212,000 people, ensuring medical and surgical supplies reach all parts of the country, ending the practice of denying key services as a weapon of war, rebuilding the education system and ending relentless and indiscriminate attacks, including the use of barrel bombs.

Guterres briefed on the plight of the 3.8 million refugees who have fled Syria and the importance of supporting the funding needs of the UN's 2015 Syria response plan at the Kuwait Donor Conference in March. He also highlighted the needs of Syria's neighbouring countries where Jordan, Lebanon and Turkey have restricted the refugee influx due to concerns about the destabilising impact on their own security and economic situations.

Earlier in the month, on 6 February, the UN High Representative for Disarmament Affairs, Angela Kane, briefed on the chemical weapons track. The major focus of these consultations was the 4 February decision of the Organisation for the Prohibition of Chemical Weapons (OPCW) that created a reporting line back to the Council on the reports of the OPCW's fact-finding mission on the use of chlorine bombs. (These reports concluded that chlorine has been used as a weapon and had been repeatedly delivered in barrel bombs dropped from helicopters. While the report does not attribute blame, only the government has aerial capacity and only rebel-held areas were targeted.)

Regarding the US-led coalition against the Islamic State of Iraq and al-Sham (ISIS), Jordan carried out dozens of airstrikes in February against ISIS targets in Raqqa in response to the murder by immolation of a Jordanian pilot. Further strikes were carried

out in Hassakeh province in support of Kurdish troops attempting to cut off an ISIS supply route from Iraq. Hassakeh province is also where ISIS has recently abducted hundreds of Assyrian Christians.

On 17 February, the US and Turkey said they had agreed in principle to a train-and-equip program for moderate Syrian opposition fighters to confront ISIS, reflecting Washington's focus on ISIS versus Ankara's priority of toppling Assad.

#### Sanctions-Related Developments

On 4 February, the 1737 Iran Sanctions Committee reviewed a list of pending issues that includes a US proposal to designate Jaysh Al-Shabi, a pro-government Syrian militia that has allegedly received arms from Iran. Council members' positions remained unchanged and no progress was made.

#### Key Issues

The key issue for the Council—as this violent civil war heads into its fifth year—is to find ways to show greater leadership, particularly in supporting a cessation of violence and resuscitating efforts for a political solution. Regarding the immediacy of a potential Aleppo freeze, an issue for Council members will be whether it is implemented in line with international humanitarian law as government forces seem poised to besiege the city.

In light of the Commission of Inquiry's pending decision on whether to publicise a list of alleged perpetrators, the pressure for the Council to respond to the widespread impunity in Syria may re-emerge.

Ongoing issues include when to follow-up the violations of [resolutions 2139](#) and [2191](#) on the humanitarian situation and [2118](#) on the destruction of chemical weapons—in particular aerial bombardment and the use of chlorine bombs.

#### Options

If an Aleppo freeze is successfully negotiated Council members could issue a statement supporting the plan, calling for it to be scrupulously implemented in adherence to international humanitarian law and set out expectations for how the freeze could be monitored and expanded to other areas.

The Council is likely to give de Mistura space to achieve a freeze in Aleppo but could request more regular briefings from the Special Envoy, including through video-conference from Damascus, in order to follow developments more closely.

However, if his efforts fail to gain traction, options for Council members who are concerned that elements of [resolution 2139](#), such as demands regarding human rights and protection of civilians, are being flagrantly ignored is to follow-up the recommendations of the Commission of Inquiry to:

- invite the Commission or the High Commissioner for Human Rights to give periodic briefings;

- attempt to seek accountability through an international justice mechanism, either through an ICC referral or the creation of an ad hoc tribunal; and
- follow through on previous threats to adopt targeted measures against persons and groups credibly implicated in egregious violations.

An option, albeit unlikely, for Council members who are concerned about the government's use of chlorine bombs would be to put forward a resolution (avoiding the consensus requirement of a press or presidential statement) determining that Syria has breached resolution 2118. In addition, 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.

#### Council Dynamics

Despite overwhelming indications that resolutions 2118 and 2139 have been continually breached, it is unclear when Council members may push for follow-up measures against the Syrian regime or other actors on the ground, such as targeted sanctions or another go at an ICC referral. The assumption that Russia would veto any effort specific to the government remains a deterrent to such attempts.

Aside from rare moments of consensus that allowed for the adoption of humanitarian-focused resolutions, counter-terrorism is the only other area where the Council has a degree of unanimity of purpose on Syria, as demonstrated by the adoption of resolution 2199 on 12 February which addressed the funding of ISIS and Al-Nusra via illegal oil exports, traffic of cultural heritage, ransom payments and external donations.

On the political track, overall Council members see value in de Mistura's incremental approach given the inability of previous envoys to overcome the government's intransigence to a negotiated political settlement. Russia is fully supportive of freeze zones. Other Council members had initially been wary about whether a freeze zone would be anything more than the opposition's agreement to surrender as the result of the government's siege and starvation tactics. However, this worry seems to have subsided, not because of a new confidence in the Syrian regime which, at press time, was actively attempting to besiege Aleppo. Rather, it represents a tacit acknowledgement by Council members of two things. First, no one has been able to devise a better alternative to the freeze proposal. And second, since the ISIS lightning offensive in June in Iraq, there has been a subtle shift in the US and UN position vis-à-vis the Assad regime. While the US still condemns the regime, such statements no longer include the standard US tagline that Assad must go. Meanwhile, the most recent Secretary-General's report on the humanitarian situation said a political solution will require everyone putting aside their preconditions for launching talks.

On the accountability track, the Commission of Inquiry's list of alleged perpetrators is a sensitive issue given the gap between Russia's support of the government and the view of a significant number of other Council members that the regime has committed the overwhelming majority of violations. Council members speculate that such a list might include Assad. In December 2013, then High Commissioner for Human Rights Navi Pillay

said that the Commission had produced massive evidence of war crimes and crimes against humanity and indicated responsibility at the highest level of government, including the head of state.

On the chemical weapons track, the US and Russia, in their capacity as members of the OPCW Executive Council, reached agreement on 4 February regarding the issue of chlorine bombs. Nevertheless, the agreement reached at The Hague did not transfer to New York and deep divisions remain within the Council. At the 6 February chemical weapons consultations, Russia offered a long rebuttal against the findings of the OPCW fact-finding mission. Furthermore, the P5 have been negotiating a draft resolution during February on chemical weapons, specifically on the issue of chlorine bombs, but it is unclear when, or if, they will reach agreement on such a text for circulation to the broader membership.

France is the penholder on Syria overall, though the last text it put forward was the vetoed ICC referral in May 2014. 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.

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.

#### UN Documents

##### Security Council Resolutions

|                                        |                                                                                                                                                                                                                                                                                                         |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12 February 2015<br><u>S/RES/2199</u>  | Was on ISIS and Al-Nusra's illicit funding via oil exports, traffic of cultural heritage, ransom payments and external donations.                                                                                                                                                                       |
| 17 December 2014<br><u>S/RES/2191</u>  | Renewed authorisation for cross-border humanitarian access until 10 January 2016.                                                                                                                                                                                                                       |
| 22 February 2014<br><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<br><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 Statements

|                                    |                                                                       |
|------------------------------------|-----------------------------------------------------------------------|
| 3 February 2015<br><u>SC/11764</u> | Condemned ISIS for the murder of a Jordanian pilot, Muath Al-Kasabeh. |
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1 February 2015      Condemned ISIS for the murder of a Japanese journalist, Kenji Goto.  
SC/11762

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Security Council Meeting Records

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26 February 2015      This was on humanitarian access.  
S/PV.7394

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Security Council Letters

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6 February 2015      Transmitted the OPCW decision on chlorine bombs.  
S/2015/95

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Secretary-General's Reports

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19 February 2015      This was on the humanitarian situation.  
S/2015/124

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26 January 2015      This was on the 16th OPCW report on chemical weapons.  
S/2015/56

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