

May 2017 Monthly Forecast

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MIDDLE EAST

Syria

Expected Council Action

In May, Council members expect to receive briefings on the humanitarian and political situations in Syria, as well as on chemical weapons.

Key Recent Developments

On 4 April, a chemical weapons attack in the Khan Shaykhun area of Idlib resulted in at least 80 civilians killed, including many children. Later that day Secretary-General António Guterres **said** through his spokesperson that he was “deeply disturbed by the reports of alleged use of chemical weapons”.

In a Council **meeting** called for by the UK and France on 5 April, Kim Won-soo, then High Representative for Disarmament Affairs, stated how the Fact-Finding Mission (FFM) of the Organization for the Prohibition of Chemical Weapons (OPCW) had already started gathering and analysing information on the attack. Upon confirmation of the use of chemical weapons, the OPCW-UN Joint Investigative Mechanism (JIM) would investigate to identify those responsible for using these weapons. On 19 April, Ahmet Üzümcü, the Director General of OPCW, confirmed that sarin or a sarin-like substance had been used in the attack, based on the OPCW’s analysis of biomedical samples taken from victims.

On 6 April, the US launched 59 cruise missiles on the Shayrat airbase outside of Homs in Syria in response to the chemical weapons attack. The US said that the air strikes targeted the base from which the 4 April attack had been launched and that they destroyed 20 percent of Syria’s operational aircraft.

The next day, 7 April, Bolivia requested a meeting in consultations to discuss this attack, but the US, as Council presidency, chose to hold a public **briefing**. At the meeting, Under-Secretary-General for Political Affairs Jeffrey Feltman reiterated some of the points made earlier by the Secretary-General, calling for accountability for the chemical weapons attack and appealing for restraint to avoid any acts that could deepen the suffering of the Syrian people. He also underscored the centrality of a political solution to the conflict in Syria.

On 12 April, the Council **voted** on a P3 **draft resolution** on chemical weapons in Syria. The vote represented the culmination of a week of contentious meetings on Syria among Council members. It represented the fifth draft on this issue circulated in little over a week, preceded by two earlier P3 drafts, a Russian draft, and an E10 draft. The draft

condemned the Khan Shaykhun attack, expressed full support to the Fact-Finding Mission, and requested that it report the results of its investigation as soon as possible. It recalled language from previous resolutions regarding the cooperation of the Syrian government and all parties in Syria with the OPCW and the UN, including with the JIM. It further emphasised that this included the obligation upon Syria to provide the JIM and the FFM with information on air operations (such as flight plans and flight logs), names of all individuals in command of any aircraft, and access to air bases from which the JIM or the FFM believed chemical weapons attacks may have been launched, as well as to arrange meetings requested with generals or other officers. It recalled language in **resolution 2118** threatening to impose measures under Chapter VII of the UN Charter in the event of non-compliance. (Please see **In Hindsight** this month for details of the events leading up to the vote on this draft resolution.)

The draft was **vetoed** by Russia. This was the eighth **veto** cast by Russia on Syria since 2011. Bolivia also voted against the draft, while China, Ethiopia and Kazakhstan abstained. This was the second time that China did not vote alongside Russia on a Syria draft resolution. The first time was on 8 October 2016 when China **abstained** on a **draft resolution** presented by France and Spain demanding a halt to all aerial bombardments and military flights over Aleppo that was vetoed by Russia.

Earlier on 12 April, addressing the potential for military escalation, Special Envoy Staffan de Mistura had **briefed** the Council emphasising the need to ensure that the parties and international actors continue their commitment to negotiating and supporting a political settlement. While recognising that much still needed to be done, he highlighted how the 23-31 March fifth round of the Geneva talks had made incremental progress towards the goal of a political transition laid out in **resolution 2254** and the 2012 Geneva Communiqué. The government and the opposition had discussed, through proximity talks, elements of all four baskets: governance; constitutional issues; elections; and counter-terrorism, security and confidence-building measures. De Mistura also emphasised how Iran, Russia and Turkey needed to deliver on their responsibilities as guarantors of the ceasefire, urging them to work towards renewing the ceasefire. “Astana must bring forth Geneva and vice versa”, he said.

On 18-19 April, the guarantor countries held technical-level consultations in Tehran, Iran, with the participation of a UN delegation, to address the difficulties in implementing the ceasefire. These consultations are expected to feed into a 3-4 May high-level meeting in Astana, Kazakhstan, to which the parties have been invited.

The humanitarian situation in Syria continues to be critical, including in eastern Ghutah near Damascus, where the government has curtailed formal and informal trade and the last UN humanitarian delivery was in October 2016. The evacuation of the last rebel-held enclave of Homs, Al-Waer, was criticised in a 19 April Secretary-General’s **report** for being preceded by the decimation of the area and resulting in the forced displacement of the civilian population, which may constitute a war crime. The report describes how a combination of insecurity and deliberate interference and restrictions by the parties to the conflict continues to prevent aid delivery. The challenging evacuation of the towns covered by the 2015 “four towns agreement” (two besieged by armed opposition, Madaya

and Zabadani, and two by government and Hezbollah militias, Foah and Kafraya) persisted. On 15 April, an attack against civilians evacuating Foah and Kafraya left at least 125 people killed, including at least 67 children.

At the 4-5 April Brussels Conference on Supporting the Future of Syria and the Region, member states pledged 6 billion dollars for 2017 in immediate and longer-term support.

On 21 April, the P3 organised an **Arria-formula** meeting with the Human Rights Council's (HRC) Commission of Inquiry (CoI) on Syria. Its chair Paulo Pinheiro and fellow commissioner Karen AbuZayd described violations of international humanitarian and human rights law committed in Syria. At the press stakeout following the meeting, Pinheiro said that all parties had committed violations during the siege and fall of Aleppo. At press time, the Secretary-General was expected to appoint the head of the International, Impartial, and Independent Mechanism on international crimes committed in Syria. The mechanism, which was established by the General Assembly in December 2016, is mandated to collect evidence and to prepare files in order to facilitate and expedite fair and independent criminal proceedings.

At press time, OCHA head Stephen O'Brien was scheduled to brief the Council on 27 April.

Human Rights-Related Developments

In a **statement** on 7 April, a spokesperson for the High Commissioner for Human Rights called the 4 April attack on Khan Shaykhun "absolutely abhorrent" and said that if confirmed, the use of chemical weapons would amount to a war crime. The spokesperson noted that the HRC's CoI on Syria has documented seven attacks by Syrian forces involving the use of chlorine since August 2016. Emphasising that the Khan Shaykhun attack was "far from an isolated incident", the spokesperson called on the international community, including the Security Council, to "set aside political differences and focus on ensuring that the people of Syria are spared further terror, death and devastation."

On 18 April, a spokesperson for the High Commissioner for Human Rights **condemned** the attack near Rasheedin in western Aleppo which hit a convoy carrying people from the besieged Syrian towns of Foah and Kafraya to government-controlled areas. Reiterating the High Commissioner's call for accountability and for the situation in Syria to be referred to the ICC, the spokesperson said that the attack "likely amounts to a war crime".

Chair of the Committee on the Rights of the Child Benyam Dawit Mezmur, in a 20 April **statement**, condemned attacks on children in Syria following the large number killed in the recent attack on the evacuation convoy near Rasheedin and the reported use of chemical weapons in the attack in Khan Shaykhun. Mezmur said that "children are bearing the brunt" of violence in Syria and have been "killed, maimed, subjected to sexual violence, and traumatized." The year 2016 was the "worst year for Syria's six million children affected by the conflict." He called on "all relevant actors to investigate these abhorrent acts and bring their perpetrators to justice" including by fully supporting the OPCW's FFM, the JIM, the Syria CoI, and the International, Impartial and Independent Mechanism on Syria established by the General Assembly.

Key Issue

More than six years since the start of a war that has exacted a death toll approaching half a million, left nearly 620,000 living under siege, and displaced half of the Syrian population, including almost 5 million refugees, the essential issue for the Council is to exert effective leadership in enforcing the ceasefire and promoting efforts to reach a political solution.

Options

The Council has many options at its disposal—such as imposing an arms embargo or targeted sanctions, referring Syria to the International Criminal Court (ICC) or authorising a no-fly zone to deter the Syrian government from using its aerial capacity—but P5 divisions have made it impossible for the Council to fulfill its role in maintaining international peace and security in the case of Syria.

Council members could, both individually and collectively, step up efforts to ensure that the government guarantees humanitarian access to besieged and hard to reach areas.

Council and Wider Dynamics

Despite the publicity given to Council divisions and the US decision to launch air strikes, dynamics among permanent members over Syria remain largely unchanged. While France, the UK and the US are growing increasingly frustrated with the deadlock in the Council and its inability to follow through on some of the commitments made unanimously in 2013 (through the adoption of **resolution 2118**), Russia has continued to oppose any punitive measure against the Syrian government. China, which had cast six of the seven previous vetoes alongside Russia, including on 28 February on a **draft resolution** that would have established a sanctions regime targeting the use of chemical weapons, decided to abstain on 12 April even though in explaining its vote it criticised the attempt to push through a draft resolution while serious division still remained among Council members.

Following the US air strikes, which constituted the first time that the US directly targeted government assets since the beginning of the conflict, Bolivia, Russia, Sweden and Uruguay expressed some concerns regarding the strikes' legality; France, Italy, Japan, the UK and Ukraine signalled some form of support for the air strikes; others did not address that issue. After the attack on the Shayrat base, Russia announced the suspension of its memorandum (deconfliction line) with the US regarding the prevention of flight safety incidents in the course of operations in Syria, raising concerns about the increased risk of accidental military encounters between their forces. However, on 18 April US Defence Secretary James Mattis stated that the US was still talking to Russia on avoiding mid-air accidents and possible confrontations in Syria.

Even though it has been a pattern for permanent members of the Council to negotiate outcomes on Syria among themselves and circulate them to all 15 members with little time for incorporating inputs, the lack of inclusivity in the negotiations leading up to the 12 April veto was particularly pronounced. Elected members were largely sidelined as the P3 negotiated with China and Russia regarding a draft resolution condemning the 4 April attack. When the elected members proposed an alternative draft to break the negotiating

impasse among the P5, their initiative was given short shrift by the P3, particularly by the US, which apparently believed that the E10 text was not strong enough. China was the one permanent member that gave credit to the elected members for their effort to overcome the divisions on the Council.

UN DOCUMENTS ON SYRIA

Security Council Resolutions

31 December 2016 <u>S/RES/2336</u>	Welcomed efforts by Russia and Turkey to end violence in Syria and jumpstart a political process.
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17 November 2016 <u>S/RES/2319</u>	Renewed the mandate of the UN-OPCW Joint Investigative Mechanism for a further year.
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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.
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Secretary-General's Reports

19 April 2017 <u>S/2017/339</u>	This was a report on the humanitarian situation.
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Security Council Letters

12 April 2017 <u>S/2017/315</u>	This was a draft resolution on the 4 April chemical weapons attack that was vetoed by Russia.
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27 March 2017 <u>S/2017/260</u>	This was an OPCW report on the progress in the elimination of the Syrian chemical weapons programme.
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Security Council Meeting Records

12 April 2017 <u>S/PV.7922</u>	The Council voted on a draft resolution condemning the Khan Shaykhun chemical weapons attack. Russia vetoed the draft, Bolivia voted against, and China, Ethiopia and Kazakhstan abstained.
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12 April 2017 <u>S/PV.7921</u>	The Council was briefed by de Mistura.
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5 April 2017 <u>S/PV.7915</u>	The Council was briefed by Kim on the Khan Shaykhun chemical weapons attack.
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30 March
2017
S/PV.7909

The Council was briefed by OCHA head Stephen O'Brien.