

October 2015 Monthly Forecast

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MIDDLE EAST

Syria

Expected Council Action

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

A new element this month is the likely inclusion of updates regarding the UN-OPCW Joint Investigative Mechanism (JIM), established to determine responsibility for the use of chemical weapons in Syria.

Key Recent Developments

At press time, the main Syrian issues that were expected to be raised during the General Assembly's high-level week included prospects for a political solution; the utility of no-fly zones; accountability; the use of indiscriminate attacks by all parties, but in particular the government's use of barrel bombs; counter-terrorism; and humanitarian concerns, including the long-standing refugee crisis that has only recently begun to impact Europe.

There are 4.08 million registered Syrian refugees mainly in neighbouring states. The overwhelming majority of civilians are fleeing attacks by the government and a smaller percentage are fleeing areas under the control of the Islamic State of Iraq and al-Sham (ISIS)—some analysts have estimated the ratio to be 7 to 1. The surge of approximately 200,000 Syrians seeking refuge in Europe is attributable to several factors. In principle, neighbouring states remain open to those fleeing the war in Syria. However, in practice, neighbouring states are reeling from the burden of hosting such large refugee communities and have placed restrictions on their borders. Syrian refugees in neighbouring countries are also trying to move on from untenable conditions—in particular in Lebanon. Finally, Syria's recent conscription to replenish its diminishing military ranks, as well as making passports easier to obtain from its consulates in neighbouring countries, have also contributed to an increase in those seeking to flee the country and the region.

When OCHA head Stephen O'Brien [briefed](#) the Security Council on 16 September, he urged the Council to find a political solution. He said the war in Syria had created one of the largest refugee exoduses since the Second World War and civilians were risking the perilous journey across the Mediterranean to escape.

On the political track, Russian President Vladimir Putin and US President Barack Obama were set to meet in New York on 28 September to discuss Syria. Expectations were low for any breakthrough given the US's repeated warnings that Russia's military build-up and

continued support for Syrian President Bashar al-Assad risked exacerbating and extending the conflict.

In late August—before the Russian military build-up became widely known—Assad said he had strong confidence that Russia would continue to support his government and that both Iran and Russia remained steadfast allies. He reiterated that a political solution was possible only after the “outside world stopped supporting terrorism”—his reference to opposition groups as well as to ISIS. The threats of ISIS and a burgeoning refugee crisis that directly affects Europe led the P3 to modify publicly 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, Iran, Syria and Russia purport to signal flexibility by reporting that the government is willing to share power, but are reiterating well-known positions that power-sharing can only occur in the context of a united anti-ISIS effort, elections and talks with a “healthy” opposition. In the midst of such intransigent positions, UN Special Envoy Staffan de Mistura’s 22 September announcement of those who will lead his proposed intra-Syrian working groups went almost unheeded, and hopes were dashed for any near-term agreement between Iran, Russia, Saudi Arabia and the US to meet together and form an international contact group in support of de Mistura’s mediation efforts.

On the chemical weapons track, the Secretary-General’s recommendations to establish the JIM were sent to the Council on 27 August and, pursuant to resolution 2235, the Council was to respond within five days. However, Russia raised several issues related to recommendations such as sources of funding and modalities for the Syrian government’s cooperation, while also suggesting that the scope of the JIM’s work should be extended to Iraq. It took two weeks of discussions between Russia, the US and the Secretariat to resolve Russia’s concerns. The Secretary-General and the Security Council finally exchanged letters on 9 and 10 September, formally establishing the JIM. Separately, on 9 September, 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.

On 11 September, the Secretary-General appointed Virginia Gamba, the current Deputy to the Acting High Representative for Disarmament Affairs, to head a three-member panel that will exercise overall responsibility for the JIM.

Developments in the Council’s Subsidiary Bodies

On 9 September, representatives of UN Women and the Counter-Terrorism Executive Directorate briefed member states at an open meeting of the 1373 Counter-Terrorism Committee about how gender has started to be integrated into the UN's policy and programming on counter-terrorism and countering violent extremism. The briefing included a focus on ISIS in Iraq and Syria.

In late September, the 1267/1989 Al-Qaida Sanctions Committee added three individuals to its sanctions list for being financial facilitators for the Syrian-based Al Nusra Front (SC/12053). It also listed 11 more individuals and one entity for their affiliation with ISIS (SC/12059, SC/12062, SC/12063 and SC/12066).

Human Rights-Related Developments

The tenth report of the Commission of Inquiry on Syria said that with no end to the Syrian conflict in sight, it is the particular obligation of the Security Council to open a path to justice (A/HRC/30/48). The report recommends that the P5 work to put pressure on the parties to end the violence and initiate all-inclusive negotiations for a sustainable political transition. It also recommends that the Security Council include regular briefings by the Commission in the Security Council's formal agenda; take appropriate action by referring the situation to justice, possibly to the ICC or an ad hoc tribunal; and ensure immediate commitment by the relevant actors and stakeholders to a comprehensive peace process.

In early October, the Human Rights Council is expected to adopt a resolution that calls for the General Assembly to submit all of the Commission's reports and oral updates to the Security Council for appropriate action. A similar request was included in the March 2015 Human Rights Council resolution renewing the mandate of the Commission. However, no such action seems to have been taken.

Key Issues

The only 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—is to find ways to exert effective leadership, particularly in supporting a cessation of violence and resuscitating 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 for maintaining international peace and security in the case of Syria.

The diplomatic space that was perceived to have opened this summer following the conclusion of the Iran nuclear deal has quickly dissipated. In its place is the increasing militarisation of the conflict and hardening positions regarding the possible nature of a political solution. As a result, there seems to be extremely limited room for Council members to take forward any new initiative on Syria—including the French draft resolution on indiscriminate attacks and the government's use of barrel bombs.

Council and Wider Dynamics

Council members have observed that the spate of diplomatic activity around the prospects of a political solution to the Syrian crisis that followed the Iran nuclear deal is not reflected in the increasing militarisation of the conflict. September saw the build-up of Russian military capabilities in Syria, stated to be in support of the government's fight against terrorism. Media reports indicate that Russia carried out its first airstrikes in Syria on 30 September against the rebel-held town of Talbisah situated north of Homs.

Meanwhile, Australia, France, Turkey and the UK have joined the US-led anti-ISIS coalition airstrikes in Syria. While the US-led anti-ISIS coalition "de-conflicts" its strikes with the Syrian government, and will likely do so with any direct Russian involvement, there are no joint strikes with Russia or the government against ISIS.

Russia's attempt to have a presidential statement adopted on counter-terrorism in the region at an open debate on 30 September was thwarted by the US. The US declined to support the Russian text that would, in its view, have been interpreted as the Security Council's approval of the Russian military build-up in Syria and encouragement of cooperation with the Syrian government. At his address to the General Assembly on 28 September, Obama publicly rejected the idea of cooperating with "tyrants like Bashar al-Assad" who drop barrel bombs on civilians. Putin, in his address to the General Assembly, emphasised stated that it was an "enormous mistake" to not work with Assad.

These developments have further soured the divisive dynamics in the Council in relation to Syria, and were demonstrated in a tense exchange between Russia and the US during consultations following the Middle East briefing on 15 September.

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 Syria situation. Now the likelihood of the Council taking any action on the French 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, seem more remote than ever.

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 <u>S/RES/2235</u>	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 <u>S/RES/2209</u>	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 <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.
17 December 2014 <u>S/RES/2191</u>	Renewed authorisation for cross-border humanitarian access until 10 January 2016.
14 July 2014 <u>S/RES/2165</u>	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 <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.

Security Council Letters

15 September 2015 <u>S/2015/710</u>	Was an exchange of letters between the Security Council and the Secretary-General regarding the appointment of Virginia Gamba to head the three-member panel to oversee the UN-OPCW Joint Investigative Mechanism, established to determine responsibility for the use of chemical weapons in Syria.
10 September 2015 <u>S/2015/697</u>	Was an exchange of letters between the Security Council and the Secretary-General regarding the final authorization of the UN-OPCW Joint Investigative Mechanism, established to determine responsibility for the use of chemical weapons in Syria.
9 September 2015 <u>S/2015/696</u>	The Secretary-General's written clarifications to Russia's concerns regarding the establishment of the UN-OPCW Joint Investigative Mechanism.
27 August 2015 <u>S/2015/669</u>	The Secretary-General's recommendations to establish the UN-OPCW Joint Investigative Mechanism.
9 September 2015 <u>S/2015/693</u>	Australia reported to the Security Council its military action against ISIS in Syria, citing Article 51 of the UN Charter—the right of self-defence under Chapter VII
7 September 2015 <u>S/2015/688</u>	The UK reported to the Security Council its military action against ISIS in Syria, citing Article 51 of the UN Charter—the right of self-defence under Chapter VII

Security Council Meeting Record

16 September 2015 <u>S/PV.7524</u>	Was a briefing by OCHA on the humanitarian situation in Syria.
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Secretary-General's Reports

10 September 2015 <u>S/2015/698</u>	This was the Secretary-General's report on the humanitarian situation.
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26 August 2015 <u>S/2015/668</u>	This was the 23rd OPCW report on chemical weapons.
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