

# November 2016 Monthly Forecast

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MIDDLE EAST

## Syria

### Expected Council Action

Council members expect to receive the regular monthly briefings on the political, humanitarian and chemical weapons tracks but could not rule out other activity, given the urgent nature of the Syrian crisis.

It was unclear if the mandate of the UN-OPCW Joint Investigative Mechanism (JIM), the body instructed to determine responsibility for the use of chemical weapons in Syria, would be renewed prior to its expiry on 31 October. It was even less clear how the Council might react in November to the JIM's findings that the Syrian regime used chemical weapons against its civilian population.

### Key Recent Developments

Since 19 September, the Syrian government and Russia have carried out a sustained military onslaught against opposition-held eastern Aleppo following the rupture of the cessation of hostilities, agreed between Russia and the US only ten days earlier.

The military escalation against rebel-held eastern Aleppo has been described as a “slaughterhouse” by the Secretary-General. The High Commissioner for Human Rights has said these attacks constitute war crimes, and if found to be deliberate, may constitute crimes against humanity. OCHA has designated eastern Aleppo as a besieged area, reporting that 275,000 civilians, including 100,000 children, are trapped. Special Envoy Staffan de Mistura has said that Aleppo could be destroyed by the end of the year if the offensive continues.

It was against this backdrop, as well as the US formally suspending its bi-lateral engagement with Russia on Syria on 3 October, that [France and Spain circulated a draft resolution](#) demanding an end to military flights over Aleppo. Council negotiations were acrimonious. Russia was clear that it was not open to having any demand placed on it to cease military operations. The draft resolution was [put to a vote](#) on 8 October and was vetoed by Russia. The vote was 11-2-2 with Venezuela also voting no and Angola and China abstaining. This was Russia's fifth veto on a Syria resolution, but it was the first time China refrained from casting a veto alongside Russia on a Syria draft resolution.

Immediately after the veto, the Council voted on a competing [Russian draft resolution](#). The draft was almost identical to the French-Spanish draft, except that it placed greater emphasis on the counter-terrorism aspects of the conflict, in particular separating Al Nusra Front from other armed opposition groups, and did not include the demand to

cease aerial bombardment. The vote was 4-9-2. China, Egypt, Russia and Venezuela voted yes and Angola and Uruguay abstained. Nine Council members, including the P3, voted no. Because the Russian draft did not get the 9 positive votes to be adopted, the negative votes by the P3 were not considered a veto.

Special Envoy de Mistura briefed Council members twice in October on his “Aleppo initiative”. He reported that the implementation of the initiative would require an immediate and total halt to the bombing of eastern Aleppo followed by the evacuation of Al Nusra fighters. De Mistura underscored the need to keep the local administration intact, and called for some sort of international presence. Many Council members have expressed scepticism about the feasibility of this initiative. However, others have noted that it has managed to slightly shift the dynamic by calling attention to Russia’s and Syria’s use of Al Nusra’s limited presence in eastern Aleppo as a justification for the assault that has had such a devastating toll on civilians.

In an attempt to broker an Aleppo truce, Russian Foreign Minister Sergey Lavrov and US Secretary of State John Kerry met, along with regional actors Egypt, Iran, Iraq, Qatar, Saudi Arabia and Turkey, on 15 October in Lausanne. There was no breakthrough.

Following the Lausanne talks, Council members began negotiations on another Syria focused draft resolution, this time put forward by New Zealand. This draft sought to stop aerial bombardment, to get humanitarian aid flowing and to address the need to separate terrorist fighters from other armed opposition groups. Nonetheless, after several rounds of difficult negotiations, particularly on language calling for an end to attacks on civilians and civilian objects, neither the P3 nor Russia were satisfied. The P3 preferred stronger language regarding military flights over Aleppo while Russia did not want to agree to language that could constrain its military action in Syria. New Zealand sought a document that would, at best, have practical effect on the ground, and, at the very least, would change the divisive dynamic among Council members. However, after negotiations made clear that consensus would not be reached, New Zealand decided not to table the draft for a vote.

Separately, on 20 October, the Secretary-General and Special Envoy de Mistura briefed the General Assembly, following a request by Canada for a meeting on Syria with the intention to see whether there was enough support to call for an emergency special session as a possible next step. The request was made on behalf of 69 member states, including the P3 and elected Council members Egypt, Malaysia, New Zealand, Spain, Ukraine and Uruguay, noting the failure of the Security Council to carry out its responsibilities for the maintenance of peace and security in Syria, and that the General Assembly also had responsibilities in that regard.

Russia announced a unilateral pause in hostilities for eastern Aleppo that went into effect the same day as the General Assembly meeting and lasted three days. However, during that time no aid entered the besieged part of the city nor were any medical evacuations possible. The UN stood ready to evacuate critically injured people, but in the end could not do so as the requisite security guarantees were not forthcoming.

OCHA head Stephen O'Brien briefed the Council on 26 October and expressed his “incandescent rage” at the unparalleled humanitarian catastrophe, saying that eastern Aleppo had become a “kill zone”. He described leaflets that had been dropped over eastern Aleppo by Russian and Syrian aircraft that read “This is your last hope....save yourselves. If you do not leave these areas urgently, you will be annihilated...You know that everyone has given up on you. They left you alone to face your doom and nobody will give you any help.” He exhorted all Council members with operational military assets in Syria to halt the aerial bombardment of civilian areas and to allow the UN to deliver humanitarian assistance to those in need. Finally, he told the Council if it didn't take action, if it didn't take the right path, then there would be no Syria to save, that would be the Council's legacy and the shame of a generation.

On chemical weapons, Acting High Representative for Disarmament Affairs Kim Won-soo and Virginia Gamba, the head of the JIM, briefed Council members on 27 October. The JIM's four reports have concluded that of the nine cases investigated, the Syrian regime used chlorine gas against its own population in three cases and that ISIL used mustard gas in one case. There was insufficient evidence to make a determination in the remaining five cases.

While Aleppo remains the epicentre of the Syrian crisis, fighting continues elsewhere in Hama, Idlib, northwest Syria, the suburbs of Damascus and Deir Ez-Zour.

Turkish and opposition forces have pushed ISIS from Jarabulus and Dabiq in northwest Syria and have announced they will continue south to ISIL-held Al Bab. Turkey's “Operation Euphrates Shield” has created a 20 kilometre-deep buffer zone, which seems to have as much to do with blocking Kurdish control of contiguous areas in Syria along the Turkish border as it does with countering ISIL.

Meanwhile, Moadamiyeh, a suburb of Damascus, was surrendered by the opposition in mid-October after years of a government-imposed siege. The surrender of Moadamiyeh has been characterised by the opposition as a forced population transfer disguised as a “local truce”. Other evacuations, under almost identical circumstances, occurred in the opposition-held Al Waer neighbourhood of Homs in September and in Daraya, another suburb of Damascus, in August.

In other developments, the Board of Inquiry appointed by the Secretary-General to investigate the 19 September attack on a humanitarian convoy began its work on 24 October and is expected to deliver its report in early December. It will not be public, but the Secretary-General is expected to release a summary of the findings.

In relation to the airstrikes on a school compound that killed dozens of children and teachers on 26 October in Idlib, the head of UNICEF said he thought he had seen the depths of depravity, adding that reports of new attacks on schools in Douma and western Aleppo brought the toll to five schools hit since 11 October.

Human Rights-Related Developments

On 30 September, the Human Rights Council adopted a resolution strongly condemning the military offensive on eastern Aleppo by forces loyal to the Syrian authorities ([A/HRC/33/L.30](#)). It was adopted with a vote of 26 in favour, seven against (including Security Council members China, Russia and Venezuela and incoming member Bolivia) and 14 abstentions.

On 4 October, the High Commissioner for Human Rights urged the Security Council to adopt criteria to restrain members from using the veto when there are serious concerns that war crimes, crimes against humanity or genocide may have been committed, so that it can refer Syria to the ICC.

On 21 October, at the request of the UK, the Human Rights Council held a special session on Aleppo. The High Commissioner said indiscriminate airstrikes by government forces and their allies across eastern Aleppo are responsible for the overwhelming majority of civilian casualties and constitute war crimes, and that responsibility for halting the Syrian crisis rests primarily with the Security Council. A resolution was adopted that urges the immediate implementation of the cessation of hostilities; demands that the Syrian regime and its allies end immediately all aerial bombardments of, and military flights over, Aleppo; and requests the Commission of Inquiry to conduct an inquiry into the events in Aleppo and present a report to the Human Rights Council in March ([A/HRC/S-25/L.1](#)). The resolution was adopted with a vote of 24 in favour, seven against (including Security Council members China, Russia and Venezuela and incoming member Bolivia) and 16 abstentions. Before the vote on the resolution, five amendments tabled by Russia were rejected, one of which called for separation of terrorists from the opposition.

As with the preceding Human Rights Council resolutions adopted on 1 July and 30 September, the 21 October resolution did not contain a request to transmit all reports and oral updates of the Commission of Inquiry to relevant UN bodies, including the Security Council, as was done in 2015 resolutions.

#### Key Issues

With Syria in the fifth year of a war that has exacted a death toll of 470,000, left 860,000 living under siege and displaced half of the Syrian population, including nearly 4.8 million refugees, the essential issue for the Council is to exert effective leadership in supporting a cessation of hostilities and efforts to reach a political solution.

Regarding chemical weapons, the JIM's findings mean that the Council is in a position to consider whether Syria is in breach of resolutions 2118, 2209 and 2235.

#### Options

While 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—P5 divisions have made it impossible for the Council to fulfil its role in maintaining international peace and security in the case of Syria.

In this context, the Council could vote to refer Syria to the General Assembly under the “Uniting for Peace” procedure, so that the General Assembly might recommend collective action. This would be a procedural vote and therefore could not be vetoed, requiring only nine affirmative votes. A “Uniting for Peace” resolution by the General Assembly can confer legitimacy on international collective action, but it would carry no binding obligation for such action. (Alternatively, the General Assembly itself could choose to take the initiative to adopt a “Uniting for Peace” resolution.)

Regarding chemical weapons, if the Council is able to determine that Syria has violated resolutions 2118, 2209 and 2235, it has the option to pursue the “further measures” cited in all three resolutions, commonly understood to be an implicit threat of sanctions.

#### Council Dynamics

The quick collapse of the cessation of hostilities agreement has led Council members to conclude that the chances for a near-term political solution have been severely diminished.

Several Council members are of the view that the government’s offensive in eastern Aleppo confirms the regime’s preference for prolonged armed conflict over a negotiated settlement. There is also broad recognition that if fighting in Syria cannot be controlled, particularly in Aleppo, it will be close to impossible for UN mediation between the government and the opposition to resume.

Many Council members are aware that a diplomatic approach to resolve the crisis has become simultaneously ever more untenable and ever more urgent amidst signs that the conflict will likely see further military escalation. The US has held internal discussions on its Syria options, including military ones, though no Council member expects the US to exercise such an option. More likely the US will opt to increase support to armed opposition groups. Meanwhile, Russia has reached an agreement with Syria for indefinite use of its Hmeimim air base, has moved significant air defence capabilities to Syria, and has announced plans for a permanent naval base in Tartous, while NATO reports that eight Russian warships are headed for the eastern Mediterranean.

With Russia and the US publicly displaying the depth of their disagreement over Syria, most members are of the view that it is impossible to break the Council’s deadlock. These members expect that the next display of this animosity might be in early November if the US presses for a renewal of JIM or sanctions against Syria over its non-compliance with resolutions 2118, 2209 and 2235 on chemical weapons. At press time, it was too early to gauge how broad the support might be for pursuing sanctions, but most Council members are convinced that if such a draft is tabled for a vote then Russia would cast its sixth veto on a Syria resolution.

Four of the P5 members (France, Russia, the UK and the US) are involved militarily in the Syrian war to varying degrees.

#### UN Documents

## Security Council Resolutions

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26 February 2016  
[S/RES/2268](#) This was a resolution that endorsed the cessation of hostilities and called for the resumption of political talks.

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18 December 2015  
[S/RES/2254](#) This was the first resolution focused exclusively on a political solution to the Syrian crisis. It was adopted unanimously.

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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.

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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.

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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.

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## Secretary-General's Reports

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18 October 2016  
[S/2016/873](#) This was a report on the humanitarian situation.

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29 September 2016  
[S/2016/825](#) This was the 36th OPCW report on chemical weapons.

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## Security Council Meeting Records

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26 October 2016  
[S/PV.7795](#) OCHA head Stephen O'Brien delivered a particularly strong statement on Aleppo, provoking unplanned discussion in open chamber by all Council members. Russia, as president of the Council, cancelled the previously scheduled consultations that were to have immediately followed the briefing.

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8 October 2016  
[S/PV.7785](#) This meeting was the vote on the two competing draft resolutions on Aleppo.

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Other

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8 October  
2016  
S/2016/847

The vote on the Russian draft resolution focused on the situation in Aleppo was 4-9-2. China, Egypt, Russia and Venezuela voted yes and Angola and Uruguay abstained. Nine Council members, including the P3, voted no. Because the Russian draft did not get the 9 positive votes to pass, the negative votes by the P3 were not considered vetoes.

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8 October  
2016  
S/2016/846

The vote on the draft resolution tabled by France and Spain that called for an end to all military flights over Aleppo was 11-2-2. It had 43 co-sponsors. Russia cast its fifth veto on a Syria draft resolution and China abstained, the first time it has not vetoed a Syria draft resolution alongside Russia. Elected member Venezuela voted no and elected member Angola abstained.