

Syria Draft Resolution

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What's In Blue

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The P5 members of the Council met this morning (28 August) to discuss a draft resolution on Syria introduced today by the UK. It seems the draft condemns the alleged chemical weapons attack on rebel-held areas in Syria on 21 August and seeks Council authorisation for “all necessary measures” under Chapter VII (which allows for the use of force) to protect Syrian civilians from chemical weapons. At press time the draft had not been circulated to the rest of the Council nor had a meeting been called.

The UK’s draft resolution comes in the wake of several days of increasingly strong statements from France, the UK and the US suggesting that they may be getting ready to take retaliatory action for what they are convinced was a chemical weapons attack by the Syrian government last week. Unlike the P3, China and Russia are not certain that the Syrian government used chemical weapons and have warned about jumping to conclusions. Russia has publicly stated that the Council should wait for the report of the weapons inspectors before discussing a resolution on Syria. France, the UK and the US appear to strongly believe that the Syrian government used chemical weapons in the 21 August attack with the US claiming to have evidence it will share in the coming days.

A UN chemical weapons team – which had already been in Syria at the time of the attack – was given permission following calls from a number of countries as well as the Secretary-General to visit the site of the alleged chemical attacks on Monday. Following a day’s delay due to security concerns, a second visit, to an eastern suburb of Damascus, took place today. The Secretary-General said today that the UN team needed to be given time to establish the facts.

Also today, at a press conference in Geneva, UN-Arab League Joint Special Representative for Syria Lakhdar Brahimi said that there was evidence suggesting that some sort of chemical “substance” was used in Syria. He also said that any military strike in response to the use of chemical weapons needed Security Council approval. The Arab League in a statement issued on 27 August blamed the Syrian government for the chemical weapons attack but stopped short of backing a possible retaliatory military strike.

On 21 August Council members were briefed in consultations by Deputy Secretary-General Jan Eliasson on the attacks that had taken place earlier that day but failed to agree on a statement condemning the attacks. In giving a summary of the meeting to the press, the Council president, Ambassador María Cristina Perceval (Argentina) said that there was strong concern among Council members about the allegations of the use of chemical weapons and a general sense that there must be clarity about what happened. She also said that all Council members agreed that the use of chemical weapons by any

side under any circumstances is a violation of international law. Furthermore, she said that Council members welcomed the determination of the Secretary-General to ensure a thorough, impartial and prompt investigation.

It seems unlikely that the P5 discussion will result in consensus and if the draft resolution is put to a vote it seems unlikely to be adopted. While there has been no vote on Syria in the Council this year, both China and Russia have vetoed three resolutions on Syria in the past (October 2011, February 2012 and July 2012) and there has been no discernible shift in their positions. While elected members have not seen the draft and therefore may not have clearly defined their positions yet, issues related to protection of civilians in the aftermath of any sort of military intervention as well as uncertainty about how the resulting chaos might be used by the different actors are likely to make some elected members wary of authorising the use of force in this situation. There are also concerns about the impact of military intervention on the region.

Whereas the Council adopted a resolution ahead of air strikes in Libya in March 2011, establishing a no-fly zone and authorising states to take “all necessary measures” to protect civilians, there are other cases where military action has taken place without Council authorisation. A well-documented example is that of NATO air strikes on Kosovo in 1999. On 23 March 1999 NATO went ahead with strikes without Council approval. The next day Russia called for a meeting of the Council to “consider an extremely dangerous situation caused by the unilateral military action of NATO against the Federal Republic of Yugoslavia”. On 26 March Belarus, India and Russia put forward a draft resolution (S/1999/328) which demanded immediate cessation of the use of force against Yugoslavia and resumption of negotiations. The resolution which went into blue and was voted on that same day had three votes in favour (China, Namibia and Russia) and 12 against (Argentina, Bahrain, Brazil, Canada, France, Gabon, Gambia, Malaysia, the Netherlands, Slovenia, the UK and the US).

At press time it was unclear if the draft resolution would be circulated to the full Council or if it would be dropped following the P5 discussions. Looking ahead, however, if the P3, together with their allies, go ahead with a military intervention without Council authorisation it is likely that questions will be raised about the legality of such action.

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