

Syria Chemical Weapons Briefing

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What's In Blue

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Tomorrow morning (9 September), Acting UN High Representative for Disarmament Affairs Kim Won-soo will brief Security Council members on the monthly report (S/2015/668) on the implementation of resolution 2118, which required the verification and destruction of Syria's chemical weapons.

Kim is expected to report that destruction activity is proceeding as smoothly as possible given the security situation. He will also provide updates on the work of the OPCW fact-finding mission, and the work of the OPCW Declaration Assessment Team that examines gaps in Syria's declared chemical weapons.

Tomorrow's consultations will also be the first opportunity for Council members to discuss the Secretary-General's recommendations, developed in coordination with the OPCW Director-General, pursuant to resolution 2235, for a UN-OPCW Joint Investigative Mechanism (JIM) to determine responsibility for the use of chemical weapons in Syria. Council members received the recommendations on 27 August (S/2015/669) and were expected to respond within 5 days of receipt, but at press time had not done so.

The JIM will differ from the existing OPCW fact-finding mission in that the JIM will be able to attribute responsibility for use of chemical weapons. The OPCW fact-finding mission can only determine whether chemical weapons have been used. It has determined that chlorine bombs have been dropped from helicopters, noting that only the government has aerial capacity and only rebel-held areas were targeted.

In his 27 August letter, the Secretary-General recommends that the JIM be established under the leadership of a three-member panel comprised of an Assistant Secretary-General with overall responsibility, with two deputies respectively responsible for a political office based at the UN in New York, and an investigative office based at the OPCW in The Hague. The letter also reiterates that resolutions 2118 and 2235 include the obligation for the Syrian government and all other parties in Syria to cooperate fully with the OPCW Director-General and the OPCW fact-finding mission as well as with the UN Secretary-General and the JIM.

Given that the UN and OPCW Secretariats consulted with key Council members, including Russia and the US, throughout the process of drafting the JIM recommendations, Council members were anticipating a straightforward exchange of letters to establish the JIM. However, following the receipt of the recommendations, Russia raised several issues related to the proposed terms of reference, modalities for the Syrian government's cooperation, the scope of the JIM's work and sources of funding. Some Council members were surprised that these issues surfaced after the

recommendations were circulated. On the other hand, as negotiations of resolution 2235 were long and difficult, other Council members are not surprised that the Council's response has been delayed.

Russia has addressed two points publicly. The first is that Russia would prefer that the JIM is funded through the regular assessed budget instead of through voluntary contributions to ensure impartiality. Russia has also said that it believes the scope of the JIM's mandate should be expanded to include Iraq, in light of recent allegations that the Islamic State of Iraq and al-Sham has launched shells laced with chemical agents in both Iraq and Syria. Russia circulated a draft resolution to Council members during the week of 31 August regarding the expansion of the JIM's mandate to Iraq. However, Russia has not pursued negotiations on this issue, reporting to other Council members that they were in discussions with Iraq on the draft before further action in the Council. It seems Iraq has expressed no interest in the Russian initiative.

Another issue seems to be related to the Status of Mission Agreement (SOMA) that the JIM would have with the government of Syria. Given that this is a standard operating document for all UN missions, it is unclear what the difficulties are or why such technical issues should be resolved through an agreement between Council members. Some Council members are concerned that Russia may be insisting on stipulations in the SOMA that may have the potential to subject the JIM to severe restrictions on its work. Other Council members reiterate that resolution 2235 already places an obligation on the government to cooperate and that no SOMA could undermine a mandate authorised by a Security Council resolution. At press time, the Council response to the JIM recommendations was being dealt with through bilateral discussions between Russia and the US, and most Council members are hoping agreement might be reached ahead of tomorrow's consultations.

Some Council members thought that the apparent show of unanimity on Syria amongst the P5 in August, with the adoptions of resolution 2235 and a presidential statement on the political track, in tandem with the successful conclusion of the Iran nuclear deal, might open up space to move forward other initiatives, such as a French draft resolution on indiscriminate attacks, including the government's use of barrel bombs. However, it seems until the issues around the JIM are resolved, any further movement in the Council on other areas related to Syria is unlikely.

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