

Syria: Briefing and Vote on Draft Resolution on the Use of Chemical Weapons

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What's In Blue

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This morning (5 April), the Security Council is holding a briefing on the reports of alleged use of chemical weapons in Syria. France and the UK requested the meeting following the chemical weapons attack in the Khan Shaykhun area of Idlib in which at least 60 civilians were killed, including many children. After the attack, a hospital that was treating victims was also hit by an airstrike. At the meeting, Council members are expected to receive a briefing by Kim Won-soo, the High Representative for Disarmament Affairs, on the monthly report on progress in the elimination of Syria's stockpile of chemical weapons (S/2017/260). After the public briefing, Council members will hold consultations with Kim, who will be joined by the head of the OPCW-UN Joint Investigative Mechanism (JIM), Virginia Gamba, who may discuss efforts to build the capacity of the mechanism. Yesterday night, France, the UK and the US circulated a draft resolution condemning the attack that is expected to be put to a vote in the afternoon.

This will be the first time that there will be a briefing in the Council chamber on this issue. In a statement released yesterday, the OPCW stated that its Fact Finding Mission (FFM) is in the process of gathering and analysing information on the attack from all available sources. The FFM was set up in 2014 to establish facts surrounding allegations of the use of toxic chemicals, reportedly chlorine, for hostile purposes in Syria. When the use of chemical weapons is confirmed, its conclusions are the basis for the JIM, established in resolution 2235 of 7 August 2015, to identify responsibility.

Council discussions on the use and production of chemical weapons in the context of Syria were initially a response to the Ghouta chemical weapons attack in August 2013 which killed hundreds of civilians. Since then, even though the OPCW has verified the destruction of 24 of 27 chemical weapons production facilities declared by the Syrian government in 2014, the OPCW has consistently said that Syria's initial declaration remains incomplete. In the 27 March OPCW monthly report, the Secretary-General stressed that the continuing use of chemical weapons in Syria imperils the long-established norm against such weapons. In addition to the 4 April attack, the FFM is already investigating eight more incidents of the use of chemical weapons recorded since the start of 2017.

The draft resolution condemns the attack, expressing full support to the FFM and request-ing that it report the results of its investigation as soon as possible. It recalls language in previous resolutions regarding the cooperation of the Syrian government and all parties in Syria with the OPCW and the UN, including with the JIM. Regarding yesterday's attack, the draft emphasises that this includes 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 helicopter squadrons, and access to air bases from which the JIM or the FFM believe chemical weapons attacks may have been launched, as well as to respond to meeting requests with generals and other officers. The draft further requests the Secretary-General to report every 30 days on whether this information has been provided. In addition, it recalls language in resolution 2118 threatening to impose measures under Chapter VII of the UN charter in the event of non-compliance.

Yesterday evening, when the draft was circulated, the penholders invited comments until 9am (EST) and expressed their intention to put the draft to a vote this afternoon. This morning, the silence period was extended until 11am at the request of Russia. At press time it was unclear whether the draft would be adopted as it is or if negotiations would be needed. A spokesperson for the Russian foreign ministry has said that the resolution was “unacceptable” to Russia, and that it did not think it was expedient to pass the resolution in its present form. It is unclear if Russia is going to engage in genuine negotiations on the Syrian government’s obligation to provide information which appears to be its main issue with the draft, or if it is fundamentally opposed to having a resolution.

On 28 February, both China and Russia vetoed a draft resolution, also prepared by the P3, establishing a sanctions regime, a committee and a panel of experts to ensure accountability for the use and production of chemical weapons in Syria. That draft also received the negative vote of Bolivia and the abstentions of Egypt, Ethiopia and Kazakhstan. Yesterday evening, Ambassador Christian Wenaweser (Liechtenstein) wrote to all 112 member states who have signed the ACT Code of Conduct, which pledges not to vote against a credible draft resolution aimed at preventing or ending the commission of genocide, crimes against humanity or war crimes, calling for support to timely and decisive Council action against the atrocity crimes being committed in Syria. (Currently eight Council members are signatories of the Code of Conduct.)

Particularly after the 28 February double veto, the P3 have grown increasingly frustrated by the Council’s inability to ensure accountability for these attacks. As mentioned above, resolution 2118, adopted on 27 September 2013 and drafted by the US and Russia, decided to impose measures under Chapter VII of the UN Charter in the event of non-compliance, including any use of chemical weapons in Syria. Nevertheless, Russia has continued to oppose any punitive action against the Syrian government even though its responsibility was established by the OPCW-UN JIM in three cases: in Talmenes on 21 April 2014 and in Qmenas and Sarmin on 16 March 2015.

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