

Syria: New Draft Resolution on Chemical Weapons Attack and Political Briefing

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What's In Blue

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Tomorrow (12 April), Special Envoy Staffan de Mistura is expected to provide the Security Council with the monthly briefing on the political situation in Syria. This briefing takes place after a week of intense diplomatic activity on Syria among Council members, largely focused on the 4 April chemical weapons attack in the Khan Shaykhun area of Idlib, which claimed the lives of at least 72 civilians and was followed by retaliatory airstrikes by the US on 6 April on the Shayrat airbase outside of Homs. Yesterday evening the UK circulated a draft resolution on behalf of the P3 condemning the chemical weapons attack and obligating Syria to comply with relevant recommendations of the Organisation for the Prohibition of Chemical Weapons (OPCW) Fact Finding Mission (FFM) and the OPCW-UN Joint Investigative Mechanism (JIM). This is the fourth draft on this issue that has been circulated among Council members in the past week, preceded by an earlier P3 draft, a Russian draft, and an E10 draft.

At press time, it appears that this draft resolution could be tabled for a vote tomorrow afternoon. However, it does not appear that the draft is acceptable to a number of members, including Russia.

Draft Texts on the Chemical Attack

Last week, the Council held two unexpected meetings on Syria. The first, on 5 April, was a public meeting in reaction to the reports of the chemical weapons attack on 4 April, and was followed by scheduled consultations on the monthly report on progress in the elimination of Syria's stockpile of chemical weapons. Following the US airstrikes on Thursday (6 April), Bolivia requested a briefing, which the US presidency held as a public briefing on Friday (7 April). During the meeting on Friday, France, Italy, Japan, Ukraine and the UK expressed support for the US action, while Bolivia and Russia condemned it. The US said that its action was justified and that it was "prepared to do more", although it hoped this would not be necessary. Russia broadly criticised US policy in the Middle East. Following the US airstrikes, Russia announced the suspension of its memorandum with the US on the "Prevention of Flight Safety Incidents in the course of operations in Syria", raising concerns about the increased risk of accidental military encounters in Syria between their forces.

In the days before the 7 April briefing, the P3, Russia and the E10 produced draft resolutions responding to the 4 April chemical weapons attack in Khan Shaykhun. A P3 draft that was informally shared with Council members on 4 April condemned the chemical attack, expressed full support for the Organisation for the Prohibition of

Chemical Weapon's (OPCW) Fact Finding Mission (FFM), reminded the Syrian government and all parties in Syria of their obligation to cooperate with the OPCW and the UN, including the JIM, and emphasised that this included providing information relevant to the attacks, including air operations and names of helicopter squadron leaders.

Meanwhile, calling the P3 draft "unacceptable," Russia produced its own draft, which did not condemn the attack or specifically ask the Syrian government to provide such information. The draft did, however, express deep concern regarding the alleged "incident with chemical weapons" and called for a full-scale investigation as soon as possible, as well as free access. It also requested the OPCW to share with the Council the composition of the team investigating the incident.

The ten elected members met on Thursday morning (6 April) at ambassador-level to discuss their frustration at not being included in the negotiating process and to share reactions to the P3 and Russian drafts. They met again in the afternoon, after the P3 and Russia had asked that their draft resolutions be put in blue. At that meeting, they discussed an alternative text, which would substitute language in the P3 draft on the Syrian government's obligation to provide information on its activities and access to its airbases—a contentious issue in the P5 negotiations—with agreed language from resolution 2118 of 27 September 2013, which required the verification and destruction of Syria's chemical weapons stockpiles and cooperation with the OPCW and the UN.

Council members met in consultations late on 6 April (Thursday), but neither of the resolutions that were in blue was tabled for a vote. It does not appear that either would have been adopted, given the divisions in the Council, especially among the permanent members. While it is unclear what impact the E10 draft had on a possible vote, it seems that it may have made it more difficult for the P3 and Russia to proceed with a vote on draft resolutions that would have almost certainly not been adopted, either due to vetoes or not having nine votes, when there was an alternative text on the table that might have been acceptable to the majority of members. Shortly after the evening consultations ended, the US began its airstrikes on the Shayrat airbase. The US subsequently expressed its unhappiness at the E10 initiative, stating at the 7 April briefing that "compromising with Russia for a watered down resolution would have only strengthened [Bashar Al-] Assad."

The P3 draft circulated last night retains and expands on the substance of the earlier P3 draft. It also incorporates the agreed language from resolution 2118, proposed in the E10 draft, that obliged Syria to, among other things, provide "immediate and unfettered access and the right to inspect...any and all sites....". At the same time, it retains the previous P3 draft's emphasis on Syria's obligation 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. Like last week's P3 draft, the current

draft further requests the Secretary-General to report every 30 days on whether this information has been provided, and it recalls language in resolution 2118 threatening to impose measures under Chapter VII of the UN Charter in the event of non-compliance.

An additional preambular paragraph has been incorporated that recalls that the 6 July 2016 report of the OPCW Director General states that the OPCW Technical Secretariat was unable to resolve gaps, inconsistencies and discrepancies in Syria's declaration of its chemical weapons stockpiles. The draft does not include any mention of the US airstrike on the Shayrat airbase. Russia's immediate reaction to the P3's latest draft resolution was that it did not address fundamental concerns, questioning the point of having such a resolution.

This morning, eight of the elected members were asked to meet with the P3 at the US mission. At press time, it seemed that there would be no actual negotiations of all 15 members on the draft, although it seems that minor changes may be made to the draft circulated yesterday evening. It appears unlikely that this slightly revised text would be acceptable to some Council members, including Russia.

Briefing

Regarding political developments, in tomorrow's meeting de Mistura will most likely provide an assessment of the fifth round of intra-Syrian talks in Geneva from 23 to 31 March. While no breakthroughs were made during the negotiations, de Mistura indicated at a press conference on 31 March in Geneva that the parties engaged substantively on the four "baskets" constituting the agenda—governance; constitutional issues; elections; and counter-terrorism, security and confidence-building measures. At tomorrow's meeting, he may underscore the importance of building on what he called the "incremental momentum" that had been generated during the negotiations. It is possible that de Mistura will discuss preparations for the sixth round; at the 31 March press conference, he said that the timing of the next round would be determined based on the advice and guidance of the Secretary-General and the Council. Members may be interested in hearing de Mistura's views on how the chemical attack and the US airstrikes have affected the political process. De Mistura's briefing takes place in the midst of meetings in Moscow between US Secretary of State Rex Tillerson and Russian Foreign Minister Sergei Lavrov, with Syria high on the agenda.

Another issue which Council members will be interested in is de Mistura's assessment of violations of the ceasefire. Given the continuing hostilities, he may discuss the need for Russia, Turkey and Iran to use their influence to end violations of the ceasefire, in keeping with their decision following the 23-24 January talks in Astana to establish a trilateral mechanism to observe and ensure full compliance with the ceasefire. The next round of Astana talks, including the participation of these guarantor states, is expected to take place in early May, although the opposition refused to participate in the last round (14-15 March), citing repeated violations of the ceasefire by the Syrian military. De Mistura may emphasise that the next round of Astana talks, with the prospect of progress on implementation of the ceasefire, could help to lay the groundwork for the negotiations at the next Geneva talks.

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