

Syria: Draft Resolution Imposing Sanctions Regarding the Use and Production of Chemical Weapons

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What's In Blue

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Early next week, the Security Council is scheduled to vote on a draft resolution establishing a sanctions regime, a committee and a panel of experts to ensure accountability for the use and production of chemical weapons in Syria. The draft resolution would also impose sanctions on a number of individuals and entities associated with the Syrian government and linked to the use of chemical weapons in cases where responsibility was established by the Organisation for the Prohibition of Chemical Weapons (OPCW)-UN Joint Investigative Mechanism (JIM). The draft was originally circulated in mid-December, and following several rounds of negotiations over the last two months, it was put in blue on Friday evening.

This draft is a follow-up to resolution 2118, adopted on 27 September 2013, which was the first resolution tackling the use of chemical weapons in Syria and providing for the destruction of the stockpile declared by the Syrian government. That resolution, drafted by the US and Russia, decided to impose measures under Chapter VII of the UN Charter in the event of non-compliance, “including unauthorised transfer of chemical weapons, or any use of chemical weapons by anyone in the Syrian Arab Republic”. Since then, the JIM, which was established in August 2015, has concluded that the Syrian government was involved in the use of toxic chemicals as weapons against its own population in three cases (Talmenes, 21 April 2014; Qmenas, 16 March 2015 and Sarmin, 16 March 2015). The JIM also concluded that the Islamic State in Iraq and the Levant had used mustard gas in one case (Marea, 21 August 2015).

The draft imposes an assets freeze on designated individuals and entities, a travel ban on designated individuals, and an embargo on arms as well as on chlorine and other chemicals intended to be used as weapons. It also restricts the sale of helicopters to the Syrian government. An attached annex includes the designation of eleven individuals and ten entities involved in the use and production of chemical weapons in Syria. The Sanctions Committee can agree on further designations of individuals and entities responsible for the use, transfer or production of chemical weapons in Syria; those authorising or directing the evasion of these measures; and those acting for or on behalf of designated individuals or entities. The use of chemical weapons by ISIL is covered by measures imposed by the Council in previous resolutions, and the draft directs the 1267/1989/2253 ISIL (Da'esh)/Al-Qaida Sanctions Committee to continue to review proposals for designation of individuals and entities in Syria associated with ISIL, al-Nusrah Front, al-Qaeda, or associated individuals, groups and entities. .

The draft was first circulated to Council members in mid-December 2016 by France and the UK. In early January, Russia circulated an alternative draft resolution, which would not be under Chapter VII, noting the decrease in allegations of the use of chemical weapons by the Syrian government and placing emphasis on their use by non-state actors. The co-penholders included some language from the Russian proposal in their draft which was put in blue, but they maintained the imposition of sanctions and the designations. Even though Russia's role was crucial in ensuring Council action on the use of chemical weapons in Syria, it has repeatedly opposed punitive measures against the Syrian government. During the 24 February consultations, Russia reiterated its scepticism regarding the conclusions presented by the JIM, questioned the body of evidence on which they were based, and characterised the draft resolution as a "provocation".

In January, the UK and France put the negotiation of the draft on hold in order to assess the continuity of US policy on Syria under the new US administration. On 12 January, the US imposed unilateral sanctions on 18 senior officials of the Syrian government connected to the country's weapons of mass destruction program and identified several branches of the government involved in the production and use of chemical weapons. This week, Council members were told that the US had become a co-penholder, together with France and the UK, of the draft resolution.

Some countries have questioned the timing of the vote during the ongoing peace talks in Geneva, as well as the appropriateness of designating individuals in the draft resolution instead of leaving that task for the sanctions committee. However, during the 24 February consultations, the co-penholders made the case that the draft resolution should be put to a vote as soon as possible and that efforts to ensure accountability should not undermine a political process. Most Council members anticipate that Russia will cast its seventh veto on a Syria draft resolution. It is unclear whether China will also veto or decide to abstain. Even though some elected members are expected not to support the draft, it appears likely that it will have at least nine positive votes, thus probably receiving a Russian veto.

Postscript: On 28 February, the draft was put to a vote receiving nine votes in favour, three abstentions (Egypt, Ethiopia and Kazakhstan) and three against (Bolivia, China and Russia).

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