


# Syria: Chemical Weapons Briefing and Possible Vote on a Resolution to Renew the Joint Investigative Mechanism

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## What's In Blue

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Tomorrow (27 October), Virginia Gamba, the head of the UN-OPCW Joint Investigative Mechanism (JIM), will present the fourth report of the JIM, the body mandated to determine responsibility for the use of chemical weapons in Syria. The report was circulated to Council members on 21 October, but has not yet been made public. The JIM's mandate expires on 31 October. Acting UN High Representative for Disarmament Affairs Kim Won-soo will also brief Council members on the Secretary-General's most recent report (S/2016/825) on progress in the elimination of the Syrian chemical weapons programme.

Council members expect that tomorrow's consultations will focus on the JIM report, whether to renew the mechanism, and the ongoing issue regarding gaps in Syria's declared chemical weapons arsenal.

The JIM has concluded that of the nine cases it investigated, the Syrian regime used chlorine gas against its own population in three cases and that the Islamic State of Iraq and the Levant used mustard gas in one case. In the remaining five cases, the JIM investigated allegations that the government dropped chlorine bombs in rebel-held areas. While there was insufficient evidence to make a conclusive determination in these cases, the JIM was able to establish government airstrikes and the presence of a toxic substance but was unable to fully determine the link between the two, or the actors responsible, in three of the five cases. In the two remaining cases, the JIM detected no flight movement at the time of the allegations nor was it able to establish the presence of chlorine.

Most Council members will want further information from Kim Won-soo on the work of the OPCW Declaration Assessment Team (DAT) that examines gaps in Syria's declared chemical weapons arsenal and whether there has been further cooperation from Syria in that regard. There are discrepancies that have not been clarified by Syrian authorities, despite repeated visits by the DAT to Syria over the course of two years.

Samples taken by the DAT at several Syrian facilities indicated undeclared chemical weapons activities at multiple locations. These discrepancies and lack of sufficient cooperation from Syria led the OPCW Director-General to conclude that Syria's declaration cannot be considered accurate and complete. Three factors have contributed to this conclusion. First, traces of chemical warfare agents were found at Syria's Scientific Studies and Research Centre, a facility never declared by Syria to be a chemical weapons site. Second, Syria has not provided scientifically or technically plausible explanations

regarding the samples taken indicating the presence of undeclared chemical warfare agents. Third, the DAT is unable to verify the precise quantity of chemical weapons in Syria prior to its accession to the Chemical Weapons Convention.

The JIM's conclusions and the determination by the OPCW's Director-General that Syria's declared chemical weapons arsenal cannot be considered accurate and complete means that the Council is in a position to consider whether Syria is in breach of resolutions 2118, 2209 and 2235. All three chemical weapons resolutions include the explicit threat to impose measures, i.e. sanctions, under Chapter VII in the case of non-compliance. However, it seems likely that the immediate issue for the Council will be whether to renew the JIM and that members will defer discussion of how to respond to the mechanism's findings.

Last night, the US circulated a draft resolution to renew the JIM's mandate for a further year. While it does not seem that the draft was agreed in advance with Russia, most Council members expect that the JIM will be renewed; the vote is likely to be held on Monday, the day that the JIM expires. However, many Council members have also observed that Russia has consistently questioned the JIM's findings regarding government responsibility and therefore they do not rule out the possibility that the draft, which is a straightforward extension, may face obstacles.

It is unclear how the Council might react to the JIM's findings that the Syrian regime used chemical weapons against its civilian population. While France and the UK have been vocal about the need to impose sanctions for the use of chemical weapons, and the US has said it will seek "appropriate accountability", it seems the priority is renewing the JIM. At press time, it was too early to gauge how broad the support might be for pursuing sanctions, if the P3 were to press forward with such a resolution at a later date. Most Council members are convinced that if a sanctions draft were tabled for a vote, then Russia would cast its sixth veto on a Syria resolution.

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