

Draft UN Security Council Resolution on Syrian Chemical Weapons

September 26, 2013

The Security Council,

Recalling the Statements of its President of 3 August 2011, 21 March 2012, 5 April 2012, and its resolutions 1540 (2004), 2042 (2012) and 2043 (2012),

Reaffirming its strong commitment to the sovereignty, independence and territorial integrity of the Syrian Arab Republic,

Reaffirming that the proliferation of chemical weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Recalling that the Syrian Arab Republic on 22 November 1968 acceded to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

Noting that on 14 September 2013, Syria deposited with the Secretary-General its instrument of accession to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Convention) and declared that it shall comply with its stipulations and observe them faithfully and sincerely, applying the Convention provisionally pending its entry into force for the Syrian Arab Republic,

Welcoming the establishment by the Secretary-General of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic (“the Mission”) pursuant to General Assembly resolution 42/37 C (1987) of 30 November 1987, and reaffirmed by resolution 620 (1988) of 26 August 1988, and expressing appreciation for the work of the Mission,

Acknowledging the report of 16 September 2013(S/2013/553) by the Mission, underscoring the need for the Mission to fulfill its mandate, and emphasizing that future credible allegations of chemical weapons use in the Syrian Arab Republic should be investigated,

Deeply outraged by the use of chemical weapons on 21 August 2013 in Rif Damascus, as concluded in the Mission’s report, condemning the killing of civilians that resulted from it, affirming that the use of chemical weapons constitutes a serious violation of international law, and stressing that those responsible for any use of chemical weapons must be held accountable,

Recalling the obligation under resolution 1540 (2004) that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use weapons of mass destruction, including chemical weapons, and their means of delivery,

Welcoming the Framework for Elimination of Syrian Chemical Weapons dated 14 September 2013, in Geneva, between the Russian Federation and the United States of America (S/2013/565), with a view to ensuring the destruction of the Syrian Arab Republic’s chemical weapons program in the soonest and safest manner, and expressing its commitment to the immediate international control over chemical weapons and their components in the Syrian Arab Republic,

Welcoming the decision of the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW) of [XX September 2013] establishing special procedures for the expeditious destruction of the Syrian Arab Republic’s chemical weapons program and stringent verification thereof, and expressing its determination to ensure the destruction of the Syrian Arab Republic’s chemical weapons program according to the timetable contained in the OPCW Executive Council decision of [XX September 2013],

Stressing that the only solution to the current crisis in the Syrian Arab Republic is through an inclusive and Syrian-led political process based on the Geneva Communiqué of 30 June 2012, and emphasising the need to convene the international conference on Syria as soon as possible,

Determining that the use of chemical weapons in the Syrian Arab Republic constitutes a threat to international peace and security,

Underscoring that Member States are obligated under Article 25 of the Charter of the United Nations to accept and carry out the Council's decisions,

1. Determines that the use of chemical weapons anywhere constitutes a threat to international peace and security;
2. Condemns in the strongest terms any use of chemical weapons in the Syrian Arab Republic, in particular the attack on 21 August 2013, in violation of international law;
3. Endorses the decision of the OPCW Executive Council [XX September 2013], which contains special procedures for the expeditious destruction of the Syrian Arab Republic's chemical weapons program and stringent verification thereof and calls for its full implementation in the most expedient and safest manner;
4. Decides that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors;
5. Underscores that no party in Syria should use, develop, produce, acquire, stockpile, retain, or transfer chemical weapons;
6. Decides that the Syrian Arab Republic shall comply with all aspects of the decision of the OPCW Executive Council of [XX September 2013] (Annex I);
7. Decides that the Syrian Arab Republic shall cooperate fully with the OPCW and the United Nations, including by complying with their relevant recommendations, by accepting personnel designated by the OPCW or the United Nations, by providing for and ensuring the security of activities undertaken by these personnel, by providing these personnel with immediate and unfettered access to and the right to inspect, in discharging their functions, any and all sites, and by allowing immediate and unfettered access to individuals that the OPCW has grounds to believe to be of importance for the purpose of its mandate, and decides that all parties in Syria shall cooperate fully in this regard;
8. Decides to authorize an advance team of United Nations personnel to provide early assistance to OPCW activities in Syria, requests the Director-General of the OPCW and the Secretary-General to closely cooperate in the implementation of the Executive Council decision of [XX September 2013] and this resolution, including through their operational activities on the ground, and further requests the Secretary-General, in consultation with the Director-General of the OPCW and, where appropriate, the Director-General of the World Health Organization, to submit to the Council within 10 days of the adoption of this resolution recommendations regarding the role of the United Nations in eliminating the Syrian Arab Republic's chemical weapons program;
9. Notes that the Syrian Arab Republic is a party to the Convention on the Privileges and Immunities of the United Nations, decides that OPCW-designated personnel undertaking activities provided for in this resolution or the decision of the OPCW Executive Council of [XX September 2013] shall enjoy the privileges and immunities contained in the Verification Annex, Part II(B) of the Chemical Weapons Convention, and calls on the Syrian Arab Republic to conclude modalities agreements with the United Nations and the OPCW;
10. Encourages Member States to provide support, including personnel, technical expertise, information, equipment, and financial and other resources and assistance, in coordination with the Director-General of the OPCW and the Secretary-General, to enable the OPCW and the United Nations to implement the elimination of the Syrian Arab Republic's chemical weapons program, and decides to authorize Member States to acquire, control, transport, transfer and destroy chemical weapons identified by the Director-General of the OPCW, consistent with the objective of the Chemical Weapons Convention, to ensure the elimination of the Syrian Arab Republic's chemical weapons program in the soonest and safest manner;
11. Urges all Syrian parties and interested Member States with relevant capabilities to work closely together and with the OPCW and the United Nations to arrange for the security of the monitoring and destruction mission, recognizing the primary responsibility of the Syrian government in this regard;
12. Decides to review on a regular basis the implementation in the Syrian Arab Republic of the decision of the OPCW Executive Council [XX September 2013] and this resolution, and requests the Director-General of the OPCW to report to the Security Council, through the Secretary-General, who shall include relevant information on United Nations activities related to the implementation of this resolution, within 30 days and every month thereafter, and requests further the Director-General of the OPCW and the Secretary-General to report in a coordinated manner, as needed, to the Security Council, non-compliance with this resolution or the OPCW Executive Council decision of [XX September 2013];
13. Reaffirms its readiness to consider promptly any reports of the OPCW under Article VIII of the Chemical Weapons Convention, which provides for the referral of cases of non-compliance to the United Nations Security Council;

14. Decides that Member States shall inform immediately the Security Council of any violation of resolution 1540 (2004), including acquisition by non-State actors of chemical weapons, their means of delivery and related materials in order to take necessary measures therefore; Accountability
15. Expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable; Political transition
16. Endorses fully the Geneva Communiqué of 30 June 2012 (Annex II), which sets out a number of key steps beginning with the establishment of a transitional governing body exercising full executive powers, which could include members of the present Government and the opposition and other groups and shall be formed on the basis of mutual consent;
17. Calls for the convening, as soon as possible, of an international conference on Syria to implement the Geneva Communiqué, and calls upon all Syrian parties to engage seriously and constructively at the Geneva Conference on Syria, and underscores that they should be fully representative of the Syrian people and committed to the implementation of the Geneva Communiqué and to the achievement of stability and reconciliation; Non-Proliferation
18. Reaffirms that all Member States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, and calls upon all Member States, in particular Member States neighbouring the Syrian Arab Republic, to report any violations of this paragraph to the Security Council immediately;
19. Demands that non-State actors not develop, acquire, manufacture, possess, transport, transfer, or use nuclear, chemical or biological weapons and their means of delivery, and calls upon all Member States, in particular Member States neighbouring the Syrian Arab Republic, to report any actions inconsistent with this paragraph to the Security Council immediately;
20. Decides that all Member States shall prohibit the procurement of chemical weapons, related equipment, goods and technology or assistance from the Syrian Arab Republic by their nationals, or using their flagged vessels or aircraft, whether or not originating in the territory of the Syrian Arab Republic; Compliance
21. Decides, in the event of non-compliance with this resolution, including unauthorized transfer of chemical weapons, or any use of chemical weapons by anyone in the Syrian Arab Republic, to impose measures under Chapter VII of the United Nations Charter;
22. Decides to remain actively seized of the matter.