Security Council Fails to Adopt 2 Resolutions on Investigative Mechanism in Syria Following Double Veto by Permanent Members

November 16, 2017

U.N. Press Release

https://www.un.org/press/en/2017/sc13072.doc.htm

The Security Council this afternoon failed to renew the mandate of the investigative mechanism formed to determine the perpetrators of chemical weapons attacks in Syria after two competing draft resolutions, respectively tabled by the United States and Bolivia, were rejected through votes.

The United States draft on extending the Organisation for the Prohibition of Chemical Weapons‑United Nations Joint Investigative Mechanism was rejected due to the negative vote of a permanent member following a vote of 11 in favour to 2 against (Bolivia, Russian Federation), with 2 abstaining (China, Egypt).  Had it been adopted, it would have extended the Mechanism’s mandate — established by resolution 2235 (2015) and set to expire tomorrow, 17 November — for a further one year.

The Bolivian draft on extending the Mechanism, also for one year, was rejected after first being tabled by the Russian Federation and withdrawn.  The text was rejected by a vote of 4 in favour (Bolivia, China, Kazakhstan, Russian Federation) to 7 against (France, Italy, Japan, Sweden, Ukraine, United Kingdom and United States) with 4 abstaining (Egypt, Ethiopia, Japan, Ukraine).  It would have welcomed what it called the “full and profound cooperation” extended by the Syrian Government to the Mechanism and the other group investigating chemical attacks, the fact‑finding mission.

Regretting the lack of visits to the sites of chemical incidents, and lack of full chain of custody of evidence and other methodological factors that might cast doubt on the Mechanism’s conclusions, the Russian draft tabled by Bolivia would have requested that investigative teams be dispatched to Khan Shaykhun and the Shayrat airbase, subjects of the most recent report of the Mechanism.  It would have requested the Mechanism to collect and analyse information on use by non‑State actors of chemical weapons, and to submit to the Council analytical reports every three months.  It would have also called for greater focus on the use of non‑State weapons by non‑State actors.

In addition to the provisions contained in the draft that failed on 24 October (see Press Release [SC/13040](https://www.un.org/press/en/2017/sc13040.doc.htm)), the United States draft would have underscored the ongoing importance of the Mechanism conducting its investigations according to high methodological standards and basing its findings on the evidentiary levels outlined in its first report.  It would have encouraged the Mechanism to consult United Nations bodies on counter‑terrorism and non‑proliferation to exchange information on attacks by non‑State actors.  It also would have encouraged the Mechanism to inform the Council of any inability to gain access to sites relevant to investigations.

The Russian draft was withdrawn before either text was voted on, after a Russian Federation proposal that its draft be voted on after the United States draft was rejected in a procedural vote.  It was tabled by Bolivia after the rejection of the United States draft and statements after that vote.  Before and after the voting, all Council members condemned the use of chemical weapons and called for accountability for perpetrators through professional, impartial investigation.

In multiple statements, the supporters of the draft, however, said that today’s procedure pushed that goal back by not guaranteeing the continuity of the Mechanism.  The representative of the United States said that the Russian Federation had struck a deep blow to the effort, killing the Mechanism and eliminating its ability to identify attackers and deter future attacks.  She accused the Russian delegation of playing games with its procedural moves and not consulting with other delegations to come up with a compromise.  The representative of the United Kingdom stated that the goal of the Russian Federation was to scuttle the Mechanism because it simply could not accept any investigation that attributed guilt to its Syrian ally.

Italy’s representative, voting for the United States draft and against the Russian and Bolivian text, recounted the extensive negotiations that had gone into the United States draft to ensure that all concerns were addressed.  He said that the outcome weakened the security architecture and was difficult to merely accept.  He pledged continued work to ensure the investigations continued, however.

Japan’s representative, having voted for the United States draft and abstaining from voting on the Russian text, stressed that despite the procedures, the Council was still responsible to act to prevent further use of chemical weapons and to provide accountability for attacks in Syria.  He urged Council members to work to find consensus on renewing the Mechanism.

The representative of the Russian Federation, in multiple statements, said that the flaws in the operations of the Mechanism were not concretely addressed in the United States draft, but were addressed in his text.  He expressed disappointment that the initiative for extending and qualitatively improving the Mechanism had failed to secure the requisite support.  Calling the way the votes had occurred an effort to disparage his country, he said various tricks would now be used to pin the cessation of the Mechanism’s activity on his country.  Noting that his delegation had been accused of not taking part in consultations, he said that they had met three times with the United States colleagues.

Similarly, the representatives of China and Bolivia expressed their strong desire for the continuance of the Mechanism, but an equally strong wish that concerns over methodology be addressed.  Both therefore voted for the Russian text, with Bolivia voting against the other draft and China abstaining.

Speaking before the first vote were Bolivia, Russian Federation and the United States.  Speaking after that vote were the United States, France, Sweden, Ukraine, United Kingdom, Uruguay, Bolivia, Ethiopia, Kazakhstan, Senegal, China, Japan, Egypt, Russian Federation, Italy and Syria.

Speaking before the vote on the second draft were Bolivia, Russian Federation and the United States.  Speaking after that vote were Egypt, Ukraine, Japan, China, Russian Federation and Bolivia.  The Russian Federation spoke a final time after those speakers.

The meeting began at 3:15 p.m. and closed at 5:49 p.m.  During that period the meeting was suspended for 15 minutes after the first vote and the comments following it.

Action and Explanation of Votes

At the outset of the meeting, the representative of Bolivia said his country supported the draft submitted by the Russian Federation and China.

The representative of the Russian Federation asked that the draft submitted by his country would be voted on second.  He did not agree with the United States that that country’s draft would be voted on first under rule 32 of the provisional rules of procedure.  Article 2 of the rules, however, could set that privilege aside.

The representative of the United States said that according to rule 32, principled motions should have precedence.

After a procedural debate between the representatives of the Russian Federation and the United States, the delegate of the Russian Federation requested that a procedural vote be taken.

In a vote of 3 in favour (Bolivia, China and Russian Federation) to 7 against (France, Italy, Japan, Sweden, Ukraine, United Kingdom and United States), with 5 abstentions (Egypt, Ethiopia, Kazakhstan, Senegal and Uruguay) the proposal was rejected.

The representative of the Russian Federation then asked for withdrawal of the draft resolution by the Russian Federation and China.

The Council then voted on the resolution submitted by the United States and others.  Eleven members voted in favour, two voted against (Bolivia and Russian Federation) and two abstained (China and Egypt).  The draft was not adopted, owing to a negative vote of a permanent member of the Council.

NIKKI R. HALEY (United States) said that chemical weapons were among the greatest threats to peace, and the Council had worked for five years to put an end to their use in Syria.  The Russian Federation had issued vetoes before, having acted to obstruct the investigations of the Organisation for the Prohibition of Chemical Weapons‑United Nations Joint Investigative Mechanism many times.  Today, it had struck a deep blow, killing the Mechanism and eliminating its ability to identify attackers and deter future attacks.  The message was clear:  the Russian Federation accepted the use of chemical weapons in Syria, she said, asking how the former’s proposal of political talks in Sochi could be taken seriously.  “They want a Mechanism, but not an independent one,” she said, adding:  “They want reporting, but not if it blames Syria.”

She went on to say that the Russian Federation had attempted to create a distraction in the form of the resolution they had offered, which had put the Council in an absurd position.  In recent weeks, the United States had attempted to work with the Russian Federation delegation to draft its resolution, learning today that it had always planned to veto the text.  The Russian Federation had refused to hold consultations on its own draft, while the United States had held several consultations, she recalled.  Unfortunately, attacks were ongoing and new cases were being alleged, she said.  However, the Mechanism was not the only tool available, she said.  Therefore, the Bashar Al‑Assad regime should be on clear notice, she said, because the United States did not accept its use of chemical weapons.

FRANÇOIS DELATTRE (France) expressed alarm at the wielding of the veto by the Russian Federation.  The Mechanism had worked with professionalism and tenacity, seeking the truth in Syria, providing clear, well‑documented truth proving the culpability of the Assad regime in certain attacks and that of Islamic State of Iraq and the Levant (ISIL/Da’esh) in other attacks.  “There are no shades of grey here,” he stressed, noting that both terrorists and a State had used chemical weapons.  The need for the Mechanism was more important than ever, with the Organisation for the Prohibition of Chemical Weapons (OPCW) reporting the use of sarin gas on March 30.  He congratulated the United States delegation for putting together a balanced draft making substantive concessions to promote unity.  The Mechanism had never been a Western tool, he stressed, adding that it was a tool for the entire international community and, as such, should not be “held hostage to political squabbling”.

OLOF SKOOG (Sweden) expressed regret that the Council had failed to unite behind an extension of the mandate of OPCW and the Mechanism.  His delegation condemned the repeated use of chemical weapons in Syria.  It supported the Mechanism’s investigations, having provided it with technical expertise and financial support as well.  Its mandate must be urgently extended because it played a critical role in the disarmament architecture.  The Mechanism also had an important deterrent effect, and attacks might increase if it were not renewed.  There should be room to reach compromise, he emphasized, but that could only be achieved if the Council came together.

VOLODYMYR YELCHENKO (Ukraine) said that the continuous allegations of the use of chemical weapons in Syria required a firm response from the Security Council, not only through condemning such crimes, but also by taking effective action.  He commended the efforts of the Joint Investigative Mechanism in executing its mandate.  It was the only tool at the Council’s disposal with a mandate to identify the perpetrators of the use of chemical weapons.  Today, the Council had failed again to exercise its responsibilities under the United Nations Charter.  Its inability to address the chemical attacks in Syria would lead to further impunity.  It had become routine that, despite overwhelming support, one Council member continued to block every decision.  He commended the dedication and flexibility of the United States, which had made every effort to preserve the Mechanism.

MATTHEW JOHN RYCROFT (United Kingdom) said the end of the road for the Mechanism had been reached, even though all members of the Council had supported it two years ago.  Thanks to the veto, the hope that perpetrators would be held to account was ruined.  Thanks to the efforts of the Mechanism, the world knew what had happened in Syria.  The Mechanism had succeeded; it was the Russian Federation that had failed, he said.  They had failed as a supposed supporter of peace.  The Council had worked tirelessly to find a solution to take Russia’s concern into account.  That country would not accept any investigation that would put blame on its Syrian allies and had tried to weaken the Mechanism.  Thanks to the veto, ISIL/Da’esh fighters would join Assad in celebration.  He said Russia had once played a responsible role in creating the Mechanism, but now its policy was to protect the Syrian State at whatever costs for its own reputation.

LUIS HOMERO BERMÚDEZ ÁLVAREZ (Uruguay) regretted the Council had not been able to renew the mandate of the Mechanism, which had been a valuable investigative tool.  The 15‑member organ had repeatedly expressed trust in the independent and impartial work of the Mechanism.  To date, the Mechanism had assigned responsibility for the use of chemical weapons to agents of the Syrian Government and fighters of Da’esh.  The Council had found itself unable in February to sanction those responsible for the use of chemical weapons.  The issue of the veto should be addressed.  He appealed to all to work towards a consensus to continue the work of the Mechanism.

SACHA SERGIO LLORENTTY SOLÍZ (Bolivia) said that although the outcome had been predictable, it was a collective failure.  Speeches had already been written knowing that the resolution would not be adopted.  The Council had once again shown a lack of unity.  The Mechanism should not be an instrument that was politicized.  Its work must be credible and impartial.  Certain technical inconsistencies had been pointed out in the latest report.  Those concerns must be resolved.  He had voted against, because he had requested the need for field visits to be carried out.  As he had seconded the Russian and Chinese draft, he requested that that draft resolution would be put to a vote.

TEKEDA ALEMU (Ethiopia) said that the international community could succeed in controlling and eliminating the use of chemical weapons only when countries such as the United States and the Russian Federation worked together.  However, the situation in Syria had always been politicized, and it was unwise to blame a single State for the log‑jam.  All such problems were the result of a failure to focus on the major issue at hand.  As such, his delegation had voted for the resolution because it was keen to renew the Mechanism’s mandate.  He recalled that Ethiopia had some doubts about the Mechanism’s conclusions found in its seventh report.  However, the United States had shown flexibility on that front.  He expressed hope that the Mechanism would continue, and a technical rollover would be considered.

KAIRAT UMAROV (Kazakhstan) said his delegation was concerned about the state of the non‑proliferation regime in Syria and the region.  Based on those circumstances and the need to preserve the Mechanism, his delegation had wanted to support both resolutions to extend its mandate.  Having read the seventh report, it had been even more convinced that the mandate should continue.  He regretted that the Council had not been able to act as a collective body.  During the last consultations, the United States had shown a willingness to accommodate changes to its text.  However, he also expressed sympathy for the Russian Federation’s reservations.  Kazakhstan’s main priority was to fight against the threat of chemical weapons, and in that regard, the Mechanism needed to undergo changes to meet all Council member expectations.  As such, he called on all Member States to continue consultations and find mutually acceptable language to allow the Mechanism’s continuation.

FODE SECK (Senegal) noted that the Council had once again seen its divisions laid bare on a critical issue.  Everyone agreed on the importance of the Mechanism, in terms of deterrence as well as to deal with ongoing allegations in Syria.  His delegation had voted in favour of the draft resolution submitted by the United States, bearing in mind the suffering of the Syrian people.  It had also been persuaded of the Mechanism’s importance and its mandate.  He welcomed the spirit of compromise and openness demonstrated by the United States, which had taken into account the legitimate concerns of many Member States about the Mechanism’s methodology.  Despite the deeply diverging views of the Council on the Mechanism’s seventh report, he emphasized that it was still possible to arrive at a consensus for renewal.

WU HAITAO (China), expressing concern at the use of chemical weapons in Syria by whomever, said the Mechanism should carry out objective and impartial investigations, base its work on solid evidence and draw conclusions that could stand the test of time.  Only in such a way could the perpetrators be brought to justice, he said.  In its recent report, the Mechanism had indicated that because of time elapsed and security reasons, the Mechanism could not visit the sites.  While supporting the Mechanism, he said it should improve its working methods, overcome problems relating to on‑site visits, improve its performance and address concerns of all parties.  China had abstained because the draft had not addressed the concerns of some Council members.  He said the Council should remain united and create conditions for a political settlement of the Syrian situation.  The political process should be owned and led by the Syrians.

KORO BESSHO (Japan) said he had co‑sponsored the draft because it would serve to keep the Mechanism in operation while addressing several issues regarding its methods of work.  He had confidence in the impartiality and professionalism of the Mechanism, and its work should continue until all perpetrators were brought to justice.  It was regrettable that the 15‑member organ had once again failed to vote in favour, he said, and called on Council members not to allow impunity.

AMR ABDELLATIF ABOULATTA (Egypt) demanded identification of the parties responsible through an investigation that employed all criteria to perform its task.  Experience had proven that there was a pressing need to improve its methodology, particularly through carrying out field visits to the sites under investigation, including excavation and collection of evidence and samples.  The Mechanism must also study all possible scenarios regarding the use of chemical weapons.  He had called for improving the methodology, but that would require the separation of the issue of extending the mandate from the consideration of the Mechanism’s reports.  That was why he had supported the United States resolution in October, as it had not related the extension to the contents of the report.  He had abstained from voting, despite Egypt’s position that the parties responsible for the use of chemical weapons in Syria should be found.  He had also intended to abstain from voting on the Russian draft, he said, and called for overcoming fixed political positions and to prioritize the interest of the Syrian people.  He was prepared to work with all parties interested in laying the necessary criteria for an objective investigation.

VASSILY A. NEBENZIA (Russian Federation) said his country had been unable to support the draft resolution drawn up by the United States.  However, it was not true that his delegation had not engaged in communications in that regard.  Over the course of several weeks, it had explained that it could not take the proposal seriously, because it was erroneous from the outset and geared towards entrenching the Mechanism’s flaws.  Today’s statement by the United States delegate had not focused on the Mechanism, but instead on the Russian Federation.  The United Kingdom’s delegate had even said that the Russian Federation had no place in the political process in Syria, he noted.  Therefore, false stories were being circulated to cast doubt over the Russian Federation’s role in the process.

He went on to note that there had been nothing balanced in the draft resolution of the United States.  Its main emphasis had remained unchanged throughout the expert discussions, only undergoing superficial changes.  As such, none of the flaws in the dossier had been remedied.  Therefore, those who supported the unrealistic draft bore the responsibility if the Mechanism could not be salvaged.  His delegation was doing everything possible to extend the Mechanism’s mandate, boost its effectiveness and identify the true perpetrators.  However, some at the Council were guided by other priorities, he said, noting that the situation was reminiscent of that of Iraq nearly 15 years ago, when the United States representative had deliberately misled the international community.  “Will this geopolitical laboratory ever be shut down?” he asked.  He supported Bolivia’s proposal and asked that resolution S/2017/933 be put to a vote today.

SEBASTIANO CARDI (Italy) said that, on six occasions, the Mechanism had certified the use of chemical weapons in Syria, and many others were being investigated by the fact‑finding mission.  OPCW and the Mechanism were critical tools of the international community, and Italy fully supported the renewal of their mandate.  A number of delegations had suggested ways to ensure that the Mechanism function in a more effective way, which the draft resolution at hand reflected.  At the same time, the text must uphold the credibility of the Mechanism’s past investigations.  The United States had embodied willingness to find common ground, and thus, he expressed disappointment over the vote because it had deprived the international community of a crucial tool.

BASHAR JA’AFARI (Syria) stated that some treated the false reasons provided for invading Libya and Iraq as if they could be forgotten and could not be repeated with guaranteed impunity.  Fortunately, other Council Members did not forget.  The Russian Federation had not obstructed today’s work in the Council, instead preventing tragedies such as Libya and Iraq.  Three of the Council’s permanent members were adopting policies of hegemony and aggression, but fortunately, two permanent members opposed such practices.  Without them, the world would see more destruction and actors such as Al‑Qaida, ISIL/Da’esh and Nusrah Front.  Those groups had been created by countries which sponsored terrorism and used it against those opposed to their interventionist policies.

He went on to recall that his Government had cooperated with the United Nations when armed terrorist groups had committed crimes in March 2013 near Aleppo using chemical weapons.  Syria had asked the United Nations for assistance, requesting an urgent mission.  Unfortunately, the mission was incomplete and delayed.  That situation had shown that mechanisms and committees established by the United Nations to investigate chemical weapons in Syria would not have been allowed to function in an impartial manner.  As such, the draft text of the Russian Federation and China delegations was aimed at improving the Mechanism’s mandate and making it consistent with international standards.  The text would have allowed the Mechanism to base its conclusions on evidence that could not be manipulated or falsified.  Any resolution that did not consider such safeguards would constitute a desperate attempt, relying on false witnesses and information provided by terrorist groups.

The President of the Council then suspended the meeting for 15 minutes.  When the meeting resumed, the Council announced that it would consider the text submitted by Bolivia.

Following a suspension, the text previously withdrawn by the Russian Federation was submitted for a vote by Bolivia.

Mr. LLORENTTY SOLÍZ (Bolivia) said he wanted to make it abundantly clear that he wanted the Mechanism to continue.  He therefore desired a vote on the Russian draft.

Mr. NEBENZIA (Russian Federation) said he wanted to end the crimes being committed in the Middle East by the use of chemical weapons.  He recalled supporting the creation of the Mechanism, but then wanting the flaws in its operations to be corrected.  That had not been done, he said, citing again what he said were inconsistencies in the Mechanism’s reports, which had not been adequately clarified.  The head of the Mechanism, instead, directed himself to the press, putting forward unfounded attacks on the Russian Federation in an interview to the *New York* *Times*.  The Mechanism was only following the political instructions of its puppeteers in that and its unproven accusations against Syria.  The draft now under discussion called for preservation of information gathered awaiting a thorough investigation of recent incidents.  The activities of non‑State actors must also be further taken into account.  He described language that had been changed in the draft to accommodate concerns of other delegations.

Ms. HALEY (United States) said that Bolivia had tried to pull one over on the Council by calling for the vote in the way it had.  She added that flaws were only found in the Mechanism when evidence pointed to Syria.  No flaws were found when evidence pointed to ISIL/Da’esh.  Neither the Russian Federation nor Bolivia consulted with others on their procedures; they were playing games.  She regretted that the whole procedure was embarrassing for the Council.  The Russian Federation wanted a Mechanism that they could micromanage.  Today’s developments had proven that the Russian Federation could not be trusted as a broker in Syria.  The rejected resolution had all the changes that had been requested and the United States and all other members had been disrespected.  The next chemical attack would be on the head of the Russian Federation.

The Council then voted on the resolution submitted by Bolivia.  Four members voted in favour (Bolivia, China, Kazakhstan and the Russian Federation), seven against (France, Italy, Sweden, Ukraine, United Kingdom and the United States) and four abstained (Egypt, Ethiopia, Japan and Senegal).  The draft was not adopted, owing to a negative vote of a permanent member of the Council.

Mr. ABOULATTA (Egypt), expressing deep regret at how the Council had transformed into a “media show”, said that his delegation had abstained on voting.  Despite the continuing polarization, consensus was possible, he said, and his delegation was prepared to work towards preserving the Mechanism.

Mr. YELCHENKO (Ukraine), noting that his delegation had voted against the draft initially proposed by the Russian Federation, said that document was a deliberate attempt to undermine the credibility of the Mechanism and OPCW.  It sought to create artificial obstacles to independent investigations, contrary to the draft proposed by the United States, which was a product of real negotiations.

Mr. BESSHO (Japan) said his delegation had not supported the draft submitted by the Russian Federation because it did not support its assessment of the past work of the Mechanism.  While noting the Russian Federation’s willingness to renew the mandate of the Mechanism and improve its methods, the best way to do that was described by the resolution proposed by the United States.  He urged the Council not to abandon efforts to prevent the further use of chemical weapons.

Mr. HAITAO (China), strongly condemning the use of chemical weapons inside Syria and expressing support for investigations into those incidents, said that the draft the Council voted on contained condemnations of the chemical weapons and the concerns about the use of such weapons by non‑State actors, including terrorist organizations, as well as language on improving the Mechanism’s working methods and mandate.  His delegation had voted in favour of the resolution and regretted that it was not adopted.

Mr. NEBENZIA (Russian Federation) expressed deep disappointment that the initiative for extending and qualitatively improving the Mechanism had failed to secure the requisite support.  Various tricks would now be used to pin the cessation of the Mechanism’s activity on the Russian Federation.  The goal of disparaging his country had surpassed the importance of preserving the Mechanism.  As customary, all blame would be placed on the Russian Federation.  Noting that his delegation had been accused of not taking part in consultations, he said that they had met three times with the United States colleagues.

Mr. LLORENTTY SOLÍZ (Bolivia) expressed frustration at the Council’s collective failure to extend the mandate of the Mechanism.  He rejected the “unacceptable claims” made by the United States that Bolivia had failed to act with transparency.  His delegation would not apologize for using the rules of procedure of the Council.  He recalled that while the Council was trying to adopt a resolution on the situation in Syria during closed consultations on 7 April, the United States was planning an aerial bombardment in the country.  He called for delegations to set aside the media circus and the trading of insults and offer a glimmer of hope to victims of attacks in Syria.  He expressed hope that in future negotiations, the Council would be able to successfully extend the Mechanism’s mandate.

Mr. NEBENZIA (Russian Federation) stressed that the alternative resolution did not just surface yesterday, but had been on the table since 7 November.  He then insisted that Bolivia did not need Russia’s protection.  The United States allegations of Bolivia’s non‑transparency were unjustified, he said.