

# Call for Accountability for Chemical Weapons Use in Syria

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Thank you Mr President, and thank you also to High Representative Nakamitsu for your briefing.

We are holding this session in the open Chamber today after a series of reported chemical attacks in Eastern Ghouta within the last month, as the Assad regime continues its merciless bombing and killing of civilians. Over the weekend, there was a further allegation of use of chemical weapons in Idlib, as well as airstrikes by pro-regime forces which reportedly hit three hospitals, leaving doctors scrambling to remove premature babies from their incubators to move them. I cannot say move them to safety because the reality is that, for the citizens of Idlib and Eastern Ghouta, nowhere is safe. Mr President, we are appalled by this violence and the reported deliberate targeting of civilians and civilian infrastructure and call upon all parties to the conflict to uphold International Humanitarian Law and protect civilians.

The OPCW is already investigating reports of chemical weapons use in recent weeks, but establishing who was responsible for such use will be much more difficult, because Russia three times vetoed continuation of the independent, expert Joint Investigative Mechanism, in order to protect the Assad regime.

We would welcome any serious attempt to re-establish a properly independent investigation and attribution mechanism to continue the meticulous work of the JIM.

Sadly, we do not yet see that in the Russian proposal.

Any successor investigation must be empowered to investigate all use of chemical weapons, whoever the perpetrator may be. Yet the Russian proposal focuses only on non-state actors. We have repeatedly condemned Daesh for its use of chemical weapons, which the JIM clearly reported. But given Assad's track record of chemical weapons use and his failure to comply with the Chemical Weapons Convention, it is imperative that any new mechanism also investigate chemical weapons use by the Syrian regime.

A second objection is the proposal that experts would merely gather evidence, leaving this Council to decide what it meant. No other UN expert panel that I know of is specifically prohibited from reaching conclusions and reporting its findings to the Council on what has happened. We are not specialists on chemical weapons at this table; we rely on independent, UN-selected expert panels. The entire purpose of the JIM was that an independent panel reached conclusions on the basis of the evidence, taking it out of the hands of us, the Member States, the Council Members, because we had been unable to agree. Russia's proposal looks designed to avoid the political embarrassment of having to use its veto power to defend the indefensible, when independent bodies report on what has truly happened. The underlying intent seems to be to ensure there are no clear conclusions in future reports.

Thirdly, we object to the proposal's demands that the standard of proof should be 'beyond reasonable doubt'. This standard is not used in any other comparable past or present UN investigation. It is used in relation to criminal prosecutions in courts of law, which have significantly greater investigative powers and independence than Russia's text proposes.

And finally, Mr President, this proposal insists on site visits. This is despite the explicit provision in the Chemical Weapons Convention for other ways to gather relevant evidence, recognising the difficulty of safe and timely visits. There is no scientific basis for this proposal. It is simply an attempt to hamstring future investigations and to discredit the JIM. Russia, of course, made much of the absence of a site visit to Khan Sheikhou, despite the fact that the Assad regime handed over to the UN samples from the site, which contained chemical signatures unique to regime sarin, obviating the need for such a visit.

It is for these reasons that the text is unacceptable. The JIM set a high standard of impartiality and expertise; we expect that standard from any future mechanism.

Mr President,

The Syrian regime of course claims not to have used chemical weapons.

Yet over the years, two separate reports from the JIM under separate leadership panels, drawing on a broad range of respected independent international experts, concluded that the regime used chlorine at least three times – in Talmenes in April 2014, and in Sarmin and Qmenas in March 2015, and used sarin to attack Khan Sheikhoun in April 2017.

And let us remember, too, that infamous attack in Eastern Ghouta in August 2013, when a separate UN investigation found that sarin was used to kill hundreds and injure thousands.

That attack brought near universal international condemnation. And, following our concerted international pressure, Syria joined the Chemical Weapons Convention.

Syria promised – as it was legally obliged to do – to destroy and abandon its chemical weapons programme. Yet they have been unable to satisfy inspectors that they have done so. We have to ask ourselves: why not?

In 2013, Russia promised to act as a guarantor for the Assad regime's compliance with the Chemical Weapons Convention. Yet month after month we all sit here and we hear that Assad has not done so. So why does Russia not compel the Syrian regime to comply with its obligations and make it impossible for them to use chemical weapons?

Mr President,

Tragically, for the people of Syria, the regime continues to use chemical weapons with impunity. If it is confirmed that Assad has again used chemical weapons on his own people, it would not only be another entry in the catalogue of his war crimes.

It would also be another attack on us all: members of the United Nations who have worked for decades – in the words of the Chemical Weapons Convention – “for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons”.

Through history, our peoples have said “never again”: among others from the First World War battlefields; in Ethiopia; in Manchuria; in Saddam Hussein's attacks on Iran, and on Iraqi Kurds.

Let us on this Council stand up for the peoples of the United Nations, determined that these abhorrent chemical weapons should never be used.

Let us stand up for the people of Syria and give them a real investigation into those responsible for the use of chemical weapons, an investigation which pursues justice for the horrific crimes committed against them.

Let us signal our determination to pursue accountability through all means available, even if one member of the Security Council is currently preventing us from taking action here.

Thank you Mr President.

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