

# **Study Guide ATUMUN: The use of Chemical weapons and crimes against humanity in Syria.**

**Representations in committee:** 20 (15 members +1 Auxiliary representation):

**Permanent Members:** United States of America, Republic of France, United Kingdom of Great Britain and Northern Ireland, Russian Federation, People's Republic of China.

**Elected members:** Kingdom of Belgium, Federative Republic of Brazil, Dominican Republic, Republic of Estonia, Federal Republic of Germany, Republic of Indonesia, Italian Republic, State of Kuwait, Republic of the Niger, Republic of South Africa, Saint Vincent and the Grenadines, Syrian Arab Republic, Republic of Tunisia, Republic of Turkey, Socialist Republic of Vietnam.

**Auxiliary representation:** Syria.

## I. Introduction to the study guide

The following study guide is intended as a comprehensive introduction to the agenda of the UNSC, which can be found under point VI of this guide. It is of high importance that you have read and understood this study guide as this, along with the position papers found separately, will be the basis for the work of the committee. Should you have any questions regarding the information contained herein, please reach out to your committee director for clarification.

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## II. Abbreviations

**UN** - United Nations

**UNSC** - United Nations Security Council

**CW** - Chemical Weapon

**UNSG** - UN Secretary-General

**OPCW** - Organisation for the Prohibition of Chemical Weapons

**R2P** - Responsibility to Protect

**SOHR** - Syrian Observatory

### III. Introductory specifications and definitions.

The UNSC is the highest authority council in the UN and the only council which has the mandate to authorise military intervention, as well as the only council whose decisions every member state has committed to accept and carry out. The military measures available to the UNSC is specified in chapter VII of the UN charter. The council has the responsibility to ensure the maintenance of international peace and security, and it is with this responsibility the council has convened to address the situation in Syria, described in the following study guide.

In the coming discussions, the UNSC will consider the actions of the Syrian, American, French, and British governments in April 2018. The discussions will revolve around the current situation in Syria with regards to the Syrian civil war, the use of chemical weapons in the civil war, and violations of human rights under the conflict.

The UN adopted the *Responsibility to Protect* (R2P) at the UN World Summit in 2005. R2P builds on the concept that with sovereignty, every state bears the responsibility to protect its population against ethnic cleansing, genocide, war crimes and crimes against humanity. However, should the sovereign state not be able to bear out this responsibility, it is the responsibility of the international community to intervene through diplomatic efforts in the UN. With these diplomatic efforts come efforts under chapter VII of the UN charter through the UNSC.

The binding definition of crimes against humanity and war crimes are defined in the Charter of the International Military Tribunal, Nuremberg, as adopted in 1945. The definitions are specified below. Cases of Crimes against humanity and war crimes are tried in the International Criminal Court.

1. **Crimes against humanity:** “murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated.”<sup>1</sup>
2. **War crimes:** “namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners

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<sup>1</sup> <https://history.state.gov/milestones/1945-1952/nuremberg>

of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.”<sup>2</sup>

#### IV. Timeline for the Use of Chemical Weapons in the Syrian civil war.

The following timeline is intended to provide a rough overview of the events leading up to the current situation in Syria. Therefore, while care has been taken to provide accurate and crucial information, some details may have been foregone to ensure a complex situation is easily understood. However, due to the sheer number of different rebel groups, and to keep this study guide simple, only a few will be included in the timeline while others will only be named rebel groups.

- March 2011: In the Arab Spring of March 2011, following the successful toppling of Egyptian President Hosni Mubarak and Tunisian President Zine El Abidine Ben Ali, peaceful protests began in Syria, after 15 boys were arrested and tortured for creating graffiti supporting the Arab Spring. The Syrian government responded by using military force killing hundreds and arresting many more.
- April 2011: Protesters tried to establish an epicentre for their protests in the city of Homs. The city is raided by government forces, saying the protesters were organised by terrorist cells.
- July 2011: Defectors from the Syrian army establishes the Free Syrian Army, creating the first organised rebel group aiming to overthrow the Syrian government, therefore leading the country into a civil war.
- Summer 2012: The fighting spreads to the city of Aleppo, the largest city in Syria.
- August 2012: American President Barack Obama states that the use of Chemical weapons would change the American attitude to an intervention. Obama had previously unsuccessfully called for Syrian President Bashar al-Assad to resign. Obama’s Statement follows an official message from the Syrian Foreign Ministry which stated the country had chemical weapons, but wouldn’t use them on the Syrian people.

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<sup>2</sup> <https://history.state.gov/milestones/1945-1952/nuremberg>

- December 2012: The first use of a CW is reported to have killed seven people in Homs. The Syrian government denies any involvement, but American sources say the Syrian government used a chemical known as Agent 15 in the attack.
- March 2013: Reports indicate the use of CW's in Damascus and Aleppo, killing 25. The Syrian government blames the opposition for the use of the weapon and requests the UN to conduct an investigation into the attack. The UN investigation concludes the nerve gas sarin was used but does not identify who used the gas.
- April 2013: Reports surface suggesting two attacks using CW's was carried out in April killing three people.
- June 2013: Several sources suggest that there is strong evidence that the Syrian government has used Sarin. The UNSG Ban Ki-moon reported that the Syrian government wasn't cooperating with the UN investigation. The French Foreign minister joins the American choir of politicians claiming there is clear evidence the Assad-regime has used CW's.
- August 2013: More than 1000 people are killed in a CW attack in a rebel-held suburb of Damascus. UN investigators state the attack was carried out using Ground-to-ground missiles loaded with Sarin nerve gas. The Syrian government is blamed for the attack by the US and other countries. The UN and the OPCW announces an investigation into the attack which is aborted when the UN convoy is attacked. The UNSC convened after the attack and issued a statement requesting further information. The UNSC also convened later to discuss the situation but did not adopt any resolution regarding the situation.
- September 2013: The US considers a military operation in Syria, but the Russian government counters this and proposes a solution where the Syrian regime hands over all CW's to international hands for dismantlement. An agreement is reached and the UNSC adopts resolution 2118 (2013) unanimously, endorsing the agreement. However, the resolution also states that in case of any use or transfer of chemical agents, the UNSC would impose measures under Chapter VII of the UN charter.
- October 2013: The Syrian destruction of CW's begins under the supervision and verification of a joint UN and OPCW team, known as the Joint Investigative Mechanism (JIM).

- December 2013: The UN investigation team announces that CW's were used in five of the seven investigated attacks and that Sarin was used in four of the five.
- January 2014: Syria misses the two deadlines for removing their CW's. The head of the JIM addresses the UNSC on the missed deadlines, stating that the Syrian government didn't miss the deadline intentionally but urges the government to speed up the progress so it doesn't miss the destruction deadline.
- April-May 2014: Syria reportedly used Chlorine Gas in an attack on a rebel village, while missing the revised deadline to hand over its remaining chemical weapons, around 8% of their stockpile, primarily precursor chemicals to Sarin.
- June 2014: The last CWs are removed from Syria. Meanwhile, the OPCW fact-finding mission concluded that CWs had been used in earlier attacks, but the team was not able to visit all locations due to security threats.
- May 2015: the OPCW confirms the finding of traces of sarin at a military facility the Syrian government hadn't declared.
- August 2016: Reports surface of a CW attack in the city of Aleppo, using Chlorine Gas. The OPCW and UN report that the Syrian government has used helicopters to drop CW's on civilians in previous attacks.
- February 2017: Russia and China veto a UNSC resolution which could have authorised sanctions against Syria. The resolution was on the table due to the Syrian use of CW's.

## V. Escalations since April 2017

On April 4th 2017, the Syrian government used Sarin in a CW attack in the rebel-held Khan Shaykun in the Idlib province of Syria, killing 92 people including 28 children. The attack was widely condemned before the USA unilaterally retaliated the attack by firing 59 missiles at the military base from which the initial attack was carried out. The base which the US attacked hosted, aside of the Syrians, Russian military personnel. The US claimed to have warned prior to the attack. The unilateral response of the US received support from multiple allies, including the EU, UK, Israel, Turkey and Saudi Arabia, while Russia, Iran and Syria condemned the response. The Syrian President Bashar al-Assad went so far as to say the CW attack was a “fabrication” to justify American intervention.

Following the release of their report into the Khan Shaykun attack, JIM didn't receive a renewal of its mandate, despite four resolutions having attempted to renew this mandate, with three of them being vetoed by Russia, and a final resolution, proposed by Russia, not passing due to too few votes in favour. This investigative mechanism was subsequently attempted revived, though, these efforts have been unsuccessful due to dissension on the independence of the mechanism and its conclusions.

On April 7th 2018, reports surfaced of another CW attack, this time in Douma, eastern Ghouta, after the Syrian government launched assaults on the town, seen as the final rebel-held enclave near Damascus. Reports published by the UK government in the UK parliament claimed that the Syrian government was responsible for citing the methods used for the attack and the previous track record of the Syrian government. Shortly after the CW attack, the US, UK, and French military forces carried out several precision strikes against targets associated with the CW attack and the Syrian government's general CW capabilities. The coordinated strikes were condemned in the UNSC by Bolivia and Russia, calling the strikes a breach of the UN Charter, holding the door open for retaliatory strikes.

Finding lasting peace in Syria has been a high priority for the international community with two peace processes currently underway. The Geneva process has been the official UN-led process, conducted in the UN offices in Geneva. This process has been supplemented by the Astana Process, mainly sponsored by Turkey, Iran and Russia, which has gradually taken over responsibilities from the Geneva talks. The Astana talks have so far had 9 rounds of talks, including Talks in the Russian town of Sochi. The outcome document of the Sochi talks called for the establishment of a constitution commission to revise the current constitution, based on 12 principles also indicated in the outcome document. The Sochi talks were boycotted by the Syrian opposition, and the legitimacy has been questioned by several Western leaders, some calling it teetering on being a farce.

## VI. Specification of the agenda

The UNSC should consider the following points in its meeting:

- I. Condemnation of the use of chemical weapons by the Syrian Arab Republic, and the aggression by the United States of America, the United Kingdom and France towards the Syrian Arab Republic.

- II. Sanctions against states involved in the conflict, like:
  - A. Charging governments or states for crimes against humanity or war crimes.
  - B. Sanctioning states which support states found guilty of using chemical weapons.
  - C. Sanctioning states for aggressions towards other sovereign states.
- III. A stable political solution and the future political landscape of Syria.

*The order above is not binding and it is at the discretion of the council in cooperation with the committee directors to determine which points are addressed and when. It is, therefore, possible for the council to discuss the points in a different order and to discuss two of these points simultaneously.*

## VII. Bloc positions

The previous meetings of the council have shown a division of the council. The Syrian government has been the target of many accusations, but neither sanctions against nor condemnations of the Syrian government have passed in the council due to Russian vetoes.

The USA and their allies - France, the UK, and Germany - have formed an opposition to the Russian bloc. The US, UK, and French allies were quick to support them after the recent missile attack. The bloc condemns the Assad-regime for their constant violations of human rights and the use of CW's against its population. The bloc has often targeted Russia with its critique for supporting the Syrian regime and protecting them from UN intervention.

The rest of the council are generally to be considered neutral in the council. The countries do not condone the course taken by the Russian bloc, nor do they support the aggression by the US bloc. The neutral states support a diplomatic and political solution to the current situation, not a militaristic solution. Many of the neutral states have also expressed concern for the widespread use of the veto in the council and has pointed to the fact that the council is held hostage by the ability for some states to veto decisions.

## VIII. Past resolutions and previous UNSC discussions

The UNSC has convened on many occasions since the CW attack in April 2017, with most resolutions being vetoed by Russia. Only two resolutions have been passed in 2017 and 2018, one authorising cross-border and cross-line aid delivery(adopted in December 2017), and one demanding



a cessation of hostilities in Syria(adopted unanimously in February 2018). Several states have called for a political solution to the conflict, though a consensus on which process to justify has not been reached by the parties. However, the council reached agreements in 2013 and 2015. In 2013, The UNSC adopted Resolution 2118 (2013), applauding the agreement reached between Syria and the OPCW, outlining the plan for the destruction of Syria's stockpile of chemical weapons. However, clause 21 of the resolution states that in the case of non-compliance with the resolution, the council shall impose measures under Chapter VII of the UN charter, including the application of armed forces in the region. In 2015, the council responded to an OPCW report, which stated that chemical weapons had been used in Syria, and clearly stated that any further violations of resolution 2118 (2013) would result in measures under chapter VII of the UN charter. Both resolutions were adopted unanimously by the council.

In 2012, the UN facilitated talks between representatives of the League of Arab States, the EU, Russia, China, France, the United States, Turkey and the United Kingdom which led to the adoption of the Geneva Communique. The communique endorses and emphasises the importance of a six-point plan laid out by the UN special envoy on Syria. The communique is currently the only action plan for a lasting peace which has been accepted by the major players of the conflict, excluding Syria. The six-point proposal of the UN Special envoy and the Geneva Communique can be found in the appendix.

#### IX. Further reading:

- Global R2P issue on Syria([Link](#))
- Globalis (in Danish):([Link](#))

#### X. Appendix

- Action group on Syria - *Geneva Communique*, accessed at [General Assembly Security Council](#)
- UN Special Envoy on Syria - *Six-Point Proposal*, accessed at [Annex Six-Point Proposal of the Joint Special Envoy of the United Nations and the League of Arab States](#)
- UNSC resolution 2118, adopted September 27th 2013, accessed at [Resolution 2118](#)
- UNSC resolution 2209, adopted March 6th 2015 [2209](#)

