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Research Report

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SWP Comments, No. 23/2016

Provided in Cooperation with:

Stiftung Wissenschaft und Politik (SWP), German Institute for International and Security Affairs, Berlin

Suggested Citation: Meier, Oliver (2016) : The danger of chemical weapons in Syria: Unfinished disarmament and international control efforts, SWP Comments, No. 23/2016, Stiftung Wissenschaft und Politik (SWP), Berlin

This Version is available at:

<https://hdl.handle.net/10419/256398>

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The Danger of Chemical Weapons in Syria

Unfinished Disarmament and International Control Efforts

Oliver Meier

On 4 January 2016, the Organisation for the Prohibition of Chemical Weapons (OPCW) in The Hague announced that the process of destroying Syrian chemical weapons had been completed. Despite that declaration of success, problems obviously persist. Since April 2014, the civil war parties have accused each other in more than one hundred cases of having used chemical weapons. In more than twenty incidents the OPCW has confirmed the use of chemical weapons. The United States also accuses Syria of having kept part of its chemical arsenal. The international community has established three institutional mechanisms to shed light on chemical weapons-related issues. Clarification of key questions – whether Syria still possesses a chemical weapons potential, where chemical weapons have been used and who is responsible for their use – under conditions of war will be a challenge. Despite the poor prospects of success, the investigations are important to reduce the risks of further chemical weapons use. Independent of the state of the peace process, international control efforts should be pursued persistently and with a long-term view. Wherever possible, new control capabilities developed in the context of Syrian crisis should be consolidated.

The successful destruction of Syria's declared chemical weapons stockpile under international monitoring has reduced the danger emanating from these weapons. Following the elimination of about 1,300 tonnes of chemical weapons, including the nerve agent sarin, and their precursors, Syria's chemical weapons programme no longer poses strategic threat to Israel. Nor can these stocks now fall into the hands of terrorists or be used in the civil war. The danger of another major chemical attack

similar to the assault with sarin close to Damascus on 13 August 2013 that killed more than one thousand Syrians, mostly civilians, appears to have vanished.

However, ever since Syria joined the Chemical Weapons Convention (CWC) on 14 September 2013, doubts have been expressed as to whether Damascus really intends to cooperate fully with the OPCW and the United Nations. Those concerns have meanwhile turned out to be justified.

Verifying the Syrian Declarations

In April 2014, six months after Syria submitted its initial declaration on its chemical weapons programme to the OPCW, the Hague-based organisation set up a Declaration Assessment Team (DAT) to clarify “anomalies and discrepancies” in the Syrian statements. In the course of about a dozen meetings with the government in Damascus the OPCW team uncovered that the Syrian declaration of its chemical weapons was neither comprehensive nor accurate. Damascus repeatedly had to correct and amend its statements.

For example, Syria subsequently disclosed one additional chemical weapons plant and three previously undeclared research and development facilities. Almost all the declared chemical weapons production facilities have now been destroyed, although in one case the security situation continues to delay destruction. The DAT’s significant findings include the revelation that Syria had worked on ricin, a toxin whose misuse for hostile purposes is prohibited by both the Biological Weapons Convention and the CWC.

Syria claimed that incomplete and incorrect declarations were the result of carelessness and a lack of administrative resources. Russia, as President Bashar al-Assad’s ally, took a similar line, arguing that the destruction of the declared stocks had “solved the problem” of Syrian chemical weapons. Others, particularly Western states accuse Syria of deliberately concealing the full extent of its chemical programme. These countries continue to doubt Syria’s good faith.

At its March meeting, the OPCW’s Executive Council stated that there had been no progress in clarifying nine of the seventeen outstanding issues, and requested the OPCW’s Director-General to support the DAT by discussing these questions directly with Syrian government representatives.

Investigating Chemical Weapons Incidents

Repeated reports about chemical weapons use in the civil war make the DAT reports on omissions in the Syrian declarations especially alarming. The government and opposition accuse each other of using chemical weapons. Yet, allegations that the regime has been using chemical weapons, either from undeclared stocks or produced in undeclared facilities, have taken the centre of attention. The possibility that such clandestine stocks could have fallen into the hands of non-state actors is equally unsettling.

At the end of April 2014, OPCW Director-General Ahmet Üzümcü set up a Fact-Finding Mission (FFM) to investigate the veracity of chemical weapons incidents in Syria reported after 21 August 2013.

The inspectors have been operating under the most difficult of circumstances. They came under fire during one of their first on-site visits in May 2014 and had to abandon the planned investigation.

Nonetheless, by the end of 2015 the FFM had presented six reports. These reports were based on a range of sources. FFM investigators analysed media reports and conducted interviews with victims and doctors (sometimes by telephone or videoconferencing). It was also helpful that the FFM was able to rely on the support of an OPCW presence in Damascus.

The FFM’s reports mention 116 incidents since April 2014 where chemical weapons have reportedly been used in Syria. The OPCW investigated twenty-nine of these and concluded with a probability that in twenty-three cases toxic chemical substances – mostly chlorine or mustard gas – had been misused as a means of warfare.

Russia argues that the FFM findings support its view that terrorist groups were responsible for the continuing chemical weapons use. But that interpretation cannot be reconciled with all of the descriptions confirmed by the FFM. For example, cylinders of chlorine gas were dropped from helicopters operating in airspace

controlled by the Syrian government. The United States and others therefore argue that Damascus must have been responsible for at least some of the chemical weapons attacks.

Assigning Blame

The Joint Investigative Mission (JIM) is the most ambitious of the three instruments (alongside DAT and FFM), established to clarify the extent of the Syrian chemical weapons programme and ascertain the circumstances surrounding chemical weapons use in Syria. On 7 August 2015, the Security Council established the JIM as a joint instrument of the OPCW and the United Nations to “identify to the greatest extent feasible individuals, entities, groups, or governments who were perpetrators, organisers, sponsors or otherwise involved in the use of chemicals as weapons, including chlorine or any other toxic chemical, in the Syrian Arab Republic”.

For a long time, Russia had opposed the establishment of such a mechanism because it wanted to avoid an investigation focused on the Assad regime. Moscow therefore insisted on also investigating accusations that the Islamic State had used chemical weapons against Kurdish forces. The Security Council was able to establish the JIM by unanimous vote only after Baghdad invited the OPCW to investigate allegations concerning the use of chemical weapons against the Peshmerga. (The OPCW has meanwhile confirmed the use of mustard gas in northern Iraq, but not specified the number of incidents or who was responsible.)

The activities of JIM, which began its work in November 2015, are restricted to cases already investigated by the FFM. In February 2016, Virginia Gamba, formerly director of the UN Office for Disarmament Affairs and now head of the JIM, presented a first interim report describing the mission’s methods. The JIM initially intends to investigate seven cases that had occurred between April 2014 and August 2015,

selected above all because investigating them appears less difficult than other comparable incidents.

Nonetheless, reliable, comprehensive findings are not to be expected within the JIM’s one-year mandate. Although the JIM intends to draw on a multitude of sources and contacts, Syria’s catastrophic security situation and ever-changing political circumstances are likely to hamper the investigation.

What Next?

Over the past two years, the issue of Syrian chemical weapons has dropped out of the headlines. This is understandable, given that the destruction of large quantities of sarin greatly has reduced the threat they posed. In comparison to the many thousands of victims of bullets, bombs and other conventional weapons in the civil war, far fewer Syrians are killed or injured by chemical weapons. For Russia and the United States, the success of their cooperation in destroying Syrian chemical weapons demonstrates the effectiveness of their cooperation on non-proliferation (as does the resolution of the conflict over the Iranian nuclear programme). Reports of chemical weapon attacks undermine that narrative. And there is another political factor behind international reticence to address the issue: Where external actors tend to exonerate their own clients from allegations of chemical weapons possession and use, such allegations often come to be perceived mere war propaganda.

International efforts to eliminate chemical weapons in Syria and investigate ongoing attacks remain important despite – and because of – this difficult mix of factors. The international community’s shared interest in exposing, condemning, prosecuting and penalising the use of chemical weapons can continue to bridge diverging interests over the civil war itself.

Most importantly, such efforts should be aimed at reducing the risk of further chemical weapons use in Syria and the

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ISSN 1861-1761

Translation by Meredith Dale

(English version of
SWP-Aktuell 25/2016)

broader region. Efforts to control chemical weapons should therefore, as far as possible, continue independent of progress made in the peace process. Even if it is under the present circumstances difficult to imagine that the JIM could actually reliably identify perpetrators, the investigations can still be relevant to expose and prosecute those responsible for chemical weapon attacks at a later stage. The evidence secured can form the basis of investigations and prosecutions by the International Criminal Court, whose Statute lists the use of weapons of mass destruction as a war crime. That is another reason why it is so important for the Security Council to extend the JIM's mandate as soon as possible.

It is not clear what access terrorist groups have to chemical weapons stocks in Syria and whether they have been able to co-opt experts from the government's chemical weapons programme. There is a real risk of terrorists using Syrian chemical weapons in third countries. The Islamic State's use of mustard gas in Iraq is particularly unsettling, also for Europe. After the Paris attacks in November 2015, French Prime Minister Manuel Valls warned specifically of the possibility of terrorist attacks with chemical weapons. The Russian proposal of starting talks on a new international convention banning chemical terrorism is at least worth consideration.

Finally, the destruction of Syrian chemical weapons demonstrates the effectiveness of international disarmament organisations. Few would have expected the OPCW of being capable of playing such a prominent role in this process. In 2013, it received the Nobel Peace Prize for its achievements. Yet, the capacities of international organisations like the OPCW to control chemical weapons and other weapons of mass destruction in crisis regions needs to be bolstered. The EU's contribution of €4.6 million to the FFM and the JIM in November 2015 represents an important step towards that objective. It would be even better, however, if the regular budgets of

OPCW and UN were increased so as to enable them to fulfil such tasks on a continuous basis. In view of the prevalence of crises in the world, and especially in the Middle East – where there are still huge gaps in the application of international control mechanisms – the danger remains that the chemical weapons use in Syria will not be the last of such incidents.

The long-term objective, of course, is still a complete prohibition of chemical weapons. That alone will end neither the killing in Syria, nor the endless suffering of the Syrians. In the best-case scenario, however, the credible threat of political and legal consequences will deter those responsible from further use. But above all, the activities of the international community send a clear message to other states that possession and use of chemical weapons will have consequences.