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BRIEFING SERIES

Iranian Use of Chemical Weapons: A Critical Analysis of Past Allegations

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The problem with studying countries in chemical and biological weapons (CBW) proliferation is that the project implies a presumption of guilt. Therefore, there is a potential trap of seeking to confirm or deny presuppositions.

Since Iran is generally viewed with suspicion in the West, the challenge is to maintain scientific objectivity. There are several problems of sources and weighing information that are associated with studies in this field. They include:

- Dominance of U.S. and Israeli sources
- Indiscriminate use of terminology
- Allegation of use is very often equalized with allegation of possession
- Credibility problems with statements made by opposition groups
- Credibility problems with unattributed quotes
- Reports based on secondary or tertiary sources

The 1980-88 Gulf War

Iraq started chemical warfare in 1982. The Iraqi use of chemical weapons (CW) during 1984-1988 had a major impact on Iranian attitudes. The absence of formal international condemnation of Iraq led Iran to question the value of international norms banning the use of CW. The Iraqi use of CW against Iranian troops also had a major demoralizing effect on the military. Added to that was the Iranian fear of CW missile strikes against population centers.

Today, Iran is interested in maximizing the prohibition scope and security guarantees under the Biological and Toxin Weapons Convention (BTWC) and the Chemical Weapons Convention (CWC) in order to maximize protection in case of a renewed CBW threat.

Iran and the Prohibition on CW Use

The prohibition on the use of poison is rooted in the early Islamic law. The principal of prohibition on indiscriminate warfare has prevailed since Muhammad's times. Two types of warfare are mentioned in Islamic law: fire and flooding. Siege was allowed,

but it could only be conducted so that non-combatants would not be affected (e.g. cutting water supplies). The derived principle was a prohibition on the use of poison. After Muhammad's death, the first Caliph issued regulations to his troops not to use poison.

However, today there is no unified opinion within the schools of Islamic law regarding the use of poison. Whereas one school argues that such principles should be observed under all circumstances, other schools relate it to military necessity and justify it under certain circumstances.

Iran is a party to all international agreements on CW, and it is the only country in the Middle East that is a member of all nonproliferation agreements. Iran adheres to the 1899 Hague Declaration, it had delegates to the 1899 and 1907 Hague Conventions, and it signed and ratified the 1925 Geneva Protocol, the 1972 Biological and Toxin Weapons Conventions, and the 1993 Chemical Weapons Convention.

The Ban on CW Use in the Gulf War

Regarding CW, Iran was never in contravention of then existing international law. The basic agreement that was enforced during the first Gulf War (1980-1988) was the 1925 Geneva Protocol. However, there are different interpretations to the text. The text does not prohibit the possession of CW and it does not exclude retaliation against another contracting party. Therefore, if Iraq violated the agreement by using CW, it would be void, and Iranian use in retaliation would not be considered a violation. Western "even-handedness" was not based on international law but on a subjective view of the Islamic regime.

Iranian CW Capabilities Prior to 1980-88 War

Iran did not have a CW capability prior to the war. There is no information on Iranian interest in CB warfare during this period. The first mention is of some Iranian military officers receiving nuclear, biological, and chemical (NBC) training in the U.S. In addition, since Iran was an active U.S. ally during the cold war, it had access to U.S. military equipment (excluding nuclear weapons) and guarantees of U.S./NATO support in case of a Soviet NBC attack.

The Emerging Proliferator

The image of Iran as a CW proliferator was built up during the war. Initially, Iran was not on the U.S. list of proliferators. It was included in the list gradually. Iran was first considered a proliferator by association. It was an ally of Syria, which was presumed to possess CW, and it was also associated with Libya. Iran also expanded its economic ties with East European countries, especially with East Germany. Around 1984, U.S. statements became more affirmative and Iran was gradually accepted as a CW proliferator.

Other factors that added to the confirmation of Iran as a proliferator were the 1984 U.S. - imposed export controls for CW precursors on both Iraq and Iran. The U.S. position was accepted and the sanctions adopted by West European countries. This led to the creation of the Australia Group in 1985.

Sources of Allegations during the Gulf War

Principal sources of allegations of Iranian CW proliferation during the war were opponents to the Islamic regime in exile, opposition groups inside



Iran (e.g. the clandestine Radio Nejat-e), reports of purchases of precursor chemicals in Western countries, and statements by Iranian officials of CW production capability and possession that started in 1984.



Iranian Statements on CW Possession

Iran made claims of Iraqi use of CW as early as 1980-81. The first official statements on CW possession and production followed the U.N. investigation of March 1984. The statements were highly conditional and stressed deterrence function rather than retaliation. In most cases there was use of the phrases "has the capability" and "will use CW." There were also citations of Islamic prohibitions on the use of poison.

Iranian Unpreparedness for Chemical Warfare

When the war started, Iran had no CW capability, either offensive or defensive. Initially, the Iranian forces were unprepared for the war and had poor defensive capabilities. The first Iraqi attacks against human wave attacks in 1982-83 caught the Iranians with no protection. In 1984, Iran was incredibly naive in purchasing gas masks from the Republic of Korea and East Germany. The masks they bought from Korea did not fit the faces of non-East Asian people and the filter only lasted for 15 minutes. The purchase of 5,000 masks from East Germany was made without seeing them, and was solely based on the low price. They ended up being goggles for paint spraying. As late as 1986, Iranian diplomats still traveled in Europe to buy active charcoal and models of filters in order to produce defensive gear domestically.

In 1986 we find the first descriptions of gas discipline among the Islamic Revolutionary Guard Corps (IRGC) during the Fao campaigns. It is not clear where the IRGC got their NBC training. There is evidence that the Iraqi CW attacks had demoralizing effects on other troops due to their inability to retaliate. The troops did not have protection against CW and they were trained to ignore CW attacks by Iraq and continue to fight.

Iran's CW Defense Preparedness

From 1987 onward, Iran began domestic production of defensive equipment. The U.N. investigators noted that Iranians were wearing two-piece protective suits. In February 1988, Iran started production of Deraksh-6 by the Isfahan Construction Jihad, and in April 1988, domestic production of gas masks by the Iran Yasa factories.

In 1986-87, U.N. investigators noted the high standard of medical treatment and the distribution of atropine auto-injectors for Revolutionary Guards. However, they noted, the equipment used in key laboratories was the same that Western laboratories had used 20-30 years earlier.

Allegations of Use

1. Iraqi Claims

Iraqi claims of Iranian use of CW were made especially in the latter part of the war, after the events at Halabja. However, there was no independent confirmation of these allegations. In April 1988, the U.N. investigation confirmed the existence of Iraqi victims of CW agents, but made no statements on the source of exposure.

There were also many accounts of poor Iraqi tactics such as "blow-backs" of agents that affected their own troops.

2. Western Claims

Western statements regarding Iranian CW use were made during and after the war. Some indicated the possibility of Iranian use of captured Iraqi CW. The statements referred to sporadic rather than systematic use. All the statements about major Iranian CW operations were made after the war. These were essentially U.S. sources, and mainly reported on Iranian CW use in Halabja in March 1988.

Halabja: An Iranian CW Attack?

The allegation of Iranian CW use in Halabja was first made by U.S. State Department spokesman Charles Redman on March 23, 1988. There is also a Congressional record from September 30, 1988 in which Senator McCain made the same allegation, although many of the details were wrong.

The source of these statements is the U.S. Defense Intelligence Agency, Special Security Office. On March 23, 1988 they stated:

"Most of the casualties in Halabja were reportedly caused by cyanogen chlorine. This agent has never been used by Iraq, but Iran has shown interest in it. Mustard gas casualties in the town were probably caused by Iraqi weapons because Iran has never been noted using that agent."

Problem 1: The Alleged Agent

Cyanogen chlorine has little military use; it was used in World War One. It is virtually impossible to achieve lethal concentrations of this agent, and the local climate in Halabja was not suitable for such use.

In addition, the U.N. recorded several Iranian claims of Iraqi use of hydrogen cyanide (HCN), and the technology to produce the agent is available for a country that produces tabun. Finally, UNSCOM findings indicate that Iraq had the necessary type of filling equipment.

Problem 2: Assimilation of CW to Iranian Military Doctrine

There are no indications that Iran developed such weapons at the time. To acquire such large quantities as allegedly were used in Halabja, Iran would have had to produce it very fast, but it was under embargo at the time. In addition, Iran did not have adequate delivery systems available then. The allegations also imply pre-delegation of the authority to use CW, and forward storage of CW, which are both unlikely.

Problem 3: Wrong Outward Symptoms

The skin coloring of the victims should have been red instead of blue. The coloring of the victims is more suggestive of sarin, which was in Iraq's arsenal.

Problem 4: Eyewitness Accounts and Captured Iraqi Documents

Eyewitness accounts and documents obtained by the Human Rights Watch in 1995 pose problems on the credibility of the allegations.

Current Iranian Statements

According to current Iranian statements regarding its conduct during the first Gulf War, at the beginning of the war Iran had no offensive or defensive CW capabilities. In addition, Iran did not use CW during the war; otherwise it would lose moral high

ground. Iran states that it accepted the cease-fire in August 1988 because it did not have the technological ability to retaliate in-kind, it feared Iraqi missile strikes against population centers with CW, and because of the great impact of massive Iraqi CW use during battles on the Fao peninsula in 1986.

According to current Iranian statements regarding its past production programs, Iran had pilot-production scale facilities, but it had no large-scale production facilities and it produced relatively few munitions. Iran also produced sulfur-mustard in limited quantities. The status of production of HCN is unclear.

According to current Iranian statements regarding its current status of production programs, Iran destroyed its CW production plants and its munitions after the War. Iran submitted declarations on its past programs to the OPCW and declared the production of 500 tons of agents. Its declarations were certified by the OPCW in November 1999. Iran currently has one firm for CBW protection equipment affiliated with the Ministry of Defense. It is still dependent on foreign suppliers for defensive equipment.

Q & A

Q. How do you reconcile the religious prohibition of indiscriminate warfare with the Iranian work on nuclear weapons and its support of terrorism?

A. There is no unified view on what the religious prohibition entails. The school that advocates the interpretation of an absolute prohibition is the minority view. In addition, the Iranians have made conditional statements on this prohibition, as well as statements on deterrence. If the Iran-Iraq War had gone on, Iran would have probably used chemical weapons. They also did some field trials with CW.

Q. Do you think that the allegations about the current preparations of Iran in the WMD field are also misconceptions?

A. Some of the current allegations on Iran's CBW program might be exaggerated. Iran is currently engaged in defensive activities, as the U.S. is. Iran disposed of most of its CW capability and stockpiles during the period between signing the CWC, its entry into force, and the deposit of its declarations. Today, there are very few indications that they have residual capabilities.

Q. What do you make of the recent official testimonies in the U.S. that Iran is currently producing small amounts of CW munitions?

A. My presentation and research rely upon open-source material only, and they provide a critical analysis of past allegations. If Iran is indeed producing CW, why isn't the CWC mechanism to deal with such situations being used? Why hasn't any state country called upon a challenge inspection? The basis for testimonies and other statements made by U.S. officials is unclear. In addition, the allegations are often made in the broad context of WMD.

Q. Iran is developing delivery systems and is incorporating missiles into its training. What will those missiles be used for, if not as delivery systems for WMD? In addition, we learned from the past that even open democratic societies such as the U.S. have planned for first use of WMD for deterrence purposes. Therefore, we cannot assume that Iran is not doing the same.

A. Missiles are not the most efficient way to disseminate CBW.

Q. Who has made statements about systematic use of CW by Iran [vs. sporadic use]?

A. Most Western officials refer to sporadic use of chemical weapons by Iran. There are Iraqi allegations of systematic use, as well as U.S. allegations regarding massive use of CW by Iran in Halabja.

Q. State interests in Iran, or pragmatic consideration, always trump religious ideology. Therefore the religious prohibition on WMD use is not a compelling argument.

A. Iran invoked the religious prohibition argument in order to capture the moral high-ground. In addition, at least three schools of interpretation accept that military necessity can come before the religious prohibition.

Q. What has happened to the Iranian program from the end of the Iran-Iraq War until the CWC's entry into force?

A. Since the early 1990s, there has been an increase in allegations from a variety of sources. In the past, [the Yinhe incident] some information led to an investigation, which found nothing. At the same time, Iran has admitted producing 500 tons of CW, so they had a certain level of production and storage capability.

Q. Is there evidence of Iranian intentions to expand their CW program and become more self-sufficient?

A. Iran did expand its program before becoming a member to the CWC. It also had good grounds to develop a deterrence and retaliation capability. At the same time, they also became active in the Conference on Disarmament (CD). They had a dual-track approach; on one hand, maximizing their security guarantees under the Treaty, and on the other hand, making sure that they would not be caught without CW capability again. Since the entry into force of the CWC, there is a perception in Iran that their security environment has deteriorated significantly. This situation is mainly due to the collapse of UNSCOM, and the situation in Afghanistan. In addition, there are political factions in Iran who have always been opposed to the CWC. There is tension on the political level because major opposition political forces are pushing for Iran to withdraw from the Convention as they feel that the Treaty holds Iran back on its security. Iran emphasized its right to withdraw when it ratified the CWC.

Q. What should the international community do in order to maintain the integrity of the CWC? What can we learn from this example about how we should treat similar allegations in the future?

A. The speaker believes that the CWC provides a strong instrument to deal with compliance problems. One measure we can pursue is to take away security concerns of the States Parties. The Treaty also has the mechanism of challenge inspections. Right now it is disastrous for the credibility of the treaty that State Parties accuse other State Parties but they do not follow through with challenge inspections. There have been some discussions of concerns in other channels, OPCW inspectors have gone in, and declarations have been changed. So publicizing allegations or concerns is not very useful because it triggers denials from higher official levels. Multilateral cooperation is likely to be a more effective tool.

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