

Responding to chemical weapon use in Syria

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A sad continuation ...

- With the exception of the Indochina wars, all cases of major chemical warfare after World War II have taken place in the Middle East
- However, no instance involved the Arab – Israeli fault line
 - In wars between Arab societies
 - In Arab countries targeting their own citizens
 - In wars targeting fellow Muslim societies

Geneva Framework Agreement

- Threats of UK, French & US airstrikes against Syria following Ghouta
- Russian proposal for Syrian CW disarmament
 - Probably orchestration with USA to wipe out Obama's red line of August 2012
 - Syria became party to CWC → *International responsibility* for the process
- Ambitious destruction timeframe

Hybrid disarmament framework

- **Coercive disarmament**
 - International community, led by Russia & USA, demands Syria's CW disarmament
 - Threat of force
 - Originally imminent
 - Now in background
 - Tight final CW destruction deadline of mid-2014
 - Missed by a few months only – delays in evacuation of agents from country under war conditions
 - Finalisation of destruction of agents
 - Work ongoing on destruction of CW production facilities (end expected by June 2015)
 - UNSC Resolution 2118 (27-09-2013), §21: Chapter VII measures in case of non-compliance
- **CWC/UN framework: cooperative disarmament**
 - Demand from Russia; US initially favoured bi- or plurilateral action relying on national resources
 - OPCW Executive Council decision of 27 September (subsequently endorsed by UNSC Resolution 2118):
 - Verification of destruction and determination of intermediate deadlines according to CWC principles
 - International community assumed responsibility for implementing the US-Russian Framework Agreement
 - Centrality of OPCW in technical matters; UN takes lead in areas such as security & safety, diplomacy, logistics, communications, etc.
 - OPCW-UN Joint Mission set up on 16 October 2013 (ended on 30 September 2014)
 - CWC has its own compliance monitoring and enforcement toolbox

CW attacks

- **CW allegations mounting during 1st half of 2013**
 - 21 March: UNSG accepts Assad's request for an investigation of alleged use
 - August: UN team (OPCW + WHO) finally arrives in Damascus after much haggling
 - Team uses OPCW operational procedures for CW investigation and OPCW-certified reference laboratories
- **CW attacks against Ghouta (Damascus), 21 August 2013**
 - Change mandate UN investigative team
 - Preliminary report, 16 September (Ghouta only)
 - Final report, 12 December (also includes originally mandated investigations of allegations and some post-Ghouta allegations)
 - Outcomes:
 - Reports do not apportion blame
 - Ghouta: strong suggestion responsibility Syrian government
 - Earlier attacks: confirmation of sarin use in some of them; other evidence very limited
 - Still some open questions
- **Chlorine attacks (spring – summer 2014)**
 - Confirmed by OPCW investigations
 - As good as certain that Syrian government forces are responsible
 - Some unconfirmed claims of ISIL use (also in Iraq)

CW allegations: Nature of evidence

- **Proof beyond any doubt**

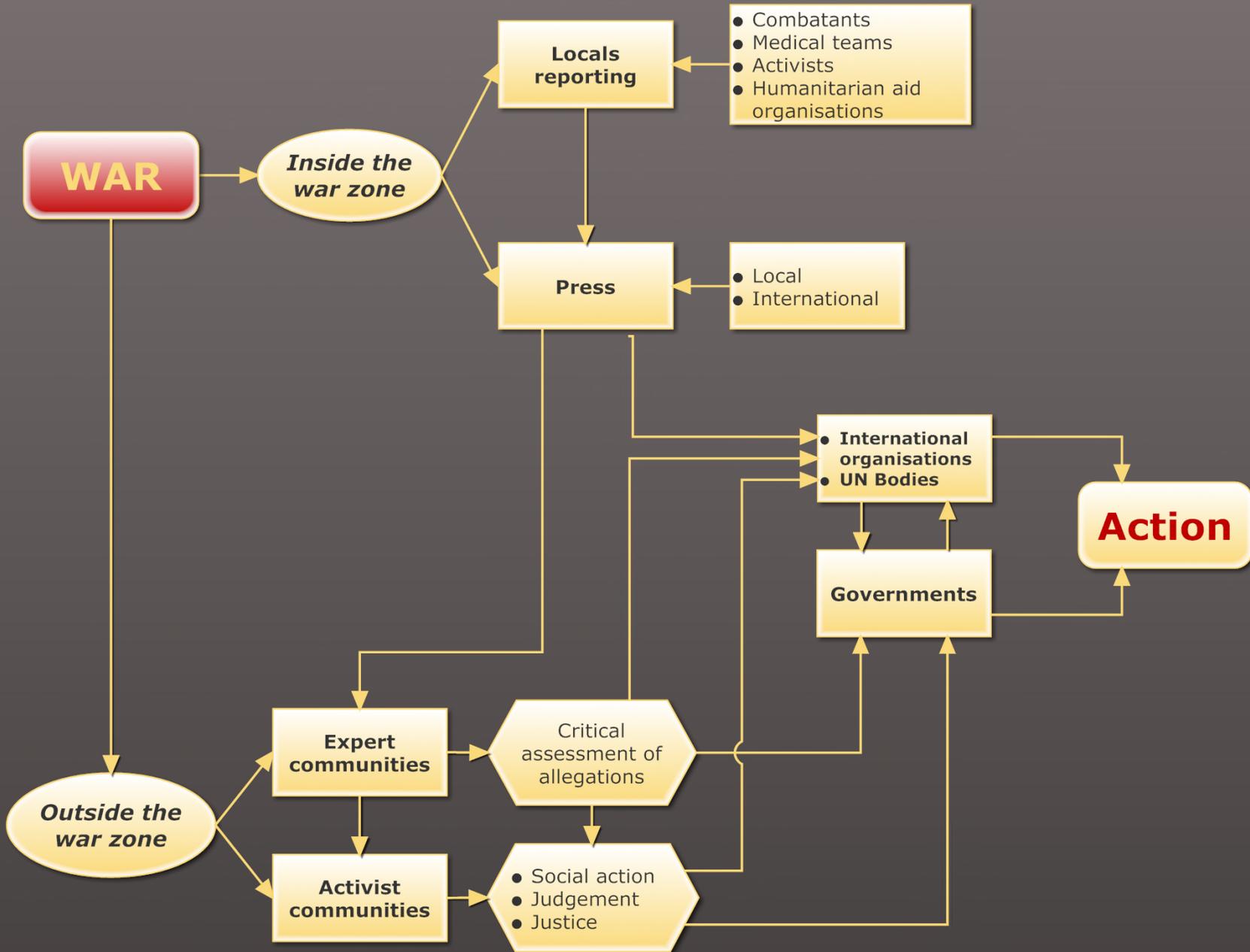
- Onsite investigations by independent & international team of experts
- Variety of documentary sources:
 - Soil samples & munition fragments
 - Medical evidence (casualty examinations, autopsy, hospital records, etc.)
 - Interviews of witnesses and victims
- Integrity of the chain of custody
- Analyses in internationally recognised (e.g., OPCW certified) laboratories

- **National evidence**

- Evidence obtained via national intelligence operators, from escapees, journalists, etc.
- Analysis in national or commercial laboratories
- Integrity of chain of custody is irrelevant, because no guarantees about source of samples and their preservation during transfer
- Useful to request for official investigation of alleged use (UN Secretary General; OPCW) – e.g., UK & French reports

- **Witness reports**

- Press articles, webcasts, statements by belligerents, reports from medical examinations, etc.
- Limited evidentiary value, but may be indicative of incidents taking place
 - Fragmentary; often lack crucial details and no analysis of samples
 - Propaganda factor



Reporting allegations of use

- **Task differentiation between constituencies in a war zone and those outside it**
- **Independent reporting and analysis crucial to**
 - Mobilisation of international action
 - Restraint on certain types of international response (e.g., military retaliatory strikes vs. application of international treaties and mechanisms)
 - Challenging claims to counter propaganda purposes of allegations
 - Inform the public debate on issues and possible options and constraints
- **Allegations bring in different types of constituencies who will press for different courses of action, irrespective of the status of relevant international law**



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