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
Recalling where science, industry and military art converged
Challenging entrenched positions

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