

## Syria and WMD: Deepening Uncertainty

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### *Summary*

The cautious response of the US to the alleged use of chemical weapons in Syria is conditioned by the challenges in securing the Syrian arsenal, the Iraq war experience as well as lack of viable military options. (?) Inspections by the UN/OPCW to check the veracity of these charges meanwhile has not progressed, even as the conflict in Syria enters a decisive phase in the light of renewed international engagement to stem the violence.

The conflict in Syria is at a decisive phase with the Assad regime charged of using chemical weapons against its own population – on December 23, 2012 near Damascus and on March 19, 2013 near the city of Aleppo. In the latter incident, which the Syrian government has blamed on the rebels, at least 25 people were believed to have died.<sup>1</sup> The US, based on ‘physiological evidence’, has assessed that such weapons have been used ‘on a small scale’.<sup>2</sup> Israel, however, insists the Assad regime has used them ‘in a number of incidents’.<sup>3</sup> Britain contends that it has ‘limited but persuasive evidence’ about the use of chemical weapons by Syria.<sup>4</sup>

## US Treading Cautiously

The use of such weapons of mass destruction (WMD) was earlier termed by President Barack Obama, in August 2012, as constituting ‘a red line ...that would change my calculus’.<sup>5</sup> The Obama administration has, however, been cautious in responding to these ‘game-changer’ charges of use of chemical weapons. It is insisting that such incidents need to be investigated and has called for ‘a comprehensive UN investigation that can credibly evaluate the evidence ...’<sup>6</sup>

The Defence Secretary Chuck Hagel contended on April 25 that there were still ‘uncertainties about what was used, what kind of chemicals was used, where it was used, who used it.’<sup>7</sup> Obama after meeting Jordan’s King Abdullah on April 26 insisted that the US needed ‘strong evidence’ rather than just an ‘intelligence assessment’ before further actions were contemplated.<sup>8</sup>

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<sup>1</sup> ‘25 Killed by Rocket with Chemical Materials Fired by Terrorists in Aleppo Countryside’, March 19, 2013, at <http://sana.sy/eng/337/2013/03/19/473349.htm> (accessed April 27, 2013).

<sup>2</sup> Michael Pearson, ‘US: Intelligence points to small-scale use of Sarin in Syria’, April 26, 2013, at <http://edition.cnn.com/2013/04/25/world/meast/syria-civil-war/index.html> (accessed April 27, 2013).

<sup>3</sup> ‘Syria has used chemical weapons, Israeli military says’, April 23, 2013, at <http://www.bbc.co.uk/news/world-middle-east-22266212> (accessed April 27, 2013).

<sup>4</sup> ‘UK Says Has Evidence Of Chemical Weapons Use In Syria’, April 25, 2013, at [http://online.wsj.com/article/BT-CO-20130425-716574.html?mod=googlenews\\_wsj](http://online.wsj.com/article/BT-CO-20130425-716574.html?mod=googlenews_wsj) (accessed April 27, 2013).

<sup>5</sup> ‘White House: Obama’s “red line” on Syria chemical weapons not crossed’, April 26, 2013, at [http://www.cbsnews.com/8301-505263\\_162-57581556/white-house-obamas-red-line-not-crossed-on-syria-chemical-weapons/](http://www.cbsnews.com/8301-505263_162-57581556/white-house-obamas-red-line-not-crossed-on-syria-chemical-weapons/) (accessed April 27, 2013).

<sup>6</sup> ‘Text of White House Letter on Syria to Senators’, April 25, 2013, at [http://www.denverpost.com/breakingnews/ci\\_23105484/text-white-house-letter-syria-senators](http://www.denverpost.com/breakingnews/ci_23105484/text-white-house-letter-syria-senators) (accessed April 27, 2013).

<sup>7</sup> See n. 5.

<sup>8</sup> Anne Gearan and Colum Lynch, ‘Obama wants “strong evidence” of chemical weapons use in Syria before taking next step’, April 27, 2013, at [http://www.washingtonpost.com/world/national-security/obama-wants-strong-evidence-of-chemical-weapons-use-in-syria-before-taking-next-step/2013/04/26/ae0551be-ae7c-11e2-8bf6-e70cb6ae066e\\_story.html?wpisrc=nl\\_cuzheads](http://www.washingtonpost.com/world/national-security/obama-wants-strong-evidence-of-chemical-weapons-use-in-syria-before-taking-next-step/2013/04/26/ae0551be-ae7c-11e2-8bf6-e70cb6ae066e_story.html?wpisrc=nl_cuzheads) (accessed April 27, 2013).

The Obama administration has been facing a lot of pressure to adopt a more robust stance including a military response towards the ongoing conflict in Syria. Republican Senators like John McCain have for long been strong proponents of militarily aiding the Syrian opposition. In fact McCain has questioned the logic of equating chemical weapons use with a 'red line' when Assad was 'slaughtering and massacring, raping and torturing, his own people?'<sup>9</sup> Another Republican Senator Bob Corker from Tennessee, who is a member of the Senate Foreign Relations Committee, insisted that the administration would have to 'seek authorisation for the use of military force' from the Senate in case it decided to pursue such an option in response to Syrian chemical weapons use.

### Limited Military Options

The limited military options in preventing such weapons use was highlighted by the Chairman of the US Joint Chiefs of Staff Gen. Martin Dempsey in January 2013. He noted that such a step would require 'clarity of intelligence ... persistent surveillance', which may not be readily available.<sup>10</sup> More pertinently, the then Defence Secretary Leon Panetta noted that the US was more concerned about effectively securing such weapons in case the regime fell.

Dempsey in April 2013 further told the Senate Armed Services Committee that armed intervention may not fully secure the entire Syrian chemical arsenal due to the 'numerous' sites involved and because the Syrian regime was supposed to have moved its arsenal to different places.<sup>11</sup> The Director of National Intelligence James Clapper told the Senate Intelligence Committee on April 11 that securing Syria's chemical weapons would be 'very, very situational dependent ...' He also stressed the importance of support from regional countries 'to be able to mount a full-on security mission on those weapons ...'<sup>12</sup>

It is pertinent to note that such difficulties as expressed by senior US officials in securing Syrian chemical weapon sites through military means is in contrast with statements by Israeli analysts, who insist that the 'monitoring of the Syrian chemical weapons depots is

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<sup>9</sup> See n. 2.

<sup>10</sup> Mike Hoffman, 'Dempsey: US can't stop Syrian chemical weapon attack', January 11, 2013, at <http://defensetech.org/2013/01/11/dempsey-u-s-cant-stop-syrian-chemical-weapon-attack/> (accessed May 13, 2013).

<sup>11</sup> Luis Martinez, 'Hagel, Dempsey Warn of Involvement in Syria', April 18, 2013, at <http://abcnews.go.com/blogs/politics/2013/04/hagel-dempsey-warn-of-involvement-in-syria/> (accessed May 14, 2014).

<sup>12</sup> Carlo Muñoz, 'Security of Syrian weapons still in question', April 11, 2013, at <http://thehill.com/blogs/defcon-hill/policy-and-strategy/293447-security-of-syrian-weapons-still-in-question> (accessed May 13, 2013).

quite strict, so there's a fairly good chance that any movement would be detectable'.<sup>13</sup> Israeli officials on the other hand expressed greater concern over the transfer of weapons like anti-aircraft missiles to groups like the Hezbollah, given that such weapons are 'mobile ... can be hidden and can pose a very big problem for the Israeli air force'.<sup>14</sup>

Israeli concerns on Syrian chemical weapons also more specifically relate not so much as to their use by the Assad regime but to the security of these weapons in case the regime falls or the possibility of their transfer to the rebels or the Hezbollah. Deputy Prime Minister Silvan Shalom in January 2013 warned that such a transfer 'would be crossing a line that would demand a different approach, including even action'.<sup>15</sup>

## The Ghosts of Iraq

Apart from the complexities involved in securing Syria's dispersed chemical weapons arsenal, the Obama administration's response to the charges against Syria is also conditioned by the Iraq war experience. The Bush administration's 2003 invasion of Iraq based on 'intelligence assessments' that the Saddam Hussein regime possessed WMD later turned out to be not proven. The Iraq war has had significant consequences for the US both in terms of material and manpower losses. The US lost nearly 4500 of its citizens as a result of 'Operation Iraqi Freedom'.

Coupled with the Afghanistan experience, the Obama administration is naturally wary of committing 'boots on the ground' to stem the tide of escalating bloodshed in Syria, a country compounded by similar ethnic and sectarian fault lines that it encountered in Iraq and Afghanistan.

On the other hand, a continued 'hands-off' approach will lead to the criticism that it was postponing taking definitive steps to stem the bloodshed inside Syria. The 'ghosts of Rwanda and Bosnia' - when the world's sole superpower was accused of not doing enough to halt the genocide in these countries - will continue to haunt the Obama administration as it contemplates its next move. The UN estimated in February 2013 that nearly 70,000 people have already perished in the two-year old conflict.

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<sup>13</sup> Joel Greenberg and Babak Dehghanpisheh, 'Israeli strike in Syria might be first in series', February 10, 2013, at [http://www.washingtonpost.com/world/middle\\_east/israeli-strike-in-syria-might-be-first-in-series/2013/02/09/2de6b1e2-721a-11e2-8b8d-e0b59a1b8e2a\\_print.html](http://www.washingtonpost.com/world/middle_east/israeli-strike-in-syria-might-be-first-in-series/2013/02/09/2de6b1e2-721a-11e2-8b8d-e0b59a1b8e2a_print.html) (accessed May 22, 2013).

<sup>14</sup> Ibid.

<sup>15</sup> Ian Deitch, 'Israel Syria Strike: Chemical Weapons Transfer Could Bring Israeli Military Attack, Official Warns', January 27, 2013, at [http://www.huffingtonpost.com/2013/01/27/israel-syria-strike-chemical-weapons-transfer\\_n\\_2561970.html?utm\\_hp\\_ref=world](http://www.huffingtonpost.com/2013/01/27/israel-syria-strike-chemical-weapons-transfer_n_2561970.html?utm_hp_ref=world) (accessed May 22, 2013).

## UN/OPCW Inspections

It is important to note that it was the Syrian government which requested the UN Secretary General (SGUN) Ban ki-Moon on March 21, 2013 to conduct 'a specialized, impartial and independent mission to investigate the alleged use of chemical weapons' [relating to the March 19 incident].<sup>16</sup> Acting on the request, Ban ki-Moon urged the Organisation for Prohibition of Chemical Weapons (OPCW) and the World Health Organisation (WHO) to assist in the conduct of such an investigation. The Director General (DG) of the OPCW Ahmet Uzumcu on March 27 'authorised the placement of OPCW resources at the disposal of the Secretary-General of the United Nations'.

This was in tune with Paragraph 27, Part XI (Investigations in Cases of Alleged Use of Chemical Weapons) of the Verification Annex of the Chemical Weapons Convention (CWC) which governs the 'alleged use of chemical weapons involving a State not Party to this Convention or in territory not controlled by a State Party'. In such cases, the Convention states that 'If so requested, the Organization shall put its resources at the disposal of the Secretary-General of the United Nations'.<sup>17</sup>

Article 2(C) of the October 17, 2000 'Agreement concerning the relationship between the UN and the OPCW', which entered into force in 2001, further states that

the OPCW shall, in accordance with paragraph 27 of Part XI of the Verification Annex, closely cooperate with the Secretary-General in cases of the alleged use of chemical weapons involving a State not party to the Convention or in a territory not controlled by a State Party to the Convention and, if so requested, shall in such cases place its resources at the disposal of the Secretary-General'.<sup>18</sup>

This is pertinent given the fact that Syria is among the eight states which have either not signed or ratified the CWC. The other states which have not signed the treaty include Angola, Egypt, North Korea, Somalia and South Sudan. Israel and Myanmar signed the CWC in 1993 but have not yet ratified the treaty.

The Executive Council of the OPCW on March 27, 2013 under the chairmanship of India's Permanent Representative Ambassador Bhaswati Mukerjee 'expressed deep concern' about

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<sup>16</sup> 'Ban Ki-moon - Press encounter on Syrian Government request', March 21, 2013, at <http://webtv.un.org/topics-issues/un-secretary-general/watch/ban-ki-moon-press-encounter-on-syrian-government-request/2241903792001#full-text> (accessed April 27, 2013).

<sup>17</sup> The CWC verification Annex is available at <http://www.opcw.org/chemical-weapons-convention/verification-annex/part-xi/> (accessed May 22, 2013).

<sup>18</sup> The text of the relationship agreement between the UN and the OPCW is available at <http://www.opcw.org/about-opcw/un-opcw-relationship/> (accessed May 22, 2013).

the possible use of chemical weapons and 'underlined that the use of chemical weapons by anyone under any circumstances would be reprehensible and completely contrary to the legal norms and standards of the international community'.<sup>19</sup> The OPCW DG on his part in a letter to the Syrian Foreign Minister Walid al-Moallem insisted that even though Syria was a non-party to the CWC, it is a party to the 1925 Geneva Protocol which prohibits the use of chemical and biological weapons.<sup>20</sup>

At the Third Review Conference of the OPCW held in April 2013, most of the member countries expressed support to the conduct of UN/OPCW inspections to investigate the alleged use of chemical weapons inside Syria. Ms. Mukherjee for instance stated that 'India firmly believes that the international legal norm against the use of chemical weapons anywhere, anytime, must not be breached. ... *We must strive to ensure the safe and secure custody of chemical weapons stockpiles and to prevent terrorists and non-State actors from gaining access to such stockpiles* [emphasis added]. We support the ongoing investigation of these allegations by the United Nations in cooperation with the OPCW and look forward to its findings'.<sup>21</sup>

An UN/OPCW team which was constituted subsequently under the leadership of Swedish national Ake Sellstrom reportedly wanted access to not just the site near Aleppo where the March 19 incident allegedly took place but the freedom to investigate the December 2012 incident as well. The team so far has not been granted such access by Syria. Mr. Ban strongly criticised Syria for not granting access to the inspectors, stating that it was 'deplorable that the team could not visit Syria to do an investigation on the ground'.<sup>22</sup> This was after meeting Russian Foreign Minister Sergei Lavrov at Sochi on May 17.

The Syrian government on its part has termed the charges of alleged chemical weapons use by its forces as a 'tactic to put political and economic pressure on Syria'.<sup>23</sup> President Assad told an Argentine newspaper *Clarín* on May 18 that Syria has 'tangible evidence'

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<sup>19</sup> See 'Statement by the Chairperson of the Executive Council following the Council Meeting on March 27, 2013', at [http://www.opcw.org/fileadmin/OPCW/PDF/Statement\\_EC\\_Chair\\_27\\_March.pdf](http://www.opcw.org/fileadmin/OPCW/PDF/Statement_EC_Chair_27_March.pdf) (accessed April 27, 2013).

<sup>20</sup> See 'Statement by the OPCW Director-General on Syria', <http://www.opcw.org/special-sections/the-opcw-and-syria/statements-and-press-releases/statement-by-the-opcw-director-general-on-syria/> (accessed April 27, 2013).

<sup>21</sup> Amb. Mukherjee's statement is available at [http://www.opcw.org/index.php?eID=dam\\_frontend\\_push&docID=16374](http://www.opcw.org/index.php?eID=dam_frontend_push&docID=16374) (accessed May 22, 2013).

<sup>22</sup> 'UN calls on Syria to let chemical weapons inspectors in', May 17, 2013, at <http://en.trend.az/regions/met/arabicr/2151592.html> (accessed May 22, 2013).

<sup>23</sup> Mariano Castillo and Greg Botelho, 'Syria: US manipulating chemical weapons evidence, like it did with Iraq', April 26, 2013, at <http://edition.cnn.com/2013/04/26/world/meast/syria-civil-war/index.html> (accessed April 27, 2013).

regarding the March 19 incident near Aleppo, including 'the missile that was used and its chemical materials'.<sup>24</sup> The Assad regime also continues to insist that it is not in possession of chemical weapons, despite the July 2012 statement of an official warning that the government would not hesitate to use such weapons to deter outside aggression.

Russia continues to fully back the Syrian position with Foreign Minister Lavrov terming the demand for expanded UN/OPCW inspections as 'too much'.<sup>25</sup> It is pertinent to note the statement of the Russia's Deputy Minister for Industry and Trade G.V. Kalamanov at the April 2013 OPCW Review Conference. He specifically drew attention to the March 19 incident 'involving the alleged use of chemical agents by the armed opposition ...' He further pointed out that 'the Government of Syria has officially expressed serious concerns more than once over the possible use of chemical weapons, including those of foreign origin, on Syrian territory by non-State actors as provocation to justify military intervention in the internal conflict in Syria'.<sup>26</sup>

For inspection visits governing a CWC signatory, according to Part II 'General Rules of Verification' of the CWC, an inspection party has to submit a copy of its report within 10 days of the conduct of the inspections. Along with the responses of the inspected party, the team has to present the final report to the OPCW DG within 30 days.<sup>27</sup> The UN/OPCW team could be expected to follow a similar framework/schedule to investigate the Syrian issue. This is dependent of course on the possibility of a *modus vivendi* being reached governing the terms of such an inspection visit between Syria and the UN/OPCW team.

## The Road Ahead

The alleged use of chemical weapons in Syria is the most significant of such charges since the CWC entered into force in April 1997. The contention of a UN official that there were 'strong, concrete suspicions' that the Syrian opposition in fact used such weapons has been disputed by the US and UK.<sup>28</sup> PM David Cameron on May 9 insisted that 'we have no evidence to date of opposition use'.<sup>29</sup>

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<sup>24</sup> The text of the interview is available at <http://www.globalresearch.ca/bashar-al-assad-interview-israel-supports-al-qaeda-terrorists/5335664> (accessed May 22, 2013).

<sup>25</sup> See n. 2.

<sup>26</sup> The April 9, 2013 statement of the Russian representative is available at [http://www.opcw.org/index.php?eID=dam\\_frontend\\_push&docID=16364](http://www.opcw.org/index.php?eID=dam_frontend_push&docID=16364) (accessed May 22, 2013).

<sup>27</sup> See 'CWC, Part II: General Rules of Verification', at <http://www.opcw.org/chemical-weapons-convention/verification-annex/part-ii/> (accessed April 27, 2013).

<sup>28</sup> 'UN's Del Ponte says evidence Syria rebels "used sarin"', May 6, 2013, at <http://www.bbc.co.uk/news/world-middle-east-22424188> (accessed May 14, 2013).

<sup>29</sup> 'US says "strong evidence" Syria used chemical weapons', May 11, 2013, at <http://english.alarabiya.net/en/News/middle-east/2013/05/11/U-S-says-strong-evidence-Syria-used-chemical-weapons-.html> (accessed May 13, 2013).

The future course of events vis-à-vis the chemical weapons use charges is dependent on the report of the UN/OPCW team, as and when it is given access to the sites. Other analysts have noted that it could indeed be difficult to determine the veracity of such charges – based as it is on access to reliable eyewitnesses, ability to take clinical and environmental samples, probable contamination of such samples with the passage of time, among other factors.<sup>30</sup>

Some like Senator Diane Feinstein (Democrat from California) have suggested that the Assad regime would likely escalate the conflict if a US military response appeared to be imminent based on its assessment of actual chemical weapons use.<sup>31</sup> The military options of the Obama administration however seem extremely limited.

While ‘boots on the ground’ are a far-fetched possibility contingent on further de-stabilising actions by the Assad regime, a ‘no-fly zone’ or active military support to the rebels are options that could be pursued. These of course have their own complexities, given the fluid and diverse nature of the opposition fighting the regime. A no-fly zone would also require a UNSC mandate, which may not be forthcoming given the Russian and Chinese veto power.

Air strikes against chemical weapons delivery systems including missiles and aircrafts are another alternative. In case these are pursued, Syria’s stockpile of short-to-medium range surface-to-surface missiles (SSM) could be top of the priority. The IISS *Military Balance 2013* indicates that Syria has about 80-odd such missiles, including *Scud-B’s/C’s/D’s* with ranges from 200-500 kms.

In the run-up to the international conference on Syria that the US and Russia are organising – expected to take place in June 2013 in Geneva – reports indicate that the US, UK, France are looking to more aggressively arm the Syrian rebels. It is pertinent to note that the EU arms embargo on Syria expires on May 30 which prohibits the provision of lethal aid to the parties involved in the conflict.<sup>32</sup> The UK however is pushing for a revision to allow for such aid which could be used to protect civilian populations.

Russia is meanwhile going ahead with providing S-300 anti-aircraft missile batteries to Syria. Syria’s neighbours are getting involved in the spreading instability. Israel launched

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<sup>30</sup> Gregory D. Koblentz, ‘Probing for Chemical Attacks in Syria’, March 26, 2013, at <http://www.cfr.org/syria/probing-chemical-attacks-syria/p30318> (accessed May 13, 2013).

<sup>31</sup> Kristen Welker, Jim Miklaszewski, Courtney Kube and Tracy Connor, ‘White House: US believes Syrian regime used chemical weapons’, April 25, 2013, at [http://usnews.nbcnews.com/\\_news/2013/04/25/17913974-white-house-us-believes-syrian-regime-used-chemical-weapons?lite](http://usnews.nbcnews.com/_news/2013/04/25/17913974-white-house-us-believes-syrian-regime-used-chemical-weapons?lite) (accessed April 27, 2013).

<sup>32</sup> See ‘EU Arms Embargo on Syria’, SIPRI, updated May 7, 2013, at [http://www.sipri.org/databases/embargoes/eu\\_arms\\_embargoes/syria\\_LAS/eu-embargo-on-Syria](http://www.sipri.org/databases/embargoes/eu_arms_embargoes/syria_LAS/eu-embargo-on-Syria) (accessed May 14, 2013).



its second cross-border air raid targeting Syrian arms convoys in early May 2013, on top of a similar raid in January 2013. Over 40 people were killed in a Turkish border town due to bomb blasts on May 11. In the context of this spreading instability, the logic and efficacy of the likely supply of lethal aid to the disparate rebel groups by the US and UK could further complicate and destabilise the situation.

Given the ramped-up nature of the rhetoric and charges surrounding possible chemical weapons use, Basher Assad's continuing hold on power has become further tenuous. Preventing the use of such weapons or further escalation of the conflict however continues to be dependent on the pursuit and realisation of a Syrian-led and inclusive political solution. For this to happen however, the bloodshed and loss of lives must be stemmed forthwith. Achieving immediate cessation of violence therefore must be the primary goal of all international efforts.

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