Plan Set to Rid Syria of Chemical Arms

The UN Security Council on Sept. 27 unanimously adopted a plan for destroying Syria’s chemical arsenal, endorsing a blueprint that the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW) had approved a few hours earlier.

The actions by the 41-member Executive Council, which generally operates by consensus, and the 15-member Security Council establish timelines for the destruction of Syria’s chemical weapons. The two councils were building on a framework agreement for control and elimination of Syria’s arsenal concluded by Russian Foreign Minister Sergey Lavrov and U.S. Secretary of State John Kerry on Sept. 14 after days of intensive bilateral negotiations in Geneva.

The two council decisions spell out ways in which the United Nations and the OPCW are to coordinate in overseeing Syria’s chemical disarmament. The documents approved by the two councils cite Article VIII of the Chemical Weapons Convention (CWC), which says that the Executive Council should refer compliance issues “of particular gravity and urgency” to the Security Council. The OPCW is the international body that implements the CWC.

In its resolution, the Security Council says that, in cases of noncompliance, “including unauthorized transfer of chemical weapons, or any use of chemical weapons by anyone” in Syria, it would “impose measures” under Chapter VII of the UN Charter. That chapter authorizes the Security Council to take measures, which can include the use of armed force, “to maintain or restore international peace and security.”

With the Security Council resolution, “the international community has delivered,” UN Secretary-General Ban Ki-moon said after the vote. But he acknowledged that “[s]ecuring and destroying weapons of mass destruction in a civil war will be daunting.”

Kerry praised the “precedent-setting” resolution in remarks at the UN on Sept. 27. Lavrov said it did not contain “coercive” measures and that violations would have to be proven “100 percent” before the council could take punitive measures. Russia has been Syria’s strongest ally on the Security Council.

Timeline Established

The OPCW Executive Council decision document says that the OPCW “shall...initiate” inspections in Syria by Oct. 1. The document requires Syria to provide information on its chemical weapons program beyond what it submitted to the OPCW on Sept. 19.

The Sept. 14 U.S.-Russian agreement said the two countries “expect Syria to submit, within a week, a comprehensive listing, including names, types, and quantities of its chemical weapons agents, types of munitions, and location and form of storage, production, and research and development facilities.”

By submitting information within that time frame, Syria met what many observers viewed as the first test of its willingness to give up its chemical weapons, although the submittal reportedly had several gaps.
It is not clear when or if the information in Syria’s initial inventory will be made public. In a Sept. 26 e-mail to Arms Control Today, OPCW spokesman Michael Luhan said that, under the OPCW’s confidentiality policy, the organization does not release details of a state-party’s declaration unless the country “expressly authorizes it.”

The Executive Council decision document requires Syria to provide by Oct. 4 specific information on the types, quantities, and locations of materials and facilities that make up its chemical weapons program. By Oct. 27, it must submit the more detailed information required by Article III of the CWC. Among the information that the article requires, in addition to a cataloguing of a country’s material and facilities, are details on any cases in which it has “transferred or received, directly or indirectly,” chemical weapons or equipment for producing them since Jan. 1, 1946.

Under the CWC, countries do not have to submit the Article III information until 30 days from the time the treaty enters into force for them. The treaty will formally enter into force for Syria on Oct. 14, but in submitting its accession documents last month, the Syrian government said it would begin complying with the CWC’s terms immediately.

The Executive Council decision document sets Nov. 1 as the date by which Syria must complete “the destruction of chemical weapons production and mixing/filling equipment.” Mixing and filling equipment is used to load chemical agents into munitions. Syria is required to “complete the elimination of all chemical weapons material and equipment in the first half of 2014,” a process for which the Executive Council is to set “detailed requirements, including intermediate destruction milestones,” by Nov. 15, according to the document. Prioritizing destruction of this equipment would help to ensure that Syria’s ability to use chemical weapons would be seriously degraded early in the elimination process.

Differences Over Removal

The Sept. 14 framework agreement and the decisions by the Security Council and Executive Council contemplate significant cooperation with other countries to ensure that Syria and the OPCW can carry out the necessary tasks within the fairly short time frames.

In one of the most dramatic departures from normal practices under the CWC, the framework agreement repeatedly refers to the possibility of removal of chemical weapons from Syria for destruction outside the country. For example, the framework agreement states that “the most effective control of these weapons may be achieved by removal of the largest amounts of weapons feasible, under OPCW supervision, and their destruction outside of Syria, if possible.” In particular, the document specifies that this approach would apply mostly to precursor chemicals and chemical agents that have not yet been put into weapons form. “For these materials, [Russia and the United States] will pursue a hybrid approach, i.e., a combination of removal from Syria and destruction within Syria, depending upon site-specific conditions,” the Sept. 14 agreement says.

UN Team Finds Sarin Use in Syria

A UN inspection team that is investigating the alleged use of chemical weapons in Syria’s ongoing civil war found “clear and convincing evidence that surface-to-surface rockets containing the nerve agent sarin” were used in an Aug. 21 attack on the Damascus suburb of Ghouta.

The report, released Sept. 16, found that chemical weapons had been used “against civilians, including children, on a relatively large scale.” The team’s mandate was restricted to determining whether chemical weapons were used, rather than who used them. But some of the evidence, such as the scale of the attack and the types of rockets used, seemed to add weight to previous analyses that said Syrian government forces were responsible.
The UN team also calculated the arc and direction of some of the rockets that were used in the Aug. 21 attack. The calculations pointed to regime strongholds.

Earlier in September, the nongovernmental organization Human Rights Watch released a report on its own investigation of the Ghouta attacks. “The evidence concerning the type of rockets and launchers used in these attacks strongly suggests that these are weapon systems known and documented to be only in the possession of, and used by, Syrian government armed forces,” the report said.

A U.S. intelligence summary released Aug. 30 said the U.S. government had “high confidence” that the regime of Syrian President Bashar al-Assad was responsible for the chemical attack in Ghouta. (See ACT, September 2013.)

U.S. officials embraced the UN report while Russian officials dismissed it. Russia, a strong ally of Syria, argues that the chemical attack came from Syrian rebel forces.

Michael Elleman, who served as a missile expert for the UN team that conducted weapons inspections in Iraq after the 1991 Persian Gulf War, said in a Sept. 26 e-mail to Arms Control Today that “given the scale of the attacks, the timing, the amounts [of chemical agent] delivered reasonably competently, [and] the implicit planning that had to have been done, there is little doubt the regime is responsible.”—DANIEL HORNER

Independent analysts who have met with U.S. government officials said the United States estimates that, of Syria’s approximately 1,000 metric tons of chemical weapons, a large majority is not weaponized, making it easier to move and destroy them in Syria. The analysts say they were told that the removal option was under consideration to take into account the possibility that the security situation on the ground in Syria might deteriorate and make the removal of bulk agent or precursor chemicals from the country necessary.

Russia has said it would not import Syrian chemical weapons for destruction. Russia and the United States at one time had the world’s largest chemical weapons programs and are in the process of destroying their arsenals, which at their peaks had a combined total of more than 65,000 metric tons.

In a Sept. 29 e-mail to Arms Control Today elaborating on Moscow’s position, a Russian official said the option of removal “was looked at” following a U.S. request and “discarded.” He added that “removal has always been something that Washington was fixated on, and given that Russia is not an option, I do not know what else they have in mind.”

Removal is not mentioned in the OPCW Executive Council decision document.

Some analysts say there may be a legal hurdle to that approach. In a Sept. 26 interview, Jean Pascal Zanders, a former research fellow with the European Union Institute for Security Studies, noted that Article I of the CWC bans countries from “transfer[ring], directly or indirectly, chemical weapons to anyone.” He added that the article also bans treaty parties from “acquir[ing]” the weapons and that all of Syria’s neighbors except Israel are parties to the CWC.

Zanders, now a researcher with The Trench, a research initiative focusing on disarmament and arms control, said it might be possible to address that problem by neutralizing the chemicals in question so that they no longer are classified as weapons. Under the CWC’s definition, the term “chemical
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weapons” includes “[t]oxic chemicals and their precursors” and equipment designed to be used in connection with chemical weapons, as well as the weapons themselves.

Zanders said he was exploring with chemical experts whether this approach would be feasible. The Article I language “raises a big challenge,” he said.

In a separate Sept. 26 interview, Thomas Moore, a former top Republican staffer on the Senate Foreign Relations Committee, also said there could be complications from the prohibitions in Article I. He said it was “not necessarily a huge impediment” but that “other people are likely to make these arguments.”

Aside from the legal issues, there are likely to be “basic political problems” that would prevent some countries from accepting Syrian chemical weapons for destruction, said Moore, who now is deputy director of the Proliferation Prevention Program at the Center for Strategic and International Studies. Countries in this category include Syrian neighbors Jordan and Turkey, he said.

Dramatic Shift

The September developments marked a sharp turnaround from the situation Aug. 30, when Kerry made a speech that many observers interpreted as an indication that the United States was on the verge of carrying out punitive military strikes on Syria in response to the Syrian government’s alleged use of chemical weapons in the suburbs of Damascus on Aug. 21. (See ACT, September 2013.) The next day, however, President Barack Obama announced that he would seek authorization from Congress for the military action.

By initial counts, the prospects for congressional support, particularly in the House of Representatives, appeared very doubtful. That seemed to leave Obama with a choice between abandoning his military plan or carrying it out without the backing of Congress.

The situation turned abruptly when Kerry, speaking at a Sept. 9 press briefing in London with UK Foreign Secretary William Hague, was asked if Syrian President Bashar al-Assad could do anything to forestall the U.S. attack. Kerry replied, “Sure. He could turn over every single bit of his chemical weapons to the international community in the next week. Turn it over, all of it, without delay, and allow a full and total accounting for that. But he isn’t about to do it, and it can’t be done, obviously.”

Lavrov immediately responded to that remark, and the two men set in motion the series of events that culminated in the Sept. 14 U.S.-Russian agreement and the Sept. 27 UN Security Council and OPCW Executive Council decisions.