

# Investigating Alleged Chemical Weapons Use in Syria: Technical and Political Challenges

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Brief Analysis

## The Obama administration should respond to the Assad regime's reported use of chemical weapons and its obstruction of UN investigators by ratcheting up support for the opposition.

In a letter issued on April 25, the White House informed Congress of U.S. intelligence assessments that the Syrian regime has used chemical weapons (CW) on "a small scale," specifically the nerve agent sarin. It further stated that the government "must build on" these assessments in order to establish "credible and corroborated facts."

The United States is now in sync with several key allies (Britain, France, and Israel) whose intelligence services recently concluded that the regime has used CW. As made clear in yesterday's letter, however, the administration requires stronger evidence before it concludes that its redline on CW use has been crossed -- a development that President Obama previously said would be a "game changer" for U.S. policy toward Syria. For this reason, Washington is demanding that the UN team assembled to investigate these allegations be permitted to enter Syria.

## THE SECRETARY-GENERAL'S MECHANISM

Since the early 1980s, the UN has conducted investigations of alleged CW use by Laos, Kampuchea, and the Soviets in Afghanistan in the late 1970s and early 1980s, by Iraq during its war with Iran in the 1980s, and by Mozambique insurgents and the Armenian government in the early 1990s. Initially, it relied on ad hoc arrangements and procedures to conduct such inquiries, but in 1990 -- pursuant to General Assembly Resolution A/RES/45/57 -- it established the Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons (SGM).

Today, the SGM is used to investigate allegations involving states that have not signed the Chemical Weapons Convention, whose implementing body (the Organization for the Prohibition of Chemical Weapons) has its own investigative capability that can be used to assist the SGM if needed. When conducting a probe, the SGM can draw on

over 300 experts in chemical and biological warfare and more than forty analytical laboratories from around the world, all operating in accordance with established procedures grounded in three decades of experience. The SGM can also investigate alleged cases of biological warfare, as the Biological Weapons Convention lacks an investigative arm.

In March, after claiming that opposition forces had used CW, Damascus asked the UN to investigate. In response, Secretary-General Ban Ki-moon deployed the SGM for the first time since 1992, rapidly mobilizing a team of experts to look into the claim. Initially, Damascus insisted that the investigation be limited to alleged opposition use, but Britain and France rejected the demand, arguing that the team should look into all suspected CW incidents. The Assad regime then refused the team entry to Syria; the investigators are now in Cyprus, awaiting further guidance.

## POTENTIAL OBSTACLES

**A**n SGM investigation may consist of several elements:

- Interviews with victims, witnesses, and government officials to determine what happened.
- Medical examinations and epidemiological surveys of victims (whether onsite or in neighboring countries) to identify symptoms associated with CW. This needs to be done quickly, as memories fade and wounds heal.
- Forensic analysis of soil, plants, wildlife, clothing, or weapon fragments to identify agent residue or decomposition products. Such analysis must be conducted quickly and on location, before the elements take their toll (though some agents and many decomposition products have proven surprisingly persistent). Another key to the investigation's credibility is establishing an unambiguous chain of custody for samples taken.

Although the challenges of proper CW investigations are not trivial, the methods and technical means now in use have repeatedly proven their efficacy. According to Jez Littlewood of Carleton University, in nine of twelve previous UN investigations, authorities were able to firmly conclude that CW was used (Iraq) or that evidence of use was lacking (Mozambique and Armenia). In the other cases (Laos/Kampuchea and Afghanistan), denial of access and the passage of time precluded definitive conclusions (though in the former case, it was later found that the putative CW agent -- the so-called "yellow rain" -- was in fact bee feces).

Indeed, politics are often the main barrier to both effective investigations and international action in the face of conclusive findings. During the Iran-Iraq War, for example, UN investigators initially avoided naming and shaming Baghdad for using CW. And after they finally did so in 1986, the Security Council was unwilling to censure Iraq by name, instead implicating both sides by settling for a blanket condemnation of continued CW use in the war.

Independent investigators (e.g., NGOs and journalists) have sometimes tried to fill the gap when the UN was precluded from acting -- for instance, when Baghdad and Turkey rebuffed the UN's August 1988 effort to investigate Iraq's use of CW against its Kurdish population. While such efforts have sometimes produced useful results, they lack the capabilities and credibility of an SGM investigation.

## IMPLICATIONS FOR SYRIA

**T**he fact that U.S. intelligence now assesses with some confidence that the regime has used CW is a significant development, but it is not yet a turning point in U.S. policy toward Syria. Here, history casts a long shadow: past claims of CW use that proved wrong (e.g., "yellow rain"), coupled with the post-September 11 intelligence failures regarding weapons of mass destruction in Iraq, have led the Obama administration to insist on a high standard of proof for Syria. And as long as Damascus refuses to let the UN investigate all allegations, and as long as Russia provides the regime with political cover at the Security Council, it may be impossible for Washington to meet that standard or act within the UN framework if sufficient proof comes to light.

Yet this should not stop the United States and its allies from continuing to investigate Syrian CW on their own and

publicizing their findings -- if only because such information would likely create a more conducive environment at home and abroad for whatever response Washington eventually chooses. Likewise, if Damascus continues to prevent the UN team from entering the country or impedes a full investigation, the secretary-general should authorize the team to seek evidence elsewhere (e.g., among victims who are now in neighboring states), as authorized by General Assembly Report A/44/561, which sets guidelines for SGM investigations. Washington should also encourage him to issue a report evaluating all of the information currently in the UN's hands, including that provided by member states. This would further increase the pressure on Damascus, ensuring that the Assad regime pays a price for its obstructionism.

Finally, not responding until definitive proof of CW use is in hand will make the regime more likely to employ such weapons on a wider scale. Accordingly, Washington should state that it will progressively expand its support for the Syrian people in response to credible reports of regime CW use and obstruction of the UN investigation -- beginning with the provision of arms to the opposition and the use of Patriot batteries in Turkey to prevent further airstrikes and, if possible, missile attacks on civilian and rebel targets. The administration should also stand ready to support allied efforts to establish humanitarian safe havens or no-fly zones over Syria. Hopefully, such a measured approach would not only deter the regime from future CW use, but also alter the psychological environment in Syria by signaling heightened U.S. support for the opposition. And by restoring American credibility, it would strengthen Washington's hand in the slow-motion crises with Iran and North Korea.

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