

US Threatens “Use of Force”: U.S. “Deadline” for Syrian Chemical Weapons Is Contrary to International Law

By [Washington's Blog](#)

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International Agency Made Up of 41 Nations will Decide Timeline

Given that the U.S. has now [backed down](#) from its insistence that a UN resolution on Syria include the use of force – and there are [indications that Syria won't meet](#) the American deadline for declaring its chemical weapons – issues of timing and procedure have become more important than ever.

We interviewed a top chemical weapons expert to find out what the timeframe really means.

Specifically, we called [Jean Pascal Zanders](#) – widely recognized as one of the world's top chemical weapons experts – to find out whether U.S. insistence that Syria has to declare all of its chemical weapons *this week* (and destroy them within a couple of months) was proper under international law.

Zanders explained to Washington's Blog that the U.S. might have “preferences”, but that the *international community* would decide ...

“I think it's really good that the concept of disarmament has been put center stage. But certainly, that was not the intention of Kerry and others.

Now we have a document which is a framework that gives a number of parameters that will be presented to the OPCW [the Organisation for the Prohibition of Chemical Weapons – which is the [implementing organization for the Chemical Weapons Convention](#)] at the Hague.

And it is later this week – possibly Thursday or Friday – that the executive council of the OPCW will make decisions concerning the requirements for Syria's CW [chemical weapons].

One of the [claims] that comes from press reports suggests that this Friday is the deadline for Syria to give the documents concerning the make-up of its chemical weapons arsenal. But if the Executive Committee of the OPCW were to adopt such a short time-frame for the first report to come in, I'm pretty sure that *this would be countered* when the Executive Council makes its decision.

The document [signed by Kerry and his Russian counterpart] has *no legal value*. This is *not* a treaty, not something that Kerry has adopted. And if you see the reports that the weapons

inspectors will come in by November, that is not so different from what the Chemical Weapons Convention demands.

We know that the treaty will enter into force on the 14th of October; one month after Syria deposited its instrument of accession [i.e. when the Syrian government agreed in writing to abide by the Chemical Weapons Convention].

And then Syria has one month to submit its initial declaration, after which the inspectors go in. In other words, one month after is the 14th of November, after which the inspectors have two weeks to check everything out.

That's perfectly in line with what framework agreement [under the Chemical Weapons Convention].

The next thing is timing and method of destruction [of the chemical weapons]. It's my feeling that the Executive Council has to decide on such a schedule. Its clear that Russia and the United States have indicated what their *preference* is, but the date is the decision of the OPCW, which is a body composed of 41 states, subdivided according to regional groups.

In that body, Russia and the United States have *one vote each*.

The OPCW is going to take into account not only political but also technical considerations as to what Syria can do. And that particular decision might not be taken this week because – in order for the Executive Commission of the OPCW to make that final determination – they would have to get the initial declaration [of the size, nature and location of chemical weapons] from Syria, which would *then be assessed* by staff at the OPCW ... and that's how recommendations would be formulated.

So the deadline of 2014 might be *desired*, but it's *not necessarily going to be a reality*. We will have to see.

[Another alternative is] to render the munitions useless in a variety of ways. If that were agreed, you could reach a 2014 deadline . That could be another way to achieve the goal.

But we'll have to see what comes out of it. On certain points they're not really sure whether it's feasible at all. They could forward the options, but its up to the Executive Council to decide."

Postscript: Zanders [notes](#) at his own website (co-writing with an expert on chemical and biological weapons control, Ralf Trapp):

- The proposed operations will be complex, costly and time-consuming. However, they are technologically and humanly possible, provided all energy of the international community can be directed towards problem-solving rather than raising all kinds of theoretical or conceptual problems. In the end, this international effort would strengthen the norm and international agreements against CW and their use in armed conflict much more than any military strike might be able to achieve. The operation, more than anything else under the present circumstances, could lay solid foundations to build a Middle East free from non-conventional weaponry, as desired by the 2010 Review Conference of the Nuclear Non-Proliferation Treaty (NPT). ***

- The international community should harbour no illusions that the proposed process will be a matter of days, weeks or even months. This process will be much more complex than the verification and destruction operations undertaken in Libya before, during and after the uprising there. In addition, equipment failure may affect any agreed time frames for milestones.
- Much of the present debate has focused on whether the Syrian government is culpable of the chemical warfare incidents near Damascus on 21 August. If the idea of internationalising Syria's CW arsenal is indeed something the international community wishes to pursue, then careful consideration by the political and diplomatic communities should be given which goal has the overriding priority: securing the CW stockpiles with Syrian cooperation in order to save the local population from future chemical strikes, or punishing Syria for an act – however hideous – in the past?

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