

# **Coercive Disarmament, Multilateral Diplomacy**

*Two Facets Of CW Disarmament  
In The Middle East*

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Colloquium: *Chemical Weapons: from Ypres to Aleppo*

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# From chlorine to chlorine

- **Have chemical weapons come full circle after 100 years?**
  - 22 April 1915: chlorine release at Langemark near Ypres
  - 2014 – 15: reported use of chlorine as a weapon in Syria & Iraq
- **Where is the progress?**
  - In 1915: chlorine as a CW = high technology
    - ± 160 tonnes released over a 7km front
    - ± 600 tonnes produced for CW campaign
  - In 2015: chlorine is a banal industrial commodity
    - Annual global production = 56mn tonnes

# CW attacks in Syria

- **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; 215)**
  - Confirmed by OPCW investigations
  - As good as certain that Syrian government forces are responsible
  - Some unconfirmed claims of ISIL use (mostly in Iraq)

# 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**
  - Egypt in Yemen (1960s)
  - Iran – Iraq war (1980s)
  - Libya in Chad (1987 – not independently confirmed)
  - Al Qaeda in Iraq (October 2006 – June 2007)
  - Syrian civil war (2013 – ....?)
  - ISIL in Iraq (2014 & 2015)
- **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

# Opportunistic Use of Toxic chemicals

- **Syrian use of barrel bombs with chlorine**
  - OPCW investigated & confirmed allegations
  - February 2015: OPCW EC decision condemning chemical warfare in Syria (1<sup>st</sup> in a CWC state party)
  - March 2015: unanimous UNSC condemnation
- **ISIL allegations of CW use**
  - AQI bombing campaign with chlorine (October 2006 – June 2007)
  - Syria: skin irritant report from Kobane area (August 2014)
  - Several chlorine reports from Iraq (September – October 2014)
  - Today: reports of chlorine use in battle of Tikrit
  - Trend towards technology development for delivery systems?
- **Challenges**
  - How to investigate? Who requests investigation?
    - CWC: territory not under government control → UNSG's investigative mechanism
  - Kobane scenario: non-state actor against non-state actor on territory of CWC state party, but not under control of that state party
  - OPCW: strategies for chemical safety/security in conflict zones?
    - Preventive infrastructure protection strategies?

# 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 2013 (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

# Adaptation to special circumstances

- **Initial declaration**
  - Normally 30 days after EIF CWC for state party, *followed* by initial inspection
  - Establishes baseline for verification process
  - OPCW Technical Secretariat assists with preparation
  
  - Syria: inspectors already in country before formally having become a state party
  - Consequence: OPCW received data piecemeal; many corrections & updates were required
  - Establishment of Declaration Assessment team
- **Ownership of CW & destruction responsibilities**
  - State party always remains owner of declared CW, pays for their destructions & OPCW verification
  - Destruction must occur on territory of state party
  
  - Syria: once evacuated from territory, international community became owner of Syria's CW
    - Legal responsibility for possible mishap never really clarified
  - Destruction authorised outside Syria
  - OPCW & UN trust funds to pay for operations
- **Special adaptation of challenge inspection procedure**
- **UNSC endorsement of OPCW decisions (part of the coercive disarmament dimension)**

# Humanitarian & Justice discourses

- **Strong criticism of the CW disarmament effort**
  - Major international effort in response to small number of CW victims compared to overall war casualties
  - No (immediate) justice for the CW victims
  - No apportioning of blame following UN and OPCW investigations (highly partisan)
  - No contribution to conflict resolution → Prevented military intervention by West
  - Few constituencies bought into stakeholdership in CW disarmament process
- **Opportunities squandered**
  - Simplistic good – evil dichotomy applied to Syrian conflict, if only for domestic audiences
  - Fragmentation of Syrian opposition, religious terrorism and now rise of ISIL muddles discourse
  - Issues and their gravity are always relative to other (even remotely connected issues)
    - E.g., Gaza war polarised matters even further with regard to conflict resolution in Syria
  - High-profile calls for justice deny expansion of cooperation between warring factions where most needed for conflict resolution
    - Demands for regime change & justice mean that Syrian government has no stake in endgame
    - Demands are absolute, leaving almost no scope for negotiation
    - High-profile call actually highlight lack of clarity about alternatives
  - Nurturing of highly personalised animosities excludes roles for key regional stakeholders in Syrian conflict resolution (Iran, in particular)
  - Floundering US – Russian working relationship kills engine for progress



# Public opposition to CW

- **WW1: Among soldiers and civilians on the Western Front**
  - Gas resented because of stealthiness and inevitability
  - However, experienced as one nuisance among many (weather & mud, sleep deprivation, disease, hunger, snipers & artillery harassment, ...)
  - Last war year: gas was omnipresent all the time
    - Gas masks worn for 48 hours and longer in front trenches
    - Extreme gas discipline developed over years
    - All frontline soldiers poisoned to some degree
- **Opposition to gas emerged first in societies far removed from frontlines**
  - Canada & USA:
    - Coughing & wheezing among repatriated casualties and veterans most tangible evidence of war horrors
    - Moral opposition led to political and diplomatic action (e.g., 1922 Washington Submarine & Gas Treaty)
  - Netherlands:
    - Moral revulsion against the slaughter in the trenches
    - Many Belgians escaped to the Netherlands & fed into local war perceptions
    - War opposition in the Netherlands eventually gave rise to *War Resisters International* (1921)
      - Greatly influenced socialists, communists & anarchists in Belgium
      - Strongly opposed to gas warfare
      - Fed into the movement to emancipate Flemish in Belgium (workers' education was key to achieving socialist ideals)
- **Same attitude inside and outside Syria**
  - Helps to explain why there is limited ownership of CW disarmament among warring factions inside Syria

# Why disarmament could work

- **Focus on the task at hand (weapon elimination)**
  - Enables to take distance from personal animosities
  - All parties to discussions are equal
  - Goals are absolute; tasks have finality
  - Promoted dialogue over military intervention
  - Enhanced status and role of international norms and organisations
- **US – Russian Geneva Framework Agreement (September 2013)**
  - Established US – Russian working relationship
  - Brought Syria on board as partner and stakeholder
  - Involvement of global multilateral organisations (OPCW – UN – WHO)
  - Implementation required interaction with insurgent factions
    - By international community
    - By Syria
    - By other insurgent factions (including via their respective proxy state sponsors)
- **Disarmament project gave impetus to**
  - Geneva II negotiations
  - Iran interim agreement on nuclear programme
  - Glion / Geneva sessions for ME weapon-free zone
  - Change in Israel's CW threat perceptions

# Local capacity building & outreach

- **Syrian government**
  - Building national institutions required by CWC
  - Building understanding of CWC processes
    - Assistance with declarations (e.g., what to declare and how)
    - Assistance with correctness of declarations
    - Assistance with internal organisation of capacities in order to be able to cooperate with OPCW and UN
  - Assistance with the transfer of chemicals (inc. container filling)
- **Outreach to insurgents**
  - Need to convince insurgents of value of CW disarmament in face of many more casualties from conventional weapons
    - Need for cease-fires to enable disarmament operations, inc. transport
    - Necessary to demonstrate value of negotiations for broader dialogues to end war
- **Outreach to proxies**
  - Pressure on Syrian government to maintain CW disarmament commitment (Russia, Iran, China ...)
  - Pressure on insurgents (Saudi Arabia, Qatar, ...)
  - What about so-called al-Qaeda elements?

# Some final thoughts ...

- Existence of CWC/OPCW clearly influenced courses of action once UNSG accepted Syria's initial request for an investigation in March 2013
  - Prevented unilateral military intervention in August 2013
  - Syria has raised expectations of what OPCW can do
    - Libya's request to evacuate industrial toxic chemicals declared as part of past CW programme in light of rising insurgency
    - Could Israel have the confidence to ratify the CWC?
  - Questions about global response in case of deliberate BW use in armed conflict
- CW disarmament fulfilled one core goal: **prevention** of future violations of laws of war
  - Chlorine attacks are serious breach of CWC (disarmament law), but relative minor in number and their humanitarian consequences
  - Just contemplate the consequences of ISIL capture of Syrian CW stockpiles ...
- Clear need for deeper study of opportunities and implications of **humanitarian/human rights & disarmament** approaches to conflict resolution and exploration of **possible mutually reinforcing synergies** between them
  - No longer 'either – or', but 'and – and'
  - Future justice: Can OPCW findings play role in ICC, despite absence of reference to CWC in Rome Statute or Kampala ICC Review Conference?



# THE TRENCH

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