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CHEMICAL & BIOLOGICAL WEAPONS
100 YEARS OF EFFORTS IN INTERNATIONAL LAW
CW DISARMAMENT MACHINERY IN SYRIA

“UN Secretary-General’s Investigative Mechanism activated

... Mounting CW allegations during 1st half of 2013
... CW attacks against Ghouta (Damascus), 21 August 2013, plus smaller incidents
... Outcomes:
  - UN relies on specific OPCW and WHO expertise (completely new)
  - Preliminary & final reports confirm CW use
  - Reports do not apportion blame
  - Still some open questions

“Chlorine attacks: April – May + August 2014

... Syria now party to CWC
... Investigation by OPCW
... Outcomes:
  - Two reports in Jun & September 2014
  - Emergency session of the OPCW Executive Council; no apportioning of blame
  - For public, many open questions

“CW disarmament of Syria

... US-Russian Framework Agreement → hybrid coercive (UNSC) - cooperative (OPCW) disarmament project
... OPCW-led disarmament project in close cooperation with UN (Joint Mission)
... Chemical warfare capacity elimination achieved in November 2013
... Securing and evacuation of toxic chemicals under war conditions with only 3 months behind schedule
... Now: ongoing destruction of installations + routine OPCW verification operations
... Questions about installations and allegations of CW use in areas not under government control
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

  - 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
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 highlights 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
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?