

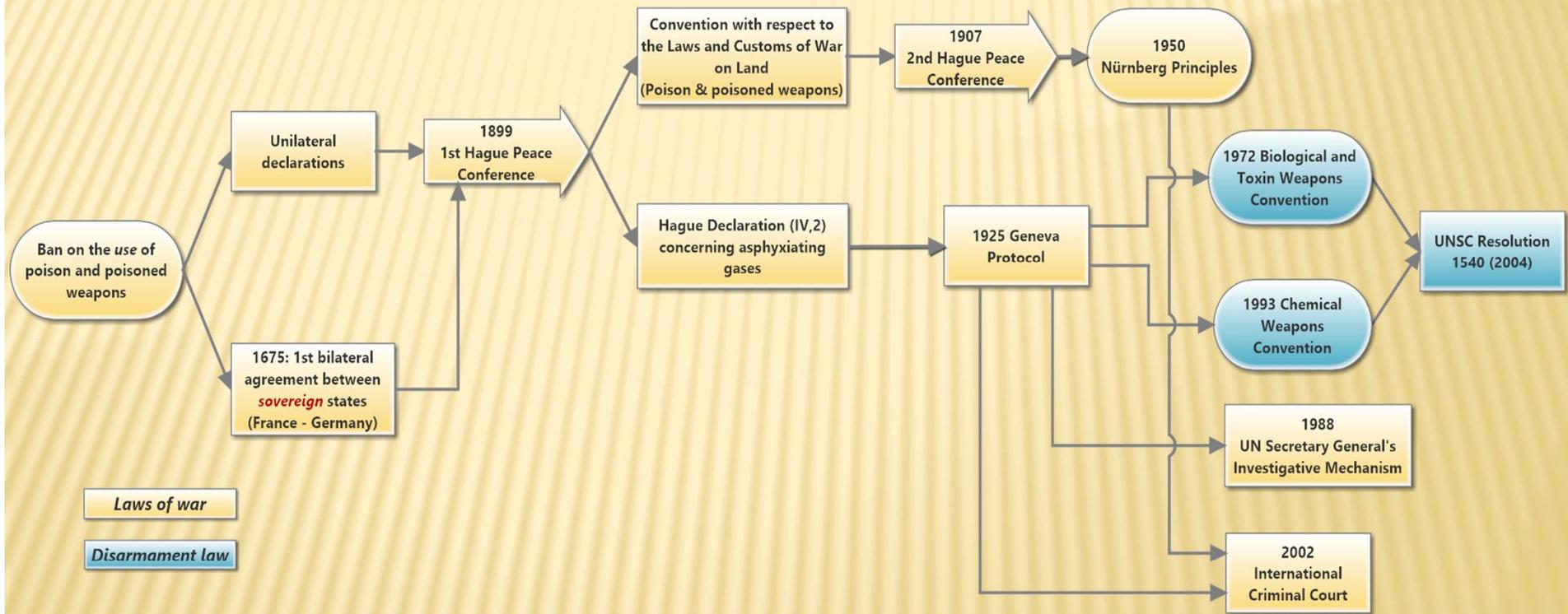
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CHEMICAL & BIOLOGICAL WEAPONS

100 YEARS OF EFFORTS IN INTERNATIONAL LAW

GENEALOGY OF CBW DISARMAMENT



CW DISARMAMENT MACHINERY IN SYRIA

- UN Secretary-General's Investigative Mechanism activated
 - É Mounting CW allegations during 1st half of 2013
 - É CW attacks against Ghouta (Damascus), 21 August 2013, plus smaller incidents
 - É 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
 - É Syria now party to CWC
 - É Investigation by OPCW
 - É 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
 - É US-Russian Framework Agreement → hybrid *coercive (UNSC)* – *cooperative (OPCW)* disarmament project
 - É OPCW-led disarmament project in close cooperation with UN (Joint Mission)
 - É Chemical warfare capacity elimination achieved in November 2013
 - É Securing and evacuation of toxic chemicals under war conditions with only 3 months behind schedule
 - É Now: ongoing destruction of installations + routine OPCW verification operations
 - É 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)
 - É Enables to take distance from personal animosities
 - É All parties to discussions are equal
 - É Goals are absolute; tasks have finality
 - É Promoted dialogue over military intervention
 - É Enhanced status and role of international norms and organisations
- US – Russian Geneva Framework Agreement (September 2013)
 - É Established US – Russian working relationship
 - É Brought Syria on board as partner and stakeholder
 - É Involvement of global multilateral organisations (OPCW – UN – WHO)
 - É 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
 - É Geneva II negotiations
 - É Iran interim agreement on nuclear programme
 - É Glion / Geneva sessions for ME weapon-free zone
 - É Change in Israel's CW threat perceptions

HUMANITARIAN & JUSTICE DISCOURSES

○ Strong criticism of the CW disarmament effort

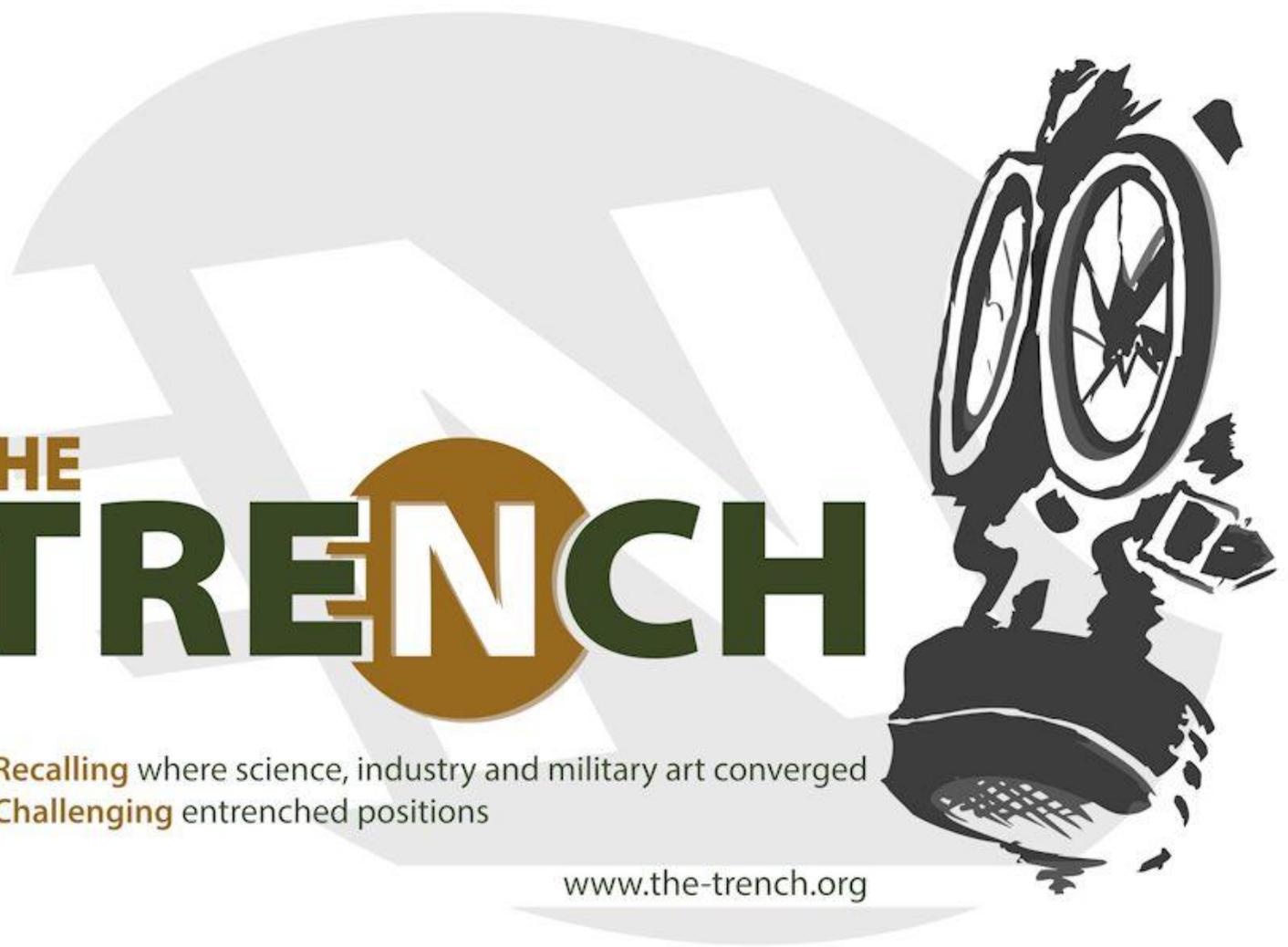
- É Major international effort in response to small number of CW victims compared to overall war casualties
- É No (immediate) justice for the CW victims
- É No apportioning of blame following UN and OPCW investigations (highly partisan)
- É No contribution to conflict resolution → Prevented military intervention by West
- É Few constituencies bought into stakeholdership in CW disarmament process

○ Opportunities squandered

- É Simplistic good – evil dichotomy applied to Syrian conflict, if only for domestic audiences
- É Fragmentation of Syrian opposition, religious terrorism and now rise of ISIL muddles discourse
- É 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
- É 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
- É Nurturing of highly personalised animosities excludes roles for key regional stakeholders in Syrian conflict resolution (Iran, in particular)
- É 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
 - É Prevented unilateral military intervention in August 2013
 - É 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?
 - É 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
 - É Chlorine attacks are serious breach of CWC (disarmament law), but relative minor in number and their humanitarian consequences
 - É 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
 - É No longer 'either – or', but 'and – and'
 - É 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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Challenging entrenched positions

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