

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 (1st 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?



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