



MONASH University

**SYRIA'S CHEMICAL WEAPONS AND UNITED STATES-RUSSIAN
INTERVENTION: DIPLOMACY IN ACTION?**

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ABSTRACT

SYRIA'S CHEMICAL WEAPONS AND UNITED STATES-RUSSIAN INTERVENTION: DIPLOMACY IN ACTION?

On August 21, 2013, a relatively large-scale chemical weapons attack was executed in the Ghouta area of Damascus, Syria. This incident was the culmination of a series of chemical attacks perpetrated by the Assad regime. Syria's use of chemical weapons violated its treaty commitments and customary international law, especially the 1993 Chemical Weapons Convention that explicitly bans the use of chemical weapons. The attacks caused tensions within the United Nations Security Council, especially between the United States and Russia. The motives and interests of these countries differed to such an extent that it led to a stalemate in responding to the chemical weapons attacks. While the United States called for limited military intervention to punish Assad for the use of chemical weapons as well as to deter any future use of these weapons through a process of degrading, Russia met the United States' push for action with fierce opposition. The question therefore is, how did the United States and Russia manage to finally foster consensus and cooperation in Syria amidst their diverging positions?

The main aim of this research is to examine the role that diplomacy played in addressing Syria's chemical weapons use during its civil war. In order to provide an investigation into the role of diplomacy, the study will evaluate and review key diplomatic strategies that explain the diplomatic process through which the United States and Russia dealt with Syria's use of chemical weapons. Three possible diplomatic strategies are identified, namely, multilateral diplomacy, disarmament diplomacy and coercive diplomacy. The thesis will argue that the strategy eventually adopted by the United States and Russia to get Syria to a state of compliance was a case of coercive diplomacy. As such, the thesis specifically examines the concept of coercive diplomacy and how it has been utilised in dealing with Syria's chemical weapons stockpile.

Key words: chemical weapons, weapons of mass destruction (WMDs), diplomacy, coercive diplomacy, multilateral diplomacy, disarmament diplomacy, chemical diplomacy, Chemical Weapons Convention.

DECLARATION PAGE

This thesis contains no material which has been accepted for the award of any other degree or diploma at any university or equivalent institution and that, to the best of my knowledge and belief, this thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

Signature: 

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LIST OF ABBREVIATIONS

CBRN	Chemical, Biological, Radiological and Nuclear Weapons
CISS	Commission on Intervention and State Sovereignty
CNS	Centre for Non-proliferation Studies
CWC	Chemical Weapons Convention
FFM	Fact Finding Mission
ICL	International Customary Law
ICRC	International Committee of the Red Cross
ISIS	Islamic State of Iran and Syria
JWT	Just War Theory
MAD	Mutually Assured Destruction
NATO	North Atlantic Treaty Organisation
NIAC	Non-International Armed Conflict
NPT	Non-Proliferation Treaty
OPCW	Organisation for the Prohibition of Chemical Weapons
R2P	Responsibility to Protect
RCA	Riot Control Agents
RULAC	Rule of Law in Armed Conflict Project
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
USSR	Union of Soviet Socialist Republics
VCDNP	Vienna Centre for Disarmament and Non-Proliferation
WMDs	Weapons of Mass Destruction

“History will judge harshly those who saw this coming danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action.”

President George W. Bush, 17 September, 2002

TIME LINE OF EVENTS

- 21 August 2013:** Chemical weapons attack in the Damascus suburb of Ghouta on a large scale.
- 31 August 2013:** President Obama decided to seek authorization for the use of force from the United States Congress for a limited military strike in Syria.
- 4 September 2013:** Authorization for the Use of Military Force against the Government of Syria to Respond to Use of Chemical Weapons was adopted by the United States Congress
- 14 September 2013:** Russia and the United States agreement led to the adoption of the Framework for the Elimination of Chemical Weapons
- 14 September 2013:** Syria acceded to the Chemical Weapons Convention.
- 27 September 2013:** The United Nations Security Council (UNSC) unanimously voted to adopt UNSC Resolution 2118

CHAPTER 1

INTRODUCTION, LITERATURE REVIEW, THEORETICAL FRAMEWORK AND METHODOLOGY

1.1 Introduction

The ongoing crisis in Syria was motivated by a revolutionary wave of protests and uprisings – known as the Arab Spring – against the ruling regimes in the Arab world.¹ The main issues that orchestrated the Arab Spring were the desire for democracy, restrictions upon freedom of speech, inequality and the demand that human rights be respected.² The movement originated in Tunisia in December, 2010, and almost immediately spread to Egypt, Algeria, Morocco, Libya, Yemen, Saudi Arabia and Jordan.³ These series of uprisings within the Arab world also had a domino effect in Syria and, what started as a peaceful demonstration in January 2011, soon evolved into a full scale civil war.⁴ Although the causal factors behind the Syrian conflict lack simple explanations because the historical, political and social factors that catalyzed the unrest in the country are highly complex and inextricably intertwined, it can be said the major cause of the uprising was predominantly framed as a battle that originated in an attempt to overthrow the regime of President Bashar al-Assad. Bashar al-Assad's familial lineage has held the presidential office since 1971 and his ruling party, the Ba'ath Party, began to rule in 1963.⁵ As such, with aspirations of toppling the regime, various rebel fractions such as the Free Syrian Army and the National Coalition for Syrian Revolution and Opposition Forces fought against the ruling regime. Because of the different social, religious and ethical divisions that these opposition parties represent, the Syrian conflict has been regarded as sectarian in nature.

¹ The Arab Spring refers to the democratic uprisings that arose independently and spread across the Arab world in 2011.

² Dafna H. Rand, *Roots of the Arab Spring: Contested Authority and Political Change in the Middle East*, (University of

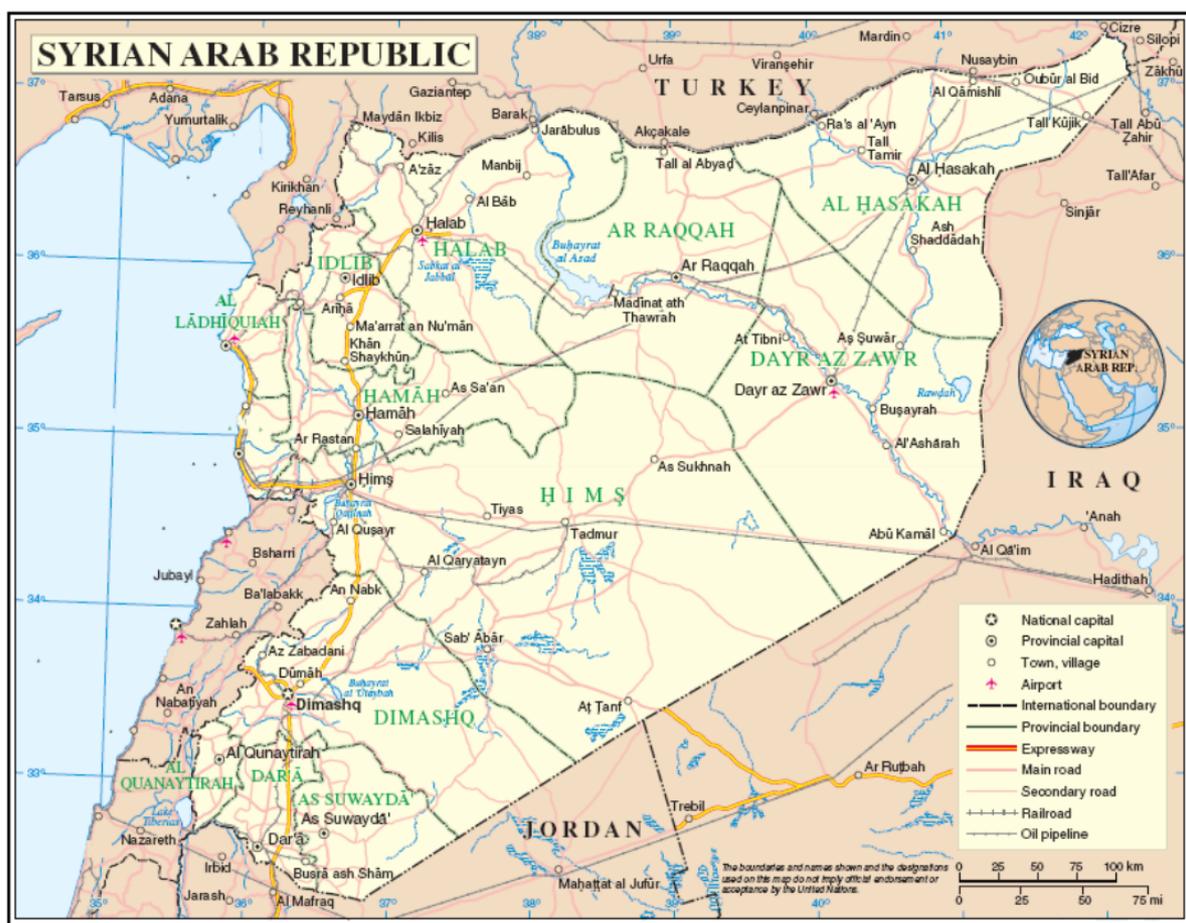
² Dafna H. Rand, *Roots of the Arab Spring: Contested Authority and Political Change in the Middle East*, (University of Pennsylvania Press, 2013), 1.

³ Erzsébet N. Rózsa, "The Arab Spring – Its Impact on the Region and on the Middle East Conference," *Academic Peace Orchestra Middle East Policy Brief* 9, no. 10, (2012): 1-20.

⁴ Conal Urqhart, "Aleppo Comes Under Air and Ground Assaults from Assad Forces," *The Guardian*, (July 28, 2012), accessed June 20, 2014. <http://www.theguardian.com/world/2012/jul/28/aleppo-air-ground-assaults-assad>.

⁵ "Syria: Mapping the conflict," *BBC News*, (July 10, 2015), accessed August 20, 2015. <http://www.bbc.com/news/world-middle-east-22798391>.

Figure 1.1: Map of Syria



Source: “Map of Syrian Arab Republic,” *Aletho News*, (December 1, 2015), accessed April 23, 2016. <https://alethonews.files.wordpress.com/2015/12/map-of-syrian-arab-republic.jpg>

As violence escalated and the country descended into civil war, Kofi Annan, the former United Nations (UN) Secretary General who was appointed Joint Special Envoy from the UN and the Arab League, tabled a six-point peace proposal in early 2012. The proposal called for a ceasefire, the free flow of humanitarian assistance, the combatants to commit to work towards an inclusive Syrian-led political process and the government to “respect the freedom of association and the right to demonstrate peacefully as legally guaranteed.”⁶ The government of Syria agreed to accept the plan, then promptly violated its terms, resulting in the country being engulfed in a bloody civil war that continues to date. The major turning point of the international community’s response to the Syrian crisis was however catalyzed by the use of chemical weapons on 21 August, 2013. The gruesome attack attracted prompt attention and reaction from the international community, which, after Annan’s efforts, was unable to reach a

⁶ Rand, *Roots of the Arab Spring: Contested Authority and Political Change in the Middle East*, 1.

consensus on decisive action to end the conflict.⁷ The international outcry that followed the use of chemical weapons thus precipitated an extraordinary series of events whose mandate was to deter and degrade Syria's chemical weapons capabilities. Although it was initially uncertain as to who used the chemical weapons in Syria, owing to pointing of fingers and accusations between the government and the opposition forces, evidence finally indicated that chemical weapons were dropped by helicopters belonging to the Syrian government.⁸ This study therefore focuses on the Syrian government as the culprit for using chemical weapons in 2013 during the civil war, and seeks to examine how it was held accountable for its actions by the international community.

1.2 Unveiling Syria's chemical weapons program and use

Syria's weapons of mass destruction (WMD) program was initiated by former President Hafez al-Assad in the 1970s. This program was in response to the disastrous conventional military defeats by neighbouring Israel in 1967, 1973 and 1982. Israel was thus perceived as the "scion of imperialism, an aggressive, expansionist and settler-colonial state,"⁹ therefore the aim of Syria's quest to develop military capabilities was so that it could reach some kind of strategic parity with Israel.¹⁰ Eshel states that Syria's slim resources ruled out its potential in developing a nuclear capability,¹¹ hence, although Syria had also made efforts to develop biological weapons, it became heavily centred on developing chemical weapons. A kick-start to the development of these weapons was reportedly given through assistance from countries like Egypt, the USSR and Czechoslovakia, but the strength of evidence supporting these allegations are disputed by these countries.¹² As such, the history of the development of Syria's chemical weapons arsenal is not void of contradictions. Moreover, most of the information about the program comes from official statements and leaks to the media from Israel, the

⁷ International Coalition for the Responsibility to Protect, "Syrian Crisis," (2013), accessed June 24, 2014. <http://responsibilitytoprotect.org/index.php/crises/crisis-in-syria>.

⁸ Dieter Bednarz and Klaus Brinkbäumer, "Interview with Bashar Assad: 'In the End, a Lie Is a Lie'," *Der Spiegel*, (October 7, 2013), accessed September 10, 2014. <http://www.spiegel.de/international/world/spiegel-interview-with-syrian-president-bashar-assad-a-926456.html>.

⁹ Bernd W. Kubbig and Sven-Eric Fikenscher, *Arms Control and Missile Proliferation in the Middle East*, (London and New York: Routledge, Taylor and Francis, 2012), 137.

¹⁰ Mary B.D. Nikitin, Paul K. Kerr and Andrew Feickert, "Syria's Chemical Weapons: Issues for Congress," CRS Report. Congressional Research Service, (2013). Accessed May 6, 2016. <https://www.fas.org/sgp/crs/nuke/R42848.pdf>.

¹¹ David Eshel, "Syria's Chemical Weapons Proliferation Hydra," *Defense Update*, accessed October 27, 2015. http://defense-update.com/analysis/analysis_230907_syria_cw.htm.

¹² Anthony H. Cordesman, "Weapons of Mass Destruction in the Middle East: Regional Trends, National Forces, War fighting Capabilities, Delivery Options, and Weapon Effects," *Centre for Strategic and International Studies*, 8, no. 31, (1996): 1-160.

United States and other Western sources. These countries have traditionally had tense relations with Syria, therefore possible elements of exaggeration and bias should be taken into account.¹³

Despite the ambiguities surrounding who assisted Syria in acquiring its chemical weapons, the country is believed to have possessed the largest chemical weapons arsenal in the world at this time. It is important, however, to be cognizant of the fact that Syria's chemical weapons arsenal was not the largest to be recorded in history. Russia and the United States were once the two largest chemical weapon holders, respectively in possession of about 40,000 and 31,000 metric tonnes, before relinquishing them for destruction.¹⁴ To date, the United States has destroyed 90% of its chemical weapons with the expected date of completion of destruction to be in 2023.¹⁵ Russia has to date reportedly destroyed 91%, with expectations of completing the destruction by 2020.¹⁶ With regards to Syria, the findings of the Organization for the Prohibition of Chemical Weapons (OPCW) in October 2013 declared that it possessed about 1,300 tons of chemical agents in various forms, including mixing precursors. These chemical agents include mustard gas, sarin and VX and were stored at more than 40 sites, mostly located in the northern part of the country.¹⁷

Much of Syria's chemical weapons capability only became known after the alleged chemical weapons attacks on 21 August, 2013. Before this time, Syria was consistent in its stance that it did not possess any chemical weapons. Ironically, there is no evidence that indicates where and when al-Assad actually denied possessing any chemical weapons. In fact, in an interview with *Der Spiegel* in October 2013, the reporter reminded al-Assad that he had always denied possessing chemical weapons and only admitted to possessing them after the August 2013 attacks. Assad countered thus: "We never said we didn't have chemical weapons. We always say "if we had, then...."¹⁸ In this case, one can argue that Assad neither confirmed nor denied ever possessing any chemical weapons. This statement in a way demonstrates the secret machinations of states, which makes the "anarchic world one of inescapable and universal

¹³ Zuhair M. Diab, "Syria's Chemical and Biological Weapons: Assessing Capabilities and Motivations," *The Nonproliferation Review* 5, no. 1, (1997): 104-111.

¹⁴ Centre for Arms Control and Non-Proliferation, "Fact Sheet: Chemical Weapons and their Destruction," (2014), accessed November 14, 2015. <http://armscontrolcenter.org/fact-sheet-chemical-weapons-and-their-destruction/>

¹⁵ Trevor Hughes, "780,000 Chemical Weapons being Destroyed in Colo," *USA Today*, (April 25, 2015), accessed January 23, 2016. <http://www.usatoday.com/story/news/nation/2015/04/25/mustard-agent-destruction/25825513/>.

¹⁶ Sounak Mukhopadhyay, "Russia Plans to Completely Destroy Chemical Weapons by 2020, to Shut Down Two Facilities by November," *International Business Times*, (October 29, 2015), accessed January 23, 2016. <http://www.ibtimes.com/russia-plans-completely-destroy-chemical-weapons-2020-shut-down-two-facilities-2161434>.

¹⁷ Organisation for the Prohibition of Chemical Weapons, "Destruction of Chemical Weapons," accessed January 23, 2016. <https://www.opcw.org/our-work/demilitarisation/destruction-of-chemical-weapons/>.

¹⁸ Bednarz and Brinkbäumer, "Interview with Bashar Assad: 'In the End, a Lie Is a Lie'."

danger.”¹⁹ Such secrecy is misleading because it keeps the international community uncertain of the true extent of the chemical weapons proliferation and stockpiling in a particular country – a principle known as ambiguity. Platt, with his main focus on the Middle East, concurs by arguing that measures to control or eliminate stockpiles of chemical weapons in the region are very elusive, as several countries in the region such as Egypt, Iraq and Israel refuse to acknowledge the possession of chemical weapons. This denial has important implications for arms control in the region, because the discussion of chemical weapons and speculations about policy alternatives occur under a shadow of inadequate information – so much so that the extent that the debate within the region about chemical weapons is constricted.²⁰ The use of chemical weapons in Syria is therefore indicative of the prisms through which the region is viewed, i.e. a representation of the potentially daunting confluence of the insidious trend of the proliferation of WMDs.²¹

Of significance, however, is the fact that the chemical weapons attack in August 2013 was not the first incident of such an attack. There is hard evidence that suggests that smaller chemical weapons attacks were previously carried out on multiple occasions.²² The symptoms of the casualties provided experts with reasonable grounds to believe that toxic chemicals were used in other Syrian towns such as Homs, Khan al-Assal and Saraqeb:

- **Homs:** In December 2012, an attack in Homs province killed seven and wounded more than 50. The inhalation of poisonous gases was determined to be the cause of the deaths. According to Dr. Nashwan Abu-Abdo, symptoms included asphyxiation and several seizures, which led him to suggest the use of BZ nerve gas, also known as Agent 15.²³
- **Khan al-Assal:** In March 2013, an attack in Khan al-Assal killed 31 people and caused symptoms in roughly 300 others. Dr. Zaher Sahloul, President of the Syrian-American Medical Association, stated that the symptoms in these patients were consistent with

¹⁹ Jack Donnelly, *Realism And International Relations*, (United Kingdom: Cambridge University Press, 2000), 14.

²⁰ Alan Platt, *Arms Control and Confidence Building in the Middle East*, (Washington D.C.: United States Institute of Peace, 1992), 93.

²¹ Brian Finlay, Johan Bergenas and Veronica Tessler, “Beyond Boundaries in the Middle East: Leveraging Non-Proliferation Assistance to Address Security/Development Needs with Resolution 1540,” Report. *Stimson Centre and the Stanley Foundation*, (2011), 4.

²² Ryan C. Hendrickson, *Obama at War: Congress and the Imperial Presidency*, (Kentucky: University Press of Kentucky, 2015), 162.

²³ Rachel Schwartz, *Syria’s Chemical Weapons and Biological Weapons Program and the Use of these Weapons in the Syrian Civil War Today*, (Herzliya, Israel: International Institute for Counter Terrorism, 2013), 20.

cholinergic syndrome, which is a common effect of exposure to nerve gas. The patients had respiratory and neurologic problems and convulsions. The blood samples from the scene were also inspected in laboratories in Turkey, the UK and France and it was verified with some degree of confidence that sarin gas was used against these victims.²⁴

- **Saraqeb:** In April 2013, a helicopter dropped at least two containers believed to have contained poisonous gases on Saraqeb. Victims suffered respiratory problems and vomiting. According to Hamish de Bretton-Gordon, a former officer at the Joint Chemical Biological Radiological Nuclear Regiment in the United Kingdom, the symptoms were likely caused by nerve agents such as organophosphate or sarin.²⁵

The chemical weapons attack that took place in Ghouta on 21 August 2013 is however believed to have been the deadliest use of chemical weapons since Saddam Hussein's Iraqi forces used poison gas against the Kurdish town Halabja in March 1988, and the most lethal use of WMDs in the 21st century.²⁶ Patients suffered symptoms including convulsions, excessive saliva, respiratory distress, suffocation, muscle spasms and frothing at the mouth. It was concluded that the symptoms may have been caused by a dispersal of sarin on a large scale.²⁷ At a seminar hosted by the Vienna Centre for Disarmament and Non-Proliferation (VCDNP) in October 2013, Dr. Amy Smithson, a senior fellow at the Centre for Non-Proliferation Studies (CNS) in Monterey, argued that the previous cases of chemical attacks in other towns in Syria were performed to "test the waters" for future chemical weapons use. These earlier attacks were done to see how the weapons perform, as well as to see and evaluate the international community's reaction to their deployment. Dr. Smithson further argued that the attack on August 21, 2013 took place during a period of low temperatures and little to no winds, which caused the chemical agent to remain in place for a longer period.²⁸ It can thus be said that the chemical attack in Ghouta was a callous, premeditated attack on defenceless people, killing an estimated 1,400 people, mostly women and children.²⁹ The attack on Ghouta

²⁴ Ibid, 20.

²⁵ Ibid, 23.

²⁶ "Clear and Convincing' Evidence of Chemical Weapons in Syria, UN Team Reports," *United Nations News Center*, (September 16, 2013), accessed February 24, 2015. <http://www.un.org/apps/news/story.asp?NewsID=45856#.VynT20fz0rQ>.

²⁷ "Syria Gas Attack Symptoms Confirmed by Doctors Group," *The Canadian Press*, (August 24, 2013), accessed February 24, 2015. <http://www.cbc.ca/news/world/syria-gas-attack-symptoms-confirmed-by-doctors-group-1.1393410>.

²⁸ Vienna Center for Disarmament and Non-Proliferation, "Chemical Weapons in Syria: A Bumpy Road to Elimination," (2013), accessed October 22, 2015. http://vcdnp.org/131022_syria_cw_report.htm.

²⁹ Kilic B. Kanat, *A Tale of Four Augusts: Obama's Syria Policy*, (Ankara, Turkey: SETA Publications, 2015), 117.

therefore stands as a catalyst that triggered an international outcry against the use of chemical weapons in Syria, with questions mainly focused on the mechanisms in place pertaining to controlling the use of chemical weapons in warfare.

It is important to note that while histories are written and the future is sketched out by numerous individuals and groups, assumptions about what will happen in one situation should not be based on previous events within a region or the world as a whole.³⁰ This issue is critically important to keep in mind when one looks at the case of Syria, whose path has taken a slightly different turn compared to other countries within the Arab Spring, particularly Libya. For example, in 2011, the United Nations Security Council (UNSC) adopted Resolution 1973, which formed the legal basis for military intervention in the Libyan civil war. The main mandate of the Resolution was to demand “an immediate ceasefire” and to authorize the international community to establish a no-fly zone as well as to use all means necessary short of foreign occupation to protect civilians.³¹ Unlike Libya, however, the Syrian crisis was surrounded by shifting tides of opinions on intervention. While some voices called for military intervention, strong voices against such action were raised. In particular, it was the United States and Russia that stood as the two contending parties and whose decisions were most influential in the response to the chemical weapons crisis in Syria. Attention will therefore be placed on the reaction and intervention of the United States and Russia vis-à-vis Syria’s use of chemical weapons.

This study was motivated by the fact that most literature focuses on Syria’s chemical weapons capabilities and the process of destroying these weapons, while the efforts and strategies that were implemented by the international community to deal with the crisis remains nearly unnoticed. Within this context, this study essentially shares, in terms of problem framing and relevance within the international system, many characteristics pertaining to the areas of non-proliferation, disarmament and diplomatic studies. As a result, this study offers a case study basis that is centered on describing, interpreting and understanding the diplomatic policies and actions that were carried out by the United States and Russia following the use of chemical weapons in 2013 during the civil war in Syria. In examining the role of diplomacy in this context, it is likely that a specific form, nature, type or a combination of diplomatic

³⁰ Alex Ghionis, “Why Have the Libyan and Syrian Arab Spring Experiences Been so Different?” *Academia.edu*, (2014), accessed October 22, 2015.

³¹ https://www.academia.edu/7062197/Why_have_the_Libyan_and_Syrian_Arab_Spring_experiences_been_so_different
Kristen Boon, Aziz Hug and Douglas C. Lovelace, Jr, *The Intersection of Law and War*, (United Kingdom: Oxford University Press, 2012), 164.

technique(s) is present. As such, attention will be placed on the strategic avenues and manifestations of diplomacy that the United States and Russia adopted in order to achieve their objectives in Syria. Thus, three possible types of diplomacy, namely coercive diplomacy, multilateral diplomacy and disarmament diplomacy, will be analyzed in Chapter Two, before a selection of the most relevant type of diplomacy to this case study is made.

1.3 Conceptualization of key terms

1.3.1 Weapons of mass destruction (WMDs)

WMD is a term used to describe weapons with the ability and capacity to cause destruction on a massive scale, whose impact is long-lasting and indiscriminate and effects may persist for an extended period of time in the environment and in the population.³² Weapons included under this umbrella term include chemical weapons (defined below in 1.3.2); biological weapons, which are biological agents designed to cause a fatal or disabling disease in victims, ranging from acute diseases and plagues; radiological weapons, which are devices that are designed with the intention to cause explosive disruption through the spread of radioactive material; and nuclear weapons, which are fission-fusion enhanced radiation explosive devices.³³ These weapons are commonly abbreviated as CBRN weapons, referring to chemical, biological, radiological and nuclear weapons. Recently, toxin weapons have also been incorporated under the umbrella of WMDs. Toxin weapons are primarily illness-inducing chemicals formed from living creatures, such as bacteria, fungi, plants and animals.³⁴

1.3.2 Chemical weapons

The official definition of chemical weapons is provided by the OPCW as “any toxic chemical or its precursor that can cause death, injury, temporary incapacitation or sensory irritation through its chemical action.”³⁵ Chemical weapons are therefore produced and used with the intention to cause harm or loss of life through exposure to the toxicity of chemicals. As a result

³² Michelle Bentley, *Weapons of Mass Destruction And US Foreign Policy: The Strategic Use of A Concept*, (Abingdon: Routledge Publication, 2014), 12.

³³ Michael Kort, *Weapons of Mass Destruction*, (New York: Infobase Publishing, 2010), 9, 11.

³⁴ Dana A. Shea, “Terrorism: Background on Chemical, Biological, and Toxin Weapons and Options for Lessening their Impact,” CRS Report, Congressional Research Service, (2004), accessed May 6, 2016. <http://fas.org/irp/crs/RL31669.pdf>.

³⁵ Organisation for the Prohibition of Chemical Weapons, “The Chemical Weapons Ban Facts and Figures,” accessed August 25, 2015. <https://www.opcw.org/news-publications/publications/facts-and-figures/#c1920>.

of their destructive and heinous effects, chemical weapons are classified under the umbrella of WMDs.

Chemical weapons are developed from chemical substances whose toxic properties may be in gas, liquid or solid form and they can harm the body either through absorption through the skin, inhalation or ingestion.³⁶ The chemical substances can be classified according to their persistency, “a measure of the length of time that a chemical agent remains effective after dissemination.”³⁷ As such, they can be classified as either persistent or non-persistent. Persistent agents are designed to remain in the area they were used, complicating decontamination. In contrast, non-persistent agents lose effectiveness quickly because they are designed to degrade or dissipate after they come in contact with natural elements such as water, wind and the sun. These chemical agents can also be classified on the basis of their mode of action, volatility, chemical structure or physiological effects. This study classifies chemical agents according to the physiological manner in which they affect the human body, and are thus categorized as harassing agents, incapacitating agents or lethal agents.

- **Harassing agents**

These agents are often referred to as Riot Control Agents (RCAs) as they are substances that are not intended to injure or kill. These agents are basically sensory irritants that have short-lived, concentration-dependent effects.³⁸ They are mostly used in the military for training purposes and by civilian police forces against rioters and criminals. They are considered chemical weapons only when used by combatants in a civil or international conflict. These agents are meant to produce sensory irritants that cause immediate pain to the eyes and vomiting.

- **Incapacitating agents**

These agents, like harassing agents, are often referred to as non-lethal agents that “produc[e] debilitating effects with limited probability of permanent injury or loss of life.”³⁹ Such

³⁶ Allan B. Cobb, *Biological and Chemical Weapons: The Debate over Modern Warfare*, (New York: The Rosen Publishing Group, 2000), 13.

³⁷ Colin Gray, *Another Bloody Century: Future Warfare*, (London: Phoenix Paperbacks, 2007), 269.

³⁸ Kenan Tokgöz, *Enhancing Cooperation in Defence Against Terrorism*, (Amsterdam: IOS Press, 2012), 59.

³⁹ Valerie Adams, *Chemical Warfare, Chemical Disarmament: Beyond Gethsemane*, (London: The MacMillan Press Ltd, 1989), 7.

substances include psychological agents, which are meant to cause mental disturbances such as hallucination or delirium.

▪ **Lethal agents**

These substances are often produced and used with disregard to the loss of life they cause or their long-term consequences. They can fall within one of four categories:

- **Blister agents**, which are chemical compounds that cause injury to and irritate the skin. Exposure to blister agents results in blindness and permanent damage to the respiratory system. Common chemicals used for this purpose are mustard, phosgene oxide and lewisite chemical compounds.
- **Blood agents**, whose substances are metabolic poisons that interfere with the life-sustaining processes of the blood. They effectively cause the body to suffocate. Cyanide, cyanogen chloride and arsine are some of the examples of blood agents.
- **Choking agents**, sometimes referred to as pulmonary agents or lung irritants, which are meant to cause injury to the respiratory system or a lung-blood barrier that results in asphyxia. Examples of choking agents include phosgene, chloropicrin, chlorine and diphosgene.
- **Nerve agents**, whose substances work by preventing the nervous system from working properly, such as VX and sarin gas.

It is believed that the development of most of these chemical agents was enabled by the industrial revolution, and, in particular, the revolution in the textile industry in the early 1900's. Along with this revolution came an unprecedented demand for chemical dyes to use in the textile industry, and it was through this demand and the resultant development of new ways of producing dyes that the basis for the production of chemical warfare agents began.⁴⁰ Almost a decade later, chemical weapons were developed, which is attributed to the German, Fritz Haber (1868-1934), whose chlorine gas was used at the Second Battle of Ypres in 1915 during World War One. In spite of chemical warfare being historically considered unethical and in defiance of The Hague Conventions of 1899 and 1907,⁴¹ there was no significant wave of

⁴⁰ Eric A. Croddy, *Chemical And Biological Warfare: A Comprehensive Survey For The Concerned Citizen*, (New York: Springer Science & Business Media, 2002), 133.

⁴¹ The Hague Conventions of 1899 and 1907 were the first formal statements in the body of secular international law that addressed the conduct of warfare.

international protests that was registered after the German chemical attack. In fact, a chemical arms race began, as Allied powers scrambled to develop their own forms of chemical weapons to retaliate in kind.⁴² The chemical warfare in this period became the first large-scale chemical warfare in history, with an estimated use of about 113,000 tons of toxic chemical agents. Yet despite this extensive use, while the casualties of the World War One chemical warfare were relatively heavy, the number of resultant fatalities from the use of chemical weapons was relatively lower than it could have been.⁴³ Everts argues that the death toll could have been higher if not for interventionary measures from both sides to immediately develop protective gas masks that contained a wide variety of neutralizing agents. Everts further argues that the strategic power of chemical weapons during this period was therefore not in the number of soldiers they killed, but in the psychological terror they caused.⁴⁴ Therefore, as illustrated in Figure 1.2, it is estimated that the overall casualty toll as a result of chemical weapons attacks during World War One was over 1,000,000 while the death toll stood at about 90,000.⁴⁵ Resultantly, the consequences of chemical warfare during this period earned World War One an infamous moniker: “the Chemists’ War.”⁴⁶

Figure 1.2: Estimated overall casualty toll of chemical attacks during WWI

Country	Kilotons Used in 1915	Kilotons Used in 1916	Kilotons Used in 1917	Kilotons Used in 1918	Casualties	Fatalities
Germany	3	7	15	28	200,000	9,000
France	0.3	3.5	7.5	15	190,000	8,000
British Empire	0.2	1.6	4.9	7.7	189,000	8,100
Austro-Hungary	0	0.8	2.7	4.4	100,000	3,000
Italy	0	0.4	2.5	3.4	60,000	4,600
Russia*	0.2	1.8	2.7	0	475,000	56,000
USA	0	0	0	1	73,000	1,500

*Russia suffered the greatest losses because of late deployment of effective gas masks.

Source: Houghton Mifflin Company, “Chemistry and warfare,” (n.d.), accessed May 26, 2015. http://www2.csudh.edu/nsturm/CHE102/PptLectures/Chem102_Warfare.ppt

⁴² Spencer Tucker, Laura M. Wood and Justin D. Murphy, *The European Powers in The First World War: An Encyclopedia*, (London: Garland Publishing Inc, 1996), 185.

⁴³ Ramesh C. Gupta, *Handbook Of Toxicology Of Chemical Warfare Agents*, 2nd edition, (Amsterdam, Boston: Elsevier Inc, 2015), 47.

⁴⁴ Sarah Everts, “When Chemicals Became Weapons of War,” *Chemical & Engineering News*, (2015), accessed September 21, 2015. <http://chemicalweapons.cenmag.org/when-chemicals-became-weapons-of-war/>

⁴⁵ Yin Sun and Kwok Y. Ong, *Detection Technologies For Chemical Warfare Agents And Toxic Vapors*, (London: CRC Press, 2004), 1.

⁴⁶ Chris Reddy, “The growing menace of chemical war,” *Woods Hole Oceanographic Institution*, (2007), accessed September 21, 2015. <http://www.whoi.edu/page.do?pid=7342&tid=282&cid=25749>.

The development and proliferation of chemical weapons is not surprising, considering the fact that their formulas are widely known and the ingredients for them are readily available. This reality supports the common view that chemical weapons are the “poor man's atom bomb”, because they are easier and cheaper to make than other WMDs, especially nuclear weapons.⁴⁷ Lyell concurs with this notion and asserts that the fabrication of nuclear weapons requires advanced industrial capabilities and access to tightly controlled resources and materials. Chemical weapons, however, are cheap and easily manufactured – they can even be manufactured with equipment that can be used for numerous civilian purposes.⁴⁸ As such, chemical weapons have been developed by both poor and rich states. Yet despite the fact that such weapons can be easily made, incidences of the actual use of chemical weapons in the history of international affairs are sporadic and minimal.⁴⁹ Table 1.1 illustrates some of these incidences in relation to the use of some of the most common chemical warfare agents throughout history.

1.3.3 Conceptualization of other related terms

In addition to chemical weapons, the predominant terms that the study makes repeated reference to are: arms control, non-proliferation, disarmament, deterrence and diplomacy. It is the researcher's belief that the use of these terms in this study necessitate descriptions of what they mean and entail in order to understand their use within the overall context of this study.

Arms control: Schmid and Anderlini note that arms control are “efforts to limit or reduce war making capabilities by restricting the quantity and/or quality of weapons.”⁵⁰ The specific objectives of arms control since the Cold War are to manage, regulate and monitor arms races between states. Arms control therefore involves strong elements of mutual trust, where states try to minimize the costs and risks of arms competition in an effort to avoid war or to curtail the scope of violence.⁵¹

⁴⁷ Michael C. Horowitz and Neil Narang, “Poor Man's Atomic Bomb? Exploring the Relationship between Weapons of Mass Destruction,” *Journal of Conflict Resolution* 58 no. 3 (2014): 509-535.

⁴⁸ Lord Lyell, “Chemical and Biological Weapons: The Poor Man's Bomb,” *North Atlantic Assembly*, (1996), accessed June 30, 2014. <http://fas.org/irp/threat/an253stc.htm>.

⁴⁹ Eric A. Croddy and James J. Wirtz, *Weapons Of Mass Destruction: An Encyclopedia Of Worldwide Policy, Technology And History*, (Santa-Barbra, California: ABC-CLIO, 2005), 332.

⁵⁰ Alex P. Schmid and Sanam B. Anderlini, *Thesaurus And Glossary Of Early Warning And Conflict Prevention Terms*, (London: Forum on Early Warning and Early Response, 2000), 23.

⁵¹ Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peace-Making and Peace-Keeping*, (New York: United Nations Publications, 1992), 15.

Non-proliferation: This term refers to efforts to eliminate the spread of WMDs. In the context of this study, it would refer to efforts to limit or eliminate the spread of chemical weapon technology and stockpiles.⁵²

Disarmament: As the term might imply, disarmament refers to the process of controlling, collecting, documenting and disposing of arms in order to reduce and eliminate or limit their use.⁵³

Deterrence: In general terms, deterrence is a tool for dissuading an adversary from developing, acquiring and using WMDs.⁵⁴ In the context of this study, deterrence would be a tool for dissuading the further use of chemical weapons in Syria.

Diplomacy: This term refers to the employment of negotiation in international relations. Diplomacy seeks agreements and other peaceful solutions to issues of possible conflict or disagreement.⁵⁵ The concept will be further explored in Chapter Two.

⁵² Eshel, "Syria's Chemical Weapons Proliferation Hydra."

⁵³ Graham Evans and Jeffrey Newnham, *The Dictionary of World Politics: A Reference Guide to Concepts, Ideas and Institutions*, (New York: Simon & Schuster, 1990), 73.

⁵⁴ Jörg Krüger, Bertram Nickolay and Sandro Gaycken, *The Secure Information Society: Ethical, Legal and Political Challenges*, (London: Springer Science & Business Media, 2012), 17-53.

⁵⁵ Jeffrey A. Larsen and James M. Smith, *Historical Dictionary of Arms Control and Disarmament*, (Maryland: Scarecrow Press, 2005), 78.

Table 1.1: The prevalence of chemical weapons use for military purposes

Harassing agents			
<ul style="list-style-type: none"> • 1914, between the French and the Germans during World War I. • 1982, tear gas, used by Argentine forces during the invasion of the Falkland Islands, which is under British rule. 			
Incapacitating Agents:			
1989 - The United States weaponised 3-Quinclidnyl Benzilate, also known as BZ, but they were never used and were destroyed in 1989.			
Lethal Agents (4 categories)			
Blood Agents	Blister agents	Chocking agents	Nerve argents
<p>1988: Cyanide was used by Iraq against the Kurds. The number of deaths are estimated to be between 3,200 and 5,000 people.</p>	<p>1935-1936: Mustard gas was used by Italy against in Abyssinia (modern day Ethiopia). It is estimated that there were about 15,000 deaths and injuries.</p> <p>1963-1967: Mustard gas was used by Egypt against Yemen. At the same time, Egypt also used Phosgene gas (which falls under chocking agents). As a result, at least 1,400 people were killed.</p> <p>1980-1988: Mustard gas was used by Iraq during the Iran-Iraq war. During the war, Iraq also used tabun (which falls under Nerve agents). An estimated 4,500 deaths resulted from these chemical attacks</p>	<p>1915: Chlorine gas was used by the Germans against the French at Ypres. Approximately 6,000 French and colonial troops died within 10 minutes.</p> <p>1915: Chlorine gas was used by the British against the Germans at the battle of Loos. Unfortunately the release of gas was not without mixed results. In places the wind blew the gas back into the British trenches, resulting in 2,632 British gas casualties, although only seven actually died.</p> <p>1963-1967: Phosgene was used by Egypt against Yemen. At the same time, Egypt also used Mustard gas (which falls under Blister agents). As a result, at least 1,400 people were killed.</p>	<p>1961-1972: The United States sprayed Agent Orange in Vietnam. About 40,000 people were killed and injured as a result. About 3 million people have suffered illnesses over the years because of the attack.</p> <p>1980-1988: Tabun was used by Iraq during the Iran-Iraq war. During the war, Iraq also used mustard gas (which falls under blister agents). An estimated 4,500 deaths were due to these chemical attacks</p> <p>1995: Aum Shinrikyo used sarin in the Tokyo subway, leaving 12 people dead and over 5,000 injured.</p>

Information extracted from Ramesh C. Gupta, *Handbook of Toxicology of Chemical Warfare Agents*, 8-15; Robert Johnston, "Summary of historical attacks using chemical or biological weapons," *Johnston's Archive*, (2015), accessed March 24, 2016. <http://www.johnstonsarchive.net/terrorism/chembioattacks.html>; Ben Stocking, "Vietnam, US still in conflict over Agent Orange burden," *Associated Press*, (June 10, 2010), accessed October 22, 2015, http://archive.boston.com/news/health/articles/2010/06/13/vietnam_us_still_in_conflict_over_agent_orange_burden/

1.4 Problem statement and research aims and objectives

After World War One, emphasis was increasingly placed on issues of arms control, disarmament and non-proliferation of WMD.⁵⁶ As a result of global discussions, negotiations and agreements on this matter, a range of bilateral, regional and multilateral agreements were concluded. With regards to chemical weapons, these efforts and agreements have led to the reduction and elimination of chemical weapons stockpiles in a number of countries with the aim of establishing a world free of chemical weapons. As of October 2015, for example, 90%, or 65,720 metric tonnes, of the world's declared stockpile of 72,525 metric tonnes of chemical agents have been verifiably destroyed.⁵⁷ The effective redress to Syria's use of chemical weapons and stockpile is therefore imperative for commitment to this mandate. The problem statement of this study thus echoes the concerns of what current United States Secretary of State, John Kerry, aired following the 2013 chemical weapons attacks: "if we don't answer Assad today, we will erode a standard that has existed for those hundred years... In fact... we will invite even more dangerous tests (and use) down the road."⁵⁸

The aim of this study is therefore to investigate the role of United States and Russian diplomacy in dealing with the chemical weapons crisis in Syria. Diplomacy in this case is perceived as a tool of strategic intervention used to respond to the use of chemical weapons by Syria during its civil war. In particular, the study aims to achieve the following objectives:

- Discuss the development of Syria's chemical weapons program;
- Analyze the different international laws and instruments aimed at the non-proliferation and disarmament of chemical weapons;
- Examine the impasse and debates of military intervention in Syria; and
- Analyze the role of United States and Russian diplomacy and determine which type of diplomacy was most instrumental in resolving the issue of chemical weapons stockpiling and use in Syria.

⁵⁶ Sohail H. Hashmi and Steven P. Lee, *Ethics and Weapons of Mass Destruction: Religious and Secular Perspectives*, (Cambridge: Cambridge University Press, 2004), 2.

⁵⁷ Organisation for the Prohibition of Chemical Weapons, "The Chemical Weapons Ban Facts and Figures."

⁵⁸ Brad Plumer, "Everything You Need to Know about Syria's Chemical Weapons," *The Washington Post*, (September 5, 2013), accessed June 18, 2014. <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/09/05/everything-you-need-to-know-about-syrias-chemical-weapons/>

1.5 Research questions

In light of the stated research problem, aims and objectives, the research question is formulated as follows: What role has United States and Russian diplomacy played in disarming Syria's chemical weapons stockpile and preventing the further use of such weapons in the Syrian Civil War?

The exploration of this research question will be guided by a number of subsidiary questions. These sub-questions are as follows:

- What does international law stipulate about chemical weapons stockpiling and use?
- What shaped the development of the chemical weapons program in Syria?
- What were the motivations for United States' and Russia's involvement and intervention in Syria?
- What role did diplomacy play in responding to the use of chemical weapons in Syria in 2013?
- Which type of diplomacy best explains the process through which the United States and Russia achieved a resolution to the chemical weapons crisis in Syria?

1.6 Significance of study

The use of chemical weapons in Syria suggests that despite the objectives of arms control regimes, some states fail to comply with the provisions of these treaties. Such a case therefore has significant international implications in ascertaining whether the existing international legal framework on chemical weapons is relevant and adequate in promoting non-proliferation and disarmament and addressing the re-emergence of chemical weapons. Unravelling how international norms against the use of chemical weapons were relevant and instrumental in dealing with the chemical weapons situation in Syria is therefore important. It is believed that the extent to which these international norms were used to effectively and credibly address the situation in Syria could serve as an example for other cases in assuring total deterrence to the acquisition, proliferation and use of chemical weapons in the future.

It is also of particular importance and significance to this study to investigate the role of diplomacy as an instrument in enforcing the international norms vis-à-vis chemical weapons.

Such an investigation will help give insight into the contributions of diplomacy in ensuring international peace and security during a period marked by the existence and proliferation of chemical weapons as well as other forms of WMDs. A positive outcome of the use of diplomacy will also reveal that conflicts cannot necessarily be resolved through military force alone, but also through peaceful means.

The researcher believes that this study will give insight to other scholars about the contemporary dynamics and nature of intervention, especially in issues of arms, arms control, disarmament and non-proliferation. As such, it is hoped that this study will contribute to the existing body of literature in this regard.

1.7 Literature review

In this section, a literature review pertaining to chemical weapons will be undertaken in order to demonstrate that the researcher is acquainted with existing research on the topic being studied. This review will also help clarify where the study fits into the existing body of knowledge and determine the gaps within the debates on the subject. Within this section, seminal texts that examine the main trends of WMDs in general and chemical weapons in particular will be reviewed. This discussion will be followed by a review of the literature that focuses specifically on the topic of this study, i.e. in establishing the role that United States and Russian diplomacy played in disarming Syria's chemical weapons stockpile and preventing the further use of such weapons in the Syrian Civil War.

In the book *Banning Chemical Weapons: The Scientific Background*, Crone argues that the problem of chemical warfare has not been an issue of major popular concern, yet it has matters that relate to and impinge on areas that have occupied public debate.⁵⁹ This lack of debate or concern on chemical weapons specifically stems from the fact that the most destructive category of weapons in the WMD classification are nuclear weapons, hence they are considered to be the “true”⁶⁰ and “absolute”⁶¹ WMDs. This belief has overshadowed efforts to contextualize the inclusion of chemical weapons in the WMD classification. In agreement with

⁵⁹ Hugh D. Crone, *Banning Chemical Weapons: The Scientific Background*, (Cambridge: Cambridge University Press, 1992).

⁶⁰ Ramesh Thakur and Ere Haru, *The Chemical Weapons Convention: Implementation, Challenges, Opportunities*, (India: Pearson Education, 2007), 3.

⁶¹ Bernard Brodie, *The Absolute Weapon: Atomic Power and World Order*, (New York: Harcourt, Brace and Company, 1946).

Crone's assertion, Sauer and Pretorius argue that "no other weapon system has the capacity to create harm on the scale of a full-scale nuclear war between major powers, up to and including the destruction of the earth for the purpose of human habitability."⁶² In other words, these authors imply that the lethality of chemical weapons cannot be compared to the threat posed by nuclear weapons. The dominance of nuclear weapons as WMDs is also demonstrated by Williams and Viotti in Volume 2 of *Arms Control – History, Theory and Policy*.⁶³ The book is egregiously dominated by 10 chapters on nuclear weapons issues, and it is the researcher's belief that the book's focus on nuclear security, rather than balancing such a discussion with other arms control regimes, distorts the readers' understanding of what WMDs comprise.

Cordesman acknowledges the differences in the lethality of nuclear and chemical weapons, in his book titled *Terrorism, Asymmetric Warfare, and Weapons of Mass Destruction: Defending the U.S. Homeland*, but argues that assuming that the effects of WMDs should be measured in terms of mass casualties is biased.⁶⁴ He goes on to state that the psychological and political aspects of using WMDs cannot be quantified in one form because attackers generally have political or ideological motives. Therefore, the amount of damage and the number of casualties may be far less important to the attacker than the impact on the political perceptions of foreign states. Cordesman's arguments thus renders all WMDs the same, i.e. as all deserving balanced attention, with neither one being less "evil" than the other, because they are all used to serve the same purpose, i.e. to violently further political and ideological motives.

Thus, as this study is primarily concerned with chemical weapons, a key feature that immediately surfaces from the review of existing literature is the overview and conceptualization of what actually constitutes chemical weapons. Multiple sources have been indispensable in this regard. The most useful is the book by Adams titled *Chemical Warfare, Chemical Disarmament: Beyond Gethsemane*, which provides a concise overview of the entire breadth of existing chemical weaponry and delineates the actual chemicals used in warfare since World War One and over the course of history. Adam's work has been imperative to this study because it guides the uninitiated reader through technical definitions that are predominant in the chemical weapons literature. She devotes Chapter 1 of her book to this useful task and

⁶² Tom Sauer and Joelen Pretorius, "Nuclear Weapons and the Humanitarian Approach," *Global Change, Peace & Security* 26, no. 3, (2014): 233-50.

⁶³ Robert Williams and Paul Viotti, *Arms Control – History, Theory and Policy*, Volume 2, (California: Praeger, 2012).

⁶⁴ Anthony H. Cordesman, *Terrorism, Asymmetric Warfare, and Weapons of Mass Destruction: Defending the US Homeland*, (Westport: Greenwood Publishing Group, 2002).

also offers a table of main chemical warfare agents that have been used throughout history, including their technicality, persistence and types. Other literature that have been quite useful in this regard include Gupta's *Handbook of Toxicology of Chemical Warfare Agents*,⁶⁵ Cobb's *Biological and Chemical Weapons: The Debate over Modern Warfare*⁶⁶ as well as the OPCW's webpage, as it is the main intergovernmental organization specifically dealing with chemical weapon issues.⁶⁷ Although these works cover similar ground, they complement each other rather than simply overlap, as they detail the history of chemical warfare and its uses, effects and implications since World War One. Together, these works are imperative to this study because they provide an understanding of the implications of chemical weapons proliferation and use in the international community. In other words, the historical and contemporary analyses that these works highlight the continuance of chemical warfare in the international arena, which makes chemical weapons a relevant subject of study in contemporary international relations. As such, an analysis of Syria's use of chemical weapons in this thesis will also be instrumental for the future researcher who will seek to understand how the problem of chemical warfare and proliferation has evolved, what it entails and the implications thereof.

Another key feature that predominantly surfaces from a review of existing literature is the attitude that is attached to chemical weapons. Thakur and Haru in their book *The Chemical Weapons Convention: Implementation, Challenges, Opportunities* argue that chemical weapons have been successfully stigmatized and have evoked universal revulsion to the extent that they are not a source of national pride, as is often the case with nuclear weapons.⁶⁸ Thakur and Haru, however, fail to give a detailed analysis on why chemical weapons incite such revulsion. Instead, they focus more on the challenges of controlling the spread and use of chemical weapons. The most relevant scholarly work that confronts these issues of attitude, however, is Price's *Chemical Weapons Taboo*. The author describes his work as "a meditation on the relationship between morality and technology, particularly the exercise and restraint of violence in world politics."⁶⁹ To this end, Price's book explores the development and operation of the norm that proscribes the use of chemical weapons. It provides a detailed analysis into

⁶⁵ Gupta, *Handbook of Toxicology of Chemical Warfare Agents*.

⁶⁶ Cobb, *Biological and Chemical Weapons: The Debate over Modern Warfare*, 13.

⁶⁷ Organisation for the Prohibition of Chemical Weapons, "Syria and the OPCW," accessed November 24, 2015. <https://www.opcw.org/special-sections/syria/>.

⁶⁸ Thakur and Haru, *The Chemical Weapons Convention: Implementation, Challenges, Opportunities*.

⁶⁹ Richard M. Price, *The Chemical Weapons Taboo*, (Ithaca, NY: Cornell University Press, 1997), ix.

how the particular moral status of chemical weapons have been interpreted, reinterpreted, constituted and reconstituted over time, and how a normative construct has been built up that stigmatizes the possession and use of chemical arms.

While Price's work stands as a significant contemporary scholarly work on this subject, a handful of other scholars have gone before and after him that have all in some way offered the same observation regarding the aberration of chemical weapons. These works include "The Problem with the Chemical Weapons Taboo" by Bentley⁷⁰ and *War of Nerves: Chemical Warfare from World War I to Al-Qaeda* by Tucker.⁷¹ Other important literature include articles titled "A Taboo Worth Protecting: Chemical Weapons are Indiscriminate and That's Why They Should Be Outlawed" by Hashmi and Western⁷² and "Name and Shame: Unravelling the Stigmatization of Weapons of Mass Destruction" by Shamai.⁷³ The most interesting of these works is by Shamai who, in addition to her contribution to the development of the ethical stigmatization and taboo of chemical weapons, argues that ethical and moral issues cannot be distinguished from political issues. She states that "stigmatizing was driven by perceptions of social, economic, and political power, which elevated the status of these weapons. Stigmatization then developed as a reaction to the threatened possession and use of WMDs by antagonistic actors."⁷⁴ This observation thus points to the fact that politics has a bearing on the moral issues surrounding chemical weapons. As a result, the development of the taboo on chemical weapons is recognized by the international community and political policy makers, and was the basis for a possible foreign intervention following allegations of the use of chemical weapons in Syria in 2013.

To substantiate the inherent claim underpinning the taboo, numerous publications look at efforts of controlling the possession and use of chemical weapons in the international arena. Zanders' article, titled "International Norms against Chemical and Biological Warfare: An

⁷⁰ Michelle Bentley, "The Problem with the Chemical Weapons Taboo," *Peace Review: A Journal of Social Justice* 27, no. 2, (2015): 228-236.

⁷¹ Jonathan B. Tucker, *War of Nerves: Chemical Warfare from World War I to Al-Qaeda*, (New York: Pantheon Books, 2006).

⁷² Sohail Hashmi and Jon Western, "A Taboo Worth Protecting: Chemical Weapons are Indiscriminate—And That's Why They Should be Outlawed," *Foreign Affairs*, (2013), accessed November 23, 2015. <https://www.foreignaffairs.com/articles/syria/2013-09-09/taboo-worth-protecting>

⁷³ Patricia Shamai, "Name And Shame: Unravelling the Stigmatization of Weapons of Mass Destruction," *Contemporary Security Policy* 36, no. 1, (2015): 104-22.

⁷⁴ Ibid.

Ambiguous Legacy”,⁷⁵ Robinson’s article, titled “Chemical Arms Control and The Assimilation of Chemical Weapons”,⁷⁶ Blake and Mahmud’s article, titled “A Legal Red Line? Syria And The Use Of Chemical Weapons in The Civil Conflict”,⁷⁷ Croddy, Wirtz and Larsen’s book, titled *Weapons of Mass Destruction: An Encyclopedia of Worldwide Policy, Technology, and History*,⁷⁸ Krutzsch, Myjer and Trapp’s book, titled *The Chemical Weapons Convention: A Commentary*⁷⁹ and Crowley’s report, titled “Dangerous Ambiguities: Regulation of Riot Control Agents and Incapacitations under the Chemical Weapons Convention”⁸⁰ were instrumental in providing an overview of international efforts and policies aimed at combating the proliferation and use of chemical weapons. Indeed, Krutzsch, Myjer and Trapp begin their analysis by tracing the efforts to control the spread and use of chemical weapons. They argue that these efforts initially began just after the Second World War, when representatives of nations assembled to form the United Nations and agreed in the 1945 Charter to “save succeeding generations from the scourge of war.”⁸¹ To ensure that they succeeded, the international community agreed on a concept of general and complete disarmament, prohibition and elimination of all types of WMDs under strict and effective control. Given this background, the general theme emphasized by the literature is how the chemical weapons regime, as a result, consists of a number of treaties that have helped to control, reduce and eliminate the risks of chemical weapons over the years, such as the Geneva Protocol and the Chemical Weapons Conventions (CWC). Much attention is however placed on the CWC, as it is believed to be the core of the chemical arms control regime in the contemporary international arena.

Another branch of literature has predominantly focused on the CWC since its adoption in 1993. Most of the literature here offers commentaries on the Convention, and many authors praise the treaty rather than criticize it. For example, Krutzsch, Myer and Trapp state that the CWC is a

⁷⁵ Jean P. Zanders, “International Norms against Chemical and Biological Warfare: An Ambiguous Legacy,” *Journal of Conflict and Security Law* 8, no. 2, (2003): 391-410.

⁷⁶ Julian P.P. Robinson, “Chemical Arms Control and the Assimilation Of Chemical Weapons,” *International Journal* 36, no. 3, (1981): 515–534.

⁷⁷ Jillian Blake and Aqsa Mahmud, “Legal Red Line: Syria and the Use of Chemical Weapons in Civil Conflict,” *Law Review Discourse* 61, no. 244, (2013): 264-260.

⁷⁸ Croddy et al., “Weapons of Mass Destruction: An Encyclopedia of Worldwide Policy, Technology, and History.”

⁷⁹ Walter Krutzsch, Eric Myjer and Ralf Trapp, *The Chemical Weapons Convention: A Commentary*, (Oxford, United Kingdom, 2014).

⁸⁰ Michael Crowley, “Dangerous Ambiguities: Regulation of Riot Control Agents and Incapacitants under the Chemical Weapons Convention,” Bradford Non-Lethal Weapons Research Project Report, (2009): 1-121.

⁸¹ Krutzsch et al., *The Chemical Weapons Convention*, 4.

crucial element in the development of arms control law and international disarmament.⁸² According to Bothe, Ronzitti and Rosas, the CWC serves as a vivid symbol of the “coming of age” of arms control. However, the crucial component of the CWC in terms of this study is that regarding violations, non-compliance and measures of redress. Enforcing compliance with non-proliferation agreements has generally been a long standing challenge, even as it has been recognised that it is essential to the long-term success of the regimes.⁸³ One of the major reasons for this challenge, which relates to this study, is that the countries may share the same assessment over allegations that a state is cheating on its non-proliferation commitments, but have competing interests or other priorities that mitigate against their banding together to enforce a group punishment.⁸⁴ Busch and Joyner, in their *Combating Weapons of Mass Destruction: The Future of International Non-Proliferation Policy*, fail to examine how this problem has been tackled – a task that this study seeks to pursue with specific reference to Syria. In support of imposing measures of redress in cases of violations and non-compliance, Busch and Joyner argue that “for players to believe that cheating is not beneficial from a long-term perspective, cheating should be detected quickly and the punishment that follows should be sufficiently swift, sure and painful.”⁸⁵ This approach speaks to the aim of this study, which is to examine the role of United States and Russian diplomacy in dealing with Syria’s use of chemical weapons. As such, this study devotes considerable space to assessing the effectiveness of the CWC in imposing measures of redress and non-compliance against the Syrian regime.

Literature that focuses on the broad overview of why states choose to use WMDs was also surveyed. In his *International Security* article “Why Do States Build Nuclear Weapons? Three Models in Search of a Bomb”, Sagan emphasizes the role of national security, domestic politics and norms as factors that motivate states to use or acquire WMDs.⁸⁶ He argues that in the external security model, states proliferate to increase national security against foreign threats; in the domestic politics model, states are motivated to proliferate because WMDs are political tools used to advance parochial domestic and bureaucratic interests; and in the norms model, decisions for proliferating are made because either acquisition or restraint in weapons

⁸² Ibid, 3.

⁸³ Michael Bothe, Natalino Ronzitti, and Allan Rosas, *The New Chemical Weapons Convention: Implementation and Prospects*, (The Hague [u.a.]: Kluwer Law International, 1998), ii.

⁸⁴ Nathan E. Busch and Daniel Joyner, *Combating Weapons of Mass Destruction: The Future Of International Non-Proliferation Policy* (Athens: University of Georgia Press, 2009), xi.

⁸⁵ Ibid.

⁸⁶ Scott D. Sagan, “Why Do States Build Nuclear Weapons? Three Models In Search Of A Bomb,” *International Security* 21, no. 3, (1997): 54–86.

development provides an important normative symbol of a state's modernity and identity. Other works that provide the same arguments include Aydinli and Rosenau's *Globalization, Security, and the Nation State: Paradigms in Transition*,⁸⁷ Burck and Flowerree's *International Handbook on Chemical Weapons Proliferation*⁸⁸ and *Proliferation of Weapons of Mass Destruction: Assessing and Risks* by the United States Congress Office of Technology Assessment.⁸⁹ Together, these works ignore the aspect of domestic threats and norms, and put more emphasis on the role of external threats as the key variable driving the proliferation and use of WMDs. In fact, Burck and Flowerree argue that "from a military standpoint, probably the most compelling consideration leading to a quest for chemical weapons is a perception, warranted or not, that a rival nation may be moving ahead with the acquisition of modern weapons that threaten the survival of one's own country."⁹⁰ As a result, non-proliferation policies have been predicated on the assumption that national security is the primary driver of every state's chemical weapons program. Indeed, most of the literature in this regard therefore overlooks the role that these weapons have played in safeguarding the security of governments from internal security threats – a crucial element that is relevant to this study.

As the use of chemical weapons in Syria demonstrate, governments lacking political legitimacy may use these weapons to repress domestic challenges to their rule. Koblentz' article, "A New Theory for Understanding the Proliferation of Chemical and Biological Weapons", offers a theoretical framework called the regime theory to explain this notion. He argues that "omitting regime security as a factor in chemical and biological weapons decision-making may lead to the adoption of inappropriate non-proliferation and deterrent strategies."⁹¹ Koblentz's argument is complimented by Keating's argument in his article "When Chemical Weapons are Smart Politics".⁹² Here, Keating argues that in light of Syrian President Bashar al-Assad's use of chemical weapons against his people, developing a deeper understanding of the influence of regime security on the acquisition and use of chemical weapons is important, because it is a reminder to the international community that these weapons continue to represent a serious

⁸⁷ Ersel Aydinli and James N. Rosenau, *Globalization, Security, and The Nation State: Paradigms in Transition*, (Albany: State University of New York Press, 2005).

⁸⁸ Gordon M. Burck and Charles C. Flowerree, *International Handbook on Chemical Weapons Proliferation*, (New York: Greenwood Press, 1991).

⁸⁹ US Congress, Office of Technology Assessment, *Proliferation of Weapons of Mass Destruction: Assessing the Risks*, (Washington, DC: U.S. Government Printing Office, 1993).

⁹⁰ Burck and Flowerree, *International handbook on chemical weapons proliferation*, 536.

⁹¹ Gregory D. Koblentz, "Regime Security: A New Theory for Understanding the Proliferation of Chemical and Biological Weapons," *Contemporary Security Policy* 34, no. 3, (2013): 501-525.

⁹² Joshua Keating, "When Chemical Weapons Are Smart Politics," *Buenos Aires Herald*, (September 4, 2013), accessed March 23, 2016. <http://www.buenosairesherald.com/article/139876/when-chemical-weapons-are-smart-politics>.

threat and should be the subject of closer strategic assessment and higher level action than ever before.

Having analyzed the main themes surrounding the subject of chemical weapons and WMDs, it is imperative to provide a brief overview of the type of scholarly contributions that have a direct bearing on the study, i.e. literature pertaining to the United States and Russia's intervention in Syria. Literature in this regard is by no means exhaustive – indeed, contributions on this specific topic are very limited in number. Considering how recently the chemical weapons attack in Syria occurred, it can be argued that the subject has not yet been thoroughly analyzed in academia. The foregoing review has therefore drawn on all the principal types of available sources, including newspaper reports and research reports published by institutions and think-tanks such as the Brookings Institute, Council on Foreign Relations, *Der Spiegel*, Stockholm International Peace Research Institute, Reuters, *The New York Times*, BBC News, *The Washington Post* and *The Guardian* in order to garner a comprehensive understanding on this event.

In order to gather an understanding of Syria's chemical weapons capabilities prior to the chemical weapons attack and the resulting diplomatic intervention by the United States and Syria, Croddy, Wirtz and Larsen's book, titled *Weapons of Mass Destruction: An Encyclopedia of Worldwide Policy, Technology and History*, has proven very helpful in providing an overview on Syria's chemical weapons proliferation.⁹³ This book is believed to be the first accessible reference to cover the history, context and key concepts surrounding nuclear, biological and chemical weapons. However, as the title of the book reflects, it offers information on numerous countries with respect to issues of WMD. As such, it fails to give a comprehensive analysis on Syria's development and possession of chemical weapons. The book is also dated, having been published in 2004. It was only after Syria's use of chemical weapons in 2013 that most literature on the development of its chemical weapons stockpile started to emerge, hence this study has used recent journals and articles such as Diab's "Syria's chemical and biological weapons: assessing capabilities and motivations",⁹⁴ Eshel's "Syria's chemical weapons proliferation hydra"⁹⁵ and Nikitin, Kerr and Feickert's "Syria's chemical

⁹³ Croddy et al., *Weapons of Mass Destruction: An Encyclopedia of Worldwide Policy, Technology, and History*.

⁹⁴ Diab, "Syria's Chemical and Biological Weapons: Assessing Capabilities and Motivations."

⁹⁵ Eshel, "Syria's Chemical Weapons Proliferation Hydra."

weapons: Issues for Congress.”⁹⁶ These works have been particularly helpful, as they trace the history of and factors that led to the development of chemical weapons in Syria, from where it obtained foreign assistance, material and resources to when and how these weapons were used during the Syrian civil war.

Notable works that have been instrumental in providing an overview of how the international community, especially the United States and Russia, have responded to Syria’s use of chemical weapons include Nikitin, Kerr and Feickert’s, “Syria’s Chemical Weapons: Issues for Congress”,⁹⁷ Sorenson’s “US Options in Syria”,⁹⁸ Zimmer’s “The Long History of the Phrase Red Line”⁹⁹ and Sherwell, McElroy and Farmer’s “Western Attack to Punish Syria Likely to Begin with Barrage of More Than 100 Missiles In 48 Hour Blitz”.¹⁰⁰ Together, these articles provide concise details of the motivations of the United States and Russia for their involvement in Syria as well as the proposed mode of response to Syria’s chemical weapons use. These articles do, however, fail to provide an overview of the specific type and role of diplomacy in addressing Syria’s chemical weapons issue – a gap that this study intends to address.

1.8 Theoretical framework

In this section, chosen theories for the study will be discussed. The theories to be examined – neorealism, liberal institutionalism and just war theory (JTW) – offer significantly diverging assumptions of how states function and how their behaviour is influenced and constrained in the international system by moral, legal and political factors. These theoretical frameworks will be used to clarify and make sense of the interactions between the United States and Russia, then the section will turn to how these theoretical frameworks can explain national policies regarding decisions to confront or avoid significant threats in Syria.

⁹⁶ Nikitin et al., “Syria’s Chemical Weapons: Issues for Congress.”

⁹⁷ Ibid

⁹⁸ David S. Sorenson, “US Options in Syria,” *Parameters* 43, no. 3, (2013).

⁹⁹ Ben Zimmer, “The Long History of the Phrase Redline,” *The Wall Street Journal*, (July 19, 2013), accessed March 23, 2016. <http://www.wsj.com/articles/SB10001424127887323993804578612210634238812>.

¹⁰⁰ Philip Sherwell, Damien McElroy and Ben Farmer, “Western Attack to Punish Syria Likely to Begin with Barrage of More Than 100 Missiles In 48 Hour Blitz,” *The Telegraph*, (August 27, 2013), accessed March 23, 2016. <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/10269591/Western-attack-to-punish-Syria-likely-to-begin-with-barrage-of-more-than-100-missiles-in-48-hour-blitz.html>

1.8.1 Neorealism

Realism's main drive in international political theory is to highlight the anarchic nature of international affairs and politics. This theory relies upon the tradition of thoughts and works from writers such as Thucydides, Hobbes, Rousseau and Machiavelli.¹⁰¹ The traditional view of this approach holds that political order and the way states act are influenced by human nature. Hobbes explains that this human nature is derived from characteristics such as diffidence, ignorance, competition, ambition, glory and aspiration.¹⁰² This nature enables actors to be egocentric individuals who pursue their own interests and selfish desires. However, in contemporary literature, the main branch of realism that is considered as the most influential approach to international politics is neorealism. Kenneth Waltz is seen as the patriarch of this famous approach to political economy, which holds the assumption that it is the systematic nature of the world that defines international politics, and not human nature. The anarchic nature of the world leads to the inexhaustible pursuit of interests and selfish desires by states. This behaviour arises from under the *animus dominandi*, that is, the natural human desire for power and to dominate others.¹⁰³ As a result, states thrive in maximizing their power in their ultimate aim to advance their interests and dominate the international system. It is through this maximization of power that states behave selfishly and disregard international law. This drive for power is propelled by the fact that states rely on themselves to secure their interests. They operate in a state of nature where no law exists above them to prevent them from acting immorally or according to a specified set of rules. As a result, state relations and interactions occur in a competitive environment that allows for the survival of the fittest.¹⁰⁴ Fallacies of equating a nation's foreign policies with philosophic (moral and ethical) or political sympathies are therefore viewed as impractical in the realm of international politics in this approach.¹⁰⁵

Rather, the emphasis of morals and ethics is often understood and interpreted within the distinction between descriptive and prescriptive realism. Descriptive realism postulates that states either do not (for reasons of motivation) or cannot (for reasons of competition) behave morally. Prescriptive realism suggests that states ought to behave amorally in the international

¹⁰¹ John J. Mearsheimer, *The Tragedy Of Great Power Politics*, (University of Chicago: WW Norton & Company, 2001), 14.

¹⁰² Donnelly, *Realism and International Relations*, 9.

¹⁰³ Ibid.

¹⁰⁴ John J. Mearsheimer, "The False Promise of International Institutions," *International Security* 19, no. 3, (1995): 10-11.

¹⁰⁵ Hans J. Morgenthau, *Politics among Nations*, (New York: Alfred A. Knopf, 1973): 4-15.

arena because acting otherwise will lead to exploitation by other ruthless states.¹⁰⁶ The international realm is therefore a descriptive and prescriptive enterprise defined by each state's desire for power and promotion of its self-interest, whose main focus is not to be concerned with what they ought or ought not to do.¹⁰⁷ This is not to say that moral principles do not exist at all, but for a neorealist, morality and justice do not apply and their principles are not bound to succeed at the cost of national interests, power and security.¹⁰⁸

However, Lee disagrees with this notion and asserts that states often act internationally as morality requires, even when it is against their national interests. He further elucidates his point stating that states can behave morally for different motives, and sometimes those motives are prudential rather than moral.¹⁰⁹ Lee's assertion therefore implies that in cases where national interests are at stake, states take purposive action. Purposive action is often associated with the concept of rationality, which means that states are rational actors that employ reason to find the best means of achieving objectives.¹¹⁰ The main facet of this approach is therefore a cost-benefit analysis that assumes that actors "opt for the rationally best strategy to maximize their individual hierarchy of preferences (national interests)."¹¹¹ Therefore, the key assumption of neorealism is that when making decisions, states evaluate the cost. Furthermore, the degree of national interests at stake will determine the state's involvement and its decisive action in international politics.¹¹²

The neorealist paradigm applies to this study through offering an explanation of how compromised national interests provoke state action. The relevant argument here is that interventions in another state's internal affairs is largely influenced by self-interest. Furthermore, the neorealist perspective will help explain that Syria's motivations for developing chemical weapons were part of maintaining its national interest through the pursuit of increasing its power and security in the region and in the international arena.

¹⁰⁶ Terry Nardin, *The Ethics of War and Peace: Religious and Secular Perspectives*, (Princeton: Princeton University Press, 1996), 77.

¹⁰⁷ Joshua J. Kassner, *Rwanda and the Moral Obligation Of Humanitarian Intervention*, (University of Maryland: College Park, 2007), 31.

¹⁰⁸ Nardin, *The Ethics of War and Peace*, 77.

¹⁰⁹ Steven P. Lee, *Ethics and War: An Introduction*, (Cambridge, New York: Cambridge University Press, 2012), 20.

¹¹⁰ Mark J. Machina and Bertrand Munier, *Beliefs, Interactions and Preferences in Decision Making*, (Dordrecht: Kluwer Academic, 1999), 217.

¹¹¹ Andreas Goldthau, "Divided over Iraq, United over Iran. A Rational Choice Explanation to European Irrationalities," *European Political Economy Review*, no. 8, (2008): 40-67.

¹¹² Patrick M. Regan, "Choosing to Intervene: Outside Interventions in Internal Conflicts," *The Journal of Politics* 60, no. 3, (1998): 24.

1.8.2 Institutional liberalism

The institutional liberalist framework puts great emphasis on institutions as a way of explaining international relations between states. It is argued that institutions have become significant in world politics, and are indicative of an emphasis on the role that common goals play in the international system and the ability of international organizations to get states to interact more transparently and reach settlements, solve problems and credibly commit to common goals.¹¹³ Therefore, although they fall short of world government, these institutions are capable of ensuring state cooperation.¹¹⁴ In other words, international regimes contribute to cooperation not by implementing rules that states must follow, but by changing the context within which states make decisions based on self-interest.¹¹⁵ In this sense, institutional liberalism acknowledges that states pursue absolute gains but the rules imposed by institutions constrain the exercise of power (and power-seeking) by governments and, as a result, mitigate the effects of anarchy and self-help by states.¹¹⁶ Institutions therefore provide “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations.”¹¹⁷ This notion aligns with an assumption made by Ibrahim, Liman and Abba that:

With certain institutional forms and codes of conduct, the nation state is a selfish, rational and gain-seeking actor; its aim is absolute gain ... interest conflicts exist among nation-states, but they will pursue cooperation for their interest; reciprocal cooperation is the result of games among nation-states; to realize the aim of absolute gains, nation states should pursue effective regimes for collective gains, and to set up international regimes becomes an effective means of international cooperation.¹¹⁸

In this light, institutional liberalism expects international institutions to constrain states through a series of injunctions about state behaviour, where certain actions are prescribed and where others are proscribed. This role of the institution, in turn, makes cooperation possible even under conditions of anarchy. Institutional liberalism is therefore applicable in this study

¹¹³ John T. Rourke, *International Politics on the World Stage*, (New York: McGraw-Hill, 2007), 26.

¹¹⁴ Robert O. Keohane, “The Diplomacy of Structural Change: Multilateral Institutions and State Strategies,” in Helga Haftendorn and Christian Tuschhoff eds., *America and Europe in An Era Of Change*, (Boulder, Colorado: Westview Press, 1993), 274.

¹¹⁵ Robert O. Keohane, *After Hegemony: Cooperation And Discord in The World Political Economy*, (Princeton: Princeton University Press, 1984), 17.

¹¹⁶ David A. Koplow and Philip G. Schrag, “Carrying a Big Carrot: Linking Multilateral Disarmament and Development Assistance,” *Columbia Law Review* 91, no. 5, (1991): 993-1059.

¹¹⁷ John Baylis, Steve Smith, and Patricia Owens, *The Globalization Of World Politics: An Introduction to International Relations*, (Oxford, United Kingdom: Oxford University Press, 2013), 293.

¹¹⁸ Abdullahi N. Liman, Sadeeqe A. Ibrahim and Sadeeqe Abba, “The Great Serbia Project and the Subsequent Ethnic Cleansing and Gendercide in Yugoslavia: A Driving Force for NATO Humanitarian Intervention,” *Scholars Journal of Arts, Humanities and Social Sciences* 2, no. 2(A), (2014): 174-82.

because it offers the argument that through international institutions, states institutionalize mutual rules and norms through which behaviour that fosters mutual gain is enhanced. In other words, this framework will help illustrate how state policies for dealing with the chemical weapons crisis in Syria were influenced by the norms and policies imposed by international institutions and how such influences played a role in fostering cooperation and coordinating efforts to prevent the proliferation of chemical weapons in Syria and in the region.

1.8.3 Just War Theory

Paragraphs 2302 to 2317 of the *Catechism of the Catholic Church* are believed to be the first writings of the teachings of military ethics by authoritatively justifying the use of force in defence against an aggressor.¹¹⁹ These ideas were later refined and codified by Thomas Aquinas in the 13th century, in what has now become known as Just War Theory (JWT). JWT is a traditional doctrine that outlines ethics in a way that distinguishes between justifiable and unjustifiable use of force.¹²⁰ In other words, this doctrine aims to offer a series of principles that aim to provide a plausible moral framework for potential use of force, which, in turn, allows the use of force to have a justifiable meaning beyond victory and power. It provides a guide of moral principles that determine the right way for states to act in potential conflict situations.¹²¹ As such, JWT proposes peace making by use of force, waged neither from aggrandizement nor cruelty, but with the objective of repressing the evil and supporting the good. The credibility of JWT's judgment of conflict in an international setting is premised on the fact that it was accepted as universally binding by the Charter of the Nuremberg Tribunal after World War Two.¹²² As such, this doctrine provides the fundamental rules, applicable to both historical and present situations, which guide all political leaders in their decision to wage war (use force) against another nation.

The criteria of the JWT that offers guidance on *when* to use force fall under “the right to go to war”, formally known as *jus ad bellum*.¹²³ The principle of *jus ad bellum* grants moral

¹¹⁹ Colin B. Donovan, “What is Just War?” *Eternal Word Television Network*, accessed April 8, 2015. https://www.ewtn.com/expert/answers/just_war.htm.

¹²⁰ Karl A. Kaszuba, “Military Technology: Has it Changed the Rules of Warfare?,” Research Report, (Alabama: Maxwell Air Force Base, 1997), 2.

¹²¹ Kristina V. Dorville, “Chemical Weapons and Just War Theory: Are New Threats Bound By Old Rules?,” The Center for the Study of International Medical Policies and Practices, (2003), accessed April 8, 2015. http://csimpp.gmu.edu/pdfs/student_papers/2003/pub_n11.pdf.

¹²² Gregory Reichberg, Henrik Syse and Endre Begby, *The Ethics of War: Classical and Contemporary Readings*, (Malden: Blackwell, 2006), 28.

¹²³ Michael Walzer, *Just And Unjust Wars: A Moral Argument with Historical Illustrations*, (New York: Basic Books, 2006), 21.

legitimacy to waging war by ensuring that a set of criteria is consulted first before engaging in war. These principles include just cause, right intention, last resort, proportional means, reasonable chance of success and the right authority. The principle of **just cause** is arguably the most important condition of *jus ad bellum*. This principle acknowledges that the use of force is an extraordinary measure, so for it to be warranted, civilians must be faced with the threat of serious and irreparable harm such as large-scale loss of life through genocide or ethnic cleansing. After the just cause of waging war has been identified, the war is thereafter considered justifiable if it is carried out with the right intention. The principle of **right intention** proposes that war must be launched for a legitimate purpose, which is typically viewed as only for self-defence or humanitarian protection. Thus, force cannot be used for selfish reasons, but for the purposes of merely responding to the just cause. In addition, war should be a **last resort**, where non-military options for the prevention or peaceful resolution of the crisis should be explored first. Military action can only be carried out on reasonable grounds after serious efforts at peaceful resolutions have been exhausted or are not believed to succeed.¹²⁴

The principle of **proportional means** is also considered. It asserts that the duration, scale and intensity of the planned military intervention should be the minimum necessary to secure the defined objective of protecting people. There must also be a **reasonable chance of success** in halting or averting the suffering that has justified the intervention. This principle means that the consequences of action should not be worse than the consequences of inaction. In most cases, the principles of proportional means and reasonable chance of success are usually considered together, as they essentially refer to similar factors. In agreement with this notion, O'Sullivan argues that a balance between good and harm represents a huge constraint on world leaders and military commanders.¹²⁵ This concern stems from whether the proposed action is proportional to the threat caused, and is necessary to prevent similar future atrocities from taking place. In other words, action cannot be justified in the absence of reasonable expectations of success. Finally, the use of force is justified only when prescribed by the **right authority**, which suggests that a war is just only if waged by a legitimate authority.

¹²⁴ Deen K. Chatterjee and Don E. Scheid, *Ethics and Foreign Intervention*, (Cambridge: Cambridge University Press, 2003), 288.

¹²⁵ Niamh O'Sullivan, "The Moral Enigma of an Intervention in Syria: A Just War Analysis," *Instituto Affari Internazionali*, Working Paper 1222, (2012): 8.

JWT will be applied in this study in the context of justifying the decisions and methods of the United States-Russian intervention in Syria and to examine if the decision was plausible and justified under the conditions of JWT.

1.9 Research methodology

Quantitative and qualitative research are the two most common approaches that researchers choose when conducting their studies. These two approaches differ on how the empirical data and evidence are analyzed. The quantitative research method examines the empirical material by systemizing the findings and methodologically expressing them in a numerical way. In contrast, the qualitative research methods allow the researcher to examine the empirical data in an interpretive and naturalistic approach to the subject matter. This type of research is mainly concerned with the investigation of a certain aspect of social life, with the main aim of obtaining an in-depth understanding of human behaviour and why they engage in such behavioural patterns. Such an approach is in an attempt to make sense of or interpret phenomena in terms of the meanings people bring to them.¹²⁶ As such, the qualitative research paradigm was used to conduct this study, as it allows for the proper unravelling and understanding of the behaviour of the United States and Russia and the complexities of the interventionist strategies and policies that they decided to implement in order to deal with the chemical weapons crisis in Syria. By taking this qualitative research approach, this study will be grounded on the interpretivist research paradigm. Because this paradigm allows for both the interpretation of raw data from natural settings and interpretation of phenomena in terms of the meaning people ascribe to them,¹²⁷ it allows the researcher to conduct an in-depth investigation through exploration, discovery and description.¹²⁸

The design that this qualitative research method will follow is a case study approach. Neuman argues that a case study is an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident.¹²⁹ McNabb also argues that the objective of a case study is to present

¹²⁶ Loraine Blaxter, Christina Hughes and Malcolm Tight, *How to Research*, 3rd edition, (United Kingdom: Open University Press: 2010), 65.

¹²⁷ Norman K. Denzin and Yvonna S. Lincoln, *The SAGE Handbook of Qualitative Research*, 3rd edition, (California: Sage Publication. 2005), 3.

¹²⁸ Linda D. Bloomberg and Marie Volpe, *Completing Your Qualitative Dissertation: A Roadmap from Beginning to End*, (Los Angeles, London: Sage Publication, 2008), 8.

¹²⁹ William L. Neuman, *Social Research Methods: Quantitative and Qualitative Approaches*, 6th edition, (Canada: Pearson Education Inc, 2006), 78.

the case as a defining description of an organization, to serve as an example of similar organizations. This approach is particularly useful for identifying and examining processes and interactions within an organization as well as how processes and interactions serve as factors in themselves, and the findings can potentially be applied to similar organizations.¹³⁰ The aim of a case study is therefore to present the case under investigation as representative of a broader set of cases, based upon a set of typical values or characteristics, to provide insight into a broader phenomenon of similar occurrences. As such, the researcher believes that the use of chemical weapons in Syria and their implications are a representation of a broader set of cases involving the use and acquisition of WMDs, especially with regards to the debates surrounding arms control, disarmament and non-proliferation strategies of chemical weapons and other WMDs.

1.9.1 Data collection methods

As the topic under investigation occurred relatively recently, there are some limitations regarding availability of sources. Thus, in order to have a more comprehensive approach to the study, an attempt has been made to select sources for this study while adhering to a principle of neutrality. As such, an equal balance between the use of primary and secondary sources on the subject matter will be maintained. Primary sources such as reports, declarations, resolutions, policy statements and speeches will be sourced from the UN, OPCW and government websites – the latter especially from the United States State Department and the Russian Foreign Ministry. Secondary sources include books, journal articles, commentaries, periodicals and policy briefs that relate to the research question and sub-questions that have been identified. Most of these secondary sources will be accessed via the comprehensive Monash University library database as well as from credible internet sources. Consideration is therefore placed on the nature of sources used to ensure the credibility, validity and trustworthiness of the research. Overall, the main purpose of the use of these sources in this study is to yield ample amounts of research material and supply information relevant to this thesis. They will provide a solid platform for the research questions to be addressed in a clear, consistent and academic manner.

1.10 Scope and limitations of the study

The Syrian crisis attracted the attention of a variety of outside powers, turning the unrest into a regional proxy war that has engulfed the entire Middle East. External states playing a role in

¹³⁰ David E. McNabb, *Research Methods for Political Science: Quantitative and Qualitative Methods*, (London: M.E. Monk, 2004), 243.

the Syrian crisis include, *inter alia*, the United States of America, Iran, Hezbollah, Israel, Russia, Egypt, Turkey, Iraq, Saudi Arabia, Israel and the United Kingdom. The focus of this study however will be limited to two countries: the United States and Russia. These two countries are believed to be those that have the largest interest and involvement in the Syrian crisis. More specifically, their motives and interests greatly differed, so much so that a stalemate in responding to the chemical weapons use by Syria was reached. As such, the scope of this study is restricted to the efforts and policies adopted by Russia and the United States to resolve the chemical weapons crises in Syria.

The researcher also acknowledges that interviewing policy makers and other relevant stakeholders on the issue under investigation would have been ideal in interpreting the meaning or significance of the United States' and Russia's actions or policies with regards to the chemical weapons crisis in Syria. However, given the international nature of the study and the continuing volatile situation in Syria, travelling to interview appropriate role-players was not possible.

Since the researcher has not conducted interviews or questionnaires, ethical approval was not required.

1.11 Chapter organization

This thesis consists of five chapters. Chapter One introduced the topic of the study. It traced the history of chemical weapons and their use in Syria, and specified the objectives of the investigation with reference to the problem statement, research aims and objectives and significance. Relevant literature of the study was reviewed, and the theoretical frameworks and chosen methodology were also examined.

Chapter Two examines in greater detail the major themes and approaches within the scholarship on diplomacy and develops a conceptual and analytical diplomatic framework for the eventual United States and Russian intervention in Syria following the use of chemical weapons in August 2013.

Chapter Three delineates the various international norms and legal frameworks and treaties centred on chemical weapons. This chapter will help foster an understanding of the implications of using chemical weapons.

Having provided a detailed analysis of the factors underlying the use of chemical weapons, Chapter Four bears the central task of the study: examining the actions, policies and debates of the United States and Russia within the theoretical and conceptual frameworks as set out in previous chapters.

Chapter Five succinctly concludes the study by revisiting the research questions and ensuring that they were answered appropriately. It further outlines the gaps in the research and provides recommendations for further research that can be pursued.

CHAPTER 2

CONCEPTUALISATION OF DIPLOMACY IN THE CONTEXT OF THE SYRIAN CHEMICAL WEAPONS CRISIS

2.1 Introduction

Diplomacy is a neglected field of academic study and remains marginal and almost disconnected to the world.¹³¹ Indeed, Steiner points out that “no area of world politics has reflected a greater gap between experience and theory than diplomatic strategy.”¹³² Part of the reason for the academic eschew of diplomacy, according to Neumann, stems from the belief that new international dynamics and technologies and the proliferation of non-state actors has prompted some scholars to describe the practice of diplomacy redundant and irrelevant. Their argument stems from the fact that the advent of information and technology has established numerous channels for direct and speedy communication, making conventional diplomacy seem less important, as policies have become multifaceted and implemented through diverse channels. However, international politics has typically witnessed a “diplomatic inflation”,¹³³ where over the years, diplomacy has witnessed an ever increasing use in all fields of human activity.

Given this synopsis, this chapter aims to examine the essence of diplomacy and its role in state interaction and behaviour in the international community. The first part of this chapter will attempt to conceptualize diplomacy and examine its relationship with foreign policy. It will conclude that diplomacy has no separate existence from foreign policy – they are intertwined. The second part of the chapter will look at the different functions of diplomacy. It will specifically examine how these functions have been practiced, regardless of the changing virtues of diplomacy over time. The essence of power dynamics in diplomatic activities will also be outlined. This summary will be followed by an examination of the parameters of diplomacy that influence the nature through which diplomacy is practiced. Finally, the chapter will look at three manifestations of diplomacy, namely coercive, multilateral and disarmament

¹³¹ Didzis Klavins, “Understanding the Essence of Modern Diplomacy” Paper presented at the ICD Annual Academic Conference on Cultural Diplomacy, Berlin, Germany, (2011), 1.

¹³² Barry H. Steiner, “Diplomacy and International Theory,” *Review of International Studies* 30, no. 4, (2004): 493.

¹³³ Iver B. Neumann, “Globalisation and Diplomacy,” *Norwegian Institute of International Affairs*, Working Paper 724, (2007), accessed May 6, 2016. <https://www.ciaonet.org/attachments/11219/uploads>

diplomacy. These manifestations of diplomacy are believed to be most applicable in terms of the international response to the use of chemical weapons in Syria in 2013.

2.2 Conceptualization of diplomacy

Diplomacy has no definitive meaning that is comprehensive or universal in nature. Describing what it actually means necessitates a long discussion, as its connotation can change at any given time based on the context and the specific issue under discussion.¹³⁴ Nevertheless, as stated earlier, the operational definition of diplomacy in this study is the employment of negotiation in international relations, where the aim is to seek agreements and other peaceful solutions to issues of possible conflict or disagreement.¹³⁵ In its simplest form, diplomacy is viewed as an action of complex and delicate matters that reconciles state behaviour in the international system through building mutual trust and political will.¹³⁶ In agreement with this definition, Ghosh asserts that since world politics is identified by an interplay between conflict and cooperation, diplomacy can be viewed as an instrument that espouses cooperation through negotiation and dialogue to prevent conflict from spilling over to the use of military force.¹³⁷ As such, diplomacy is believed to be the “best means devised by civilization for preventing international relations from being governed by force alone.”¹³⁸ Thus, diplomacy is a tool that involves the action of situating state behaviour within a framework that relies on the existence of international laws, rules and norms to ensure peace and stability in the world.¹³⁹

The above definitions point to a state-centric emphasis of diplomacy, in that dialogues of diplomacy are essentially produced through the interaction of sovereign states. However, such an emphasis is arguably believed to be parochial and does not match the realities of the pluralistic networks of diplomacy that are blossoming in the 21st century.¹⁴⁰ In today’s world, non-state actors have proliferated in number and in type, ranging from humanitarian interest groups to economic, resource, criminal, environmental and global governance interests. All these actors contribute to diplomacy and their inclusion into the practice has directly and indirectly affected diplomacy’s style, procedures, substance and scope. Above all, the

¹³⁴ Harvey J. Langholtz and Chris E. Stout, *The Psychology of Diplomacy*, (London: Praeger, 2004), 36.

¹³⁵ Larsen and Smith, *Historical Dictionary of Arms Control and Disarmament*, 78.

¹³⁶ Langholtz and Stout, *The Psychology of Diplomacy*, 36.

¹³⁷ Peu Ghosh, *International Relations*, (New Delhi: Prentice-Hall Of India Private Ltd, 2013), 10.

¹³⁸ Ivor Roberts, *Satow’s Diplomatic Practice*. 6th edition, (Oxford: Oxford University Press, 2009), 5.

¹³⁹ Ian Hurd, “Law and the Practice of Diplomacy,” *Canada’s Journal of Global Policy Analysis* 66, no. 3, (2011): 581-96.

¹⁴⁰ Ibid.

institutionalization of diplomatic processes has become an important distinguishing feature of modern diplomacy. This perception of the plurality of actors prompts one to consider the definition of diplomacy by Sharp that “it is the way in which relations between groups ought to be conducted if the principle of living in groups is to be retained as good, and if unnecessary and unwanted conflict is to have a chance of being avoided.”¹⁴¹ In other words, Sharp insinuates that diplomacy is no longer exclusively executed by states, but is a concern of multiple actors for the purposes of peace.

2.3 Foreign policy and diplomacy

Berridge notes that the primary purpose of diplomacy is to ensure that foreign policy objectives of states are secured without resort to force, law or propaganda.¹⁴² In other words, diplomacy is the agenda through which foreign policy seeks to attain its purpose by use of reason, cooperation, agreement, conciliation and the exchange of interest. Foreign policy generally refers to state actions and policies that are directed outside the state’s boundaries in pursuit of achievement and maintenance vis-à-vis its national interests.¹⁴³ These actions and policies of the state are built around its national interests and make reference to goals and values that are vital for a state’s continued existence and growth. This assumption implies that foreign policy is circumscribed by the world of high politics, which gives primacy to the state’s interaction with other self-interested actors in the international system. As a result, diplomacy has been regarded as a dependable instrument for the pursuit of national interest in contemporary international relations.

Watson also explains that there is a fusion that exists between the terms diplomacy and foreign policy. He notes that diplomacy and foreign policy are the two important instruments of state behaviour in international politics and, in common usage, they are often considered as synonyms. Nonetheless, it is necessary to bear in mind the distinction that exists between these two concepts: foreign policy of a state is the substance of foreign relations, whereas diplomacy is the process by which foreign policy is carried out.¹⁴⁴ Nicolson also describes the distinction by way of the curative methods of diplomacy and the surgical necessities of foreign policy.

¹⁴¹ Paul Sharp, “For Diplomacy: Representation and the Study of International Relations,” *International Studies Review* 1, no. 1, (1999): 33-34.

¹⁴² Geoff R. Berridge, *Diplomacy: Theory and Practice*, (USA: Palgrave Macmillan, 2002), 1.

¹⁴³ N. Jayapalan, *Foreign Policy of India*, (New Delhi: Atlantic Publishers & Distributors, 2001), 14.

¹⁴⁴ Adam Watson, *Diplomacy: The Dialogue between States*, (New York: McGraw-Hill Book Co., 1983), 64.

While foreign policy is based on a general conception of national requirements, diplomacy is not a means but an end, not a purpose but a method. In other words, “foreign policy is what you do and diplomacy is how you do it.”¹⁴⁵ Therefore, once the foreign policy is framed, the task of execution falls upon diplomacy, as it is the medium for the achievement of the objectives of foreign policy of nation states. Virupakshiah agrees with this notion, asserting that diplomacy is a method that provides the “lubricating influence that is essential to the smothering of foreign affairs and foreign policy.” It “awakens a nation from slumbering potentialities by giving it the breath of actual power.”¹⁴⁶ In other words, diplomacy helps emphasize, to the maximum, those points that are vital for the safety and welfare of the nation, thereby increasing the power of the nation. From this assertion, it can be concluded that although the terms diplomacy and foreign policy are not to be used interchangeably in this study, they are complementary to each other and one cannot act without the cooperation of the other.

2.4 Main tasks of diplomacy

The practice of diplomacy has evolved to a great extent, owing to the changing structure of world politics and the development of new technologies. Many scholars categorize this evolution as traditional diplomacy, which constitutes an era before the end of the 18th century, and modern diplomacy, which involves new methods and contemporary manifestations of diplomacy. Despite this classification, there are some diplomatic practices that have remained, regardless of the changing nature of politics and the environment. In other words, there are some diplomatic practices that have remained relevant since the advent of the practice of diplomacy during the era of the ancient Near East,¹⁴⁷ the Greek state system, the ancient Roman civilization, the Byzantine Empire, Renaissance Italy and the Concert System, which started in 1815.

Generally, the essential functions that diplomacy has fulfilled throughout history include communication, representation and negotiation of agreements, minimization of the effects of friction and gathering of intelligence or information. Barston identifies and explains these

¹⁴⁵ Justin Robertson and Maurice A. East. *Diplomacy and Developing Nations: Post-cold War Foreign Policy-making Structures and Processes*, (New York: Routledge Publication, 2012), 183.

¹⁴⁶ Hatcholli M. Virupakshiah, *Terrorism Challenge Diplomacy*, (New Delhi: Concept Publication Company, 2009). 34.

¹⁴⁷ The ancient Near East refers to Western Asia, which comprises the modern states of Iran, Cyprus, Jordan, Israel, Syria, Lebanon, Egypt, Turkey and the Mediterranean Coast.

functions in six broad categories. The first category consists of the ceremonial aspect of diplomacy and included in this category are representations, protocol and participation in the diplomatic circuit of an international institution. The second category includes coordination, lobbying, consultation, adjustment and the agenda of official or private visits. All these aspects are concerned with the management of short term routine issues in bilateral and multilateral relations. The main aim here is to promote and manage state interests, especially in the areas of economic and resource issues. The acquisition of information and assessment is the third function of diplomacy. This function accentuates that the diplomat's main goal is to identify key issues of domestic and external variables and their implications for the interests and goals of the state. Of particular importance in this category is the monitoring of data from public media sources such as the radio, television and the press about the reporting on or presentation of the sending country. The main concern in this regard is the accuracy of media reports on the policy and actions of the sending country, or how its image is portrayed in the media.¹⁴⁸

The function of international negotiation is the fourth function of diplomacy. Negotiation is defined as a method in which two or more parties settle differences through discussion and agreements. Cardinal Richelieu, who served French King Louis XIII from 1624 to 1642, was the first to emphasize the importance of the art of negotiation. He argued that there should be continuous negotiation in diplomacy, noting that "it is absolutely necessary to the well-being of the state to negotiate ceaselessly, either openly or secretly, and in all places, even in those from which no present fruits seem likely."¹⁴⁹ Berridge also asserts that negotiation "can produce the advantages obtainable from cooperative pursuit of common interests; and it is only this activity that can prevent violence from being employed to settle arguments over conflicting ones."¹⁵⁰

The fifth function of diplomacy is the duty of protection. With the growing mobility of citizens and opportunity for international conflicts, a variety of protection methods have continually been emphasized and implemented in the international realm. Hence, the duty of protection has continued to be of increased significance in contemporary diplomacy. The sixth function of diplomacy relates to conflict disputes and international order. Given the juxtaposition of different political communities, each with its own values, preoccupations, prejudices and sensibilities, friction in international relations is always present. Such friction is a constant

¹⁴⁸ Ronald P. Barston, *Modern Diplomacy*, (New York: Routledge, Francis and Taylor Group, 2014), 2.

¹⁴⁹ Shuhei Kurizaki, *The Logic of Diplomacy in International Disputes*, Ph.D Thesis, (Los Angeles: University of California, 2007), 72.

¹⁵⁰ Berridge, *Diplomacy: Theory and Practice*, 1.

source of international tension and discord and it is this function that compels one to consider the classic language of diplomacy which Thompson describes as a practical art that requires men who can show restraint and “hold down their emotions.”¹⁵¹ This call for a language of diplomacy thus amplifies the need for states to handle international political issues by application of intelligence and tact, which in turn will help states interact with minimal friction and tension.¹⁵²

Morgenthau, a renowned classical realist however, ignores the functions of diplomacy imposed by Barston by describing the functions of diplomacy in the context of power. The underlying assumption by Morgenthau is that diplomacy is included amongst and is dependent upon a state’s material capabilities, hence it reflects state power. He also cautions that “failure in any of these tasks may jeopardize the success of foreign policy and with it, the peace of the world.”¹⁵³ According to Morgenthau, the tasks of diplomacy are fourfold:

- The first function is to determine the major objectives and aspirations of one’s own nation, and the power available to the state to fulfil such objectives. Morgenthau believes that a state will indulge in inept diplomacy if it sets objectives that it has little power to achieve. Every nation must therefore set its objectives in accordance to its national power.¹⁵⁴
- The second function of diplomacy is that it must also assess the objectives of other states and the power available to them to fulfil such objectives. Although this is a daunting task that involves guesswork and shrewd calculations of the examination of the available data and information on other states, it is a vital function of diplomacy. Diplomacy must therefore not view the power and objectives of other nations at face value, but, by the same token, it must not overly accredit the powers and objectives of the other nations.
- The third function of diplomacy is to assess the extent to which the objectives are compatible with each other. Thus, there should be a continuous process whereby the objectives and powers of a nation are compared with the objectives and powers of other nations.

¹⁵¹ Kenneth W. Thompson, “Power, Force and Diplomacy,” *The Review of Politics* 43, no. 03, (1981): 410-435.

¹⁵² Ibid.

¹⁵³ Annek Chatterjee, *International Relations Today: Concepts and Applications*, (Delhi: Pearson, 2010), 75.

¹⁵⁴ Ibid.

- The fourth function of diplomacy is to employ suitable means to fulfil the objectives of nations. Different methods can be employed according to the demands of the situation. Therefore diplomacy may take many forms, such as engaging in persuasion and negotiation or threatening use of force.

Looking at the functions of diplomacy within the context of power allows for a comprehensive understanding of the work done by diplomats, especially on how they have constantly found new meaning and interpretation to the challenges of the world. This notion can be linked to Lang's argument, which explains Morgenthau's context of power by applying the aspect of *phronesis*. *Phronesis* refers to intellectual or moral insight, thus emphasizing the ability to use one's own judgement and being wise about situations and opportunities, implications and intentions, ends and means.¹⁵⁵ In other words, if diplomatic vision is blurred and judgement is defective, a nation will avail little from their resources, even if it has economic or military prowess. In this context, it is necessary to note that despite the power dynamics of a state, the common functions of diplomacy identified by Barston, namely representation, negotiation, reporting and protecting national interests, should be applied through the use of *phronesis* in order to effectively and peacefully achieve state objectives.

2.5 Understanding diplomacy and the dynamics of power

While the definition of power depends on the context of inquiry, in the most general sense, it is defined as the ability of a state to control or influence other states to do something or act in a particular way for the state's own benefit.¹⁵⁶ It is often executed in different forms and intensity, depending on what the state possesses in terms of military capacity, economic size and natural resources. These instruments of power are the means through which states deal with world politics and pursue their foreign policy goals. Thus, it can be deliberated that power expresses itself in several ways.

According to Nye, power manifests in terms of hard power and soft power. These two concepts are regarded as two poles in a continuum of the concept of power in international relations issues. A state's approach to power can be placed at any point in this continuum, as these concepts imply different interactions, ideas and institutions for foreign policy implementation in the global political world. In international politics, hard power is getting what one wants by

¹⁵⁵ Anthony F. Lang Jr, "Phronesis, Morgenthau and Diplomacy," *E-International Relations*, (2013), accessed August 23, 2015. <http://www.e-ir.info/2013/11/07/phronesis-morgenthau-and-diplomacy/>.

¹⁵⁶ Joseph Nye, *The Future of Power*, (New York: Public Affairs, 2011), 20-21.

influencing other nations' behaviour through the use of tangible resources such as military force.¹⁵⁷ Soft power, in contrast, is described by Nye as indirectly influencing the behaviour of other actors through intangible resources like cultural, informational or ideological means. He states that this type of power is "the ability to affect others through co-optive means of framing the agenda, persuading, and eliciting positive attraction in order to obtain preferred outcome."¹⁵⁸ In other words, soft power allows a state the time to change its attitude and mind to the end that it acts voluntarily. This approach is in contrast to hard power, which compels a state to act in a way that is unusual to its behaviour, thereby acting involuntarily.

Put under the microscope of diplomacy, Nye's two aspects of power can be employed according to the demands of the situation, as well as the type of power a nation possesses. Therefore, diplomacy may be employed through the spectrum of hard power or soft power, recognizing that although states may prefer to pursue peaceful diplomatic solutions (soft power), the use of military force (hard power) may be unavoidable as a means to better achieve state interests and desired goals. Hard power has, however, become widely considered as traditional and inapplicable in contemporary political affairs. This attitude is a response to elements of the contemporary world order, especially the growth of democracy, which weaken and hinder the effectiveness of hard power strategies. As a result, foreign policies based solely on hard power resources have been deemed insufficient and inappropriate to deal with new issues of world politics, to the extent that states now opt for soft power rather than hard power as instrument choices for foreign policy implementation. This however, does not imply the absence of the use of hard power, as the United States, in particular, is well known for continuously underwriting its diplomacy with sheer hard power. Diplomacy, therefore, can be considered as a neutral medium that can be used as a vehicle for hard power as well as soft power. Yet focusing on either hard power or soft power only is considered as detrimental to foreign policy, thus a combination of both to fulfil a nation's objectives is recommended.¹⁵⁹

2.6 Parameters of diplomacy

Within the context of diplomacy, the extent to which power is executed in international relations is often regulated and constrained by various diplomatic mechanisms of the political world. For this reason, McGowan, Cornelissen and Nel argue that there are parameters that

¹⁵⁷

Ibid.

¹⁵⁸

Joseph Nye, *Soft Power: The Means to Success in World Politics*, (New York: Public Affairs, 2004), 154.

¹⁵⁹

Giulio M. Gallarotti, "Soft Power: What It Is, Its Importance, and the Conditions for Its Effective Use," *Journal of Political Power* 4, no. 1, (2011): 40.

provide a basic framework for diplomacy and also regulate, limit or prescribe diplomatic practice and the use of power.¹⁶⁰ These parameters detect the means, techniques and intensity through which diplomatic practice can be implemented. They can also be adapted to a variety of situations. However, they are not unequivocally flexible because “they would not contribute to a systemic approach that distinguishes diplomacy from other disciplines while applicable across a range of circumstances.”¹⁶¹

There are four parameters of diplomacy that can be applied. These include policy, institutional, legal and moral parameters.

- **Policy parameters:** Policies, in general, are regulations, laws, procedures or administrative actions used to advance a desired outcome. McGowan et al. state that policy parameters “refer to the ends and means of foreign policy.”¹⁶² In other words, although ends do not prescribe the means, the principles, goals and objectives of foreign policy most often involve diplomacy and they provide guidelines for or restrict its use. In other words, foreign policy commits to use diplomacy as a means to avert conflict situations.
- **Institutional parameters:** These parameters determine the locus and procedure of policy formulation, which inevitably impacts diplomacy as they include bureaucratic institutions that provide the infrastructure of the implementation of diplomacy in international relations. These bureaucratic institutions may include governmental organizations that deal with foreign affairs or intergovernmental organizations like the UN and the OPCW, amongst others.
- **Legal parameters:** These parameters refer to the provision and prescriptions regarding the use of diplomacy in international law. In other words, the basis of diplomacy is provided by the UN Charter and constitutive acts of international governmental organizations.
- **Moral parameters:** These parameters incorporate the ethical guidelines and norms of international conduct that have a bearing on diplomatic practice. They provide a moral framework and basis for diplomacy, and also contribute to its efficiency and, therefore, its effectiveness as a foreign policy instrument. The main ethical tradition and norms that specifically relate to diplomacy are the sovereignty norms, the rule of non-intervention and

¹⁶⁰ Patrick J. McGowan, Scarlett Cornelissen and Philip Nel, *Power, Wealth and Global Equity: An International Relations Textbook for Africa*, (Lansdowne: UCT-Press, 2009), 142.

¹⁶¹ Association of Diplomatic Studies and Training, “Ten Principles of Operational Diplomacy: A Framework,” accessed March 24, 2016. <http://adst.org/the-stump/ten-principles-of-operational-diplomacy-a-framework/>

¹⁶² McGowan et al., *Power, Wealth and Global Equity*, 142.

the recognition of the institution of diplomacy as a means of communication to secure the standing of states.¹⁶³

Overall, these diplomatic parameters provide boundaries that control and define the scope of diplomatic activity, which allow states to coexist peacefully and interact in a rule-bound environment that enhances the functions of diplomacy. This notion demonstrates that although states are the primary agents of international relations, they are also part of a legal, moral, procedural realm that binds them to interact in a highly elaborate system of rules and institutions.¹⁶⁴ In other words, it can be argued that the parameters that diplomacy impose are a constraint on the sovereignty and independence of states to behave as they please.

2.7 Diplomacy and chemical weapons in Syria

The term nuclear diplomacy has become associated with the commitment to the principles of disarmament, non-proliferation and the use of nuclear technology for peaceful purposes.¹⁶⁵ Since this study's main focus is on chemical weapons, the term "chemical diplomacy" will therefore be used. This term, however, unlike nuclear diplomacy, is rarely used by authors. The only notable instance where it was used was by Pirseyedi in his book, *Arms Control and Iranian Foreign Policy: Diplomacy and Content*, in which he analyzes the Islamic Republic of Iran's chemical diplomacy.¹⁶⁶ However, Pirseyedi fails to define what chemical diplomacy entails. In this study, this term will be defined as the area of diplomacy that focuses on various aspects of controlling chemical weapons, hence it comprises issues of non-proliferation, disarmament, arms control and deterrence of chemical weapons.

It is important to note that different diplomatic strategies and manifestations can be employed as derivatives that contribute to the machinations of chemical diplomacy. Given this context, there are three manifestations of diplomacy that the researcher believes were most relevant in trying to achieve chemical diplomacy in Syria. These techniques include coercive diplomacy, multilateral diplomacy and disarmament diplomacy. It is the researcher's belief that one or more of these forms of diplomacy was applicable in attempting to examine how the United States and Russia responded to Syria's use of chemical weapons.

¹⁶³ Ibid.

¹⁶⁴ Kalevi J. Holsti, *Taming the Sovereigns: Institutional Change in International Politics*, (New York, Cambridge: Cambridge University Press, 2004), 174.

¹⁶⁵ Fritz Nganje, *South Africa's Post-Apartheid Nuclear Diplomacy*, (Pretoria, South Africa: Institute of Global Dialogue, 2012), 9.

¹⁶⁶ Bobi Pirseyedi, *Arms Control and Iranian Foreign Policy: Diplomacy of Discontent*, (New York: Routledge Publication, 2013), 26.

2.7.1 Multilateral diplomacy

Multilateral diplomacy is defined as a practice that involves more than two nations or parties collaborating to achieve diplomatic solutions to multinational problems. The dynamics of multilateral diplomacy are considered complex and challenging because of the multiple players involved. In a bilateral negotiation, which involves two actors in its activities, one can quickly determine where the sticking points are and what needs to be worked out to finalize a deal, whereas in multilateral bargaining, varied national interests may overshadow the parties' interests, making negotiation difficult.¹⁶⁷ However, criticizing multilateral diplomacy in this context is to defeat its purpose, which is to oppose bilateral, discriminatory arrangements that enhance the leverage of the powerful states over the weak states.¹⁶⁸ Avoidance of bilateral negotiation is particularly of benefit to small- and medium-sized states, as it gives all participating states a voice in addressing issues that affect their interests. This multilateral rule-based system is therefore the main counterbalance to unilateral claims undertaken by big and powerful states, which tend to exclude small- and medium-sized states. Multilateralism is therefore the key that ensures equal state participation in the management of world affairs. It guarantees democracy and legitimacy, especially in matters regarding the establishment of universal norms or the use of force.¹⁶⁹

Contemporary international affairs has therefore witnessed a wane in the role of bilateral diplomacy and an increase in multilateral diplomacy. This movement has been facilitated through the existence of international organizations and conventions of various forms. According to Spyridakis, this shift proves the realization of the need of finding global solutions in problems with a universal nature.¹⁷⁰ In this light, multilateral diplomacy is an appropriate instrument for dealing with the processes of solving global problems and of assuring global peace and governance. Indeed, in the domain of chemical weapons non-proliferation and disarmament, there is a crucial need for united efforts of all international actors to enforce these mandates. Given the conceptualization of multilateral diplomacy, this study will examine whether it was instrumental at all in dealing with Syria's chemical weapon use in Chapter

¹⁶⁷ Brett D. Schaefer, "The Role and Relevance of Multilateral Diplomacy in U.S. Foreign Policy," *The Heritage Foundation*, (2011), accessed November 4, 2015. <http://www.heritage.org/research/lecture/2011/02/the-role-and-relevance-of-multilateral-diplomacy-in-us-foreign-policy>.

¹⁶⁸ Miles Kahler, "Multilateralism with Small and Large Numbers," *International Organization* 46, no. 03, (1992): 681.

¹⁶⁹ Edward Newman, *A Crisis of Global Institutions? Multilateralism and International Security*, (New York: Routledge, Taylor and Francis Group, 2007), 40.

¹⁷⁰ Emmanuel Spyridakis, "The Role of Diplomacy in Handling International Crises in the Post-Bipolar Era: The Case of the Balkans," *Hellenic Foundation for European and Foreign Policy*, (1997), 2.

Four. If it was, the study will delineate other multilateral players – besides Russia and the United States – that were involved in dealing with the chemical weapons issue in Syria. It will also examine these players’ motives for getting involved and whether a multilateralism approach was a success or not.

2.7.2 Disarmament diplomacy

There is no prescribed definition of disarmament diplomacy, but from the given conceptualization of diplomacy and disarmament above, one can deduct that disarmament diplomacy involves diplomatic activities that work towards peaceful settlement of the reduction or total elimination of armaments. In essence, because the reduction or elimination of weapons constitutes a conscious effort to reduce the offensive capabilities of a state, disarmament diplomacy most often involves a principal multilateral negotiating body on disarmament.¹⁷¹ This process therefore generally makes reference to international law pertaining to arms control or the conclusion of treaties and agreements with respect to arms control. For instance, after the catastrophic effects of World War One, serious thought was given to disarmament after it was recognized that the maintenance of peace requires the reduction of national armaments.¹⁷² This realization prompted the establishment of the Versailles Treaty, which effectively disarmed Germany. A clause was also inserted in the treaty that called on all the great powers to likewise progressively disarm over a period of time.¹⁷³

With regards to the disarmament of WMDs, numerous treaties have been adopted. These treaties include the Nuclear Non-Proliferation Treaty (NPT), the Chemical and Biological Weapons Conventions and the Nuclear Partial Test Ban Treaty, amongst others. Each in some way prohibits the development of WMDs and calls for the reduction or the elimination of either nuclear, biological or chemical weapons. The researcher will attempt in Chapter Four to apply disarmament diplomacy by analyzing whether international law in the form of treaties was able to achieve the effective disarmament of chemical weapons in Syria.

¹⁷¹ Evans and Newnham, *The Dictionary of World Politics: A Reference Guide to Concepts, Ideas and Institutions*, 73.

¹⁷² Kurizaki, *The Logic of Diplomacy in International Disputes*, 77.

¹⁷³ Jeffrey M. Elliot and Robert Reginald, *The Arms Control, Disarmament, and Military Security Dictionary*, (Rockville, MD: Borgo Press, Wildside Press, 1989), 121.

2.7.3 Coercive diplomacy

Coercive diplomacy is a diplomatic strategy that relies on the threat of the use of force in order to convince or change the behaviour of states or non-state actors. Should force be used, it will be employed in controlled and discrete increments just to demonstrate the possibility of an escalation to high levels of military action if necessary.¹⁷⁴ This description compliments Jentleson's interpretation that "coercive diplomacy applies pressure in a manner and magnitude that seeks to persuade an opponent to cease aggression rather than bludgeon him into stopping... just enough force of an appropriate kind to demonstrate resolution and to give credibility to the threat that greater force will be used if necessary."¹⁷⁵ Force used in a coercive manner is therefore not a component of a larger military strategy, but of a larger political-diplomatic strategy.¹⁷⁶ Nonetheless, it is often believed that coercive diplomacy is difficult and has a relatively low success rate. Furthermore, while coercive diplomacy is a low-cost strategy when it succeeds, failure is unfortunately very costly, as the coercer then faces the choice of backing down or executing his threat. Failure may have negative consequences for the threatening state as well. Thus, Art and Cronin in Sauer recommend that states must not "resort to coercive diplomacy unless, should it fail, they are prepared to go down the path of war or you have prepared a suitable escape hatch."¹⁷⁷

The main aim of coercive diplomacy is however to produce positive inducements for the adversary to comply with another's demands, while simultaneously managing the crisis to prevent military escalation. In essence, coercive diplomacy is constituted by diplomatic demands and negotiations combined with threats of, or the actual use of, limited military force as a way of backing the demand. Coercive diplomacy is therefore characterized by three elements:¹⁷⁸

- i. **A demand:** a specific demand has to be formulated against the opponent. The objective of the demand is to stop or to reverse an action that the opponent has started. Success or failure of coercive diplomacy depends on whether the demand will be fulfilled;

¹⁷⁴ Lisa A. Nemeth, *Use of Pauses in Coercion: An Examination in Theory*, (Fort Leavenworth, Kansas: School of Advanced Military Studies, 2009), 6.

¹⁷⁵ Bruce Jentleson, "Coercive Diplomacy: Scope and Limits in the Contemporary world," *The Stanley Foundation*, Policy Analysis Brief, (2006), accessed August 23, 2015. <http://stanleyfoundation.org/publications/pab/pab06CoerDip.pdf>

¹⁷⁶ Alexander L. George and William E. Simons, *The Limits of Coercive Diplomacy*, (Boulder: Westview Press, 1994), 10.

¹⁷⁷ Tom Sauer, "Coercive Diplomacy by the EU, Case Study: The Iranian Nuclear Weapons Crisis," *Third World Quarterly* 28, no. 3, (2007): 613-633.

¹⁷⁸ Alexander L. George, *Forceful Persuasion: Coercive Diplomacy as an Alternative to War*, (Washington, DC: US Institute of Peace Press, 1991), 2.

- ii. **A threat:** the demand has to be supported by a threat. As George points out: “the general idea of coercive diplomacy is to back one’s demand on an adversary with a threat of punishment for non-compliance that he will consider credible and potent enough to persuade him to comply with the demand”;¹⁷⁹ and
- iii. **Time pressure/deadline:** Imposing a deadline for compliance will make the adversary perceive the threat of force as credible.

These three elements (the demand, threat and time pressure/deadline) can be articulated by what George calls the four variants of the strategy of coercive diplomacy. These four strategies are distinct in nature, but entail all or some of the three basic elements. It is also possible to move from one category to another during the conflict. The first strategy is called the **explicit ultimatum**, which George describes as the starkest kind of strategy, including all three elements discussed above (the demand, threat and time pressure/deadline). The second is the **tacit ultimatum**, which is similar to the explicit ultimatum, except that the coercer implicitly relies on ambiguity to instil fear in the opponent and not on threat of punishment or a specific time limit. The tension of uncertainty will then hopefully trigger a positive response from the threatened actor. The third strategy is the **try-and-see approach**, which involves making demands without a set time limit or a conveyed sense of urgency for compliance. Instead, the coercer takes on limited coercive threats or actions and waits to see if the measures are potent enough to persuade the adversary before going further. Finally, the **gradual turning of the screw** is a strategy that involves making explicit at the outset the coercer’s intention by applying increasing degrees of pressure until the adversary complies with the demands.¹⁸⁰

With this understanding, the researcher will attempt to use the tenants and variants of coercive diplomacy in Chapter Four to examine whether the United States and Russia’s attempt to persuade Syria to get rid of its chemical weapons was a case of coercive diplomacy.

2.8 Conclusion

The main aim of this chapter was to provide an overview and understanding of diplomacy that could be used in the overall analysis of the study. As this chapter pointed out, diplomacy in its present configuration contributes to shaping the international community. It illustrated that although diplomacy can carry out certain functions that have been practiced since medieval

¹⁷⁹

Ibid.

¹⁸⁰

Ibid, 108.

times, it also has to adapt to new conditions. Only the continuous adaption will enable diplomacy to remain successful in a different environment, and in fulfilling any state's interests and security policies.¹⁸¹ In reviewing the functions of diplomacy, it became apparent that these functions, in addition to their identified purposes, can also serve as a symbol of a state's power, prestige and influence. However, the dictates and machinations of diplomacy have also come to be widely understood as involving a path towards peace. As such, no matter how much power a state possesses (hard power or soft power), diplomacy tries to control how much of it can be used.

Regarding the chemical weapons use in Syria in 2013, the dictates and machinations of diplomacy can also be applied to evaluate how Russia and the United States responded to the situation. In this context, this chapter identified that the possible forms of diplomacy that could have contributed to the accomplishment of their objectives are coercive diplomacy, multilateral diplomacy and disarmament diplomacy. The different forms identified here represent how diplomacy can be modified to make it suitable for approaching complex situations by assuming a certain form or technique. Given this attribute of diplomacy, it is safe to assume that it can be viewed as an essential arms control and non-proliferation tool for chemical weapons.

In order to further examine how the aspect of diplomacy fits in the overall analysis of this study, the following chapter seeks to examine chemical weapons through the prism of international law. The aim of Chapter Three is therefore to determine whether the use of chemical weapons by the Syrian regime warranted intervention in order to hold it accountable for its actions.

¹⁸¹ Ibid.

CHAPTER 3

INTERNATIONAL LEGALISTICS OF CHEMICAL WEAPONS AND THE PROSPECT OF INTERVENTION IN SYRIA

3.1 Introduction

As stated in Chapter One, the use of chemical weapons on 21 August 2013 in Syria was a catastrophic blow to the peace and stability of the international community – so much so that, after letting the civil war rage for almost two years, the world suddenly became involved only after the use of these WMDs. This international attention prompts one to question why the use of chemical weapons justifies such reaction in a way that the death of innocent civilians through the use of conventional weapons, which occurred since the onset of the civil war, did not. The question therefore is: what is it about chemical weapons that caused a tipping point in the international community and required immediate response in Syria? In an attempt to answer this question, an examination on the legal mechanisms pertaining to the use of chemical weapons is required.

The first section of this chapter will trace the emergence of the prohibition of the development and use of chemical weapons. This history is expressed through moral and political arguments, which eventually led to a global consensus to work towards the non-proliferation and disarming of chemical weapons. This section is followed by an examination of the chemical weapons regime – a framework of international treaties and agreements designed to regulate the development, possession, use and disarmament of chemical weapons. This section argues that the existing arms control tools have given robust interdiction authority for the non-use and complete elimination of all types of chemical weapons, which was done in order to ensure a global “quarantine” against the production and use of chemical weapons. In other words, this chapter intends to examine the extent to which Syria violated international law by using chemical weapons, and the implications thereof. Such confirmation will fundamentally determine the prospect of holding Syria accountable for the use of chemical weapons. This chapter therefore also offers an institutional liberalist interpretation of how international institutions and legal frameworks play a role in combating lawlessness by addressing issues of

non-compliance and working to ensure the prevalence of peace and stability in international affairs.

3.2 Tracing the emergence of a framework to determine the legality of chemical weapons

Despite – or perhaps owing to – the infrequent use of chemical weapons, as stated in Chapter One, perceptions of their inhumanity was not an issue of consensual resentment in the 20th Century. For instance, in 1921, Senator James Wadsworth, during the hearing of the United States Senate on the ratification of the Washington Treaty, took issue with claims that chemical weapons were inhumane. He lamented: “which is more cruel, a high-explosive shell which tears off a man’s arm ... or a gas wound which mutilates not at all...? If we are to draw the line of demarcation between a more cruel weapon and a less cruel weapon, frankly I cannot see why it should be drawn in favour of the high-explosive shell and against the gas.”¹⁸² Margaret Thatcher, the former Prime Minister of Britain, in advocacy for chemical warfare in the 1980s condemned the British government for being negligent in not acquiring chemical weapons as a retaliatory capability in response to the Soviet Union’s chemical arsenal and capability.¹⁸³ Likewise, the Reagan Administration (1981-1989) also expressed that the Soviet Union’s chemical weapons stockpile opened a “nerve gas gap” between the United States and the Soviet Union,¹⁸⁴ thus implying that a disparity or lack of chemical weapons caused a major threat to the United States. These comments by Thatcher and the Reagan Administration highlight a conviction regarding the deterrent and retaliatory capabilities of chemical weapons.¹⁸⁵ This notion takes on the tenet of the doctrine of Mutually Assured Destruction (MAD),¹⁸⁶ an evolutionary defence strategy based on the concept that by stockpiling WMDs, neither side has anything to gain by initiating a first strike because of the retaliatory capability of both parties to cause total destruction on both sides.¹⁸⁷ Although the term was specifically used in reference to nuclear weapons during the Cold War, the same ideology can be applied to

¹⁸² Price, *The Chemical Weapons Taboo*, 87.

¹⁸³ David Wilkes and Richard S. Ellicott, “Maggie's Plea for Chemical Weapons, Her Bid to Spring the Family of a KGB Defector... And Mrs Gorbachev's 500 Ways to Cook A Potato: Secret Documents Reveal Mrs Thatcher's Cold War Relationship with Russia,” *MailOnline*, (December 30, 2014), accessed April 3, 2016. <http://www.dailymail.co.uk/news/article-2890669/Maggie-s-plea-chemical-weapons-bid-spring-family-KGB-defector-Mrs-Gorbachev-s-500-ways-cook-potato-Secret-documents-reveal-Mrs-Thatcher-s-Cold-War-relationship-Russia.html>

¹⁸⁴ Albert J. Mauroni, *America's Struggle with Chemical-biological Warfare*, (Westport: Prager, 2000), 85.

¹⁸⁵ George G. Weickhardt and James M. Finberg, “New push for chemical weapons,” *Bulletin of the Atomic Scientists* 42, no. 9, (1986): 28.

¹⁸⁶ MAD developed during the Cold War as a defense strategy specifically referring to nuclear weapons.

¹⁸⁷ Henry D. Sokolski, *Getting MAD: Nuclear Mutual Assured Destruction, Its Origins and Practice*, (Carlisle, PA: Strategic Studies Institute, 2004), 15.

chemical weapons because the threat of using these weapons against the enemy prevents the enemy's use of those same weapons by virtue that the use thereof can have disastrous effects for both the attacker and the defender.

Perhaps the best example of states that opted to develop their chemical weapons program for the purpose of deterring an adversary is provided by Israel and Egypt. It is argued that Egypt was the first Arab country to develop and deploy chemical weapons in the Middle East. Therefore, during the mid 1950's when it became clear that war against Egypt was inevitable, Israel started its own chemical weapons program to counter Egypt, in case it used chemical weapons against the civilian population of Israel or on the battlefield.¹⁸⁸ As a result, Egypt did not resort to chemical warfare because it feared Israeli retaliation in kind.¹⁸⁹ This example therefore highlights the need for the development of chemical weapons capabilities in order to provide a defensive readiness and a foothold for states to refrain from attacking one another in fear of retaliatory consequences.¹⁹⁰

Yet regardless of these supporting arguments for chemical weapons, a certain level of stigma has always been attached to chemical weapons. This stigma arose in the aftermath of World War One, where the use of chemical weapons had adverse effects for both combatants and non-combatants. Schulte denotes that the aftermath of World War One chemical warfare left many people blind, permanently disabled or with long-term psychiatric consequences, which are impossible to calculate.¹⁹¹ This example illustrates the inhumane nature of these weapons, and because of this, states that possess chemical weapons have, *de facto*, refrained from using them.¹⁹² The reproach against chemical weapons has, however, been criticized by Sinclair, who associates chemical weapons with other conventional weapons. He argues that other weapons offend and share the same lethal effects as chemical weapons and should be similarly regarded

¹⁸⁸ Avner Cohen, "Israel and chemical/biological weapons: history, deterrence, and arms control," *The Nonproliferation Review* 8, no. 3, (2001): 40-41.

¹⁸⁹ Avner Cohen and Shane Mason, "Coming Clean on Chemical Weapons," *Foreign Affairs*, (2013), accessed July 28, 2015. <https://www.foreignaffairs.com/articles/israel/2013-09-19/coming-clean-chemical-weapons>.

¹⁹⁰ Richard Price and Nina Tannenwald, "Norms and Deterrence: The Nuclear and Chemical Weapons Taboo," in Peter Katzenstein, *The Culture of National Security: Norms and Identity in World Politics*, (New York: Columbia University Press, 1996), 117.

¹⁹¹ Paul Schulte, "When Chemical Weapons Killed 90,000," *CNN*, (July 9, 2014), accessed July 28, 2015. <http://edition.cnn.com/2014/07/09/opinion/schulte-chemical-weapons-world-war-i/>

¹⁹² Richard Weitz, "Syria and Beyond The Future of the Chemical Weapons Threat," *Proliferation Papers. Institut français des relations internationales* 51, (2014): 11.

as inhumane.¹⁹³ However, there are a number of reasons that offer plausible explanations as to why chemical weapons have received such aberration within the international community and other weapons have not.

Firstly, chemical weapons fall under the umbrella of WMDs because of their potential to kill and injure large numbers of people in a very short space of time, as compared to conventional weapons. The August 2013 sarin gas attack in Ghouta, for example, killed about 1,400 people while injuring countless others within a space of 90 minutes. This incident was therefore classified as the single most devastating assault since the start of the civil war in Syria¹⁹⁴ Secondly, chemical weapons are primarily weapons of indiscriminate destruction. Like other WMDs, chemical weapons make discrimination, where the protection of non-combatants from harm – which is the basis for nearly all traditions and principles of international law – virtually impossible.¹⁹⁵ The use of chemical weapons therefore defeats the principles of the protection of non-combatants during war because they cannot be used on clearly defined battlefields and thus kill without discrimination.

Thirdly, the general abhorrence and stigmatization of chemical weapons is also based on the escalation of unintended consequences, which continue even after the war has ended. Chemical weapons have the exceptional ability to manifest themselves over a time period, as a result of a prolonged duration or a delayed onset and a dependence on weather or other environmental conditions. Depending on atmospheric conditions, for instance, sarin can stay lethal for 30 minutes to 24 hours once engaged as a weapon, while VX is lethal for up to a month. These unintended consequences were, for example, discovered in Iraq when the chemical weapons attack on a Kurdish town in 1988 contributed to increase rates of birth defects, miscarriages and severe respiratory ailments, because some of the buildings and most of the land remained contaminated after the attack. In Syria, it was reported that even after the 2013 attack, a number of paramedics became ill or died as a result of the exposure they suffered while providing aid to the victims of the attacks. Chemical warfare is therefore not generally considered a strategically decisive option because they have little controllability in battlefield

¹⁹³ Timothy J. Sinclair, *Global Governance: Critical Concepts in Political Science*, (New York: Routledge Publication, 2004), 554.

¹⁹⁴ Hashmi and Western, “A Taboo Worth Protecting: Chemical Weapons are Indiscriminate—And That’s Why They Should be Outlawed.”

¹⁹⁵ International Court of Justice, “Legality of the use of force by a state of nuclear weapons in armed conflict,” (1996), accessed January 13, 2016. <http://www.icj-cij.org/docket/files/95/7497.pdf>

operations and this limits predictability and hinders efficiency. These complicated operational capabilities and practical difficulties provide a significant disadvantage that reinforces the fact that restriction should be placed on the use of chemical weapons.¹⁹⁶

Finally, chemical weapons have been widely denounced because their proliferation prompts a risky chain of security dilemmas between states. Such an example is the perception of a pronounced security dilemma in the Middle East, which the international community has attempted to resolve over the years.¹⁹⁷ Booth and Wheeler argue that weapons are the material reality that set up a security dilemma because they are inherently ambiguous symbols. Even when those weapons are only intended for self-protection, the existence of such weapons in the hands of one state can provoke uncertainty and possibly fear in others, which will, in turn, lead to the states starting their own WMD programs.¹⁹⁸ The possession of weapons might also lead to the risk of unwanted escalation to war and, eventually, the use of these weapons.¹⁹⁹ Along this line of thought, one is inclined to argue that the proliferation of chemical weapons acts as a powerful stimulus for their use, thus making the abhorrence against chemical weapons an indispensable move, and one worth protecting.

Overall, the repugnance against the use of chemical weapons reinforces the notion that chemical warfare is a cruel, unfair and improper use of science that demoralizes the better instincts of humanity.²⁰⁰ More importantly, these concerns have managed to perpetuate a worldwide taboo against the use of chemical weapons and, as a result, their unlawfulness is prescribed in a number of arms control treaties that deem chemical weapons an unacceptable means of warfare.

3.3 The chemical weapons regime: international legal frameworks

The earliest recorded prohibition on the use of poisons and poisoned weapons were unilateral expressions contained in the *Manu Smrti* (the Tradition of Manu) recorded during the first or

¹⁹⁶ Janne E. Nolan, *Global Engagement: Cooperation and Security in the 21st Century*, (Washington: Brookings Institution Press, 1994), 159.

¹⁹⁷ Kubbig and Fikenscher, *Arms Control and Missile Proliferation in the Middle East*, 9

¹⁹⁸ Ken Booth and Nicholas J. Wheeler, "Rethinking the Security Dilemma," in Paul D. Williams (ed), *Security Studies: An Introduction*, (United Kingdom: Taylor & Francis, 2008), 1.

¹⁹⁹ Jorge M. Pedraza, "Non-Proliferation and Disarmament of Nuclear, Chemical and Biological Weapons: New Tasks for the United Nations Specialised Agencies," *Public Organization Review* 14, no. 1, (2014): 19-33.

²⁰⁰ Frederic J. Brown, *Chemical Warfare: A Study in Restraints*, (New Jersey: Transaction Publishers, 2009), 66.

second century B.C. in India.²⁰¹ The rule was “when the king fights with his foes in battle, let him not strike with weapons concealed in wood, nor with such as are barbed, poisoned, or the points of which are blazing with fire.”²⁰² Ancient Rome also forbade the use of poison in war under an adage *Armis bella non venenis geri*, which meant “war is waged with weapons, not with poison.”²⁰³ It is understood that countries during this period had the discretion of issuing autonomous rules to govern and seek understanding with an adversary about their conduct within a war.²⁰⁴ However, the first official international agreement banning the use of chemical weapons was the Strasbourg Agreement adopted in 1675, which prohibited the firing of poisoned bullets in any war between the French and German forces. There was no other comprehensive agreements on the conduct of chemical warfare that existed between states until the 19th century.

With the advancement of technological innovation, the 19th century was characterized by significant developments in the fields of biology, chemistry and physics, which led to rapid acceleration of scientific inventions that laid the groundwork for technological advances. This advancement of technology inevitably led to the development of sophisticated technological weapons in the form of WMDs, especially CBRN weapons.²⁰⁵ Consequently, this era witnessed a rise in the possession and use of WMDs being codified in the laws of war and the law of disarmament. Concerning the chemical weapons regime, the bilateral Lieber's Code of 1863 represented the first attempt to codify the laws of war in the 19th century. Named after its drafter, Dr. Francis Lieber, the Lieber Code is primarily a German-American agreement that contains provisions completely prohibiting the use of poison in warfare. The United States-Soviet Chemical Weapons Accord of 1990, officially known as the US-USSR Bilateral Agreement on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate a Multilateral Convention on Banning Chemical Weapons, was another bilateral agreement that called for the destruction of the vast bulk of the chemical weapons stockpiles of these two countries.

Although these bilateral agreements have no direct bearing on the current chemical weapons regime, it is argued they played a large role in reinforcing the contemporary chemical weapons

²⁰¹ Zanders, “International Norms Against Chemical And Biological Warfare: An Ambiguous Legacy,” 391-410.

²⁰² Michel Veuthey, “The Chemical Weapons Convention: between Disarmament and International Humanitarian Law,” Workshop Paper, (Sanremo, Italy: International Institute of Humanitarian Law, 2008), 102.

²⁰³ Ibid

²⁰⁴ Amy E. Smithson, “Chemical Weapons: The End of the Beginning,” *Bulletin of the Atomic Scientists* 48, no. 8, (1992), 45.

²⁰⁵ Robinson, “Chemical Arms Control And The Assimilation Of Chemical Weapons,” 515-34.

regime in restraining the use of chemicals for warfare purposes. In fact, it is believed that the Lieber Code influenced subsequent multilateral agreements, such as those concluded at The Hague Peace Conferences in 1899 and 1907.²⁰⁶ These early efforts to prohibit chemical weapons were however largely considered as unsatisfactory, as they were believed to be “more amorphous with each successive agreement as previous treaty terms were modified or ignored.”²⁰⁷ Nevertheless, the end of World War One saw the renewal and re-emergence of a number of arms control efforts that strengthened the chemical weapons regime, of which the CWC is considered as the main framework. Other frameworks such as the Geneva Protocol of 1925, and international customary law (ICL) are also considered as pertinent arms control instruments within the contemporary chemical weapons regime.

3.3.1 The Geneva Protocol

The Geneva Protocol was the first successful international agreement to ban the use of chemical weapons. It is officially known as the Geneva Protocol Prohibiting the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare. It was signed in 1925 by 133 nations and came into force in February 1928. The Protocol prohibits the “use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, material or devices.”²⁰⁸ For this reason, the 1925 Geneva Protocol is to be highly credited for its role in preventing gas warfare in World War Two.

Several resolutions were then adopted by the United Nations General Assembly (UNGA) to reinforce the provisions of the Protocol and to ensure strict observance of its principles and objectives by state parties. For example, Resolution 2603 (A) of the UNGA, which was adopted in 1969, reaffirmed the comprehensive nature of the provisions covered by the Geneva Protocol by prohibiting the use in international armed conflicts of:

- (a) Any chemical agents of warfare – chemical substances, whether gaseous, liquid or solid – which might be employed because of their direct toxic effects on man, animals or plants; and

²⁰⁶ The 1899 Hague Convention (II) with Respect to the Laws and Customs of War on Land and the 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land explicitly forbid the employment of poison and poisonous weapons; Zanders, “International Norms Against Chemical And Biological Warfare.”

²⁰⁷ Smithson, “Chemical Weapons: The End of the Beginning,” 37.

²⁰⁸ Blake and Mahmud, “Legal Red Line: Syria and the Use of Chemical Weapons in Civil Conflict,” 246.

(b) Any biological agents of warfare – living organisms, whatever their nature, or infective material derived from them – which are intended to cause disease or death in man, animals or plants, and which depend for their effects on their ability to multiply in the person, animal or plant attacked.²⁰⁹

Syria signed the Protocol in 1968 and thus can be held liable to the norms and procedures stipulated in the treaty. Sadly, the Geneva Protocol is considered by many as a defunct and flawed instrument with a limited scope.²¹⁰ Syria exploited the loopholes of the Protocol to its own benefit. The Protocol, for example, does not cover internal or civil conflicts. The argument that the conflict in Syria took the form of a Non-International Armed Conflict (NIAC) is strong, and have been verified by organizations such as the Rule of Law in Armed Conflict Project (RULAC), the International Committee of the Red Cross (ICRC) and the Independent International Commission of Inquiry on Syria.²¹¹ Furthermore, the treaty prohibition applies to state parties only. Therefore, because only states are party to the Protocol, there is no legal obligation on Syria to refrain from chemical attacks against rebel forces in a civil war.²¹² As such, the provisions of the protocol can not be applied to Syria.

The Protocol is furthermore weakened by its permissibility of reservations by states. At present, 21 states have placed reservations on the Protocol on the condition that they will cease to be bound by the provisions of the Protocol if an adverse party does not respect the Protocol or when the prohibited weapons are used against them.²¹³ In this regard, the Protocol was consequently considered as a no-first-use agreement among state parties. In addition, an analysis of the Protocol suggests that in its attempt to represent the principal legal restraint on the use of chemical weapons, its most glaring flaw is its failure to prohibit the production, possession or stockpiling of chemical weapons.²¹⁴ It also fails to address the issue of verifying, monitoring or enforcing instances of noncompliance, even with respect to the future use of chemical weapons. The latter has been a huge loophole that nations interested in chemical weapons have used to further their programs of chemical weapons development without being held accountable. This failure left a legal vacuum, which made the chemical arms race in the

²⁰⁹ International Committee of the Red Cross, “International Humanitarian Law – Treaties and Documents,” (n.d.), accessed January 12, 2015. <https://www.icrc.org/applic/ihl/ihl.nsf/INTRO/280>.

²¹⁰ Richard Baxter, *Humanizing the Laws of War: Selected Writings of Richard Baxter*, (United Kingdom: Oxford University Press, 2013), 167.

²¹¹ Rule of Law in Armed Conflicts Project, “Syria: Applicable International Law,” (2012), accessed January 12, 2015. http://www.geneva-academy.ch/RULAC/applicable_international_law.php?id_state=211.

²¹² Blake and Mahmud, “Legal Red Line: Syria and the Use of Chemical Weapons in Civil Conflict,” 251.

²¹³ Baxter, *Humanizing the Laws of War: Selected Writings of Richard Baxter*, 167.

²¹⁴ Croddy et al., *Weapons of Mass Destruction: An Encyclopedia of Worldwide Policy, Technology, and History*, 142.

20th century possible. As such, uneasiness and doubt about the Protocol emanated in continued chemical weapons proliferation and use during the 1980's and early 1990's. At the same time, however, nations started negotiating terms for a possible chemical weapons ban that was far more comprehensive in scope and application than any prior international agreement on chemical weapons. The CWC was therefore adopted in earnest.

3.3.2 The Chemical Weapons Convention (CWC)

Officially known as the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and adopted in 1993, the CWC is believed to provide the most comprehensive and intrusive verification system of any global treaty in history. The provisions of the CWC have been widely accepted by the international community as it currently holds the highest number of member states of any comparable arms control treaty. The CWC is thus the most effective treaty and bulwark of the chemical weapons regime. The number of state parties that have signed and ratified the Convention is 192, with Syria, Myanmar and Angola being the latest to accede to it in September 2013, January 2015 and April 2015 respectively.²¹⁵ With these latest developments, the scope of the CWC is fast approaching universality because Egypt, North Korea and South Sudan are the only remaining countries that have not yet signed or acceded to the Convention, while only Israel has signed but not ratified the Convention.²¹⁶ Apart from South Sudan that only came into existence in 2011, what is most discomfoting is the fact that Egypt and North Korea allegedly possess large chemical weapons stockpiles.²¹⁷ If these remaining countries were to sign and ratify the CWC, the Convention's main objective would be achieved, i.e. the universal implementation of the treaty provisions for the sake of all mankind.²¹⁸

The CWC, in essence, prohibits the development, production, stockpiling, transfer and use of chemical weapons and requires their destruction within a specified time period.²¹⁹ Under Article 1, state parties agree never to, directly or indirectly, produce, develop, stockpile,

²¹⁵ United Nations, "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction: Angola accession," (2015), accessed November 23, 2015. <https://treaties.un.org/doc/Publication/CN/2015/CN.492.2015-Eng.pdf>

²¹⁶ Ahmet Üzümcü, "CWC 3rd Review Conference Special Issue," *Non-Proliferation Monthly*, no. 78, (2013): 2.

²¹⁷ Dany Shoham, "The evolution of chemical and biological weapons in Egypt." *Ariel Centre for Policy Research Policy Paper* 46, (1998): 1.

²¹⁸ Jean P. Zanders, "The Chemical Weapons Convention and Universality: A Question of Quality over Quantity," *Disarmament Forum* 4, (2002): 23-31.

²¹⁹ Blake and Mahmud, "Legal Red Line: Syria and the Use of Chemical Weapons in Civil Conflict," 264.

acquire and retain chemical weapons or to transfer them to anyone. Most importantly, the Convention prohibits the use of chemical weapons under any circumstance as well as engaging in any military preparations to use chemical weapons.²²⁰ The phrase “under any circumstance” contained in the CWC applies to both inter- and intra-state armed conflicts. The provisions therefore exclude any justification for violating the prohibited activities as they cover all purposes and intents for such activities, whether or not the conflict is that of a civil strife.²²¹

Of significance is Article III of the CWC, which imposes obligations that call for the submission of detailed declarations of chemical weapons stockpiles, production facilities and other related facilities by member states. To ensure compliance, the OPCW was established as the implementation and verification agency of Article III. Its headquarters are located in The Hague, Netherlands, and it became operational in 1997 when the CWC came into force. Now in its 19th year of operation, the OPCW has a record of successfully inspecting and verifying the destruction of chemical agents and munitions in many countries, including Russia and the United States. The OPCW is also obliged under Article XII of the Convention to implement measures to redress and remedy any situation that contravenes the provisions of the CWC.²²² Therefore, bearing in mind that Syria had neither signed nor ratified the CWC before it used chemical weapons, one can argue that this delay would have proven to be an obstacle to the OPCW and the international community with regards to determining the legal action to take against Syria. However, when Syria signed the Convention in September 2013, it meant that there was no need for a specially mandated ad-hoc arrangement to oversee the removal and destruction process. The extensive provisions of the Convention were more than ample for achieving Syria’s chemical demilitarization.²²³ Moreover, Syria’s acceding to the Convention not only delegitimized chemical weapons but gave a legal basis for action against it for the possession and use of chemical weapons.²²⁴ The OPCW was thus legitimately prompted to fulfil its obligations and to curtail, together with the international community, the horrors of chemical weapons proliferation and use in Syria.

²²⁰ Chemical Weapons Convention, (1993), accessed October 12, 2015. http://www.cwc.gov/cwc_treaty.html

²²¹ Crowley, “Dangerous Ambiguities,” 7.

²²² Krutzsch et al., *The Chemical Weapons Convention*, 265.

²²³ Ahmet Üzümcü, “Chemical Disarmament: The Syria Mission and Beyond,” *Spanish Institute for Strategic Studies*, accessed January 23, 2015.

²²⁴ http://www.ieee.es/Galerias/fichero/Varios/2015/UCM_DG_Speech_Complutense_University_Madrid_22.01.2015.pdf
Nikitin et al., “Syria’s chemical weapons: Issues for Congress.”

3.3.3 International customary law

The illegality of using chemical weapons is not only limited to treaty law but is also found in international customary law (ICL). ICL has legal existence separate from treaty laws and is typically defined as the collection of international behavioural regularities that nations over time came to view as binding on them as a matter of law.²²⁵ *Opinio juris* is the central concept of ICL, and it asserts that a state's practice of physical and verbal conduct builds customary law and, although not written or codified, the state observes it, out of legal obligation.²²⁶ This stance implies that ICL is developed by the social knowledge and behaviour that individuals and communities get accustomed to, and is applied in legal and institutional arrangements. In the social contract framework, customary rules are regarded as an implied and often non-verbalized exercise of direct legislation by the members of society. This exercise involves an unintentional and unconscious law-making scenario that arises from a collateral effect of the conduct of states in their international relations, rather than from a deliberate legislative process.²²⁷ The reality of customary law formation therefore relies on a voluntary process through which members of a community develop rules that govern their social interaction by voluntarily adhering to emerging behavioural standards.²²⁸ ICL therefore amounts to a spontaneous norm that is embraced and viewed as requisite to the collective wellbeing of individuals and is granted enforcement as a proper legal rule.

Thus, the general abhorrence and widespread renunciation, together with the sporadic use, of chemical weapons over the years are instances that led to the formation of a rule of ICL prohibiting the use of chemical weapons.²²⁹ The behaviour of most states is consistently in compliance with this "norm", a fact that also led the ICRC in its compendium published in 2005 on ICL governing armed conflicts, to further reinforce the prohibition of the use of chemical weapons in both international and non-international armed conflicts.²³⁰

²²⁵ Jack L. Goldsmith and Eric A. Posner, "A Theory of Customary International Law," *The University of Chicago Law Review*, Paper 63, no. 2 (1999), 1115.

²²⁶ Blake and Mahmud, "Legal Red Line: Syria and the Use of Chemical Weapons in Civil Conflict," 255.

²²⁷ André da Rocha Ferreira, Cristieli Carvalho, Fernanda Graeff Machry and Pedro Barreto Vianna Rigon, "Formation and Evidence of Customary International Law," *Model United Nations Journal* 1, (2013): 186.

²²⁸ Charles Rowley and Friedrich Schneider, *The Encyclopedia of Public Choice*, (New York, Boston, Moscow: Kluwer Academic Publishers, 2004), 230.

²²⁹ Sandesh Sivakumaran, *The Law of Non-international Armed Conflict*, (United Kingdom: Oxford University Press, 2009), 324.

²³⁰ International Committee of the Red Cross, "Rule 74. Chemical Weapons," accessed January 23, 2015. https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter24_rule74#refFn_31_8.

3.4 Syria's use of chemical weapons and the prospect of intervention

Given the international treaties and customary law discussed above, it is safe to assume that Syria's use of chemical weapons was a violation of international law, especially the CWC and ICL. However, unlike the ICL, the CWC clarifies enforcement issues that involve routine monitoring to ensure that states do not continue to engage in activities prohibited under the Convention. As such, the CWC will be considered in this study as the most applicable international legal framework that holds Syria accountable for its actions. The provisions and standards of the CWC gives justification for intervention to deter and degrade the future use of chemical weapons by eliminating Syria's chemical weapons stockpile.

The issue of intervening in the internal affairs of another state has, however, been criticized because it is directly opposed to the principle of non-intervention and the doctrine of state sovereignty. The notion of sovereignty was founded in 1648 at the Peace of Westphalia on the premise that each state has a supremacy of sovereignty and is therefore immune to external intervention.²³¹ The principle of the sovereign equality of states is enshrined in Article 2(1) of the UN Charter of 1945, and the corresponding norm of non-intervention is enshrined in Article 2(7), which prescribes that a sovereign state is empowered by international law to exercise exclusive and total jurisdiction within its territorial borders, and other states have the corresponding duty not to intervene in its internal affairs.²³² Sovereignty, in other words, is regarded as a functional principle of international relations that protects the unique identities and national freedom of states and affirms their right to determine and shape their own destiny. The prohibition of intervention is therefore "a corollary of every state's right to sovereignty, territorial integrity and political independence."²³³

The power of a state's sovereignty is limited, however. It was the actions of Hitler, ruler of Nazi Germany, which revealed a violation of sovereign power, as he brutally carried out methods of extermination on minority groups such as the Gypsies, homosexuals and Jews in 1933 to 1945.²³⁴ This turn of events led to the belief that state sovereignty does not include claims of unlimited power of states to do whatever they wish to their citizens. Instead, a state

²³¹ Timothy Zick, "Are the States Sovereign?" *Washington University Law Review* 83, no. 1, (2005): 231.

²³² Müge Kinacioglu, "The Principle of Non-intervention at the United Nations: the Charter Framework and the Legal Debate," *Perceptions* 10, (2005): 16.

²³³ Michael Wood, "Non-Intervention (Non-interference in domestic affairs)," *Encyclopedia Princetoniensis: The Princeton Encyclopedia of Self-Determination*, (2012), accessed December 5, 2015. <https://pesd.princeton.edu/?q=node/258>.

²³⁴ Michael Balfour, *Withstanding Hitler in Germany 1933-45*, (London, New York: Routledge, 2013), 25.

has a dual responsibility, which is both external and internal. The external responsibility is that of respecting the sovereignty of other states and the internal responsibility is to respect the basic rights and dignity of all citizens within the state.²³⁵ Many states have therefore worked against the standards of Article 2(1) and Article 2(7) in defending the latter, bringing a shift from a culture of sovereign impunity to one of national and international accountability.²³⁶

This stance was reinforced by former Secretary-General Kofi Annan in his Millennium Report of 2000. He recalled the failures of the UNSC to act in a decisive manner in Somalia in 1993, Rwanda in 1994 and Bosnia in 1995, and declared that if individual sovereignty is violated, the state in turn loses its territorial integrity.²³⁷ This statement was subsequently reinforced by the Commission on Intervention and State Sovereignty (CISS) in 2001, when it called for the establishment of the Responsibility to Protect doctrine (R2P), which was eventually endorsed by UN member states in 2005 at the World Summit.²³⁸ In the World Summit Outcome Document that was adopted as a resolution at the end of the World Summit, the R2P doctrine was recognised as a principle that should be applied in situations where there is compelling need for human protection in cases where the country in question is unwilling or unable to step in. In other words, a state loses its territorial integrity if it fails to adhere to the respect for human rights norms in its state as other states have a duty to intervene and to act decisively, and, as a last resort, do so through the use of force. Therefore, it is believed that the purpose of the R2P is to serve as a call for action and a response to future inaction by repressive governments.²³⁹ The development of the R2P doctrine therefore emphasizes the limits of state sovereignty and also heightens the debate of intervention through the exertion of the JWT, since it has not been fully institutionalised in the inter-state level.

The phenomenon of intervention is therefore frequent in contemporary international affairs, but the means through which it is carried out has given rise to some contention. Much of this debate rests on the role of force and threats of violence as intervention techniques. In fact, most definitions and understandings of intervention have been carried out along this line of thought. Farer, for instance, contextualizes the term as a nation's use of force across its borders with the

²³⁵ Anne Peters, "Humanity as the A and Ω of Sovereignty," *European Journal of International Law* 20, no. 3, (2009): 516.

²³⁶ Gareth Evans and Mohamed Sahnoun. "The Responsibility to Protect," *Foreign Affairs*, (2002), accessed November 9, 2015. <https://www.foreignaffairs.com/articles/2002-11-01/responsibility-protect>
²³⁷ Walzer, *Just And Unjust Wars: A Moral Argument with Historical Illustrations*, 95.

²³⁸ Tony Evans, *The Politics of Human Rights: A Global Perspective*, (London: Pluto Press, 2005), 12-16.

²³⁹ Tim Dunne and Alex Bellamy, "Syria," *R2P Ideas in Brief* 3, no. 5, (2003): 8.

aim of preventing or ending grave violations of the rights of the citizens in another country, without permission of the government or the state in that country.²⁴⁰ Von Hippel in turn defines intervention as “an act that consists of military involvement or the encouragement of the use of force by an outside power in a domestic conflict.”²⁴¹

A closer look at these definitions reveals an overly restrictive nature of intervention, as much emphasis is placed on the use of military force as a technique of intervention. Conceptualizing the term in this manner, however, ignores the many instances where intervention, in most contemporary cases, is carried out without resorting to the use of force. Ramsbotham and Woodhouse argue that the manner in which intervention is implemented has consequently changed. It is no longer by means of warfare, but mainly a case of trying to understand how non-military options could be brought into play in response to crises. In fact, as Figure 3.1 illustrates, military force as a technique of intervention has gradually declined over the years as more peaceful means of intervention, such as diplomacy, have become widely considered in contemporary international affairs.²⁴² Therefore, because of the variety of intervention techniques that are now being widely used, the definition of intervention can no longer remain limited by reference to the type of technique employed. Beloff’s definition broadly puts these concerns into perspective by defining intervention as an attempt by one state aimed at affecting the structure and behaviour of other states through various degrees of coercion.²⁴³

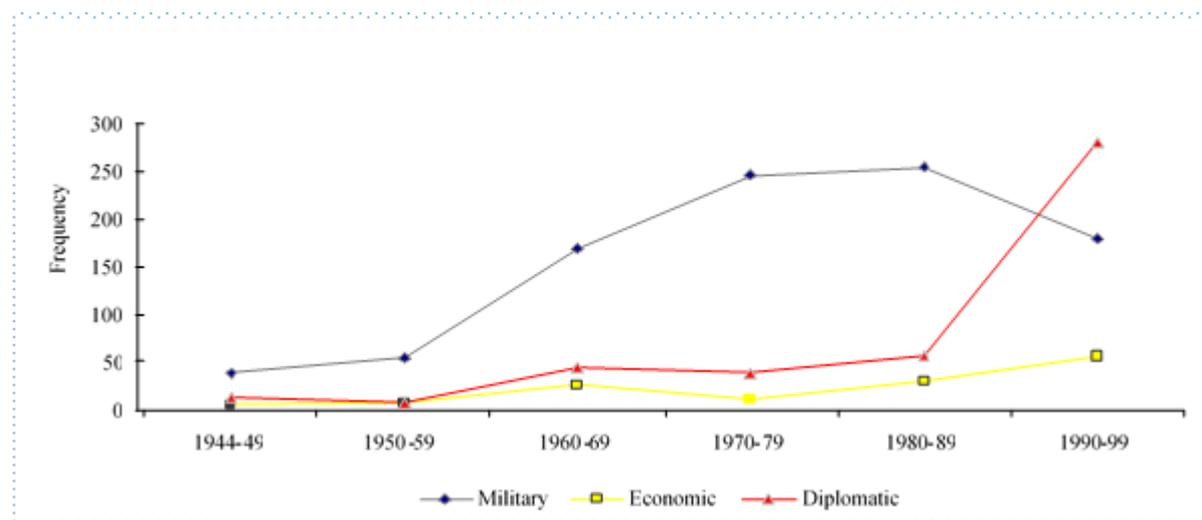
²⁴⁰ Tom J. Farer, *Humanitarian Intervention before and after 9/11*, (Cambridge: Cambridge University Press, 2003), 55.

²⁴¹ Karin Von Hippel, “The Non-interventionary Norm Prevails: An Analysis of the Western Sahara,” *The Journal of Modern African Studies* 33, no. 01, (1995): 67-81.

²⁴² Oliver Ramsbotham and Tom Woodhouse, *Humanitarian Intervention in Contemporary Conflict: A Reconceptualization*, (United Kingdom: Polity Press, 1996), 34.

²⁴³ Max Beloff, “Reflections on Intervention,” *Journal of International Affairs* 22, no. 2, (1968): 198.

Figure 3.1: Different forms of intervention



Source: Patrick M. Regan, Richard Frank and Aysegul Aydin, “Diplomatic Interventions and Civil Wars: A New Dataset,” *Journal of Peace Research* 46, 1 (2009): 143.

3.5 Conclusion

The effectiveness of legal approaches in controlling chemical weapons so far in history is commendable, as they have proven resilient in ensuring total elimination of these weapons in spite of the many challenges faced in the contemporary international sphere. The use of chemical weapons in Syria, however, represented a serious challenge that tested the strength and reliability of the existing chemical weapons regime. Indeed, international law and its institutional form, i.e. organizations overseeing compliance and verification of the law and treaties, are mechanisms by which states are instructed and are held accountable with respect to their behaviour in international affairs. As such, the compliance of the provisions of international law depends on the fear of the repercussions of non-compliance and also on the willingness and the ability of the international community to enforce their desire for a world free from the use and acquisition of chemical weapons. Therefore, failure to control the chemical weapons situation in Syria would inevitably have strong repercussions for the chemical weapons regime, as its inability to deal with the situation in Syria could lead to its efficiency being doubted and its effectiveness questioned. This chapter has therefore outlined that because of the violation of international law prohibiting the use of chemical weapons, states have a *prima facie* duty to tackle violations and issues of non-compliance in this regard

as a way of contributing to the relevant global norm of non-use and complete elimination of chemical weapons.

The following chapter will examine the debate surrounding United States' and Russia's proposed methods of intervention in Syria, and the role that their diplomacy ultimately played in responding to the chemical weapons crisis in Syria.

CHAPTER 4

THE ROLE OF RUSSIAN AND UNITED STATES DIPLOMACY IN RESPONSE TO SYRIA'S USE OF CHEMICAL WEAPONS

4.1 Introduction

Taking into consideration the foundations of international law presented in Chapter Three, specifically with regards to Syria's violation of the chemical weapons regime, this chapter will proceed with an analysis that seeks to provide answers to the research question: what role did diplomacy by the United States and Russia play in disarming Syria's chemical weapons stockpile and preventing the further use of such weapons in the Syrian Civil War?

The first part of this chapter will provide an overview of the motivations and interests of key diplomatic actors (the United States and Russia) in involving themselves in Syria's internal affairs. Analyzing the motives of the United States and Russia's involvement in Syria is crucial for understanding how a state's interests affects its decisions and strategies of intervention. Against this background, the section that will follow will examine how the two countries arrived at a decision to collaborate and intervene diplomatically in order to deal with the chemical weapons crisis. The section will answer the question: why did they choose to act through diplomatic means and not intervention by force? Here, Zartman's notion of "ripeness of time"²⁴⁴ will be applied, as it describes the forces and dynamics that might contribute to a diplomatic outcome. The researcher will argue that the legal and moral frameworks that advocate against intervention and the use of force in the internal affairs of another state somehow created a stalemate between the United States and Russia regarding how to deal with the chemical weapons situation in Syria. It is argued that because of the existence of this stalemate, "ripeness of time" eventually prompted diplomatic intervention instead.

The chapter will also discuss the nature and forms of diplomatic intervention that were employed by the United States and Russia. The selection of the type of diplomacy that applies is selected from the manifestations of diplomacy discussed in Chapter Two, namely multilateral diplomacy, disarmament diplomacy and coercive diplomacy. These manifestations of diplomacy were identified as possibly being most instrumental in dealing with Syria's possession and use of chemical weapons. An attempt will be made to select the type of

²⁴⁴ William I. Zartman, *Ripeness: The Hurting Stalemate and Beyond*, (Washington: National Academy Press, 2000), 226.

diplomacy that adequately describes the mechanisms and processes that were employed in order to effectively deal with the chemical weapons issue in Syria.

4.2 United States and Russian motives for intervention in Syria

Just like any other incident pertaining to the use of WMDs, the use of chemical weapons in Syria was met with a number of vociferous and contending outside voices. A number of state actors, namely the United States, Iran, Israel, Russia, Egypt, Turkey, Iraq, Saudi Arabia and the United Kingdom, responded to the chemical weapons catastrophe. This is not to say that the international community was not already involved in the Syrian civil war prior to the use of chemical weapons – indeed, since the onset of the civil war, both the Syrian government and the opposition forces received support from outside actors. The major state parties supporting the Syrian opposition during the time frame of this study were the United States, France, the United Kingdom, Turkey, France and Saudi Arabia. The Syrian regime under President Bashar Al-Assad was, in turn, supported by Russia, Iran and China. These countries provided their allies with political, logistic and military support. This division led international experts to describe the conflict in Syria as a proxy war in which international actors with competing interests carried out their squabble.²⁴⁵ One can argue that the actions of the international community emulated a tug of war, which Sayes opines as revealing flaws in the way the international community deals with atrocities, international law violations and humanitarian disasters.²⁴⁶

The primary focus placed on the United States and Russia is not only meant as a means of limiting the scope of this study, but it is mainly because of the fact that they have the most significant involvement in Syria. These two countries, former superpowers of the Cold War, represented divergent points of view on how to deal with the chemical weapons catastrophe. However, before outlining the different motives of these two countries, it is necessary to first trace the nature and calibre of United States-Russian relations in order to provide a better understanding of where their polarised policies in crisis resolution emanate from.

²⁴⁵ Abdulrahman al-Masri, “Syria: Proxy war, not Civil War,” *The Middle East Monitor*, (March 14, 2015), accessed March 9, 2016. <https://www.middleeastmonitor.com/20150314-syria-proxy-war-not-civil-war/>.

²⁴⁶ The American University in Cairo, “Syria’s Chemical Weapons: Drawing the Humanitarian Line,” (2013), accessed March 9, 2016. <http://www.aucegypt.edu/news/stories/syria%E2%80%99s-chemical-weapons-drawing-humanitarian-line>.

4.2.1 Contemporary United States-Russian relations

In 2007, the President of the Nixon Centre and expert of Russian foreign policy, Dmitri Simes, claimed: “Putin and his advisors accept that the United States is the most powerful nation in the world and that provoking it needlessly makes little sense. But they are no longer willing to adjust their behaviour to fit U.S. preferences, particularly at the expense of their own interests.”²⁴⁷ Russia’s stance proves predictable if one traces the history of events between the two countries since the collapse of the Soviet Union. Although there are instances of cooperation, especially in cases where they have common strategic interests including global terrorism, national security, arms control and nuclear non-proliferation, there are numerous international crises that have set Russia and the United States on opposing sides. It is argued that tensions exist between these countries because their worldviews are grounded in opposing political cultures,²⁴⁸ which has been the case since the beginning of the 21st century. The leaders of each country have been constrained in their understanding of world events principally by their country’s political culture. In other words, it is their political culture that dictates their behaviour, more than any other concern or interest. Within this perspective, Greenfield argues that the Cold War was not a confrontation between the embodiments of two ideologies. Rather, it was “of two nations whose ideologies are to this day defined by the two contradictory types of nationalism.”²⁴⁹

Given this background, Russia’s political culture has been consistently guided by a foreign policy that is largely about power and respect. In 2007, Putin predicted: “by 2020, Russia would not only be among the richest and most powerful states but also one of the most progressive and dynamic.”²⁵⁰ Putin’s claim points to Russia’s real ambitions to regain its lost superpower status. The United States foreign policy, in contrast, has traditionally been more focused on values such as capitalism, human rights and freedom. Given these diverging policies, the behaviour of these states is more than just the occasional desire to frustrate each other,²⁵¹ but rather to live up to their culture. In regard to Russia, for example, it is suggested that to regain its lost superpower status, its main goal is often to undermine the power of the United States, to dislodge it from its leading position in the world and to establish an anti-

²⁴⁷ Dmitri K. Simes, “Losing Russia,” *Foreign Affairs* 86, no. 6, (2007): 36.

²⁴⁸ Liah Greenfield, “The Political Significance of Culture,” *The Brown Journal of World Affairs* IV, no. 1, (1997): 190.

²⁴⁹ *Ibid*, 194.

²⁵⁰ Walter Laquer, “Moscow’s Modernisation Dilemma: Is Russia Charting a New Foreign Policy,” *Foreign Affairs* 89, no. 6, (2010): 154.

²⁵¹ Bobo Lo, *Vladimir Putin and the Evolution of Russian Foreign Policy*, (The Royal Institute of International Affairs: Blackwell Publishing, 2003), 75.

Western global power structure.²⁵² To achieve these goals, Russia has implemented numerous foreign policy objectives that aim to frustrate the interests of the United States. Russia's foreign policy objectives has therefore redirected Russia to consolidate and expand territorial claims in their sphere of influence in order to gain more power and parity with the United States. This move has strained their relations to such an extent that it began to be characterized as assuming an adversarial nature, or pointing towards the advent of a new Cold War, especially in relation to their recent confrontations during the Ukrainian crisis that began on 21 November 2013, and the on-going Syrian civil war.²⁵³

4.2.2 Russian-Syrian relations

Russia has been Syria's strongest ally since 1956. The relationship between Russia and Syria is rooted in the significant strategic position of the Syrian port of Tartus. The port was established in 1971 to provide for the activities of the Soviet Mediterranean squadron. After the collapse of the Soviet Union, Russia managed to maintain a presence in Tartus, having realized the strategic position of the port. The port serves Russia's geopolitical and strategic interests because it allows its navy to expand its presence into the Mediterranean. It also hosts a naval supply and maintenance station for Russia, which allows its warships to refuel without having to return to their Black Sea bases.²⁵⁴ It is reported that the station currently houses about 50 Russian servicemen and consists of a floating workshop, three floating docks, barracks and storage facilities. This station is the only remaining naval base outside post-Soviet space that is of strategic importance to Russia. Recent reports, around February 2015, however state that Russia has been attempting to establish other naval bases in the Mediterranean in order to increase its presence there. As such, it managed to secure a deal with Cyprus, giving the Russian Navy access to another Mediterranean port as an alternative to Tartus. Nevertheless, Tartus remains an important base to Russia for maintaining a permanent presence in the Mediterranean and extending its influence in the Middle East and the world.²⁵⁵ As such,

²⁵² Douglas E. Schoen and Melik Kaylan, "9 Ways China and Russia are Partnering to Undermine the US: The Russia-China Axis," *Military and Defense*, (2015), accessed July 25, 2015. <http://www.businessinsider.com/china-and-russia-are-partnering-on-an-unprecedented-scale-2015-1>

²⁵³ Bridget Kendall, "Rhetoric Hardens as Fears Mount of New Cold War," *BBC News*, (November 13, 2014), accessed July 23, 2015. <http://www.bbc.com/news/uk-30010263>

²⁵⁴ Ron Synovitz, "Explainer: Why is Access to Syria's Port at Tarsus so Important to Moscow?" *Radio Free Europe Radio Liberty*, (June 19, 2012), accessed July 23, 2015. <http://www.rferl.org/content/explainer-why-is-access-/24619441.html>

²⁵⁵ Paul J. Saunders, "Cyprus Port Deal Gives Russian Navy Alternative to Tartus," *Al-Monitor*, (March 3, 2015), accessed July 23, 2015. <http://www.al-monitor.com/pulse/en/originals/2015/03/russia-sanctions-europe-nato-economy-cyprus-mediterranean.html#>

Russia's strong support of the Syrian regime is a bid to secure continued rights of using the port at Tartus and thus to further its interests.

Beyond the naval base, Russia's interest in the Assad regime also lies in its various extensive economic endeavours in the country. For instance, it is believed that Russia's current contract for sales of military equipment to Syria is worth approximately 2.5 billion pounds (about 3.6 billion US dollars) while the total value of unfulfilled contracts stands at 4 billion US dollars. In addition to the sale of arms, Russian companies have other economic interests with a total investment value of approximately 20 billion US dollars. These interests include extensive investments in energy and nuclear energy projects and gas and oil exploration and production in Syria. Given these factors, Russia has supported Assad's regime in fear that a regime change would lead to the loss of contracts, as new rulers would pursue economic ties with their patrons in the United States. This fear is based on the experience of a similar occurrence when Russia was hit with an economic downturn in its arms sales after the overthrow of the Libyan government in 2011. Gorenburg asserts that between 2005 and 2010, Libya purchased over 2 billion dollars' worth of weapons from Russia and it was in the advanced stage of negotiations for an additional 2 billion dollars' worth of contracts for a full range of weapons when the government was overthrown. The new government cancelled the contracts and has recently concluded an agreement for military trade with France, which was in support of the overthrow of the Gaddafi regime.²⁵⁶ From this perspective, Russia believes that its economic interests in Syria can be maintained only if the current regime remains in power.

The events that unfolded in Libya in 2011 also heavily reinforced Russia's strong stand behind the Syrian government for other reasons. After its abstention on UNSC Resolution 1976 authorizing a no-fly zone over Libya, Russia felt that its position of non-interference was undermined by Western countries, as they went on to support a change in the Libyan regime and oust Gaddafi. The move to condemn the Syrian government by the United States was seen as an attempt to implement another Libyan scenario and Russia was determined not make the

²⁵⁶ Dmitry Gorenburg, "Why Russia Supports Repressive Regimes in Syria and the Middle East," *Carnegie Corporation of New York*, PONARS Eurasia Policy Memo, no. 198, (2012): 2.

same mistake again with Syria.²⁵⁷ As such, Russia vehemently opposed any firm and/or intrusive action against the Syrian regime

4.2.3 United States-Syrian relations

Relations between Syria and the United States have known ups and downs but, generally speaking, the negative issues overshadow the positive ones. Unlike with Russia, the foundation of the United States' relationship with Syria is not that of economic ties. Rather, the economic relations between these two countries are believed to be non-essential for either side, which is mostly the result of ongoing economic sanctions against Syria. As such, the United States has been a vivid advocate of firm action against the Syrian regime for using chemical weapons. This stance by the United States was motivated by the history, geopolitics and geo-economics of the region, from which the United States was benefiting. In turn, Syria became an intrinsically valuable place for the United States to focus its concerns because its use of chemical weapons was a threat to its broad interests in the region.

To maintain its regional foreign policy objectives, the United States became acutely involved in the Syrian civil war on the side of the rebels in order to ensure peace and stability in the region. Generally, the region is well known for its instability, which poses serious security challenges to the United States and its allies. For instance, the Sunni-Shia Muslim divide is believed to be the chief factor that threatens the stability of the Middle East. The tensions between the Sunni and the Shia began in the early history of Islam, with a dispute over leadership for the Muslim community following the death of the Prophet Mohammad in the year 632. The Sunni-Shia tensions are rooted in theology and deep religious differences. As a result, the states of the Middle East have been divided between Sunni-dominated and Shia-dominated states. Over the years, these tensions have intensified sectarian warfare within the region. Stability in the region is therefore very volatile – to the extent that an issue such as the use of chemical weapons could easily catalyze further instability.²⁵⁸

²⁵⁷ Azuolas Bagdonas, "Russia's Interests in the Syrian Conflict: Power, Prestige and Profit," *European Journal of Economic and Political Studies* 5, no. 2, (2012): 57.

²⁵⁸ Shireen Hunter, "Sunni-Shia Tensions are More about Politics, Power and Privilege than Theology," *Prince Alwaleed Bin Talal Center for Muslim-Christian Understanding*, (n.d.), accessed November 23, 2015. <https://acmcu.georgetown.edu/sunni-shia-tensions>

The region is furthermore well known as the “axis of evil”, as labelled by former United States President, George W. Bush, in 2002. The term was used to describe governments accused of helping terrorism and seeking weapons of mass destruction. The term also refers to states including Iraq, Iran, Cuba, Libya and North Korea.²⁵⁹ Syria is similarly well known as a haven for terrorist groups such as Al-Qaeda, al-Nusra Front, Islamic State of Iran and Syria (ISIS), Hezbollah and Hamas, which are all potent adversaries to the United States. It has been reported that the civil war in Syria carved out extensive sanctuaries where these terrorist groups are training militants from a wide variety of other Arab countries, Europe and even the United States.²⁶⁰ Because of this, there is an ever-prevalent fear of potential use or transfer of chemical weapons to these groups. Currently, the concern is especially regarding to ISIS, which is very active in the Syrian war. The chances of ISIS seizing and acquiring chemical weapons production facilities within Syria seems more likely than with any other insurgent group, because of its control over a large area in Syria, with as many as 10 million people under its control.²⁶¹ Therefore, the misplacement of chemical weapons into the hands of terrorist groups has the potential not only to destabilize the entire region, but the United States and the world at large.²⁶²

It is also believed that the United States’ involvement in Syria is part of its strategic plan for controlling the region’s vast oil and gas resources.²⁶³ Although Syria has less oil reserves than its neighbouring countries, its importance lies in the fact that many oil and gas pipelines from these countries pass through Syria (see Figure 4.1). A conflict in Syria would therefore disturb the oil trade, which could cause a rise in oil prices, which, in turn, would be undesirable for the United States,²⁶⁴ as oil is a fungible commodity and the United States economy remains vulnerable to sudden spikes in world oil prices. Indeed, because the United States is the biggest oil consumer in the world, it has a vested interest in maintaining a free flow of oil and gas from the region.²⁶⁵ This reality gives credibility to the speculation that the United States’ motivation for its involvement in Syria is actually oil-based, and not over the concern of the use of

²⁵⁹ “Syria and the New Axis of Evil,” *The Washington Times*, (September 29, 2003), accessed May 30, 2016. <http://m.washintotimes.com/news/2003/sep/29/20030929-090653-2022r/>.

²⁶⁰ Ibid.

²⁶¹ “Islamic State Group: Crisis in Seven Charts,” *BBC News*, (April 27, 2016), accessed May 6, 2016. <http://www.bbc.com/news/world-middle-east-27838034>.

²⁶² Sorenson, “US Options in Syria,” 5.

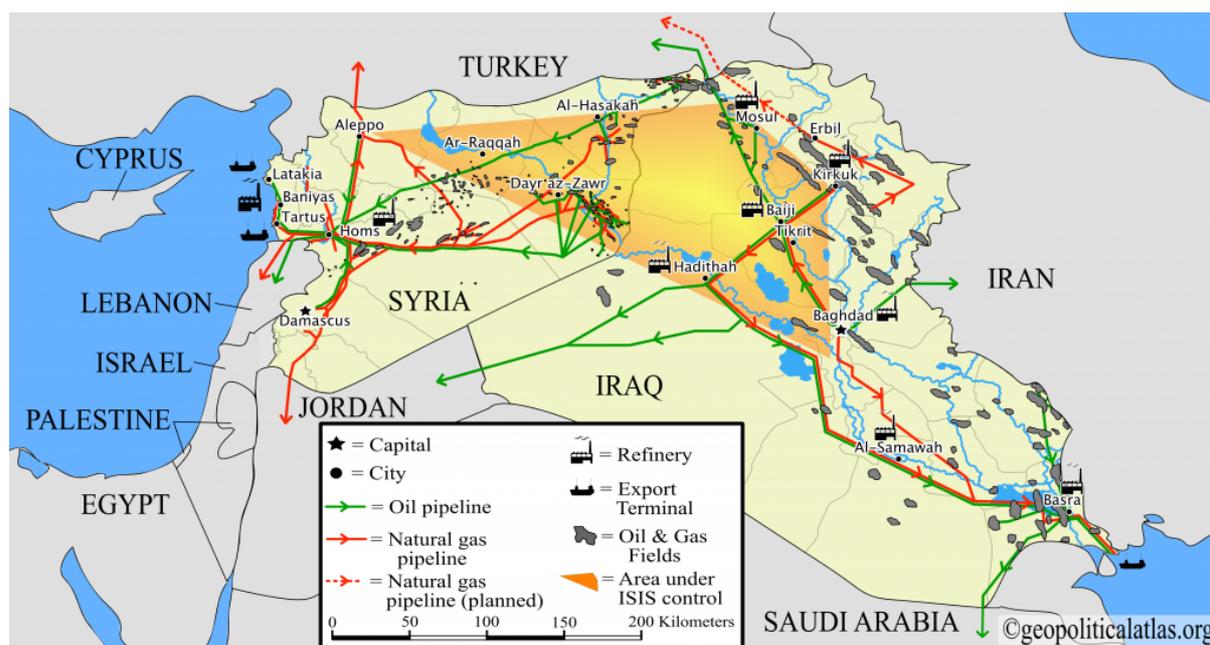
²⁶³ Kubbig and Fikenscher, *Arms Control and Missile Proliferation in the Middle East*, 134.

²⁶⁴ Bratin Sengupta, “What is the Strategic Importance of Syria?” *Quora*, (2013), accessed April 6, 2016. <https://www.quora.com/What-is-the-strategic-importance-of-Syria>.

²⁶⁵ The Heritage Foundation, “2015 Index of U.S Military Strength: Middle East,” (2015), accessed April 6, 2016. <http://index.heritage.org/military/2015/chapter/op-environment/middle-east/>

chemical weapons, nor the thousands of innocent people who were affected by their use.²⁶⁶ Kubbig and Fikenscher have also noted that the United States’ interest in assuring its access to the Middle East oil and gas reserves is one of the major reasons contributing to its constant military presence in the region. In fact, the United States has strong military, security, intelligence and diplomatic ties with multiple Middle Eastern nations, including Israel, Egypt, Jordan, Lebanon and Yemen.²⁶⁷ It is because of this presence in various forms and degrees in most of the Middle Eastern region that the United States is no longer viewed as an external actor in the region, but a regional player.²⁶⁸ Its continued military presence is therefore aimed at confronting any significant threats to its interests and to meet its commitments to its allies in the region. The United States’ call against Syria’s use of chemical weapons thus arguably discharges a façade of managing and containing the potential consequences of the Syrian civil war in order to protect its interests in the region.

Figure 4.1: Oil and gas fields and pipelines in Syria



Source: Davide Galzoni. “Oil and Gas Fields in Syria and Iraq Controlled by ISIS,” *Geopolitical Atlas*, (2015), accessed 12 December 2015. <http://www.geopoliticalatlas.org/oil-and-gas-fields-in-syria-and-iraq-controlled-by-isis/>

²⁶⁶ Nafeez Ahmed, “Syria Intervention Plan Fueled by Oil Interests, Not Chemical Weapons Concern,” *The Guardian*, (August 30, 2013), accessed April 6, 2016. <http://www.theguardian.com/environment/earth-insight/2013/aug/30/syria-chemical-attack-war-intervention-oil-gas-energy-pipelines>.

²⁶⁷ The Heritage Foundation, “2015 Index of U.S Military Strength: Middle East,” (2015), accessed April 6, 2016. <http://index.heritage.org/military/2015/chapter/op-environment/middle-east/>

²⁶⁸ Kubbig and Fikenscher, *Arms Control and Missile Proliferation in the Middle East*, 134.

4.3 An analysis of the use of force in Syria and reaching a stalemate

When rumours of possible use of chemical weapons in Syria started to emerge in 2012, United States President Barack Obama stated that the use thereof would cross a “red line”, which would come with consequences.²⁶⁹ He clearly asserted:

We have been very clear to the Assad government, but also to other players on the ground that a red line for us is when we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus. That would change my equation.²⁷⁰

Obama’s “red line” falls under a specific deterrence strategy that was aimed at persuading the adversary (Syria) to avoid taking specific, well defined actions, i.e. not using chemical weapons. Crossing the “red line” therefore meant that a military response would be initiated against Syria.²⁷¹ Consequently, following the use of chemical weapons in August 2013, Obama signalled his willingness to impose forceful military intervention without the approval of the UNSC in order to uphold his commitment to hold Assad accountable for using chemical weapons.²⁷² Nonetheless, to gather some kind of legitimacy for this proposed military action, he announced that he would seek authorization to use force from the United States Congress. On 4 September 2013, the Authorization for the Use of Military Force against the Government of Syria to Respond to the Use of Chemical Weapons was adopted by the United States Congress. The Resolution gave Obama 90 days of military action by means of armed force in a limited and specified manner against legitimate military targets in Syria, in order to achieve four goals:

1. Respond to the use of chemical weapons by the Syrian government in the conflict;
2. Degrade Syria’s capacity to use such weapons in future;
3. Deter Syria’s use of such weapons in order to protect the national security interests of the United States and its allies against the use of such weapons; and
4. Prevent the transfer of these weapons to non-state actors and terrorist groups within Syria.

²⁶⁹ Blake and Mahmud, “Legal Red Line: Syria and the Use of Chemical Weapons in Civil Conflict,” 246.

²⁷⁰ Zimmer, “The Long History Of The Phrase Redline.”

²⁷¹ Sherwell et al, “Western Attack to Punish Syria Likely to Begin with Barrage Of More Than 100 Missiles in 48 Hour Blitz.”

²⁷² Michael N. Schmitt. “The Syrian Intervention: Assessing the Possible International Law Justification,” *International Law Studies* 744, no. 89, (2013): 744.

The Congressional agreement further directed Obama to confirm the determination that the use of military force as a response to Syria's use of chemical weapons is actually necessary and that it was consistent with and furthers the goals of the United States in Syria. More importantly, they specified that Assad had to conduct one or more significant chemical weapons attacks before the United States could use the military force and that all appropriate diplomatic and other peaceful means should have been used to prevent the deployment and use of WMDs by Syria.²⁷³ Yet, the question still remains: was military intervention the right course of action? This question calls for a debate on the legitimacy and justification of military intervention – in other words, the predilection for the use of force in Syria instigates a legal and moral enigma that aims to discover and resolve what, in a legal and moral sense, justified the threat or use of armed military force against Syria.

Intervention in the domestic affairs of another state, as discussed in Chapter Three, is theoretically illegal, according to the UN Charter of 1945, and is principally cemented by Article 2(1) and Article 2(7) of the Charter, which emphasize the need to respect the national autonomy of a state through the principle of non-intervention. Constructed to strongly substantiate these provisions is Article 2(4), which forbids member states to intervene and use armed force against the territorial integrity of another state.²⁷⁴ Article 2(4) unequivocally stipulates:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of another state, or in any other manner inconsistent with the purposes of the United Nations.

The language surrounding the concept of force has however been criticized, as the term “force” is neither defined nor qualified. The prevailing view is that the notion “force” does not extend to all kinds of force, such as political and economic coercion, but signifies armed force only. This concern is addressed by the Declaration on the Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, which was adopted in 1970. This Declaration is considered an authoritative statement regarding the implementation of certain provisions of the UN Charter.

²⁷³ U.S. Library of Congress, “S.J.Res.21- Authorization for the Use of Military Force against the Government of Syria to Respond to Use of Chemical Weapons,” (2013). Accessed August 7, 2015. <https://www.congress.gov/113/bills/sjres21/BILLS-113sjres21pcs.pdf>

²⁷⁴ United Nations. “Charter of the United Nations,” (1945), accessed August 7, 2016. <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

It prohibits direct and indirect intervention and the use of all kinds of force in the internal or external affairs of any state. The prohibition of the use of force is therefore regarded as an authoritative principle with a *jus cogens* character, which makes the prohibition of the use of force a peremptory norm of international law to which no derogation is permitted.²⁷⁵ In other words, the principle does not have to be signed in order to be considered as binding and the principles of the prohibition of the use of force are to be observed by members and non-members alike. In the light of the above, it can therefore be argued that Article 2(4) is the foundation of the UN Charter and serves as the backbone of the envisaged system of collective security and peaceful relations among states.²⁷⁶ Hence, the Charter demands that all member states “settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.”²⁷⁷

Yet, as discussed above, the question of military intervention also forms part of the broader question of the morality of war and the moral justification thereof – factors that are taken into account by the framework of the JWT. As discussed in Chapter One, the JWT emphasizes that no matter how often war has been an instrument of state power and policy, any means that resort to it demands the discharge of a heavy burden of justification.²⁷⁸ The principle of *jus ad bellum* (just cause, right intention, last resort, proportionality, reasonable chance of success and right authority) will therefore be examined to determine the legitimacy and justification of the use of force in Syria. The researcher will turn to these principles in an attempt to offer insight into the arguments regarding the morality of the use of force by the United States.

Just cause: When one analyzes the reasons for the legality of chemical weapons mentioned in Chapter Three, one is inclined to argue that the use of chemical weapons can be regarded as *mala in se* by their very nature. Thus, the use of chemical weapons can be classified as an act that is morally wrong in itself, which can be used to justify the use of force. Reese however disagrees with this notion and argues that there was no moral justification for military intervention in Syria because Syria was not attacking the United States.²⁷⁹ This statement implies that self-defence stands as the only justification for the use of force. Yet most moralists

²⁷⁵ Kinacioglu, “The Principle on Non-intervention at the United Nations,” 17.

²⁷⁶ Karin Arts and Pascal Miho, *Responding to the Human Rights Deficit: Essays in Honor of Bas de Gaay Fortman*, (The Hague: Kluwer Law International, 2003), 50.

²⁷⁷ United Nations. “Charter of the United Nations,” (1945), 3.

²⁷⁸ Chatterjee and Scheid, *Ethics and Foreign Intervention*, 278.

²⁷⁹ Thomas Reese, “What Moral Theologians Say about Getting Involved in Syria,” *National Catholic Reporter*, (September 3, 2013), accessed August 7, 2016. <http://nronline.org/news/global/what-moral-theologians-say-about-getting-involved-syria>

also recognize a responsibility to protect innocent people, and they support their argument by pointing to the R2P doctrine. As explained in Chapter Three, the R2P doctrine insists on the obligation of states to protect their own populations from gross and widespread human rights abuses. Failure in this regard results in the delegitimization of such governments, and, as a result, their responsibility is passed on to outside forces, which become morally bound to act – and unilaterally if necessary, if UN Security Council resolutions are obstructed.²⁸⁰ According to this understanding of the R2P doctrine, it can be said that Syria lost its respect and territorial integrity when it used chemical weapons against civilians. These reasons provide a just cause for intervention in Syria and, indeed, according to Goldberg, the strong sentiment inside the Obama Administration was that Assad’s use of chemical weapons earned him dire punishment. Obama reinforced these sentiments in a public statement:

It’s important for us to recognize that when over 1,000 people are killed, including hundreds of innocent children, through the use of a weapon that 98 or 99 percent of humanity says should not be used even in war, and there is no action, then we’re sending a signal that that international norm doesn’t mean much.²⁸¹

Right intention: One is forced to consider whether Obama’s push for military action in Syria was solely a result of his proclamation of the crossing of the “red line”, i.e. if chemical weapons were to be used in Syria. Mwenda, concerned with Obama’s proclamation of the “red line” argued:

In international relations, power is both a myth and reality. But the myth is always more important than the reality. When others perceive you to be strong, they shape their behaviour towards you in line with that perception. Should you exhibit weakness, it will be a signal for them to disregard your demands.²⁸²

From this perspective, the United States’ invasion of Syria would have been an act of protecting the country’s credibility so as not to appear weak. Indeed, Secretary of State, John Kerry, commented:

²⁸⁰ O’Sullivan, “The Moral Enigma of an Intervention in Syria: A Just War Analysis,” 6.

²⁸¹ Jeffrey Goldberg, “The Obama Doctrine: The U.S. President Talks through His Hardest Decisions about America’s Role in the World,” *The Atlantic*, (March, 18 2016), accessed April 28, 2016. <http://www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/>

²⁸² Andrew M. Mwenda, “America’s Syrian Blunder,” *The Independent*, (September 6, 2013), accessed April 28, 2016. <http://www.independent.co.ug/the-last-word/the-last-word/8186-americas-syrian-blunder#sthash.UyhsNq7T.dpuf>.

They are watching. They want to see whether the United States and our friends mean what they say. It is directly related to our credibility and whether countries still believe the United States when it says something. They are watching to see if Syria can get away with it, because then maybe they too can put the world at great risk.²⁸³

United States Senators John McCain and Lindsey Graham in turn stated:

The credibility of the United States is on the line, not just with Syria, but with Iran, North Korea, and all of our enemies and friends who are watching closely to see whether the president backs up his words with action.²⁸⁴

Such proclamations can be referred to as illustrative of “the Washington playbook”, which prescribes responses to different events, which tend to be militarized responses such as in the cases of Afghanistan (2001), Iraq (2003) and Libya (2011).²⁸⁵ Given this precedent, one can therefore conclude that the United States’ motive for military action against the Syrian regime was largely based on the fact that its national interests would benefit from the destruction of Assad’s regime, perhaps, according to O’Sullivan, also to engineer and seize the opportunity to sneak its “imperial desires” into Syria.²⁸⁶ As such, taking military action in Syria based on such an intention would not have been justifiable.

Proportionality and reasonable chance of success: In an interview with the Associated Press and Russia's Channel 1 television on 4 September 2013, Putin warned against military action in Syria:

We have our ideas about what we will do and how we will do it in case the situation develops toward the use of force or otherwise. We have our plans.²⁸⁷

Considering this warning, one is forced to conclude that from the perspective of proportionality and reasonable chance of success, military intervention was highly likely to intensify the conflict, deepen the civil war and accelerate a spillover into the wider region.²⁸⁸ Lybia stands as the most relevant example that portrays this concern. The 2011 NATO intervention, although highly disputed, clearly exceeded proportionality but it was also an act that

²⁸³ Vienna Center for Disarmament and Non-Proliferation, “Chemical Weapons in Syria: A Bumpy Road to Elimination.”

²⁸⁴ Darly G. Press and Jennifer Lind, “Red Lines and Red Herrings,” *Foreign Policy*, (2013), accessed April 28, 2016. <http://foreignpolicy.com/2013/05/06/red-lines-and-red-herrings/>

²⁸⁵ Goldberg, “The Obama Doctrine.”

²⁸⁶ O’Sullivan, “The Moral Enigma of an Intervention in Syria,” 6.

²⁸⁷ Spencer Ackerman, Dan Roberts, Haroon Siddique and Angelique Chrisafis, “‘We have our plans’ Vladimir Putin Warns US against Syria Military Action,” *The Guardian*, (September 4, 2013), accessed February 21, 2016. <http://www.theguardian.com/world/2013/sep/04/putin-warns-military-action-syria>

²⁸⁸ Jillian Barnes-Dacey and Daniel Levy, “Syria: The Imperative of De-escalation,” *European Council on Foreign Relations*, 80 *Policy Brief*. (2013), 1.

exacerbated the crisis. Given this scenario, large-scale military intervention in Syria would have defeated the purpose of protecting civilians from further human rights violations.

Last resort: O’Sullivan argued that military intervention in Syria was premature as other options had not been fully exhausted. He suggested:

We must work with all parties involved to try to come to a creative diplomatic solution. We must examine our broader policies and the role played by our allies in the region in this conflict. It's been done before and can be done again.²⁸⁹

President Putin also affirmed:

If we can avoid force against Syria, this will improve the atmosphere in international politics and open the door to cooperation on other critical issues.²⁹⁰

These proclamations highlight avenues of possible non-military strategies in Syria, thus rendering the use of force unjustifiable. This stance confronts the idea of the use of military force and views measures short of it as more appropriate and more applicable. It is a dichotomy that supports actions such as the imposition of sanctions and the use of diplomacy. It is however imperative to note that these alternative measures may not always be a success. Diplomacy for example, although widely hailed, has got a poor track record that will be examined under coercive diplomacy later in this chapter. Regardless, this does not disqualify the fact that such benign measures should be considered first before resorting to the use of military force.

Right authority: Fisher argues that in the absence of UN approval, intervention can still be justified by a competent authority. This approval however depends on the degree of international consensus and the nature of the impending crisis. Perhaps NATO’s operation in Kosovo in 1999 is the most widely renowned and respected of such cases, where grave and immediate threats to Kosovar Albanians and strong international support made a just intervention plausible, even without explicit UN authorization.²⁹¹ According to Reese, however, intervention without the clear authority of an international institution fails both the

²⁸⁹ Reese, “What Moral Theologians Say about Getting Involved in Syria.”

²⁹⁰ Vladimir V. Putin, “A Plea for Caution from Russia,” *The New York Times*, (September 12, 2013), accessed February 21, 2016. <http://www.nytimes.com/2013/09/12/opinion/putin-plea-for-caution-from-russia-on-syria.html>.

²⁹¹ O’Sullivan, “The Moral Enigma of an Intervention in Syria,” 6.

moral and legal tests, because any intervention that circumvents this structure only serves to weaken the ability of the international community to respond to humanitarian issues.²⁹²

The absence of a UNSC decision was in fact owing to Russia, who strongly contested any suggestion of intervention in Syria through the use of force since the onset of the civil war. While Russia's stance was cemented by its ties to Syria, it also demonstrated its long-standing normative position of non-intervention. Occasions where Russia blocked intervention and the use of force in Syria were on 4 October 2011,²⁹³ 4 February 2012²⁹⁴ and 19 July 2012.²⁹⁵ Russia's actions were backed by China, which also vetoed all the resolutions. It can be said that China used its veto power as part of its aversion to international isolation and its preference of abstention on issues that do not directly affect China's interests.²⁹⁶ However, just like Russia, it is argued that China acted in this way because safeguarding states' sovereignty and the non-interference in countries' internal affairs have been the key principles in the lexicon of its foreign policy.²⁹⁷ It is also argued that because the traditional non-interference argument forms part and parcel of the full scope of Russia's calculations and interests in Syria, Russia reserved the right to veto any future action by the UN against the Syrian regime. As a result, after the use of chemical weapons in August 2013, it was predicted that Russia might continue to use its veto power to thwart any UN action that would be proposed in response to the phenomenon.²⁹⁸ In this case, it can be argued that because Russia continually vetoed draft resolutions against Syria, a veto on any proposal for action against Syria's use of chemical weapons seemed more likely.

²⁹² Reese, "What Moral Theologians Say about Getting Involved in Syria."

²⁹³ United Nations, "France, Germany, Portugal and United Kingdom of Great Britain and Northern Ireland: Draft Resolution," (2011), accessed March 12, 2016.

²⁹⁴ United Nations, "Bahrain, Colombia, Egypt, France, Germany, Jordan, Kuwait, Libya, Morocco, Oman, Portugal, Qatar, Saudi Arabia, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: Draft Resolution," (2012), accessed March 12, 2016. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20S2012%2077.pdf>

²⁹⁵ United Nations, "France, Germany, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America: Draft Resolution," (2012), accessed March 12, 2016. <http://www.new-york-un.diplo.de/Vertretung/newyorkvn/en/pr/press-releases/2012/20120719-syria-resolution.html?archive=2990092>

²⁹⁶ Yun Sun, "China's Approach to the Syrian Crisis: Beyond the United Nations," China Policy Institute Blog, University of Nottingham, (December 15, 2014), accessed March 12, 2016. <http://blogs.nottingham.ac.uk/chinapolicyinstitute/2014/12/15/chinas-approach-to-the-syrian-crisis-beyond-the-united-nations/>.

²⁹⁷ Mark Stone, "Syria: Why China Is against Intervention," *Sky News*, (August 29, 2013), January 5, 2014. <http://news.sky.com/story/1134697/syria-why-china-is-against-intervention>

²⁹⁸ Jon Swaine and David Blair, "Syria Crisis: Russia May Use Veto to Thwart UN Action against Assad," *The Telegraph*, (September 27, 2013), accessed January 5, 2014. <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10340915/Syria-crisis-Russia-may-use-veto-to-thwart-UN-action-against-Assad.html>

Putin thus asserted that decisions affecting war and peace should happen only by consensus:

No one wants the United Nations to suffer the fate of the League of Nations, which collapsed because it lacked real leverage. This is possible if influential countries bypass the United Nations and take military action without Security Council authorization.²⁹⁹

Hence, because the United States was willing to use force in Syria in the absence of a UNSC decision, it would be an act of aggression, a gross violation of international law,³⁰⁰ and therefore be unjustified.

Based on what has been argued above, the use of political and military muscle in the internal affairs of other states is not a novel phenomenon and is fraught with moral and political ambiguities. Such an intervention is exacerbated by the anarchic nature of the world, where national interest determines the response to aggression and conflict and not the “misguided notions of morality.”³⁰¹ This argument can be applied to this study, as it seems apparent that the United States’ appeal to deter and degrade Syrian chemical weapons capabilities through the use of force was bedevilled with legal and moral paradoxes that did not provide sufficient grounds to justify the use of force in Syria. Perhaps, if one analyzes Obama’s interview with Jeffery Goldberg on Syria, it can be argued that this was why Obama found himself ready for the idea of an attack that was sanctioned at least by Congress. According to Goldberg, Obama had grown queasy about the idea of attacking Syria.³⁰² His reticence toward military force is also described by Steinmeier as a presentation of how keenly aware he was of the fact that the planned strike may not have improved the situation in Syria.³⁰³ What followed, therefore, was a stalemate.

4.4 From stalemate to diplomacy: ripeness of time

Zartman asserts that while most peaceful settlements of disputes see the substance of the proposals for a solution as key to a successful resolution of conflict, it is also equally necessary

²⁹⁹ Putin, “A Plea for Caution from Russia.”

³⁰⁰ Alexei Anishchuk and John Irish, “Russia Says Air Strikes in Syria Would Be Act of Aggression without U.N. vote,” *Reuters*, (September 11, 2014), accessed March 12, 2016. <http://uk.reuters.com/article/uk-russia-u-s-syria-airstrikes-idUKKBN0H61BF20140911>.

³⁰¹ Ronald Dworkin, *Taking Rights Seriously*, (Cambridge, MA: Harvard University Press, 1978): 22-28.

³⁰² Goldberg, “The Obama Doctrine.”

³⁰³ Frank-Walter Steinmeier, “US-Russia Stalemate: Merkel Must Take Initiative on Syria,” *Der Spiegel*, (September 5, 2013), accessed May 6, 2016. <http://www.spiegel.de/international/world/ex-foreign-minister-steinmeier-demands-action-from-merkel-on-syria-a-920571.html>

to focus on the timing of efforts for a resolution.³⁰⁴ This notion is derived from the concepts of the ripening of the conflict and a political stalemate, taking into consideration the damages that may be caused to the parties involved. According to Rupiya, the factor to be taken into account in looking for the ripe time for a resolution to a conflict is when the conflict begins to hurt the resources and the interests of the parties involved in the conflict, and when unilateral means of dealing with the conflict are blocked.³⁰⁵ Zartman describes this situation as the demonstration of a mutually hurting stalemate, where the contending parties feel that they are in a costly, deadlocked predicament, where neither can prevail over the other, as neither party is able to move forward because they are constrained from doing so.³⁰⁶ The underlying concept is that states are rational actors who take on a cost-benefit analysis. When their unilateral pursuit of satisfactory results are blocked and there is increasing “pain”, they seek an alternative way out of the impasse. Therefore, once parties recognize that they have reached a stalemate and cannot achieve their objectives, they become more willing to opt for alternative actions that can cultivate the means of a way forward.³⁰⁷ The ripe moment is therefore a condition that is seized upon, either through the persuasion of a skilful mediator or directly by the parties involved in the conflict. If a mediator is used, s/he must have the ability to highlight the ripeness and the stalemate and alert the parties of the “hurt” that this is causing them and their surroundings.³⁰⁸

In this light, in order to move forward, Russia and the United States had to be realistic about the consequences of not acting in Syria because inaction in the face of serious external aggression or mass atrocities is morally problematic.³⁰⁹ In particular, the United States had to realize that military intervention could not be implemented without first looking to diplomacy, i.e it had to take into consideration of the weight of legal and moral parameters, particularly because of the lack of international support for its proposal of forceful military intervention. Barnes-Dacey and Levy argue that the only choice to be made in order to dissolve the impasse in responding to the chemical weapons crisis in Syria was to make compromises, subject to negotiation and through the promotion of diplomacy, in a way that would establish dialogue

³⁰⁴ William I. Zartman, “The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments,” *The Global Review of Ethnopolitics* 1, no. 1, (2001): 8-18.

³⁰⁵ Martin R. Rupiya, *Zimbabwe's Military: Examining Its Veto Power in the Transition to Democracy, 2008-2013*, (Pretoria: APPRI, 2013), 50.

³⁰⁶ Zartman, “The Timing of Peace Initiatives,” 11.

³⁰⁷ Peter Wallensteen, *Understanding Conflict Resolution*, 2nd edition, (London: SAGE Publications Ltd, 2007), 43.

³⁰⁸ Rupiya. *Zimbabwe's military*, 50.

³⁰⁹ James Pattison, “The Ethics of Diplomatic Criticism: The Responsibility to Protect, Just War Theory and Presumptive Last Resort,” *European Journal of International Relations* 21, no. 4, (2015): 935-957.

and reconciliation between the United States and Russia.³¹⁰ Thus, the stalemate regarding Syria instigated a readiness of the parties to make hard choices and mutual concessions. In this situation, the ripeness of time principle predicted and identified diplomacy, not military action, as the necessary tool for dealing with the chemical weapons crisis.

Ripeness of time, however, did not ensure the successful settlement of the chemical weapons crisis in Syria. As Zartman cautioned, ripeness of time is only a condition, not a result.³¹¹ Therefore, although diplomacy was pursued owing the presence of a ripe moment, its success was not guaranteed. To ensure success, Codevilla argues that the first task that diplomats should determine is whether agreement is possible on the basis of the available terms or, simply put, whether the objectives of both sides, although different, can be compatible. It is only when they are compatible that negotiations can proceed with a willingness to compromise and make concessions.³¹² With regards to the use of chemical weapons in Syria, the main objectives of the United States and Russia were compatible, as their common goal was to protect civilians from future chemical weapons attacks through degrading the Assad government's capability to use chemical weapons.³¹³ Therefore, despite their tactical positions being diametrically opposed to one another, the United States and Russia found common ground through bilateral diplomacy (discussed below in 4.5.1) and thus reached a compromise. In other words, diplomacy became an integral tool to foster an amicable resolution to the chemical weapons crisis in Syria.

Overall, the use of diplomacy in Syria was implemented in order to assume a peace process role that navigated “a series of reciprocal and self-reinforcing actions that [were] taken to steadily move a conflict away from violence toward regularized, consensual non-violent rules of interaction.”³¹⁴ Thus, diplomacy in Syria became a strategic technique to diffuse the opposing viewpoints of the United States and Russia. By pursuing a diplomatic outcome, the United States and Russia were taking on a solution that would increase positive payoffs for both parties. Diplomacy therefore became an important instrument in dealing with the chemical weapons crisis in Syria in two ways:

³¹⁰ Barnes-Dacey and Levy, “Syria: The Imperative of De-escalation,” 1.

³¹¹ William I. Zartman, *Ripeness: The Hurting Stalemate and Beyond*, 226.

³¹² Angelo M. Codevilla, “Tools of Statecraft: Diplomacy and War,” *Foreign Policy Research Institute*, (2008), accessed November 5, 2015. <http://www.fpri.org/articles/2008/01/tools-statecraft-diplomacy-and-war>

³¹³ Steinmeier, “US-Russia Stalemate: Merkel Must Take Initiative on Syria.”

³¹⁴ Timothy D. Sisk, *International Mediation in Civil Wars: Bargaining with Bullets*, (New York: Routledge, 2009), 893.

1. It became a plausible and preferable alternative to other means for addressing the chemical weapons crisis in Syria; and
2. It also became a plausible and preferable alternative to the inaction that was induced by a stalemate.

4.5 Postulation and analysis of the diplomatic strategy

Diplomacy was instrumental in bringing the United States and Russia together at the negotiating table. Once they reached this point, they had to pursue a particular diplomatic strategy in order to address the Syrian chemical weapons crisis. Revisiting the three manifestations of diplomacy discussed in Chapter Two – coercive diplomacy, multilateral diplomacy and disarmament diplomacy – the researcher believes that coercive diplomacy in particular played a prominent role for ultimately addressing the chemical weapons crisis in Syria.

The use of coercive diplomacy is not new. A well-known incident where coercive diplomacy was employed was during the Cuban Missile Crisis in 1962, when a major military and political tension occurred between the Soviet Union and the United States. To support Fidel Castro's regime, Soviet President Nikita Khrushchev secretly installed ballistic missiles in Cuba to which United States President, John F. Kennedy responded by publicly denouncing the Soviet's actions. In an attempt to coerce Khrushchev into reverting his actions, Kennedy imposed a naval blockade on Cuba and declared that any missile launched from Cuba would warrant a full-scale retaliatory attack by the United States.³¹⁵ In this incident, coercive diplomacy managed to avert a full-scale nuclear war and the crisis ended as suddenly as it had begun. This event was one of the few instances where the use of coercive diplomacy was successful, since, for the past two decades, it has usually failed dismally. For example, efforts at coercive diplomacy against Saddam Hussein's Iraq failed on multiple occasions, as they had against Afghanistan under the Taliban, and, more recently, in the case of Muammar Gadhafi in Libya.³¹⁶ Another case can be made that coercive diplomacy also repeatedly failed against Kim

³¹⁵ Sheldon Stern, *The Cuban Missile Crisis in America's Memory: Myths versus Reality*, (USA: Stanford University Press, 2012), 2.

³¹⁶ Sam Brannen, "The Return of Coercive Diplomacy," *Defense One*, (September 23, 2013), accessed 23 March 2016, <http://www.defenseone.com/ideas/2013/09/return-coercive-diplomacy/70284/>

Jong-Il's North Korea, which has provoked the international community by its nuclear weapons program and repeated nuclear tests in 2006, 2009, 2013 and 2016.³¹⁷

Despite this failure rate, the overall implementation of coercive diplomacy in the political realm is usually undertaken for the purposes of engaging in an offensive diplomatic strategy, where the goal is to force the opponent to give up what it already possessed or face consequences for non-compliance.³¹⁸ This diplomatic strategy takes on the development of procedures and policies for conciliation in which disputes and disagreements are identified, options are developed, alternatives considered and a resolution by agreement is reached. In other words, it can be argued that both Russia and the United States resorted to normal, traditional bilateral diplomacy and agreed to apply coercive diplomacy in order to dissolve the stalemate and deal with the crisis.

4.5.1 An analysis of the role of coercive diplomacy against Syria's chemical weapons

The ripe moment for the use of diplomacy in Syria was catalyzed when United States Secretary of State, John Kerry, in a compromise statement, suggested that should Syria hand over its chemical weapons to the international community for destruction, the imminent military attack by the United States would be diffused. Following this announcement, Russian Foreign Minister Sergei Lavrov appealed to the Syrian government on 9 September 2013 to not only allow their chemical weapons storage places to fall under international control, but also to further their destruction as well as accede to the CWC in full in a bid to avert military intervention.³¹⁹ The proposal led the United States and Russia to negotiate a landmark joint framework titled the Framework for the Elimination of Syrian Chemical Weapons on 14 September 2013. The main mandate of the Framework was to ensure the destruction of Syria's chemical weapons capabilities in the quickest and safest manner. It also expressed its commitment to gaining immediate international control over chemical weapons and their components in Syria. For this purpose, a decision setting down special procedures for the expeditious destruction of Syria's stockpile was accepted by the Executive Council of the

³¹⁷ Emma Chanlett-Avery, Ian E. Rinehart and Mary B.D. Nikitin. "North Korea-U.S relations: Nuclear diplomacy, and internal situation," CRS Report, Congressional Research Service, (2016), accessed May 6, 2016. <https://www.fas.org/sgp/crs/nuke/R41259.pdf>

³¹⁸ Paul G. Lauren, "Theories of Bargaining with Threats of Force: Deterrence and Coercive Diplomacy," in Paul G. Lauren, *Diplomacy*, (New York: The Free Press, 1979), 207.

³¹⁹ Michael R. Gordon and Steven L. Myers, "Obama Calls Russia Offer on Syria Possible Breakthrough," *The New York Times*, (September 10, 2013), accessed May 5, 2016. http://www.nytimes.com/2013/09/10/world/middleeast/kerry-says-syria-should-hand-over-all-chemical-arms.html?pagewanted=all&_r=0

OPCW on 27 September 2013. As expressed in the Framework, the United States and Russia committed to work together towards prompt adoption of a UNSC resolution that would reinforce the decision of the OPCW Executive Council.³²⁰ Of significance here was the agreement between the two states that such a resolution should impose measures under Chapter VII of the UN Charter in the event of non-compliance on the part of Syria, including unauthorized transfer or any use of chemical weapons.³²¹

Following the signing of the Framework, Syria, on the same day (14 September 2013), promptly announced its willingness to place its chemical weapons under international control, publicly admitting for the first time that it had such weapons. It also acceded to the CWC, provisionally applying it directly, until it formally took effect on 14 October 2013. Following Syria's acceding to the requirements of the CWC, the United States and Russia unanimously adopted UNSC Resolution 2118 on 27 September 2013 and agreed to an OPCW-UN Joint Mission, whose task was to ensure the destruction of Syria's chemical weapons stockpile in a verifiable manner. This scenario is illustrative of how the United States and Russia came together at the negotiating table and initiated a process of coercive diplomacy.

According to Art and Greenhill, it was Putin and Assad's fear of the United States' threat of use of force that played a huge role in formulating a collaborative initiative between the United States and Russia.³²² In other words, the Resolution adopted by the United States Congress, i.e. the Authorization for the Use of Military Force against the Government of Syria to Respond to Use of Chemical Weapons, compelled Russia to propose a possible escape route from military intervention by urging Syria to hand its chemical weapons arsenal to the international community.³²³ They argue that this scenario was a repeat of what had happened in the Kosovo war in 1999, when NATO's attempt to stop Serbia from using force in Kosovo failed. NATO then began to threaten a ground invasion of Serbia and Russia, who was Serbia's only ally at the time, pressuring former Serbian President Slobidan Milosevic to come to the negotiating

³²⁰ U.S Department of State. "Framework for Elimination of Syrian Chemical Weapons," (2013), accessed 14 March 2013. <http://www.state.gov/r/pa/prs/ps/2013/09/214247.htm>

³²¹ Ibid

³²² Robert J. Art and Kelly M. Greenhill. *The Use of Force: Military Power and International Politics*, 8th edition, (United Kingdom: Rowman and Littlefield, 2015), 107.

³²³ Amos Harel, "Analysis: Russian Proposal on Chemical Weapons Just Might Resolve Syria Face-off," *Haaretz Daily Newspaper*, (September 10, 2013), accessed November 5, 2015. <http://www.haaretz.com/news/middle-east/.premium-1.546084>

table.³²⁴ It was thus the threat of a NATO ground invasion that coerced Russia to bring Milosevic around, with the same mechanism recently at work in Syria.

To demonstrate that the United States and Russia's response to Syria's use of chemical weapons was an issue of coercive diplomacy, reference to the three basic tenets (the demand, threat and time pressure) and variables of coercive diplomacy identified in Chapter Two will be applied below.

i. The demand

UNSC Resolution 2118 was adopted with the aim of backing the United States-Russia Framework for the Elimination of Syrian Chemical Weapons. The Resolution was welcomed by many countries across the globe, including China, England and France. China's Foreign Minister, Wang Yi, for example, applauded the unanimous resolution and welcomed the peace initiatives for the conflict:

This is the first time that the Security Council has taken a joint major action on the Syrian issue in more than one year. In dealing with the Syrian issue, the Security Council must bear in mind the purposes and principles of the UN Charter, act with a sense of responsibility to the Syrian people, the world and history, and ensure that any decision it takes can stand the test of history. We hope that the relevant parties will stay in close cooperation, fulfil their respective responsibilities and implement the OPCW decision and Security Council resolution in a comprehensive and accurate manner so as to eventually achieve a proper settlement of the issue of chemical weapons in Syria.³²⁵

UNSC Resolution 2118 welcomed the decision of the Executive Council of the OPCW on 27 September 2013 to establish special procedures and timelines (and threats for non-compliance, as will be discussed in the next section) for expeditious destruction of the Syrian chemical weapons program and the verification thereof. In other words, the OPCW was given a leading role pertaining to the supervision of the destruction or removal of chemical weapons in Syria. Subsequently, the OPCW decisions were incorporated in the UNSC Resolution 2118 and on 16 October 2013, the task of destroying or removing chemical weapons in Syria was named The OPCW-UN Joint Mission in Syria.³²⁶

³²⁴ Art and Greenhill, *The Use of Force: Military Power and International Politics*, 136.

³²⁵ Zhu Ningzhu, "China Welcomes Adoption of Security Council Resolution on Syria," *Xinhua News*, (September 28, 2013), accessed April 3, 2016. http://news.xinhuanet.com/english/china/2013-09/28/c_132758383.htm

³²⁶ Organisation for the Prohibition of Chemical Weapons, "About OPCW-UN Joint Mission: Mandate and Timelines," (2013), accessed October 6, 2015, <http://opcw.unmissions.org/AboutOPCWUNJointMission/MandateandTimelines.aspx>

According to the UNSC Resolution 2118 (see addendum 1), the OPCW-UN Joint Mission was tasked with ensuring that Syria cooperated fully with the OPCW in accordance with Paragraph 8 of Article IV and Paragraph 10 of Article V of the CWC. Syria was to destroy its chemical weapons and production facilities as soon as possible. This agreement obligated Syria to provide the UN personnel with immediate and unfettered access to and the right to inspect the chemical weapons, and to discharge their functions at any and all sites.³²⁷ Thus, as stipulated in Resolution 2118, the following demands and timelines were imposed on Syria:

- a) To provide information, not later than seven days, of its chemical weapons stockpile, in particular, the names and military designator of each chemical, including toxins, precursors and quantities thereof; the specific type of devices, munitions and sub-munitions including the specific quantities of each type whether filled or unfilled; and the location of all of its chemical weapons. The latter includes storage facilities and production, development and research facilities.
- b) To complete the destruction of chemical weapons production and mixing/filling equipment no later than 1 November 2013.
- c) To complete the elimination of all chemical weapons material and equipment in the first half of 2014, i.e. by 30 June 2014.

The principles and methods for the destruction of Syria's chemical weapons stockpile program were to strictly follow the obligations of Paragraph 12 of Chapter IV (A) of the CWC's Verification Annex. This Paragraph denotes that chemical weapons have to be converted in an irreversible way to a form unsuitable for reproduction and in a manner that renders munitions and other devices unusable. In addition, the destruction process needed to guarantee that no harm would come to the people and the environment. A safe technology was therefore to be used for the destruction of the chemical weapons stockpile. The bulk agent and precursors of Syria's stockpile were to be destroyed somewhere else than on Syrian soil. This decision did not emanate from the provisions of the CWC but from Articles 24 and 103 of the UN Charter, which allowed for this decision to be reconciled with the prohibition on chemical weapons

³²⁷ United Nations Security Council, "Resolution 2118," (2013), accessed December 12, 2015. http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2118.pdf

transfer under Article I of the CWC.³²⁸ Although some members of the OPCW Executive Council expressed their reservation in this regard, the decision was considered prudent as it would avoid the future obstruction of decision-making owing to the time-consuming legal debates that may arise.³²⁹ It was therefore arranged for Syria's most dangerous chemical weapons to be loaded at the port city of Latakia onto a Danish cargo vessel, which would then set sail for the Italian container port of Gioia Tauro. This ship was to be accompanied by a naval escort from China, Russia, Norway and Denmark. The less toxic chemical weapons were to be loaded on a Norwegian vessel en route to the same destination.³³⁰ Upon arrival at Gioia Tauro, the weapons would be loaded onto a United States ship, the MV Cape Ray, for destruction of the weapons in the international waters of the Mediterranean through a process of hydrolysis.³³¹

ii. The threat

UNSC Resolution 2118 refers to Chapter VII of the UN Charter, which provides the framework within which the Security Council may take enforcement action in the case of non-compliance. The chapter allowed the UNSC to “determine the existence of any threat to the peace, breach of the peace, or act of aggression” and to make recommendations or to resort to non-military and military action to maintain or restore international peace and security.³³² Non-military measures are described in Article 41 of Chapter VII, where measures such as sanctions are described, which range from comprehensive trade and economic sanctions to more targeted measures such as travel bans, arms embargoes or diplomatic or financial restrictions. Article 43 of Chapter VII then outlines measures that permit the use of armed force in cases where non-military measures are considered to be or have been proven to be inadequate.³³³ Article 43 has been used numerous times in history to authorize military operations, for example, during the Korean War in 1950, the Gulf War in 1991 and in Somalia in 1992.³³⁴

³²⁸ Jean P. Zanders and Ralf Trapp, “Ridding Syria of Chemical Weapons: Next Steps,” *Arms Control Association*, (2013), accessed May 6, 2016. https://www.armscontrol.org/act/2013_11/Ridding-Syria-of-Chemical-Weapons-Next-Steps

³²⁹ Ibid

³³⁰ Christine Jeavans, “Destroying Syria’s Chemical Weapons,” *BBC News*, (July 2, 2014), accessed November 5, 2015. <http://www.bbc.com/news/world-middle-east-25810934>

³³¹ Ibid

³³² United Nations, “Charter of the United Nations.”

³³³ Ibid.

³³⁴ “Confronting Syria: The U.N Charter, Chapter 7- A brief explainer,” *Wall Street Journal*, (September 10, 2013), accessed November 5, 2015. <http://stream.wsj.com/story/syria/SS-2-34182/SS-2-323065/>

It is however imperative to note that Syria, prior to its use of chemical weapons, was already subjected to some United States sanctions in response to a series of rogue activities by the regime over previous years. Since the beginning of the civil war in 2011, the United States had pursued calibrated sanctions against the Syrian government. These include Executive Orders 13572, 13573 and 13582. These Executive Orders imposed and extended sanctions that blocked all assets of persons responsible for, complicit in or supporting the commission of human rights abuses in Syria. Specifically, these Executive Orders pressed for the freezing of all property of the Syrian government, its agencies, senior officials, instrumentalists, individuals or entities responsible for human rights abuses. The orders also prohibited all new investment in Syria by any citizen from the United States and any transaction in or related to petroleum products of Syrian origin.³³⁵ Syria was not, however, subjected to any sanctions by Russia, owing to their close ties. It was also not subjected to any UN sanctions, because of a re-emphasis by Russia that the UN should not be involved in Syria's internal affairs. As a result, Russia refused to back any UN proposal that would include sanctions as a solution.³³⁶ Despite Russia's efforts to block any means of force in Syria, however, talk of Chapter VII in Resolution 2118 essentially implied the use of military force in Syria should it fail to comply with the requirements for disarmament of its chemical weapons, albeit only after the adoption of a second resolution.³³⁷ Therefore, if Syria failed to comply with the demands, the use of force would be deemed legal and legitimate because the provisions of Resolution 2118 were binding and enforceable, which made the threat credible.

iii) **The time limit/deadline**

One can argue that given the alleged magnitude of the Syrian chemical arsenal, its dismantlement would take years because of the constraints posed by the ongoing civil war. Nevertheless, the mandate of the OPCW-UN Joint Mission was to oversee the timely elimination of Syria's chemical weapons program according to a set timetable. Step-by-step deadlines, albeit highly compressed and stringent, for elimination procedures were articulated.

³³⁵ Human Rights First, "Syria Sanctions Fact Sheet. Existing Sanctions and Future Steps the Administration Should Take," (2012), accessed January 15, 2016, https://www.humanrightsfirst.org/wp-content/uploads/pdf/Syria_Sanctions_Fact_Sheet.pdf.

³³⁶ "Q&A: Syria Sanctions," *BBC News*, (March 23, 2012), accessed January 15, 2016. <http://www.bbc.com/news/world-middle-east-15753975>

³³⁷ Maxmillan Forte, "Syria's chemical weapons and UN Security Council Resolution 2118: reality, resolution, representations," *Global Research Centre for Research on Globalisation*. (2013), accessed November 19, 2015. <http://www.globalresearch.ca/on-un-security-council-resolution-2118-and-syria-reality-resolution-representations/5352247?print=1>

By comparison, Libya, which had a sizable chemical weapons stockpile as Syria,³³⁸ began its destruction programme in 2004 and only finished destruction in 2014.³³⁹ Although the operation was stopped for almost a year during the civil war, there has been 10 years of effort to rid Libya of its chemical weapons, compared with the nine month goal for Syria.

However, considering that a significant amount of time has lapsed following the demand for Syria to hand over all its chemical weapons to the international community for destruction, it is not difficult to determine if the time limits that were set, were met. Indeed, Table 4.1 illustrates that the deadlines imposed by the OPCW were in fact all met. It can be argued that the destruction of Syria’s chemical weapons stockpile was a smooth process and was ahead of schedule.³⁴⁰

Table 4.1: The demands and time limits imposed on Syria to eliminate its chemical weapons stockpile

The demand	Imposed deadline	Met
a) Syria to hand over its chemical weapons information	Within 1 week	√
b) The destruction of equipment for producing, mixing and filling chemical weapons	1 November 2013	√
c) Complete elimination of Syria’s chemical weapons	30 June 2014	√

Source: information retrieved from Paul F. Walker. “Syrian Chemical Weapons Destruction: Taking Stock and Looking Ahead,” *Arms Control Association*, (2014), accessed 5 May 2016. http://www.armscontrol.org/ACT/2014_12/Features/Syrian-Chemical-Weapons-Destruction-Taking-Stock-And-Looking-Ahead

Bearing in mind the four variants of coercive diplomacy, namely explicit ultimatum, tacit ultimatum, try-and-see approach and the gradual turning of the screw discussed in Chapter Two, it can be argued that the strategy that was applied to rid Syria of its chemical weapons resembles the strategy of the explicit ultimatum. In accordance with the explicit ultimatum, direct commands and threats were imposed upon Syria, together with a sense of urgency, which led to Syria joining the CWC, submitting its chemical weapons inventory according to a

³³⁸ Organisation for the Prohibition of Chemical Weapons, “Libya: Facts and Figures,” accessed 13 June 2016. <https://www.opcw.org/opcw-archive/the-opcw-and-libya/libya-facts-and-figures/>

³³⁹ Alexandra Schmitt and Yuta Kawashima, “Chronology of Libya’s Disarmament and Relations with the United States,” *Arms Control Association*, (2014), accessed on May 5, 2016. <https://www.armscontrol.org/factsheets/LibyaChronology>

³⁴⁰ Paul F. Walker. “Syrian Chemical Weapons Destruction: Taking Stock and Looking Ahead,” *Arms Control Association*, (2014), accessed 5 May 2016. http://www.armscontrol.org/ACT/2014_12/Features/Syrian-Chemical-Weapons-Destruction-Taking-Stock-And-Looking-Ahead

stipulated deadline and surrendering and destroying its chemical weapons by a stipulated deadline. This implementation of the explicit ultimatum also reinforced the credibility of the imposed deadline for Syria, where a strong sense of urgency was articulated from the outset of the diplomatic process in order to resolve the chemical weapons crisis.

4.5.2 Evaluating the success of coercive diplomacy in Syria

In *The Dynamics of Coercion*, Byman and Waxman argue about the uncertain meaning of success in coercive diplomacy. They claim that classifying a case as a success or failure depends on the ultimate goal the coercer seeks. In most cases, there is confusion and debate when different analyses of the same event are compared. Such an example would be the 1991 Operation Desert Storm, when the behaviour sought from Iraq's Saddam Husain was believed to be for him to peacefully retreat from Kuwait. One may deduce that the air campaign was a coercive success, because Iraq was willing to withdraw by the time the bombings ended. However, one could also argue that coercion in this case was a failure because the coalition objective was mainly to induce Iraq to withdraw without having to forcefully expel it through the use of force.³⁴¹ This latter argument is sound and valid when looking through the lenses of George and Simons' view of coercive diplomacy, where a success is when the adversary gives in to the demands without use of extensive force.³⁴² This contention surrounding the evaluation of the success of coercive diplomacy conveys what Byman and Waxman proclaim as the uncertain meaning of success. They therefore argue that when assessing the impact of coercion, one is required to establish a baseline that provides a binary metric of success, in which a coercive strategy is seen as either working or failing.³⁴³ As such, in this study, the baseline for assessment of the success and/or failure of coercive diplomacy would be particularly derived from a set of objectives of the agreements and resolutions that the United States and Russia adopted to deal with the chemical weapons in Syria, i.e UNSC Resolution 2118.

The fundamental objective of Russia and the United State's agreement was the rapid destruction of Syria's chemical production facilities, equipment and weapons. The aim was to place Syria's chemical weapons stockpile and capabilities under a stringent and irreversible disarmament process that sought the abolition of the use and existence of chemical weapons

³⁴¹ Daniel Byman and Matthew Waxman, *The Dynamics of Coercion: American Foreign Policy and the Limits of Military Might*, (U.K: Cambridge University Press, 2002), 34.

³⁴² George and Simons, *The Limits of Coercive Diplomacy*, 10.

³⁴³ Byman and Waxman, *The Dynamics of Coercion*, 34

altogether.³⁴⁴ The question to be asked now is whether their intervention was successful according to the articulated demands. In this regard, Syria's disclosure of its chemical weapons inventory on 21 September 2013, within the seven-day deadline, revealed that Assad had 41 chemical weapons facilities at 23 sites. According to the OPCW Director General Ahmet Uzümcü, when the actual destruction began on 6 October 2013, cooperation of the Syrian government was quite constructive,³⁴⁵ to the extent that by 18 August 2014, it was reported that Syria's declared chemical weapons had been successfully destroyed, well ahead of schedule.³⁴⁶

The above success conveys the following proclamation by Tamerlani: "in the world of non-proliferation, an uneventful year is ideal... in the world of disarmament, a year full of events means progress."³⁴⁷ Therefore, from the reports about Syria's destruction of chemical weapons, one can argue that cooperation between the United States and Russia can be viewed as a corollary of both theoretical and practical aspects of the chemical weapons regime, illustrating a practical approach to chemical diplomacy. In other words, chemical diplomacy in Syria, resulting from joint United States-Russian coercive diplomacy, gave a positive reflection of the relevance and effectiveness of the numerous international legal and arms control frameworks that prohibit their production and use and promote their total destruction altogether, i.e the chemical weapons regime. In fact, the destruction of Syria's stockpile can be regarded as an exemplary effort that will help the arms control and non-proliferation regime edge closer to eliminating all declared chemical weapons in the world and to focus on preventing the (re)emergence of these weapons. Moreover, this diplomatic momentum also created a new dynamic example in terms of the disarmament of Syria's chemical weapons, as it might bring other states such as North Korea into negotiations about their WMDs and disarming them. This model of disarmament may also become an example for other rogue regimes and non-state actors against initiating a chemical arms race in the region. It is therefore fair to say that the chemical weapons regime has proven its worth, by merely highlighting its continued importance and, although sometimes slow, its effectiveness in the international community.

In April 2014, however, growing allegations surfaced of a renewed chemical weapons attack in Syria, in particular the use of chlorine gas and mustard gas. To verify these allegations, the

³⁴⁴ Peggy Lefevre, *Can International Law Achieve the Effective Disarmament of Chemical Weapons?* (UK: University of Canterbury, 2007), 5.

³⁴⁵ Ahmet Uzümcü, "Chemical Disarmament: The Syria Mission and Beyond."

³⁴⁶ "The 2014 Jonathan Tucker Conference on Chemical and Biological Arms Control," Transcript, *Federal News Service*, (2014), accessed March 23, 2016. <http://www.armscontrol.org/print/6644>

³⁴⁷ Eric Tamerlani, "Disarmament Year in Review: 2013", Friends Committee on National Legislation, (2014), accessed November 5, 2015. http://fcln.org/blog/of_peace_and_politics/wmd_and_disarmament_year_in_review_2013/

OPCW set up a Fact Finding Mission (FFM), whose role was to determine whether chemical weapons were still being used. The FFM reported that it had compelling evidence that toxic chemicals had been used as a weapon.³⁴⁸ In its report dated 18 December 2014, the FFM concluded that chlorine was used in the villages of Kafr Zeita, Al-Tamana'a and Tal Minnis in eight incidents within a ten-day period in April. Although the FFM did not assign blame because it was not empowered to attribute responsibility to one or more parties to the conflict,³⁴⁹ witnesses claimed that they heard a helicopter overhead, which placed blame on the government as it is the only force with helicopters in Syria.³⁵⁰ The Syrian government vehemently denied these allegations, stating that its entire chemical weapons arsenal was handed over for destruction by the international community.

Subsequently, the UNSC unanimously adopted Resolution 2235 on 7 August 2015, which established an investigation mechanism that allowed the UN together with the OPCW to identify the perpetrators responsible for the renewed use of chemical weapons in Syria. Its mandate was "to identify to the greatest extent feasible, individuals, entities, groups or governments who were perpetrators, organizers, sponsors or otherwise involved in the use of chemicals as weapons, including chlorine or any other toxic chemical."³⁵¹ Resolution 2235 also reaffirmed it would impose measures under Chapter VII of the UN Charter in response to violations of Resolution 2118. The first report of this joint investigative mechanism came in on 12 February 2016. It identified 23 renewed incidences of chemical attacks in Syria (see Table 4.2).

The report however did not point out the perpetrators. Instead, the report stated:

The process of identifying those involved in the use of chemicals as weapons is a complex task for which the Mechanism will require the continued support and cooperation of all states and other sources, in particular so that the Mechanism can access and obtain information that will assist in its investigation.³⁵²

³⁴⁸ Jerry Smith, "The Challenge of Assessing Syria's Chemical Weapons," *BBC News*, (May 23, 2015), accessed November 5, 2015. <http://www.bbc.com/news/world-middle-east-32778193>

³⁴⁹ U.S. Department of State, "Third Report of the OPCW Fact-Finding Mission in Syria," (2014), accessed November 5, 2015. <http://photos.state.gov/libraries/netherlands/328666/pdfs/THIRDREPORTOFTHEOPCWFACTFINDINGMISSIONIN SYRIA.pdf>

³⁵⁰ Ian Pannell, "Syria Civilians Still under Chemical Attack," *BBC News*, (September 10, 2015), accessed November 5, 2015. <http://www.bbc.com/news/world-middle-east-34212324>

³⁵¹ United Nations Security Council, "Resolution 2235," (2015), accessed March 12, 2016. http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2235.pdf

³⁵² United Nations, "Letter dated 12 February 2016 from the Secretary-General addressed to the President of the Security Council."

Given the renewed attacks and the lack of confirmation as to who the perpetrators were, it can be said that considering that the underlying goal of the overall chemical diplomacy was to deter Assad’s use of chemical weapons and to degrade Syria’s capacity to use such weapons in the future, the success of the United States-Russian coercive diplomacy for ridding Syria of its chemical weapons could now be questionable. Given the possibility that the perpetrators of these renewed attacks could be insurgency groups, particularly ISIS,³⁵³ it raises the following question: how did ISIS acquire chemical weapons, if the stockpile was indeed destroyed as claimed by the Assad regime?

Table 4.2: Incidences of renewed chemical attacks in Syria

Town	Date of attack
Kafr Zita	10-11 April 2014
Al-Tamanah	12 April 2014
Al-Tamanah	18 April 2014
Kafr Zita	18 April 2014
Talmenes	21 April 2014
Al-Tamanah	29-30 April 2014
Al-Tamanah	22 May 2014
Al-Tamanah	25-26 May 2014
Qmenas	16 March 2015
Sarmin	16 March 2015
Binnish	23 March 2015
Sarmin	23 March 2015
Sarmin	26 March 2015
Idlib	31 March 2015
Kurin	mid-April 2015
Idlib	16 April 2015
Al-Nerab	27 April 2015
Al-Nerab	1 May 2015
Al-Nerab	2 May 2015
Saraqib	2 May 2015
Sarmin	16 May 2015
Idlib	20 May 2015
Marea	21 August 2015

Source: United Nations, “Letter dated 12 February 2016 from the Secretary-General addressed to the President of the Security Council,” (2016), accessed March 12, 2016.
http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/142

³⁵³ Weitz, “Syria and Beyond The Future of the Chemical Weapons Threat,” 15.

A plausible explanation is that the chemical weapons may have come from the stockpiles of the Syrian government, which may have been the case because there have been an increasing number of statements expressing concern about the veracity of Syria's initial chemical weapons declaration.³⁵⁴ Therefore, ISIS may have taken control of chemical weapons at any of the undeclared sites. It is also believed that ISIS controls large areas of Iraq, which could contain remnants of Saddam Hussein's old chemical weapons program, but experts reject these sentiments because of the belief that those stockpiles would be significantly degraded by now.³⁵⁵ There is also evidence to suggest that ISIS has the know-how of manufacturing the chemical weapons it might be using in Syria,³⁵⁶ which, if true, poses a security danger not only to the Middle East, but the international community at large.

Until there is concrete confirmation as to who is behind the recent chemical weapons attacks in Syria, one can thus argue against the success of the United States-Russian coercive diplomacy in ridding Syria of its chemical weapons. In other words, if measuring the success of coercive diplomacy is understood to be for the goal of deterring any further use of chemical weapons in Syria, it can be assumed as a failure. If the objective was to degrade Syria's capacity to use such weapons in the future, it can also be assumed a failure. Lastly, if it was to prevent the transfer of chemical weapons to terrorist groups or other non-state actors within Syria, it also qualifies as a failure.

4.5.3 Analysis of multilateral diplomacy in resolving the Syrian chemical weapons crisis

The whole issue of multilateral diplomacy and its role in contemporary international politics raises several questions. Sileo argues that multilateral initiatives in intervention issues have undergone a renaissance since the end of the Cold War as contemporary politics have tempered the easy pursuing of multilateral objectives in a non-polarized and cohesive international community.³⁵⁷ This situation is noticeable in the UNSC, where there have been huge constraints in obtaining unanimity among states with competing interests. A closer look at the manifestations of negotiations pertaining to this matter therefore prompts one to argue that it is through bilateral diplomacy that multilateral negotiations are initiated and supported. In the

³⁵⁴ Smith, "The Challenge of Assessing Syria's Chemical Weapons,"

³⁵⁵ Weitz, "Syria and Beyond: The Future of the Chemical Weapons Threat," 15.

³⁵⁶ Lizzie Dearden, "ISIS 'Manufacturing and Using Chemical Weapons' in Iraq and Syria, US Official Claims," *The Independent*, (September 11, 2015), accessed March 7, 2016. <http://www.independent.co.uk/news/world/middle-east/isis-manufacturing-and-using-chemical-weapons-in-iraq-and-syria-us-official-claims-10496094.html>

³⁵⁷ Alexander Sileo, "Saving Multilateral Diplomacy," *Georgia Political Review*, (2013), accessed November 5, 2015, <http://georgiapoliticalreview.com/saving-multilateral-diplomacy/>

case of the Syrian chemical weapons crisis, this was demonstrated by effective initial bilateral talks and agreements between the United States and Russia, which later gave birth to a multilateral diplomatic approach to the chemical weapons crisis in Syria. Their mutual agreement in turn fostered conducive collective participation from various countries and international organizations, which directly and indirectly supported the push for collective action to destroy Syria's chemical weapons. Indeed, these countries even contributed monetary funds for the destruction of the chemical weapons stockpile, as shown in Figure 4.2

Figure 4.2: Contributions to the OPCW Syria trust fund for the destruction of chemical weapons

Member States	Pledge in €	Contribution in €
 Australia		1,318,200
 Bulgaria		120,250
 Canada	6,600,000	
 Czech Republic		94,111
 European Union	12,000,000	
 Finland		400,000
 Germany		4,577,420
 India	736,000	
 Ireland		191,544
 Italy	2,000,000	1,000,000
 Japan ⁶	13,010,000	
 Luxembourg		250,000
 Malta		15,000
 Netherlands		1,480,155
 New Zealand		369,004
 Norway		2,171,978
 Poland		100,000
 Republic of Korea	350,000	353,533
 Slovakia		100,000
 Sweden		110,011
 Switzerland		1,139,023
 Turkey		36,232
 United Kingdom		2,250,284
Sub-total €	34,696,000	16,076,745
Equivalent using UN rate of Exchange US\$	47,077,340	21,813,765
TOTAL in Pledges and Contributions €		50,772,745
TOTAL in Pledges and Contributions US\$		68,891,105

Source: Organisation for the Prohibition of Chemical Weapons, “OPCW/UN Joint Mission,” (2013), accessed December 12, 2015. <http://opcw.unmissions.org/LinkClick.aspx?fileticket=Yw0vVMzJwvw=&tabid=205>

4.5.4 Analysis of disarmament diplomacy

Taking note of the provisions of the CWC stated in Chapter Three – that it seeks to eliminate the possibility of developing, producing, using, stockpiling or transferring chemical weapons – the use of these weapons in Syria afforded the international community an opportunity to transform their solemn pledge to renounce chemical weapons into a verifiable reality, i.e. by completely disarming and eliminating Syria’s chemical weapons stockpile. However, given the polarized nature of the United States’ and Russia’s objectives and interests in Syria as

discussed, forceful disarmament would not have succeeded. Moreover, given the geopolitical context at the time, finding, dismantling and eliminating Syria's chemical weapons would have been a very daunting task that required consent and cooperation with the Syrian government and a United States-Russian collaboration. This situation emphasized the need for the United States and Russia to establish a collaborative approach of cooperation first, in order to effectively engage in discussion about disarmament of Syria's chemical weapons.

4.6 Conclusion

This chapter presented the argument that the intervention of the United States and Russia in order to deal with Syria's chemical weapons use and stockpile was a case of diplomacy in action. Diplomacy in this case became the principal substitute for the use of force and a tool for peaceful settlement of differences between the United States and Russia to reach a common goal, i.e. ridding Syria of its chemical weapons. The chapter also outlined that the way in which a crisis is dealt with is related to the political will of the interested parties. In this case, this will was interwoven with the notion of threats and demands. Coercive diplomacy therefore became a strategic diplomatic tool for the United States and Russia, which was used to pursue their objectives of punishing, deterring and ridding Syria of the acquisition, stockpiling and use of chemical weapons. Given the very specific political and strategic context of the coercive diplomacy and the chemical disarmament that eventually occurred, it can be strongly argued that the conditions that made it possible may less likely be reproducible in future cases where the international community has to deal with states in possession of chemical weapons.

Nevertheless, it can be concluded from the analysis on the success of diplomacy and/or coercive diplomacy that the role of diplomacy in the settlement of crises is not always successful. However, it is noteworthy that the use of coercive diplomacy managed to cultivate a process that resulted in Syria agreeing to destroy its sophisticated chemical weapons arsenal, thus proving that, despite the shortcomings of diplomacy and its methods, there is no other basis for the settlement of differences that can replace diplomacy. Other methods like the use of force, for example, can only lead to an impasse, as shown in the initial sections of the chapter. After the impasse has been reached, diplomacy is always called upon to resolve the crisis. It is necessary therefore to consider diplomacy as the "art of the feasible, because it embodies the elements of understanding, convention and compromise, which are the only elements normally leading to the finding of solutions and ensure for people the much desired

peace, via the conjunction of common interests and away from inopportune publicity and chauvinistic loud tones and rivalries that surely lead to conflicts.”³⁵⁸

³⁵⁸ Spyridakis, “The Role of Diplomacy in Handling International Crises in the Post-Bipolar Era,” 5.

CHAPTER 5

EVALUATION AND CONCLUSION

5.1 Introduction

This study sought to investigate the United States' and Russia's intervention in Syria, following the use of chemical weapons in 2013 during the Syrian civil war. The main aim was to establish and describe the role of diplomacy in dealing with the chemical weapons crisis in Syria. To achieve this aim, Chapter One of this study set out how the use of chemical weapons in Syria was rejected by the international community. It highlighted that chemical weapons fall under the umbrella of WMDs and have the ability and capacity to cause destruction on a massive scale. Furthermore, their impact is long-lasting and indiscriminate, and the effects may persist for an extended period of time in the environment and in the population.³⁵⁹ The use of chemical weapons in Syria was therefore not only a threat to international peace but also a threat to global arms control and the non-proliferation of chemical weapons, which seeks a world free of chemical weapons. As such, the international community had to respond to Syria's use of chemical weapons in order to deter it from using chemical weapons in future.

Chapter Two then outlined the conceptualization and theoretical aspects of diplomacy. The researcher emphasized that states are endowed differently with different potentials (soft power and hard power) and the exertion of these endowed potentials can be controlled through the art of diplomacy. The chapter uses the term "chemical diplomacy" to elaborate efforts of arms control, non-proliferation, disarmament and deterrence of chemical weapons. Under the auspices of chemical diplomacy, its objectives can be achieved through the use of different manifestations of diplomacy such as multilateral diplomacy, disarmament diplomacy and coercive diplomacy.

The major contributions of this work were presented in Chapters Three and Four. The third chapter examined the international legal foundations of the chemical weapons arms control regime. The arguments espoused in the chapter fostered an understanding as to why the use, production and acquisition of chemical weapons are outlawed by a number of international legal frameworks. In order to enforce the provisions of non-compliance and violation of the treaties, the use of chemical weapons is regarded as a legal basis for intervention by the

³⁵⁹ Bentley, *Weapons Of Mass Destruction and US Foreign Policy: The Strategic Use Of A Concept*, 56.

international community. The fourth chapter analyzed how state interests affect its decisions and strategies of intervention. This analysis was followed by an examination of political and moral dynamics that influenced the United States and Russia to use diplomacy in Syria, instead of intervening through the use of military force

Against this background, this concluding chapter seeks to present the key findings of the study, in an attempt to illustrate how this study provided a satisfactory answer to the research problem and the main research question. In this chapter, the findings are discussed in relation to the research questions and the theoretical background of the study. The research question of this study was: what role has United States and Russian diplomacy played in disarming Syria's chemical weapons stockpile and preventing the further use of such weapons in the Syrian Civil War? In order to answer this main question, this study was guided by five sub-questions:

1. What does international law stipulate about chemical weapons stockpiling and use?
2. What were the motivations for United States and Russian involvement and intervention in Syria, and what were the implications of intervening in Syria?
3. What role did diplomacy play in ensuring United States and Russian cooperation in responding to the chemical weapons crisis in Syria?
4. Which type of diplomacy best explains the process through which a resolution to the chemical weapons crisis was achieved?

5.2 Discussion of findings

The first question related to international law regarding chemical weapons stockpiling and use. This study highlighted that the subject of chemical weapons is an issue that provoked protest upon their introduction as a novel technology of warfare. As a result, there is a worldwide taboo against chemical weapons and this stigma has been ascribed to the human revulsion against poisons, the indiscriminatory nature of chemical weapons, the unintended and prolonged consequences of chemical weapons and the notion that they are ineffective in the battlefield. The Geneva Gas Protocol, the CWC and international customary law are believed to be the most relevant contemporary legal frameworks that prohibit the use of chemical weapons. Syria's use of chemical weapons during its civil war was therefore a violation of these legal frameworks, but a closer look at the provisions of some of these frameworks render them inapplicable and unenforceable to the Syrian crisis. The Geneva Gas Protocol, for

example, has a number of significant shortcomings that made it a non-applicable framework in Syria. What is problematic about the Protocol is that it does not cover internal or civil conflicts and its prohibition applies to state parties only. It does not prohibit the development, production or stockpiling of chemical weapons. Also problematic is the fact that member states reserve the right to use chemical weapons against other states in retaliation if these weapons were used against them. Moreover, the Geneva Gas Protocol, together with international customary law, have deficiencies in that they only prohibit the use of chemical weapons and do not stipulate measures for violations and non-compliance. This omission leaves the CWC as the most applicable legal framework, as it also outlines enforcement measures. It is because of these factors that the CWC is viewed as the first disarmament agreement negotiated within a multilateral framework that provides for the elimination of an entire category of WMDs. As such, in accordance to the provisions of the CWC, Syria had to be held accountable for its use of chemical weapons.

In answer to the question regarding the reasons behind the United States' and Russia's interests and involvement in Syria, the study illustrated that the two countries had different motivations and interests in Syria. With regards to Russia, it is believed that its relations with Syria are strong, hence Putin has stood steadfast with the Syrian regime and supported Assad's regime during the civil war. The foundation of Russia's solid relationship with Syria lies in its military and economic ties. Unlike Russia, the United States' relations with Syria are sour, with no bilateral military or economic interests. As such, the United States has supported the opposition parties against Assad and has also called for the removal of the Syrian regime. It is through these different interests that diverging opinions on how the international community should react in Syria were based. In other words, the polarized nature of the United States and Russia weighed heavily in the decision-making process, as each had different strategies of intervention that they sought to implement in line with their interests or objectives in Syria.

The second part of question two sought to analyze the implications of intervening in Syria. Perhaps most importantly was that the UNSC could not reach a unanimous decision for using force in Syria. The United States was proposing a resolution for military intervention in Syria, while Russia vetoed it. Another problem was the argument on intervention and the use of force. The study highlighted that intervention and the use of force in the affairs of another state is generally prohibited in international legal frameworks. The UN Charter specifically forbids

the use of force in another state. It also emphasizes sovereignty and territorial integrity. As such, the prohibition of the use of force is regarded as a *jus cogens* character, i.e. the use of force is prohibited for all states, whether they are members or non-members of the Charter. The use of force is also controlled by the JWT. This study used the *jus ad bellum* principles to investigate the legitimacy of intervention through the use of force in Syria. However, the potential use of force against Syria for the use of chemical weapons failed to meet all the criteria of *jus ad bellum* and as such, it was concluded that although preventing the use of chemical weapons is necessary, it was not a sufficient condition for forcefully intervening in Syria. The result of the polarized nature of the UNSC, dominated by the United States' stance of forceful intervention versus Russia's stance against forceful intervention, was therefore a stalemate, which almost led to inaction against Syria's use of chemical weapons.

The last two questions of the study further examined how the stalemate between the United States and Russia created the ripe moment for these actors to come to the negotiating table. Thus, diplomacy became a viable instrument to deal with the chemical weapons crisis. Diplomacy in this case became a plausible and preferable alternative to the inaction that was induced by the stalemate. It also became a plausible and preferable alternative to other means for addressing the chemical weapons issue in Syria. In essence, it became an alternative to the traditional use of armed force that had features of unilateralism, self-help and zero-sum thinking.

Having concluded that diplomacy was a viable tool to respond to the chemical weapons in Syria, the study then outlined that the diplomatic strategy of achieving the objectives of chemical diplomacy was a case of coercive diplomacy. This manifestation of diplomacy was selected from the three that were explained in Chapter Two, namely multilateral diplomacy, disarmament diplomacy and coercive diplomacy. It was concluded that although disarmament diplomacy and multilateral diplomacy played a role in ridding Syria of its chemical weapons, they were not adequate in explaining the processes and the conditions that were imposed to rid Syria of its chemical weapons. Because the study viewed coercive diplomacy as a strategy where the goal is to force the opponent to give up what it possessed already it was deemed applicable to this situation. Furthermore, this diplomatic strategy relies neither on negotiation nor the actual use of force; instead, it relies on the threat of the use of force. The overall goal of the threat or the limited use of force was to back one's demand on an adversary with the threat

of punishment for non-compliance. In this case, a situation was presented where the United States and Russia sought to persuade Syria to get rid its chemical weapons stockpile through the threat of use of force. There existed a demand in which there was no ambiguity about what exactly was required from Syria in regards of its chemical weapons stockpile. There was a threat that strove to create in Syria an expectation of impending costs, which were enough to erode its motivations to refuse to adhere to the demands. There was also a time pressure involved, which created a sense of urgency for compliance. The combination of the demand, the threat and the time pressure in turn created an explicit ultimatum. To this end, coercive diplomacy was successful to a large extent, as it led to the elimination of Syria's chemical weapons stockpile.

In light of these arguments, the overall key findings of the study are as follows:

- i. The acquisition and use of chemical weapons is a violation of international law that warrants perpetrators to be held accountable. However, chemical weapons do not only become a threat once they are used, but their production and acquisition also constitute a threat and a violation of international law.
- ii. The decision to intervene emanates when national interests are at stake.
- iii. The method of intervention is dictated by the interests of the parties involved.
- iv. The use of military use of force is constrained by a mixture of legal and moral arguments, leaving diplomacy as a viable instrument for ensuring arms control, non-proliferation, deterrence and disarmament of chemical weapons.

5.3 Theoretical conclusions

The theoretical conclusions will be drawn in line with the United States' and Russia's cooperation and use of diplomacy in dealing with the chemical weapons situation in Syria. This study was based on three theoretical frameworks, namely the neorealist theory, liberal institutionalism and the JWT.

Neo-realists argue that states are the principal actors in the international arena. They present states as self-centred entities that are mainly driven by issues of their own security and struggle for power, and act in pursuit of their own national interests.³⁶⁰ Since neo-realists assume that

³⁶⁰ International Committee of the Red Cross, "Rule 74, Chemical Weapons."

states think and act in terms of interests defined as power, it can be argued that the United States and Russia plausibly saw collective action and a Syrian compromise as being in their power-related interests. With that in mind, it is important to consider the factors that brokered this collective action and Syrian compromise. For the United States, it can be argued that, had the use of force been employed, there would have been a menacing spectre of unintended consequences for the United States, which would be imposed by Syrian allies and the world. The capacities, limitations and interests of Syria's allies thus severely constrained this move. As such, the only way out was to find a compromise that did not require the use of force. For Russia, the main reason for a compromise was that it did not want to risk activating the military power of the United States in Syria, thus the only way out was to form a mutually collaborative understanding with the United States. In retrospect, Russia would gain more from stopping military strikes against its ally than from protesting them after they occur.

Against this backdrop, it can be concluded that in the case of Syria, the neo-realist framework regards chemical diplomacy as a technique for managing the balance of power between states. In this case, the neorealist emphasis of balance of power was not in terms of maintaining military equilibrium or competition. Instead, it was in the form of diplomatic cooperation between contending states in order to constrain them from exerting their military advantage over weaker states and inhibiting their exertion of power and dominance.

The liberal institutionalist theory, in contrast, posits that international cooperation is the most desirable approach for achieving absolute gains or benefits for all states. These gains can only be achieved through institutions as they promote negotiations with transparency by dealing with a series of issues over many years and under similar rules. As such, with regards to the liberal institutionalist theory, one can contend that in light of its emphasis on state cooperation in international politics, the use of diplomacy by the United States and Russia is a demonstration of the kind of international collaboration espoused by the neoliberalist perspective. This observation is based on the fact the power and unilateral action of the United States was limited and constrained. Furthermore, in the international arena, it evident that although anarchic, states act rationally and these rule-based international regimes allow them to benefit over time through cooperation. Overall, the liberal institutionalist approach can be viewed as a theory that could help shape political perceptions of states, remove their security dilemma and contribute to conflict prevention and resolution.

The JWT focuses around the just causes for going to war. The overall aim of the *jus ad bellum* is to try and minimize the potential of resorting to force in the first place. In essence, JWT acknowledges that the use of force is sometimes necessary but can only be implemented when the principles of *jus ad bellum* are met. These principles include just cause, right intention, last resort, right authority, proportionality and a reasonable chance of success. Indeed the scenario presented in this study failed to meet the tenants of all these principles, making the use of force in Syria unjustifiable and immoral. The philosophical attempts at elucidating the theoretical intricacies and moral complexities of the use of force in Syria had no weight or significance. The philosophical attempt was confronted by the realities of the anarchic nature of the system – that states are not guided by morals if they are guided by impudent motives. As such, national interest and survival still prevail over the morals and ethics – a situation that does not adhere to the requirements of *jus ad bellum*.

5.4 Recommendations for a ‘world free of chemical weapons’

From the arguments posed in this study, it is evident that this study stands in support of the non-proliferation of chemical weapons, the demilitarization of chemical weapons stockpiles and destruction of chemical weapons manufacturing and storage facilities. As such, the recommendations that will be given forthwith are done in an effort to combat the development and use of chemical weapons in order to ensure a world free of chemical weapons.

From the arguments and conclusion of the study, it is apparent that the best defence is a cooperative approach in which states mutually complement and enhance each other. Perhaps most importantly, one of the benefits of state cooperation against the use and acquisition of chemical weapons is that it renders such weapons programs less attractive. Therefore, states should take the elimination of chemical weapons seriously and pursue this aim in a transparent and collaborative manner. This approach would discourage the use of chemical weapons, thus supporting deterrence. Parties intervening in the affairs of another state should also comply fully with the obligations and commitments they have undertaken. It is the researcher’s belief that compliance with agreements or commitments freely negotiated or undertaken by parties is a fundamental cornerstone of building trust and a solid relationship with other states involved.

Given the stalemate that almost led to inaction in Syria, it is necessary to call for the presence of timely and decisive action by the UNSC. The delay in responding to the crisis in Syria, and

states vetoing proposed measures on the basis of protecting their own interests, demonstrates a crucial weakness of the UNSC. Enhancing the UNSC's effectiveness and credibility is crucial going forward. Most importantly, a timely and effective response to issues of non-compliance and violations of international legal frameworks on chemical weapons is an essential element to deterring the proliferation and use of chemical weapons.

With reference to the success of diplomacy in ridding Syria of its chemical weapons, it is important to note that diplomacy, as a procedure for countering chemical weapons use and proliferation can be viewed as an efficient and effective tool. Diplomacy brings about consent and mutual understanding between states and this has positive implications for long-term results, i.e. the non-proliferation and use of chemical weapons not only in Syria but in the region and the world. As such, the use of diplomacy must be strengthened as a means for solving issues of chemical weapons control, deterrence, non-proliferation and disarmament.

Finally, given the increasing activities of terrorist groups in the region, the possession and increased likelihood of the use of chemical weapons by these non-state groups appears more likely than ever. The international community must therefore undertake every effort to prevent terrorists from acquiring these weapons. Although UNSC Resolution 1540 was unanimously adopted on 28 April 2004 to limit and dissuade non-state groups from acquiring and using WMDs,³⁶¹ more stringent enforcement and verification measures must be used in order to dissuade or impede such states and terrorist networks, as well as to slow and make more costly their access to sensitive technologies, material and expertise.

5.5 Suggestions for further research

The findings of this study revealed important areas of concern that can potentially be remedied by future research. Since this study mainly focuses on diplomacy as a strategic tool of intervention for ridding Syria of its chemical weapons, an analysis on whether Syria's action and outcomes bear any influence in the future of the arms control and disarmament of chemical weapons as well as other WMDs is important.

³⁶¹ United Nations, "Security Council Decides All States Shall Act to Prevent Proliferation of Mass Destruction Weapons," (2004), accessed May 30, 2016. <http://www.un.org/press/en/2004/sc8076.doc.htm>

The findings of this study also revealed that there was renewed use of chemical weapons in Syria in 2014. Although it was concluded, at the time of writing, that the international community was uncertain if the Syrian government or a non-state actor was not responsible for it, one is prompted to question the effectiveness of diplomacy as a tool of punishment and deterrence against the use of chemical weapons. This concern comes from the perception that diplomacy, as revealed in the study, is specifically an interstate activity. Therefore, could it be a viable tool to use against non-state actors? Future research could offer more insight.

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Resolution 2118 (2013)**Adopted by the Security Council at its 7038th meeting, on
27 September 2013**

The Security Council,

Recalling the Statements of its President of 3 August 2011, 21 March 2012, 5 April 2012, and its resolutions [1540 \(2004\)](#), [2042 \(2012\)](#) and [2043 \(2012\)](#),

Reaffirming its strong commitment to the sovereignty, independence and territorial integrity of the Syrian Arab Republic,

Reaffirming that the proliferation of chemical weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Recalling that the Syrian Arab Republic on 22 November 1968 acceded to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

Noting that on 14 September 2013, the Syrian Arab Republic deposited with the Secretary-General its instrument of accession to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Convention) and declared that it shall comply with its stipulations and observe them faithfully and sincerely, applying the Convention provisionally pending its entry into force for the Syrian Arab Republic,

Welcoming the establishment by the Secretary-General of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic (the Mission) pursuant to General Assembly resolution [42/37 C](#) (1987) of 30 November 1987, and reaffirmed by resolution [620 \(1988\)](#) of 26 August 1988, and *expressing* appreciation for the work of the Mission,

Acknowledging the report of 16 September 2013 ([S/2013/553](#)) by the Mission, *underscoring* the need for the Mission to fulfil its mandate, and *emphasizing* that future credible allegations of chemical weapons use in the Syrian Arab Republic should be investigated,

Deeply outraged by the use of chemical weapons on 21 August 2013 in Rif Damascus, as concluded in the Mission's report, *condemning* the killing of civilians that resulted from it, *affirming* that the use of chemical weapons constitutes a



serious violation of international law, and *stressing* that those responsible for any use of chemical weapons must be held accountable,

Recalling the obligation under resolution 1540 (2004) that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use weapons of mass destruction, including chemical weapons, and their means of delivery,

Welcoming the Framework for Elimination of Syrian Chemical Weapons dated 14 September 2013, in Geneva, between the Russian Federation and the United States of America (S/2013/565), with a view to ensuring the destruction of the Syrian Arab Republic's chemical weapons program in the soonest and safest manner, and *expressing* its commitment to the immediate international control over chemical weapons and their components in the Syrian Arab Republic,

Welcoming the decision of the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW) of 27 September 2013 establishing special procedures for the expeditious destruction of the Syrian Arab Republic's chemical weapons program and stringent verification thereof, and *expressing* its determination to ensure the destruction of the Syrian Arab Republic's chemical weapons program according to the timetable contained in the OPCW Executive Council decision of 27 September 2013,

Stressing that the only solution to the current crisis in the Syrian Arab Republic is through an inclusive and Syrian-led political process based on the Geneva Communiqué of 30 June 2012, and *emphasising* the need to convene the international conference on Syria as soon as possible,

Determining that the use of chemical weapons in the Syrian Arab Republic constitutes a threat to international peace and security,

Underscoring that Member States are obligated under Article 25 of the Charter of the United Nations to accept and carry out the Council's decisions,

1. *Determines* that the use of chemical weapons anywhere constitutes a threat to international peace and security;

2. *Condemns* in the strongest terms any use of chemical weapons in the Syrian Arab Republic, in particular the attack on 21 August 2013, in violation of international law;

3. *Endorses* the decision of the OPCW Executive Council 27 September 2013, which contains special procedures for the expeditious destruction of the Syrian Arab Republic's chemical weapons program and stringent verification thereof and calls for its full implementation in the most expedient and safest manner;

4. *Decides* that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors;

5. *Underscores* that no party in Syria should use, develop, produce, acquire, stockpile, retain, or transfer chemical weapons;

6. *Decides* that the Syrian Arab Republic shall comply with all aspects of the decision of the OPCW Executive Council of 27 September 2013 (Annex I);

7. *Decides* that the Syrian Arab Republic shall cooperate fully with the OPCW and the United Nations, including by complying with their relevant recommendations, by accepting personnel designated by the OPCW or the United Nations, by providing for and ensuring the security of activities undertaken by these personnel, by providing these personnel with immediate and unfettered access to and the right to inspect, in discharging their functions, any and all sites, and by allowing immediate and unfettered access to individuals that the OPCW has grounds to believe to be of importance for the purpose of its mandate, and *decides* that all parties in Syria shall cooperate fully in this regard;

8. *Decides* to authorize an advance team of United Nations personnel to provide early assistance to OPCW activities in Syria, *requests* the Director-General of the OPCW and the Secretary-General to closely cooperate in the implementation of the Executive Council decision of 27 September 2013 and this resolution, including through their operational activities on the ground, and *further requests* the Secretary-General, in consultation with the Director-General of the OPCW and, where appropriate, the Director-General of the World Health Organization, to submit to the Council within 10 days of the adoption of this resolution recommendations regarding the role of the United Nations in eliminating the Syrian Arab Republic's chemical weapons program;

9. *Notes* that the Syrian Arab Republic is a party to the Convention on the Privileges and Immunities of the United Nations, *decides* that OPCW-designated personnel undertaking activities provided for in this resolution or the decision of the OPCW Executive Council of 27 September 2013 shall enjoy the privileges and immunities contained in the Verification Annex, Part II(B) of the Chemical Weapons Convention, and *calls* on the Syrian Arab Republic to conclude modalities agreements with the United Nations and the OPCW;

10. *Encourages* Member States to provide support, including personnel, technical expertise, information, equipment, and financial and other resources and assistance, in coordination with the Director-General of the OPCW and the Secretary-General, to enable the OPCW and the United Nations to implement the elimination of the Syrian Arab Republic's chemical weapons program, and *decides* to authorize Member States to acquire, control, transport, transfer and destroy chemical weapons identified by the Director-General of the OPCW, consistent with the objective of the Chemical Weapons Convention, to ensure the elimination of the Syrian Arab Republic's chemical weapons program in the soonest and safest manner;

11. *Urges* all Syrian parties and interested Member States with relevant capabilities to work closely together and with the OPCW and the United Nations to arrange for the security of the monitoring and destruction mission, recognizing the primary responsibility of the Syrian government in this regard;

12. *Decides* to review on a regular basis the implementation in the Syrian Arab Republic of the decision of the OPCW Executive Council of 27 September 2013 and this resolution, and *requests* the Director-General of the OPCW to report to the Security Council, through the Secretary-General, who shall include relevant information on United Nations activities related to the implementation of this resolution, within 30 days and every month thereafter, and *requests* further the Director-General of the OPCW and the Secretary-General to report in a coordinated

manner, as needed, to the Security Council, non-compliance with this resolution or the OPCW Executive Council decision of 27 September 2013;

13. *Reaffirms* its readiness to consider promptly any reports of the OPCW under Article VIII of the Chemical Weapons Convention, which provides for the referral of cases of non-compliance to the United Nations Security Council;

14. *Decides* that Member States shall inform immediately the Security Council of any violation of resolution 1540 (2004), including acquisition by non-State actors of chemical weapons, their means of delivery and related materials in order to take necessary measures therefore;

15. *Expresses* its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

16. *Endorses* fully the Geneva Communiqué of 30 June 2012 (Annex II), which sets out a number of key steps beginning with the establishment of a transitional governing body exercising full executive powers, which could include members of the present Government and the opposition and other groups and shall be formed on the basis of mutual consent;

17. *Calls* for the convening, as soon as possible, of an international conference on Syria to implement the Geneva Communiqué, and *calls upon* all Syrian parties to engage seriously and constructively at the Geneva Conference on Syria, and *underscores* that they should be fully representative of the Syrian people and committed to the implementation of the Geneva Communiqué and to the achievement of stability and reconciliation;

18. *Reaffirms* that all Member States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, and *calls upon* all Member States, in particular Member States neighbouring the Syrian Arab Republic, to report any violations of this paragraph to the Security Council immediately;

19. *Demands* that non-State actors not develop, acquire, manufacture, possess, transport, transfer, or use nuclear, chemical or biological weapons and their means of delivery, and *calls upon* all Member States, in particular Member States neighbouring the Syrian Arab Republic, to report any actions inconsistent with this paragraph to the Security Council immediately;

20. *Decides* that all Member States shall prohibit the procurement of chemical weapons, related equipment, goods and technology or assistance from the Syrian Arab Republic by their nationals, or using their flagged vessels or aircraft, whether or not originating in the territory of the Syrian Arab Republic;

21. *Decides*, in the event of non-compliance with this resolution, including unauthorized transfer of chemical weapons, or any use of chemical weapons by anyone in the Syrian Arab Republic, to impose measures under Chapter VII of the United Nations Charter;

22. *Decides* to remain actively seized of the matter.

Annex I

OPCW Executive Council Decision

Decision on destruction of Syrian chemical weapons

The Executive Council,

Recalling that following its Thirty-Second Meeting, 27 March 2013, the Chairperson of the Executive Council (hereinafter “the Council”) issued a statement (EC-M-32/2/Rev. 1, dated 27 March 2013) expressing “deep concern that chemical weapons may have been used in the Syrian Arab Republic,” and underlining that “the use of chemical weapons by anyone under any circumstances would be reprehensible and completely contrary to the legal norms and standards of the international community”;

Recalling also that the Third Review Conference (RC-3/3*, 19 April 2013) expressed “deep concern that chemical weapons may have been used in the Syrian Arab Republic and underlined that use of chemical weapons by anyone under any circumstances would be reprehensible and completely contrary to the legal norms and standards of the international community”;

Noting the “Report on the Alleged Use of Chemical Weapons in the Ghouta area of Damascus on 21 August 2013,” (S/2013/553, dated 16 September 2013) prepared by the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic, dated 16 September 2013, which concludes that “chemical weapons have been used in the ongoing conflict between the parties in the Syrian Arab Republic, also against civilians, including children, on a relatively large scale”;

Condemning in the strongest possible terms the use of chemical weapons;

Welcoming the Framework for Elimination of Syrian Chemical Weapons agreed upon by the United States and the Russian Federation on 14 September 2013

(EC-M-33/NAT.1, dated 17 September 2013);

Noting also that on 12 September 2013, in its communication to the Secretary-General of the United Nations, the Syrian Arab Republic notified its intention to apply the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction (hereinafter “the Convention”) provisionally;

Noting further that on 14 September 2013, the Syrian Arab Republic deposited with the Secretary-General of the United Nations its instrument of accession to the Convention and declared that it shall comply with its stipulations and observe them faithfully and sincerely, applying the Convention provisionally pending its entry into force for the Syrian Arab Republic, which was notified to all States Parties by the depositary on the same date (C.N.592.2013.TREATIES-XXVI.3), and taking into account that the depositary received no communications to the contrary from the States Parties with regard to this declaration;

Noting further that the Convention enters into force for the Syrian Arab Republic on 14 October 2013;

Recognising the extraordinary character of the situation posed by Syrian chemical weapons and determined to ensure that the activities necessary for the destruction of the Syrian chemical weapons programme start immediately pending the formal entry into force of the Convention with respect to the Syrian Arab Republic, and are conducted in the most rapid and safe manner;

Recognising also the invitation of the Government of the Syrian Arab Republic to receive immediately a technical delegation from the OPCW and to cooperate with the OPCW in accordance with the provisional application of the Convention prior to its entry into force for the Syrian Arab Republic, and noting the designation by the Syrian Arab Republic to the Technical Secretariat (hereinafter “the Secretariat”) of its National Authority;

Emphasising that the provisional application of the Convention gives immediate effect to its provisions with respect to the Syrian Arab Republic;

Noting further that the Syrian Arab Republic submitted on 19 September 2013 the detailed information, including names, types, and quantities of its chemical weapons agents, types of munitions, and location and form of storage, production, and research and development facilities;

Noting further that pursuant to paragraph 36 of Article VIII of the Convention, the Council, following its consideration of doubts or concerns regarding compliance and cases of non-compliance, shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the United Nations General Assembly and the United Nations Security Council;

Taking into account the Agreement Concerning the Relationship between the United Nations and the Organisation for the Prohibition of Chemical Weapons of

17 October 2000;

Strongly urging all remaining States not Party to the Convention to ratify or accede to it as a matter of urgency and without preconditions, in the interests of enhancing their own national security as well as contributing to global peace and security; and

Recalling that, pursuant to paragraph 8 of Article IV and paragraph 10 of Article V of the Convention, a State acceding to the Convention after 2007 shall destroy its chemical weapons and its chemical weapons production facilities as soon as possible, and the Council shall determine the “order of destruction and procedures for stringent verification” of such destruction;

Hereby:

1. Decides that the Syrian Arab Republic shall:

(a) not later than 7 days after the adoption of this decision, submit to the Secretariat further information, to supplement that provided on 19 September 2013, on the chemical weapons as defined in paragraph 1 of Article II of the Convention that the Syrian Arab Republic owns or possesses, or has under its jurisdiction or control, in particular:

(i) the chemical name and military designator of each chemical in its chemical weapons stockpile, including precursors and toxins, and quantities thereof;

(ii) the specific type of munitions, sub-munitions and devices in its chemical weapons stockpile, including specific quantities of each type that are filled and unfilled; and

(iii) the location of all of its chemical weapons, chemical weapons storage facilities, chemical weapons production facilities, including mixing and filling facilities, and chemical weapons research and development facilities, providing specific geographic coordinates;

(b) not later than 30 days after the adoption of this decision, submit to the Secretariat the declaration required by Article III of the Convention;

(c) complete the elimination of all chemical weapons material and equipment in the first half of 2014, subject to the detailed requirements, including intermediate destruction milestones, to be decided by the Council not later than 15 November 2013;

(d) complete as soon as possible and in any case not later than 1 November 2013, the destruction of chemical weapons production and mixing/filling equipment;

(e) cooperate fully with all aspects of the implementation of this decision, including by providing the OPCW personnel with the immediate and unfettered right to inspect any and all sites in the Syrian Arab Republic;

(f) designate an official as the main point of contact for the Secretariat and provide him or her with the authority necessary to ensure that this decision is fully implemented.

2. Decides further that the Secretariat shall:

(a) make available to all States Parties, within five days of its receipt, any information or declaration referred to in this decision, which shall be handled in accordance with the Annex to the Convention on the Protection of Confidential Information;

(b) as soon as possible and in any case not later than 1 October 2013, initiate inspections in the Syrian Arab Republic pursuant to this decision;

(c) inspect not later than 30 days after the adoption of this decision, all facilities contained in the list referred to in paragraph 1 (a) above;

(d) inspect as soon as possible any other site identified by a State Party as having been involved in the Syrian chemical weapons programme, unless deemed unwarranted by the Director-General, or the matter resolved through the process of consultations and cooperation;

(e) be authorised to hire, on a short-term basis, qualified inspectors and other technical experts and to rehire, on a short-term basis, inspectors, other technical experts, and such other personnel as may be required whose term of service has recently expired, in order to ensure efficient and effective implementation of this decision in accordance with paragraph 44 of Article VIII of the Convention; and

(f) report to the Council on a monthly basis on implementation of this decision including progress achieved by the Syrian Arab Republic in meeting the requirements of this decision and the Convention, activities carried out by

the Secretariat with respect to the Syrian Arab Republic, and its needs for any supplementary resources, particularly technical and personnel resources.

3. Decides further:

(a) to consider, on an urgent basis, the funding mechanisms for activities carried out by the Secretariat with respect to the Syrian Arab Republic, and to call upon all States Parties in a position to do so to provide voluntary contributions for activities carried out in the implementation of this decision;

(b) to meet within 24 hours if the Director-General reports delay by the Syrian Arab Republic in meeting the requirements of this decision or the Convention, including, inter alia, the cases referred to in paragraph 7 of Part II of the Annex to the Convention on Implementation and Verification, or a lack of cooperation in the Syrian Arab Republic or another problem that has arisen with regard to the implementation of this decision and at that meeting to consider whether to bring the matter, including relevant information and conclusions, to the attention of the United Nations Security Council in accordance with paragraph 36 of Article VIII of the Convention;

(c) to remain seized of the matter and

(d) to recognise that this decision is made due to the extraordinary character of the situation posed by Syrian chemical weapons and does not create any precedent for the future.

Annex II

Action Group for Syria Final Communiqué

30 June 2012

1. On 30 June 2012, the Secretaries-General of the United Nations and the League of Arab States, the Ministers for Foreign Affairs of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Turkey, Iraq (Chair of the Summit of the League of Arab States), Kuwait (Chair of the Council of Foreign Ministers of the League of Arab States) and Qatar (Chair of the Arab Follow-up Committee on Syria of the League of Arab States) and the High Representative of the European Union for Foreign Affairs and Security Policy met at the United Nations Office at Geneva as the Action Group for Syria, chaired by the Joint Special Envoy of the United Nations and the League of Arab States to Syria.

2. The members of the Action Group came together out of grave alarm at the situation in the Syrian Arab Republic. They strongly condemn the continued and escalating killing, destruction and human rights abuses. They are deeply concerned at the failure to protect civilians, the intensification of the violence, the potential for even deeper conflict in the country and the regional dimensions of the problem. The unacceptable nature and magnitude of the crisis demands a common position and joint international action.

3. The members of the Action Group are committed to the sovereignty, independence, national unity and territorial integrity of the Syrian Arab Republic. They are determined to work urgently and intensively to bring about an end to the violence and human rights abuses, and to facilitate the launch of a Syrian-led political process leading to a transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their own future.

4. In order to secure these common objectives, the members of the Action Group (a) identified steps and measures by the parties to secure the full implementation of the six-point plan and Security Council resolutions [2042 \(2012\)](#) and [2043 \(2012\)](#), including an immediate cessation of violence in all its forms; (b) agreed on principles and guidelines for a political transition that meets the legitimate aspirations of the Syrian people; and (c) agreed on actions that they would take to implement the objectives in support of the Joint Special Envoy's efforts to facilitate a Syrian-led political process. They are convinced that this can encourage and support progress on the ground and will help to facilitate and support a Syrian-led transition.

Identified steps and measures by the parties to secure the full implementation of the six-point plan and Security Council resolutions [2042 \(2012\)](#) and [2043 \(2012\)](#), including an immediate cessation of violence in all its forms

5. The parties must fully implement the six-point plan and Security Council resolutions [2042 \(2012\)](#) and [2043 \(2012\)](#). To that end:

(a) All parties must recommit to a sustained cessation of armed violence in all its forms and to the implementation of the six-point plan immediately and

without waiting for the actions of others. The Government and armed opposition groups must cooperate with the United Nations Supervision Mission in the Syrian Arab Republic (UNSMIS), with a view to furthering the implementation of the plan in accordance with the Mission's mandate;

(b) A cessation of armed violence must be sustained, with immediate, credible and visible actions by the Government of the Syrian Arab Republic to implement the other items of the six-point plan, including:

(i) Intensification of the pace and scale of release of arbitrarily detained persons, including especially vulnerable categories of persons, and persons involved in peaceful political activities; the provision, without delay and through appropriate channels, of a list of all places in which such persons are being detained; the immediate organization of access to such locations; and the provision, through appropriate channels, of prompt responses to all written requests for information, access or release regarding such persons;

(ii) Ensuring freedom of movement throughout the country for journalists and a non-discriminatory visa policy for them;

(iii) Respecting freedom of association and the right to demonstrate peacefully, as legally guaranteed;

(c) In all circumstances, all parties must show full respect for the safety and security of UNSMIS and fully cooperate with and facilitate the Mission in all respects;

(d) In all circumstances, the Government must allow immediate and full humanitarian access by humanitarian organizations to all areas affected by the fighting. The Government and all parties must enable the evacuation of the wounded, and all civilians who wish to leave must be enabled to do so. All parties must fully adhere to their obligations under international law, including in relation to the protection of civilians.

Agreed principles and guidelines for a Syrian-led transition

6. The members of the Action Group agreed on the principles and guidelines for a Syrian-led transition set out below.

7. Any political settlement must deliver to the people of the Syrian Arab Republic a transition that:

(a) Offers a perspective for the future that can be shared by all in the Syrian Arab Republic;

(b) Establishes clear steps according to a firm timetable towards the realization of that perspective;

(c) Can be implemented in a climate of safety for all and of stability and calm;

(d) Is reached rapidly without further bloodshed and violence and is credible.

8. **Perspective for the future.** The aspirations of the people of the Syrian Arab Republic have been clearly expressed by the wide range of Syrians consulted. There is an overwhelming wish for a State that:

(a) Is genuinely democratic and pluralistic, giving space to established and newly emerging political actors to compete fairly and equally in elections. This also means that the commitment to multiparty democracy must be a lasting one, going beyond an initial round of elections;

(b) Complies with international standards on human rights, the independence of the judiciary, accountability of those in Government and the rule of law. It is not enough just to enunciate such a commitment. There must be mechanisms available to the people to ensure that these commitments are kept by those in authority;

(c) Offers equal opportunities and chances for all. There is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds. Numerically smaller communities must be assured that their rights will be respected.

9. **Clear steps in the transition.** The conflict in the Syrian Arab Republic will end only when all sides are assured that there is a peaceful way towards a common future for all in the country. It is therefore essential that any settlement provide for clear and irreversible steps in the transition according to a fixed time frame. The key steps in any transition include:

(a) The establishment of a transitional governing body that can establish a neutral environment in which the transition can take place, with the transitional governing body exercising full executive powers. It could include members of the present Government and the opposition and other groups and shall be formed on the basis of mutual consent;

(b) It is for the Syrian people to determine the future of the country. All groups and segments of society in the Syrian Arab Republic must be enabled to participate in a national dialogue process. That process must be not only inclusive but also meaningful. In other words, its key outcomes must be implemented;

(c) On that basis, there can be a review of the constitutional order and the legal system. The result of constitutional drafting would be subject to popular approval;

(d) Upon establishment of the new constitutional order, it will be necessary to prepare for and conduct free and fair multiparty elections for the new institutions and offices that have been established;

(e) Women must be fully represented in all aspects of the transition.

10. **Safety, stability and calm.** Any transition involves change. However, it is essential to ensure that the transition can be implemented in a way that ensures the safety of all in an atmosphere of stability and calm. This requires:

(a) Consolidation of full calm and stability. All parties must cooperate with the transitional governing body to ensure the permanent cessation of violence. This includes completion of withdrawals and addressing the issue of the disarmament, demobilization and reintegration of armed groups;

(b) Effective steps to ensure that vulnerable groups are protected and that immediate action is taken to address humanitarian issues in areas of need. It is also necessary to ensure that the release of the detained is completed rapidly;

(c) Continuity of governmental institutions and qualified staff. Public services must be preserved or restored. This includes the military forces and security

services. However, all governmental institutions, including the intelligence services, have to perform according to human rights and professional standards and operate under a leadership that inspires public confidence, under the control of the transitional governing body;

(d) Commitment to accountability and national reconciliation. Accountability for acts committed during the present conflict must be addressed. There also needs to be a comprehensive package for transitional justice, including compensation or rehabilitation for victims of the present conflict, steps towards national reconciliation and forgiveness.

11. Rapid steps to come to a credible political agreement. It is for the people of the Syrian Arab Republic to come to a political agreement, but time is running out. It is clear that:

(a) The sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic must be respected;

(b) The conflict must be resolved through peaceful dialogue and negotiation alone. Conditions conducive to a political settlement must now be put in place;

(c) There must be an end to the bloodshed. All parties must recommit themselves credibly to the six-point plan. This must include a cessation of armed violence in all its forms and immediate, credible and visible actions to implement points 2 to 6 of the six-point plan;

(d) All parties must now engage genuinely with the Joint Special Envoy. The parties must be prepared to put forward effective interlocutors to work expeditiously towards a Syrian-led settlement that meets the legitimate aspirations of the people. The process must be fully inclusive in order to ensure that the views of all segments of Syrian society are heard in shaping the political settlement for the transition;

(e) The organized international community, including the members of the Action Group, stands ready to offer significant support for the implementation of an agreement reached by the parties. This may include an international assistance presence under a United Nations mandate if requested. Significant funds will be available to support reconstruction and rehabilitation.

Agreed actions

12. Agreed actions that the members of the Group will take to implement the above in support of the Joint Special Envoy's efforts to facilitate a Syrian-led political process are as follows:

(a) Action Group members will engage as appropriate, and apply joint and sustained pressure on, the parties in the Syrian Arab Republic to take the steps and measures outlined in paragraph 5 above;

(b) Action Group members are opposed to any further militarization of the conflict;

(c) Action Group members emphasize to the Government of the Syrian Arab Republic the importance of the appointment of an effective empowered interlocutor, when requested by the Joint Special Envoy to do so, to work on the basis of the six point plan and the present communiqué;

(d) Action Group members urge the opposition to increase cohesion and to be in a position to ensure effective representative interlocutors to work on the basis of the six-point plan and the present communiqué;

(e) Action Group members will give full support to the Joint Special Envoy and his team as they immediately engage the Government and the opposition, and will consult widely with Syrian society, as well as other international actors, to further develop the way forward;

(f) Action Group members would welcome the further convening by the Joint Special Envoy of a meeting of the Action Group, should he deem it necessary to review the concrete progress taken on all points agreed in the present communiqué and to determine what further and additional steps and actions are needed from the Action Group to address the crisis. The Joint Special Envoy will also keep the United Nations and the League of Arab States informed.
