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CHEMICAL WEAPONS AND THEIR STRATEGIC VALUE IN THE SYRIAN CONFLICT

Major Alana Mack

JCSP 46

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CANADIAN FORCES COLLEGE – COLLÈGE DES FORCES CANADIENNES

JCSP 46 – PCEMI 46
2019 – 2020

SOLO FLIGHT

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By Major Alana Mack

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Word Count: 4.626

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CHEMICAL WEAPONS AND THEIR STRATEGIC VALUE IN THE SYRIAN CONFLICT

The use of chemical weapons in the Syrian conflict drew worldwide attention, even from those who may not have taken notice to the civil war previously. The use of chemical weapons throughout history has served as a scary and clear example of how war can be indiscriminant to its victims. As of April 2020, the Syrian civil war has caused an estimated 585,000 deaths, 1,500 of which are suspected to be from the use of chemical weapons¹. This conflict, has displaced 11.8 million people both internally and externally since 2011 and created a humanitarian crisis has demonstrated to the world the impacts of chemical weapons.

This paper will examine the historical use of this form of warfare and what could lead the Syrian Government to use them today. From the Geneva protocol following World War I to the Chemical Weapons Convention of 1993, global organizations have attempted to stop the use of these weapons, but their use continues. The complex nature of the Syrian conflict will have lasting effects on the region, the future of Syria and its allies, as well as the United Nations and the role of treaty enforcement.

This paper will examine the Assad Regime's assumed strategic goals justifying the use of chemical weapons, and the effects of their use for the Assad Regime and opposition forces. This will be drawn out by looking at timelines of chemical weapons use and the international response to those attacks. This will also include reviewing

¹ Syrian Observatory for Human Rights, "Nearly 585,000 people have been killed since the beginning of the Syrian Revolution" last modified 04 January 2020, <https://www.syriahr.com/en/?p=152189>

United Nations Security Council Resolutions as well as the response from the United States and Russia, among other key international actors in the region.

Reflecting on all this information this paper will then examine Weapons of Mass Destruction (WMD) and how the use of chemical weapons in Syria does not fit that definition. By comparing total casualties and displaced persons to the use of conventional weapons with those related to the use of chemical weapons the numbers demonstrate, that while a horrible violation of international law and norms, the use of chemical weapons in this conflict are not truly creating mass destruction, but is a targeted tool used to the Assad Regime's advantage and protected politically through the UN veto of the Russian Federation.

History of the Chemical Weapons Convention

The First World War saw the start of widespread use of chemical weapons including the use of choking and blister agents. As a result, it left the world looking for a way to prevent their use in the future. As highlighted in the Canadian Medical Association Journal, "[C]hemical weapons in World War I...so horrified the world by their scope and the prospect of future wars leaving vast areas devoid of life that their use in warfare was banned within a decade."² This first glimpse for the world of the nature of chemical weapons led to the Geneva Protocols and discussion within the League of Nations to address the development and use of chemical weapons. Signed on June 17th, 1925, the Geneva Protocol declared a prohibition on the use of asphyxiating agents and

² Patrick, Kirsten, M.B., B.Ch, Stanbrook, Matthew, M.D., PhD., and Flegel, Ken, M.D.C.M., M.Sc. "Lest we Forget: Why the use of Chemical Weapons must Not Go Unchallenged: CMAJ CMAJ." *Canadian Medical Association Journal* 185, no. 15 (Oct 15, 2013): 1299. <https://search-proquest-com.cfc.idm.oclc.org/docview/1450329718?accountid=9867>

other poisonous gases.³ Despite the frequent association of chemical weapons with World War I, international discussion considered banning their use prior to the 1925 Geneva Protocol.

The Hague Conference of 1899 resulted in 26 nations signing the Declaration Concerning Asphyxiating Gases. This agreement marked the accepted norm of the non-use of chemical weapons on the battle field. The signatories agreed “to abstain from the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases.”⁴ Following the Hague Conference of 1899, belligerents on both sides employed chemical weapons in the First World War. Even today, despite safeguards and international agreements, signatories still use chemical weapons. The Hague Conference of 1899 faced the challenge of drafting agreements to limiting military technology that had yet to be fully developed.⁵ Perhaps this contributed to its later failure when the world saw the use of chemical weapons, and to some, the tactical value of their employment.⁶

The United Nations Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons was signed in January 1993, and went into effect on April 29th, 1997. There are currently 193 state parties to the convention.⁷ The convention also created the Organization for the Prohibition of

³League of Nations, *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and the Bacteriological Methods of Warfare*, Geneva, 1925

⁴ International Committee of the Red Cross, *Declaration concerning Asphyxiating Gases*, The Hague, 1899.

<https://ihldatabases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=2531E92D282B5436C12563CD00516149>

⁵ Catherine Jefferson, "Origins of the Norm Against Chemical Weapons." *International Affairs (Royal Institute of International Affairs)*, no. 3 (2014): 647-661

⁶ Charles E. Heller, "Chemical Warfare in World War I: The American Experience, 1917-1918", The Leavenworth Papers. Combat Studies Institute. September 1984. 6.

⁷ United Nations General Assembly, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, New York, 1992.

Chemical Weapons (OPCW) to ensure the implementation of the convention's policy. The OPCW also conducts verification missions and fosters international cooperation related to chemical weapons.⁸ The vast majority of states signed onto the convention in 1993 and within the decade had ratified it at home. Of note, Syrian Accession into the agreement did not take place until October 14th, 2013, as part of the United States and Russian agreement to destroy Syrian chemical weapons stock piles.⁹

Strategic Goals with Chemical Weapons

The strategic goals and impacts of the Assad Regime's use of chemical weapons are to break the willingness of the population to support any rebel groups. "It is clear that the Syrian military has consistently prioritized striking population centers over rebel positions on the frontlines, even in the face of defeat on the ground."¹⁰ The Syrian Government's counter rebel strategy has turned to focusing on not only the rebel forces, but even more intensely on support zones within the country, using violence and chemical weapons to attack supporters. As the rest of the world has agreed the use of chemical weapons is unthinkable, the Syrian Government continues to exploit them for their own objectives. The Syrian regime's focus on punishing local populations rather than rebuilding and providing basic government services to win back support has caused

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-3&chapter=26&clang=_en

⁸OPCW, General Provision, Article VIII, accessed 25 April 2020. <https://www.opcw.org/chemical-weapons-convention/articles/article-viii-organization>

⁹OPCW "Syria's Accession to the Chemical Weapons Conventions Enters into Force" last modified 14 October 2013. <https://www.opcw.org/media-centre/news/2013/10/syrias-accession-chemical-weapons-convention-enters-force>

¹⁰ Tobias Schneider and Theresa Lutkefend, "Nowhere to Hide: The Logic of Chemical Weapons Use in Syria" *GPPi*, last modified 17 February 2019. <https://www.gppi.net/2019/02/17/the-logic-of-chemical-weapons-use-in-syria>

a dramatic loss of life as well as massive internal and external population displacement.¹¹ The Regime's method of targeting the civilian population appears to produce the desired effect, separating the insurgents and the civilian population.¹² The use of chemical weapons fit so well into their strategic goals to defeat the anti-government forces, the use of these types of weapons create fear within civilian populations and can work to lessen support for rebel groups. The Syrian Government sees chemical weapons as "an integral component of its arsenal of indiscriminate violence"¹³ directly supporting its strategic political goals as it fights to survive.

Looking historically, Syria did not commit to the Chemical Weapons Convention when the vast majority of countries did so in the 1990s. Syria did not become a party to the Chemical Weapons Convention until 2013. The Geneva Protocol, which Syria is a party to since 1968, only prohibits the use of chemical weapons in war, leaving space to argue the Geneva Protocol does not apply to Syrian internal conflict.¹⁴ This further defends the Syrian Regime's use of the weapons and provides the space for the Russian veto support to argue for the importance of state sovereignty.

Chemical (or improvised chemical) weapons address a Regime military capability gap. Without the military capability of penetrating munitions such as "bunker busters", using chlorine barrel bombs and sarin gas (or munitions) aids the Assad Regime in

¹¹ Luke O'Brien and Aaron Stein, "The Military Logic Behind Assad's Use of Chemical Weapons," *War on the Rocks*, 15 June 2018, accessed 10 April 2020, <https://warontherocks.com/2018/06/the-military-logic-behind-assads-use-of-chemical-weapons/>.

¹² Schneider, Tobias and Theresa Lutkefend, "Nowhere to Hide: ...28

¹³ Tobias Schneider and Theresa Lutkefend, "Nowhere to Hide: The Logic of Chemical Weapons Use in Syria" *GPPi*, last modified 17 February 2019. <https://www.gppi.net/2019/02/17/the-logic-of-chemical-weapons-use-in-syria>

¹⁴ Masahiko Asada "A Path to a Comprehensive Prohibition of the Use of Chemical Weapons under International Law: From The Hague to Damascus." *Journal of Conflict & Security Law* 21, no. 2 (Summer 2016): 156.

achieving their strategic goals. By using these weapons, the Syrian Government forces are able to target opposition forces and suspected rebel supporters in rebel-controlled areas in basements, underground shelters and underground facilities. This tactic can discourage local populations' both passive and active support to rebel groups. Under intense Regime pressure threatening the survival of the local population, local civilian leadership may even negotiate the withdrawal of rebel forces from a town or city.

Chemical Weapons Use by the Numbers

There have been at least 336 confirmed chemical attacks in Syria according to a 2019 study conducted by the Global Public Policy Institute. The study also found that the vast majority (98%) have been attributed to the Assad regime while the Islamic State is responsible for the remaining 2%.¹⁵ This study findings also argues that the Regime has been able to successfully use these weapons to cause rebel held areas to surrender. The Syrian Regime has used chemical weapons to target not only civilian populations, but also hospitals and medical facilities.¹⁶

A startling finding of this study identified that 90% of the Syrian Government's uses of chemical weapons came after the now famous "Red Line" comments by United States' President Obama in August 2012.¹⁷ The first recorded use of chemical weapons in the Syrian conflict was on December 23rd, 2012 in Khalidiya, Homs. As reported in

¹⁵ Tobias Schneider and Theresa Lutkefend. "Nowhere to Hide... 2

¹⁶ Ruth Sherlock, "Syria chemical weapons: how the Telegraph found evidence of chlorine and ammonia gas bombs," *The Telegraph*, 29 April 2014, accessed 04 April 2020, <https://www.telegraph.co.uk/news/worldnews/middleeast/syria/10796150/Syria-chemical-weapons-howthe-Telegraph-found-evidence-of-chlorine-and-ammonia-gas-bombs.html>.

¹⁷ Schneider, Tobias and Theresa Lutkefend. "Nowhere to Hide...8

Conflict and Health, “as of April 10th, 2017, a total of 1,206 direct deaths meeting inclusion criteria were recorded in the dataset from all chemical weapons attacks regardless of size.”¹⁸ The complex and inaccessible nature of the Syrian conflict makes it difficult to accurately account for the death toll, particularly of suspected chemical weapons attacks. The difficulty of collecting data immediately following these attacks, when the most accurate and uncontaminated samples are available, compounds the difficulty of maintaining accurate casualty reports. Furthermore, the conflict has mounted massive intangible and immeasurable human costs on the Syrian civilian population. According to a United States Congressional report, there have been 1,500 deaths linked to only two sarin gas attacks in Syria.¹⁹ This illustrates the lack of definitive, accurate data, particularly with regard to the total number of casualties resulting from chemical weapons. The Congressional report focused on Sarin attacks which highlights the international focus on the nerve agent. This report fails to adequately investigate chlorine, despite its accounting for many more attacks.²⁰ Of significance, civilians account for the majority of deaths resulting from chemical attacks. This suggests that the Syrian Regime is targeting civilians and illustrates the indiscriminate nature of chemical weapons.²¹ Both outcomes achieve the perceived strategic goals of the Syrian Government, proving the strategic nature chemical weapons for the Regime.

¹⁸ Jose M. Rodriguez-Llanes, Debarati Guha-Sapir, Benjamin-Samuel Schlüter, and Madelyn Hsiao-Rei Hicks. "Epidemiological Findings of Major Chemical Attacks in the Syrian War Are Consistent with Civilian Targeting: A Short Report." *Conflict and Health* 12, no. 1 (2018): 1

¹⁹ Armed Conflict in Syria: overview and US Response. *Congressional Research Service*. 12 February 2020. 8

²⁰ Schneider, Tobias and Theresa Lutkefend. “Nowhere to Hide...12

²¹ Jose M. Rodriguez-Llanes, Debarati Guha-Sapir, Benjamin-Samuel Schlüter, and Madelyn Hsiao-Rei Hicks. "Epidemiological Findings of Major ... 5

The vast majority of the Regime chemical attacks have used chlorine. As a dual use chemical, it has legitimate, civilian uses, as well as the potential for weaponization. This has allowed the Syrian military to produce and store chlorine without requiring additional or new production methods, then convert it to a weaponized use. “Chlorine attacks accounted for 91.5 percent of all confirmed chemical weapons attacks attributed to the Assad regime.”²² Chlorine’s density relative to air is key to its effectiveness as a weapon. Chlorine is heavier than air, causing the gas to sink into basements and bunkers where much of the civilian population seeks cover beyond the reach of conventional weapons.²³ The inability of the civilian population to shelter from the lethal effects of war makes peaceful life outside of government-controlled areas almost impossible.²⁴

The Global Response

The Human Rights Council (HRC) was the first arm of the United Nations to respond to the conflict in Syria. Following a special session on April 29th, 2011, HRC resolution 16/1 urged the Syrian Government to refrain from the use of violence against its people.²⁵ This first action by the HRC had notable, but not surprising votes in opposition, including Russia. On October 4th, 2011, the United Nations Security Council took its first steps toward passing a resolution in response to the conflict in Syria, however the resolution failed to pass a Russian and Chinese Veto. Following the meeting, the Russian Federation representative, Vitaly Churkin, stated that while they are not advocates of the Assad regime, and see this violence as unacceptable, the Russian

²² Schneider, Tobias and Theresa Lutkefend. “Nowhere to Hide...12

²³ *Ibid*, 13

²⁴ *Ibid*, 27

²⁵ United Nations, Human Rights Council, *A/HRC/RES/S-16/1*, 2011. 2.

Federation does not want to support radical opposition and did not want to provide foreign support.²⁶ The Russian Federation did call for the Syrian regime to free detainees and to start a dialogue with their opposition.

Not until the April 14th, 2012 did the Security Council agree on Resolution (UNSCR) 2042. This resolution established six areas for the Syrian Government to address immediately. This included initiating a political process to hear the legitimate concerns of the Syrian people, to cease fighting urgently, allow humanitarian assistance, release those arbitrarily detained, allow freedom of movement for journalist, and allow for the freedom to peacefully demonstrate.²⁷ This document also highlighted the UN's continued support for a Joint Special Envoy and the League of Arab States as they worked to bring peace to Syria. The UN Security Council followed with another resolution, UNSCR 2043, which established the UN Supervision Mission in Syria.²⁸ Starting in 2012, The United Nations has also been hosting on going peace talks in Geneva to work for a political resolution to the conflict.²⁹

UNSCR 2118 adopted on September 27th, 2013, focused on the agreement between the United States and the Russian Federation on the removal and destruction of chemical weapons in Syria. This followed the September 14th 2013 accession of Syria into the Chemical Weapons Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons. This resolution also highlighted

²⁶ United Nations Press Release "Security Council Fails to Adopt Draft Resolution Condemning Syria's Crack down on Anti-Government Protests, Owing to Veto by Russian Federation, China" 4 October 2011. <https://www.un.org/press/en/2011/sc10403.doc.htm>

²⁷ United Nations Security Council, *Resolution 2042*, 2012, 4.

²⁸ United Nations Security Council, *Resolution 2043*, 2012.

²⁹ Armed Conflict in Syria: overview and US Response. *Congressional Research Service*. 12 February 2020. 2

the August 21st, 2013 chemical weapons attack in Rif Damascus, it's associated killing of civilians, and its breach of international law.³⁰

The United States and Russia then agreed on a combined plan to eliminate Syria's chemical weapons. Developed through the United Nations, the agreement was signed on September 24th, 2013. The agreement established a framework to "achieve rapid elimination of Syria's chemical weapons, thus reducing the threat posed to the people of Syria."³¹ Both the US and Russia agreed to eliminate all chemical weapons material, to include precursors and production equipment, in the first half of 2014.

On May 22nd, 2014, a motion to refer Syria to the International Criminal Court failed. Once again, the action was vetoed by the Russian Federation and China. The Syrian representative stated that their government has measures in place to bring those to justice who are accountable for the violence in Syria and also highlighted the conflict as an internal Syrian issue. He went on to state "the international legal system was based on fundamental pillars, the most important of which was that States held the primary and exclusive responsibility for accountability and the establishment of justice."³² The representative also accused the United Nations of focusing only on certain member states and that they are discriminatory and interventionist. With the continued veto support of Russia, the Assad regimen is able to continue its behavior and have a shield from further United Nations intervention. Russia, China, and Syria continue to leverage the principle

³⁰ United Nations Security Council, *Resolution 2118*, 2013. 1.

³¹ United Nations Security Council, *Letter from Russian Federation and United States to United Nations*. 24 September 2013. <https://undocs.org/S/2013/565>

³² United Nations Press Release "Referral of Syria to International Criminal Court Fails as Negative Votes Prevent Security Council from Adopting Draft Resolution" 22 May 2014, <https://www.un.org/press/en/2014/sc11407.doc.htm>

of state sovereignty to block further action from the United Nations against the Assad Regime.

Following continued and increasing violence in Syria, President Obama established his now famous, “red line”. President Obama stated “that’s a red line for us and that there would be enormous consequences if we start seeing movement on the chemical weapons front or the use of chemical weapons. That would change my calculations significantly.”³³ Ironically, 90% of the Assad Regime’s alleged use of chemical weapons occurred after this statement.³⁴ In 2013, the United States' Congress debated the use of lethal and non-lethal assistance to Syrian opposition groups, but chose to support with non-lethal means. However, in 2014 the United States used air strikes in Syria to fight the advance of ISIS.³⁵

Following the April 2017 Syrian Regime's use of chemical weapons, the United States responded. United States’ President Trump stated the use of chemical weapons “cannot be ignored by the civilized world” and the Syrian Regime’s actions were “a consequence of the past administration’s weakness and irresolution.”³⁶ Following this statement, the United States military launched missiles at Shayrat Airbase in Syria. This was the first time that the United States was in direct combat with the Syrian Government

³³ White House Office of the Press Secretary. “Remarks by the president to the White House Press Corps” 20 August 2012. <https://obamawhitehouse.archives.gov/the-press-office/2012/08/20/remarks-president-white-house-press-corps>

³⁴ Schneider, Tobias and Theresa Lutkefend. “Nowhere to Hide...3

³⁵ Armed Conflict in Syria: overview and US Response. *Congressional Research Service*. 12 February 2020, 6

³⁶ Martin Chulov and Kareem Shaheen “Syria Chemical weapons attack toll rises to 70 as Russian narrative is dismissed” *The Guardian*. 5 April 2017. <https://www.theguardian.com/world/2017/apr/04/syria-chemical-attack-idlib-province>

Forces.³⁷ Russia criticized the strike as a violation of international law, citing similarities to the 2003 Iraq invasion. The Pentagon stated the strike was to deter the continued use of chemical weapons.³⁸ This strike did further raise tension between the United States and Russia, but also demonstrated Russian resolve to remain supportive of the Assad regime. Without regard to United Nations or the U.S. Congress, the Syrian Government was able to again use chemical weapons with limited ramifications.

On November 17th, 2017 the UN Security Council failed to renew chemical weapons investigations in Syria due to a Russian veto. The resolution, which was put forward by Japan, would have extended the mandate for the OPCW to continue its investigation in Syria for another 30 days. Russian statements justifying the veto mentioned continued baseless accusations against Syria.³⁹ Russia's continued veto of UNSCRs for action in Syria allowed the Assad Regime to break international law and remain protected from enforcement of the Chemical Weapons Convention.

In October 2019, the Trump administration withdrew troops from Northern Syria. This arguably created greater chaos in the region and allowed Turkish offensive operations into areas held by U.S. allied Kurdish fighters. Despite the change of events in late 2019, the United States and Russia continued to de-conflict air traffic to maintain the safety of both countries' troops in Syria. Adding to the complexity of the situation, reports emerged of large numbers of unguarded prisoners escaping as Kurdish forces

³⁷ Spencer Ackerman, Ed Pilkinton, Ben Jacobs and Julian Borger "Syria missile strikes: US launches first direct military action against Assad" 07 April 2017.

<https://www.theguardian.com/world/2017/apr/06/trump-syria-missiles-assad-chemical-weapons>

³⁸ *Ibid.*

³⁹ United Nations Press Release "Security Council Fails for Fourth Time to Renew Mandate for Joint Mechanism Investigating Chemical Weapons Attacks in Syria" 17 November 2017.

<https://www.un.org/press/en/2017/sc13076.doc.htm>

displaced.⁴⁰ The withdrawal of US forces further demonstrates how the Assad Regime has managed to escape the international system of rules based order and avoid full scale involvement from outside powers.

A more recent Security Council resolution draft on how to best get aid into Syria failed in January 2020. This failure also, perhaps, best summarized the vast disagreement among members of the Security Council regarding the best solution address the continuing humanitarian crisis in Syria. While the Russian Federation accused the United States and others of failing to even consider their proposal, the United States abstained from voting in order to avoid blocking some humanitarian assistance from continuing. This resolution was allowed to extend some of the planned aid to Syria. The Syrian representative's response stated their government should be able to verify the contents of aid coming into the country and to ensure that it was not in support of opposition organizations. With no members of the Security Council wanting to veto the resolution as long as there was some continued humanitarian aid attached, a watered down resolution was approved.⁴¹

Without a coherent and coordinated global response to the conflict in Syria, the Assad Regime is able to continue to execute its strategic goals; fight to survive and regain control of the country through any means it chooses to utilize. This has been demonstrated to include the use of chemical weapons, despite the United States and

⁴⁰ Karen DeYoung, Dan Lamothe, Missy Ryan, and Kareem Fahim. "As Trump withdraws U.S. forces from northern Syria, his administration scrambles to respond" *The Washington Post*. 13 October 2019. https://www.washingtonpost.com/world/national-security/trump-orders-withdrawal-of-us-forces-from-northern-syria-days-after-pentagon-downplays-possibility/2019/10/13/83087baa-edbb-11e9-b2da-606ba1ef30e3_story.html

⁴¹ United Nations Press Release "Avoiding midnight deadline, Security Council Extends Authorization of Cross-Border Aid delivery to Syria, Adopting Resolution 2504 (2020) by Recorded Vote" 10 January 2020. <https://www.un.org/press/en/2020/sc14074.doc.htm>

Russian agreement to remove these weapons from Syria and the Syrian accession into the Chemical Weapons Convention. This international failure has allowed the Assad Regime to continue its campaign against its own citizens and to hide behind Russian cover with all matters related to the UN Security Council. As long as the Assad Regime feels it has these protections it will be able to continue to risk international outcry knowing there is little chance of action; it can continue to use human rights violations as a tool to regain control through fear.

Is the Military value worth the risk?

The use of chlorine as a chemical weapon has a few key benefits for the Assad regime. This chemical, being heavier than air⁴², is able to sink into low lying areas, such as underground bunkers and basements where combatants and civilians go to seek shelter from violence. Along with this, the use of chlorine is also often hard to detect after an attack if it is not investigated immediately. "If you go to a site where a chlorine attack has happened, it's almost impossible to get physical evidence from the environment - unless you're there within a very short period of time," said Mr Tangaere, a former OPCW inspector.⁴³ Due to the nature of the Syrian conflict, it is very hard for evidence to be collected quickly enough. "In that sense, being able to use it leaving virtually no evidence behind, you can see why it has happened many, many times over."⁴⁴

For the Syrian Government, which has been carrying on this war since 2011, inexpensive solutions to modify existing equipment to increase its impact is an effective

⁴² Tobias Schneider and Theresa Lutkefend. "Nowhere to Hide: The Logic of Chemical Weapons Use in Syria" Global Public Policy Institute. Gppi.net. February 2019. 18.

⁴³ Nawal al-Maghafi "How chemical weapons have helped bring Assad close to victory" *BBC News*. 15 October 2018. <https://www.bbc.com/news/world-middle-east-45586903>

⁴⁴ *Ibid*

and efficient option for the Regime to continue its internal crack down on opposition groups. "In addition to chemical weapons being the ultimate punishment, instilling fear in people, they are also cheap and convenient for the [R]egime at a time when its military capacity has decreased because of the conflict."⁴⁵ As a common chemical, the use of chlorine is an easy solution to fill a lack of conventional weapons that can target underground bunkers. When the Assad Regime was on the seemingly losing end of the conflict, it was able to exploit their ability to use chemical weapons easily, cheaply, and effectively to counter a stalemate and force movement of opposition forces and civilian populations. With a shortage of manpower on the side of the Assad Regime, they are looking for innovative solutions to continue to wage war.⁴⁶

While so many aspects of the Syrian conflict will leave lasting impacts, the use of chemical weapons is unique in its ability to create fear with so little. "Chemical weapons inspire fear disproportionate to their destructive power."⁴⁷ Following a study of World War I Soldiers who had been impacted by chemical weapons, the fear associated with their use, had lasting impacts. In a BBC interview with residents of Aleppo, they highlight the fear of these chemical munitions and fear of suffocation more so than the use of traditional weapons.⁴⁸ Chemical weapons and chlorine specifically have provided an effective and relatively inexpensive means of instilling fear and addressing a military

⁴⁵ *Ibid*

⁴⁶ Charles Lister, "Why Assad is losing", *Brookings Institution*, 5 May 2015 <https://www.brookings.edu/opinions/why-assad-is-losing/>.

⁴⁷ Jones, E., B. Everitt, S. Ironside, I. Palmer, and S. Wessely. "Psychological Effects of Chemical Weapons: A Follow-Up Study of First World War Veterans." *Psychological Medicine* 38, no. 10 (10, 2008): 1419-26.

⁴⁸ Nawal al-Maghafi "How chemical weapons have helped bring Assad close to victory" *BBC News*. 15 October 2018. <https://www.bbc.com/news/world-middle-east-45586903>

capability gap. The Assad Regime is leveraging this to their advantage as it continues to use chemical weapons as a tool of fear among civilian populations. Assad has been employing chemical weapons effectively toward the Regimes strategic goals of regaining control over the entire country.

With an absence of large scale foreign intervention, and the lack of fear of it, the Syrian Government is able to violently re-take control of areas it has lost, as well as control how some aid is distributed within the country.⁴⁹ Although the action of the HRC in 2011 was a sign of global interest in Syria, it was not followed with action. The next signal of possible consequences of the use of chemical weapon by the Assad regime was United States President Obama in 2012 declaring a red line⁵⁰ for increased involvement if the Assad regime did utilize chemical weapons. The Syrian Regime crossed the “Red Line” without eliciting a response from the United States. This demonstrated the Syrian forces could continue to defy the Chemical Weapons Convention without consequence and use these weapons for their tactical and strategic gain.

With continued Russian political support in the United Nations and military support on the ground in Syria, the Assad Regime has enjoyed a level of protection from further UN action. This was demonstrated by the failure to extend the OPCWs authority to monitor chemical weapons use. It was demonstrated again more recently in January 2020 with failure to agree on where humanitarian aid is able to enter Syria. U.S.

⁴⁹ United Nations Press Release “Avoiding midnight deadline, Security Council Extends Authorization of Cross-Border Aid delivery to Syria, Adopting Resolution 2504 (2020) by Recorded Vote” 10 January 2020. <https://www.un.org/press/en/2020/sc14074.doc.htm>

⁵⁰ White House Office of the Press Secretary. “Remarks by the president to the White House Press Corps” 20 August 2012. <https://obamawhitehouse.archives.gov/the-press-office/2012/08/20/remarks-president-white-house-press-corps>

ambassador to the UN Nikki Haley stated “Russia has killed the Joint Investigative Mechanism, which has overwhelming support of this Council. And by eliminating our ability to identify the attackers, Russia has undermined our ability to deter future attacks.”⁵¹ The veto power Russia holds with the UN Security Council provides a great deal of cover for the Syrian Government to continue using chemical weapons to take back rebel held areas, target civilian populations who it deems support these rebel groups, and also attempt to control how aid is distributed within Syria.

As demonstrated by their repeated use over many years of conflict, the Syrian Government has found the use of chemical weapons to be worth the risk and international outrage. "The use of chemical weapons has delivered some outcomes for [government forces] that they believe are worth the risk, and [chemical weapons] have subsequently been shown to be worth the risk because they keep using them, repeatedly,"⁵² as Julian Tangaere, former head of the OPCW mission to Syria told the BBC in 2018. Chemical weapons have proven an effective and efficient capability, and without increased pressure or intervention, the Assad Regime will likely continue to use them to regain control of Syria.

⁵¹ U.S. Embassy in Syria. “Amb Haley Condemns Russian Veto of a UNSCR to Renew the work of the Independent Group Investigating CW Use. *United States Mission to the United Nations*. 16 November 2017. <https://sy.usembassy.gov/amb-haley-condemns-russian-veto-unscr-renew-work-independent-group-investigating-cw-use/>

⁵² Nawal al-Maghafi “How chemical weapons have helped bring Assad close to victory” *BBC News*. 15 October 2018. <https://www.bbc.com/news/world-middle-east-45586903>

Does Syria's employment of chemical weapons equate to WMD?

In the case of the Syrian conflict, are chemical weapons truly weapons of mass destruction? When examining the total number of people who have fled, estimated at 5.6 million, the number who are internally displaced, 6.2 million⁵³ and over 585,000⁵⁴ estimated to have been killed. These numbers are extreme when compared to estimated number of deaths related to the use of chemical munitions in Syria at 1,500⁵⁵. Despite variations in records of casualties due to chemical attacks, the reported numbers represent only a small fraction of total casualties. Chemical weapons account for less than 3% of total deaths since 2011. Furthermore, the extreme majority of the chemical weapon attacks in Syria are linked to chlorine which, due to its nature as a dual use chemical, is not covered under the chemical weapons convention in its raw form, nor is it part of the agreement reached between Russia and the United States.⁵⁶ The Syrian Regime has been able to use these weapons to its advantage in multiple, but localized attacks.

The case for considering the Syrian Government's use of chemical weapons as weapons of mass destruction predominately concerns the indiscriminate nature of chemical munitions and the United States and UN concerns over chemical weapon proliferation. If the use of chemical weapons continues unchallenged, the United States has raised the point that nonproliferation is the most effective tool to prevent the spread

⁵³ Editorial, 9 April 2020. "Syrian Civil War Fast Facts" *CNN World*.

<https://www.cnn.com/2013/08/27/world/meast/syria-civil-war-fast-facts/index.html>

⁵⁴ Syrian Observatory for Human Rights, "Nearly 585,000 people have been killed since the beginning of the Syrian Revolution" last modified 04 January 2020, <https://www.syriahr.com/en/?p=152189>

⁵⁵ Kahreem Shaheen. "Almost 1,500 killed in chemical weapons attacks' in Syria" *The Guardian*. 14 March 2016. <https://www.theguardian.com/world/2016/mar/14/syria-chemical-weapons-attacks-almost-1500-killed-report-united-nations>

⁵⁶ Clare Lombardo. "More than 300 Chemical Attacks Launched During Syrian Civil war, Study says" 17 February 2019. *NPR World*. <https://www.npr.org/2019/02/17/695545252/more-than-300-chemical-attacks-launched-during-syrian-civil-war-study-says>

and to eliminate stockpiles of weapons of mass destruction.⁵⁷ The indiscriminate nature of chemical weapons is also a key reason they are characterized as WMDs by international norms. However, if the Assad Regime is purposefully employing these weapons on the civilian population, then in fact, they are not being used indiscriminately but intentionally to target civilian populations as part of the Regime's strategic plan. While the Regime's use of chemical weapons violates international law they have taken advantage of a lack of international response and continued to use targeted chemical weapons attacks to their advantage.

Conclusion

The history of chemical weapons is largely rooted in the First World War and was then combatted by the League of Nations and the Geneva convention of 1925 to foster a global agreement on the dangerous and inhumane nature of these weapons. The Assad Regime understands the strategic value these weapons are able to bring to their situation. By using inexpensive chlorine munitions, the Syrian Government is able to strike rebel forces in areas that they cannot with their traditional munitions. The Regime has calculated that the risk of using chemical weapons is worth the reward, in their eyes, of the global outcry. As long as powers around the world are tied to the United Nations process and the Assad Regime at least maintains passive support from the Russian Federation, they will be able to continue to use these weapons and see results. Even with the chemical weapons convention, the employment of these weapons in Syria has not been so great to create mass destruction. When comparing total casualties from chemical

⁵⁷ Luke O'Brien and Aaron Stein, "The Military Logic Behind Assad's Use of Chemical Weapons," War on the Rocks, 15 June 2018, <https://warontherocks.com/2018/06/the-military-logic-behind-assads-use-of-chemical-weapons/>.

munitions and traditional the numbers are not even close. The targeted use of these weapons by the Regime, while contrary to international law, is being used as intended in rebel controlled areas of Syria. Until there can be agreement in the Security Council or a state acts unilaterally or creates a coalition of the willing to address the continued use of chemical weapons, the Assad Regime will continue to use these tactics. Just as the German Military used chemical weapons to break the deadlock of trench warfare, the Assad Regime utilizes them now for the same ends.

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