

## Poison Gas and Diplomacy in Syria

Simon Adams

Two years ago in February 2012 Russia and China vetoed a second United Nations Security Council resolution aimed at holding Damascus accountable for crimes against humanity in Syria. After the vote, confident that there would be no accountability, President Bashar al-Assad's forces deployed more extreme forms of violence. For example, although protests against the Syrian regime began in March 2011, Assad's forces did not widely utilise helicopters to attack their opponents until after the second veto. Just five days after a third UN Security Council veto on 19 July, fixed wing aircraft were reportedly used for the first time. The killing rate in Syria increased from approximately 1,000 per month at the end of 2011 to approximately 5,000 per month during the second half of 2012 as the civil war metastasised. Between February and November of 2012 the death toll soared from 5,400 to 59,600.<sup>1</sup>

Despite this horrifying body count, by early 2013 the civil war had reached a military stalemate. Both the government and armed rebels controlled considerable territory, but neither could impose a comprehensive military defeat upon the other. While the Syrian Government still bore primary responsibility for mass atrocities being perpetrated within the country, some armed opposition groups were also committing war crimes, including deadly reprisals against minority communities and the extrajudicial execution of captured government soldiers. In the words of the UN Secretary-General, Syria had also become a "proxy war, with regional and international players arming one side or the other."<sup>2</sup> Saudi Arabia, Turkey and Qatar were

---

<sup>1</sup> Various sources have attempted to document the methodology of the Assad Government with regard to the commission of mass atrocity crimes and calculate the death toll from the conflict. The UN stopped providing cumulative figures in January 2012 due to increased problems relating to verification. Previously the UN had drawn on a number of sources, including some listed here. Among the most important sources of information regarding atrocities in Syria are the pro-opposition Syrian Observatory for Human Rights, <<http://syriaahr.com/en/>> and the Brown Moses Blog, <<http://brown-moses.blogspot.com>>. For more on the use of aircraft by the Assad regime, see for example, Elizabeth O'Bagy et al, 'Syrian Air Force and Air Defense Capabilities', Institute for the Study of War, May 2013, <[http://www.understandingwar.org/sites/default/files/Updated%20Syrian%20Air%20Force%20and%20Air%20Defense%20Capabilities%20Brief\\_8May.pdf](http://www.understandingwar.org/sites/default/files/Updated%20Syrian%20Air%20Force%20and%20Air%20Defense%20Capabilities%20Brief_8May.pdf)> [Accessed 18 February 2014]; 'Death from the Skies: Deliberate and Indiscriminate Air Strikes on Civilians', Human Rights Watch, April 2013, <[http://www.hrw.org/sites/default/files/reports/syria0413webwcover\\_1\\_0.pdf](http://www.hrw.org/sites/default/files/reports/syria0413webwcover_1_0.pdf)> [Accessed 18 February 2014].

<sup>2</sup> 'R2P Monitor', No. 12, 15 November 2013, <[http://www.globalr2p.org/media/files/r2p\\_monitor\\_nov2013\\_final.pdf](http://www.globalr2p.org/media/files/r2p_monitor_nov2013_final.pdf)> [Accessed 18 February 2014], p. 2.

backing various, at times competing, components of the armed opposition. Meanwhile Iran and Lebanon's Hezbollah continued to bolster the political and military efforts of the Syrian government.

Following each UN Security Council veto, Russian diplomats explained that their opposition to resolutions aimed at ending atrocities in Syria was a question of defending a sovereign state from western interveners who wanted to invoke the 'Responsibility to Protect' (R2P) to mask their "regime change" motives. Russia's position was allegedly one of principled neutrality, despite its long-term ties to the Assad Government and the fact that many atrocities in Syria were being perpetrated with Russian-supplied weapons.<sup>3</sup>

First adopted at the UN World Summit in 2005, R2P committed all the governments of the world to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. R2P is primarily a preventive doctrine, but it also allows for a range of coercive measures if a state fails to live up to its sovereign responsibilities. While R2P has been invoked in a range of situations (including Kenya and Sudan) it was not until Libya in 2011 that it was referenced by the UN Security Council while imposing coercive military measures against a sovereign state that was murdering its own people. The eventual toppling of the regime of Muammar Qaddafi by forces who were mandated to conduct civilian protection operations, ignited a furious debate at the UN about the relationship between R2P and "regime change".<sup>4</sup>

Despite the fact that in both Libya and Syria mass atrocities were the result of state attempts to violently suppress 'Arab Spring' uprisings, in reality there were more differences between the two cases than is commonly assumed.<sup>5</sup> It is also worth remembering that while sections of the media opined that Libya and Syria were the potential graveyard of R2P as an emerging international norm, the facts indicate otherwise.<sup>6</sup> For example, while the

---

<sup>3</sup> Simon Adams, 'Libya and the Responsibility to Protect', Global Centre for the Responsibility to Protect, Occasional Paper Series, No. 3, October 2012, <<http://www.globalr2p.org/media/files/libyaandr2poccasionalpaper-1.pdf>> [Accessed 19 February 2014], p. 16.

<sup>4</sup> For more on Brazil's important contribution to this debate, see Gareth Evans, 'R2P and RWP after Libya and Syria', Keynote Address at GCR2P/FGV/Stanley Foundation Workshop on 'Responsibility While Protecting: What Next?', Rio de Janeiro, 23 August 2012, <[http://www.globalr2p.org/media/files/evans\\_r2p\\_and\\_rwp\\_after\\_libya\\_and\\_syria.pdf](http://www.globalr2p.org/media/files/evans_r2p_and_rwp_after_libya_and_syria.pdf)> [Accessed 18 February 2014]. See also, 'Letter dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General', United Nations, 11 November 2011, <<http://www.un.int/brazil/speech/Concept-Paper-%20RwP.pdf>> [Accessed 18 February 2014].

<sup>5</sup> Simon Adams, 'Libya and the Responsibility to Protect', Global Centre for the Responsibility to Protect, Occasional Paper Series, No. 3, October 2012, <<http://www.globalr2p.org/media/files/libyaandr2poccasionalpaper-1.pdf>> [Accessed 19 February 2014], p. 15.

<sup>6</sup> On the alleged death of R2P, see David Rieff, 'R2P, R.I.P.', *New York Times*, 7 November 2011, <[http://www.nytimes.com/2011/11/08/opinion/r2p-rip.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/11/08/opinion/r2p-rip.html?pagewanted=all&_r=0)> [Accessed 18 February 2014].

Security Council was deeply divided over Syria, individual states and regional organisations took action to uphold their Responsibility to Protect. By March 2012, one year after the conflict began, at least forty-nine countries had already imposed targeted sanctions while at least fourteen had closed their embassies in Damascus.<sup>7</sup>

Other parts of the UN system also lived up to their responsibilities. The Human Rights Council (HRC) in Geneva passed no less than eleven resolutions condemning mass atrocities in Syria between 2011 and the end of 2013 and established an independent Commission of Inquiry to document grave violations of human rights. Similarly, the UN General Assembly passed seven resolutions condemning atrocities in Syria, with a February 2013 resolution drawing support from 137 states in the 193-member Assembly. While the number of abstentions fluctuated, no more than thirteen states voted against any Assembly resolution.<sup>8</sup> Unfortunately, unlike the Security Council, resolutions of the General Assembly and HRC are not binding under international law.

The deeper problem was a divide between the permanent members of the Security Council regarding the international order in the early twenty-first century. Russian and Chinese hostility to action aimed at constraining the Syrian regime was linked to a strategic clash between the P2 (Russia and China) and the P3 (United States, United Kingdom and France) on a range of situations and issues from Sudan to the future of UN peacekeeping. Meanwhile inside Syria mass atrocities continued. During 2013 Syrian government forces used aircraft, cluster munitions, heavy artillery and even ballistic missiles to terrorise and kill civilians and armed rebels. For example, Human Rights Watch documented fifty-six attacks using incendiary bombs between November 2012 and September 2013, including a deliberate air strike on a school in Aleppo that burned to death a number of teenage students.<sup>9</sup> On the ground government troops and *Shabiha* militias conducted civilian massacres, including the notorious May 2012 mass murder of at least 108 civilians in Houla.<sup>10</sup>

---

<sup>7</sup> See, for example, 'Timeline of International Response to the Situation in Syria', Global Centre for the Responsibility to Protect, <<http://www.globalr2p.org/media/files/timeline-of-international-response-to-syria-15.pdf>> [Accessed 18 February 2014].

<sup>8</sup> The thirteen states who voted against the 17 November 2011 resolution were Belarus, Bolivia, Cuba, Democratic Peoples Republic of Korea, Ecuador, Iran, Myanmar, Nicaragua, Syria, Uzbekistan, Venezuela, Vietnam and Zimbabwe. Most other resolutions had twelve states voting in opposition. For the text of UN General Assembly resolutions, see <<http://www.un.org/documents/resga.htm>>.

<sup>9</sup> 'Syria: Widespread Use of Incendiary Weapons', 10 November 2013, Human Rights Watch, <<http://www.hrw.org/news/2013/11/10/syria-widespread-use-incendiary-weapons>> [Accessed 18 February 2014].

<sup>10</sup> 'In Cold Blood: Summary Executions by Syrian Security Forces and Pro-Government Militias', Human Rights Watch, 10 April 2012, <<http://www.hrw.org/reports/2012/04/09/cold-blood>> [Accessed 18 February 2014]; 'Syria: UN Inquiry Should Investigate Houla Killings', Human Rights Watch, 28 May 2012, <<http://www.hrw.org/news/2012/05/27/syria-un-inquiry-should>>

Observing this horror, in western democracies there was a tepid debate during 2012 and 2013 about whether foreign governments should militarily intervene in the civil war.<sup>11</sup> However, support for armed intervention was never more than lukewarm even amongst those governments that were most hostile to Assad. This was primarily because the “balance of consequences” argument in Syria was a powerful one. No-one wanted to incite a broader regional conflict or become embroiled in a sectarian civil war in the Middle East. Post-Iraq public sentiment was also strongly against another armed intervention in the region. In the absence of a UN Security Council mandate, such military intervention would also be illegal under international law. By mid-2013, therefore, the Syrian conflict had fallen into a kind of stasis until a sickening chemical weapons attack on innocent civilians suddenly and drastically shifted the entire diplomatic and military calculus.

## Chemical Weapons

A UN investigating team has now shown beyond reasonable doubt that on 21 August rockets containing Sarin gas were deliberately fired into two residential areas of Damascus in a “relatively large scale” attack. Each of the rockets was armed with approximately fifty-five litres of weaponised Sarin. The gas quickly killed approximately 1,400 civilians, including a large number of children. Despite the Syrian Government’s attempt to blame armed rebels, the evidence in the independent UN report and other credible investigations points to the source of the rockets being the base of the 104th Brigade of the Republican Guard. Their culpability was compelling, if not undeniable.<sup>12</sup>

Global revulsion at this war crime, combined with the credible threat of retaliatory military strikes by the United States and France, inadvertently led to a diplomatic breakthrough at the UN Security Council. After two-and-a-half years of deadlock the Council quickly adopted a resolution supporting a Russia-US deal for Syria to surrender its chemical weapons. Just weeks

---

investigate-houla-killings> [Accessed 18 February 2014]. For the account of a young survivor, see Martin Chulov, ‘Houla Massacre Survivor Tells how His Family Were Slaughtered’, *The Guardian* (UK), 28 May 2012, <<http://www.theguardian.com/world/2012/may/28/houla-massacre-survivor-boy-syria>> [Accessed 18 February 2014].

<sup>11</sup> Anne-Marie Slaughter, ‘How to Halt the Butchery in Syria’, *New York Times*, 23 February 2012, <[http://www.nytimes.com/2012/02/24/opinion/how-to-halt-the-butchery-in-syria.html?\\_r=2&](http://www.nytimes.com/2012/02/24/opinion/how-to-halt-the-butchery-in-syria.html?_r=2&)> [Accessed 18 February 2014].

<sup>12</sup> For a copy of the full report, see Robert Mackey, ‘U.N. Report on Chemical Attack in Syria’, 16 September 2013, <<http://www.scribd.com/doc/168606795/U-N-Report-on-Chemical-Attack-in-Syria>> [Accessed 19 February 2014]. On culpability, see also, Eliot Higgins, ‘Sy Hersh’s Chemical Misfire’, *Foreign Policy*, 9 December 2013, <[http://www.foreignpolicy.com/articles/2013/12/09/sy\\_hersh\\_s\\_chemical\\_misfire#sthash.DZr4gOli.dpbs](http://www.foreignpolicy.com/articles/2013/12/09/sy_hersh_s_chemical_misfire#sthash.DZr4gOli.dpbs)> [Accessed 18 February 2014]; ‘Syria: Government Likely Culprit in Chemical Attack’, *Human Rights Watch*, 10 September 2013, <<http://www.hrw.org/news/2013/09/10/syria-government-likely-culprit-chemical-attack>> [Accessed 18 February 2014].

previously the Syrian Government was denying it possessed chemical weapons. It now promptly acceded to the 1997 Convention on the Prohibition of Chemical Weapons and provided details of its extensive stockpile.

Some human rights advocates and Syrian activists pointed out that although the chemical weapons attack was horrific, the number of dead, an estimated 1,400 people, only amounted to about one per cent of the fatalities in the conflict. What, they asked, made this atrocity so special? Such arguments neglected the fact that the threat posed by chemical weapons was unique. Although approximately 5,000 people were being killed every month in Syria, the chemical weapons attack murdered 1,400 civilians in two neighbourhoods in just a few hours.

Chemical weapons are inherently indiscriminate, inhuman and immoral. They have been illegal since the Hague Convention of 1899, long before the first chlorine gas shell was fired over the Western Front. Horrified by the ghastly consequences of mustard and chlorine gas, following World War One the Geneva Protocol of 1925 reinforced an international prohibition on the use of chemical weapons. Despite Winston Churchill advocating using “poisoned gas against uncivilised tribes” in Iraq, and Mussolini’s troops use of mustard gas in Ethiopia, the norm was established. Although Adolf Hitler, himself a survivor of a World War One gas attack, would use Zyklon-B as a tool of genocide in Auschwitz, poison gas was not widely deployed on a major battlefield again until the Iran-Iraq war of 1980-1988.

The use of chemical weapons complicated the relationship between Iran and Syria. As the chief international supporter of the Syrian Government as a crucial component (alongside Lebanon’s Hezbollah) of an avowed anti-western, anti-Israeli “axis of resistance”, Iran has expended considerable blood and treasure to keep President Assad in power. However, up to a million Iranians were exposed to chemical weapons during the Iran-Iraq war, with at least 20,000 killed. Correspondingly, there is a deep moral revulsion to chemical weapons throughout Iranian society.

Following the 21 August attack, Iran’s foreign minister condemned the use of chemical weapons, “regardless of its victims or culprits”. Iran’s new reformist President, Hassan Rouhani, called upon “the international community to use all its might to prevent the use of” chemical weapons, “anywhere in the world, especially in Syria.” Despite the fact that the Iranians blamed armed rebels for the 21 August attack, it was clear that the large-scale use of chemical weapons was unacceptable to Tehran.<sup>13</sup>

---

<sup>13</sup> Marcus George, ‘Insight: After Syria, Iran Laments its own Chemical Weapons Victims’, *Reuters*, 16 September 2013, <<http://www.reuters.com/article/2013/09/16/us-iran-chemical-weapons-insight-idUSBRE98F08020130916>> [Accessed 18 February 2014]; ‘Iran’s Rouhani Says Chemical Weapons Killed People in Syria’, *Reuters*, 24 August 2013,

The diplomatic compromise subsequently brokered by Russia and the United States over Syria's chemical weapons—although prompted by the threat of military action outside of international law—was hugely significant. For the first time since April 2012 the Security Council took unanimous action regarding the Syrian conflict.<sup>14</sup> Significantly, however, resolution 2118 of 27 September 2013 did nothing to prevent the further commission of mass atrocities by anyone in Syria as long as conventional weapons were used. Despite their desire to punish Assad, the United States and France had neither the will nor the mandate to act outside of international law. Nor were their own publics supportive of the unilateral use of force to protect Syrian civilians.<sup>15</sup>

The true importance of chemical weapons resolution, however, was the temporary political space it opened for the Security Council to seek other areas of potential collaboration with regard to ending Syria's civil war.

## Unfinished Business

In the aftermath of the chemical weapons resolution there were three major unresolved issues that the Security Council found itself under increased pressure to address. The first was humanitarian access. By late 2013, for literally millions of Syrians the threat from cold, disease or starvation was now as real as the threat of being shot or bombed to death. According to the UN approximately five million Syrians (almost a quarter of the population) were displaced inside the country, in addition to the two million who had become refugees beyond Syria's borders. An estimated nine million Syrians urgently needed humanitarian assistance while circumstances for the estimated 250,000 civilians trapped in besieged areas of Damascus, Homs and elsewhere were beyond desperate.

The Security Council's 2 October Presidential Statement on humanitarian access was a promising indicator of further progress, coming as it did less than a week after the chemical weapons resolution, but as of the end of 2013, it had still not been implemented. Attempts by Valerie Amos, the UN's Emergency Relief Coordinator, to get cross-border assistance to people in

---

<<http://www.reuters.com/article/2013/08/24/us-syria-crisis-iran-idUSBRE97N03E20130824>> [Accessed 18 February 2014].

<sup>14</sup> UN Security Council Resolution 2043, which established a UN mission to oversee the April 2012 ceasefire in Syria, failed because of the inability of the Council to hold the Assad Government accountable for violating the ceasefire and the six-point peace plan developed by UN-Arab League special envoy Kofi Annan.

<sup>15</sup> Alexander Dziadosz, 'Poll Finds Low Western Support for Military Intervention', *The Daily Star* (Lebanon), 10 October 2013, <<http://www.dailystar.com.lb/News/Middle-East/2013/Oct-10/234152-poll-finds-low-western-support-for-military-intervention.ashx#axzz2lhEydG4j>> [Accessed 18 February 2014]; Adrian Croft, 'American, Europeans, Oppose Syria Intervention: Poll', *Reuters*, 18 September 2013. <<http://www.reuters.com/article/2013/09/18/us-syria-crisis-poll-idUSBRE98H0GN20130918>> [Accessed 18 February 2014].

desperate need continued to be obstructed by the government and some rebel forces.

The second priority was for the Security Council, and especially its powerful five permanent members, to use their influence to push for meaningful peace talks. Although a pacific outcome to the conflict seemed fanciful, it was no more so than thinking that flooding Syria with arms would secure a military victory for either side or stabilise the region.

Finally, there was the issue of accountability for more than two years of mass atrocity crimes in Syria. Impunity has emboldened those on both sides who remain most resistant to a negotiated solution. In the absence of accountability for atrocities there can be neither peace nor justice. As it did with the situation in Libya in early 2011, the Security Council needed to refer the Syrian situation to the International Criminal Court for investigation and possible prosecution.

These issues were complex and fraught with political danger. But no more so than getting Syria to admit it had chemical weapons, getting Russia to agree to a UN Security Council resolution that made mention of Chapter VII (i.e.: use of force) consequences if Syria failed to surrender its poison gas, and actually organising for The Hague-based Organization for the Prohibition of Chemical Weapons to destroy Syria's chemical stockpile by mid-2014 despite the country being in the midst of a civil war.

Nevertheless, as we approach the third anniversary of Syria's descent into bloodshed, the post-chemical weapons diplomatic opportunity has passed. Indeed, over Christmas 2013 Syrian government forces conducted a particularly brutal air campaign in Aleppo, dropping "barrel bombs" on residential areas under rebel control. Between 15 and 29 December these attacks killed 517 people. The dead reportedly included forty-six rebel fighters but the greatest number of fatalities remained innocent civilians—471 in total, including 151 children. Around the same time Amnesty International released a report detailing the torture and murder of detainees accused of "crimes against Islam" by the extremist ISIS militia in Aleppo.<sup>16</sup> The civil war continues to inspire perpetrators on all sides to commit new and appalling atrocities.

On 22 January 2014 the 'Geneva II' peace talks finally convened in Switzerland. Although the attempt to get key protagonists to discuss a shared future was laudable, the entire event was threatened by farce. The

---

<sup>16</sup> 'People Killed in Two Weeks of Barrel Bombs on Aleppo 517', Syrian Observatory for Human Rights, 29 December 2013, <[http://syriahr.com/en/index.php?option=com\\_news&nid=1310&Itemid=2&task=displaynews#.UsNc9nkQVyl](http://syriahr.com/en/index.php?option=com_news&nid=1310&Itemid=2&task=displaynews#.UsNc9nkQVyl)> [Accessed 18 February 2014]; 'Syria: Harrowing Torture, Summary Killings in Secret ISIS Detention Centres', Amnesty International, 19 December 2013, <<https://www.amnesty.org/en/news/syria-harrowing-torture-summary-killings-secret-isis-detention-centres-2013-12-19>> [Accessed 18 February 2014].

fractured Syrian opposition threatened to boycott proceedings and the Iranian Government was first snubbed, then invited, then dis-invited all in the course of a week. When the talks finally commenced they achieved little other than providing the international media with some particularly vituperative soundbites. The talks ended without any progress being made on any significant issue. An estimated 1,900 Syrians died while the opposition and government delegations traded insults beside Lake Geneva.<sup>17</sup>

The UN Security Council's inability to uphold its Responsibility to Protect the Syrian people and hold perpetrators of mass atrocities accountable for their crimes has been perhaps the greatest failure of the UN so far this century. Far from "external interference" by the Security Council provoking a civil war, the absence of timely and decisive action has directly contributed to a sectarian civil war has already consumed 130,000 lives and now endangers millions of civilians across the Middle East.

Not long after the second veto in February 2012 I wrote for the *New York Times* that, "the cruel truth is that there is no quick fix in Syria", but that does not mean "that the Security Council has to choose between invasion and inaction."<sup>18</sup> Despite poison gas and failed diplomacy this remains as true now as it was then.

*Dr Simon Adams is Executive Director of the Global Centre for the Responsibility to Protect. Established in 2008 with the support of international human rights leaders including former UN Secretary-General Kofi Annan, as well as supportive governments and civil society organizations, the Global Centre is the world's leading research and advocacy organization for advancing the international norm of the Responsibility to Protect (R2P) at the United Nations and beyond. Dr Adams has worked extensively with governments and civil society organizations in South Africa, East Timor, Rwanda and elsewhere. Between 1994 and 2002 Dr Adams worked with republican prisoners in support of the Northern Ireland peace process and is also a former member of the African National Congress. Dr Adams is the author of four books and numerous academic articles with a focus on international conflict. He has written for the New York Times, O Estado de S. Paulo (Brazil) and has appeared as an expert commentator on al-Jazeera, BBC, Chinese Central Television and numerous other media. Dr Adams previously served as Pro Vice Chancellor (International Engagement) at Monash University and as Vice President of its South African campus between 2008-2010. [sadams@globalr2p.org](mailto:sadams@globalr2p.org).*

---

<sup>17</sup> Ian Black, 'Nearly 1,900 Killed in Syria since Geneva Talks Began', *The Guardian*, 31 January 2014, <<http://www.theguardian.com/world/2014/jan/31/syria-death-toll-geneva-talks>> [Accessed 18 February 2014].

<sup>18</sup> Simon Adams, 'Room for Debate: The Power of Coercive Nuance', *New York Times*, 30 March 2012, <<http://www.nytimes.com/roomfordebate/2012/03/26/stopping-assad-saving-syria/using-coercive-nuance-against-assad>> [Accessed 18 February 2014].