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# Diplomacy and Chemical Weapons in Syria

How the Chemical Massacre Shaped Syrian Negotiations

Sadek Abdul Rahman



The following article was originally published in [Arabic](#) on 22 August 2019.

We republish it here in English under the title “A Decade On From Geneva II”, to mark the tenth anniversary of the Geneva II Conference on Syria. This collection of 6 articles relate to the usage of chemical weapons in Syria, the international human rights efforts regarding them, and the ensuing political process which ultimately culminated in impunity for the regime responsible for these massacres.

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If we examine the role of the “political track” towards achieving a resolution in the Syrian conflict, it becomes apparent that this avenue has served as a means for the Assad regime to establish its presence within the global community. Moreover, it has functioned as a tool facilitating the reclamation of significant portions of Syrian territory under its authority through mechanisms like the “Astana track” and associated de-escalation accords. This approach has also been wielded by the regime to exploit the potential of a political solution as a means of exacerbating the fragmentation and weakening of both the political and armed opposition. This deliberate strategy has been subsequently followed by quashing the opposition and subjecting it to the influence of regional and international actors.

However, this scenario differed considerably at its inception from what we see today. The political track initially emerged as a lever of pressure aimed at compelling the regime to engage in substantive negotiations, or at the very least, prompting a shift in its governing approach. Over time, successive transformations have reshaped the trajectory of the political process, leading to its current state. It is our contention that a pivotal turning point materialized in the fall of 2013. During this period, the political course transitioned from a series of Arab and international initiatives, declarations, propositions, and resolutions with limited impact into an operational approach that serves the interests of the regime and its allies.

Concurrently, the interests of other stakeholders, not aligned with the regime, were also accommodated. This restructuring, however, excluded opposition forces, the Syrian revolution, and the broader Syrian society.

The earliest international efforts to establish a political track towards a solution in Syria can be traced back to late August of 2011. During this period, the Arab League outlined a blueprint for a solution in Syria that included a political transition. After encountering delays and hindrances, the regime eventually endorsed this initiative in early November of the same year. However, the regime failed to enact any of its stipulations, prompting the Arab League to suspend its membership in the very same month. Following the shortcomings of these Arab-led efforts, the United Nations aligned with the Arab League in February 2012. The appointment of Kofi Annan as a joint special envoy marked a transfer of Syria's political track to the United Nations, and a series of initiatives, resolutions, meetings, and conferences ensued until today.

Despite persistent Russian and Chinese obstruction of any UN resolution that could compel the Syrian regime to change its treatment of dissidents or open avenues for the withdrawal of its membership to international agencies, United States pressure managed to secure Russian endorsement of the first Geneva Communiqué in June 2012. This document stands as a cornerstone in the possession of the Syrian opposition and the regime's global and regional opponents. It notably encompasses an unequivocal call for the establishment of a "transitional governing body exercising full executive powers." Serving as the foundational text, the Geneva Communiqué has served as a recurring point of reference in numerous resolutions

emanating from the UN Security Council.

The regime and its allies maintained an unyielding stance, claiming that any allusion to political transition in no way necessitates Assad's departure or signifies a prejudgment of his position. They exploited the vague phrasing of the communiqué, which lacked concrete implementation mechanisms or binding time constraints. Neither the Geneva Communiqué nor the ensuing pressures, talks, and resolutions achieved the intended outcome of coercing the Syrian regime. Instead, the regime continued to intensify its violence and atrocities, bolstered by the support of Russia and Iran. Meanwhile, the international community contented itself with issuing condemnatory statements and advocating for a shift toward a political resolution.

Up until the fall of 2013, the political trajectory remained marred by failure, stagnation, and vacuity. Nonetheless, the regime's global credibility gradually eroded, and its domination over Syrian society progressively waned. This decline unfolded despite the regime's utilization of extensive measures of violence, starting from mid-2012, which encompassed an array of weapons including conventional offensives such as Scud missiles, and localized attacks using chemical weapons.

At dawn, on 21 August 2013, Syrian regime forces committed the largest chemical massacre in the country's history, when they killed about 1,400 people with sarin gas in the eastern Ghouta of Damascus. In the few days following the massacre, it seemed that the Syrian regime was about to receive a large-scale military response from the United States and its Western allies, mostly in implementation of American pledges which had been made

repeatedly by Barack Obama and other Western leaders, that the use of chemical weapons was a “red line” that the Assad regime would pay a dear price for transgressing.

However, a Russian offer to place the regime’s chemical weapons under international control came as a lifeline for the regime, as Western countries and the United Nations quickly and enthusiastically embraced it, and its effects began to appear as of 12 September, that is, nearly twenty days after the horrific chemical massacre. The Syrian regime sent documents stating its desire to join the Chemical Weapons Convention, a step that means its acceptance of the destruction of its stockpile of those weapons, which was praised by the Secretary-General of the United Nations, Ban Ki-moon, declaring his hope that “the talks currently underway in Geneva will quickly precipitate a solution.”

Meanwhile, negotiations were taking place in Geneva between Russian Foreign Minister Sergey Lavrov and US Secretary of State John Kerry. The talks concluded on 14 September 2013 with the signing of a “framework” between the two countries aimed at overseeing the process of eliminating the Syrian regime’s chemical arsenal in partnership with the OPCW. With this, the page was turned on holding the regime accountable for its chemical crime, and instead the regime would be a partner to the international community in a long-term bureaucratic process, instead of a criminal to be held accountable.



In the backdrop to this agreement lie many shameful facts that still govern the entire international political track of the Syrian crisis. These include that the agreement was originally conceived by Israel, as confirmed later by the memoirs of the Israeli ambassador in Washington at the time, Michael Oren. The horrific chemical massacre was thus seen as an opportunity to save Israel from weapons that constitute a strategic threat to its security, instead of being an occasion to hold the regime accountable for its heinous crimes. This consolidated an approach to Syria whereby international intervention comes in a way that guarantees the security and interests of the countries of the region and the world, regardless of the extent of the crimes committed against the Syrians themselves.

Among such shameful facts is that the terrible Ghouta massacre was committed only two days after the arrival of UN investigators to Damascus to investigate limited chemical attacks that previously occurred in Homs, Aleppo

and around Damascus. The mandate of these investigators did not include identifying the parties responsible for the attacks, but only verifying whether the attacks occurred. The Ghouta massacre, taking place a few kilometers from where the investigators resided in Damascus, did not prompt a change to the mandate. The investigators even visited the areas that were targeted in Ghouta a few days after by the massacre took place, and issued a report nearly two weeks later in which they confirmed the occurrence of the attack, stating that “the party that carried out the attack was an expert in the use of weapons equipped with poisonous gasses. Those who carried out the crime have chosen the appropriate climate and timing to carry out the attack so that the largest number of victims would be inflicted.” This formulation seems to clearly indicate the responsibility of the regime, without these investigators having the authority to mention the Assad regime by name.

Western state powers could defend themselves against the charge of complicity, by saying that Russia would not have agreed to grant investigators access if the mandate included identifying those responsible for the attacks. However, this defense does not stand up to the fact that Western powers could have refused to send investigators with such limited powers. Instead, they and Russia drowned the Syrian cause in a sea of bureaucratic procedures for which a lot of time, effort and money was wasted. This is at a time when evidence for the chemical attacks was so damning that it did not need subsequent years-long rounds of investigation. Otherwise, Western powers could have quickly resorted to investigative mechanisms from outside the Security Council, through the United Nations General Assembly or the OPCW, as eventually happened nearly five

years after the August 2013 massacre.

This incident, which clearly explains the extent of the corruption and decay of the international system, established a long path of normalization of impunity, making justice contingent to international consensus and bureaucratic necessities. This complacency allowed the regime and its allies to conceal and destroy evidence and spread inordinate amounts of lies and delusions. The work of international commissions of inquiry was thus devoid of any substance, despite their later mandate to identify the perpetrators of some of the attacks.

The construction of this lifeline for the regime was completed on 27 September of the same year, when the UN Security Council issued **Resolution No. 2118**. The resolution adopted the US-Russian agreement, welcomed the Syrian regime's accession to the Chemical Weapons Convention, and called on that occasion "for the convening, as soon as possible, of an international conference on Syria" in order to implement the aforementioned Geneva Communiqué, and called on "all Syrian parties to engage seriously and constructively" in this conference.

On that fateful day, the international community unanimously adopted a resolution that flagrantly trampled over justice in order to maintain the stability of international relations. It explicitly welcomed a war criminal because he agreed to surrender one of the many weapons of his continuing onslaught of crimes. Despicably, it showed that the international community will pardon a war criminal and invite representatives of his victims to enter into a negotiation process with him, without any promises or guarantees that justice will be delivered, or even sought,



and without any pledges or procedures that prevent the recurrence of heinous mass killings.

A few months later, the first negotiation sessions took place between the regime and the Syrian opposition, at the Geneva 2 conference which began in late January 2014. These talks came in implementation of the recommendations of the aforementioned UN Security Council Resolution No. 2118. The Syrian opposition refused to attend the conference at first due to the lack of any guarantees to stop the regime's crimes, then agreed after pressure from its Western and Arab allies. On 15 February 2014, Lakhdar Brahimi, who succeeded Kofi Annan as the United Nations and Arab League special envoy to Syria, announced the failure of negotiations due to the regime's refusal to discuss political transition. Brahimi resigned from his post in May of the same year. Meanwhile, the Syrian regime continued its partnership with the international community in disposing of its chemical weapons stockpiles, and enjoyed the outcomes of the US-Russian deal which served as an open license to commit any massacres it deemed necessary, albeit using conventional weapons.

The US-Russian chemical deal oversaw the birth of that farcical political scene, in which the UN-Arab League envoy explicitly declared the party responsible for thwarting the negotiations and then resigned from his mission in protest, without any serious action against that party ensuing. After Brahimi, Stephane de Mistura was appointed as a new international envoy without changing any of the circumstances that led Brahimi to failure, as if the issue was related to Brahimi's lack of competence rather than the circumstances under which he was working.

For four and a half years, de Mistura oversaw a political process used to perpetuate the regime's impunity in exchange for lip service for the principle of negotiation, just as the regime's chemical weapons crimes were forgiven in exchange for willingness to hand over the murder weapon. De Mistura left his post at the end of 2018 after dozens of visits, meetings and conferences in Geneva, Astana, Riyadh, Sochi and others. Without disclosing the reasons for the failure of his mission to bring peace to Syria, de Mistura left his successor, Geir Pedersen, a caricature of a political process, one reduced to a committee tasked with drafting a new constitution for the country. Meanwhile, the war machine of Russia, Iran and Assad continues its massacres and wanton destruction, as the regime continues to detain and imprison tens of thousands of Syrians, and kill them silently.



Impunity, and imposing negotiations on the Syrian opposition without any guarantees or stopping repression and mass killing, and making the Syrian conflict contingent to the intersection or conflict of interests of regional and

global powers; these are the main rules imposed by the chemical deal on the so-called “political track” for Syria. This later led to the transformation of the Geneva Communiqué into an empty refrain that is cited in every talk about the Syrian political track, and to the entry of Syria’s politics into the labyrinths of Astana, Sochi, and de-escalation agreements. It also saw the total subjugation of the political and military opposition to the countries that supported it, until the National Coalition for Syrian Revolutionary and Opposition Forces came to be seen as a spokesman for Turkey, for which the Syrian political track is merely a means of securing its “demands of national security.”

This subjugation of parties to the Syrian conflict to the interests of regional and global powers has become the hallmark of the “political track” in Syria today. For this exact reason, none of what was narrated here makes Assad’s fate sealed, because the more the regime persists with its military victories supported by Russia and Iran, the more it loses its autonomy and ability to control its own destiny. However, as current facts remain, Assad’s survival or his departure will not change much of the country’s fate unless the path launched by the chemical deal in 2013 is broken, the path which is shrouded with impunity, with no regard whatsoever to the lives and rights of Syrians in any consideration of international policy.