

Syria and the Future of the Chemical Weapon Taboo

Written by Brett Edwards and Mattia Cacciatori

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BRETT EDWARDS AND MATTIA CACCIATORI, MAR 21 2016

For many commentators, international responses to the use of chemical weapons in Syria has reinforced a long standing prohibition norm (Price, 2013). This is despite the fact that much discussed punitive military strikes by the US, France and the UK in response to the Ghouta massacre did not materialise (Irish and Nichols, 2013). The norm is also understood to have withstood the failure of the UN Security Council to agree a process to ascribe responsibility for the Ghouta attacks, as well as the fact that prosecution of many of those involved in past and ongoing chemical weapon atrocities in Syria seems unlikely in the near term. (Edwards and Cacciatori, 2015). Finally, the norm is also understood to have survived, even though the continued use of chemical weapons in the Middle-East in the fall out of the Arab Spring has reaffirmed the utility of chemical agents as tools of control, terror, demoralisation and subterfuge- for states as well as terrorists (Ilchmann and Revill, 2013).

As part of a deal reached by Russia and the United States in September 2013, Syria was compelled to declare and destroy materials relevant to its existing chemical warfare programme. Syria also became party to the Chemical Weapon Convention (CWC), meaning that it is now a member of the Organisation for the Prohibition of Chemical Weapons (OPCW) and, as such, is subject to a range of inspection and investigation mechanisms. Syria's membership has provided new means for investigation into a spate of chemical weapon attacks since Syria joined the convention, through the establishment of an OPCW Fact Finding Mission, backed up by a UN-OPCW Joint Investigation Mechanism tasked with identifying those responsible. These measures, are of course not perfect, but can be understood for better or for worse, as a UNSC and OPCW success story during a period of humanitarian catastrophe.

Naturally, there has been much discussion of these destruction and investigation processes. This discussion however, is not the focus of this paper. Instead, the Syrian episode is taken a moment to critically reflect on the character and limitations of the chemical weapon prohibition, which is not 'blinded by the light' of existing control mechanisms and associated critique (See for example: Balmer and Rappert, 2016). We identify several ways in which existing discussion distracts from insidious developments which might erode the norm against the use of toxicity as a weapon of war.

First, to emphasise the centrality of states as responsible normative actors who will always guarantee the survival of this norm, risks ignoring the potential allure of chemical weapons to states (including liberal democracies), now and in the future.

It also risks sanitising our histories of use and development of chemical weapons, as well as ignoring those darker roads nearly taken. As Ulf Schmidt notes in his recently published work with reference to often made claims about state restraint in relation to chemical weapon use during the Second World War:

Allied political and military leaders have frequently been credited with both considerable foresight and with strategic and moral leadership for avoiding chemical warfare during the Second World War. Scholars have not, however, fully acknowledged how very close Allied forces came to launching a full-scale chemical onslaught in the European and far eastern theatres of war. Chemical warfare would not only have violated international law and morality as it was understood at the time, but would have changed beyond recognition the image and conduct of modern warfare for generations to come. (Schmidt, 2015, p. 100)

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Neglecting the idea that chemical weapons may hold appeal, and not just for pariahs, now and in the future contributes to the degeneration of society's ability to argue against such weapons- in becoming unthinkable, histories become buried and epistemic communities which define themselves against such weapons wither. As has been shown, in relation to the issues of landmines, cluster munitions and autonomous weapon systems, such voices are essential to curtailing the excesses of military doctrine.

Within this article, we expand on this idea with reference to two of the most well-known attempts to conceptualise weapon taboos in the international arena. We argue that, paradoxically, the very same characteristics identified as essential to the maintenance of weapons stigma can also be instrumental in their undoing. In particular, we point to the allure of Incapacitating Chemical Agent's (ICAs) to states, the reasons why such weapons are externalised from dominant institutional discourses, and the dangers that unchecked development in this area poses to the long standing norm against chemical weapons.

Conceptualising taboos

The question of why states choose not to develop or use certain types of weapon on moral grounds, despite the appeal of such weapons, has led to various attempts to capture the essence of what are commonly described as 'weapon taboos'. Such work has led to the development of a clearer understanding of the historical and sociological processes through which such norms are developed and maintained at the international level. Perversely, such conceptualisations also point to the way in which norms are can be quietly undermined in ways which are often ignored.

In his characterisation of the chemical weapon taboo Price argues that the norm against the use of chemical weapons in warfare has so far resisted the '...usual historical pattern of moral restraints eroding over time'(Price, 1997, p. 13). Price argues that the key factors which have contributed to the resilience of this prohibition, led to a situation in which:

...the chemical weapon taboo has increasingly served as its own rationale, in need of no further humanitarian justification. This has not always been the case. The moral obloquy against gas has coalesced around articles of international law prohibiting these weapons, whose persistence has made it increasingly un-acceptable to reopen what was once the controversial debate over the humanitarian effects of CW (Price, 1997, p. 174).

Likewise, Tannenwald's work on nuclear weapon taboos tells us something about the character of weapon stigma. Grounding her understanding of the taboo concept in anthropological and sociological theory, Tannenwald characterises a taboo as involving absoluteness, unthinkingness and taken-for-grantedness; pointing to the idea that taboos are characterised by emotive revulsion rather than considered rejection. (Tannenwald, 2007, pp. 8–17). In this case then, once established, weapon taboos can become tied fundamentally to human aversions to risk, which are an intrinsic characteristic of human identity; seemingly beyond the pale of negotiation.

According to these understandings, proscription actually stops us reflecting on why chemical weapons are prohibited. This is because the justifications for prohibition, are treated with ever decreasing importance; indeed this is essential to the survival of the norm. This then points to the idea that problematic cases, which challenge established categories, and generate the need for fundamental reflections on the scope of the norm might be ignored. Not just by those with something to gain from creeping legitimization, but also by those who want to protect the assumed sanctity and coherence of the norm. For example, it is understandable, why states party to the CWC would chose to distinguish between the issues of acid violence which primarily involves attacks against individuals in peace time, and chemical warfare. (Edwards et al., 2015; Reville and Edwards, 2015). This is despite the fact that acid violence shares many of the same physical properties and effects with classic chemical warfare agents. To deal with this issue in the context of the OPCW, it could be argued, could detract from the core purposes of the convention, and thereby dilute its meaning and specific significance.

However, there is the potential that such problem cases could quietly and fatally undermine the prohibition system while they are ignored, and decisions about them are deferred. In the context of the chemical weapon prohibition the

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elephant in the room in this regard is so called 'non-lethal' chemical agents, which are prohibited as weapons of war, under the CWC, but which are used for domestic law enforcement.

These agents are general put into two categories. At one end of this spectrum are riot control agents, such as pepper spray and malodchants, which are widely employed by police forces around the world. Such agents present limited risk of long term health damage if used in appropriate manner, but misuse has resulted in serious injuries and fatalities (Crowley, 2015, pp. 50–86). On the other end of the spectrum are ICAs such as those used to break the Moscow Theatre Siege in 2002. In that particular case, the gas killed at least 125 hostages.

In addition to humanitarian concerns about the fundamental inappropriateness of ICA weapons for use as an anti-terrorist tool, it is also apparent that the lines between war, terrorism and insurgency are ambiguous and highly contentious, especially in the context of live and amorphous conflicts such as the Syrian war. This suggests the possibility of the type of scenario in which an increasingly permissive international environment around the use of so called incapacitating agents could erode the norm against chemical weapon use as part of state warfare- allowing for states to maintain dubious programmes and stockpiles and normalise the use of an increasing range of chemical agents in conflict (see for example: International Committee of the Red Cross, 2013). Advances in science and technology, in fields such as neuroscience (Dando, 2015), suggest an increasing range of role for such agents in the near future; not all of them lethal – but it seems that lethality and the possibility of a new era of human rights abuses will be dragged in the wake of unfettered development in this area.

Conclusion

Events in Syria have emphasized the significance given to chemical weapon issues by the international community, the use of industrial chemicals, such as chlorine, by terrorists has also undoubtedly further stigmatized this category of weapon. However, this alone does not support the claim episode has strengthened the global norm against chemical weapons. In this piece we have highlighted how this is not immediately apparent due to the fact that problem cases tend to be externalized from dominant institutional discourses, often justified in terms of the need to protect the sanctity of the chemical weapon norm, as well as those institutions which embody the norm – especially the OPCW. However, problem cases, such as ICAs, if ignored, could still come to shake the foundations of the chemical weapon and the main international organization which embodies it.

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Syria and the Future of the Chemical Weapon Taboo

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