

PRE-EMPTION AND COERCION – A CASE STUDY OF SYRIAN DISARMAMENT DISCOURSE

Waseem Iftikhar Janjua, Ahmed Saeed Minhas and Farhat Konain Shujahi*

Abstract

The notions of pre-emption and coercions have been part of the offensive security policies around the world. These tools have been continuously applied in international relations by the relatively powerful against the weak during and after the Cold War, more specifically in the domain of Weapons of Mass Destruction. The manifestation of these concepts played a more constructive role in preventing an all-out war among the belligerents. However, the application of these tools against the same country has been comparatively an infrequent phenomenon which makes the Syrian case unique and a valid area of inquiry. Examining the Syrian aspirations of achieving nuclear weapons and the use of chemical weapons against civilians, this paper finds an interesting concord between the applicability of both tools. The research further concludes that pre-emption could only achieve partial disarmament leaving chemical weapons and facilities intact which had to be subsequently removed through coercion. Finally, the paper emphasizes the need for diplomacy and persuasion before pre-emption or coercion be employed.

Keywords: Syria, Disarmament, Pre-emption, Coercion, Weapons of Mass Destruction.

Introduction

For a long time, the greatest hurdle in declaring the Middle East as a Weapons of Mass Destruction Free Zone (WMDFZ) has been the selective implementation of disarmament regimes and regional realpolitik. While Israeli nuclear program is a taboo and remains completely defiant to any inspection or admission or denial, the US and the West are pushing other states to abandon their nuclear as well as conventional military aspirations especially if these programs are for military purposes. Many national armies in the Middle East especially those with robust standing and organization have been systematically stamped out. This process started towards the end of the 20th century. The 1991-Iraqi attack on Kuwait intended at “teaching Al Sabah and Kuwaitis an unforgettable lesson” by Saddam was a landmark in Middle Eastern history, however, Iraqi forces were penalized by the US mostly during withdrawal.¹ Subsequently, Arab Spring (2011) eradicated the Libyan Army, inextricably engaged the Egyptian Army on the domestic front and embroiled the Syrian Army in a sweltering

*Waseem Iftikhar Janjua is a PhD scholar at the Centre for International Peace and Stability, National University of Sciences and Technology, Islamabad. Dr Ahmed Saeed Minhas is the Pro-Vice Chancellor at DHA Suffa University, Karachi. Dr. Farhat Konain Shujahi is an Assistant Professor at the Department of International Relations, National University of Modern Languages, Islamabad.

civil war. Moreover, in the greater Middle Eastern region, Iran was impugned for violation of the Nuclear Nonproliferation Treaty (NPT) in 2003 and slapped with multiple layers of sanctions.

Relatedly, international disarmament regimes have been working on disarming the countries aspiring to develop Weapons of Mass Destruction (WMD) including nuclear, biological, and chemical weapons. However, disarmament regimes have also been criticized for being selective and biased.² Many nations have refused to cooperate with these regimes and tried to develop such capabilities covertly. Some of the countries were successful while others were coerced to stop and give-up their aspirations. Within this fragmented implementation of the disarmament regime, Syria is one of the most interesting and unique cases of recent history meriting valid inquiry for two reasons. Firstly, there has been an aura of mystery surrounding the Syrian nuclear program, part of which was pre-empted by Israel in 2007. Secondly, Syria has been a case of diplomatic coercion and it had to give up its chemical weapons stockpiles and become a 190th member of the Chemical Weapons Convention (CWC). Additionally, in the Syrian case, although volumes have been written regarding the civil war and the regime, a limited academic attention has been paid to the applicability of pre-emption and coercion, thus, making it a strong candidate for the analytical examination. There is a greater need to scrutinize the case of Syria to understand the application of these concepts in the 21st century.

Foregoing in view, this paper looks at the circumstances under which the Syrian regime agreed to not only become a signatory to the CWC but also agreed to give up the chemical weapons stockpile for destruction. Because of the volatile situation in Syria for the past many years, most of the academic endeavors and scholarly analysis have been placing substantial reliance on secondary sources. Methodologically, this is a case study, which focuses on two of the well-known international relations concepts – pre-emption and coercion. Therefore, this study contributes towards the existing knowledge by examining Syria as a unique case where the world has witnessed the manifestation and intersection of both these concepts. Most of the secondary sources have been used to develop and support the argument. However, for the understanding of the international disarmament regimes, such as NPT, CWC, etc., experts on the subject were also consulted.³

In this backdrop, this paper starts by examining the aspects related to the concepts of pre-emption and coercion in the context of international relations theory and security policy. The analysis also includes an understanding of NPT and CWC regimes. To build the argument, the next section delineates the pre-emptive case of Operation Orchard followed by its success in achieving partial disarmament. The case of coercion is then examined keeping the impediments of carrying out such an operation peacefully which resulted in achieving complete obliteration of Syrian chemical weapons. Before the conclusion, a few lessons learned through this case for the international disarmament regime have been tabulated.

Pre-emption and Coercion in the Security Policy

Pre-emption and coercion have been military doctrinal practices for millennia. These are the punitive tools in the hands of powerful nations mostly the nuclear states who decide to use them in line with the Rational Choice Theory. The danger of escalation and outbreak of an all-out war always loom in both options, thus, increasing the desirability of making the right choice. Despite the inherent risks, many countries opt for these tools to achieve favorable ends. Below is the hierarchy of these tools in security policies for military planners:

Figure-1: Coercion and Pre-emption on the Security Spectrum⁴

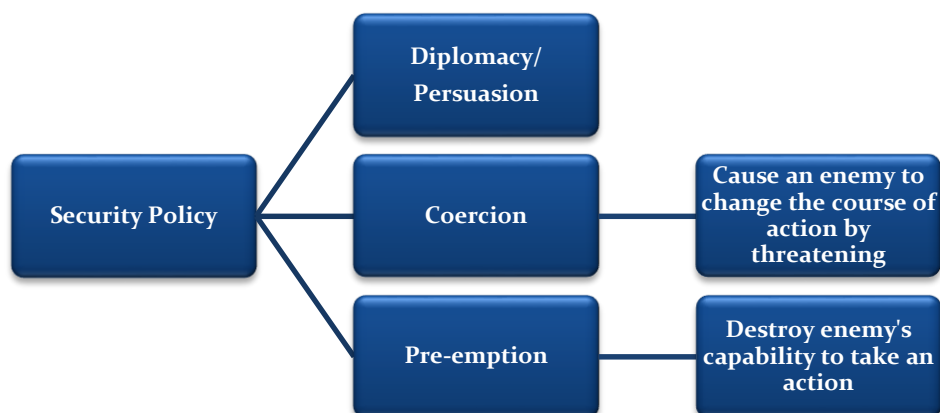


Figure 1 illustrates the concepts of coercion and pre-emption on the policy spectrum. Theoretically, pre-emption is considered as a military action taken by one country against another when incontrovertible evidence exists against the later likely to attack or harm the former. It falls short of an all-out war which is referred to as the preventive war. The 21st-century inclusion of pre-emption in the US National Security Strategy (2002) by the Bush administration brought this important military tool to the fore making it a subject of critical analysis. Also, concerning its applicability with international law, there is an ongoing discussion on the acceptability and justifiability of the pre-emption as a tool for the use of force.⁵ Robert Litwak argues that pre-emption has been one of the most revolutionary changes in the US military strategy since the Cold War dogma of the 1950s.⁶ Many US allies in the war against Iraq were skeptical about adopting such a threatening concept in the doctrine since repercussions could be larger than anticipation. The concept of unilateralism embodied in pre-emption was likely to be replicated by other states with such capabilities. However, the US assured the allies that this concept has always been a part of its doctrine but more importantly, the erstwhile and yet the significant concept of deterrence has not died and is still valid.

A nation realizing the enormous military might of an enemy might be deterred against any misadventure achieving the desired objective. However, in certain circumstances, a country may not be deterred, consequently, a more active form of show of force and existential threat – coercion might be another tool of final resort

short of war. However, many scholars continue to debate this concept in the cost-benefit analysis paradigm and argue that coercion may not work due to under or over-estimation of the belligerents' anticipated actions.⁷ This brief overview of both notions enhances the understanding of how states rationalize and react to the behavior of other states in their national security policy response options. These notions along with the concept of deterrence have affected the military calculus in a more pronounced manner during the 21st century. The next section explains why these two options are resorted to bypass more peaceful options of diplomacy and persuasion.

An Overview of NPT and CWC

NPT entered into force on March 5, 1970, and has 191 member states.⁸ This treaty is based on three main pillars, i.e., nuclear nonproliferation, disarmament, and peaceful application of nuclear energy. While members have been indulged in making unauthorized attempts for achieving nuclear weapons' capability, i.e., Iraq, Iran, North Korea, others despite being involved in similar activities were let off easy (South Korea) or dealt outside the NPT regime.⁹

Unlike nuclear weapons, chemical weapons have a long history of usage as well as control regimes. One of the oldest treaties on chemical weapons has been between France and Germany in 1675, when they agreed on the prohibition of usage of poisoned bullets.¹⁰ After the extensive use of chemical weapons in World War I, the Geneva Protocol was introduced in 1925 banning the Use of Asphyxiating, Poisonous or other Gasses and Bacteriological weapons for warfare. Further developments on the subject continued throughout the 20th century and finally on January 13, 1993, almost 130 countries signed up the treaty, which entered into force on April 29, 1997. As of the writing of this paper, 193 member states are signatories of the treaty. Syria became the state party on September 14, 2013.¹¹

CWC has three annexes: Chemical Annex, which lays down the classification of chemicals into certain categories; Verification Annex, which elaborates verification and inspection procedure for the member states of the convention and the operations of Organization for the Prohibition of Chemical Weapons (OPCW); and finally, Confidentiality Annex that constitutes the standards for the release of certain classified information regarding national security obligated to be released by the member states to the convention and protection of such information. Chemical weapons are classified by their effect on human beings. Breathing is made difficult by Choking Agents, such as chlorine. Skin and eye irritation are caused by Blister Agents, such as mustard gas. Arsenic or cyanide-based Blood Agents act fast and are mostly lethal causing death within minutes and finally, Nerve Agents, such as Sarin or VX cause disruption in the nervous system.¹²

Syria is a non-nuclear-weapon state but it fostered an advanced chemical weapons program as well as interest in biological weapons.¹³ In the aspirational assessment, it does pose nuclear proliferation risk and is being watched by the international enforcement regimes. The civil war in Syria has been depleting its stockpile of the ballistic missile and other military capabilities. To show its commitment

towards nonproliferation regimes, Syria ratified NPT in 1969, CWC in 2013, and signed the Biological Weapons Convention in 1972 but not ratified it yet. The same is true for its signatures on the International Convention for the Suppression of Acts of Nuclear Terrorism.

Operation Orchard – A Pre-emption on Nuclear Front

On September 6, 2007, Israeli Air Force jets attacked Dair Alzour at Al Kibar facility in Syria and dropped 17 tons of explosives destroying a nuclear complex without any resistance from Syrian armed forces.¹⁴ Israeli intelligence apparatus had been sniffing Syrian nuclear aspirations since 2001 and were able to obtain almost three dozen photographs.¹⁵ Besides a water pipeline running to Al Kibar facility from the Euphrates, a North Korean scientist by the name of Chon Chibu had also been spotted with Ibrahim Othman, the head of the Syrian Atomic Energy Commission. There is a contradictory account on the method of obtaining these photographs by Mossad, Eric and Holger in their article in a German magazine¹⁶ claimed that these photos were stolen from the laptop of a Syrian General, who traveled to London. ElBaradei in his memoir has also talked about the picture of a particular individual (who was also present in the six-party talks on North Korean program) spotted in the complex.¹⁷ Makovsky in his article has mentioned about the same photographs getting stolen by Mossad from Othman's laptop at his house in Vienna.¹⁸ The information, however, was perceived to be authentic that Koreans were trying to help Syria in building this nuclear facility.

The Bush administration was divided on destroying the Syrian nuclear facility and, in the process, implicating North Korea for aiding Syria.¹⁹ US Secretary of Defense Robert Gates wanted diplomacy to work and the international community to help stop Syrians from making this reactor hot.²⁰ Makovsky has pointed out a very interesting trend in the US foreign policy towards the Muslim world. During the discussion on attacking Syrian nuclear facility, Gates told Edelman (an Israeli Ambassador in Washington): "Every Administration gets one pre-emptive war against a Muslim country and this Administration has already done one."²¹ In his book *Duty*, Robert Gates has given a detailed account of the events leading up to the destruction of the Al Kibar facility and his refusal to get US involved in leading the strike.²² He admits, being blunt, in his remarks to persuade President Bush not to attack Syria. In his memoir, *Decision Points*, Bush has asserted that Israeli Prime Minister Ehud Olmert requested the US to lead the bombing.²³ Dick Cheney, US Vice President, was the 'lone voice' amongst all advisors to Bush advocating the US to lead bombing.²⁴ Based on intelligence estimates, Bush refused to bomb the facility in Syria and said that "Israel did, what was best in their national interest. Olmert did not ask for a green light nor did the US give any green light."²⁵

As anticipated by the US and Israel, the subsequent events from Syrian side included initial denial followed by silence. Later on, Assad admitted that "Israeli aircrafts bombed a military construction site in Syria."²⁶ Having known Bashar Al Assad, Israelis had perhaps intelligently war-gamed the subject attack and realistically

anticipated that giving some space to Assad for face-saving by remaining silent would prevent him from retaliating. This case signposts the risk taken by Israel (whose own NPT and CWC record is questionable) in pre-empting the Syrian nuclear plant successfully. It can, however, be argued that the Syrian regime was extremely weak and incapable of responding both on physical and moral grounds.

Pre-emption vs Diplomacy – Partial Disarmament

Silence in the aftermath of the attack on Syria, Israeli as well as American sides reached the limits of non-cooperation with International Atomic Energy Agency (IAEA). ElBaradei raised objections against many actions of both Israel and the US. These objections included non-provision of high-resolution imagery from satellites showing Syrian facilities, lack of cooperation between intelligence agencies and IAEA to stop the Syrian regime peacefully, repeated refusal on the provision of any worthwhile information regarding the existence of Syrian nuclear program before initiating the offensive strike against it. Resultantly, instead of strengthening the international regime, there was a smear campaign both in the US as well as Israeli media against ElBaradei.²⁷

Other problems faced by IAEA in ascertaining the validity of the presence of a nuclear facility at Dair Alzour included Syrian denial of such activity. Syria also refused to allow inspection of any site other than Dair Alzour insisting that those were conventional military weapon production facilities and remained outside NPT inspection mandate.²⁸ Finally, after a long delay, the inspectors were allowed and the environmental samples collected at the site later revealed that there were some traces of uranium on the site. Syrian denied any such activity and blamed the presence of such material due to bombing by Israel. Israel, on the other hand, refuted this claim.

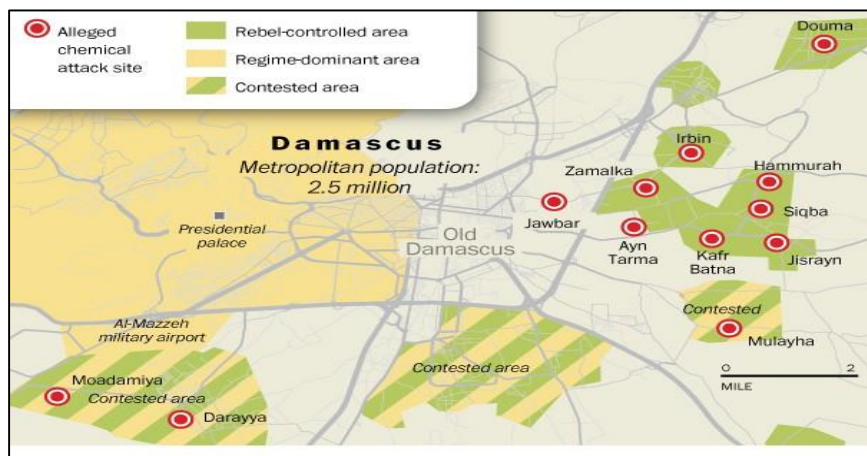
Such actions in international relations can be predicted to have serious consequences. The precedence was set and the use of force could be seen as a tolerable act by one country against another. Arguably, the US and Israel were unwilling to share information leading to such breach of NPT by Syria to IAEA, which meant that they did not trust it as an effective and efficient international organization. In the words of John Bolton, (US Representative to the UN): “The notion that Israel or the US would put their national security in the IAEA’s hands is just delusional.”²⁹ These kinds of statements are tantamount to weaken such regimes. Moreover, Israel besides being defiant on the repetition of such aggressive behavior probably calculated that any information sharing with IAEA could lead inspectors to go to Al Kibar facility in Dair Alzour, and after that, it would be very hard for them to takeout that facility by use of force. Also, the main motive for this one-sided belligerence by Israel against Syria was in direct continuation of Begin Doctrine, which says that “the best defense is forceful pre-emption.”³⁰ They had put this pre-emption doctrine to use in the Operation Opera with impunity during the 1981-attack and destruction of the Iraqi Nuclear facility outside Baghdad in Osirak.³¹ Ironically, as later events proved that Saddam Hussain only accelerated his quest for nuclear weapons after this particular attack which could be another unanticipated and undesirable fallout of this attack.

Despite best efforts, it took IAEA almost four years before they were able to muster enough evidence to declare the facility as a possible nuclear reactor. Syria had also been carrying out nuclear research just outside Damascus before this attack.³² Such unannounced acts are against the NPT clauses, thus, Syria carried out a violation of the treaty by doing this. It is still unknown if Syria continued with their program or abandoned it since they refused to allow IAEA inspectors to visit rubble dumping sites nor did they allow any other facility to be inspected. Since the US or any other country had not pushed for any further intrusive investigations on the matter, therefore, one can hope that Al Kibar was the only facility and that Syria has been completely disarmed on the nuclear front. The international community has very high stakes in enforcing nonproliferation agenda and maintaining its legitimacy and that can only be achieved through aggressive inspections and additional protocols. The bombing of Dair Alzour by Israel with possible knowledge of the US has been yet another risky incidence of aggressive unilateralism and ignorance of international law through the adoption of pre-emption.

Coercion – Chemical Weapons Fiasco

Amongst the countries who are signatories of CWC, Israel and Myanmar have signed the convention but have not yet ratified, whereas, Egypt, North Korea, and South Sudan have neither acceded nor signed the convention.³³ Egypt refuses to sign CWC on the pretext that their national security interest hinges on Israel signing NPT, while Israel refuses to sign NPT due to its national security concerns and declines to ratify CWC till all other states in the Middle East (including Egypt) agree to sign CWC. The Organization for the Prohibition of Chemical Weapons (OPCW) is, thus, interlocked in a vicious circle of defiant states in the Middle East and fails to delink the chemical weapon issues from nuclear weapons.

On August 21, 2013, multiple chemical attacks occurred in the Ghouta area in the suburbs of Syrian capital, Damascus. The estimated number of fatalities caused by this Sarin gas attack on the civilian population was more than 1400.³⁴ Immediate and apparent blame was apportioned on Assad's regime by the international community. John Kerry, the then US Secretary of State, claimed in a press conference that "there was no doubt in my mind or in the mind of President Obama that Assad had ordered these chemical attack."³⁵ Before this attack, the Syrian government had been blamed multiple times for using chemical weapons on December 23, 2012, in the area of Homs and on March 19, 2013, in Khan al-Assel neighborhood of Aleppo and the Damascus suburb of al-Atebeh.³⁶ In these cases, the Syrian government denied any involvement in the use of chemical weapons despite the contrary evidence. However, in July 2012, Syria admitted possession of stockpiles of chemical weapons responded by President Obama with a metaphorical "Red Line" drawn against the use of such weapons.³⁷ Drawing this red line can be seen both as deterrence for Assad's regime, which in case of such use could have faced punitive military action from the US. Simultaneously, it provided anti-Assad regime elements operating inside Syria to use these weapons as the blame, in all likelihood, was to implicate the Assad regime.

Map-1: Syrian Chemical Attacks August 21, 2013

(Source: The Washington Post³⁸)

Within a short time, doubts were raised by multiple sources regarding the nature of chemical attacks in Ghouta blaming rebels sponsored by Syrian neighbors behind the attack. Such claimants pointed out that these were the efforts to remove Assad from the Syrian regime and orchestration of these attacks was foreign-sponsored.³⁹ Because of these contradictory claims implicating Syrian rebels and foreign hands behind these attacks, David Cameron, the then Prime Minister of the UK, tried his level best for punitive action against Syria but failed to take his parliament along. However, Russian efforts prevailed and Foreign Minister Sergey Lavrov quickly got engaged in negotiations with the US over a diplomatic resolution of this issue. Russian stakes in Syria include arms sales coupled with their only warm water sea base in the Middle East located at Tartus in Syria. Lavrov proposed that Syria would place all its chemical weapons under the UN control for destruction and in return, the US would not opt for initiating military action against Syria. Resultantly, a formal request for accession to CWC from the Syrian side was received by the UN on September 12, 2013.⁴⁰

Technical Impediments

Destruction of chemical weapons is a highly technical process that is marred with multifarious difficulties including state willingness, availability of destruction facilities, involvement of high cost for destruction, and prevention of environmental and human losses as part of collateral damage, etc. It means that these weapons cannot be simply burned in open pits, buried underground nor can they be dumped under the sea. As a reference, the US spent \$28 billion in the destruction of their stockpiles and another \$10 billion was needed to complete the destruction.⁴¹

OPCW allows two technologies that are currently being used for the destruction of chemical stockpiles, i.e., high temperature “Incineration” and low temperature “Hydrolysis”.⁴² The first step in both processes is the separation of explosive material, chemical material, and the residual metal portion of the weapon.

After this, for Incineration, the chemicals are put into a furnace heated up to the temperature of 2700° F and for additional treatment into a second chamber that maintains 2000° F ensuring 99.999% destruction. The left-over oxides and gasses are removed by scrubbing and disposed-off like other industrial waste. The metal portion is decontaminated through thermal treatment and recycled.⁴³

Hot water is enough to neutralize certain chemicals like Mustard. However, for other chemical weapons combinations, multiple chemicals like hydroxides are used as reagents to dilute. This low temperature Hydrolysis process may take months for larger stockpiles to lose concentration and become waste called 'hydrolysate.' Resultant Mustard Hydrolysate or VX Hydrolysate is put through the second stage of bioremediation and micro-organisms are added which help degrade these Hydrolysates into metallic salt and water. Water is then evaporated and residual metallic salts are disposed-off much like other industrial waste. The metallic portion of the weapon in this process is decontaminated under 1000° F for 15 minutes and recycled.⁴⁴

Chemical Weapons and Syrian Dilemma

The civil war in Syria added multiple complexities to Syrian chemical weapons' destruction. First, the working environment was not conducive for OPCW or UN workers causing serious security concerns. Second, the success of the entire operation depended upon Assad's decision to abide by the treaty and give-up the entire stockpile along with deceleration of all storage as well as manufacturing facilities. Third, the possibility of chemical weapons or production facilities falling in the hands of rebels was very high exacerbating the problems in extermination. Fourth, the agreed time frame for destruction was too ambitious since storage and manufacturing sites were spread all over Syria and high dangers involved in moving these stocks to destruction sites compounded the situation. The agreed timeline given by OPCW for the destruction of production facilities was November 2013 and weapons inventory by mid of 2014.⁴⁵ The urgency in the destruction of chemical stockpiles and facilities became evident by the completion of the first of twelve-production facilities destruction in Syria by the OPCW by the end of January 2015. Fifth, the US estimated that if they were to get involved in the process of destruction, they would need 75000 troops for almost ten years to complete the process inside Syria.⁴⁶

It is worth noting that the biggest problem was that no nation was willing to allow these weapons to be transferred to their soil for destruction. By the end of 2013, the US Department of Defence prepared a specially designed ship named *Motor Vessel Cape Ray* with two chemical weapons destruction units and 45-men civilian crew aboard.⁴⁷ With the help of Danish shipping company and using Italian ports, Syrian chemical weapons were transferred onboard Cape Ray and the neutralization of 600 tons of Syrian chemical weapons was completed by the end of August 2014 with Cape Ray returning to the US on September 17, 2014.⁴⁸ For organizing a smooth operation and advancing the cause of international chemical disarmament, OPCW was awarded the 2013-Nobel Peace Prize.⁴⁹ Coercion worked in the case of chemical weapons as the US

has ordered its aircraft carrier to be moved to the Mediterranean in case Syria failed to comply with CWC.⁵⁰

Lessons Learnt

The Syrian case is unique in a way that the nation has been forced to go through the punishments including pre-emption and coercion by the international community on both nuclear as well as chemical weapons' fronts besides getting embroiled in a civil war. In the process, the international community has also learned multiple lessons that can be useful for future discourses of such political and military environments. First and the most important lesson is that diplomacy must always be given a chance. In the case of nuclear facility in Syria, the use of force was preferred by the US and Israeli policymakers. However, in the case of chemical weapons, Russian diplomatic efforts prevailed in creating a working space and achieving the aim of the destruction of weapons.

Secondly, a vital lesson is to improve effectiveness and intelligence provision to the international disarmament regimes by all the signatories. Efficacy of IAEA as an international organization, under the umbrella of the UN, can only be improved if all signatories assist IAEA in timely sharing of available information. Thirdly, while one nuclear facility has been destroyed in Syria, IAEA needs to increase its vigilance on the countries aspiring to obtain WMDs. Long-term monitoring and inspection plans are vital in ensuring that a country once implicated should not be able to proceed unobserved. Syria declined to allow IAEA inspectors to inspect any other facility insisting that those were conventional military arsenal production facilities. Finally, unilateral action by Israel with full knowledge of the US was a serious violation of International Law while international community's response was mostly muted. These points to a gap between the information sharing and utility of unilateral actions.

Conclusion

The second decade of the 21st century has been very challenging for the Assad's regime. Israel's unilateral action against the Al Kibar facility was a serious blow to the Syrian regime as they could neither admit the existence of the facility nor deny and resorted to silence. This event was followed by the initiation of the civil war in Syria, which destroyed the social fabric of the country. Whether it was Syrian army or foreign hands or the Syrian rebels involved in chemical attacks against the civilians, the unfortunate series of events resulted in more than 1400 fatalities. The situation in Syria has worsened since the disarmament. During his pre-election speeches and after assuming the office, President Trump's clear policy has been disengagement from Syria. Resultantly, the fight against the rebels, ISIS, and more than 200 other small and large organizations continue to be fought by Assad loyalists. In the entire process, millions of civilians have been displaced and have become refugees. Therefore, destruction of the chemical weapons could only be assured through diplomacy and persuasion.

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