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Sixth Cooperative Idea

Building a WMD-Free Zone on the Two Existing Conventions

Jean Pascal Zanders

This Policy Forum issue analyses both progress made by and challenges facing the Chemical Weapons Convention (CWC) and Biological and Toxin Weapons Convention (BTWC). It does so in order to explore under what conditions and to what extent these two conventions might help build a zone in the Middle East free of weapons of mass destruction (WMD) and their delivery vehicles (DVs). Finally, the issue presents some options for the future and a major long-term initiative towards this ambitious goal.

Background and Context: Exploring an "Old" Idea under Difficult Political Circumstances in the Middle East/Gulf

During the first half of 2013 the number of allegations of chemical weapons (CW) use in the Syrian civil war rose rapidly, culminating in the attacks using the nerve agent sarin on Ghouta in August. Following joint diplomatic action by Russia and the United States, Syria joined the CWC two months later with a clear promise and commitment to eliminate its entire CW stockpile, despite the ongoing war. The international community invested great resources in removing chemical warfare agents and precursor chemicals from the country under the supervision of the Organisation for the Prohibition of Chemical Weapons (OPCW), and destroying them in Europe and the United States.

Syria was the last known CW possessor country in the Middle East. As a result of the Syrian decision, initial actions by Israel clearly indicated that it viewed the CW threat as considerably lessened. Hope therefore rose internationally that Israel – already a signatory state – might soon ratify the CWC. However, as shown in this Policy Forum issue, general political trends in the Middle East (including in the Gulf region), as well as continuing reports of CW attacks in Syria and mounting suspicions that the country had not been fully forthcoming in declaring the full scope of its CW programme to the OPCW, thwarted such hopes.

This Policy Forum issue analyses both progress made by and challenges facing the CWC and BTWC. It does so in order to explore under what conditions and to what extent these two conventions might help build a WMD/DVs-free zone in the Middle East/Gulf. Finally, the issue presents some options for the future and a concrete next step towards achieving this demanding zonal arrangement.

Progress Made by the Chemical Weapons Convention

2017 marked the 20th anniversary of the entry into force of the CWC. To date it is the most complete weapons control treaty in operation: it delegitimises the acquisition and possession of an entire category of weapons in times of peace and their use in armed conflict. The treaty's scope is comprehensive: it covers any toxic chemical that is developed, produced, or used with the intention of harming humans and animals through the exploitation of its poisonous effects. The prohibition also applies to non-state actors, and parties to the treaty are required to adopt and enforce specific legislative and regulatory measures to criminalise certain types of activities that contravene the objectives and purpose of the CWC, and to prevent illicit technology transfers to state and non-state entities.

The convention has also established an international organisation, the OPCW, to oversee the destruction of declared CW and organise the verification of national declarations by states parties. The agency is based in The Hague. As of 1 January 2018, 192 states were members of the OPCW. On the final day of the 22nd Session of the Conference of States Parties (27 November-1 December 2017), South Sudan formally announced its intention to accede soon to the CWC following its decision to do so on 25 August 2017. This will leave only three states outside the convention, two of whom are in the Middle East: Egypt, Israel, and North Korea. The United Nations (UN) Secretary-General is the depositary of the CWC. Secretary-General António Guterres notified the UN membership of the State of Palestine's deposit of its instrument of accession to the convention on 29 December 2017, meaning that it would have become the 193rd state party on 28 January 2018 (UN, 2018a).[1] However, on 11 January 2018 he formally informed UN members that Palestine had withdrawn its instrument of accession three days earlier (UN, 2018b). The reasons for this withdrawal are unclear (Zanders, 2018).

At the start of 2018, 96.3 per cent of all declared CW stockpiles had been destroyed under international supervision.

1 Palestine has UN observer state status since 29 November 2012 and has now joined over 50 international treaties. However, it is not normally included in lists of potential state parties to treaties (the exception being the Treaty on the Prohibition of Nuclear Weapons, to which it is presently a signatory).

Russia formally concluded its destruction operations on 27 September 2017, while the United States is expected to complete its destruction operations by 2023. With one of the CWC's core goals almost achieved, the OPCW is gradually moving towards a future-oriented disarmament agenda under the heading "preventing the re-emergence of chemical weapons". It is increasingly engaging with key stakeholder communities, including the chemical industry, scientists, academia, and civil society, to promote the norm against chemical weapons and encourage responsible conduct. In terms of engagement with states parties, the OPCW is promoting chemical safety and security; it also conducts regional emergency training exercises in various parts of the world. The organisation set up the Advisory Board on Education and Outreach as a subsidiary body to help develop and implement strategies for stakeholder engagement.

In November 2018 states parties will hold the 4th Review Conference of the CWC. They will hear detailed reports from the open-ended working groups on future priorities and terrorism, both of which will help to plot the future course of the OPCW's work. Universalisation will remain a key objective; closing the dossier on Syria will be an urgent one.

The CWC in Specific Countries of the Middle East/Gulf

As noted earlier, Egypt and Israel are the only countries in the Middle East and North Africa not to be parties to the CWC. Israel signed the convention in 1993, but has not ratified it, while Egypt is a non-signatory state. Both states are parties to the 1925 Geneva Protocol prohibiting CW use in armed conflict.

The reasons for their refusal to become parties to the convention have different security and geopolitical rationales. Egypt's primary goal is to force Israel to dismantle its nuclear arsenal, in pursuit of which it seeks its neighbour's accession to the Nuclear Non-Proliferation Treaty (NPT). It views accession to the CWC as a bargaining chip to achieve its strategic objective. Israel, in contrast, demands peace treaties with other Middle Eastern powers before it is willing to consider any reductions in its armaments. Its confidence in multilateral international agreements and arrangements to guarantee its national security is low to non-existent. The prospect of any progress in the foreseeable future appears to be slim in view of these mutually exclusive objectives.

Furthermore, convinced that Iran will continue its quest for a nuclear weapons capacity and qualitatively and quantitatively expand its ballistic missile arsenal, Israel is highly sceptical of the Joint Comprehensive Plan of Action. Israel interprets Iran's active involvement in the Syrian and Yemeni civil wars, together with its support for proxies in other parts of the Middle East, in terms of Iran's regional hegemonic ambitions. Both countries view each other in zero-sum terms. Even though Israel does not appear overtly concerned about the chemical warfare allegations in Syria, it interprets in a similar vein Iran's forceful denial that the Syrian government bears responsibility for most of the attacks, as confirmed by the OPCW and the now defunct OPCW-UN Joint Investigative Mechanism (JIM).

Attempts to resolve the Palestinian issue appear to have reached a total deadlock. The Trump administration's announced intention to move the US embassy to Jerusalem and its blunt threats of retaliation against UN members that oppose the decision are not helpful in this respect either.

Chemical Weapons Disarmament in Libya

In view of the country's escalating internal conflict, the OPCW (endorsed by the UN Security Council) decided in July 2016 to remove the remaining precursor chemicals from Libyan territory and have them destroyed in Germany (UNSC, 2016). Following the precedent set by the CW disarmament operation in Syria, a multinational coalition under OPCW supervision successfully evacuated the Category 2 CW[2] from the Libyan port of Misrata on 27 August 2016. On 5 January 2018 the German government announced the completion of destruction operations. Five hundred tonnes of precursor material had been destroyed at specialised facilities in Munster, north Germany (DW, 2018).

The OPCW and Syria

From the OPCW's perspective, there are three dimensions to the disarmament of

2 In the CWC, Category 2 covers munitions filled with toxic chemicals and any weaponised chemical agents other than those in Schedule 1.

CW in Syria: the verified destruction of declared weapons holdings and infrastructure; the possibility of undeclared materials and activities; and the use of toxic agents in the civil war.

In his statement to the 22nd Conference of States Parties, the OPCW director-general stated that all declared Syrian CW (agents, precursors, munitions, and specialised equipment) had been destroyed, much of which was done by a multinational coalition of states parties. Moreover, the coalition verified the destruction of 25 of the country's 27 CW production facilities. He added that initial inspections of the two remaining installations, which had been previously inaccessible, were completed in early November 2017, and destruction operations were to be initiated later in that month.

A Declaration Assessment Team was set up within the OPCW Technical Secretariat to study Syria's declarations in detail and discover any anomalies. Under great pressure, Syria has been providing additional documentation. Notwithstanding, it has not fully resolved all identified gaps, inconsistencies, and discrepancies, making its declaration inaccurate and incomplete.

The OPCW Fact-finding Mission has confirmed the repeated use of CW in Syria. The UN Security Council established the OPCW-UN JIM to assign responsibility for these chemical attacks. The JIM has held the Syrian government responsible for several attacks. However, Russia and Iran took grave issue with the allegations of a government forces sarin attack in Khan Sheikhoun on 4 April 2017, a disagreement that ended in October with Russia vetoing a draft UN Security Council resolution to extend the JIM's mandate. The veto, however, does not affect the investigations of the Fact-finding Mission, just attempts to assign responsibility for the CW attacks.

The non-state group Islamic State in Iraq and Syria (ISIS) has been responsible for some isolated attacks with chlorine and mustard agents in Syria and Iraq. This has created new challenges for the OPCW in terms of investigating and responding to the alleged incidents. Indeed, these incidents mostly involved the use of CW by non-state actors on the territory of a state party to the CWC that are not under the control of that state party. With the almost complete elimination of ISIS in both Iraq and Syria, such attacks have all but ended.

The BTWC and the Middle East/Gulf

While the BTWC is older than the CWC, it does not have an international organisation to oversee its implementation or a verification toolbox. The number of states parties is increasing gradually, having reached 179 in September 2017. This makes it the third most successful weapons control treaty after the CWC and NPT. In the Middle East, Egypt and Syria have signed, but not ratified the convention. Israel is a non-signatory state. However, Syria is a party to the 1925 Geneva Protocol, which also prohibits the use of biological weapons (BW) in armed conflict.

Since the failure to negotiate a legally binding protocol in 2001, BTWC states parties have adopted annual work programmes in between the five-yearly review conferences. The agendas of the so-called inter-sessional meetings have tended to focus on actionable items (national implementation, science and technology review, assistance and cooperation for peaceful purposes, etc.) that can be implemented by individual states parties rather than activities involving multilateral negotiations or coordination. Iran has steadfastly opposed this approach, and over the past few years has increased its resistance to it. Its unfaltering refusal to grant the annual meeting of states parties any decision-making authority has proved a major impediment to incremental regime building.

BW are presently not a prominent security concern in the Middle East. In contrast, certain emerging and re-emerging infectious diseases (including avian influenza and Middle East respiratory syndrome) are causes of transnational public health concerns. In the BTWC context, disease surveillance, reporting, and assistance are areas of possible regional cooperation despite the cleavages in the Middle East. However, in the past initiatives have faltered as soon as international funding ceased, indicating region-wide lack of ownership of the issue. Given the recent regional geopolitical developments mentioned earlier, today it no longer seems feasible to convene technical expert meetings bringing together representatives from Arab countries, Iran, and Israel (even though general discussion forums are still possible). For certain Arab countries, the

participation of Iranian and/or Israeli non-governmental experts in a focussed working group is no longer an option.

Options for the Future

The inclusion of CW and BW in attempts to establish a Middle Eastern zone free of non-conventional weapons has always been problematic at best. The "WMD" metonym made it easy to group the three weapons categories in the initiative that originated under the NPT. Proposers knew that the nuclear weapons issue was the most difficult to achieve and suggested that adherence to both the BTWC and CWC in order to meet the proposal's goals was the low-hanging fruit. While nuclear disarmament straddled two geopolitical cleavages involving respectively Iran and Israel, CW are a uniquely Arab problem in the region's post-Second World War history, while BW hardly feature in regional security concerns.

Current regional geopolitics seems to preclude any possibility of reframing BW-related issues, including bioterrorism, as questions of regional public health. This implies that even on a technical or academic level, any idea of region-wide cooperation and thereby working towards enhanced confidence and transparency are likely to remain stillborn.

All Middle Eastern parties to the CWC benefit from the OPCW's regional and national cooperation and assistance programmes. However, compared with the question of regional nuclear disarmament, which directly involves Israel, Arab countries have remained remarkable indifferent to the many uses of CW, despite the history of chemical warfare in the region. For instance, not a single member of the Arab League contributed financially or materially to the disarmament operations in Syria and Libya. Many high-level Arab diplomats privately believe that the Syrian government is not responsible for most of the CW use in the civil war.

Conclusions and the Next Big Step: Initiating Educational Groundwork

In view of the lack of credible immediate or short-term steps, the only option for the time being appears to be to engage in educational and outreach activities with various constituencies on the root causes of chemical warfare, and to reflect on the region's history. The legacies of colonial warfare (Ethiopia, Libya, and Morocco), the war in Yemen, and the three Gulf wars could become focal points for discussions on the value of disarmament and supporting the CWC beyond one's national interest.

In this respect, consideration ought to be given to civil society-OPCW partnerships in setting up initiatives and programmes. Some civil society action or Track-II initiatives may therefore have to be directed towards the OPCW, for instance at the annual conferences of states parties or review conferences. ■

The Author

Jean Pascal Zanders *is an independent researcher and consultant at The Trench.*

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