

Building A WMD-Free Zone on Existing Treaties and Conventions

Syrian CWC-Adherence and Reactions, Especially in Israel

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Operation of the CWC in the Middle East

- As of 1 May 2017, the Chemical Weapons Convention (CWC) comprises 192 states parties. The CWC entered into force 20 years ago, on 29 April 1997. It has the largest number of parties of any weapon control treaty.
- Four states, including two from the Middle East, are still outside the convention: Egypt, Israel, North Korea and South Sudan. (Israel did sign but not ratify the convention.)
- Given the armed conflicts in different parts of the Middle East, the Organisation for the Prohibition of Chemical Weapons (OPCW) has intervened in Syria and Libya to secure declared chemical weapons (CW) and have them destroyed in other parties to the CWC so as to prevent their use by any one of the belligerents in either country. The Libyan operation took place in August 2016. It drew on the precedent set by and experience gained from the evacuation of chemicals from Syria.

Situation in Syria

- Syria acceded to the Chemical Weapons Convention (CWC) on 14 September 2013 and formally became a state party on 14 October. This was the outcome of a framework agreement on the elimination of Syria's chemical warfare capacities between Russia and the United States reached in Geneva on 14 September.
- Since Syria's accession to the CWC the OPCW has:
 - verified the destruction of 24 of the 27 CW production and storage facilities. Lack of safe access has prevented inspectors from destroying one final aircraft hangar and confirming the condition of two stationary above-ground facilities.

- overseen the evacuation and complete destruction of all declared chemical chemicals (precursors to nerve agents and mustard agent) for a total of about 1,300 metric tonnes. It also verified the destruction of declared delivery systems.
- However, there remain several outstanding issues, including the OPCW's inability to confirm the destruction of 200 metric tonnes of mustard agent in March 2013 (i.e. about 6 months before Syria's accession to the CWC), the discovery of nerve agent traces in locations not declared by the Syrian government, and the later discovery of an undeclared ricin production facility.
- Since Syria's accession to the CWC there have been multiple incidents involving the use of toxic chemicals as weapons, mostly chlorine. On 4 April an attack with the nerve agent sarin took place against the city of Khan Sheikhoun, the first such use since the sarin strike against Ghouta in August 2013. At the time of writing it is unclear whether the sarin was prepared from undeclared volumes of precursor chemicals or whether Syrian scientists and engineers produced a batch from scratch.
- The Islamic State in Iraq and the Levant (ISIL) has been responsible for some isolated attacks with chlorine and mustard agent in Syria and Iraq. This has created new challenges for the OPCW in terms of investigating alleged incidents and responding to the challenges. Indeed, many incidents involved the use by a non-state actor against another non-state actor on the territory of a state party to the CWC that is not under the control of that state party.
- The Fact-Finding Mission (FFM) of the OPCW has confirmed repeated CW use in Syria. The UN Security Council established the OPCW-UN Joint Investigative Mission (JIM) to attribute responsibility for the chemical attacks. JIM has thus far held the Syrian government responsible for three attacks and ISIL for one. Its investigation is ongoing.

Responses in the Middle East

- Iran is a strong backer of the Syrian leader Bashar al-Assad. Having been a victim of chemical warfare during the 1980–88 Iran-Iran war, it strongly condemns chemical warfare. However, it denies the Syrian government's responsibility for the CW attacks since August 2013 and instead blames insurgent factions. It follows the arguments laid out by Russia (and to a lesser extent by China) and plays an active role in the decision-making processes relating to the technical assessments prepared by the FFM in the Executive Council of the OPCW.
- Attribution of responsibility for the CW attacks to insurgent factions has been accompanied by claims that neighbouring states are responsible for supplying or facilitating the

transfer of chemicals and equipment to rebel factions they support. Since with the exception of Israel all neighbouring states are parties to the CWC, the claims are tantamount to an accusation of a material breach of the convention by such states.

- Some government officials, politicians or commentators both inside and outside the Middle east have made rather wild allegations (without any substantiation of the political statements) that other external parties to the civil war supply belligerents with the materials for chemical warfare. Iran has been named as a supplier of the Syrian government; uncontrolled stockpiles in Libya might be transferred to various belligerents in Syria.
- The current Israeli government has long maintained that Syria has never given up its entire CW capacity since joining the CWC. The difficulties for the OPCW to close the Syrian disarmament dossier tend to reinforce Israel's deep-rooted pessimism about the ability of international weapon control treaties to guarantee its national security. Israeli attitudes towards Iran, which include conviction of Tehran's non-compliance with the CWC, appear to be strengthened by Iran's on-the-ground military support for Syria and Hezbollah in both Lebanon and Syria and its interventions in the OPCW.

Concluding thoughts

- Over the past two decades the CWC has contributed much to the removal of the spectre of chemical warfare, particularly in the Middle East. Addressing specific challenges in Syria and Libya, the states parties to the convention have demonstrated adaptability, flexibility and willingness to support financially or materially the extraordinary disarmament efforts in the field. As a result, the treaty regime has evolved considerably with respect to meeting challenges unforeseen by the CWC negotiators.
- However, at the same time the unrelenting use of toxic chemical as a weapon of warfare in Syria fundamentally challenges the CWC's most basic premise to never under any circumstance use CW. Furthermore, backing of belligerents by outside parties (all of whom have joined the CWC) is increasingly tending towards a violation of the prohibition to never under any circumstances to induce, in any way, anyone to engage in any prohibited activity.
- Syria's inability or unwillingness to resolve all outstanding issues with regard to its CW programmes also challenges the integrity of the CWC and the OPCW's operational procedures and findings. Factual findings are becoming increasingly politicised (often driven by ulterior geological motivations), making consensus-based decision-making increasingly difficult.
- Since the 2nd World War all major chemical warfare with the exception of US use of herbicides and riot control agents during the Viêt-Nam war in the 1960s and early 1970s

has taken and is taking place in the Middle East. All these instances of chemical warfare in the Middle East have targeted fellow Arabs, Muslims or a regime's own population. None have involved Israel.

- Compared with the question of regional nuclear disarmament, which directly involves Israel, Arab countries have despite the history of chemical warfare in the region remained remarkable indifferent to the many uses of chemical weapons. For instance, no a single member of the Arab League contributed financially or materially to the disarmament operations in Syria or Libya.