

## IV. Chemical disarmament in conflict areas

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In 2014, states and international bodies such as the Organisation for the Prohibition of Chemical Weapons (OPCW) worked to coordinate efforts under the 1993 Chemical Weapons Convention (CWC) to monitor and verifiably destroy chemical weapons and associated infrastructure in the major conflict areas of Iraq, Libya and Syria.<sup>1</sup> These efforts faced various challenges, which provide context for the policy considerations and operational issues associated with arms control in cases where state and non-state actors from within and outside a region are interacting in contested or ungoverned spaces. An analysis of some of the key monitoring and verification actions, with a particular focus on the largely consensus-based approach adopted by the OPCW in Syria during 2014, provides an indication of what can be achieved in such cases.

### Iraq

Violence in Iraq hindered monitoring and verification efforts in 2014. As a result, Iraq endeavoured to fulfil its requirements under a destruction plan submitted to the OPCW in November 2013.

In 2010 Iraq declared to the OPCW the possession of chemical weapons at two bunkers at the Al Muthanna Chemical Weapons Complex, dating back to the regime of Saddam Hussein.<sup>2</sup> A chemical weapon production facility (CWPF)—one of four in Iraq scheduled to be destroyed under OPCW verification—is also located at the Al Muthanna complex.<sup>3</sup> In June 2014 the complex was captured by Islamic State fighters; it was later recaptured by Iraqi Government forces. During this time Iraq continued to consult with the OPCW on verification and possible destruction activity on the basis of the 2013 destruction plan.<sup>4</sup>

In July 2014 Iraq reported to the OPCW's Executive Council that, although it would review the final version of the destruction plan for the bunkers at Al Muthanna, the destruction operation that was scheduled to

<sup>1</sup> For a summary and other details of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention, CWC) see annex A, section I, in this volume.

<sup>2</sup> For information on Iraq's chemical weapon declaration see previous volumes of the *SIPRI Yearbook*.

<sup>3</sup> OPCW, Conference of the States Parties, 19th session, 'Note by the Director-General, opening statement by the Director-General to the Conference of the States Parties at its Nineteenth Session', OPCW Document C-19/DG.16, 1 Dec. 2014, para. 69, p. 10. The other 3 CWPFs are located in the vicinity of Fallujah.

<sup>4</sup> OPCW Document C-19/DG.16 (note 3), para. 61, p. 9.

begin by the end of 2014 was impossible in view of the following developments:

Brutal groups are sweeping through Iraq . . . Sadly the Al-Muthana project facility shared the same fate. On Wednesday night [on] 11th of June 2014, armed terrorist groups entered the aforementioned project site. The project management spotted at dawn on Thursday 12th of June 2014, through the camera surveillance system, the looting of some of the project equipment and applications, before the terrorists disabled the surveillance system . . . We hope to resume the destruction operations as soon as the territory of the facility is back under control and secured by the armed forces . . . I hope that the member states will understand the inability of Iraq to fulfil its obligations at [the] present time, which does not originate from a lack of willingness, in the destruction of its chemical program remnants.<sup>5</sup>

## Libya

The Libyan Government's ability to exercise jurisdiction and control in connection to its international legal obligations was further strained in 2014. As of 30 November 2014 Libya had completed the destruction of its Category 1 chemical weapons (totalling 26.23 tonnes), 555.71 tonnes (39.6 per cent) of its Category 2 chemical weapons and all of its Category 3 chemical weapons.<sup>6</sup> On 2 May 2014 Libya completed the destruction of polymerized sulphur mustard 'heels' (i.e. residues left in plastic storage containers) and its chemical munition bodies.<sup>7</sup> Libya's remaining Category 2 chemical weapons are scheduled to be destroyed by December 2016.<sup>8</sup> However, the deteriorating security situation in the country could affect the destruction schedule.

## Syria

Cooperative arrangements involving the OPCW, the United Nations and various other interested parties (including governments) continued in 2014 in support of chemical disarmament and verification efforts in Syria. More than 30 states and the European Union made financial and other contributions to this effort.<sup>9</sup> The United States provided a ship (the *MV Cape*

<sup>5</sup> OPCW, Iraq, 'Statement of the Republic of Iraq, Ambassador Dr. Saad Al-Ali, permanent representative of Iraq to the OPCW, before the Executive Council, Seventy-sixth Session, 8 to 11 July 2014, The Hague', July 2014, pp. 2–3.

<sup>6</sup> OPCW Document C-19/DG.16 (note 3), para. 53, p. 8. The CWC's Annex on Chemicals comprises 3 'schedules'. Schedule 1 chemicals consist of chemicals and their precursors judged to have few, if any, peaceful applications. Chemicals listed in schedules 2 and 3 have wider peaceful, including commercial, applications. The definition of chemical weapon categories, which is partly based on what schedule a chemical may be listed under, is given in CWC, Verification Annex, Part IV(A), para. 16.

<sup>7</sup> OPCW Document C-19/DG.16 (note 3), para. 53, p. 8.

<sup>8</sup> OPCW Document C-19/DG.16 (note 3), para. 55, p. 8.

<sup>9</sup> OPCW Document C-19/DG.16 (note 3), para. 7, p. 2.

*Ray*) equipped with a hydrolysis system for the destruction of chemical agents, while other states agreed to accept chemical agents and hydrolysates for final disposition.<sup>10</sup>

#### *The OPCW–UN Joint Mission*

The most significant cooperative arrangement was the OPCW–UN Joint Mission on the elimination of Syrian chemical weapons. The mandate for the OPCW–UN Joint Mission included the removal by sea of sulphur mustard agent and chemical weapon precursors. The removal operations through the port city of Latakia were carried out from 7 January 2014 and were completed on 23 June 2014. The OPCW–UN Joint Mission’s mandate ended on 30 September, at which time the OPCW took over responsibility for verifying the destruction of Syria’s chemical weapon programme and holdings. The OPCW signed an agreement with the UN Office for Project Services (UNOPS) to provide safety, security and logistical support to OPCW activities in Syria.<sup>11</sup>

#### *The declaration and destruction of chemical weapons*

In April 2014 the OPCW’s Director-General established a Declaration Assessment Team to consult with the Syrian Government regarding the declaration of its chemical weapons programme. The team conducted five rounds of consultation.<sup>12</sup> During the course of 2014 Syria modified its initial declaration by declaring an additional CWP (bringing the total to 12) and 3 further research and development facilities.<sup>13</sup> As part of its response to the declaration, the USA noted that it was ‘profoundly skeptical’ that Syria possesses no ‘records’ that ‘corroborate its declaration’.<sup>14</sup>

As of 30 November, 97.8 per cent of Syria’s declared chemical agents had been destroyed either on board the US vessel *MV Cape Ray* (sulphur mustard and DF agent using a Field Deployable Hydrolysis System, FDHS) or at commercial facilities in Finland, Germany, the United Kingdom and the USA. The FDHS operations on board the *MV Cape Ray*, which occurred in international waters in the Mediterranean Sea, were completed on 18 August.

The OPCW and Syria also consulted and agreed on the modalities for the verified destruction of the 12 CWPs, and the OPCW oversaw the

<sup>10</sup> On financial and other contributions to these efforts, see Hart, J., ‘The Maritime component of the Syrian chemical disarmament operation: lessons for maritime security cooperation’, Paper presented at SIPRI Maritime Security Forum, Stockholm, 9–11 July 2014, pp. 10–14.

<sup>11</sup> OPCW ‘OPCW–UN Joint Mission draws to a close’, Press release, 1 Oct. 2014, <<https://www.opcw.org/news/article/opcw-un-joint-mission-draws-to-a-close/>>.

<sup>12</sup> OPCW, Conference of the States Parties, 19th session, USA, ‘Statement by Under Secretary Rose E. Gottemoeller to the Nineteenth Session of the Conference of the States Parties, Organization for the Prohibition of Chemical Weapons, The Hague, Netherlands’, 3 Dec. 2014, p. 1.

<sup>13</sup> OPCW Document C-19/DG.16 (note 3), para. 12, p. 2.

<sup>14</sup> OPCW, USA, (note 12), p. 1.

conclusion of contracts with commercial bodies to undertake the destruction of these facilities.<sup>15</sup> Destruction of the CWPFs will be carried out in cooperation with UNOPS and is scheduled to be completed by December 2015.<sup>16</sup>

### *Allegations of chemical weapons use*

In March 2014 the Center for Documentation of Violations in Syria released testimony reports of helicopter-borne barrel bomb attacks with unspecified toxic chemicals.<sup>17</sup> In a statement issued in December, Israel estimated that nearly 100 incidents have occurred in the Syrian civil war involving the use of chemicals as a method of warfare.<sup>18</sup>

On 29 April 2014 the OPCW's Executive Council authorized the establishment of a fact-finding mission (FFM) to Syria to investigate alleged use of chemical weapons.<sup>19</sup> Its mandate was to 'establish the facts surrounding' allegations of use of toxic chemicals (including chlorine).

The Syrian Government agreed to the terms of reference of the inspection and to provide security to the inspection team for areas under its control.<sup>20</sup> However, part of the territory where the alleged attack occurred was not under the safe and secure control of the government.<sup>21</sup> On 27 May the inspection team was part of a convoy that came under attack while en route to the village of Kafr Zita in northern Syria.<sup>22</sup> The team therefore made arrangements to conduct interviews at a safe location with witnesses from Kafr Zita and the villages of Al Tamanah and Talmanes.<sup>23</sup>

The FFM collected 37 testimonies of medical professionals and others. It concluded that the information gathered, in its totality, represented

<sup>15</sup> OPCW Document C-19/DG.16 (note 3), para. 11, p. 2.

<sup>16</sup> OPCW Document C-19/DG.16 (note 3), para. 12, p. 2.

<sup>17</sup> Violations Documentation Center (VDC) in Syria, *Special Report Syria is Choking Again: Syrian Regime Reintroduces Chemical and Poisonous Weapons to its Military Arsenal in 2014* (VDC: Mar. 2014). Most of the material published on the VDC website is in Arabic, <<https://www.vdc-sy.info/index.php/en/>>.

<sup>18</sup> OPCW, Conference of the States Parties, 19th session, Israel, 'Statement, Ms. Tamar Rahamimoff-Honig, Director, Arms Control Department, Division for Strategic Affairs, Ministry of Foreign Affairs, Jerusalem, Israel', The Hague, 2 Dec. 2014, p. 2.

<sup>19</sup> The fact-finding mission mandate was established under the OPCW Director-General's authority and was accepted by the Syrian Government. OPCW, 'OPCW to undertake fact-finding mission in Syria on alleged chlorine gas attacks', Press release, 29 Apr. 2014, <<http://www.opcw.org/news/article/opcw-to-undertake-fact-finding-mission-in-syria-on-alleged-chlorine-gas-attacks/>>.

<sup>20</sup> OPCW, 'Update on Syrian chemical weapons destruction and the fact-finding mission into alleged chlorine gas attacks', Press release, 22 May 2014, <<http://www.opcw.org/news/article/update-on-syrian-chemical-weapons-destruction-and-the-fact-finding-mission-into-alleged-chlorine-gas/>>.

<sup>21</sup> OPCW (note 20).

<sup>22</sup> OPCW, 'Note by the Director-General, progress in the elimination of the Syrian chemical weapons programme', OPCW Document EC-76/DG.14, 25 June 2014, para. 16, p. 4; and OPCW, Technical Secretariat, 'Note by the Technical Secretariat, second report of the OPCW fact-finding mission in Syria: key findings', OPCW Document S/1212/2014, 10 Sep. 2014, p. 3.

<sup>23</sup> OPCW Document S/1212/2014 (note 22), p. 3.

‘compelling confirmation that a toxic chemical was used as a weapon, systematically and repeatedly’ in Al Tamanah, Kafr Zita and Talmanes.<sup>24</sup>

The FFM submitted a summary report for the period 3–31 May 2014 on 16 June and released its key findings on 10 September.<sup>25</sup> The summary report stated that available information ‘lends credence to the view that toxic chemicals, most likely pulmonary irritating agents such as chlorine, have been used in a systematic manner in a number of attacks’.<sup>26</sup> The FFM mandate will continue into 2015.<sup>27</sup>

### *Achieving consensus on the Syria file*

At the 19th Conference of the States Parties to the CWC, held in The Hague, the Netherlands, on 1–5 December 2014, the OPCW’s Director-General praised the cooperative efforts of states parties in relation to the situation in Syria (see section III). The Director-General stated that the chemical weapon destruction achievements were made possible by ‘the strong consensus-based approach’ among the parties and pledged to ensure that the Technical Secretariat would continue to maintain ‘an impartial, business-like and responsible approach’ in its work.<sup>28</sup>

However, some states parties raised concerns as to the efficacy of a wholly consensus-based approach. In particular, the USA noted:

Syria is not just like other States Parties . . . Its decision to accede to the Convention was not an enlightened renunciation of chemical weapons, but was a decision born solely of expediency. Just weeks before it submitted its letter of accession last year, the Assad regime, on August 21, 2013, used chemical weapons against an opposition-controlled suburb of Damascus, in attacks killing more than one thousand four hundred people. Now there is compelling evidence that Syria continues to use chemical weapons systematically and repeatedly.<sup>29</sup>

Not all members of the OPCW’s Executive Council have shared the philosophy underlying a consensus-based approach in the case of Syria. Some parties have argued for a longer-term strategy of inclusiveness, whereby consultations are carried out in the spirit of equal obligations and responsibilities inherent to the multilateral arms control and disarmament regimes more generally. In practice, this has been difficult to achieve in the case of Syria.

<sup>24</sup> OPCW Document S/1212/2014 (note 22), para. 29, p. 8.

<sup>25</sup> OPCW, Technical Secretariat, ‘Summary report of the work of the OPCW fact-finding mission in Syria covering the period from 3 to 31 May 2014’, OPCW Document S/1191/2014, 16 June 2014.

<sup>26</sup> OPCW Document S/1191/2014 (note 25) as cited in OPCW, ‘Note by the Director-General, progress in the elimination of the Syrian chemical weapons programme’, OPCW Document EC-76/DG.14, 25 June 2014, para. 16, p. 4.

<sup>27</sup> OPCW Document C-19/DG.16 (note 3), para. 13, p. 2.

<sup>28</sup> OPCW Document C-19/DG.16 (note 3), para. 8, p. 2.

<sup>29</sup> OPCW, USA (note 12), p. 2.