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Chemical Weapons and Nonproliferation Efforts in the Middle East

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The James Martin Center for Nonproliferation Studies, the National Defense University, and the Institute for National Security Studies held a two-day nonproliferation dialogue in Israel, April 29–30, 2018. The purpose of the dialogue was to exchange views on evolving threat perceptions, perceived gaps in goals, priorities, and policies, and identify further opportunities for deepening US–Israel cooperation in countering the proliferation of WMD and related threats. The following policy memo is based on the author’s presentation delivered during the dialogue.

Israel’s current perspective on chemical weapons should be understood within the the international and US nonproliferation agenda, as well as its domestic and regional context, particularly Syria’s 2013 ratification of the Chemical Weapons Convention (CWC) and the consequent dismantlement of its declared chemical weapons.

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Weapons (OPCW) announced that inspectors had removed “the last of the remaining chemicals *identified for removal* from Syria.”¹ Secretary of State John Kerry declared that the skillful diplomacy achieved far more than military attacks on a few facilities could have achieved: “We struck a deal,” Kerry said, “where we got 100 percent of the chemical weapons out.”² Since these announcements in 2014, chemical weapons have been used in over 35 instances, the last in Douma, on April 7, 2018, which triggered a US air strike.³

The continued use of chemical weapons in Syria raises serious questions about the credibility of the OPCW and Russia’s assurance that its ally, the Bashar al-Assad regime, honors its CWC obligation to disarm. Moreover, Syria’s repeated chemical-weapon use reinforces the notion that the region suffers from a “culture of deceit” problem, illustrated by the number of regional states that have violated their commitments to WMD nonproliferation treaties (i.e., Iraq, Libya, Syria, and Iran).⁴

The efficacy of missile strikes on deterring chemical weapon use is unclear. The first missile strikes ordered by the Donald J. Trump administration on April 7, 2017, did not succeed in deterring Syria from continuing to use chemical weapons. Following the air strikes on April 13, 2018, the question is: what steps might Russia take to prevent Assad from using chemical weapons? If the Assad regime continues to deploy chemical weapons, the same question applies to the international community, and particularly those that participated in the April 13 airstrikes: the United States, the United Kingdom, and France.

Chemical Weapons Threat Perception

Israel’s general assessment of its strategic balance is positive.⁵ Currently, the only non-

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conventional existential threat Israel faces is from the Iranian nuclear program. Though the quantity and specificity of the Syrian chemical weapon arsenal remains unclear, it unlikely poses an existential threat to Israel. However, there is hardly a guarantee that the status quo—the overall balance of regional threats and opportunities—can be maintained over time. According to Israeli Chief of General Staff Gadi Eizenkot, Israel’s “security margins” are narrow: Israel does not have wide room to maneuver should change occur in either the north or on the Palestinian front.

The United States and Israel share a common perception of the chemical weapons threat. The US 2018 National Defense Strategy states that the US objective remains the same: “to degrade terrorist and WMD threats.”⁶ While Syria’s chemical weapons do not pose a threat to the US mainland, it poses a potential threat to the roughly 2,000 US troops stationed in Syria. It should be noted that, in both his 2017 and 2018 announcements of the air strikes in Syria, President Trump referred to the pictures of chemical weapons victims he saw on television. The extent to which nonproliferation considerations played a role in his decision is unclear, though he stated in April 2017 that “the purpose of our actions tonight is to establish a strong deterrent against the production, spread, and use of chemical weapons. Establishing this deterrent is a vital national security interest of the United States.”⁷

The United States and Israel should act on national and bilateral levels to deter and prevent the continued use of chemical weapons. In addition, both countries should assist the OPCW in its mission to prevent and respond to the threat posed by the use of chemical weapons by non-state actors (NSAs).

Chemical Weapons and Non-State Actors

The conventional assumption is that the international community has the legal means to prosecute member states who violate nonproliferation treaties. That, however, is not the case when it comes to NSAs. Addressing NSA development and use of chemical weapons

has proved to be a challenge, as demonstrated by recent chemical weapon use by NSAs in Syria and Iraq. Since NSAs are not bound by international treaties, the question is: how can the international community effectively deter, prevent, and respond to the use of chemical weapons by NSAs?

The OPCW has been creative in addressing NSA use of chemical weapons by establishing fact-finding missions in Syria, which partnered with the now defunct Joint Investigative Mechanism (JIM) to investigate suspected use of chemical weapons.⁸ Since the dissolution of the JIM, the OPCW director general also called for clarifying the OPCW legal mandate to include attribution.⁹ The OPCW will need the additional support of member states to develop tools that further its capabilities and mandate to investigate and attribute chemical weapons use.

Of note is a track-two Middle East Chemical Task Force comprised of experts from ten Middle Eastern states that listed 47 different potential regional capacity-building and other cooperative steps to prevent, detect, and respond to chemical weapons acquisition and use in the region.¹⁰ The task force recommended special measures to address NSAs, such as strengthening national chemical security practices and regulations and conducting regional and sub-regional emergency response exercises.¹¹ One important prerequisite for creating regional approaches to deter NSAs chemical weapon use is regional cooperation, which is notably absent in the contemporary Middle East.

There are measures that can be taken to address the acquisition and use of chemical weapons by NSAs. First, it is the responsibility of CWC states parties to take the steps necessary to deny NSAs the means to develop, produce, acquire, possess, stockpile, retain, and transfer chemical weapons. By implementing such measures, states parties can proactively block most possible avenues by which NSAs could acquire chemical weapons capabilities.

In October 2017, the OPCW Executive Council called for states parties to adopt measures to address the challenges of chemical weapons

procurement, development, and use by NSAs.¹² These include holding accountable any actor who engages in or attempts to engage in activities related to the development, production, acquisition, possession, stockpiling, retention, transfer, and use of chemical weapons by NSAs. In addition, the OPCW called for full and effective implementation of all provisions of the CWC: many CWC regional states parties have not yet adopted national implementation legislation. Other measures included: ensuring that toxic chemicals and their precursors are only available for purposes not prohibited under the convention, and national criminalization of any activity prohibited under the convention.

It should be noted, however, that given the fragmentation of territorial control by the central government in some critical states in the region where NSAs are active, it would be difficult if not impossible to effectively implement the OPCW decision and “prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a state party under the Convention...”¹³

Israel and the CWC

Those in Israel who believe Syrian chemical weapons are a threat to Israeli security and statehood will use the continued presence of chemical weapons and weapons capabilities in Syria to justify Israel’s position as articulated in 2013. According to the official: “some of these states don’t recognize Israel’s right to exist and blatantly call to annihilate it. In this context, the chemical weapons threat against Israel and its civilian population is neither theoretical nor distant. Terror organizations, acting as proxies for certain regional states, similarly pose a chemical weapons threat. These threats cannot be ignored by Israel, in the assessment of possible ratification of the convention.”¹⁴

In October 2013, following the agreement signed between Russia and the United States to dismantle the Syrian chemical weapons arsenal, some Israeli experts, including this author, called for Israel to reassess its position on arms control and on disarmament in general, and in particular

Israel’s position regarding the ratification of the CWC.¹⁵ An additional idea was for Israel to start a regional discussion with the aim of establishing a zone free of chemical weapons. If successful, such a zone could serve as a confidence-building measure toward establishing the long-aspired goal of a Middle East WMD-free zone.¹⁶ In such a scenario, at some time along the process, Israel would ratify the CWC. However, Israeli experts contended that this should start after Syria has verifiably dismantled its arsenal. This has yet to happen. The OPCW confirmed Syria has not declared all of its chemical weapons arsenal.¹⁷ It will not be surprising if “Assad has learned a lot about how to hide his stockpiles from inspections.”¹⁸ One of the problems with the current situation in Syria is that the Security Council remains unable to enforce Syria’s compliance with relevant obligations due to the US–Russia impasse on the Syrian issue generally, and chemical weapon use, in particular.

Therefore, it is unlikely that the 2013 Israeli position on CWC ratification will soon change. At the regional level, there remains violent interstate turmoil, the threat posed by NSAs, and a prevalent culture of deceit and violations of nonproliferation treaties. At the international level, there is no serious pressure on Israel to ratify the treaty, and the global environment is not conducive for arms control, let alone disarmament. Domestically, there are concerns of a “slippery slope,” namely, once Israel ratifies the CWC, it would be pressured to join the Treaty on the Non-proliferation of Nuclear Weapons. Moreover, Israel’s current leader is not a believer in arms control generally, and the question remains what Israel would get in return.

Those that support Israeli ratification of the CWC assert that a residual chemical weapons stockpile in Syria does not pose a strategic threat, let alone an existential one. They also assume that with the historical baggage that we carry as a people, Israel (even if it possesses chemical weapons), will never use them; hence, Israel could take a unilateral initiative and ratify the CWC without waiting for Egypt to do the same. After all, Egypt does not pose a strategic threat to Israel. In addition, Israel has developed passive defense measures against chemical

weapons attacks. To conclude, should Israel change its official stance and ratify the CWC, it would promote the treaty's universalization and help strengthen the norm against the development and use of chemical weapons.

- ¹ Emphasis added. Organisation for the Prohibition of Chemical Weapons (OPCW), Announcement to media on last consignment of chemicals leaving Syria, Statement by Ahmet Üzümcü, Director-General OPCW, June 23, 2014, <https://www.opcw.org/news/article/announcement-to-media-on-last-consignment-of-chemicals-leaving-syria/>
- ² NBC, Meet the Press Transcript, July 20, 2014. <https://www.nbcnews.com/meet-the-press/meet-press-transcript-july-20-2014-n160611>
- ³ As of April 2018, estimations on the number of chemical weapons attacks since 2013 vary from 34 by the UN' Independent International Commission of Inquiry on the Syrian Arab Republic to 85 attacks by Human Rights Watch. See, Sarah Almkhatar, "Most Chemical Attacks in Syria Get Little Attention," *New York Times*, April 13, 2018, <https://www.nytimes.com/interactive/2018/04/13/world/middleeast/syria-chemical-attacks-maps-history.html>
- ⁴ Emily B. Landau and Shimon Stein, "Where Do We Go from Here? A New Israeli Approach to Tension-Reduction in the Middle East," in Paolo Foradori and Martin B. Malin, Eds., *A WMD-Free Zone in the Middle East: Regional Perspectives*, Nov. 2013, <http://www.inss.org.il/he/wp-content/uploads/sites/2/systemfiles/where%20do%20we%20go%20from%20here.pdf>
- ⁵ Shlomo Brom and Anat Kurz eds., *Strategic Survey for Israel 2017-2018*, INSS, December 2017, <http://www.inss.org.il/publication/strategic-survey-israel-2017-2018/>
- ⁶ Summary of the 2018 National Defense Strategy, Department of Defense, <https://www.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf>
- ⁷ White House, Statement by President Trump on Syria, April 13, 2018, <https://www.whitehouse.gov/briefings-statements/statement-president-trump-syria/>
- ⁸ OPCW, "Addressing the Threat Posed by the use of Chemical Weapons by Non-State Actors," EC-86/DEC.9, October 13, 2017, https://www.opcw.org/fileadmin/OPCW/EC/86/en/ec86dec09_e_.pdf

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- ⁹ OPCW, "Supporting Compliance with and Implementation of the CWC" Remarks by the Director-General of the OPCW Ambassador Ahmet Üzümcü Chatham House, United Kingdom, May 25, 2018, https://www.opcw.org/fileadmin/OPCW/ODG/uzumcu/180525.FR.ODG.Speech_Chatham_House.pdf
- ¹⁰ Orde F. Kittrie, "Next steps towards a Middle East free of chemical weapons," March 2017, <https://calhoun.nps.edu/bitstream/handle/10945/52043/CW%20Task%20Force%20Joint%20Statement%20%26%20%20Regional%20Steps%20List%20Final.pdf?sequence=1&isAllowed=y>
- ¹¹ Ibid.
- ¹² OPCW, "Decision: Addressing the Threat Posed by the Use of Chemical Weapons by Non-State Actors," EC-86/DEC.9, October 13, 2017, https://www.opcw.org/fileadmin/OPCW/EC/86/en/ec86dec09_e_.pdf
- ¹³ Ibid.
- ¹⁴ Barak Ravid, "Israel Adamant It Won't Ratify Chemical Arms Treaty Before Hostile Neighbors," *Ha'aertz*, Sep 12, 2013, <https://www.haaretz.com/.premium-russia-links-syria-chemwar-to-israel-1.5333503>
- ¹⁵ Shimon Stein, "The Agreement on Syria's Chemical Weapons: Should Israel Reassess its Arms Control and Disarmament Policies?," INSS Insight No. 472, October 6, 2013, <http://www.inss.org.il/publication/the-agreement-on-syrias-chemical-weapons-should-israel-reassess-its-arms-control-and-disarmament-policies/>
- ¹⁶ Shimon Stein and Emily B. Landau, "A Chemical-Free Middle East?," *The National Interest*, October 16, 2013, <http://nationalinterest.org/commentary/chemical-free-middle-east-9239>
- ¹⁷ OPCW, "Supporting Compliance with and Implementation of the CWC" Remarks by the Director-General of the OPCW Ambassador Ahmet Üzümcü Chatham House, United Kingdom, May 25, 2018, https://www.opcw.org/fileadmin/OPCW/ODG/uzumcu/180525.FR.ODG.Speech_Chatham_House.pdf

¹⁸ David E. Sanger and Ben Hubbard, “Assad has learned a lot about how to hide his stockpiles from inspections,” *New York Times*, April 14, 2018,

<https://www.nytimes.com/2018/04/14/us/politics/syria-chemical-weapons-analysis.html>