

Next Steps Towards a Middle East Free of Chemical Weapons

**Middle East Chemical Weapons Task Force:
Overview and Recommendations from Track II
Technical Discussions**

Professor Orde F. Kittrie
Arizona State University

March 2017

About the Author

Orde F. Kittrie is a tenured professor of law at Arizona State University's Sandra Day O'Connor College of Law, and director of its Washington, DC Semester Program. He is also a senior fellow at the Foundation for Defense of Democracies, a nonpartisan Washington, DC think tank. Prior to entering academia, he served in the U.S. Department of State for over a decade in several key legal and policy positions, including as lead attorney for nuclear affairs, lead attorney for strategic trade controls, director of the Office of International Anti-Crime Programs, and special assistant to the Under Secretary for Economic and Business Affairs.

Acknowledgments

This publication results from research supported by the Naval Postgraduate School's Project on Advanced Systems and Concepts for Countering Weapons of Mass Destruction (PASCC) via Assistance Grant Agreement No. N00244-15-1-0031 awarded by the NAVSUP Fleet Logistics Center San Diego (NAVSUP FLC San Diego). The views expressed in written materials or publications, and/or made by speakers, moderators, and presenters, do not necessarily reflect the official policies of the Naval Postgraduate School nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government.

**Middle East Chemical Weapons Task Force:
Overview and Recommendations from Track II Technical Discussions on
Next Steps Towards a Middle East Free of Chemical Weapons**

A “Track II” Middle East Chemical Weapons Task Force (Task Force) comprised of policy and technical experts from ten countries in the Middle East convened in 2016-17 to discuss chemical weapons acquisition and use in the region and to identify next steps to more effectively address this threat. The Task Force reached agreement on this joint statement and on the attached list of 47 different potential regional capacity building and other cooperative steps to prevent, detect and respond to chemical weapons acquisition and use in the region.

The aspirational goal of establishing the Middle East as a region free of chemical weapons is shared in principle by most governments in the region. All but two countries in the region are parties to the Chemical Weapons Convention (CWC) and the two have expressed interest in joining under certain circumstances. However, the Organization for the Prohibition of Chemical Weapons (OPCW) has reported that many countries in the region which are parties to the CWC have yet to adopt the national laws and regulations necessary to implement their CWC obligations. In addition, most countries in the region have yet to implement their relevant legal obligations pursuant to UN Security Council Resolution 1540.

In recent years, a new challenge has come to the forefront – chemical weapons development and use by both state and non-state actors, especially repeated use by a CWC state party and by the so-called Islamic State of Iraq and the Levant (ISIL). Many of the international legal obligations relating to chemical weapons were designed with an eye towards state rather than non-state actors. The governments in the region, and indeed the international community, have thus far proven incapable to deter, prevent, and respond to ISIL use of chemical weapons. In addition, there is currently only minimal cooperation at the regional level to address these challenges.

The Task Force was formed to explore the following two questions:

- a. What specific types of Middle East regional capacity building and other cooperation to prevent, detect and respond to chemical attacks are feasible in the current political climate?
- b. How can the international community more effectively encourage and assist Middle East governments and civil society to deter and constrain chemical weapons acquisition and use by state and non-state actors in the Middle East region?

The Task Force is composed of policy and technical experts from throughout the region, acting in their private capacity, as well as a few facilitators and observers from the United States. Meetings have included subject matter expert presentations and discussions on: the past and present of chemical weapons possession, use, and dismantlement in the Middle East region; chemical security technical issues and best practices; regional challenges to security culture; obligations pursuant to the CWC and UN Security Council Resolution 1540; past and current regional cooperative initiatives on arms control and regional security; the role of confidence

building measures in assessing CWC compliance; protection and response to chemical weapons use; and chemical security in individual Middle East countries.

Having established a common baseline, Task Force participants subsequently presented and discussed regional perspectives on chemical weapons, including national policies and regulations, threat perceptions, and prospects for cooperation. Recognizing common ground, the Task Force explored opportunities for near term confidence building and cooperation to prevent, detect, and respond to chemical weapons acquisition and use. The Task Force recognized that non-state actors including ISIL pose a particular threat as they do not respect political borders, and that chemical precursors or weapons acquired in one country can be used in another.

Task Force discussions suggested agreement on certain common principles or pillars that should support a region free of chemical weapons. These include:

- Full implementation of existing international legal obligations designed to counter chemical weapons;
- Prevention of the acquisition, production, development, or use of chemical weapons by state and non-state actors;
- Detection and attribution of chemical weapons acquisition or attacks in the region;
- Response and mitigation in the event of an attack using chemical weapons – including engaging, equipping and training responders.

Confidence building on each pillar would include regional exchanges of information on relevant national legislation, policies, best practices, and technical approaches currently implemented in the countries of the region. Such exchanges could begin at the basic level of joint training seminars taught by leading international experts. As confidence is built and collaborative relationships develop, exchanges could advance to cooperative implementation and possibly even integrated capacities for addressing chemical threats. The Task Force's attached list of 47 different ideas for regional capacity building and other cooperative steps includes several consistent with each principle.

Importantly, none of the activities listed would impose burdens on legitimate chemical activities. Most of the activities listed would not require binding political commitments. Many of these activities, if implemented, could also help countries realize additional benefits in terms of attracting foreign investment in their chemical sectors and capacity to advance chemical safety and security, including by detecting and responding to chemical incidents and accidents.

Task Force members also agreed on the following with regard to chemical weapons and the Middle East:

- The importance of redirecting former chemical weapons personnel and ensuring that their expertise is used for exclusively peaceful and non-military purposes;
- The importance of ensuring accountability for persons and entities involved in the use of chemical weapons in the Middle East – including by identifying and punishing individuals and sanctioning entities;

- All parties to the Chemical Weapons Convention should adopt the laws and regulations necessary to implement their CWC obligations;
- Those states in the region which are not parties to the CWC are encouraged to accede to it and, in the meantime, to act in a manner consistent with its spirit and objectives;
- All UN member states should implement their relevant legal obligations pursuant to UN Security Council Resolution 1540;
- Each country in the region which has not already done so should form a national association of its chemical companies and a national association of its chemists;
- National chemical associations in the region should join the International Council of Chemical Associations (the worldwide voice of the chemical industry) and chemical companies in the region should participate in the Responsible Care global charter.

Responsible Care is today practiced in more than 65 countries around the globe. It is a voluntary commitment by the global chemical industry to safe and secure chemicals management. Companies collect and report data for a core set of environmental, health, and safety performance measures. Leading companies in these countries, including 90 percent of the world's largest chemical companies, have signed on to the Responsible Care Global Charter.

The Middle East presents a challenging political environment for controlling chemical weapons. However, this regional Task Force has demonstrated that common ground can be found for productive exchange, cooperation, and progress.

Attachment: Agreed List of Regional Capacity Building and Other Potential Cooperative Projects

Middle East Chemical Weapons Task Force:
Agreed List of Regional Capacity Building and Other Potential Cooperative Projects

I. Prevention

A. Laws and Codes

1. Countries in the region should identify and share with each other chemical security points of contact within their national governments and chemical associations, and create information exchange and cooperation mechanisms with regard to the enactment and implementation of their chemical security legislation, regulation, and export control systems.
2. Create a holistic strategy for developing chemical laws, regulations, and codes of conduct including action plans and priority setting.
3. Organize regional or subregional parliamentary group to increase understanding, exchange best practices, and build momentum towards, draft, and advance enactment of national laws and regulations required to implement the Chemical Weapons Convention (CWC).
4. Draft and promulgate a code of conduct for the regional chemical industry.
A final regional code could articulate specific principles of behavior, with regard to the following, that signatory chemists should exhibit as well as activities they should avoid:
 - establish a culture of responsibility for the safety and security of activities involving potentially hazardous chemicals;
 - protect the human health and environment, including through the responsible disposal of chemicals; and
 - not contribute to, and act to prevent, chemical warfare, terrorist activities involving chemical warfare agents and explosives, and illicit, non-medicinal drugs and narcotics.

The principles in the code could apply equally to chemists throughout the region, including in government, academia, industry, and other private institutions. Chemists can be role models, educators to fellow chemists and the public, and watchdogs regarding the safe and responsible practice of chemistry. Chemists can also commit to encouraging and assisting governments in the region to enact and implement laws and regulations consistent with the principles stated in the code of conduct.

5. Support completion and dissemination in Iraq, and possible dissemination in other Arab countries (perhaps through Arab Union of Chemists), of the current Iraqi draft code of ethics for chemists.

6. Research, write, disseminate Arabic language literature explaining how chemical safety and security laws, regulations, and their implementation are good for business, including by facilitating import of sensitive equipment and materials, encouraging foreign investment, and reducing insurance premiums. This could include, for example, what major Western chemical companies look for in terms of laws, risk reduction, and other criteria before deciding where to build plants in a region or include a regional manufacturer in their supply chain.

B. Education and Awareness Raising

7. Joint regional or subregional workshop/conference on chemistry education and ethics – including exchange of information and data, and cooperation in educational programs for scientists and students.
8. Develop a model university course in Arabic and Turkish on chemical security and safety, including international standards.
9. Develop a model course in Arabic for post-university training of chemical industry personnel, chemical transportation personnel, and trade personnel.
10. Create an online website on chemical security in Arabic, English, French, and Turkish.
11. Create an online journal of chemical safety and security in the Middle East and North Africa (MENA) region, in English, with Arabic abstracts, supported by a group such as the American Chemical Society, that publishes articles on topics including chemical ethics and education, chemical hazards, chemical accidents, dual-use chemicals, and crude chemical weapons (CW). The journal should have an international editorial board including chemists, lawyers, security people, and chemical engineers.
12. Provide training to key journalists so as to enhance their awareness of chemical safety and security issues.
13. Workshop and identification of practical steps for stopping illegal trade and manufacturing of chemicals – including training of judges, customs officials, and prosecutors.
14. Training and workshop on best practices for manufacturing, using, handling, transportation, storage, and waste management of potentially hazardous chemicals.
15. Work with national governments to develop holistic outreach campaigns on issues such as security of dual-use chemicals.

C. Enhancing Coordination

16. Organize a workshop, or workshop portion, on best practices for coordination on CW issues between government bodies (e.g., legislature, regulators, law enforcement, customs, intelligence, judiciary, diagnostic laboratories; ministries in charge of agriculture, economy, environment, health, security, and worker safety). This should draw on case studies from the region.
17. Organize a workshop, or workshop portion, on best practices for coordination between chemical industry and government bodies (including, e.g., regulators, first responders). This should draw on case studies from the region.
18. Strive for subregional or regional cooperative agreement regarding chemical security and safety. Perhaps begin with Iraq, Lebanon, Jordan, and Turkey in light of their proximity to ISIL chemical attacks.
19. Establishment of a sustainable regional institute for chemical safety and security training, with international standards and recognition.

D. Special Measures Addressing Non-state Actors

20. Regional or subregional joint tabletop exercises on CW threat by subnational actors.
21. Joint regional or subregional workshop/conference on what has been learned thus far from ISIL use of CW and how it can be more effectively combatted and deterred. For example: What factors influence ISIL's calculus about the costs vs. benefits of using CW? How, if at all, could individual ISIL members and followers be deterred from acquiring and using CW? What factors influence ISIL's ability to acquire and use CW? What can be done to minimize the consequences of CW use by ISIL, including by facilitating resilience and recovery amongst their targets? What can be done more effectively on a local, national, sub-regional or regional basis to reduce the risks of, and strengthen the taboo on, potential CW acquisition and use. Is there a role for religious leaders, industry, celebrities?
22. Organize a workshop/training on material control and accountability.
23. Organize a workshop/training on how to develop a robust personnel reliability program to address chemical security insider threats.
24. Develop a manual and training curriculum on best practices to prevent and detect chemical security insider threats.

II. Detection

25. Exchange of information on national and regional contacts for CW detection and attribution (e.g., which medical units, law enforcement units, labs have expertise).
26. Joint regional or subregional workshop/conference on methods of detection and attribution of CW acquisition and use.
27. Joint regional or subregional training courses for law enforcers – including police, customs, border security, and regulatory compliance officials – with regard to identifying anomalous activities (e.g., is that a meth lab or a CW lab), sharing information on CW terrorist activities, understanding chemical manufacturing and detection and response technology, and chain of custody issues.
28. Regional or subregional joint tabletop exercises on challenges of detection and attribution of chemical weapons acquisition or use with transborder elements (e.g., CW use in country X by group based in country Y or with CW produced in country Z).
29. Promote requirement that chemical facilities install effective detection equipment and best practices to detect use of their equipment for creation of illicit substances.

III. Response

30. Exchange of information on national and regional contacts for CW response (e.g., which hospitals, doctors, law enforcement units, labs have expertise).
31. Create a database of relevant national capabilities for emergency response.
32. Joint regional or subregional tabletop, online, or other exercises for first responders focusing on optimal modalities for meeting chemical attacks in the region, including first response, victim treatment and hospital care, decontamination of affected sites.
33. Workshop on identification of best practices for chemical emergency response, including by analyzing case studies, from the region, of emergency response to hazardous chemical and analogous accidents such as oil spills.
34. Create venue for regional cooperation and information exchange on chemical safety and security incidents and accidents and their impact (including, e.g., on groundwater).
35. Joint regional or subregional in-person or online workshop on mechanisms for ensuring rapid and effective access to medical countermeasures after chemical attacks, including: R&D, manufacture, stockpiles of medication; delivery logistics; dispensation strategies.

36. Training of key judges, and perhaps creation of special expert courts, with regard to violation of CW-related and other WMD-related laws.
37. Employ former Syrian CW scientists and technicians to conduct peaceful research, in commercial and academic spheres, in a manner so that they can contribute to regional prosperity. This work could be done in cooperation with Jordan, Lebanon, and Turkey.

IV. Holistic

38. Organize meetings which discuss chemical security issues holistically -- on the national, subregional, and hopefully regional levels – by bringing together all major stakeholders from all relevant sectors including government (e.g., trade and security and law enforcement and parliaments), manufacturing, academia, supply chain, and NGOs to discuss gaps in legislation, implementation, and communications between stakeholders; best practices; successes; challenges. Specific issues of concern can include: protection of sensitive chemical materials and facilities, denying support for sensitive chemical misuse and terrorism, border control/border monitoring, strategic trade control (perhaps in cooperation with existing export control initiatives), transit and trans-shipment control, safeguarding CW information diffusion, illicit trafficking, waste management of sensitive chemicals, first response, public health impact mitigation, post incident recovery, investigation and prosecution.
39. Joint regional or subregional training courses – perhaps at the Middle East Scientific Institute for Security in Amman (host of the Middle East Regional Secretariat of the European Union’s “Centres of Excellence” initiative on CBRN issues) or the Doha Regional Centre for CBRN Training. The courses could discuss best practices and build relationships in addressing specific issues of concern including:
 - protection of sensitive chemical materials and facilities,
 - material control and accountability,
 - compliance and verification and additional voluntary measures,
 - denying support for sensitive chemical misuse and terrorism,
 - border control/border monitoring,
 - export control,
 - end-user screening,
 - supply chain security,
 - personnel reliability,
 - emerging technologies and cyber security for CW facilities,
 - chemical security and food and water security,
 - transit and trans-shipment control,
 - secure transportation of potential CW materials,
 - information security,
 - illicit trafficking,

- waste management of sensitive chemicals,
 - first response,
 - public health impact mitigation,
 - post incident and accident recovery,
 - investigation and prosecution.
40. Expand regional cooperation with the Organisation for the Prohibition of Chemical Weapons by creating internships for students from the region and by offering training courses for emerging experts from regional member states and non-member states.
 41. Identify and implement other ideas for developing chemical security champions from the emerging experts and leaders of the region, inspired by the Comprehensive Nuclear-Test-Ban Treaty Organization Youth Group and relevant activities of other WMD-related international organizations.
 42. Publication in a book, perhaps through the book series of the UCLA Center for Middle East Development, of the country reports that have been presented during the Task Force meetings.
 43. Workshop to identify additional voluntary measures and steps for real time detection and prevention of dangerous chemical transactions.
 44. Explore and expand development of consortium of regional universities to play leadership role on chemical safety and security.
 45. Create a permanent task force, on CW issues, associated with the UCLA Center for Middle East Development.
 46. Compile a database of, and track, all chemical security and safety initiatives of relevance to the Middle East and North Africa.
 47. Consider reviewing national CW-related laws and regulations in Egypt and Israel to determine the compatibility of such laws with the requirements imposed by the CWC on parties to it.