



OPCW



WORKSHOP ON THE LESSONS LEARNED FROM THE INTERNATIONAL MARITIME OPERATION TO REMOVE AND TRANSPORT THE SYRIAN CHEMICAL MATERIALS IN FURTHERANCE OF SECURITY COUNCIL RESOLUTION 2118 (2013) AND RELEVANT OPCW EXECUTIVE COUNCIL DECISIONS

OPCW Headquarters, The Hague
9-11 March 2015

I. Overview of the international maritime operation

1. In order to successfully achieve the objectives of Security Council resolution 2118 (2013), and the relevant Decisions of the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW), close cooperation between the United Nations and the OPCW was crucial as was the sustained commitment of UN Member States and the States Parties of the Chemical Weapons Convention (CWC). This close cooperation between the United Nations and the OPCW was manifested in the establishment of the Joint Mission of the Organisation for the Prohibition of Chemical Weapons and the United Nations for the Elimination of the Chemical Weapons Programme of the Syrian Arab Republic (hereinafter “Joint Mission”) by the UN Secretary-General and the OPCW Director-General on 16 October 2013.
2. The Joint Mission officially closed on 30 September 2014, although the OPCW has continued to maintain a presence inside the Syrian Arab Republic with a view to finalizing remaining activities, including the destruction of twelve remaining declared chemical weapons production facilities. Following the official closure of the Joint Mission, Ms. Sigrid Kaag was requested by the Secretary-General to assist him in continuing to engage with the Syrian authorities and other relevant stakeholders in furthering the implementation of Security Council resolution 2118 (2013). Her activities in exercise of the good offices of the Secretary-General concluded as of 31 December 2014 when the United Nations Office for Disarmament Affairs (UNODA) was asked to continue exercising the Secretary-General’s good offices in furtherance of the implementation of resolution 2118, including continuing the monthly briefings to the Security Council.
3. The Joint Mission successfully conducted its work over twelve months under extremely challenging and complex operational, security and political circumstances. The results of the Joint Mission marked a significant achievement in the international community’s efforts aimed at the elimination of all weapons of mass destruction and, more broadly, the pursuit of international peace and security.
4. While many factors contributed to the success of the Joint Mission, the most indispensable contribution to the safe, efficient and effective removal and disposal of the Syrian Arab Republic’s (hereinafter “Syria”) chemical weapons programme was the genuine

and generous multilateralism exercised by States. Contributions to the Joint Mission's work and other contributions in furtherance of Security Council resolution 2118 (2013) including, in particular, the international maritime operation, were robust and diverse from a large number of States and carried out within extremely tight timelines. Moreover, these contributions were offered amidst many operational uncertainties in an environment of ongoing conflict.¹

5. State contributions of maritime assets were indispensable to the overall objective of the elimination of the Syrian chemical weapons programme by the Joint Mission. In light of the fact that some of Syria's chemical materials could not be destroyed within its own territory, the international maritime operation greatly contributed to the Joint Mission's objective by allowing for the removal, transloading and disposal of chemical materials outside Syrian territory. A total of 182 ISO Shipping containers were loaded onto two vessels at the Syrian port of Latakia, one vessel provided by Denmark and the other by Norway, for transport and transloading at the Italian port facility of Gioia Tauro in order to facilitate neutralization by hydrolysis at sea of Priority I chemicals onboard the United States' MV Cape Ray and destruction of Priority II chemicals and effluents in commercial facilities in Finland, Germany, the United Kingdom and the United States of America. Naval escorts were provided by China, Denmark, Norway, the Russian Federation and the United Kingdom and emergency-response capacity by Finland. Italy and Germany provided a military escort for the MV Cape Ray. While preparations for the maritime operation began as early as October 2013, the final stage of transloading the Priority I chemicals from the Danish vessel to the MV Cape Ray at Gioia Tauro, Italy was conducted on 2 July 2014.

II. Workshop scope and methodology

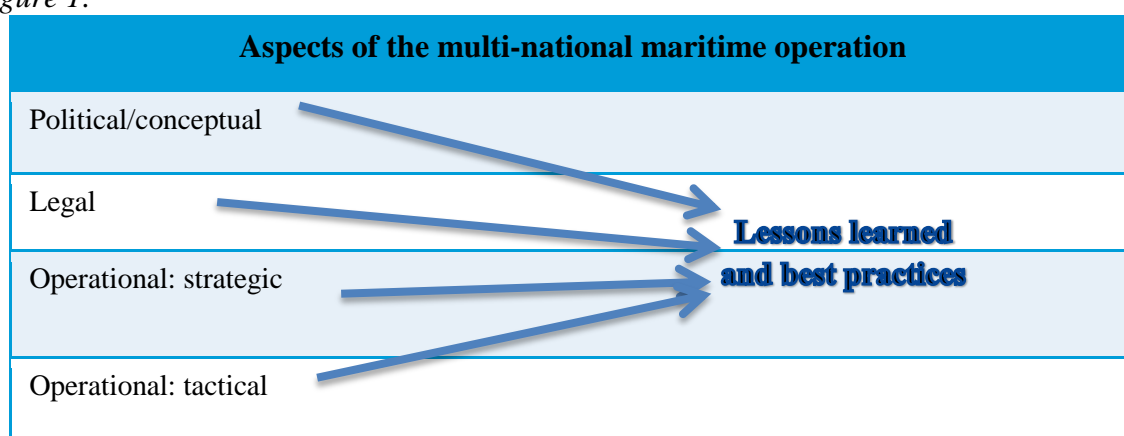
6. The international maritime operation faced and overcame formidable challenges and demonstrated unprecedented achievement for the international community, OPCW and the UN. In view of the challenges faced and successes achieved, the objective of the lessons-learned workshop convened at OPCW Headquarters in The Hague from 9 through 11 March 2015 was to distil best practices as well as lessons learned from the international maritime operation from four particular standpoints—political/conceptual, legal, strategic and tactical operations—with a view to applying the lessons learned to any future multilateral undertaking of a similar characteristic or nature (Figure 1). The proposal to conduct a lessons-learned exercise was expressed and supported by several States that participated in the maritime operation.

7. While all parts of the operation—including destruction on the MV Cape Ray and delivery of effluent and other chemicals and their commercial destruction—are important, the scope of this lessons-learned workshop focused on the period from removal at port at Latakia

¹ In a press statement in October 2014, the Director-General of the OPCW stated that “[t]he work of the Joint Mission has been vital to the success of international efforts to eliminate Syria's chemical weapons programme. It is an excellent example of how practical cooperation between international organisations can achieve tangible results in disarmament.” In the same vein, in his letter S/2014/706, the UN Secretary-General paid tribute to the more than 30 Member States and organizations that mobilized and contributed significant financial and in-kind contributions in furtherance of Security Council resolution 2118 (2013), including Member States that contributed to and participated in the international maritime operation. On that occasion, he stated that “[t]he operation was enormously complex and fraught with difficulties. I find the dedicated support of so many partners within the international community to be an excellent example of constructive multilateralism. It has demonstrated what can be achieved through sustained political will and unity of purpose.”

to transloading onto the MV Cape Ray at Gioia Tauro, Italy and delivery at commercial facilities in Finland, the United Kingdom and the United States of America.

Figure 1:



8. The following Assisting States participated in the workshop—China, Denmark, Finland, Germany, Italy, Norway, Russian Federation, United Kingdom and the United States.² Participants also included former staff of the Joint Mission as well as representatives from the UN Office of the Legal Counsel (UNOLC) and the OPCW Office of the Legal Adviser (OPCW-LAO) who advised the Joint Mission. Representatives of UNODA were also present. The workshop as a whole was moderated by Mr. Ola Almgren, the former Director of the New York Office of the OPCW-UN Joint Mission. The OPCW Director-General, Ambassador Ahmet Üzümcü, offered welcoming remarks and former OPCW-UN Joint Mission Special Coordinator, Ms. Sigrid Kaag, delivered a recorded message from Beirut, Lebanon. The workshop was made possible by the generous financial support by the Government of Norway and organized by UNODA.

9. The workshop was conducted under the Chatham House Rule.³ Assisting States had the opportunity to introduce their respective contributions to the international maritime operation on the first day of the workshop providing a preliminary identification of gaps, key issues and indicative lessons learned. In order to ensure a common understanding of the scope of the discussions, former Joint Mission staff provided briefings on the conceptualization and operationalization of the maritime operation aimed at “setting the scene,” including an overview of the practical timeline and narrative of events. The representatives of UNOLC and OPCW-LAO also provided briefings on the legal framework applicable to the international maritime operation. These introductions and briefings proved very useful for the preparation for the more detailed discussions that followed on day two of the workshop.

10. Day two of the workshop was dedicated to break-out groups according to the four ‘strands’ identified as the principal, overarching aspects of the international maritime

² “Assisting States” are defined within the context of the Exchange of Letters between the UN Secretary-General and the UN Security Council President (S/2013/591 and S/2013/603) concerning the role of the Joint Mission in the international maritime operation. “Assisting States” are those States that contributed assets to the international maritime operation.

³ Chatham House Rule: *When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.* The results of this workshop do not necessarily reflect the views of the UN, OPCW or the Governments that participated.

operation from which the initial findings of the workshop were drawn— political/conceptual, legal, strategic management of operations and tactical operations. During the break-out groups, participants also reviewed and addressed several cross-cutting issues (Figure 2). At the end of day two, a segment was devoted to discussion on public outreach, media relations and engagement with civil society in the context of the international maritime operation during which participants addressed such issues as the tensions between confidentiality regimes and public interest as well as message coordination between the UN, OPCW and the Joint Mission.

Figure 2:

Cross-cutting issues for discussion
Organizational experiences and procedures
Operational experiences
Legal aspects
Communication management
Security requirements
Relationship between the strategic and operational level
Forms of cooperation/coordination between participating States
Risk evaluation and management
Outreach to the public and engagement with civil society

11. Following the break-out group sessions on day two, the final day of the workshop featured a presentation by each group on the key issues identified and initial findings in the form of both lessons learned and best practices. This exchange also provided the opportunity for individuals to engage with the subject matter of the break-out groups in which they did not participate. During the final session, the participants, with the assistance of UNODA representatives, consolidated the findings of each group and distilled the lessons learned and best practices as well as identified the emerging focus areas for the final report.

III. Setting the scene

A. Overview of perspectives of Assisting States

12. Introductory presentations were offered by all participating Assisting States at the opening of the workshop, which highlighted their equally unique and essential contributions to the international maritime operation. Moreover, these introductions served to illustrate how each Assisting State viewed the international maritime operation from its particular standpoint with the aim of unpacking the complexity of the operation and distilling transferrable lessons.

A brief summary of the views presented by the Assisting States is provided below, according to the Chatham House Rule.

Successful and innovative multilateral undertaking

13. The consensus view expressed was that the international maritime operation served as an example of an innovative practice in global security and was a truly ‘multilateral’ operation carried out amidst extremely difficult circumstances. By overcoming differences and adapting when necessary, the Assisting States expressed satisfaction at the fulfilment of the operation’s common objective, namely the removal, transport and disposal of the Priority I and II chemical materials from Syria for destruction at sea and/or in commercial facilities in Finland, Germany, the United Kingdom and the United States of America. In the same vein, one delegation stated that although the operation was subject to careful and detailed planning, necessary flexibility was also exerted in response to changing circumstances and timelines. One delegation noted that the international maritime operation represented a new type of hybrid operation of military and civilian assets likely to be replicated in the future.

14. Elements that contributed to the success of the operation were also recognized. Assisting States recalled their contributions—both institutional and individual, both military and civilian—together with sizable budgetary and other resources to this complex, yet successful, international operation “to enable the OPCW and the United Nations to implement the elimination of the Syrian Arab Republic’s chemical weapons programme” in furtherance of Security Council resolution 2118 (2013) and relevant OPCW Executive Council decisions. Participants reflected on effective local coordination and communication between Assisting States as well as useful personal interaction among stakeholders. One delegation noted the constructive cooperation of the Syrian officials in this regard. Several delegations remarked that the international maritime operation was a success due to the indispensable contributions of Assisting States with one noting, in particular, the importance of solid preparations at the operational level, which served as an important basis for the operation’s overall success.

15. Several States also referred to the essentiality of the legal framework provided by Security Council resolution 2118 (2013), which endorsed the OPCW Executive Council Decision EC-M-33/DEC.1, in enabling the provision and sustainment of their contributions. The indispensability of an appropriate legal architecture to any future operation of this nature was recognized as a best practice. The view was also expressed that the mandate and roles of the UN and OPCW were crucial to generate and sustain the political and practical will of Assisting States in providing contributions to the maritime operation. One State underscored the understanding that its offer to contribute to the operation was made only after the formal request of the UN Secretary-General, which, in its view, was a crucial step in the process.

Range of challenges faced

16. States recognized the inherent challenges posed by the various ambiguities involved in the operation’s planning, including unknowns related to final location of destruction prior to the offer by the United States to neutralize materials at sea by hydrolysis and the OPCW Executive Council decision to carry out a tender process for destruction of materials in commercial facilities. One State noted that parallel planning activities had to be undertaken and no fixed timeline or overall plan could be adopted in light of the many uncertainties at the time of its contribution commitment. Representatives noted a range of other challenges, including, *inter alia*, differing institutional and operational structures among Assisting States; multiple, potential security threats in the Mediterranean Sea; an unpredictable schedule of chemical deliveries to the port at Latakia (Syria); the need for removal and transport of chemical materials from a State in the midst of an active conflict; reconciliation of a political

sense of urgency and the operational realities on the ground; and coordination of a large number of Assisting States with varying expectations and capabilities. The critical factors of time and duration were also identified as real challenges. One Assisting State noted that it had engaged substantial resources with a high response capacity and ultimately had to undertake several rounds of domestic procedures to extend funding for the continuation of resource investment.

17. Several delegations also noted the challenges faced in relation to public outreach at the national and local level. Addressing misunderstandings and concerns related to the environment and public health was incumbent on many of the Assisting States. The view was expressed that media and public outreach should have also been addressed as part of a strategic planning process. At the national level, one Assisting States noted its intensive outreach to civil society and local authorities stating that public engagement proved to be crucial to overcoming public concerns. Several States emphasized issues and challenges related to ensuring that the packing of materials was conducted according to the International Maritime Dangerous Goods Code (IMDG) standards, including in respect of the bills of lading as well as health, environmental and safety requirements. It was noted that the application of the IMDG Code was not always easily obtained.

B. Outline of practical timeline

18. Following the presentations by the Assisting States and with a view to outlining the rapid progression of events for the international maritime operation, former Joint Mission staff offered briefings highlighting the key events as well as guiding documents that led to and provided for the operation. Beginning with the Framework for Elimination agreed jointly by the Russian Federation and the United States of America contained in EC-M-33/NAT.1 on 17 September 2013, which provided the overall parameters for the process including reference to conducting destruction outside of Syria, and the adoption of the OPCW Executive Council Decision EC-M-33/DEC.1 and Security Council resolution 2118 (2013) on 27 September 2013, a practical timeline was sketched. The timeline included milestones such as the first formal UN request for logistical resources from Member States, the establishment of the Joint Operational Planning Group (JOPG) and the convening of the relevant planning meetings, namely the Stuttgart meeting (11-12 December 2013), the Moscow meeting on 27 December 2013 and Stuttgart II which was held in The Hague on 27 to 28 February 2014. Also noted was the adoption of OPCW Executive Council Decision EC-M-34/DEC.1 on 15 November 2013 that referred to Syria's declaration that destruction of the bulk of its chemical weapons programme had to take place externally. This understanding thus set into motion the plans for removal and transport of the materials to an external location for destruction as foreseen in the original Framework for Elimination.

19. The identification of these milestones was particularly important for ensuring a common understanding among participants of what precisely constituted the international maritime operation to remove and transport the Syrian chemical materials. A common timeline of events was thus provided (Figure 3).

Figure 3:

CHRONOLOGY OF THE INTERNATIONAL MARITIME COMPONENT
2013
<p><u>September</u></p> <ul style="list-style-type: none"> • 17: EC-M-33/NAT.1; “Framework for Elimination of Syrian Chemical Weapons” • 27: EC-M-33/DEC.1; “Destruction of Syrian Chemical Weapons”/ UNSCR 2118 (2013) • Joint Operational Planning Group (JOPG) established by the OPCW and States
<p><u>October</u></p> <ul style="list-style-type: none"> • 7: Letter of the UN Secretary-General to the President of the Security Council (S/2013/591) • 11: Letter from the President of the Security Council to the UN Secretary-General (S/2013/603) • OPCW-UN Joint Mission formally established by UNSG and OPCW-DG • Informal UN consultations with States regarding potential need for maritime assets • First informal offer of maritime assets to the UN (Denmark) • Offer of an aircraft (C-130) to the UN Logistics Base in Brindisi (Italy)
<p><u>November</u></p> <ul style="list-style-type: none"> • 11: First formal offer of maritime assets (Italy) • 15: EC-M-34/DEC.1 “Detailed Requirements for the Destruction of Syrian Chemical Weapons and Syrian Chemical Weapons Production Facilities” • UN issues first formal request for logistical resources from States • Second informal offer of maritime assets to the UN (Norway, Italy) • Agreement between Denmark and Norway regarding coordination of maritime contributions • Statement of intent to offer maritime assets for the transportation and destruction of chemical weapons (United States of America)
<p><u>December</u></p> <ul style="list-style-type: none"> • 3: Establishment of Latakia Forward Operating Base • 6: Formal UN request for maritime assets from Denmark and Norway • 10: Letter of the UN Secretary-General to the President of the Security Council (S/2013/730) • 11: Letter from the President of the Security Council to the UN Secretary-General (S/2013/731) • Third formal offer of maritime assets to the UN to provide security to vessels in Syrian Territorial Waters (China, Russian Federation) • Arrival of Danish and Norwegian naval and cargo assets to Limassol, Cyprus • 11-12: “EUCOM Syrian Chemical Destruction Conference,” Stuttgart, Germany, to coordinate maritime contributions of Assisting States • 17: EC-M-36/DG.5 Italy offers a port facility for the transloading of the priority chemicals from the Danish-Norwegian vessel to the MV Cape Ray • 18: Formal Danish request for United Kingdom maritime support • 19: Formal offer of maritime assets to the UN (Denmark, Norway) • 20: Formal United Kingdom offer of maritime assets to Denmark • 27: Moscow planning meeting of Assisting States to finalize operational aspects of the international maritime operation

2014

<p><u>January-July 2014</u></p> <ul style="list-style-type: none"> • 5 January: Exchange of Letters with OPCW/UN and Syrian Government for MMTO • 7 January: MV Ark Futura docked at Latakia to accept 9 ISO Containers • 15 January: HMS MONTROSE arrives on task in the Eastern Mediterranean • 16 January: Special hearing at the Italian Parliament; the port of Gioia Tauro made available for the transloading • 21 June: MV Taiko off-loading of 10 20' ISO Containers for destruction in Finland • Total of 182 20' ISO Containers loaded by the Danish and Norwegian vessels • 2 July: Transloading of chemicals from MV Ark Futura to the MV Cape Ray at Gioia Tauro conducted • 9 July: MV Taiko off-loading containers for destruction in the United States of America • 15 July: MV Ark Futura offloading to the United Kingdom for commercial destruction

C. Establishment of the necessary legal framework

20. As highlighted by many Assisting States, the legal framework provided by the relevant resolution of the UN Security Council and Decisions of the OPCW Executive Council was crucial to the provision and sustainment of contributions to the international maritime operation. In this context, it was emphasized that the international maritime operation was an international operation to enable the OPCW and the United Nations to implement the elimination of the Syrian Arab Republic's chemical weapons program, pursuant to Security Council resolution 2118 (2013), rather than a Joint Mission activity. Therefore, Assisting States were to determine in what capacity they would engage in this operation and organize their contributions accordingly. Legal representatives from both the UNOLC and the OPCW-LAO provided a briefing on the legal framework and the legal issues arising from the establishment and conduct of the international maritime operation, specifically the legal foundation that provided for common understanding and overarching principles that enabled the participation of Assisting States.

21. It was concluded that the States Parties to the CWC assisting in the international maritime operation had a clear international legal basis under UN Security Council resolution 2118 (2013) and applicable OPCW Executive Council Decisions for their participation in and contribution to the international effort in furtherance of the elimination of the chemical weapons programme. This was essential in light of the fact that the CWC does not allow for the transfer of chemical weapons outside the territory of a State party.

22. The relevance of Articles 25 and 103 of the UN Charter was underscored, namely that all UN Member States had an obligation under Article 25 to accept, carry out and to facilitate activities in furtherance of the implementation of Security Council resolution 2118 (2013). In addition, although this issue was never tested in the context of the international maritime operation, it was noted that Article 103 of the UN Charter would apply in the event of a conflict between activities undertaken pursuant to paragraph 10 of Security Council resolution 2118 (2013) and obligations under other international agreements. The tripartite exchange of letters between the UN, the OPCW and Syria relating to the international maritime operation was also deemed essential for providing a sufficient legal basis for the participation of Assisting States.

23. Issues of liability were addressed in the context of the legal discussion as well as at various points throughout the workshop. Varying views were expressed on the extent of risk and liability for stakeholders, as well as on the UN and OPCW's position that mitigation of such risks and potential liability rested with the Assisting States and/or the Syrian Arab Republic. While some States noted their preference for the UN to have taken a more central role in the conduct of the operation, including assumption of some of the liability, it was recalled that the legal framework established was clear insofar as it authorized *States* to remove, transfer and destroy the chemical weapons in the soonest and safest manner (emphasis added). Other legal issues particular to OPCW and CWC States Parties were also noted, such as the requirement of an official authorization of release of information to Assisting States given the strict confidentiality regime of the OPCW.

IV. Initial findings from conceptual, legal and implementation perspectives

24. Following the initial presentations on the first day of the workshop, participants engaged in their respective break-out groups in order to identify the key lessons learned and best practices from the four perspectives (political/conceptual; legal; operational strategic; operational tactical). While many of the key issues were cross-cutting in nature and could be applied to more than one aspect of the operation, organization of the discussion into four break-out groups helped to facilitate the presentation of findings on the final day.

A. Political/conceptual

Lessons learned

1) Lack of a coordination mechanism, including public relations coordination

25. One of the main issues identified by the political/conceptual group was the lack of a consistent coordination mechanism between Assisting States at the political/conceptual level. Once the decision was taken by Assisting States to contribute to and participate in the international maritime operation, there was no coordination mechanism in place to ensure proper communication between them. Under the circumstances, risk of fragmentation of the international endeavor was substantial. It was noted that Assisting States would have benefitted from greater direct contact between capitals and ongoing communication and information sharing at this level. The suggestion was offered that the UN could play an important role in this regard.

26. Media and public outreach was also discussed as an issue that could have been better addressed during the operation, although some Assisting States noted their own successes at the national level in this regard. It was concluded that in order to ensure that all Assisting States were aware of the varying priorities and so-called "red lines" in messaging, more regular coordination and communication should have been undertaken. The view was expressed that local community and civil society concerns, especially in relation to public safety and environmental aspects of the operation, were not necessarily foreseen or always adequately addressed by all Assisting States. In this context, it was noted that one Assisting State held a public hearing at its parliament featuring the participation of the OPCW Director-General in order to formally provide, at the national and international levels, details and information of the activities to be carried out as well as to provide an opportunity to answer any questions to clarify concerns associated with the activities and modalities of transshipment, transloading and destruction of the Syrian chemical weapons at sea.

Furthermore, it was recommended that media and public outreach be addressed as part of the larger strategic planning process. Any international approval procedures regarding public information must be efficient, so that information can be released in a timely manner.

2) *Conceptual clarity despite relative informality*

27. Participants noted that only a few formal agreements were required after 2013 when the overarching legal framework for the international maritime operation through the UN Security Council and OPCW Executive Council was established. Participants noted that this relative lack of formality did not pose any issue for the international maritime operation, but rather could be considered an asset. Based on the international legal framework, the unity of purpose and the coherence of the overall mission, all Assisting States possessed sufficient conceptual clarity despite the adoption of additional formal agreements. The lack of formality was possible due to the goodwill and spirit of cooperation offered by all Assisting States.

3) *Political challenges associated with unexpected, prolonged engagement*

28. Regarding the impact of the prolonged timeframe for participation in the operation, participants noted various consequences, including those related to financing, safety and security as well as domestic approval procedures. While clear time parameters had been agreed as part of the relevant multilateral decisions, reality proved that delays were ultimately unavoidable. As such, preparations for prolonging the engagement of substantial State resources were extensive, including the extension of constitutional approval, funding and continuation of investment of military resources in a generally insecure environment. In addition to these practical challenges, participants also noted the challenges associated with securing the domestic political and practical will required for continuous engagement.

29. As a result of the prolonged timeframe, costs associated with the maritime operation far exceeded those foreseen when Assisting States first made their commitments. In the case of such delays, there is a need to consider plans for continued financing. These could include possible international mechanisms, such as the OPCW trust fund for destruction of the Syrian chemical weapons programme, which still had funds remaining toward the end of the operation.

Best practices

1) *Clarity of purpose and conceptual framework, including required political threshold*

30. A key finding in the political/conceptual context was that adoption of a relevant Security Council Resolution was considered absolutely critical without which the international maritime operation could not have taken place. Therefore, the political threshold for participation by Assisting States was met with the adoption of a Security Council Resolution. The OPCW Executive Council Decisions crucially provided the legal basis for removing the chemical materials from Syria, an action which is prohibited under the CWC, and provided the timelines for removal and destruction. Moreover, the Exchange of Letters between the President of the Security Council and the UN Secretary-General was also identified as important; however this exchange ultimately presupposes the existence of a Security Council Resolution. The unified sense of purpose and strong motive for participation by Assisting States, in this case the threat or use of chemical weapons and chemical weapons falling into the hands of non-state actors, was also noted as a best practice.

31. Participants also agreed on the necessity of a clear conceptualization of the operation, including common understanding of expectations of Assisting States and relevant international organizations.

B. Legal

Lessons learned

1) Early consideration of international and domestic legal requirements and the interplay between them

32. As noted during the initial session on the legal dimension, the requirement for a clear international legal framework was universally supported. At the strategic level, Assisting States needed the legitimizing power of Articles 25 and 103 of the UN Charter and the authority granted in Security Council resolution 2118 (2013) in order to obtain domestic approval. At the operational level, Assisting States needed the clarity on rights and obligations and the timelines provided by the OPCW Executive Council Decisions (EC-M-33/DEC.1, EC-M-34/DEC1 and EC-M-36/DEC1). Bearing in mind the interdependence between the international legal framework and the operational requirements, participants noted the mutually reinforcing nature of these two aspects of the operation. They also recognized, among the lessons learned, the need for Assisting States to identify domestic requirements (under both public and private law as well as vis-à-vis civil society) as early as possible.

2) Legal challenges faced by maritime component vis-à-vis third-parties

33. With regards to the role and responsibilities of the Assisting States in respect of potential claims by third parties, the assumption that no Assisting State was willing to assume unlimited liability was underscored. Regarding the transloading operation, one Assisting State noted the involvement of the United Nations Office for Project Services (UNOPS) with a view to addressing the liability issue. Moreover, it was highlighted that the relevant international organizations, namely the UN and the OPCW, could not assume responsibilities without proper legal authority from their respective intergovernmental organs. Further to the discussion of mitigation of risks and more effective burden-sharing, participants noted the need for greater clarity on available instruments to achieve better mitigation of risks and potential liabilities. One participant referred to useful instruments that were not utilized in the case of the international maritime operation, for example the Secretary-General's offer to mobilize resources and, if so requested, to establish a trust fund for insurance. Additionally, the point was raised that greater quality control could have been exercised in relation to Syria's responsibility for packaging. More broadly, participants noted the efforts made to assist Syria in fulfilling its responsibility to meet safety standards. In this connection, the suggestion was offered for an independent assessment of packaging, perhaps carried out by a dedicated IMDG expert team, to provide international legitimacy, technical legitimacy and assurances to the transporting and receiving States.

Best practices

1) Legitimizing power of an international legal framework

34. The legitimacy of collective action offered by the international legal framework allowed Assisting States to make contributions in uncertain conditions and without guarantee of safety or success. Therefore, the best practice gleaned was that adoption of a strong international legal framework will not only minimize difficulties with national and local constituencies, but ultimately allow for collective action despite certain operational uncertainties. At both the strategic and operational levels, clarity on rights and obligations as well as the general authority to engage was successfully provided for via the legal framework.

2) *Adoption of other legal instruments and/or ad hoc mechanisms to supplement gaps*

35. Further to the need for a strong international legal framework and recognizing the need to formalize arrangements between the UN and Assisting States to supplement the overarching framework, participants noted the importance of Exchanges of Letters and common understandings. Addressing additional legal issues through Exchanges of Letters was paramount to the success of the international maritime operation, *inter alia*, confirming the status, privileges and immunities and legal protections of the Assisting States. Moreover, the conclusion was reached that there is added value in *ad hoc* mechanisms to fill legal and operational gaps, to forge common purpose and to achieve an agreed, coherent and workable plan (e.g. Stuttgart I and II, Moscow Meeting and Joint Task Force).

C. Implementation

Operational (strategic)

Lessons learned

1) *Clarity of roles and responsibilities taking into consideration leadership and management responsibilities*

36. Discussion on aspects at the strategic level of operations covered a wide range of issues, although a majority of the discussion centered on the need for greater clarity on the roles and responsibilities of stakeholders. Participants reflected on means of appropriately planning for the operation's objective with a key lesson learned identified being the need for a "Plan for planning." Such a plan, agreed by all stakeholders, should encompass the entire breadth of the anticipated operation and effectively link all components and elements throughout the life cycle of the process, including both Assisting States and multinational partners. This would provide an agreed and coherent process and focal point to address evolving political and operational situations, and ensure a forward-looking, comprehensive and agile approach to implementation (from storage facility, throughout land and maritime transport and onward to final disembarkation for destruction).

37. Other lessons discussed included the need to consider existing models for cooperation, such as those executed as part of UN mandated counter-piracy operations in the Gulf of Aden and off the coast of Somalia, and counter-terrorism operations in the Mediterranean. In addition, keeping so-called "special cases" for addressing operational challenges to a minimum was identified as a way to ensure smooth cooperation, particularly by using existing globally accepted rules, regulations and guidelines (e.g. IMDG). The requirement to engage multilateral institutions to act as a complementary enabler or interlocutor in order to provide a bridge between Assisting States and ensure coherence across a complex and constantly evolving multi-national operation of this nature was also

stressed. While difficult to achieve in a complex multi-national environment, this desire was expanded to include a preference for clear and robust leadership and command and control across all components of such an operation. This was considered a possible method for ensuring clarity and singularity of communication and coherence across the disparate parts of an operation that required flexibility and adaptability to achieve success.

38. An additional, critical and cross-cutting element for success was identified as the need for clear communication between stakeholders and a shared awareness and understanding of their roles and responsibilities, and any related limitations. This was most ably demonstrated by the long standing but differing interpretations of the responsibilities of the Joint Mission vis-à-vis the planning and coordination of the international maritime operation. This saw Assisting States understanding and expecting a proactive and forward leaning role from the Joint Mission with regards to the maritime operation, while the Joint Mission, OPCW and the UN understood its function to be more limited, with responsibilities for such leadership and coordination resting with the States themselves. Ensuring a shared understanding of the expected roles, functions and processes, including their limitations, must expand across all key documents, texts and methodologies, and requires proactive expectations management.

Best practices

1) Operating proactively in a spirit of trust

39. It was acknowledged that Assisting States made commitments and took corresponding action without all the details of specific arrangements. These commitments and actions thus demonstrated a common spirit of trust. Engagement through a proactive approach to resolve any outstanding issues, such as the creation of the JOPG for technical and planning support, was identified as a best practice in this regard. The ability and willingness of Assisting States to respond to a need with a practical solution, to the greatest extent feasible and justified by the legislative framework, was also highlighted as a best practice to be replicated in future scenarios.

Operational (tactical)

Lessons learned

1) Tactical planning taking into account the impact of delays

40. An inhibitor to successful tactical planning was operational uncertainties, including significant time delays by virtue of prolonged wait times for delivery of containers to the port at Latakia for transloading and onward transmission to the MV Cape Ray for hydrolysis and commercial facilities in Finland, Germany, the United Kingdom and the United States of America for destruction. With a view to efficient operational planning in an environment of inevitable uncertainties, participants recommended centralized management, such as the establishment of a maritime operational coordination cell, possibly as part of the JOPG. Participants drew examples from existing models of cooperation, such as multi-national anti-piracy operations and initiatives as noted above (e.g. SHADE and ACTIVE ENDEAVOUR).

2) Addressing the role and responsibilities of the Host State

41. While consistent involvement of the Host State was identified as a best practice, there

were also lessons learned from the international maritime operation noted in this context. Clear indication of level of responsibility (political, security, operational/tactical level) of the Host State was lacking in some instances, according to some participants, and higher levels of accountability for the Syrian authorities should have been called for at various stages of the process. This point was made in reference to ensuring proper packaging of the chemical materials in accordance with the IMDG Code at the port of Latakia prior to transloading to the Norwegian and Danish vessels.

Best practices

1) Close cooperation at the tactical level

42. From the perspective of tactical operations, it was concluded that a best practice is adopting operational planning that is comprehensive, inclusive and effective with a view to ensuring there is no gap between the operational and tactical level. In order to adopt such a plan, it was noted that close cooperation at the tactical level is crucial, including appropriate lines of communication. In this regard, participants noted that too frequent rotation of staff into and from the field should be avoided. Participants also recommended as a best practice the development of clear tactical guidance and parameters, including commercial matters associated with applicable international conventions and codes on board merchant ships as well as civil and merchant navy matters vis-à-vis shipping agents and port authorities.

V. Conclusion: Emerging focus areas

43. Participants concluded that the international maritime operation was not only successful, but represented an innovative multilateral undertaking from which best practices could be drawn for future endeavours of a similar nature. The decisions of the UN Security Council and the OPCW Executive Council offered a legitimate means to address and remove a significant threat to international peace and security, namely the existence of the Syrian chemical weapons programme. These decisions initiated constructive and indispensable multilateralism in furtherance of international peace and security setting into motion important State activities, including the international maritime operation to remove declared chemical materials from Syrian territory and transport them for neutralisation and onward transport for final destruction.

44. By way of summary and conclusion, the following emerging focus areas can be drawn from the substantive and wide-reaching discussions of the workshop. Participants called for:

- Clear conceptualization and common understanding of the operation based on a solid legal framework and relevant bi- or multi-lateral agreements, as appropriate and necessary, as well as a clear definition and shared commitment to a common objective
- Clarity of roles, responsibilities and expectations of all key stakeholders, including Assisting States, international organizations and the Host State
- Means of coping with limited opportunity for operational foresight and planning
- Clear channels of communication for all stakeholders at all levels (political, strategic and tactical)
- Early attention to public messaging and communication strategy and institutionalization of the necessary coordination among Assisting State