
Chemical weapons

Women's International League for Peace and Freedom

Background

The use of chemical weapons is universally considered to be a crime against humanity and contradictory to the dictates of public conscience. The 1992 Chemical Weapons Convention (CWC), prohibits the development, production, acquisition, stockpiling, retention, transfer, or use of these weapons. Twenty-one years after its entry into force, the CWC has 193 states parties and one signatory state. The Organisation for the Prohibition of Chemical Weapons (OPCW) is tasked with regulating treaty compliance. Russia—formerly the largest possessor of chemical weapons—is officially said to have completed the destruction of its stockpile in 2017.¹ The United States has destroyed approximately 90 per cent of its stockpile.²

Chemical weapons, which are inherently indiscriminate, are any toxic chemical or its precursor that can cause death, injury, temporary incapacitation or sensory irritation through its chemical action, and includes related munitions and delivery systems. Chlorine, mustard gas, and sarin are among the most used weaponised chemicals. Many of the chemicals that can be used as a weapon are dual-use.

Following the ghastly Tokyo subway sarin gas attacks in 1995, there were no cases of chemical weapons use for nearly two decades, until their resurgence in recent years in Syria, Malaysia, and the United Kingdom. The use of chemical weapons in the Syrian conflict over an eight-year period has shocked the international community and poses a

significant challenge to the international norm and stigma against these weapons.

Current context

Since 2014, the discourse about chemical weapons in the First Committee has evolved to reflect concern about recent instances of use. As First Committee statements have become more specific by citing incidents in Syria, Malaysia, and the United Kingdom, for example, a new dynamic is emerging as to whether or not the First Committee is the appropriate UN forum to reference these specific cases, or if that is best left to the UN Security Council (UNSC) or meetings and mechanisms of the CWC. In both 2017 and 2018, the First Committee discussions were occurring against a backdrop of either debate in the UNSC about renewing the Joint Investigative Mechanism (JIM), a partnership between the United Nations and the OPCW established in response to the use of chemical weapons in Syria, or efforts within the CWC to establish an attribution mechanism.

In June 2018, a special session of CWC states parties voted to establish another mechanism to attribute responsibility for chemical weapons attacks: the Investigation and Identification Team (IIT).³ Based on IIT investigations, which are ongoing, the OPCW Executive Council (EC) adopted by vote in July 2020 a decision addressing the possession and use of chemical weapons by the Syrian Arab Republic, in which it concluded that there are reasonable grounds to

believe that the Syrian government used chemical weapons in Ltamenah, Syria in March 2017.⁴

The decision further establishes that the Syrian Arab Republic failed to declare and destroy all of its chemical weapons and chemical weapons production facilities under the CWC and demands that the Syrian Arab Republic immediately cease all use. The IIT's first report was transmitted to the UNSC by the UN Secretary-General, provoking debate in the Council during a May 2020 session.⁵

Within the First Committee, most UN member states have previously indicated through their statements and voting patterns that it is important to defend the norm and law against chemical weapon use by assigning responsibility and not allowing for impunity or continued transgressions. In this context, France established in January 2018 an International Partnership against Impunity for the Use of Chemical Weapons, an association of 38 countries and international organisations.

A smaller group of states have argued against efforts to assign attribution to chemical weapon attacks. They have taken issue with statements delivered at First Committee that speak to recent incidents of use and to the inclusion of specific incidents in the annual First Committee resolution on chemical weapons. These states argue that such references unnecessarily “politicise” the issue.

This tension tends to come to a head in the context of voting on the chemical weapons resolution, which is traditionally sponsored by Poland. In 2019, draft resolution L.10 “Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,” elicited five paragraph votes and several explanations of vote, in which accusations of deliberate politicisation and double standards were highlighted along with statements reinforcing the importance of the rule of law and multilateralism.⁶

Recommendations

During First Committee, delegations should:

- Highlight and publicly condemn any ongoing activities that are prohibited under the CWC;
- Defend the norm against chemical weapon use; and
- Report on measures taken to implement provisions from the CWC and pledge financial support to relevant mechanisms and instruments.

Beyond First Committee, states should:

- Commit to never using chemical weapons and proceed with stockpile destruction;
- Review, strengthen, and uphold national measures and policies in line with article VII of the CWC; and
- Adopt and enforce necessary legal measures to ensure effective compliance with the CWC, including by developing national action plans; sharing national experiences, challenges, and initiatives to adopt legal measures giving effect to the CWC; and sharing relevant laws and regulations.

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1 Yearbook 2018: *Armaments, Disarmaments and International Security—Summary*, Stockholm International Peace Research Institute, 2018, https://www.sipri.org/sites/default/files/2018-06/yb_18_summary_en_0.pdf.

2 “Chemical Weapons: Frequently Asked Questions,” Arms Control Association, <https://www.armscontrol.org/factsheets/Chemical-Weapons-Frequently-Asked-Questions>.

3 See <https://www.opcw.org/iit>.

4 “OPCW Executive Council Adopts Decision Addressing the Possession and Use of Chemical Weapons by the Syrian Arab Republic,” 9 July 2020, <https://www.opcw.org/media-centre/news/2020/07/opcw-executive-council-adopts-decision-addressing-possession-and-use>.

5 Letter dated 15 April 2020 from the Secretary-General addressed to the President of the Security Council, S/2020/310, <https://undocs.org/en/S/2020/310>.

6 For an overview of 2019 explanations of vote, see our coverage in the 2019 First Committee Monitor, No. 6, 9 November, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/FCM19/FCM-2019-No6.pdf>.



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