



ICRC

**Third Special Session of the Conference of the States Parties to
Review the Operation of the Chemical Weapons Convention
(Third Review Conference)**

8-19 April 2013

The Hague, The Netherlands

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Geneva**

The International Committee of the Red Cross (ICRC) is grateful for the opportunity to address the States party to the Chemical Weapons Convention at this Third Review Conference. We speak as the organization mandated by States to protect and assist the victims of armed conflict and other situations of violence, and to promote and strengthen international humanitarian law.

The ICRC has a long history of helping to strengthen the prohibition of chemical weapons. Our February 1918 appeal against the use of poisonous gases reflected public abhorrence at their use during the First World War and helped to build momentum for the adoption of the 1925 Geneva Protocol. The Chemical Weapons Convention has since established a comprehensive prohibition on the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons. The prohibition on the use of chemical weapons is part of customary international humanitarian law, which is binding on all parties to all armed conflicts.

However, States must remain vigilant to ensure that the Convention's object and purpose – "to exclude completely the possibility of the use of chemical weapons" – is fulfilled. Since the last Review Conference, the world has witnessed the tacit acknowledgement of chemical weapons possession, the discovery of an undeclared stockpile of chemical warfare agents, and a continuing risk of use of chemical weapons by States or non-State actors.

Member States and the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW) have successfully overseen the destruction of three-quarters of the declared chemical weapon stockpiles. A continued commitment will be needed to complete this task in the shortest time possible. While disarmament will have an end-point, efforts to ensure universal adherence to the Convention, and full compliance with its provisions, are part of a permanent contract between States Parties, requiring long-term financial and human resources.

The ICRC urges all States that have not already done so to ratify or accede to the Chemical Weapons Convention, and to withdraw any remaining reservations to the Geneva Protocol. We must also do much more to ensure that member States adopt effective national legislation to criminalize acts prohibited by this Convention.

Despite these efforts, we need to be prepared in the event of the use, threat of use, or alleged use of chemical weapons, as recognized in the Convention. An assessment by the ICRC in 2007 highlighted the lack of an adequate international response capacity to assist the victims of any use of nuclear, radiological, biological or chemical weapons. In 2010 we started developing the ability to provide a limited response in the event of small-scale use, or threat of use, of these weapons. This emerging capacity has already shown its value in the humanitarian aid work carried out by the ICRC in several countries, and in coordination with other humanitarian organizations.

Our experience has shown the critical need for coordination between the organizations involved in preparing a response to the use, threat of use, or alleged use of chemical weapons. Given the mandate of the OPCW, its expertise, experience and resources must be fully utilized to help build an international response capacity.

Another challenge for the Convention is preventing the re-emergence of chemical weapons. This requires that scientific and technological developments, both positive and negative, be assessed, just as changes in the security environment must also be considered. In this respect, the ICRC is concerned about the interest among police, security and armed forces in using toxic chemicals – primarily dangerous anaesthetic drugs – as law-enforcement weapons designed to render the victims unconscious or otherwise severely incapacitated. Under the Convention these are not "riot control agents," but simply "toxic chemicals".

The ICRC first expressed concern about these so-called “incapacitating chemical agents” in a statement prepared for the First Review Conference 10 years ago. Subsequently the issue has been analysed and discussed in depth, including at two international expert meetings convened by the ICRC.

The ICRC has identified, through years of engagement with States, medical experts, law-enforcement professionals and others, three major risks presented by these weapons. First, there are serious dangers to life and health. There is a significant risk of death for those exposed, and survivors risk debilitating injuries, such as permanent brain damage.

Second, there is a high risk that the proliferation of these weapons will undermine the prohibition of chemical weapons. The lethal dose of some chemicals considered as “incapacitating chemical agents” is equivalent to that of chemical warfare agents. We need to ask ourselves what message this sends to the world about the comprehensive prohibition of chemical weapons. Just as poisoning is not an acceptable weapon of warfare, neither can it be an acceptable weapon of law enforcement.

The third serious risk is that of creating a “slippery slope” towards the reintroduction of chemical weapons in armed conflict. To understand this risk we need only consider situations where law-enforcement activities are carried out within a wider armed conflict, where a situation escalates from law enforcement to the conduct of hostilities, where the status of a situation is disputed, and where military forces carry out law-enforcement functions. Imagine that the different forces involved in these situations are armed with weapons to deliver highly toxic chemicals. Where might this scenario lead?

International law, first and foremost the Chemical Weapons Convention, provides the major protection against these risks. The Convention permits the use of riot control agents, commonly known as tear gas, as legitimate means for “law enforcement including domestic riot control purposes”. However, the use of other toxic chemicals as weapons for law enforcement was not envisaged in the negotiation of the Convention and, in the ICRC’s view, such use would undermine its object and purpose.

Other areas of international law are also applicable to law enforcement, in particular international human rights law, as well as international drug-control law. In the ICRC’s view, this overall legal framework is highly constraining and leaves little room, if any, for the legitimate use of toxic chemicals – other than riot control agents – as weapons.

On 6 February 2013, 95 years after our 1918 appeal, the ICRC called on all States to reaffirm national policies limiting the use of toxic chemicals as weapons for law enforcement to riot control agents only. This is the almost universal practice of all States to date. The ICRC’s appeal is, therefore, a preventive effort to protect future generations.

In addition, we urge this Review Conference to begin a process of clarification among States Parties regarding the use of toxic chemicals as weapons for law enforcement. This should take into account all applicable international law, the implications for preventing the reacquisition of chemical weapons and, in particular, the serious risks posed to life and health and to the universal prohibition of chemical weapons.

The ICRC calls on all delegations here today to focus on the long-term challenge of ensuring the complete elimination of chemical weapons, preventing their re-emergence, and building international capacity to respond in the event of use or threat of use.

Thank you for your attention.