

**AUSTRALIA****WEAPONISATION OF CENTRAL NERVOUS SYSTEM ACTING CHEMICALS
FOR LAW ENFORCEMENT PURPOSES**

1. The issue of incapacitating chemical agents (ICAs) used for law enforcement purposes was discussed within the Organisation for the Prohibition of Chemical Weapons (OPCW) at the Third Review Conference (8-19 April 2013). Australia would like to acknowledge Switzerland for its leadership in raising attention to this important issue,^{1,2,3,4} as well as other States Parties⁵ for their contributions to the ongoing rigorous discussions on the technical, legal and humanitarian aspects of the debate. We thank those States Parties which have made their positions known on the issue of ICAs.^{6,7,8,9,10,11,12,13,14,15,16,17,18}
2. Central Nervous System (CNS) acting chemicals, such as anaesthetics, sedatives or analgesics, have been misleadingly referred to as ICAs or non-lethal agents. This paper:
 - (a) identifies the types of CNS acting chemicals currently of most concern to Australia; and
 - (b) states Australia's broader position on the weaponisation of anaesthetics, sedatives or analgesics for law enforcement purposes.
3. The weaponisation of CNS acting chemicals for law enforcement purposes is of concern to Australia due to the health and safety risks and the possibility of their deliberate misuse, both of which have the potential to undermine the global norm against the use of toxic chemicals for purposes prohibited by the Convention.
 - (a) Fentanyl (opioid receptor agonists) are probably the best known of the CNS acting chemicals. These are highly toxic chemicals with some analogues having lethal doses (LD50 values) comparable to VX.^{19,20}
 - (b) However, there are other anaesthetics, sedatives or analgesics²¹ that also could be considered including dexmedetomidine and clonidine (α2-adrenergic receptor), and halothane, isoflurane and sevoflurane (inhaled anaesthetics).
4. Australia's position is that it is not possible for a State Party to disseminate anaesthetics, sedatives or analgesics by aerial dispersion in an effective and safe manner for law enforcement purposes. The effects of these chemicals are dose dependent and determined by a number of factors including the individual's age,



weight, gender, general well-being and possible adverse reactions with other medications being taken.

5. Australia can confirm it is not developing, producing, stockpiling or intending to weaponise or use any CNS acting chemicals such as anaesthetics, sedatives or analgesics for law enforcement purposes, which is consistent with our statement to the Eighteenth Conference of the States Parties to the Chemical Weapons Convention.²²
6. Australia calls on other States Parties which have not already done so to make their positions known on the weaponisation of CNS acting chemicals such as anaesthetics, analgesics and sedatives for law enforcement purposes.
7. Australia calls for consultations, in particular among members of the Executive Council of the OPCW, with a view to commencing discussions as to whether weaponisation of CNS acting chemicals should be permitted for law enforcement purposes.

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- 1 Riot Control and Incapacitating Agents under the Chemical Weapons Convention, National Paper by
2 **Switzerland** for the Second Review Conference, RC-2/NAT.12, dated 9 April 2008.
- 3 Technical Workshop on Incapacitating Chemical Agents, Spiez, **Switzerland**, 8-9 September 2011.
- 4 Statement by Ambassador Markus Borlin, Permanent Representative of **Switzerland** to the OPCW at
5 the Third Review Conference, dated 8 April 2013.
- 6 Statement by Philippe Brandt Deputy Permanent Representative of **Switzerland** to the OPCW at the
7 Closing Session of the Third Review Conference, RC-3/NAT.57, dated 19 April 2013.
- 8 Toxic Chemicals for Law Enforcement, **Germany**, RC-3/NAT.44, dated 16 April 2013.
- 9 Statement by H.E. Ambassador James Lambert, Permanent Representative of **Canada** to the OPCW, at
10 the Seventy-Third Session of the Executive Council, EC-73/NAT.23, dated 16 July 2013.
- 11 Statement by Ambassador Rolf Wilhelm Nickel Commissioner of the Federal **German** Government for
12 Disarmament and Arms Control at the Third Review Conference, RC-3/NAT.28, dated 9 April 2013.
- 13 Statement by H.E. Mary Whelan Permanent Representative of **Ireland** to the OPCW at the Third
14 Review Conference, RC-3/NAT.51, dated 9 April 2013.
- 15 Statement by H.E. Dr Fauziah Mohamad Taib, Permanent Representative of **Malaysia** to the OPCW at
16 the Seventy-Seventh Session of the Executive Council.
- 17 Statement by H.E. Jan Lucas van Hoorn Permanent Representative of **the Netherlands** to the OPCW at
18 the Closing Session of the Third Review Conference, RC-3/NAT.60, dated 19 April 2013.
- 19 Statement by Ambassador George Troup Permanent Representative of **New Zealand** to the OPCW at
20 the Eighteenth Session of the Conference of the States Parties, C-18/NAT.5, dated 3 December 2013.
- 21 Statement by H.E. Ambassador Anniken R. Krutnes, Permanent Representative of **Norway** to the
22 OPCW at the Eighteenth Session of the Conference of the States Parties, C-18/NAT.17, dated
2 December 2013.
- Statement by Mrs Kehkeshan Azhar, Acting Permanent Representative of **Pakistan** at the Second
Review Conference of the Chemical Weapons Convention, 7-18 April 2008.
- Statement by H.E. Director General Nineta Bărbulescu, Head of the National Authority for the
Implementation of the Chemical Weapons Convention in **Romania** at the Third Review Conference,
RC-3/NAT.37, dated 9 April 2013.
- Statement by Ambassador H.E. Jaroslav Chlebo, Permanent Representative of the **Slovak Republic** to
the OPCW, at the Third Review Conference, RC-3/NAT.27, dated 9 April 2013.
- Statement by Mr Alistair Burt, Parliamentary Under Secretary of State for Foreign and Commonwealth
Affairs, **United Kingdom**, at the Third Review Conference, RC-3/NAT.22, dated 9 April 2013.
- Statement by Rose E. Gottemoeller, Acting Under Secretary for Arms Control and International
Security, **United States**, at the Third Review Conference, RC-3/NAT.45, dated 9 April 2013.
- Statement by Ambassador Robert P. Mikulak **United States** Delegation to the OPCW at the Seventy-
Second Session of the Executive Council, EC-72/NAT.8, dated 6 May 2013.
- Katie Smallwood, Ralf Trapp, Robert Mathews, Beat Schmidt and Leiv K. Sydnes, Impact of Scientific
Developments on the Chemical Weapons Convention, IUPAC Technical Report, Pure Appl. Chem.,
Vol. 85 No. 4, 2013, p851-881.
- Report of the Scientific Advisory Board on Developments in Science and Technology for the Third
Special Session of the Conference of the States Parties to Review the Operation of the Chemical
Weapons Convention, RC-3/DG.1, dated 29 October 2012, p. 21.
- J.M. Lakoski, W. Bosseau Murray and J.M. Kenny, "The Advantages and Limitations of Calmatives
for Use as a Non-Lethal Technique", Pennsylvania State University, 3 October 2000.
- Statement by H.E. Mr Neil Mules Permanent Representative of **Australia** to the OPCW at the
Eighteenth Session of the Conference of the States Parties, 2 December 2013.