



## Assistance and Protection Against Attack with Chemical Weapons

By joining the Chemical Weapons Convention (CWC), States Parties commit to never develop, produce, otherwise acquire, stockpile, retain or use chemical weapons under any circumstances. The threat of retaliation in kind therefore ceases to serve as a deterrent to States that may be considering using chemical weapons. To counter the vulnerability that some States Parties may feel, the Convention permits the development of national programmes for protection against chemical weapons, with the support of the Organisation for the Prohibition of Chemical Weapons (OPCW). The OPCW is also given responsibility for coordinating the provision of assistance to any State Party that is threatened by the use of chemical weapons. Such assistance may include, but is not limited to, items such as detection and alarm systems, protective equipment, decontamination equipment, medical antidotes and treatments and advice on protective measures.

### Rights and Responsibilities of States Parties

Along with activities related to industry, agriculture, research, medicine and pharmaceuticals, the CWC does not prohibit the development of means of protection against toxic chemicals and chemical weapons. Under Article X of the Convention, all States Parties have the right to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons. Also articulated is the right of States Parties to participate in, and the obligation to facilitate, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection. States Parties may even transfer to other States Parties or use limited amounts of Schedule 1 chemicals (i.e. those with few if any non-weapons applications) for research, medical, pharmaceutical and protective purposes.

A national protection programme may in some ways appear to be similar to a chemical weapons development programme. In part to allay any suspicions that might arise, all States Parties are required annually to submit to the Secretariat information regarding such programmes. In addition, as described in Fact Sheet 7, details of the production, uses and transfers of Schedule 1 chemicals must be reported. All of these requirements are intended to increase the transparency of all protection programmes, ideally avoiding suspicions between States that may arise because of them.

In spite of the permission granted under the CWC to possess or develop means of protection, States Parties differ in their capabilities to face the threat of attack with

chemical weapons. Some States may have developed adequate protection capabilities before the Convention entered into force, whereas others may lack the financial or technological means to initiate a protection programme, or may simply need to use their resources to address more pressing concerns. Some States Parties may be able to rely on other forms of deterrence, such as superior conventional forces, whereas many others cannot. To ensure the security of all States Parties, it is crucial that outside support is available to those that need it if they are ever threatened with or become victims of the use of chemical weapons.



*An OPCW assistance and protection exercise*





*OPCW inspectors prepare for an investigation of alleged use exercise*

However, the provision of assistance directly from one State Party to another in the event of a chemical attack is tantamount to security cooperation and, as such, is subject to numerous political considerations. It is therefore unlikely that governments capable of rendering assistance would pledge to do so on their own in a way that would adequately provide for the security of all States Parties. For this reason, the OPCW is charged with responding, whenever requested, to an alleged chemical attack on a State Party by, among other things, coordinating assistance from States Parties that can provide it.

Under the Convention, States Parties undertake to provide assistance through the OPCW. This assistance can take three forms. First, States Parties may contribute to the Voluntary Fund for Assistance, whose funds are to be used to provide assistance if a State Party is attacked or threatened with chemical weapons. As at 31 December 2013, 47 States Parties have contributed to this fund.

Second, States Parties may enter into agreements with the OPCW regarding the provision of assistance upon demand. The first agreement of this kind—a memorandum of understanding between the Islamic Republic of Iran and the OPCW—concerned the provision of emergency medical assistance teams and facilities for treating chemical weapon casualties at Iranian hospitals.

Third, States Parties may decide to declare the kind of assistance they might provide in response to an appeal by the OPCW to support another State Party under attack with chemical weapons or under threat of attack. Many States Parties have made such offers of assistance. Notably, Switzerland has offered to provide equipment for assistance efforts, as well as to train relevant personnel from other States Parties in its use. Consequently, Switzerland and the Secretariat have jointly organised numerous training courses at the NBC Centre in Spiez, Switzerland.

Support rendered to the OPCW does not in any way preclude States Parties from requesting and providing assistance bilaterally and entering into independent individual agreements concerning the procurement or provision of emergency assistance. States Parties are also free to request or provide such assistance even in the absence of an agreement. Regardless of whether or not a State Party has made a specific commitment to the OPCW to provide assistance, it must make every effort to do so if called upon by the Director-General in response to a request for assistance, as described below.

## **The Role of the Secretariat**

Article X of the CWC stipulates that the Secretariat is to make information available and provide advice to



States Parties concerning means of protection and the implementation of national protection programmes. The Convention provides for specific ways for the Secretariat to carry out these duties. First, the Secretariat is required to establish and maintain a data bank containing freely available information concerning means of protection against chemical weapons. States Parties may submit materials for inclusion in the data bank, which will continue to be expanded and updated and is available on the OPCW website.

Second, the Secretariat is instructed, using the resources available to it, to provide expert advice and to assist States Parties, upon request, on the ways in which their national programmes on protective purposes can be implemented. One way in which the Secretariat dispenses advice is by conducting courses and workshops on protection and civil defence. The OPCW Technical Secretariat organises courses aimed at providing training to first responders, government experts and emergency response units in building and developing national and regional capabilities and emergency response systems against the use, or threat of use, of chemical weapons. As of 2013, 2,200 participants from Africa (350), Asia (600), Latin America (500) and Eastern Europe (750) have benefited.

The Secretariat has solicited the cooperation of States Parties for this purpose as well. The Protection Network is a group of 20 experts nominated by States Parties who are involved in the emergency response to, and assistance and protection against, toxic chemicals. The group provides advice to the Secretariat on the implementation of Article X.

In 2011, the Conference of the States Parties established the International Support Network for Victims of Chemical Weapons, along with a trust fund for the Support Network financed through voluntary contributions. The Secretariat administers the trust fund and maintains links to relevant information on the OPCW website.

## Requests for Assistance

Every State Party to the CWC has the right to request assistance from the OPCW in any of the following circumstances: 1) the State Party considers chemical weapons to have been used against it; 2) the State Party considers riot control agents to have been used against it as a method of warfare; or 3) the State Party considers itself to be threatened by actions prohibited by the Convention taken by another country. A request for assistance must be submitted to the Director-General with substantiating information—e.g. the types of chemical weapons alleged to have been used, the extent and time of use and the effects on humans, animals and vegetation. The Director-General is to forward the request immediately to the Executive Council and the States Parties. The Director-General shall also immediately forward the request to States Parties that have agreed to provide emergency assistance.

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*An OPCW inspector at an Investigation of Alleged Use Exercise held in the Czech Republic. A mock chemical weapon is circled.*

Within 24 hours of receiving a request for assistance, the Director-General is also responsible for initiating an investigation, the purpose of which is to establish facts relevant to the request and the type and extent of assistance and protection needed. In cases in which chemical weapons or riot control agents are alleged to have been used as means of warfare, the investigation is carried out as an investigation of alleged use (IAU), described in more detail in Fact Sheet 5. Regardless of whether it is an IAU, the investigation is to be completed within 72 hours, at which time a report on it is to be submitted to the Executive Council. If more time is needed, an interim report is submitted and the time for the investigation is extended in increments of up to 72 hours. Reports are to be submitted to the Executive Council at the end of each extension.

Within 24 hours of receiving the investigation report, the Executive Council meets to consider the situation, and to decide by a simple majority whether or not to instruct the Secretariat to provide assistance. The Secretariat, meanwhile, distributes the report to all States Parties and relevant international organisations and informs them of the decision of the Executive Council. If the Executive Council decides in favour of assistance, the Director-General is to provide it immediately, cooperating with States Parties and other international organisations as necessary.

If, however, there exists proof from an ongoing investigation or from other reliable sources that there are casualties due to use of chemical weapons and immediate action is called for, the Director-General is to inform all States Parties of this and take emergency measures to provide assistance, keeping the Executive Council abreast of actions taken.

Needless to say, preparation and training are needed if the Organisation is to be able to coordinate and provide adequate assistance in a timely manner. In addition to annual workshops to promote and coordinate assistance, the Secretariat helps to organise training courses in various locations, including those on mounting rescue operations in contaminated areas.

Participants in these courses and workshops have learned about the logistical difficulties involved in the efficient delivery of assistance, and have discussed possible responses to terrorist attacks, the need for joint training and exercises involving the Secretariat and States Parties offering assistance, as well as questions dealing with standardisation of equipment contributed by States Parties.

Preparation and training are also needed for the investigation part of the process. The Secretariat maintains a high level of readiness to conduct an IAU. The OPCW holds full-scale exercises of investigations of alleged

use of chemical weapons and delivery of assistance. These exercises have been held around the world using both live and simulated chemical agents. In addition to maintaining its own laboratory, the OPCW administers official proficiency tests to select, certify and train States Parties' laboratories to analyze verification samples. Approximately 20 laboratories have been des-

ignated. The OPCW put these capabilities to use during their expert participation in the United Nations investigation into the use of chemical weapons in the ongoing Syrian conflict, which concluded that chemical weapons had been used on a relatively large scale. Since Syria was not a State Party at the time, the investigation was conducted in support of the United Nations under Part XI, paragraph 27 of the CWC Verification Annex.



*The OPCW Director-General and Iranian Deputy Foreign Minister for International Affairs unveiling a monument dedicated to victims of chemical weapons*

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