



ICRC

## **Twenty-Sixth Session of the Conference of the States Parties to the Chemical Weapons Convention**

**29 November–3 December 2021, The Hague, Netherlands**

### **Statement by the International Committee of the Red Cross**

The International Committee of the Red Cross (ICRC) is encouraged that the world is slowly moving closer to the complete elimination of declared chemical weapons. Over 98% of declared stockpiles have been destroyed and the work of the Organisation for the Prohibition of Chemical Weapons (OPCW) to oversee the destruction of remaining weapons is expected to be completed in 2023.

However, it is of grave concern that, over the past ten years, the world has witnessed the repeated use of chemical weapons in the Syrian Arab Republic, the use of these weapons in the Republic of Iraq and the use of nerve agents to poison individuals in several incidents around the world.

We take this opportunity to reiterate that the use of chemical weapons is absolutely prohibited by this Convention in all circumstances. The use of poison and chemical weapons is also prohibited by customary international humanitarian law, which is binding on *all* parties to *all* armed conflicts. We unequivocally condemn any use of chemical weapons and appeal to all parties to armed conflict and to all States party to the Chemical Weapons Convention to abide by this prohibition.

Since 2003, the ICRC has also expressed its concern about the interest shown by police, security and armed forces in using certain highly toxic chemicals as weapons for law enforcement – so-called “incapacitating chemical agents” or chemicals that act on the central nervous system (CNS). As we have stressed on many occasions, poisoning is not a legitimate means of warfare and it cannot be a legitimate means of law enforcement.

In this context, we welcome the decision of the OPCW Executive Council (EC-96/DEC.7 of 11 March 2021) recommending that this Conference “decide that the aerosolised use of CNS-acting chemicals is understood to be inconsistent with law enforcement purposes as a “purpose not prohibited” under the Convention”.

The ICRC urges the Conference to take this important decision, which will go a significant way in addressing the serious concerns about the expanded development and use of toxic chemicals as weapons for law enforcement, in preventing the associated risks of death and permanent disability and in minimizing the risk that the object and purpose of the Convention will be undermined.

Given these risks, we have, since 2013, made clear our view that the use of toxic chemicals as weapons for law enforcement should be limited to riot control agents only, as defined in the Convention. We have urged States Parties to adopt both national policies and legislation to this effect and to clarify this understanding in international forums. This decision by the Conference on CNS-acting chemicals would be an important part of such a clarification by the States party to the Chemical Weapons Convention.

At the ICRC, we are of the view that the decision should not be interpreted as meaning that non-CNS-acting, non-aerosol-delivered toxic chemicals are therefore acceptable as weapons in law enforcement. In fact, the use of CNS-acting chemicals delivered by other means and/or the use of toxic chemicals to poison other parts of the human body would raise the same humanitarian and legal concerns, including under this Convention and international human rights law.

Given that a world free of chemical weapons and universal adherence to this Convention remain just out of reach for now – and in light of States Parties' right to request and receive assistance if chemical weapons are used – it is important that response capacities are continually strengthened.

We welcome the efforts of governments and the OPCW to bolster international and regional assistance and to carry out protection training courses and capacity-building activities.

At the ICRC, we are continuing with our risk-management approach to our operations in order to ensure the safety and security of our staff who might be exposed to the risks of chemical weapons, to ensure continuity in our humanitarian operations and to provide assistance to affected communities and victims, where circumstances allow.

Our operational responses to weapon contamination are designed primarily to reduce the dangers for communities of living in areas affected by explosive remnants of war and of being exposed to chemical, biological, radiological and nuclear agents. This includes efforts to reduce the risks presented by the deliberate or accidental release of chemical agents, including toxic industrial chemicals, during armed conflict.

We provide training, mentoring and other support to help National Red Cross and Red Crescent Societies, and other local humanitarian actors, develop their capacities to reduce these risks. Our activities supplement the capacity-building programmes that the OPCW Technical Secretariat delivers to enhance the effectiveness of Chemical Weapons Convention National Authorities in responding to the potential use of chemical weapons. Despite having distinct mandates, these activities represent an area of complementarity between our work and that of the OPCW.

The ICRC's humanitarian response always remains grounded in the principles of neutral, impartial and independent humanitarian action, including in the case of chemical attacks. We do not take part in investigations of reported cases of chemical weapon use, which is the responsibility of the competent authorities, including the OPCW.

In closing, we reiterate that there can be no justification for remaining outside the Chemical Weapons Convention, which embodies the comprehensive prohibition of chemical weapons in all circumstances, and we urge the four States yet to join to ratify or accede without delay.

The ICRC calls on all 193 States Parties to reaffirm their commitment to the Chemical Weapons Convention, their obligation to uphold the prohibition of chemical weapons and their intention to do everything possible to ensure chemical weapons are eliminated and never used again.