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Mister Chairman, Director-General, Your Excellencies, CWC Coalition colleagues, Ladies and Gentlemen,

The use of riot control agents (RCAs) as a method of warfare is prohibited under the Chemical Weapons Convention (CWC). The Convention, however, permits the employment of such chemicals for law enforcement including domestic riot control purposes, provided they are used in “types and quantities” consistent with such purposes. When employed in accordance with these restrictions and in line with international human rights standards, RCAs can provide police an important alternative to use of force more likely to result in injury or death, such as firearms. Yet, RCAs are open to misuse. A study of reports from the United Nations and regional human rights bodies and international non-governmental organizations identified human rights violations committed by law enforcement officials utilizing RCAs in at least 95 countries or territories from 2009 to 2013.¹

A recurring concern voiced by human rights monitors and the medical community has been the use of RCAs in excessive quantities in the open air or in confined spaces, including hospitals, prisons, homes, and even automobiles, where the targeted individuals cannot disperse. In such situations, serious injury or death can result from the toxic properties of the chemical agents or from asphyxiation. This is particularly true for the old, young, or sick. In addition to contravening international human rights standards, the use of RCAs in such excessive amounts appears to breach the CWC restriction on “types and quantities.” Regrettably, despite the ongoing widespread and serious misuse of these chemicals by police and security forces, no OPCW policymaking organ has yet clarified the application of the CWC “types and quantities” restriction in such circumstances.

¹ Crowley, M. *Chemical Control: Regulation of Incapacitating Chemical Agent Weapons, Riot Control Agents and Their Means of Delivery* (Basingstoke, Hampshire: Palgrave Macmillan, 2016), pp. 50-70.

If the OPCW does not take appropriate action, the situation could dramatically worsen as a result of ongoing development, marketing, and subsequent deployment of a range of systems capable of delivering far greater amounts of riot control agent over wider areas or more extended distances than currently possible with standard law enforcement RCA dispersal mechanisms. Ongoing investigations by the Omega Research Foundation and Bradford University have so far identified development and promotion of a range of “wide area” RCA delivery systems by State or commercial entities in 18 countries since the CWC came into force. Such RCA delivery mechanisms include: large irritant sprayers; multiple munition launchers; automatic grenade launchers; rocket propelled grenades; mortar munitions; large calibre projectiles; heli-borne munition dispensers and even 500kg cluster munitions. A notable recent trend has been the development and promotion of unmanned aerial and ground vehicles capable of carrying RCA-spraying devices or RCA projectile launchers.²

In addition to their potential misuse for collective ill treatment of crowds, such RCA delivery mechanisms could be employed as force multipliers in conjunction with firearms, making lethal force more deadly on a large scale. Although nominally developed or acquired for law enforcement, they may also be incorporated into military arsenals, potentially resulting in subsequent use in armed conflict. Certain RCA delivery mechanisms, particularly large-calibre mortar or artillery shells, designated as RCA munitions, could also be used to disperse other toxic chemicals such as classic chemical warfare agents. In addition, current weak trade controls in this area could result in acquisition of RCA delivery mechanisms and misuse by non-state actors, including armed opposition forces, private military and security companies, criminal groups, or terrorist organizations.

We therefore recommend that the OPCW and its Member States should:

- Institute a review, by the Office of the Legal Advisor, into existing constraints, under the CWC and relevant international law, upon the use of RCAs and related means of delivery in law enforcement;
- Develop a process for determining which means of RCA delivery are prohibited under the CWC;
- Strengthen existing RCA declaration and reporting measures to include means of delivery, and explore the feasibility and utility of introducing appropriate monitoring and verification measures.

² Crowley, M. *Drawing the Line: Regulation of ‘Wide Area’ Riot Control Agent Delivery Mechanisms Under the Chemical Weapons Convention*, Bradford Non-Lethal Weapons Research Project and Omega Research Foundation, April 2013; Crowley, M. *Tear Gassing by Remote Control: The Development and Promotion of Remotely Operated Means of Delivering or Dispersing Riot Control Agents*, Oxford Research Group, December 2015.

Given the current widespread serious misuse of RCAs by law enforcement agencies, and the evident dangers arising from proliferation and potential misuse of inappropriate RCA means of delivery, we believe that the OPCW should address these issues as a matter of urgency.

Thank you for your kind attention, and I request that this statement be made part of the CSP record and posted on the OPCW external server and website.