



AISP / SPIA

## *Day of Remembrance for all victims of Chemical Warfare*

During the tenth session of the States Parties' Conference on November 11<sup>th</sup> 2005, the *Organisation for the prohibition of chemical weapons* (OPCW) has declared that all future **April 29** would be the *Day of Remembrance for all victims of Chemical Warfare* as it is the day where the *Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction* (Chemical Weapons Convention or CWC) entered into force in 1997. Bearing in mind international peace and security, a goal that the *Soldiers for Peace International Association* (SPIA) also supports, the main purpose behind this memorial is not only to bear in mind the victims of chemical conflicts and their suffering, but also to reassert the OPCW's engagement towards the eradication of the chemical weapons' menace.

In order to specify the OPCW's line of work, the first paragraph of article II of the CWC has defined "chemical weapons" as the three followings, together or separately:

- “(a) Toxic chemicals<sup>1</sup> and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;
- (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices;
- (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).”

Moreover, other misuses of toxic chemicals are proscribed by the Convention, such as the use of "riot control agents" <sup>2</sup> as a method of warfare. To this day, eight types of chemical agents have been delimited: blister agents, blood agents, nerve agents, riot control agents, potential CW agents, mustard agents, psychotomimetic agents, and toxins.<sup>3</sup>

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<sup>1</sup> Specifically, under the second paragraph of article II, "toxic chemical" have been defined under the second paragraph of the same disposition as "[a]ny chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere. (...)".

<sup>2</sup> Defined in article 2 (7) CWC as "[a]ny chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure".

<sup>3</sup> For further information, you may refer to: ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS, *Types of chemical agent*, available from <https://www.opcw.org/protection/types-of-chemical-agent/>.

Hereby, the OPCW's definition of chemical weapons is wider than the general conception, which is limited to toxic chemical incorporated in a delivery system (for example, bombs). The Convention distinguishes them from toxic chemicals produced for industrial purposes, such as basic raw material, anti-neoplastic agents (which prevent the multiplication of cells), fumigants, herbicides or insecticides. However, these substances will be regarded as chemical weapons when the fabricated and accumulated amount of such products surpasses the requisite of industrial purposes. In other words, the OPCW oversees the fabrication and evolution of chemicals substances, including towards chemical industry, through destruction and verification process in order to ensure that chemical technology is not exerted under ill intentions.<sup>4</sup>

The Chemical Weapons Convention is not the first international convention to prohibit the use of chemical and biological weapons. Adopted after the First World War, the *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare* (Protocol) forbids its 130 signatories to employ both chemical and biological weapons in the context of conflicts.

Afterwards, the CWC pursued to go further than the Protocol essentially by proscribing the assemble and accumulation of chemical and biological warfare, enjoining the elimination of such remaining supplies, constituting an authentication structure, and decreeing the OPCW as a special monitoring body. What especially distinguishes the CWC from its predecessors is that it supplies a rigid verification system through the OPCW.

However, commentators have asked why the international community has differentiated chemical weapons from others. Member of civil society have questioned and criticized these distinctions and their motives. What difference does it make when in the end all weapons kill innocent civilians?

*“The indiscriminate slaughter of civilians, the killing of women and children and innocent bystanders, by chemical weapons is a moral obscenity. [...] This is about the large-scale, indiscriminate use of weapons that the civilized world long ago decided must never be used at all – a conviction shared even by countries that agree on little else. There is a clear reason that the world has banned entirely the use of chemical weapons. There is a reason the international community has set a clear standard and why many countries have taken major steps to eradicate these weapons.”* (US Secretary of State at the time, John Kerry, in August 2013)<sup>5</sup>

What is this reason? Historically, the discernment of chemical weapons from others means of warfare goes back to the adoption in 1925 of the Protocol. Following the use of gas warfare

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<sup>4</sup> For further information, you may refer to the following website of the OPCW: ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS, *Brief Description of Chemical Weapons*, available from <https://www.opcw.org/about-chemical-weapons/what-is-a-chemical-weapon/>.

<sup>5</sup> US DEPARTMENT OF STATE, *Remarks on Syria*, 26 August 2013, available from <https://2009-2017.state.gov/secretary/remarks/2013/08/213503.htm>.

during World War I, it was prohibited by the adoption of the Protocol because of its heavy adverse effects and their aimlessness (making it very dangerous not only towards the victims but also towards those who handled it). Afterwards, the CWC echoed this idea towards these weapons of mass destruction by putting forward their exceptional character: the main basis of this differentiation is their unique destructive and sadistic effects during the lengthy atrocious torment that their victims go through. On August 26<sup>th</sup> 2013, the US Secretary of State at the time, John Kerry, has qualified chemical arms as “the world's most heinous weapons”<sup>6</sup>.

All in all, the civil society has concluded for the reasons above that employing chemical and biological weapons is unethical. Indeed, the former American President, Barack Obama, has declared on August 20<sup>th</sup> 2012 that “*a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized*”<sup>7</sup>. For the French President, Emmanuel Macron, a red-line would be when “*chemical weapons were used to lethal effect*”<sup>8</sup>. The State Parties of the CWC as well have “[d]etermined for the sake of mankind, to exclude completely the possibility of the use of chemical weapons [...]”<sup>9</sup>.

To properly enforce the CWC, the OPCW has hence the responsibility to bring together the international community to fight the proliferation, use and presence of chemical weapons. Among the many issues facing the OPCW, there is the matter of determining what is actually happening in Syria. Continuous claims have been expressed in the recent years that chemical agents were used in the Syrian conflict, affecting many civilians. In response to these assertions, the OPCW has put in place the continuing *Fact-Finding Mission* (FFM) to “establish facts surrounding allegations of the use of toxic chemicals, reportedly chlorine, for hostile purposes in the Syrian Arab Republic”<sup>10</sup>. The FFM is under the duty to examine all available information correlated to these allegations, along with those presented by the Syrian Arab Republic and others.

Since its beginning in May 2014, the mission has been inside and outside Syrian territory and their surroundings at several times to conduct extensive researches. The FFM asks questions and evaluates observers. It also gathers testimony and concrete evidence. This mission always briefs the States Parties on the evolution of its research. Following the allegations of chemical-weapons attacks in Douma on April 7, the FFM has been sent again to Damascus in

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<sup>6</sup> TELEGRAPH STAFF, “Syria: John Kerry's statement in full”, *The Telegraph*, 30 August 2013, available from <https://www.telegraph.co.uk/news/worldnews/middleeast/syria/10277442/Syria-John-Kerrys-statement-in-full.html>.

<sup>7</sup> THE WHITE HOUSE, Office of the Press Secretary, *Remarks by the President to the White House Press Corps*, 20 August 2012, available from <https://obamawhitehouse.archives.gov/the-press-office/2012/08/20/remarks-president-white-house-press-corps>.

<sup>8</sup> REUTERS STAFF, “France will strike Syria chemical arms sites if used to kill: Macron”, *Reuters*, 12 March 2018, available from <https://www.reuters.com/article/us-mideast-crisis-syria-france/france-will-strike-syria-chemical-arms-sites-if-used-to-kill-macron-idUSKCN1GO1RP>.

<sup>9</sup> *Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction*, Geneva, 3 September 1992, *United Nations Treaty Series*, vol. 1974, n° 33757, available from [https://www.opcw.org/fileadmin/OPCW/CWC/CWC\\_en.pdf](https://www.opcw.org/fileadmin/OPCW/CWC/CWC_en.pdf), p. 1.

<sup>10</sup> Organisation for the prohibition of chemical weapons, *Summary report of the work of the OPCW Fact-Finding Mission in Syria covering the period from 3 to 31 May 2014*, S/1191/2014 (16 June 2014), available from [https://www.opcw.org/fileadmin/OPCW/Fact\\_Finding\\_Mission/s-1191-2014\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/Fact_Finding_Mission/s-1191-2014_e_.pdf), page 1, paragraph 1.

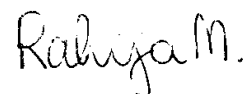
order to ascertain with certainty the facts. As of April 16, the FFM has not been able yet to reach Douma<sup>11</sup>.

Furthermore, the OPCW-UN Joint Investigative Mechanism (JIM) has based their inquiring tasks on the FFM's conclusions. The JIM was constituted to establish accurately who were the users of the chemical weapons in the Syrian conflict. This independent body is a partnership between the United Nations and the OPCW. It was created through the adoption of the Security Council Resolution 2235 (2015) and ceased its mandate in December 2017.

Other advancements have been made by the international community. Among the actions conducted by the OPCW mission in Syria, the Technical Secretariat of the OPCW has corroborated the annihilation of 25 of the 27 chemical weapons production facilities declared by the Syrian Arab Republic.<sup>12</sup> Among their remaining tasks, the OPCW mission in the Syrian Arab Republic will certify the destruction of the two other stationary above-ground facilities and examine each year the underground structures that have been previously annihilated.<sup>13</sup>

*“All peoples in all nations who believe in the cause of our common humanity must stand up to ensure there is accountability for the use of chemical weapons so it never happens again.”* (Former US Secretary of State, John Kerry)<sup>14</sup>

In order to eradicate this entire category of mass destruction weapons, the international society has instituted the OPCW and adopted the Chemical Weapons Convention. The poignant photography of soldiers in gas masks shocked and fueled the fears of such weapons. As the Convention and members of civil society have advance, the SPIA believes that chemical agents must be eliminated for the very sake of humanity. Penalizing the use of chemical agents in warfare is not enough to cease the abominable and unfair suffering of civilians, such as for the Syrians. However, the SPIA thinks that it is important to qualify chemical weapons as a red-line that must not be crossed to discourage others from using them in the future; otherwise, the already horrendous aspect of wars will only escalate at an outrageous rate. The SPIA is saddened by the chemical attacks perpetrated all around the world. We offer our deepest condolences to the families of the deceased and present our support to the surviving victims.



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<sup>11</sup> OPCQ, *Update by the Director-General on the Deployment of the OPCW Fact-Finding Mission to Douma, Syrian Arab Republic, to the Executive Council at its Fifty-Ninth Meeting*, [https://www.opcw.org/fileadmin/OPCW/EC/M-59/en/ecm59dg02\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/EC/M-59/en/ecm59dg02_e_.pdf), 2018.

<sup>12</sup> Organisation for the prohibition of chemical weapons, *Progress in the elimination of the Syrian Chemical Weapons Programme*, EC-88/DG.1 (23 March 2018), available from [https://www.opcw.org/fileadmin/OPCW/EC/88/en/ec88dg01\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/EC/88/en/ec88dg01_e_.pdf), paragraph 6 (a).

<sup>13</sup> Organisation for the prohibition of chemical weapons, *Progress in the elimination of the Syrian Chemical Weapons Programme*, EC-88/DG.1 (23 March 2018), available from [https://www.opcw.org/fileadmin/OPCW/EC/88/en/ec88dg01\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/EC/88/en/ec88dg01_e_.pdf), paragraph 17.

<sup>14</sup> SIMON, R., “All In agenda: ‘Our sense of basic humanity is offended’”, *MSNBC*, 26 August 2013, available from <http://www.msnbc.com/all/all-agenda-our-sense-basic-humanity>.

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