

## International Norm Against the Use of Chemical Weapons

- The development of the international norm against the use of chemical weapons dates back to at least the 19<sup>th</sup> century. In 1874, in a non-binding declaration adopted at the Brussels Conference, 15 participating European states committed to forbid the “employment of poison or poisoned weapons.” The 1899 Hague Convention and Regulations Respecting the Laws and Customs of War on Land, ratified by 50 states, prohibited the employment of “poison or poisoned weapons.” A subsequent version of the Convention and Regulations, adopted in the Hague in 1907, contained the same prohibition and was ratified by 33 countries.
- The modern development of the international norm against the use of chemical weapons began with World War I, when both sides to the conflict used poisonous gas to inflict agonizing suffering and to cause significant battlefield casualties. Such weapons basically consisted of well-known commercial chemicals put into standard munitions such as grenades and artillery shells. Chlorine, phosgene (a choking agent) and mustard gas (which inflicts painful burns on the skin) were among the chemicals used. The results were indiscriminate and often devastating. Nearly 100,000 deaths resulted. According to the United Nations, since World War I, chemical weapons have caused more than one million casualties globally.
- As a result of public outrage, the Geneva Protocol, which prohibited the use of chemical weapons “in war,” was signed in 1925 and has been ratified by 137 states. While a welcome step, the Protocol had a number of significant shortcomings, including the fact that it did not prohibit the development, production or stockpiling of chemical weapons. Also problematic was the fact that many States that ratified the Protocol reserved the right to use prohibited weapons against States that were not party to the Protocol or as retaliation in kind if chemical weapons were used against them. Poison gasses were used during World War II in Nazi concentration camps and in Asia, although chemical weapons were not used on European battlefields.
- The Cold War period saw significant development, manufacture and stockpiling of chemical weapons. By the 1970s and 80s, an estimated 25 States were developing chemical weapons capabilities. But since the end of World War II, chemical weapons have reportedly been used in only a few cases, notably by Saddam Hussein’s regime in Iraq in the 1980s against the Islamic Republic of Iran and in 1988 to kill more than 5,000 civilians and maim and blind more than 10,000 civilians in the city of Halabja, in Iraq’s Kurdistan Region.
- In UN Security Council Resolution 620 (1988), the UN Security Council condemned the use of CW in the war between Iran and Iraq in violation of the Geneva Protocol, and encouraged the Secretary-General to investigate any future allegations regarding the use of CW that may violate the Geneva Protocol or customary international law.
- After 12 years of negotiations, the Chemical Weapons Convention (CWC) was adopted in 1992. The CWC opened for signature in Paris on 13 January 1993 and entered into force on 29 April 1997. The CWC is the first disarmament agreement negotiated within a multilateral framework that provides for the elimination of an entire category of weapons of mass destruction under universally applied international control. Specifically, it prohibits the use, development, production, acquisition, stockpiling, retention, or transfer of chemical weapons by States Parties. The CWC allows for the stringent verification of compliance by State Parties, and the Organization for the Prohibition of

Chemical Weapons (OPCW) was established to implement the provisions of the CWC. Currently, 189 nations, representing about 98% of the global population, have joined the CWC. Two countries – Israel and Burma – have signed but have not yet ratified the CWC, and five countries – Angola, Egypt, North Korea, South Sudan, and Syria – have neither signed nor acceded to the CWC.

- UN Security Council Resolution 1540 (2004) prohibits all UN member states, including Syria, from providing any form of support to non-state actors that attempt to develop, acquire, possess, transfer, or use CW or other WMD, and it reaffirms that WMD proliferation “constitutes a threat to international peace and security.”
- On March 27, 2013, the OPCW’s Executive Council Chairperson issued this statement, which was supported by consensus of the 41-members of the Council, including the U.S., Russia, China, and Iran: “The Council expressed deep concern that chemical weapons may have been used in the Syrian Arab Republic. The Council underlined that the use of chemical weapons by anyone under any circumstances would be reprehensible and completely contrary to the legal norms and standards of the international community.”