

**Twenty-Seventh Session of the Conference of the  
States Parties (CSP-27) to the Chemical Weapons Convention**

The Hague, The Netherlands  
28 November – 2 December 2022

NGO Joint Statement:

***Addressing Development and Use in Law Enforcement of CNS-Acting Chemicals,  
Riot Control Agents and Associated Means of Delivery***

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***Chairperson, Director-General, Distinguished Delegates, Civil Society Colleagues,***

Since its adoption, the Chemical Weapons Convention has banned development, possession, and use of weaponized toxic chemicals. However, whether this prohibition applied to law enforcement use of certain chemicals that act on the central nervous system (CNS) remained the subject of debate. In December 2021 the 26<sup>th</sup> Conference of States Parties adopted a Decision, in the form of an “Understanding”, clarifying that the CWC *did* prohibit aerosolized use of CNS-acting chemical agents for law enforcement purposes.<sup>2</sup> Although a landmark advance, the threat of CNS agent weaponization remains. Whilst 85 States supported the “Understanding”, the vote was opposed by 10 States,<sup>3</sup> and there is concern that certain of these may not feel constrained by its prohibitions. The task now falls on *all* CWC States to implement this Decision fully and to build upon it.

**States must clarify the range of toxic chemicals covered by this Decision; identify and verifiably destroy relevant CNS-agent weapon stocks, munitions, and other delivery mechanisms; and close down research and development of any new CNS-acting aerosolised weapons. In addition further guidance is required to ensure that any existing or future law enforcement weapons that use toxic chemicals (including toxins and bioregulators) that act on other core human physiological processes beyond the CNS are also prohibited. Additional guidance should clarify that these prohibitions should not be restricted to**

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<sup>1</sup> Please note: the following statement reflects the views and opinions of the authors and the co-signers, and does not necessarily reflect the views of all organizations and individuals within the CWC Coalition.

<sup>2</sup> Organisation for the Prohibition of Chemical Weapons, Decision: Understanding regarding the aerosolised use of central nervous system-acting-chemicals for law enforcement purposes, CWC Conference of States Parties, 26th Session, 2021.

<sup>3</sup> CWC coalition, 26th Session of the Conference of the States Parties (CSP-26), 2021, [www.cwccoalition.org/csp26-summary/](http://www.cwccoalition.org/csp26-summary/).

**aerosol weapons but cover all law enforcement weaponized use of toxic chemicals acting on the CNS or other core physiological processes, no matter how they are delivered.**

The CWC permits the use of riot control agents (RCAs) for “law enforcement including domestic riot control purposes,”<sup>4</sup> but only provided they are used in “types and quantities” consistent with such purposes.<sup>5</sup> However, they have been frequently misused for serious human rights violations, most commonly in non-custodial settings to restrict, intimidate, or punish those participating in public protest the world over; and also in the prisons, detention centres or police stations of certain countries to ill-treat individuals.<sup>6</sup> A recurring medical concern has been their use in excessive quantities in the open air or in confined spaces where the targeted individuals cannot disperse. In such situations, serious injury or death can result including from the toxic properties of the chemical agents or from asphyxiation.<sup>7</sup> A particularly shocking case has been the inappropriate use of excessive amounts of tear gas by the police of an Asian State to quell disturbances at a football match on 1 October 2022. The use of tear gas, the resulting crowd panic and stampede, compounded by overcrowding and locked exits, led to the deaths of over 130 people, with hundreds more injured.<sup>8</sup>

**Building upon the previous work of the Scientific Advisory Board (SAB) identifying chemicals that fulfil the definition of RCA<sup>9</sup>, guidance should be developed as to the quantities of identified RCAs that can legitimately be employed in law enforcement. Such guidance should acknowledge relevant obligations under international human rights law, to ensure such RCA employment is proportionate, necessary, and does not endanger life or health.**

The current situation could dramatically worsen as a result of contemporary development, marketing, and subsequent deployment of systems capable of delivering significant amounts of RCAs over wide areas or extended distances. In addition to potential misuse for collective ill-treatment or punishment of crowds, such ‘wide-area’ 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 for law enforcement, they may also be incorporated

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<sup>4</sup> OPCW, Chemical Weapons Convention, Article II.9

<sup>5</sup> OPCW, Chemical Weapons Convention, Article II.1.a.

<sup>6</sup> For illustrative cases see for example, Amnesty International, Tear Gas: an investigation, <https://teargas.amnesty.org/#top>; Crowley, M. Chemical Control, Palgrave Macmillan, London, UK, 2016, pp.50-80.

<sup>7</sup> See for example, Crowley, M. Chemical Control, 2016, pp. 48-49 and pp. 72-75, op. cit.

<sup>8</sup> There has been widespread media reporting of this case. See for example Lamb, K. and Tereisa, A. Tear gas, locked gates led to Indonesian soccer stampede, spectators say, Reuters, 4 October 2022, <https://www.reuters.com/world/asia-pacific/tear-gas-locked-gates-led-indonesian-soccer-stampede-spectators-say-2022-10-04/>

<sup>9</sup> OPCW Technical Secretariat, Office of Strategy and Policy (2014), Note by the Technical Secretariat, Declaration of riot control agents: advice from the Scientific Advisory Board, S/1177/2014. OPCW, The Hague, 1 May 2014. See also Scientific Advisory Board (2017) Response to the Director-General’s Request to the Scientific Advisory Board to consider which riot control agents are subject to declaration under the Chemical Weapons Convention. SAB-25/WP.1. OPCW, The Hague, 27 March 2017.

into military arsenals, and subsequently used in armed conflict in contravention of the CWC. Civil Society researchers have documented development and promotion of ‘wide area’ RCA delivery mechanisms, including indoor dispersion devices, external area denial devices, multi-barrel projectile launchers, large calibre projectiles, and delivery mechanisms mounted on remote weapons systems, unmanned ground vehicles, and drones.<sup>10</sup> In recent years proliferation, use and misuse of wide area RCA delivery mechanisms has begun. In 2018 the security forces of a Middle East State used tear gas drones in response to mass protests, in some cases against peaceful protestors, bystanders, journalists and field medical facilities.<sup>11</sup> In 2022 this State authorised further employment of such RCA drones for law enforcement purposes<sup>12</sup>. In 2019<sup>13</sup> and 2021<sup>14</sup> respectively, the security forces of a second Middle East State and a State in the Americas inappropriately employed multi-barrel launchers to fire salvos of tear gas projectiles into protesting crowds.

**All CWC States Parties should collectively establish an OPCW process to determine those RCA delivery mechanisms that are prohibited under the Chemical Weapons Convention and develop guidance on appropriate use of permitted RCA delivery mechanisms.**

We thank you for your kind attention and request this statement be made part of the official published proceedings of this Conference.

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<sup>10</sup> Crowley, M. Drawing the Line: Regulation of ‘Wide Area’ Riot Control Agent Delivery Mechanisms under the Chemical Weapons Convention, University of Bradford/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, University of Bradford/Omega Research Foundation/Remote Control Project, December 2015; Crowley, M. Development and Hostile Use of Toxic Chemical Means of Delivery and Dispersal in: Crowley, M., Dando, M and Shang, L. (eds.) Preventing Chemical Weapons: Arms Control and Disarmament as the Sciences Converge, Royal Society of Chemistry, August 2018, pp.332-380; Crowley, M. Contemporary Development, Promotion and Use of Remote Control Riot Control Agent Delivery Mechanisms: Challenges for Effective State Regulation, the 10th European Symposium on Non-Lethal Weapons, 20-23 May 2019, Royal Military Academy, Brussels, Belgium.

<sup>11</sup> UN Human Rights Council, Report of the Detailed Findings of the Independent International Commission of Inquiry on the Protests in the Occupied Palestinian Territory, A/HRC/40/CRP.2, 18 March 2019; Greenwood, F. and Zaqqout, O. Drones Don’t Wear Uniforms. They Should, Foreign Policy, 22 May 2018; Al Jazeera, Israeli Drone Targets Journalists, 12 November 2018.

<sup>12</sup> Breiner, J. Israel Using Drones to Tear Gas Palestinian Demonstrators in West Bank, Haaretz, 28 April 2021, <https://www.haaretz.com/israel-news/2021-04-28/ty-article/.premium/israeli-police-using-drones-to-drop-tear-gas-to-palestinian-demonstrators/0000017f-f49d-d887-a7ff-fcfd91cd0000>

<sup>13</sup> Amnesty International, Suppressing Protests: French Less-Lethal Weapons Used In Lebanon, January 2021, <https://www.amnesty.org/en/latest/research/2021/01/lebanon-french-less-lethal-weapons/>; Amnesty International, Lebanon: New evidence reveals French law enforcement equipment unlawfully used to crush protests, 28 January 2021

<sup>14</sup> Human Rights Watch, Colombia: Egregious Police Abuses Against Protesters, 9 June 2021; Amnesty International, Cali: In the epicentre of repression: human rights violations during the 2021 national strike in Cali, Colombia, AMR 23/4405/2021, 30 July 2021.

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