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Rules of War: Chemical Weapons

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Rules of War

CHEMICAL WEAPONS

Baily Tarabochia | Western Oregon University

History

- 1675 Franco-German Treaty - it prohibited the use of poison bullets (10)
- 1874 Brussels Declaration of prohibiting the use of chemical weapons or any other weapon that would evoke "unnecessary suffering"
- 1899 The Hague International Peace Conference - prohibited poison or poisonous weapons
- 1925 Geneva Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods of Warfare

Evolution of Chemical Weapons

- Germany WWI - 150 mm artillery shell that contain seven pounds of lung irritant and pieces of shrapnel. Inclusion of shrapnel was to bypass the sole purpose of toxic chemical delivery.
 - Germans replace the lung irritant with another chemical irritant.

BOTH FAILED
- Fritz Haber, a German chemist and Prussian nationalist, found the use of chlorine as a chemical agent (11).
 - Chlorine was replaced by phosgene, but was easy to detect from the recognizable smell.
- Haber discovered 'Mustard gas' - It is known to cause inflamed and itchy skin, massive blisters, skin separation, infection, and if inhaled, a slow painful death due to asphyxiation.
 - Calculated amount of total toxic agents, measure to 124,000 metric tons with twenty-one different chemicals (20).
 - Chemical weapons was the cause of approximately one million casualties, with 90,000 of those casualties resulting in death (20).
 - Russia saw the worst of it with almost half of the casualties at 425,000 and 56,000 were fatal (20).



1997 Chemical Weapons Convention

The 1997 Chemical Weapons Convention (CWC) prohibits: "Developing, producing, acquiring, stockpiling, or retaining chemical weapons; The direct or indirect transfer of chemical weapons; Chemical weapons use or military preparation for use; Assisting, encouraging, or inducing other states to engage in CWC-prohibited activity; The use of riot control agents 'as a method of warfare'" (Organisation for the Prohibition of Chemical Weapons n.d., n.p.).

The 1925 Geneva Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods of Warfare only prohibited the use of chemical weapons.

Soon, the world recognized the need for urgent action. States around the globe united, and through their cooperation CWC was achieved.

- USSR and the US held the held the multilateral Geneva disarmaments conference
- Sweden recognized the connection of chemical and biological weapons and was able to get that included in the agenda
- United Kingdom drafted a biological weapons disarmament treaty
- Endorsed by the UN General Assembly and went into force in 1975
- 1992 the Conference of Disarmament was seen by the General Assembly and in January of 1993, 130 states signed within two days.
- April twenty-ninth, 1997 the CWC entered into force with eighty-seven states-parties, establishing it as legal binding international law.

Signed States

- To date, 192 countries have signed and ratified the multilateral treaty (Kimball 2018, n.p.).
- Israel has signed the treaty but yet to ratify it, and
- Egypt, North Korea, or South Sudan have not recognized the treaty, leaving it without their State signatures (Kimball 2018).

Organisation for the Prohibition of Chemical Weapons

Along with the CWC was the creation of the Organisation for the Prohibition of Chemical Weapons

- State parties must establish declarations with OPCW
 - chemical weapons stockpiles
 - production facilities
 - high technology
 - chemistry facilities
 - destruction plans
 - other relevant weapon information
- OPCW perform inspections and continuously monitor facilities and activities that relate to the convention
- Within ten years of signing the treaty, 100% of chemical weapon destruction must be achieved

What Makes International Law Effective?

First, it is important to understand what sovereign states can do and how sovereignty is a key factor in international law effectiveness.

Sovereign states:

- act on behalf of their population
 - enter into international agreement
 - control over their acclaimed territory
 - use of force within those borders
- hold the decision to comply or not comply with international obligations.

Consent or Agreement:

- Driven from states views and values
- Total consent results in weakened law due to the vagueness to accomated majority of states.

Enforcement:

- With no global body to enforce consent, compliance is not guaranteed
 - Although, consent and compliance can be achieved through the threat of consequences.

Legitimacy:

- If a state does not consent to a law, the legitimacy of the law is negatively effected.



Current Issues

- In 2013, Syria was compelled into signing the CWC but continued to use chemical weapons on their own people in 2014, 2015, and still has an abundant stockpile. Since then, 234 individual chemical attacks have occurred.