

# Statement by the Research Program on CBW of the Pontifícia Universidade Católica do Rio de Janeiro

## Delivered to the Nineteenth Session of the Conference of the States Parties

Den Haag, 03 December 2014

---

Madame Chair, Distinguished Representatives:

The research program on chemical and biological weapons of PUC IRI greatly appreciates the opportunity to offer this statement.

Over the past 20 years, the Chemical Weapons Convention has been exposed to shocks and shifts in the external geopolitical environment and there are a number of challenges the Convention faces. These challenges have the potential to undermine the CWC if they are not adequately addressed by the State Parties.

In this statement I will only highlight one aspect of the numerous challenges that faces the Convention and with it the norm against chemical weapons: the changing nature and character of conflict.

The past two decades have seen a shift in the nature and mode of organized violence which has been characterised by a blurring of previously clearer distinctions between war, organized crime, and civil unrest.

We now live in a predominantly urban society. Urban environments are increasingly sites of international humanitarian action. Global trends of rapid and unregulated urbanisation have and continue to create fragility and spaces where little governance exists or is possible in otherwise stable states. In these spaces violence can – in terms of lethality, intensity, and in the organization of armed groups – exhibit levels similar to war theatres. Conflicts and violence are often protracted, or even chronic.

It is a fundamental shift in the predominant forms of organized violence, away from major civil war and inter-state conflict towards various forms of, often internationally networked but also fragmented, organized violence: this includes violence involving militias, or between ethnic groups; local resource-related violence; gang violence; and violence linked to trafficking of arms, substances, and people; as well as violence associated with global ideological struggles and identity based conflicts.



**Dr Kai Ilchmann**  
Instituto de Relações Internacionais  
e: kai.ilchmann@gmail.com  
t: +55 21 97278 2124

Pontifícia Universidade Católica  
LR. Marquês de São Vicente, 225  
Vila dos Diretórios, Casa 20, Gávea  
Rio de Janeiro, Brasil



The shift in the nature and character of conflict is mirrored by a change in the nature and character of law enforcement. Protracted violence and an accompanying lack of governance lead to situations where law enforcement becomes indistinguishable from military operations.

The CWC permits the use of toxic chemicals against humans for purposes of law enforcement and domestic riot control. However, not as a method of warfare. In the light of a changing geopolitical environment and a changing nature of conflict it is paramount that there is clarity in the interpretation of permitted uses in order to stem damage to the norm against chemical weapons from creeping legitimization. The use of toxic chemicals by militarised law enforcement and counter-terrorism operations responding to the security environment dangerously extends and undermines the intended exemption.

It is therefore important that the issue of toxic chemicals and law enforcement is actively engaged, and that a focussed and explicit discussion takes place with the eventual goal of reaching a common understanding of the meaning of law enforcement including domestic riot control under the CWC.

Encouragingly, a number of States Parties have drawn attention to the issue of law enforcement and domestic riot control in their statements and working papers. Unfortunately, this attention has failed to translate into action or even significant language in the final documents of previous Review Conferences or other sessions of the Conference of the States Parties. We hope that renewed attention will lead to meaningful engagement with this important issue beyond focusing on so-called incapacitating agents.

Madame Chair, Distinguished Representatives:

Understanding the implications of the changed geopolitical context is an essential task, requiring careful study of the trends involved and their potential implications for the Convention. We stand ready to assist you in examining the issues involved in order to strengthen the Convention.

We thank you for your attention..



**Dr Kai Ilchmann**  
Instituto de Relações Internacionais  
e: kai.ilchmann@gmail.com  
t: +55 21 97278 2124

Pontifícia Universidade Católica  
LR. Marquês de São Vicente, 225  
Vila dos Diretórios, Casa 20, Gávea  
Rio de Janeiro, Brasil

