



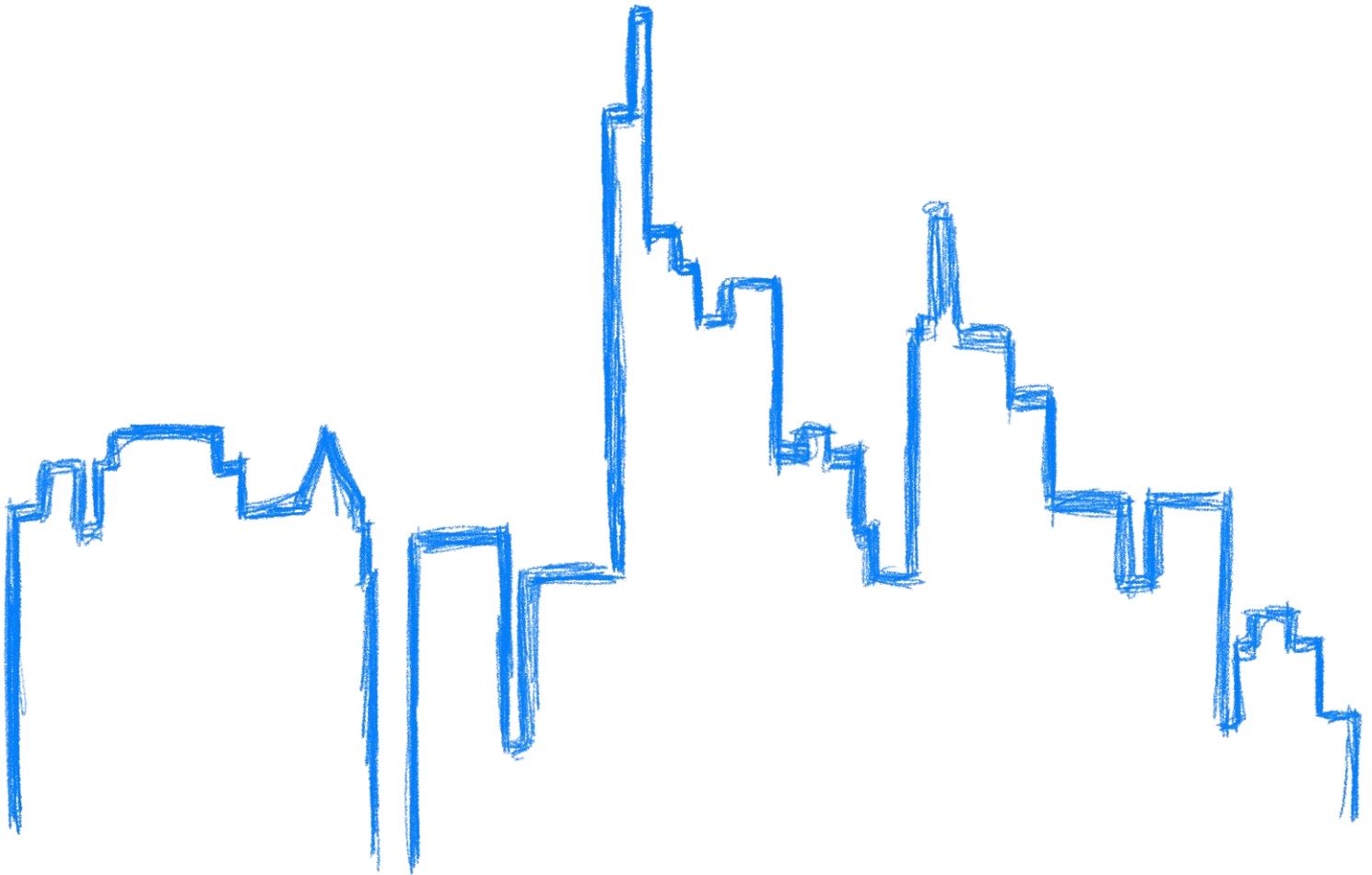
Main Model United Nations Conference

Frankfurt am Main, Germany

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Conflicts, Concerns, Cooperation - a Coup of Conventional Politics



Background Guide

Organisation for the Prohibition of Chemical Weapons

Topic I: Eliminating financial means for the Development of Chemical Weapons Systems by Non-State Actors

Topic II: Truth and Reconciliation: Bolstering the Purpose of the CWC

Honourable delegates,

Welcome to the Organisation for the Prohibition of Chemical Weapons (OPCW) at MainMUN 2021!

We are very pleased to welcome you to the OPCW at MainMUN for the very first time! We are Sebastian Renke and Joel Gräff and we are excited to be your Chairs for this year's MainMUN beginners/intermediate committee

A little about ourselves: I am Sebastian, part of the MainMUN team and for now it has been four years since I studied political science here in Frankfurt am Main. Obviously, I have not left since. When I am not busy attending national and international MUNs as a delegate, Chair, or part of the crisis team, or messing up my master thesis, I am working at an international universal bank. I had the pleasure to chair the Crisis committee last year and now I am thrilled to chair such a prestigious and elaborate committee. I am looking forward to the fruitful, heated, and controversial debates and having a good time with you!

My name is Joel and I have been taking part at MainMUN as an NGO-representative and crisis delegate since 2018. I have also been a team member since last year's iteration. I will be chairing for the first time at MainMUN 2021 and I am starting up a Crisis Simulation and MUN committee here in Leeuwarden, the Netherlands, where I am now pursuing my Bachelor of Science in Global Responsibility and Leadership. After growing up in Cape Town, South Africa, I moved to Frankfurt am Main, so while being active in multiple organisations such as NGOs, research projects and student committees, I finished my diploma in Technical Product Design in 2020. As I am interested in Disaster and Risk Management, chairing the OPCW offers the unique opportunity to guide delegates in creating comprehensive improvements of present UN guidelines. We are glad to announce that we are discussing the following topics with you this year:

1. 4. Topic A: Eliminating financial Means for the Development of Chemical Weapons Systems by Non-State Actors
2. 5. Topic B: Truth and Reconciliation: Bolstering the Purpose of the Chemical Weapons Convention

We are looking forward to very intense and exciting debates and we hope you will enjoy the conference as much as we do!

Before we dig into the topics, here are some organisational details we want to point out. Both having extensive MUN experience and being team members of the organising committee in recent iterations of MainMUN, we are glad to be able to guide you through the process of the MUN and towards some incredible working papers. If you ever feel like you are struggling with preparing for MainMUN, you need some feedback or have questions regarding the conference in general, you are welcome to write to us via the mymun chat or contact the MainMUN staff via **contact@mainmun.de**. We also strongly recommend going through the rules of procedure and also watch the rules of procedure video online, so you understand the processes in the committee. You will also be able to interact properly with your fellow delegates as well as the chairs.

Nevertheless, you must read and understand what this background guide entails and prepare the topics of this committee. We highly recommend familiarising yourself with your assigned country's policies, along with writing a position paper to gain some in-depth knowledge of your country's stance on the proposed topics. This will become your first stepping stone towards interesting conversations, informing your fellow delegates about the current happenings in your country and fruitful debates at MainMUN 2021.

Good luck with your preparations and see you soon!

Best regards,

Sebastian and Joel



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1. Executive Summary

The Organisation for the Prohibition of Chemical Weapons (OPCW) is an intergovernmental advisory council to the United Nations Security Council (UNSC) founded in The Hague, Netherlands, in 1997. Today the OPCW is made up of 193 member states that are party to the Chemical Weapons Convention (CWC), with the aim to “achieve a world permanently free of chemical weapons (CWs) and to contribute to international security and stability, general and complete disarmament, and global economic development” (OPCW, 2020c). The OPCW works to address and regulate CWs around the world and emphasises their destruction. They seek to create accountability and verifiable results in the determination of unrecovered and unclaimed CWs. In 2018, the Secretariat of the OPCW “verified the destruction of over 248 metric tonnes (MT) of Category 1 chemical weapons” (OPCW, 2019).

In 2013, the organisation won the Nobel Peace Prize for its contribution towards eliminating CWs around the world. This came as a warning and awareness campaign to highlight the CWs atrocities in Syria in the Syrian Civil War. The OPCW in Syria assessed the damage of the chemical weaponry, employed by the Assad government against the civil population. Thereafter, a deal was brokered by the US and Russia. It was signed by Syria, making it the 190th member state of the OPCW (Cowell, 2013).

2. About MainMUN

2.1. Conference

MainMUN is a Model United Nations with an interconnected approach, meaning that the heads of the country delegations will most likely be in the crisis committee. The delegates in this committee will not only talk about the presented topic but they will also have to interact with the other delegates of their country delegation to establish a consistent country policy throughout the conference. If you are the head of your country's delegation, you can issue instructions to the country's delegates in the other committees including the Security Council. The decisions and instructions are solely up to the delegates and will shape the direction of the MainMUN 2021. Therefore, the head delegates have a significant impact and influence on the work done in the other committees.

2.2. Committees

The Committees simulated at MainMUN 2021 will provide a wide range of topics to ...

WHO (Crisis) - World Health Organisation

UNSC - United Nations Security Council

WFP - World Food Programme

OPCW - Organisation for the Proliferation of Chemical Weapons

NGO - Non-Governmental Organisations

2.3. How to Interact as a country representative in the OPCW

2.3.1. Informal Negotiation

Delegates participating in the OPCW must respect diplomatic conduct at all times. When a motion for an unmoderated caucus passes, delegates are freed from formal committee procedure. This will give the delegates an opportunity to have informal discussions and debates with their fellow delegates, or work on working papers and draft resolutions. We encourage all delegates to use this time to clarify their delegation's position on current topics and lobby to get support from other member states in the committee. The delegates are also encouraged to find allies with similar views and stances as the country they are representing in order to discuss possible solutions and forms of cooperation.

2.3.2. Ways to Shape Debate in Committee

Finding indigenous solutions, calling for alliances to act as one, writing a working paper or motivating other countries to bring their ideas to the floor are one of the many possibilities of participation and influence in the committee. There are many different forms of influence the delegates can utilise to bring attention to certain points and ideas.

3. Organisation for the Prohibition of Chemical Weapons

As the implementing body for the Chemical Weapons Convention, the OPCW oversees the global endeavour to eliminate CWs permanently and verifiably. Since the Convention's entry into force in 1997 – and with its 192 States Parties – it is the most successful disarmament treaty eliminating an entire class of weapons of mass destruction (OPCW, 2020b).

Over 96 per cent of all chemical weapon stockpiles declared by possessor States have been destroyed under OPCW verification. For its extensive efforts in eliminating chemical weapons, the OPCW received the 2013 Nobel Prize for Peace. The headquarters of the OPCW is in The Hague. The Budget was €70,958,760 in 2020. **The OPCW normally writes reports but we will follow the MainMUN Rules of Procedure and write resolutions like the other committees.**

3.1. History

Toxic chemicals in the form of poisons have been utilised as a tool in war for thousands of years, yet the first agreement setting limits to their use was signed in 1675 by Germany and France in Strasbourg to prohibit the use of poisoned bullets (OPCW, 2020b).

With the rise of CW application in the 20th and 21st century came the need for regulation to prevent any future atrocities such as the application of chlorine in WW1, Zyklon B in WW2, Agent Orange in the Vietnam War, mustard gas and nerve agents in the Iran-Iraq War and the use of sarin, chlorine, and mustard gas in the Syrian civil war.

The Chemical Weapons Convention (CWC), which came into force on April 29th, 1997, established the need for a new global organization to enforce its mandate. Before the OPCW was set up, a Preparatory Commission (PrepCom) was established after the CWC received 65 signatories in order to carry out the tasks of hosting the first Conference of the States parties.

3.2. Legal Framework

3.2.1. Chemical Weapons Convention

The CWC is one of the three major non-proliferation treaties. Together with the Non-Proliferation Treaty for Nuclear Weapons (NPT) and the Biological Weapons Convention (BWC) aims the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction towards a safer and more sustainable future. The treaty was negotiated in 1993 (OPCW, 2020b). In April 1997, the necessary quorum of signatories ratified the Convention and it entered into force. Since 1997, 193 States have joined the CWC. Therefore, according to the OPCW, 98% of the world's population lives under the protection of the treaty. Only four countries that the United Nations officially recognise are not a member of the treaty. Israel signed the treaty but never ratified it. South Sudan, Egypt and North Korea have neither signed nor ratified the treaty. By signing the treaty, the member states accept a particular framework that this paper describes later. Most importantly, the CWC created the OPCW. This body oversees the treaty and acts as its enforcer. Yet, there are also obligations for the signatories. The treaty obliges the member to implement a national framework to deconstruct and destroy any potential CWs. They must regularly report about their progress to the OPCW. The convention prohibits the developing, stockpiling and production of chemical weapons. However, the civilian use of chemical production is permitted. The Executive Council has the right to restrict or suspend the rights and privileges of a member

if that member purposely breaks the rules of the treaty. Nevertheless, the Executive Council cannot punish severe contractual infringement. In such a case, the Council will bring the case before the Security Council or the General Assembly. The CWC thus effectively lacks a sanction mechanism here.

3.2.2. Geneva Protocol

The use of CWs was common during World War I (WW I). It was an important instrument for destruction for both sides. The regular attacks caused enormous losses in both trenches (see the chapter on [5.1.1. World War I 1914-1918](#)). Under this horrible impression, the then League of Nations met in Geneva and negotiated a treaty. The purpose was to prevent a similar disaster in the future. The former enemies agreed on the *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare* in 1925, also known as the 1925 Geneva Protocol, and signed it in the same year. For the first time, an international binding treaty prohibited the use of biological and CWs. The use of these weapons was “justly condemned by the general opinion of the civilized world” (Geneva Protocol, 1925). The signing parties agreed that the protocol and therefore the prohibition of CWs should be international law.

However, the Geneva Protocol was never effective. The position of the parties changed. The axis power and their universal rejection of multilateral treaties and negotiations meant the end of the treaty. Later, during World War II, CWs were used again and the idea was still on the table. The good intentions finally ended with the CWC of 1997.

3.2.3. The Hague Conventions of 1899 and 1907

The first convention held in 1899 in The Hague was not able to achieve what it was aimed to, namely the limitation on armaments (Encyclopedia Britannica, 2020). It did however set the conditions of a state of belligerency and other customs relating to war on land and sea as well as three others:

- Prohibition of the use of asphyxiating gases
- Prohibition of the use of expanding bullets (dumdums),
- Prohibition of the discharges of projectiles or explosives from balloons

It also adopted the *Convention for the Pacific Settlement of International Disputes* initiating the Permanent Court of Arbitration.

The second convention, which was held again in The Hague in 1907, reaffirmed and expanded most declarations. However, it failed to extend the two related to the prohibition of the use of asphyxiating gases and the prohibition of the use of expanding bullets (dumdums). This set the stage for the catastrophic conditions observed in WW1.

3.3. Topic Summary

3.3.1. Eliminating Financial Means for the Development of Chemical Weapons by Non-State Actors

CWs are among one of the worst types of weapons humankind has ever possessed. The unregulated use of these weapons of mass destruction can bring the world to the edge of extinction. To protect all of humanity, the world society adopted the CWC, banning the production, stockpiling, and use of chemical weapons.

However, the peaceful use of chemicals can be highly benefiting – especially in the sector of pharmaceuticals. Extensive research can, for instance, help to develop important medication and cure illnesses or develop new fertilisers and pesticides for the agricultural industry. One of the most important actors are non-state actors. Especially private companies push innovation, which they have every right to do so, but regulations and a specific framework are needed to operate within.

Furthermore, these actors do not always have inherently good intentions. CWs can be used by terrorists to enforce their political agenda, spread terror, and manipulate populations. Therefore, the peaceful use of and the extensive research on chemicals are extremely important. Nonetheless, the devil lies in the detail. Every initially good thought and every initially good innovation can be perverted and used for evil. The OPCW must prevent this from happening. The delegates of the OPCW at MainMUN 2021 will work together to develop and improve the current framework in order to prevent non-state actors from using and financing the development of chemical weapons.

3.3.2. Truth and Reconciliation: Bolstering the purpose of the Chemical Weapons Convention

CWs were widely used during WW I. The use resulted in a devastating number of deaths, horrible injuries, and life-long trauma. With this experience in mind, there was a strong will to prevent further incidents. The nations of the world thus adopted the CWC. According to the convention, the use of CWs was banned and outlawed from that point on. Adding onto that, it

stated that there were severe sanctions, such as economic and trade sanctions, as well as arms embargoes, travel bans, and financial or commodity restrictions (UN Security Council, 2020) for the use of chemical weapons, which can be placed by the UN General Assembly or Security Council (OPCW, 2021a).

The convention covered important points, which were great in theory, but reality looks different until present day. There are still reports about the use of CWs during the first gulf war as well as the Syrian civil war that has been raging since 2011. Furthermore, the threat of CWs became reason enough to declare war on another state, as the US did with Iraq in 2003.

The delegates at MainMUN 2021 will discuss how they can improve the convention. They must adapt to upcoming threats, as well as decide how the affected states can build a culture of peace and cooperation to heal the wounds left by the damage of CWs.

4. Topic A: Eliminating financial Means for the Development of Chemical Weapons Systems by Non-State Actors

4.1. Introduction

“The rising threat posed by non-state actors, the pace of economic development and the evolution of science and technology were all shaping the future of the global disarmament and non-proliferation regimes. Moreover, the use of chemical weapons by non-state actors was no longer a threat, but a chilling reality.” (Joseph Ballard, Senior Officer for the Office of Strategy and Policy at the Organisation for the Prohibition of Chemical Weapons, Speaking at SC/12888 on 28th June 2017).

As the financial means of non-state actors¹, who pose a threat to state security, increase through nefarious underground financing, so does the viability to use CWs as devices to spread terror and dismay. The use of CWs for criminal activities becomes very lucrative as modern, cheap, unregulated and accessible technology is used as an offensive medium to disperse CWs. In comparison, defence and technologies are 10 to 1000 times more expensive.

4.2. History of the topic

The funding of criminal networks and subsequent non-state actors through money laundering has been grappled by UN resolutions since the 1990s, e.g. A/RES/49/60. As conventions, such as the United Nations Convention against Transnational Organized Crime and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, were being built upon the foundations of the Vienna convention of 1988, multiple governmental organisations and networks, such as the Australia Group, United Nations Office on Drugs and Crime (UNODC), Counter-Terrorism Committee (CTC) and Financial Action Task Force on Money Laundering (FATF) have been working on their implementation.

As OPCW members have stated, technological advances, lack of financial and sanction oversight as well as public access to sensitive knowledge through the dark web have outrun present day regulatory works (UN Security Council, 2017).

¹ In this paper we will refer to non-state actors mainly in the role of criminal or nefarious organisations who pose significant threat to the national security of the state. Please note that non-state actors also are nongovernmental organizations (NGOs), private corporations and companies, as well as international business associations, philanthropic foundations, and academic institutions (World Health Assembly, 2016). See [FENSA paragraphs 8-12](#) on non-state actors.

4.3. Main actors

As the topic describes, the main focus will be on how non-state actors, often those described in the media as terrorists, are able to finance and get their hands on CWs. Other actors in this topic section will be state actors in a political, diplomatic and military role. Financial institutions, often in the role of an (in-) voluntary middleman, are responsible for the capital and transfer of funds in this line of work. Economic sanctions and export controls are also important since they serve as an obstacle, which often leads to invent new and ingenious backdoors to funding terrorism.

4.4. Current situation

In a time where everyone can buy drones as well as 3D printers and access to the dark web at ever decreasing prices, states are required to improve their security and counterterrorism means with technical advances. For example, small drones are cheap, easy to buy and operate, and the distance to their operator is large and thus provides anonymity (Hastings, 2017). The effectiveness is described in a 2011 paper, where a 26-year-old pleaded guilty to attempting an attack on the Pentagon and the U.S. Capitol building with remote-controlled planes filled with explosives (Yin, 2015). Non-state actors have repeatedly used these as means to attempt assassinations (Hudson, 2018) and terrorist activity (Gibbons-Neff, 2017), where in many cases the distinction between state and non-state actors become murky (Plaw & Santoro, 2017).

Also, from the financial perspective of things, non-state actors prefer to buy high-quality goods. These high-quality suppliers often originate from the United States of America (USA), Europe, and Asia, which means that they have to pay for those goods through a formal financial system, leading financial institutions to play a significant part in their scheme. Criminals place their money, split into smaller portions, into legitimate financial institutions. These funds are then used to buy and sell investments in quick succession, integrating and allowing their capital to re-enter the economy, now appearing to be legitimate. Financial capital funding non-state actors is also raised through theft, donations and profits from legitimate businesses.

4.5. Legal framework and regulatory bodies

4.5.1. The United Nations Convention against Transnational Organized Crime

This convention, building upon the Naples Political Declaration, was adopted by A/RES/55/25 of 15 November 2000, is today the main international instrument in the fight against

transnational organized crime. It reinforces criminal offences, new frameworks for extradition, mutual legal assistance and law enforcement cooperation as well as training and technical assistance for building or upgrading the means of national authorities.

4.5.2. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition

This convention was adopted by the A/RES/55/255 of 31 May 2001. It entered into force on 3 July 2005. The first legally binding protocol on small arms adopted at the global level is to strengthen cooperation, combat and eradicate the illicit manufacturing and trafficking in firearms, their parts, components and ammunition. States ratifying the agreement must create crime-control measures and implement three sets of normative provisions in their domestic legal order:

1. Establishment of criminal offences related to illegal manufacturing of and trafficking in firearms on the basis of the Protocol requirements and definitions
2. A system of government authorisations or licensing intending to ensure legitimate manufacturing of and trafficking in firearms
3. The marking and tracing of firearms

4.5.3. Australia Group

The Group, chaired by Australia, acts to complement the CWC and is an informal organisation of 43 participating nations ensuring that exports of materials and equipment from their countries do not land in the hands of non-state actors. They discuss export controls and share chemical and biological weapons proliferation information. Since its founding in 1985, it has remained in its role to stop the illegal transfer of chemical and biological weapon related material and equipment (The Australia Group, 2007).

4.5.4. Financial Action Task Force on Money Laundering (FATF)

The FATF acts as an intergovernmental policy making body, composed of over 30 countries, combats money laundering, assesses other bodies of this type, uncovers terrorist financing and has a ministerial mandate to establish international standards to counter these (Financial Intelligence Centre, 2017). Such a body also exists in Eastern and Southern African, known as the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG).

4.5.5. Further Regulatory bodies and Financial Intelligence Units (FIUs)

Financial Intelligence Centre² (FIC), International Money Laundering Information Network (IMoLIN) and Anti-Money-Laundering International Database (AMLID)³, UNODC, the Merida Convention, the Egmont Group of Financial Intelligence Units and many more.

4.6. Problems and risks

Before the events we witness in real life or observe through the news take place, a non-state actor goes through multiple steps to be able to follow through on their ideas. The diagram below shows the different stages and prerequisites to successfully strike a target.

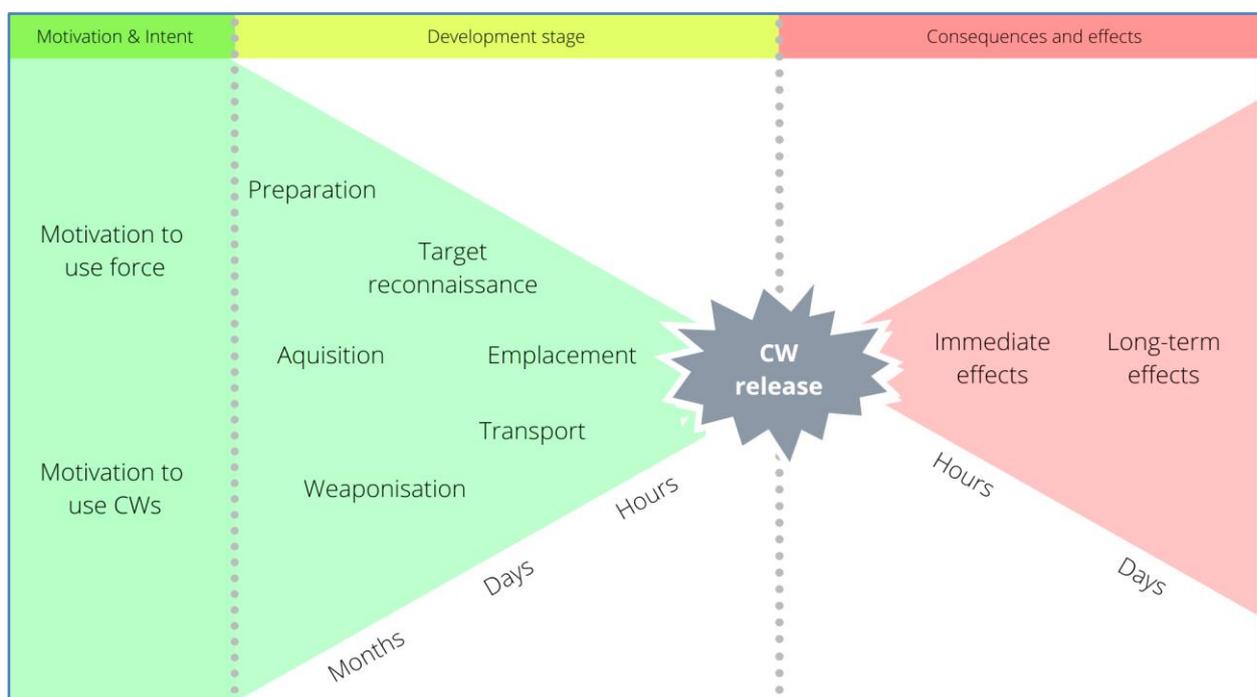


Figure 1: Overview of the various elements of the threat and the stages of the process, from the formation of motivation and intent to the actual completion and triggering of a CW as well as the impact of a CW attack (Meulenbelt & Nieuwenhuizen, 2015).

4.6.1. Unmanned aerial vehicles (UAVs)

The reason why UAVs are such a big component within this topic is due to the possibility of being used as the means of distribution of CWs. Today, over 1.7 million drones have been registered by the US Federal Aviation Administration (U.S. FFA, 2020), and over 5 million drones have been sold worldwide (Hastings, 2017). CWs are dispersed via munitions, which upon being dropped burst at a point and spread the agent as a cloud. A more effective way to

² Regional body, i.e South Africa

³ Interregional body, i.e Data administered by the UNODC

disperse CWs is through aerosol generators, which through a controlled release evenly distribute the toxins (Renehan, 1997).

“The barriers to entry have never been lower for individuals to gain access to commercial off-the-shelf technology that can be used to lethally target individuals. Lone actors or small cells of terrorists, criminals, or insurgents can effectively harness the tactical flexibility of a small drone to wreak havoc, including potentially using a drone to take down an airliner.” (Clarke & Rand Corporation, 2018)

Luckily, there is a vast array of technological solutions ready to combat malicious UAV use today, mostly using radio frequency disturbances such as the CPM-Jammer seen below. The significant problem hereby is the exponential cost difference between the low-tech offensive UAVs used by non-state actors, as opposed to the high-tech and expensive means for defence against UAVs.

4.6.2. Proliferation financing

Financial proliferators acquire goods to contribute to a weapon of mass destruction’s (WMD) programme, and by doing so bypass regulatory controls such as economic export and import restrictions (Kassenova, 2020). They are able to do so by using the following methods:

- Purchase of controlled and restricted goods slightly below the forbidden threshold
- Dishonesty about end-product and end-user, using shell companies⁴
- Using different and falsified means of transportation for goods with reduced export and import control e.g. shipping vessels
- Lack of accountability of suppliers
- Lack of information and capacity to identify financial transactions related to procurement

Additionally, the fact that tax havens and non-cooperative offshore financial centres such as Andorra, the Principality of Liechtenstein, Liberia, the Principality of Monaco, the Marshall Islands, Nauru and Vanuatu exist increases the difficulty to combat money laundering and financing of terrorism.

4.6.3. Ease of CW development

CWs in the present day are more accessible than ever. Doses can now be procured through bypassing regulatory features to fall into hands of non-state actors in Syria and Iraq. The CWs

⁴ These companies exist only on paper and have no active business operations or significant assets. They are used to cover the identity and motivation of buyer or seller.

can be utilised not only to commit grievous bodily harm to targeted groups, but also to sabotage certain economic targets (Revill, 2017). CWs and their precursors are the most easily obtainable among the Chemical, Biological, Radioactive and Nuclear (CBRN) weapons (Meulenbelt & Nieuwenhuizen, 2015). Even though CWs require greater amounts to come near the extent of damage of other CBRN weapons, the means of precise distribution removes much of the need to disperse large clouds of toxins.

4.7. Conclusion

A rapidly advancing technology, reduced costs of terror and minimised danger of capture while still delivering terror-induced payloads are all advantages which non-state actors have used and will continue to do so. With the increasing civilian use of drones for photography, videography, delivery systems and surveillance, it will become harder to distinguish between civil, military and terrorist applications of UAVs. Financial proliferators play a significant role when it comes to providing the necessary funding required for setting up UAV operations as well as funding the procurement of the CW agent. This has been proven to be a low hurdle to overcome by recent applications by Islamic State of Iraq and the Levant (ISIL) in Iraq. Overall, the various regulatory bodies need stronger reinforcement and the resolutions of the past decade, extending and updating them to cover the rapidly expanding technology becoming accessible to everyone.

4.8. Guiding questions

- How can states defend themselves against the various capabilities of non-state actors when we often do not necessarily know where they are operating from, what means they have and who they are being backed by?
- What conventions can be expanded on to further reduce the impending expansion of financial proliferators and their networking with known and unknown terrorist non-state actors?
- Can the OPCW raise concerns over the lack of restrictions on widely available and cheap high-tech instrumentations for potential terrorist use, while taking into account the non-terrorist utilisation of these?

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5. Topic B: Truth and Reconciliation: Bolstering the Purpose of the Chemical Weapons Convention

As weapons of mass destruction, CWs (and therefore chemical warfare) are one of the most inhumane means of war. When the CWC came into effect, it was believed that it set an end to the practice. However, military parties widely used CWs in the history of mankind and still use them until the present day. The committee will dig deeper into historical incidents involving CWs with this topic. These incidents will be put into the bigger picture of the CWC. As a starting point, the delegates will learn about the blind spots of the Convention. During the conference, the task of the delegates will be to fill the gaps and bolster the convention.

5.1. History and incidents involving chemical weapons

This chapter will deal with two major incidents involving the use of CWs – WWI and Syria. The authors chose the examples because they illustrate the dangers and problems of CWs very well without being too controversial. They are widely accepted and based on scientific research. Please be aware that there are further examples. Feel free to discuss them.

5.1.1. World War I 1914-1918

Humankind widely recognizes the First World War as one of the deadliest military conflicts ever seen. Imperial megalomania, national striving for power and the internalized belief of hereditary enemies resulted in an arms race. All parties invented new weaponry and new technologies at a rapid speed. Eventually, it caused around 37.5 million military and civilian casualties (Encyclopaedia Britannica, 2020).

The primary objective was the eradication of the enemy. This objective morally justified all means necessary. As a result, all parties used weapons of mass destruction extensively during the war. Biological warfare was not a new phenomenon. Military leaders have been using it since the Middle Ages by poisoning dwellers (Frischknecht, 2003). However, the use of CWs opened another chapter in the book of war. The German Army quickly experienced a shortage of ammunition in early 1915. Therefore, Fritz Haber, the Head of the Chemicals Department at the Prussian War Ministry, suggested chlorine gas as a cheap and readily available alternative (BASF, 2020). On 22 April 1915, the German Army ordered the first chemical attack on the battlefields in Belgium. Within minutes, 160 tons of chlorine gas drifted over the trenches of Western Front in Ypres, Belgium (Fitzgerald, 2008). Berlin considered this attack a great victory. Over 1000 French and Algerian soldiers died, 4000 more were wounded. The German Army was able to rapture six kilometres of the front. It caused panic and retreat (Fitzgerald,

2008). CWs became a frequent item on the menu of war. As of today, it is still impossible to estimate the correct number of casualties of CW attacks. However, it is safe to assume that chemical attacks killed tens of thousands of soldiers by the end of the war in 1918 (BASF, 2020).

5.1.2. Syrian Civil War 2013 and 2017

In the Syrian civil war, CW attacks occurred frequently. As of 2018, the French Foreign Ministry counted 163 incidents (French Foreign Ministry, 2018). The Syrian Archives estimated even 212 attacks (Syrian Archives, 2020).

5.1.2.1 Chemical Weapons attack on 21 August 2013

On 21 August 2013, the Syrian government attacked opposition groups with Sarin gas in the Ghouta area around Damascus. This is the official result of an on-site investigation of a UN Mission. In their statement submitted to the General Assembly as A/RES/67/997 they conclude:

“On the basis of the evidence obtained during our investigation of the Ghouta incident, the conclusion is that, on 21 August 2013, chemical weapons have been used in the ongoing conflict between the parties in the Syrian Arab Republic, also against civilians, including children, on a relatively large scale.” (A/RES/67/997)

The official UN report, submitted by Secretary Ban-Ki Moon to the General Assembly, states the following. It also avoids answering the question of guilt.

“The United Nations Mission collected clear and convincing evidence that chemical weapons were used also against civilians, including children, on a relatively large scale in the Ghouta area of Damascus on 21 August 2013.” (A/RES/68/663)

The White House expressed “with high confidence that the Syrian regime has used chemical weapons on a small scale against the opposition multiple times in the last year, including in the Damascus suburbs” (White House, 2013). The US secret services

“intercepted communications involving a senior official intimately familiar with the offensive who confirmed that chemical weapons were used by the regime on August 21 and was concerned with the U.N. inspectors obtaining evidence.” (White House, 2013)

The NGO Arms Control stated that, as of 2013, the number of victims exceeded 1,000 people, many of whom are civilians and children (Arms Control, 2020).

The then Secretary-General Ban-Ki Moon called the incident “beyond doubt and beyond the pale [and] a war crime” (New York Times, 2013). Like the official report, the Secretary-General avoided ascribing the blame to a specific person or organisation for the attack. However, the

Secretary-General expresses the wish that this would become a catalyst for a new diplomatic determination at the United Nations to resolve the Syrian conflict (New York Times, 2013). Due to pressure from the international community (see S/RES/2118 (2013) of the Security Council and EC-M-33/DEC.1 of the OPCW), the Syrian Arab Republic entered and ratified the CWC on the 14 September 2013 and 14 October 2013, respectively. On 20 September 2013, Syria submitted a declaration of its stockpiles of CWs to the OPCW. The Hague adopted a timeline for the deconstruction and destroying of the CWs stockpile on that basis (Arms Control, 2020). On 6 October 2013, the deconstruction began.

Yet, even with the ongoing disarmament, the Syrian government still used chemical weapons in the civil war. On 11 April 2014, reports of an attack using chlorine gas bombs in Kafr Zita emerged. Further incidents occurred. However, the worst attack happened in 2017.

5.1.2.2 Chemical Weapons attacks in March and April 2017

Although some minor incidents occurred before, the deadliest attack happened in the first quarter of 2017. According to the official OPCW report, the Syrian Air Force flew several attacks using CWs (OPCW, 2021b).

The first one took place on 24 March 2017. At 6:00 a.m, a military aircraft took off at Sharyat airbase and dropped a sarin bomb at southern Ltamenah, affecting at least 16 persons. A day later, a Syrian helicopter dropped a bomb containing chlorine gas on a hospital in Ltamenah. This attack caused at least 30 casualties. The Air Force flew a third attack on 30 March. The weaponized sarin gas killed nearly 60 civilians (OPCW, 2021b). These attacks all happened in the province of Ltamenah. The fourth attack occurred in the province of Idlib in northern Syria. The Syrian Air Force dropped a sarin bomb. Arms Control states that the correct number of casualties is unknown (Arms Control, 2020)

As a result, the United States launched a Tomahawk cruise missile and destroyed a Syrian airbase. This counterattack was the USA's first strike in the Syrian civil war since the Syrian Arab Republic joined the CWC. Even the obvious breach of international law could not tear the Syrian government and his closest allies apart. Russia vetoed a resolution condemning the use of CWs in the Security Council on the 12 April 2017. For the Russian government, the blame was prematurely attributed to the Assad regime (Arms Control, 2020). On 24 October 2017, Russia vetoed another resolution aiming for an extension of the investigation of the OPCW for another year. As a result, the investigation elapsed in November 2017.

However, in April 2020, the OPCW managed to write a report regarding the incidents. The Investigation and Identification Team (IIT) coordinator of the OPCW concluded the investigation. He said the following during the press conference on 8 April 2020:

“The IIT came to these conclusions also based on the fact that the sarin used in Ltamenah on 24 and 30 March 2017 was produced, according to experts from OPCW Designated Laboratories, via routes and with precursors and raw materials that are the same as those used and found in the Syrian stockpile. The type of sarin used in both incidents is not known to have been developed and manufactured by States or entities other than the Syrian Arab Republic.” (OPCW, 2020)

The report proved several infringements of the CWC. Syria still manufactured and used CWs. However, sanctions are blocked by Russia. Finally, the report concludes that the Syrian military leadership is responsible for the chemical attacks. The IIT coordinator said:

“It however considered that attacks of such strategic nature would have only taken place based on orders from the higher authorities of the Syrian Arab Republic military command and that even if authority can be delegated, responsibility cannot” (OPCW, 2020).

5.2. Different types of toxic gases

There are several types of toxic gases that are important in the named incidents.

5.2.1. Chlorine gas

One gas used during World War I had already been mentioned – chlorine gas. Morim and Guldner write: “Gaseous chlorine is poisonous and classified as a pulmonary irritant. It has intermediate water solubility with the capability of causing acute damage to the upper and lower respiratory tract” (Morim/ Guldner, 2020: 1). Chlorine is one of the most commonly manufactured chemicals (CDC, 2021a). It is primarily used as a bleach in the manufacture of paper and cloth, but also for producing pesticides (insect killers), rubber, and solvents. Even small doses can be lethal (Morim/ Guldner, 2020). According to the CDC website, there is no cure for chlorine poisoning.

5.2.2. Mustard gas

Another agent used during WWI was mustard gas. Unlike chlorine gas, sulfur mustard is not natural gas. It has to be manufactured (CDC, 2021b). Sulfur mustard sometimes smells like garlic, onions or mustard and it sometimes has no odour at all. Upon application, mustard gas causes blistering of the skin and mucous membranes. The gas is highly dangerous because it can last from 1 to 2 days in the environment under average weather conditions and from weeks to months under very cold conditions (CDC, 2021b). It slowly breaks down in the body, so repeated exposure may have a cumulative effect. Modern medicine can treat mustard gas by

removing it from the body. Doctors will treat the patient with adequate medical care afterwards to minimise the effects of the exposure. Usually, the exposure to mustard gas is not fatal.

5.2.3. Sarin gas

Sarin gas is a man-made toxic gas and does not appear naturally. The CDC classifies the gas as a nerve agent that is considered one of the most toxic and rapidly acting of the known chemical warfare agents (CDC 2021c). Sarin gas was originally developed as a pesticide in 1938 in Germany. Sarin is a clear, colourless, and tasteless liquid that has no odour in its pure form. The CDC describes the mode of action as follows.

“All nerve agents cause their toxic effects by preventing the proper operation of an enzyme that acts as the body’s ‘off switch’ for glands and muscles. Without an ‘off switch’, the glands and muscles are constantly being stimulated. Exposed people may become tired and no longer be able to keep breathing.” (CDC 2021c)

There is an antidote to sarin gas, but the patient has to take it as soon as possible following the exposure to the gas. If there is no immediate treatment, sarin gas is most likely lethal.

5.3. Legal framework

There are lots of different resolutions regarding CWs. All of them have a slightly varying purpose. Yet, what resolutions bolster the CWC?

5.3.1. Resolution S/RES/1540 (2004)

The Security Council resolution 1540 (2004) is an extension to and clarification of the CWC. The United States introduced it to the floor in 2004, and the council adopted it unanimously.

The resolution calls all UN member states to work together to eradicate CWs. In this regard, the member states have to develop and implement national frameworks and transfer international law into domestic policies towards proliferation. These actions need a national monitoring mechanism. Furthermore, the member states

“refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use weapons of mass destruction and their means of delivery, in particular for terrorist purposes.”

The resolution established the so-called 1540 committee. This body consists of the members of the Security Council. It has the purpose to oversee the implementation process of the individual member state and report back to the United Nations. However, there is no mechanism to sanction the use or the proliferation of weapons of mass destruction.

5.3.2. Resolution A/RES/42/37C (1987) and S/RES/620 (1988)

The resolutions were introduced to the floor in 1987 and 1988 respectively. They focus on the Secretary-General. The member states task him to investigate any incident caused by CWs. Furthermore, the Secretary-General has the task to establish technical guidelines and procedures for forthcoming investigations. There should as well be a list of profound experts to entertain said investigations. The Security Council reserves itself the right to execute potential sanctions that the council enforces on law-breaking member states in the field of CWs. However, the resolutions did not specify the sanctions

5.3.3. Other resolutions

There are other resolutions that might be helpful to discuss the topic and find adequate solutions during the conference. These resolutions are A/RES/44/561 Annex I (1989), A/RES/45/57C (1990) and A/RES60/288 (2006).

5.4. Problems and Risks

What problems do the examples illustrate? The use of CWs in Syria in 2017 showed clearly that the CWC is not as powerful as expected. Even if a country joins the Convention, this does not mean it will follow the rules. According to the Russian point of view, countries can misbehave and still have the support of their allies. This problem causes disputes. The delegates can, for instance, discuss the dispute regarding the lack of effective sanctioning mechanisms during the conference. Nonetheless, the delegates are free to choose any solution that will bolster the Convention.

Further, there is the problem that the resolution lacks a system of sanctions. The sanctioning mechanisms are deeply rooted in the Security Council. Only the Security Council alone can decide on sanctions and enforce them in a second step. Additionally, the veto powers are traditionally an obstacle to Security Council decisions. If a misbehaving country is a strong ally of a P5 state, its actions will most likely not be punished. The hands of the OPCW are tied if there is no consensus between the P5. Therefore, the OPCW needs new ways to bolster its power. Exploring these new paths can be an important topic to be discussed here.

5.5. Guiding questions

1. Why is the deployment of CWs still possible?
2. What steps are needed to bring peace to the affected states?
3. How can the treaty states extend the competences of the OPCW?

4. How should the OPCW deal with future incidents?
5. How can the OPCW cooperate with non-member states?
6. What is my country doing to bolster the OPCW?
7. What is my country's stance on CWs? Does it follow the convention to the point?
8. What is my government willing to do to bolster the CWC?
9. What was the position of my country in recent debates?

5.6. Recommended further reading

1. Trapp, Ralph (2019, December): *Compliance Management under the Chemical Weapons Convention*, UNIDIR <https://www.unidir.org/sites/default/files/2019-12/UNID%20WMD%20CE%20-%20Paper%203%20v3.pdf>
2. Guidelines and Procedures for the Timely and Efficient Investigation of Reports of the Possible Use of Chemical and Bacteriological (Biological) or Toxin Weapons
3. Agreement concerning the Relationship between the United Nations and the Organization for the Prohibition of Chemical Weapons and the Supplementary Arrangement concerning the Implementation of Article II(2)(C) of the UN-OPCW Relationship Agreement
4. Agreement between the United Nations and the World Health Organization adopted by the World Health Assembly and the UN-WHO Memorandum of Understanding concerning WHO Support to the Secretary-General Mechanism for Investigation of the Alleged Use of Chemical, Biological or Toxin Weapons
5. Decision Addressing the Threat From Chemical Weapons Use (C-SS-4/Dec.3)
6. Syrian Archives (2021, January 2021). *Chemical Weapons Database*. <https://syrianarchive.org/en/datasets/chemical>)
7. Human Rights Watch (2013, September 10). *Attacks on Ghouta. Analysis of Alleged Use of Chemical Weapons in Syria*. <https://www.hrw.org/report/2013/09/10/attacks-ghouta/analysis-alleged-use-chemical-weapons-syria>

5.7. Sources

Resolutions

1. Resolution A/RES/42/37C (1987)
2. Resolution A/RES/44/561 Annex I (1989)
3. Resolution A/RES/45/57C (1990)
4. Resolution A/RES/60/288 (2006)

5. Resolution A/RES/67/997 (2013)
6. Resolution A/RES/68/663 (2013)
7. Resolution S/RES/620 (1988)
8. Resolution S/RES/1540 (2004)
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Centers for Disease Control and Prevention (2021c, January 02): *Sarin gas*

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