

# Book Review

## **Chemical Control: Regulation of Incapacitating Chemical Agent Weapons, Riot Control Agents and their Means of Delivery**

**Michael Crowley -  
University of Bradford UK,  
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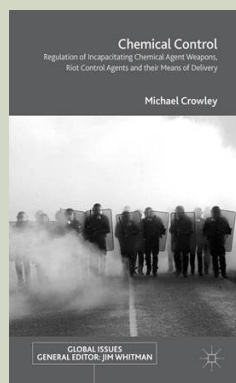
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London**

**Natallia Khaniejo**

*The author is a research  
intern at IDSA.*

### Summary

The recent resurgence of Chemical weapon usage as a means of causing chaos and spreading fear demonstrates the inability of current containment protocol to effectively control their production and proliferation. Through Chemical Control, Dr. Michael Crowley attempts to examine and analyze the current framework surrounding chemical weapons discourse in the hopes of instituting a more comprehensive policy framework through which Holistic Arms Control may be effected / implemented.



April 2017 witnessed another attack in a string of Chemical attacks that has devastated the Syrian region in the Twenty first Century. The subject of Chemical Warfare and the usage of chemical weapons in geopolitical conflicts is a tale as old as time – as is evinced by mythical and anthropological narratives of arrowheads coated with paralyzing natural toxins. World War I witnessed one of the worst implementations of Poison Gas as a means of incapacitation and in 1925 the League of Nations approved the Geneva Protocol which banned the usage of chemical weapons. However, given the complexities and challenges of the League, and the limited vision of the Protocol itself, this containment measure didn't prevent nations from building and stockpiling Chemical weapons and the Cold War era witnessed some of the most rampant and competitive production of Chemical and Biological weapons which continued until the collapse of the Soviet Union. The collapse eventually paved the way for the Chemical Weapons Convention (CWC) which is an arms control treaty that “outlaws the production, stockpiling and use of Chemical Weapons and their precursors.”<sup>2</sup> This treaty was signed in 1993, came into force in 1997 and has been administered by the Organization for the Prohibition of Chemical Weapons (OPCW) since. Given the re-emergence and usage of dated Chemical Weapon stockpiles in the Syrian conflict, there is a need to re-engage with this resurgent proliferation of Chemical Weapons and their current implementation for the purposes of causing instability.

Dr. Michael Crowley's book, Chemical Control: Regulation of incapacitating Chemical Agent Weapons, Riot Control Agents and their Means of Delivery is an examination of the current international

discourse surrounding the usage and proliferation of Chemical weapons. Dr. Crowley examines the current framework surrounding the dispensation and applicability of Chemical weapons as deterrents/defense mechanisms/tools of state control. The author also tackles the abstruseness of the current framework surrounding this discourse and demonstrates how this ambiguity and obscurity of definitions and protocols is creating an environment of easy access to and rapid proliferation of such dangerous technologies. Chemical weapons and their usage by States as well as Non State Actors, form a part of non-traditional warfare, that could have unpredictable and devastating effects on their victims, spatially as well as temporally. The author examines the current global debate surrounding the issue and works towards suggesting mechanisms that can be used to implement a Holistic Arms Control (HAC) treaty.

Dr. Crowley scrutinizes the issue holistically, by examining past precedent, current theoretical as well as practical frameworks, documented and undocumented case studies and potential emergent scenarios to form a structure within which the reader can place current Chemical Warfare and its discourse. The book is divided into 13 chapters that each examine a different facet of the current global debate and the ambiguous consensus that has served as an apathetic deterrent against creating an enforceable framework of Chemical Control. The book begins by providing the reader with the basic contextual tools they would need to engage with the issue. The introduction outlines the key concepts that will be examined subsequently, it then provides a basic understanding of Incapacitating Chemical Agent Weapons (ICAs) and Riot Control Agents (RCAs). Chapters 2 and 3 are used to examine the varying definitions of ICA weapons and RCAs in further detail and to

expose the narrative inconsistencies that emerge in global dialogue surrounding their production/proliferation/usage. While laying the necessary foundational framework, the author draws the readers' attention to the various issues and complexities that surround this discourse globally, such as the "creeping legitimization of ICA weapons as the norm"<sup>3</sup>. He also demonstrates the dangers of State research into militarizing chemical weapons that could culminate in Chemical warfare. Dr. Crowley also exhibits the increasing confluence of rapidly advancing science and technology and the dangers of militarized chemical manipulation that could negatively impact genomics, synthetic biology, medical pharmacology, and neuroscience. He also draws attention to the fine line between the usage of RCAs as mechanisms of control and their rampant misuse as a means of perpetuating autocratic domination.

Chapter 4 deals with the means of delivering and dispersing Riot Control agents which are divided into "limited area" delivery and "wide area" delivery. Dr. Crowley exhibits the dangers that these mechanisms pose when ungoverned and uncontrolled by an iron clad framework and exposes the grey area they embody with respect to large scale human rights violations and conflict escalation.

The second stage of the HAC analysis begins with chapter 5 and involves an examination of the current protocol - the regulations that are in place to deal with and contain ICA weapons/RCA weapons - and the variant definitions surrounding the usage/proliferation of the same. While there seems to be a sort of consensus surrounding the need to prohibit the usage of RCAs, the reported practices of a small minority of countries such as the US/Turkey could pose potential causes for concern in the future. The open ended interpretability of the CWC

tenets of “law enforcement” activities pose further causes for concern. Chapters 6 and 7 continue this second stage analysis through an examination of current Arms control Agreements such as the Geneva protocol, and the limited scope of the agents that it covers. The author demonstrates the fact that while the protocol encompasses a wide variety of agents and can be extended to include RCAs as well, the limitations that are posed in its tenets are limitations of ‘usage’. Dr. Crowley states that “the Protocol does not address the development, production, transfer or stockpiling of such agents”<sup>4</sup> The same problem of limited scope emerges in the author’s examination of the Biological and Toxin Weapons Convention (BTWC). Because of the prohibitions of use placed by the Geneva Protocol, Article I of the BTWC does not *explicitly* ban the usage of such weapons but functions by *implicit associative* bans on development and stockpiling.

The author continues this stage II analysis of current protocol by examining the limited applicability of legal frameworks such as International Humanitarian Law (IHL), International Human Rights Law (IHRL), and International Criminal Law on ICA weapons/RCAs. The IHL provides an important framework within which to monitor ICA weapons/RCAs but it is limited to enforceability solely in a state of war/conflict. The three loopholes that the author identifies are that

- a) The IHL’s enforcement/investigative procedures can only be initiated by High Contracting Parties,
- b) The review process remains undefined and therefore the number of states involved in the review and the nature/result of the review process remains unknown.

- c) This body of law is only applicable in situations of armed conflict and therefore ICA weapons/RCAs developed for law enforcement would not fall into this category.

The problems with IHRL stem from the lack of a framework of applicability with respect to chemical weapon proliferation. The monitoring and enforcement activities serve as postdated mechanisms that can be placed *after* a violation has taken place, and furthermore “there are no internationally accepted procedures under IHRL for evaluating new RCA and ICA weapons or monitoring their subsequent usage at a national level.”<sup>5</sup>

Chapter 10 carries this investigation of current protocol forward and examines the means that can be used to regulate/control the transfer of ICA Weapons/RCAs through treaties, embargoes and various other plurilateral mechanisms of control. The author uses the examples of the UN and EU arms embargoes and examines the efficacy of the same. Chapter 11 examines the application of the UN Drug Control Conventions to ICA weapons. The author draws the readers’ attention to the “Single Convention on Narcotic Drugs (SCND) and the UN Convention on Psychotropic Substances (CPS)”<sup>6</sup>. While they serve as excellent potential mechanisms, direct applicability of the same remains a problem due as they were originally developed as crime control instruments. The author believes that further research on these two agreements could help create a more structured HAC wherein the containment policies effected by these two agreements could be extended towards an arms control treaty as well.

Chapter 12 deals with the role of Civil Society in combating the misuse of ICA weapons and RCAs and the role played by “social

verification" in controlling/containing the same. The author demonstrates the need for a "culture of responsibility" amongst the medical/scientific communities and the accompanying, intrinsic need for accountability in these disciplines. Dr. Crowley believes that the establishment of any HAC would necessitate the involvement of Civil Society as an active and responsible observer and enforcer of containment mechanisms. The success of such an endeavour would be deeply dependent on a confluence of efforts on behalf of the individual, the medical/scientific communities as well as governments across the world.

Chapter 13 serves as a conclusion wherein the author provides certain policy recommendations on the basis of which a relatively efficient HAC may be implemented. Some suggestions provided are the introduction and affirmation of restrictive practices with respect to RCA/ICA weapons usage and proliferation, initiating discussion mechanisms to provide recommendations to OPCW organs on ambiguous issues, clarifications of terms and interpretations and institution of reporting and transparency mechanisms. The author concludes by stating the need for collaborative effort across institutions, governments and communities and the need to implement and elaborate on existing frameworks while also creating new ones to avoid the looming spectre of a chemical apocalypse.

## Endnotes:

<sup>1</sup> Crowley, 2016

<sup>2</sup> Crowley, 2016

<sup>3</sup> Crowley, 2016

<sup>4</sup> Crowley, 2016

<sup>5</sup> Crowley, 2016

<sup>6</sup> Crowley, 2016