

Chemical Weapons and the Russia-Ukraine Conflict

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Summary

The actors of in the Ukraine-Russia conflict theater use Weapons of Mass Destruction (WMD), including chemical weapons basically for either mobilizing global public opinion or extracting early concessions. So far, for them, WMD, including chemical weapons have served not beyond the tool of propaganda in the ongoing hybrid warfare. The global institutional framework, for chemical weapons is active but because of its limited mandate, does not appear playing a major role. The international community is yet to see a decisive intervention from it. Fortunately, the principal state actors resume their responsibilities by allaying apprehensions after resorting to the saber rattling. They should realise the danger of the casual game they play.

In the Ukrainian conflict theater, news relating to nuclear weapons along with Other Weapons of Mass Destruction, including chemical weapons is appearing quite frequently. A section of the media filed an unverified report that Russia had used ‘an unknown chemical agent’ in Mariupol (now under the Russian control). An American official too claimed availability of ‘credible information’ of possible Russian use of ‘a variety of riot control agents, including teargas mixed with chemical agents, that would cause stronger symptoms in order to weaken and incapacitate entrenched Ukrainian fighters and civilians as part of its aggressive campaign to take Mariupol.’¹

Thereafter, Western officials and media kept reiterating and reporting the use of chemical weapons or the likelihood of the Russians using them, quite regularly. In general, Western media has also been highlighting or articulating the Western thinking that Russia is in possession of Novichok and Sarin agents because of a loophole existing in the chemical disarmament treaty.

The US government alerted the Ukrainian government about this possibility. However, the country did not confirm the validity of the report. At times, the difficult situation in the war was said to be the reason of not verifying the use of chemical weapons in Ukraine. However, the American officials confirmed that Russia had been warned of the consequences of using chemical weapons in the conflict zone in Ukraine.²

Notwithstanding the accusations and counter-accusations of verifiable use of chemical weapons, the very idea of the use of chemical weapons is giving rise to several issues concerning global security and politics.

Will the global response be a factor in Putin's calculation? The article intends to examine the complexity, the cost and the possibility of Russia's potential use of chemical weapons.

Russia is an original signatory of the Chemical Weapons Convention (CWC), which ratified the Convention on 13 January 1993. Prior to that, Russia and its predecessor State, the Soviet Union, had actively participated in the negotiations for the CWC that were finally concluded in 1992. On 5 November 1997, the Russian Federation had also ratified the CWC, which finally entered into force and became operational on 5 December 1997. Russia has also been serving on the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW), designed to ensure compliance and implementation of different provisions of the CWC.

As a member of the CWC, Russia is obliged not to use or even get involved in planning for the use of nuclear weapons. Nor is it supposed to develop, produce, acquire, stockpile, retain, transfer chemical weapons. It is also not to accomplish any act whereby any other member country is assisted in acquiring a nuclear weapon. Russia is also a member of the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, which bans the use of chemical weapons in a war.

However, Russia is continuously accused of using chemical weapons against the enemy state or Putin's personal political enemies. In 2021, the Director-General of the Twenty-Sixth Session of the Conference of the States Parties observed in his opening statement: "The use of chemical weapons on the territory of the Russian Federation also poses a serious threat to the Convention."³³

The Organisation for the Prohibition of Chemical Weapons, "Opening Statement by the Director-General", Conference of the States Parties, Twenty-Sixth Session, November 29, 2021

Russia denies violation of the CWC. It has also been denying any plan to use chemical weapons in the Ukrainian theater.

The International Atomic Energy Agency (IAEA) is very active in the conflict vis-a-vis the nuclear threat. In fact, the Director-General of the IAEA led a delegation to the conflict theater. A couple of IAEA inspectors stayed back to monitor the situation at the Zaporizhzhya Nuclear Power Plant. Is OPCW taking the same pro-active measures related to chemical weapons? Quite significantly, the presence of the OPCW may not be as visible as that of the IAEA. The reason is quite simple: the nuclear power plants have been under threat ever since the conflict started.

On the other hand, as the conflict began, the accusation of Russian use of chemical weapons was quite recurrent. Of late, the accusation has not completely died down, but its intensity has certainly come down. Nuclear weapons seem to have overshadowed chemical weapons. Among chemical weapons, tactical weapons are projected as Russia's WMD choice in the battlefield.

Yet as mentioned, the EC of the OPCW has taken note of the developments in the Ukraine-Russia conflict theater. Even in the case of IAEA's team visit or within the regular IAEA update, the Director-General reminds the world of the organization's limitations in undertaking some activities. The OPCW, too, has to operate within a framework under limitations.

During the current Ukrainian conflict, the issue of the clandestine operation of Soviet era weapons facilities keeps recurring. Western media also highlighted the fact that by exploiting the loophole in the CWC or the exemptions meant for undertaking activities for research and defensive purposes, Russia is developing a new generation of chemical weapons in its labs. Apprehensions have been expressed about the use of new chemical agents in Ukraine.

However, outside the OPCW, the countries and other bodies have been responding to the threat of chemical weapons. This has great resemblance to what these countries and bodies are doing vis-à-vis nuclear threat. The West talked about deterrence against the Russian chemical attack. The understanding is based on the idea that Russia has been using chemical weapons internally as well as outside against enemies of the State, and has been working in collaboration with Syria, which possesses and reportedly even uses chemical weapons. The Russian legacy seems to strengthen the Western faith about Russia crossing the chemical redline.

The NATO **Secretary General Jens Stoltenberg stated that**, “any use of chemical weapons would fundamentally change the nature of the conflict.”⁴ He further explained: “There is a risk always for contamination, for that chemical agents are spread over bigger areas. So this will be a catastrophe for the people of Ukraine, but of course there is also a risk that we can see the spread of chemical agents also into NATO territory. I will not speculate beyond the fact that NATO is always ready to defend, to protect and to react to any type of attack on a NATO [a]llied country.”⁵ In fact, NATO and its members kept reminding Russia to refrain from crossing the redline.

Will NATO really take the military course if chemical agents reach NATO countries? On this question, even the statement of the NATO Secretary-General is very guarded. Theoretically, it could be an option but in practice, NATO may also deliberate carefully before crossing the redline. The US has already declared imposition of additional sanctions in case Russia is found using chemical weapons.⁶

NATO promised to provide protection equipment to Ukraine to shield itself from the chemical attack. It also urged its members to strengthen its own defences to guard against the use of chemical weapons by Russia. NATO emphasized that it had never planned to equip Ukraine with chemical or biological weapons.⁷

The ‘False Flag’ phenomenon, repeatedly highlighted for the dirty bomb and nuclear weapons, has been witnessed in the case of chemical weapons as well. NATO accused Russia for showing the ‘False Flag’ to attack Ukraine while Russia too suspected a ‘staged incident under a false flag’⁸. NATO maintains that Russia talks about the possibility of NATO or the Ukraine using chemical weapons, as an excuse to introduce chemical weapons in the Ukraine conflict.⁹

On the contrary, Russia painted three false flag scenarios. In one scenario, it sees actual use of chemical weapons, resulting in the death of Ukrainian civilians or sabotage of Ukrainian facilities, and the blame would be on Russia. In the second, it visualized clandestine use of a small volume ‘for neutralizing the will power and the capacity to resist within the fulfilment of a particular operational task.’¹⁰ Russia’s third scenario was overt use of chemical weapons in the battlefield. It considers the last scenario least probable and the first most probable.

Interestingly, Russia accuses Ukraine and its Western supporters of weaponising chemical plants in Donetsk and other areas. It also accuses Ukraine for using chemical weapons against the pro-Russian population in Eastern Ukraine. It has regularly been submitting notes to the OPCW drawing attention to Ukrainian action of weaponising chemical agents.

In one of the submissions to the OPCW, Russia informed its technical secretariat: “Artillery units of the 110th separate mechanized brigade of the Armed Forces of Ukraine fired from the town of Avdiivka at the site of a brewery located in the city of Donetsk, where hazardous chemicals were used in the production process.”¹¹ Ukraine denied allegations in a separate letter submitted to the OPCW.¹² It maintained that it was Russia which had been shelling Ukrainian chemical facilities because of which hazardous chemicals had killed a few and affected many.

Will either side plan to use any chemical agent as an instrument of warfare? Like the use of nuclear weapons, the use of chemical weapons has its own cost, for which, any party intending or thinking of using it, may have to pay a heavy price. Low technology-intensive chemical agents are easily available but open use of chemical weapons incurs a high cost for a CWC member country. Clandestine use may not give a user strategic advantage. The accusations and counter-accusations appear to be part of a propaganda used by parties in a conflict. This is considered an important component of hybrid warfare.

However, the situation in a conflict, at times, spirals out of control. Soldiers, while shelling, may not realize the consequences of hitting an unknown but sensitive installation. Many a times, even if they or their commanders

are aware that the installation is a chemical unit, they may not know the precise damage the attack may cause to the enemy ranks and population or to the treaty’s obligations. In the Ukraine-Russia conflict, the silver lining is that all the parties are normatively committed to prevent use of chemical agents. However, they need to exercise more restraint about shelling chemical installations and to remain alert against some elements in their armed forces, planning the use of chemical agents.

Endnotes:

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² The White House, “Press Briefing by Press Secretary Jen Psaki and National Security Advisor Jake Sullivan”, Briefing Room, April 4, 2022

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³ The Organisation for the Prohibition of Chemical Weapons, “Opening Statement by the Director-General”, Conference of the States Parties, Twenty-Sixth Session, November 29, 2021

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⁴ North Atlantic Treaty Organisation, “Doorstep statement”, March 24, 2022

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⁵ Ibid

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- ⁷ North Atlantic Treaty Organisation, Press conference by NATO Secretary General Jens Stoltenberg ahead of the meetings of NATO Ministers of Foreign Affairs, April 5, 2022, https://www.nato.int/cps/en/natohq/opinions_194325.htm?selectedLocale=en, Accessed on November 10, 2022

- ⁸ Ministry of Defence of the Russian Federation, “Briefing on a Provocation against the Russian Federation prepared by the USA and NATO with the Accusation of Using Nuclear, Biological and Chemical Weapons,” April 23, 2022,” https://eng.mil.ru/en/news_page/country/more.htm?id=12418529@egNews, Accessed on November 10, 2022

- ⁹ North Atlantic Treaty Organisation, “Press conference by NATO Secretary General Jens Stoltenberg following the extraordinary Summit of NATO Heads of State and Government”, March 24, 2022,

https://www.nato.int/cps/en/natohq/opinions_193613.htm?selectedLocale=en, Accessed on November 10, 2022

- ¹⁰ Ministry of Defence of the Russian Federation No 8

- ¹¹ <https://www.opcw.org/sites/default/files/documents/2022/Compendium%20of%20correspondence%20shared%20by%20States%20Parties%20on%20Ukraine.pdf>

- ¹² The Organisation for the Prohibition of Chemical Weapons, Compendium of documents Permanent Representation of the Russian Federation to the Organisation for the Prohibition of Chemical Weapons,

<https://www.opcw.org/sites/default/files/documents/2022/Compendium%20of%20correspondence%20shared%20by%20States%20Parties%20on%20Ukraine.pdf>