

Chloropicrin: The Contested Chemical in Russia-Ukraine War

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Summary

The U.S. Department's sanctioning of over 280 individuals and entities linked to Russia for allegedly using chloropicrin against Ukrainian forces in the ongoing Russia-Ukraine War has been challenged by the Organisation for the Prohibition of Chemical Weapons, which deemed the accusations "insufficiently substantiated." Nevertheless, upholding the norms against chemical weapons use, as outlined in the Convention, is crucial for ensuring international peace and security, benefiting both the conflicting parties and the global community.

Introduction

On 1 May 2024, the US Department of State imposed sanctions on more than 280 individuals and entities affiliated with the Russian Federation¹ for using chloropicrin against Ukrainian troops in the ongoing Russia-Ukraine War, in violation of the Chemical Weapons Convention (CWC). Alongside these, the State Department re-imposed restrictions on foreign military financing, US Government lines of credit, and export licenses for defence articles and national security-sensitive items going to Russia. Based on the allegations of the use of chemical weapons, the Organisation for the Prohibition of Chemical Weapons (OPCW), in a press release, stated that as per the information available to the Secretariat, the allegations are "insufficiently substantiated".²

Chloropicrin: The Contested Chemical

Chloropicrin is a chemical compound, also known as nitro-chloroform, which is manufactured with sodium hypochlorite and nitro-methane in a chemical reaction. It is used broadly as an antimicrobial agent, insecticide, fungicide as well as herbicide and nematicide. The negative consequences of exposing humans to Chloropicrin are irritation and tear-inducing effects which can be highly toxic and carcinogenic at times. It can further cause, as per the US Center for Disease Control and Prevention (CDC), severe problems in the respiratory tract and gastrointestinal tract, while causing pulmonary edema (building up of fluid in lungs) leading to death.³ The malicious use of this chemical can be traced back to the First World War when it was used by both,

Allied and Central powers, as a poison gas. At that time, the basic characteristic of Chloropicrin induced soldiers to vomit leading them to remove their masks, thereby inhaling more gaseous agents dispersed in the air. Since Chloropicrin gives an irritating sensation, its use is permitted and is widespread as a riot control agent, domestically. While the chemical compound is permitted to quell protests within a country, its use is strictly prohibited on the battlefield under the Chemical Weapons Convention.

The Chemical Weapons Convention which augments the Geneva Protocol of 1925 (which bans biological and chemical weapons in international armed conflicts), entered into force in 1997. Under Article I of the Convention, State Parties are prohibited from developing, producing, acquiring, stockpiling, retaining, transferring or using chemical weapons, under any circumstances. Similarly, under Article III of the Convention, State Parties are obliged to submit timely, accurate, complete declarations related to chemical weapons and chemical weapons facilities on their territory. Moreover, Under the CWC, any chemical is a potential weapon if it can cause death, temporary incapacitation or permanent harm to humans or animals through its properties or its actions on life processes.⁴ The ambit of chemical weapons also includes the munitions and devices which can be employed to release toxic chemicals resulting in death or other harms. Based on the above definition, Chloropicrin falls within the ambit of chemical weapons under the CWC.

US Allegations and Sanctions

The United States had alleged that Russia had been involved in the use of the chemical weapon Chloropicrin, in violation of the CWC,

against Ukrainian forces. Additionally, the United States also assessed that Russia had used riot control agents, in breach of the CWC, as a method of warfare during the ongoing war against Ukraine. Drawing on previous allegations made by the West on Russia in the case of Aleksey Navalny and Sergei Skripal, the US State Department asserted that the use of the riot control agent is not an isolated incident, but rather a well-orchestrated attempt to prevent Ukrainian forces from fortifying their positions on the battlefield.

Based on the above allegations, the US Department of State made determination under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act) against Russian use of the chemical weapon, Chloropicrin. In coordination with the Department of Treasury, the Department of State sanctioned the Russian Federation's government entities associated with Russia's chemical and biological weapons programmes and other entities contributing to their programme.

Some of the major entities sanctioned include Radiological, Chemical, and Biological Defense Troops of the Ministry of Defence of the Russian Federation (RCB Defence Troops), Scientific Research Institute of Applied Acoustics (FGUP NIIPA), Federal State Budgetary Institution, and the 48th Central Scientific and Research Institute of the Ministry of Defence of the Russian Federation (48th TSNII), among others. Russia has categorically denied all the allegations. On 2 May Russian spokesperson Dmitry Peskov said that such allegations are unfounded. He further added, "Russia has been and remains committed to its obligations under international law in this area."⁵

OPCW Findings

The Organization for the Prohibition of Chemical Weapons (OPCW) which is a technical secretariat overseeing the CWC's implementation and compliance, have periodically been assessing the status of the use of chemical weapons in the ongoing Russia-Ukraine War. Both Russia and Ukraine have accused one another of using chemical weapons multiple times since February 2022.⁶

Although the OPCW has maintained that the situation remains volatile and extremely concerning regarding the possible re-emergence of use of toxic chemicals as weapons, it was categorical in stating that the allegations made by the United States are “insufficiently substantiated”⁷ In a press release, the Organisation noted that all declared chemical weapons stockpiles had been destroyed in July 2023 itself, under strict verification from the OPCW Secretariat.

Conclusion

Both Russia and Ukraine as well as the United States, in the late 1990s, signed and ratified the Chemical Weapons Convention. Since the enforcement of the Chemical Weapons Convention in 1997, the non-use of chemical weapons in international armed conflicts has become an international norm, much similar to the norm of non-proliferation and non-use of nuclear weapons. On 23 May 2023, while addressing the 25th Chemical Weapons Demilitarisation Conference (CMD), the Director General OPCW, Ambassador Fernando Arias, expressed caution amidst the deteriorating international security landscape. He stated that “this is not a moment for self-complacency. We are now facing new risks and threats, that present relevant difficulties

to be addressed. The common task, of maintaining peace and international security, has become more demanding. Armed conflicts are growing, in number and intensity. Geopolitical tensions are on the rise and multilateral institutions and mechanisms are being abrogated, weakened, or ignored.”⁸ In this backdrop, to maintain international peace and security, it is in the interest of the countries involved in the conflict as well as the wider international community, to maintain the norms against the use of chemical weapons, as envisaged under the Convention.

Endnotes:

- ¹ “Imposing New Measures on Russia for its Full-scale war and Use of Chemical Weapons against Ukraine” The United States Department of State at <https://www.state.gov/imposing-new-measures-on-russia-for-its-full-scale-war-and-use-of-chemical-weapons-against-ukraine-2/> (24 August, 2024)
- ² “Statement on Ukraine from the OPCW Spokesperson”, Organisation for the Prohibition of Chemical Weapons at <https://www.opcw.org/media-centre/news/2024/05/statement-ukraine-opcw-spokesperson> (26 August, 2024)
- ³ “What is Chloropicrin, the chemical allegedly used by Russia on Ukraine?” at <https://indianexpress.com/article/what-is-chloropicrin-chemical-used-russia-ukraine-9305225/> (25 August, 2024)
- ⁴ “Chemical Weapons Convention” at <https://www.opcw.org/chemical-weapons-convention> (22 August, 2024)
- ⁵ “Russia denies US accusation it violated chemical weapons ban in Ukraine” at <https://www.reuters.com/world/europe/russia-denies-us-accusation-it-violated-chemical-weapons-ban-ukraine-2024-05-02/> (27 August, 2024)
- ⁶ “Ukraine accuses Russia of Chemical Agent”, Arms Control Association at <https://www.armscontrol.org/act/2024-03/news/ukraine-accuses-russia-using-chemical-agent> (24 August, 2024)

- ⁷ “Statement on Ukraine from the OPCW Spokesperson”, Organisation for the Prohibition of Chemical Weapons at <https://www.opcw.org/media-centre/news/2024/05/statement-ukraine-opcw-spokesperson> (22 August, 2024)
- ⁸ “Speech by Director-General of the OPCW, Ambassador Fernando Arias, at the 25th Chemical Weapons Demilitarisation Conference (CWD) as delivered on 23 May 2023, London, United Kingdom of Great Britain and Northern Ireland”, Organisation for the Prohibition of Chemical Weapons at https://www.opcw.org/sites/default/files/documents/2023/05/230523_DG_Speech_CWD%20Conference_WEB.pdf (25 August, 2024)