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BULGARIA

**STATEMENT BY H.E. AMBASSADOR KRASSIMIR KOSTOV
PERMANENT REPRESENTATIVE OF THE REPUBLIC OF BULGARIA TO THE
OPCW AT THE NINETY-SIXTH SESSION OF THE EXECUTIVE COUNCIL
ON THE DRAFT DECISION ON THE UNDERSTANDING REGARDING
THE AEROSOLISED USE OF CENTRAL NERVOUS SYSTEM-ACTING
CHEMICALS FOR LAW ENFORCEMENT PURPOSES**

Mr Chairperson,
Director-General,
Excellences,

Next year, on 29 April, we are going to celebrate 25 years since the entry-into-force of the Chemical Weapons Convention (“the Convention”) and the establishment of the OPCW—one of the greatest achievements in the global strife for peace.

Six months later, in October next year, in Moscow, in Russia, we and tens of families will be reliving a great tragedy that took place in 2002 and will be mourning the 125 parents and children who lost their lives as a result of the use of aerosolised central nervous system-acting chemicals (CNS-acting chemicals) in a law-enforcement situation.

The risks posed by CNS-acting chemicals have been consistently raised since 2003 by the Scientific Advisory Board (SAB) and the Directors-General of the OPCW.

As a result, for 17 years now the OPCW has been the only intergovernmental platform where the aerosolised use of CNS-acting chemicals for law-enforcement purposes has been the subject of studies and discussions.

The SAB, in its report to the First Review Conference of the States Parties in 2003, noted that “the science related to such agents is rapidly evolving, and that results of current programmes to develop such “non-lethal” agents should be monitored and assessed in terms of their relevance to the Convention. However, based on past experience and the fact that many of these compounds act on the central nervous system, it appears unlikely from a scientific point of view that compounds with a sufficient safety ratio would be found.”

In this context, “the SAB stressed the importance that all new toxic chemicals, no matter what their origin or method of synthesis, are covered by the Convention’s definition of chemical weapons. The SAB underlined the importance of this aspect of the definition of chemical weapons as a safeguard for the validity of the Convention”.



The SAB followed on this issue in its report to the Second Review Conference of the States Parties in 2008.

In its fifteenth report in 2010 the SAB presented the results of studying the history of the development of incapacitating chemical agents since the 1950s.

In its sixteenth report in 2011 the SAB noted that “the most recent attention has focused on opioids of the fentanyl class. They are reported to have been components of the agent used in ending the siege of a Moscow theatre in 2002.”

In 2012 the SAB reported to the Third Review Conference of the States Parties that “in the view of the SAB the technical discussion on the potential use of toxic chemicals for law enforcement purposes has been exhaustive” and recommended that “the Secretariat start preparations for verification activities, relevant to incapacitating chemicals that could be required in an investigation of alleged use.”

In 2017, when presenting the SAB recommendations to include CNS-acting chemical data into the OPCW Central Analytical Database (OCAD), Mr Cheng Tang, [then] Vice- Chairperson of the SAB and advisor to the National Authority of the People’s Republic of China, stressed: “CNS active chemicals are drawing increasing attention; their analytical data should be added to the OCAD database.”

And finally, in its report to the Fourth Review Conference of the States Parties in 2018 the SAB concluded that the “technical discussions of so-called “incapacitating chemicals” or central nervous system-acting chemicals remain exhausted. The SAB sees no value in revisiting this topic as scientific facts remain unchanged since the SAB first considered the issue.”

The work of the SAB continued in the years to date and was always meeting the adequate response from the Directors-General and the Technical Secretariat.

What was missing was adequate action from the States Parties.

Bulgaria would like to acknowledge Switzerland for its leadership in raising attention to this important issue as well as Australia, the United States of America and other States Parties for organising the numerous side-events with the participation of top-scientists and experts from the capitals, for their contributions to the rigorous discussions on the technical, legal and humanitarian aspects of the debate on the CNS-acting chemicals that have taken place and that were attended by colleagues from all States Parties, including the ones present here today.

Summing up the results of more than a decade of work Dr Christopher Timperley, former Chairperson of the SAB, pointed out that it is firmly and objectively established that:

- the CNS-acting chemicals are toxic chemicals;
- they are not riot control agents;
- some are as lethal as nerve agents as, for example, sarin;
- their dose cannot be controlled in aerosol form;
- none of them has a sufficient margin of safety identified.

Seventeen years since the beginning of work on the CNS-acting chemicals it is high time to act.

That is why Bulgaria joined the other 40 more States Parties that have consistently raised the problem of the aerosolisation of CNS-acting chemicals for law enforcement purposes in documents presented to the Twenty-First Session, Twenty-Second Session, the Fourth Review Conference, and the Twenty-Fifth Session of the Conference of the States Parties.

That is why we decided to join as a co-sponsor of the draft decision on the Understanding Regarding the Aerosolised Use of Central Nervous System-Acting Chemicals for Law Enforcement Purposes and we appeal to all members of the Council and to all States Parties to support it.

By adopting this decision, we will prevent the use of aerosolised CNS-acting chemicals for offensive purposes by State Parties and non-State actors.

By adopting this decision, we will reconfirm the fact that the Convention and the OPCW are a vital, effective, growing and constantly modernising organism that guarantees adequate responses to the challenges that we face now and may face in the future.

Thank you.

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