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RUSSIAN FEDERATION

**STATEMENT BY H.E. AMBASSADOR A.V. SHULGIN
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO
THE OPCW AT THE NINETY-SIXTH SESSION OF THE EXECUTIVE COUNCIL
UNDER AGENDA ITEM 14**

Mr Chairperson,

We would like to inform the members of the Executive Council of the Russian position regarding the document “Understanding Regarding the Aerosolised Use of Central Nervous System-Acting Chemicals for Law Enforcement Purposes”.

Its co-sponsors have made corrections to the document, aiming—as they say—to take into account the concerns of States Parties. However, the updated version does not clarify the situation at all; to the contrary, there are now even more questions.

No substantive discussion between experts from the capitals has taken place. We cannot agree with the theory that is set out in the United States’ explanatory memorandum for this document, which states that this matter was allegedly discussed intensively over a number of years. Yet this so-called discussion essentially came down to a political propaganda campaign by the proponents of this idea at Council sessions and on the margins of the OPCW’s policy-making organs. As a result, we are being asked to approve something that many States Parties have only a vague idea of, and the consequences of which could be unpredictable. They are essentially trying to sell us a pig in a poke—a political, instead of a technical document without even an approximation of a mechanism for implementation. We cannot agree with that kind of approach.

We would like to ask: can anyone say which of the CNS-acting chemicals will be included under this document, or how many of them there are—even approximately? I believe that no one here can answer that question. And it’s clear why: this initiative directly ignores the definition—and even an approximate list—of chemicals being proposed for prohibition. It leaves a broad field for subjective interpretation and manipulation.

We express doubt regarding the theory that the adoption of a document like this would allegedly not mean any additional obligations for the members of the Organisation for the Prohibition of Chemical Weapons—no additional burdens. In the event it is adopted, States Parties must make the corresponding changes to their national legislation.

We strongly believe that working at the level of an “understanding” for individual provisions of the Chemical Weapons Convention should not be done in this case. This essentially concerns the establishment of a new set of obligations for States Parties. If this initiative is even allowed to exist, then it must be exclusively in line with the procedure set out in Article XV of the Convention.



The argument that this kind of “understanding” at the OPCW will not apply to the use of CNS-acting chemicals for other purposes not prohibited by the Convention also appears to be very weak. The nebulous wording of the document includes numerous groups of chemicals that are used for purposes not prohibited by the Convention—agriculture, pharmaceuticals, medicine, etc. But if a ban is put in place—and even if it only applies to a limited segment of use—then it will doubtless have an impact on the international trade of said chemicals. They will become dual-purpose goods. It will become necessary to correct national export control rules, and to request a license, an end-user certificate, or a certificate of end use when completing export operations. In some cases, it will be necessary to activate a mechanism for so-called comprehensive control in order to certify the legitimacy of a transaction. All this will complicate the trade process for these chemicals, no matter what anyone says on the subject.

We must not forget that the control and verification mechanisms for most CNS-acting chemicals are provided for by other international treaties. We believe that putting an entire class of chemical compounds under the control of the Convention, without addressing the matter with the United Nations Commission on Narcotic Drugs, the United Nations Office on Drugs and Crime, the International Narcotics Control Board, or the World Health Organization.

Finally, we would like to comment on the updated version of the document that was submitted by its co-authors on the evening of 9 March. Incidentally, the information on the newest details was distributed at the very last moment.

At first glance, what is being proposed would change the scope of the Convention even more. Essentially, it introduces a new type of chemical weapon: CNS-acting chemicals. Meanwhile, the conventional names and corresponding chemical compounds are clearly provided in the Convention as it stands today. These are soman, sarin, lewisite, mustard, etc. In this case, they want an undefined quantity of chemicals that affect the central nervous system in one way or another to be considered chemical weapons. There are no grounds for such in the Annex on Chemicals to the Convention, and they do not fall under any of the chemical weapons categories defined in the Convention.

Furthermore, the authors propose that munitions and devices fitted with central nervous system-acting chemicals be declared unlawful. But how are we to understand that? After all, that definition includes your typical analgesic used at medical institutions and administered to patients in aerosolised form before operations using—as the co-sponsors have named them—“devices”. Is it really necessary to declare that a chemical weapon, with all of the implications stemming from the Convention, such as a ban on its production and transfer? We doubt that this kind of approach meets the object and purpose of the Convention.

We are not against the delegations sharing their comments and criticism on this problem at this session. However, we do believe it is necessary to put aside any further actions in this regard—if such are put forward by the co-sponsors—at least until the next Council session. The delegations need time to carefully think over the proposed innovation, as well as alternative points of view on the initiative being put forward. We ask the members of the Council to consider our proposal.

Thank you, Mr Chairperson.

We request that this statement be distributed as an official document of the Ninety-Sixth Session of the Council and published on the Organisation’s extranet and website.