

**Joint Statement on behalf of 4 Delegations delivered by the Delegation of the Islamic Republic of Iran at the 26th Session of the Conference of States Parties of the OPCW under the Subitem 26.1 “Any Other Business” on the Draft Decision entitled “Understanding Regarding the Aerosolized Use of Central Nervous System-Acting Chemicals for Law Enforcement Purposes”**

**Mr. Chairperson,**

This statement is on behalf of four cosponsors: People’s Republic of China, the Islamic Republic of Iran, Russian Federation and the Syrian Arab Republic.

We, the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter "the Convention"), as members of the Organization for the Prohibition of Chemical Weapons (OPCW), reaffirm our commitment to a world free of chemical weapons and support unequivocally the full, effective, and non-discriminatory implementation of all provisions of the Convention.

The prohibitions of the Convention are well defined under Article I “General Obligations” and the scope of the Convention is explicitly specified in a manner to allow States Parties to engage in activities not prohibited under this instrument, including the use of toxic chemicals for “law enforcement purposes”.

We express our deep regret and serious concern that all proposals towards reaching common understanding on this issue have been categorically rejected and a hastily decision tabled at the 96<sup>th</sup> Session of the Executive Council to serve political narrow interest of certain States Parties.

The decision, suffering from many legal ambiguities and technical uncertainties is now adopted through voting, dividing States Parties and compromising the foundation of the Convention namely its scope and other provisions.

Article II, paragraphs 1(a) and 9(d) of the Convention permits the use of toxic chemicals for “law enforcement including domestic riot control purposes” as long as the types and quantities are consistent with such purposes. Therefore, the Convention allows States Parties to choose their own method of law enforcement in full conformity with the provisions of Convention including General Purpose Criterion (GPC).

Article VI (paragraph 1 and 2), on activities not prohibited under this Convention, stipulates that “each State Party has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, transfer and use toxic chemicals and their precursors for purposes not prohibited under this Convention” and “each State Party shall adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited under this Convention”.

This decision is an arbitrary interpretation of certain provisions of the Convention which would have serious implications both on the rights and obligations of States Parties as recognized under many provisions including in particular “law enforcement” “General Purpose Criterion” and “Purposes not prohibited under the Convention”. In this regard, it should be emphasized that the Convention shall only be interpreted in accordance with international law particularly the provisions of 1969 Vienna Convention on law of Treaties and its provisions as outlined in the Convention itself.

This decision as alters substantively the obligations of States Parties and provides an authoritative interpretation of the scope and other relevant provisions of Convention, amounts to an amendment which should have been pursued under the relevant procedure specified under Articles XIV and XV.

Neither the provisions of the Convention, particularly Articles I, II, and VI, outlaws the use of the CNS-acting chemicals in aerosolized format, nor the Policy-Making Organs (PMOs) are empowered in accordance with constituencies that have agreed by States Parties, to take any decisions that would supersede the provisions of the Convention and impose new obligations on States Parties where essentially States Parties have not adopted such obligations in accordance with their respective constitutional process.

We consider the decision a clear departure from provisions of the Convention as it changes drastically the strike balance which exists between the rights and obligations of the States Parties under the Convention. Furthermore, while we do categorically reject the decision as adopted, we believe that the decision is not consistent with the provisions of the Convention as it compromises the rights of the States Parties under this instrument. In this regard and for the above-mentioned reasons, we do consider the decision as an ultra vires act which goes beyond the powers and functions of the Policy-Making Organs of the OPCW, so could not have any legal effect(s) on the States Parties’ rights and obligations under the Convention.

Last but not least, while we, signatory states to this joint statement, continue to pursue the goal of the Convention to exclude completely the possibility of the use of chemical weapons in all circumstances, we reiterate that practice of consensus decision making shall be maintained to ensure the integrity of the Convention as well as decisions of the PMOs.

**Thank You Mr. Chairperson**