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UNITED STATES OF AMERICA

**STATEMENT BY THE HONORABLE MALLORY STEWART
DELEGATION OF THE UNITED STATES OF AMERICA
AT THE EIGHTIETH SESSION OF THE EXECUTIVE COUNCIL**

Mr Chairperson, Mr Director-General, distinguished delegates,

Allow me to open my statement by wishing you, Mr Chairperson, every success in guiding our proceedings, and to re-assure you of the continuing cooperation of the entire U.S. delegation. I also take this opportunity to express my delegation's deep appreciation and support for the Director-General and his technical staff for all the work they continue to do and their many achievements, despite often challenging circumstances.

The Executive Council session convenes today a little more than two years after its historic decision of 27 September 2013, which acknowledged the extraordinary situation posed by Syria's chemical weapons stockpile and mandated the complete elimination of that stockpile on an urgent basis. On 14 September 2013, Syria submitted its instrument of accession to the Chemical Weapons Convention – just three weeks before that, the Syrian Government launched a horrific attack with the nerve agent sarin against an opposition-controlled suburb of Damascus – leaving nearly 1,500 dead, many of them children. The subsequent accession of the Syrian Government to the Convention was an act of political expediency in the face of mounting international pressure; unfortunately, it has not proven to be a moral conversion on the part of the Syrian Government, or an actual renunciation of chemical weapons. Syria, like all other States Parties to the Convention, is legally bound not to use chemical weapons under any circumstances and not to possess them. Regrettably, it seems the international community and this Council have cause for serious concern that the Government of Syria has violated and continues to violate both of these fundamental obligations.

In an effort to identify those involved in chemical weapons use in Syria, on 7 August 2015, the United Nations Security Council adopted resolution 2235 (2015), which established an OPCW-UN Joint Investigative Mechanism. This important international mechanism is the culmination of a year-long diplomatic effort that began with the OPCW Fact-Finding Mission and sends the clear message to all those involved in chemical weapons attacks in Syria that the international community has tools to identify you. In 2014, the OPCW Fact-Finding Mission reported to this Council compelling findings that a toxic chemical, likely chlorine, was used systematically and repeatedly as a chemical weapon in attacks against three opposition-controlled villages in northwest Syria during April and May of that year. In describing these attacks, witnesses invariably cited the presence of helicopters flying overhead – a capability possessed only by the Syrian Government. In February 2015, this



Council expressed serious concern in light of the conclusions of the Fact-Finding Mission and expressed “its strong conviction that those individuals responsible for the use of chemical weapons should be held accountable.” A month later, on 6 March 2015, the United Nations Security Council, in resolution 2209 (2015), echoed the very same concerns and convictions of the Executive Council.

The OPCW-UN Joint Investigative Mechanism will soon be operational and begin its work “to identify to the greatest extent feasible individuals, entities, groups, or governments who were perpetrators, organisers, sponsors or otherwise involved in the use of chemicals as weapons” in the Syrian Arab Republic. The JIM will first investigate the April to May 2014 chemical weapons attacks that were confirmed by the Fact-Finding Mission. As noted by the Director-General in his statement, this Council will in the coming weeks learn the findings of the ongoing Fact-Finding Mission efforts with respect to other allegations of chemical weapons use in Syria, including alleged chemical weapons use by ISIL. If it is determined that such use occurred or likely occurred, responsibility for these incidents will also be addressed by the Joint Investigative Mechanism.

United Nations Security Council Resolution 2235 (2015) – and the efforts of the Executive Council and OPCW that led up to it – is an essential response to the manifest threat to the international norm against the use of chemical weapons, and an important contribution to the maintenance of international peace and security. Hopefully, the Joint Investigative Mechanism will identify those responsible for the chemical weapons attacks in Syria, and the international community will hold them accountable for their crimes. When that day comes, the work of the Joint Investigative Mechanism will stand as a record not just of what was done, but of who did it. There is no stronger deterrent to future chemical weapons use than the certainty that perpetrators will be caught and punished.

The United States is very concerned about the serious allegations that ISIS has used chemical weapons in Iraq. Use of chemical weapons by anyone under any circumstances is a threat to all of us, and any credible allegation of use must be investigated expeditiously and effectively by appropriate authorities. The United States commends the Government of Iraq for its initial communication of 15 September to the OPCW regarding the use of chemical weapons by ISIS in Iraq. We note that the Government of Iraq will conduct a thorough national investigation and inform the OPCW and this Council of its findings. We are appreciative of the offer of the Director-General to provide technical assistance, and we understand the Government of Iraq intends to avail itself of OPCW assistance, as needed, to complete the investigation of these chemical weapons incidents.

Concerns about continued chemical weapons use in Syria are compounded by the Secretariat's recent report on discrepancies and omissions in Syria's declaration and related information submissions. Despite 18 months of intense consultations with Syrian authorities, the Secretariat has reported to this Council that a wide array of issues is still unresolved. This Council should be fundamentally concerned about the information that this report reveals – both in terms of the threat of future use of chemical weapons and their potential for proliferation. The Technical Secretariat has been unable to verify that all of the chemicals, munitions, and facilities that comprised the Syria chemical weapons programme have been declared and, as required by the Convention, decisions of this Council, and United Nations Security Council resolution 2118 (2013), eliminated. Indeed, traditional chemical weapons capabilities may very well remain in the hands of the Syrian Government.

At the Seventy-Sixth Session of the Executive Council in July 2014, the Council “urged the Secretariat and the Syrian authorities to continue to cooperate through technical discussions on outstanding issues regarding Syria's declaration, with a view to the soonest resolution of questions raised by the Secretariat to further the declaration's accuracy and completeness.” However, subsequent consultations have yielded little progress and, in fact, the list of concerns identified by the Secretariat has significantly increased.

The objective of this Council's historic decision of September 2013 and its United Nations counterpart, Security Council resolution 2118 (2013), is the complete elimination of the Syrian chemical weapons programme. Verifying the accuracy and completeness of Syria's Chemical Weapons Convention declaration and related submissions is absolutely fundamental to the achievement of that compelling objective. We commend the Secretariat's Declaration Assessment Team for its dedication and commitment to verifying that all of Syria's chemical weapons and related facilities and activities have been declared. And we hold the Syrian Government solely responsible for the lack of progress in resolving the many issues with, and questions regarding, its declaration.

In view of the compelling significance of the declaration omissions and discrepancies identified in the Secretariat's report, this Council should - in the report of this session - express concern about issues identified by the Secretariat, and request that the Secretariat and the Syrian Government expedite their efforts to resolve these issues. It is essential that the declaration and related submissions of Syria be accurate and complete and fully verified as required by the Convention, this Council, and the Security Council. Given the critical importance of this issue, the Director-General should, by the end of January, inform the Council in a report, pursuant to Article VIII, paragraph 40, of all doubts, ambiguities, or uncertainties with Syria's declaration and related submissions that the Secretariat has been unable to resolve or clarify through its consultations with Syria.

There are two possible outcomes for this process. It can lead to a resolution and verification of all outstanding issues, or it can result in an open file of unresolved concerns regarding Syria's compliance with its declaration and destruction obligations, and the very real concern of continuing use and proliferation of remaining undeclared materials. Which of these outcomes prevails is entirely dependent upon the Government of Syria. The United States hopes that Syria will make the right choice, but if it does not, the continued involvement of the Executive Council and the continued vigilance of the international community will remain imperative.

When this Council adopted its decision on the elimination of the Syrian chemical weapons programme in 2013, I do not think that any of us expected that two years later this Council would be facing very serious concerns of continued chemical weapons use and undeclared chemical weapons. Nevertheless, we must squarely confront the reality before us and finish the work that we started. In the preamble to the Convention, we pledged, for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons. The extraordinary situation in Syria is a test of that pledge and now, for the sake of all people everywhere – but especially for the people of Syria – we must act to exclude completely the possibility of the continued use and possible proliferation of these heinous weapons.

Turning to other issues this session, the United States is pleased that this Council is expected to adopt by consensus a decision recommending the Conference of the States Parties approve the OPCW's draft Programme and Budget for 2016, as presented by the Technical Secretariat

and amended by the Council. The level of expenditure in the 2016 draft Programme and Budget has not decreased as much as we expected, because savings in the inspectorate division have been offset by increases in other divisions. In addition, we have not seen a reduction in administrative support costs commensurate with the OPCW's reduction of foreseeable operations. I take this opportunity to note that the United States sees the increases in verification as well as international cooperation and assistance in the 2016 draft Programme and Budget as one-time increases. Therefore, we expect the Technical Secretariat to continue its implementation of zero-based budgeting in formulating a 2017 draft Programme and Budget. We also expect and call upon all contributors to the OPCW that are delinquent in their assessed contributions to pay their arrears to the Organisation without delay.

The OPCW will outlast the destruction of declared chemical weapons, as the inspection regime, established by the Convention, is also focused on more than just the destruction of declared chemical weapons. It is also focused on preventing – forever – the re-emergence of chemical weapons. The chemical industrial inspection regime continues to play a role in preventing such re-emergence. Additionally and of great importance is the retention and enhancement of the capacity of the OPCW Technical Secretariat to conduct investigations of alleged use and challenge inspections. The Technical Secretariat must therefore retain knowledge and expertise and have access to the latest technologies, including in chemical and biomedical forensics.

During the destruction update briefings, we will apprise the Council of an expected delay in beginning regular destruction operations at the Pueblo Chemical Agent-Destruction Pilot Plant. The previously reported date for start of destruction operations, December 2015, may be delayed, possibly by up to six months. Steps are being taken to mitigate this schedule delay and to start operations as soon as possible, while ensuring the safety of the community, the workforce, and the environment. I can confirm that this delay has not changed the planned completion date for U.S. chemical weapons destruction operations.

This Executive Council session is marked once again by the welcome news that we are another step closer to universal membership in the Chemical Weapons Convention. During our last Executive Council session, we welcomed Burma's accession to the Convention, which has since entered into force for it. Today we welcome Angola's recent deposit of its instrument of accession.

The accession of several new States Parties to the Convention speaks highly of the efforts of the Director-General and the Technical Secretariat to achieve universality. We recognise and congratulate them on this achievement and urge them to continue their efforts. Equally important to the success of the OPCW is the full and effective implementation of the Convention, particularly efforts to ensure States Parties adopt the necessary measures to implement all obligations under the Convention through domestic penal legislation, and the technical assistance of the OPCW Technical Secretariat. However, the United States remains concerned that so many OPCW Member States have yet to enact domestic legislation to fully implement their obligations under the Convention. In a world where the movement of people and goods across borders is ever increasing, the success of the OPCW's regime to prevent the use and re-emergence of chemical weapons is only as strong as its weakest link. National implementing measure in the form of domestic penal legislation ensures the criminalisation of activities that are undertaken by natural or legal persons that are prohibited to a State Party under the Convention, helps States Parties fulfil other international obligations—such as

United Nations Security Council resolution 1540 (2004) requirements—and represents a first line of defence against individuals, terrorists or other non-State actors' efforts to use or develop chemical weapons.

Of the many foreseeable challenges to the success of the OPCW in preventing the use and re-emergence of chemical weapons, the potential threat posed by central nervous system-acting chemicals deserves special attention. We commend the efforts of the Australian and Swiss delegations in promoting dialogue on this important issue, and in this respect, we encourage all delegations that have not done so to consider and subscribe to the notion that the development of these chemical agents for law enforcement purposes raises a serious concern that these chemicals could be used in a manner contrary to the general purpose criteria of the Chemical Weapons Convention, and to put their views on the record in the Executive Council. My own delegation has stated that “the U.S. is not developing, producing, stockpiling or using incapacitating chemical agents, nor are we using riot control agents as a method of warfare.” We restate our position here and now. Further, the United States intends to co-sponsor Australia's paper for the Conference on this subject.

Finally I take this opportunity to welcome a recent initiative, The Hague Ethical Guidelines for chemists. These guidelines, written and undertaken by chemists themselves, will increase awareness about ethical concerns in the field as they relate to chemical weapons. This effort was endorsed by the Council, and has been made possible thanks to the support of the Technical Secretariat and the German delegation.

Thank you, Mr Chairperson.

I ask that this statement be made an official document of this Executive Council session and posted on both the external server and the public website.

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