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**INDIA**

**STATEMENT BY H.E. AMBASSADOR VENU RAJAMONY  
PERMANENT REPRESENTATIVE OF THE REPUBLIC OF INDIA TO THE OPCW  
AT THE FOURTH SPECIAL SESSION  
OF THE CONFERENCE OF THE STATES PARTIES**

**EXPLANATION OF VOTE**

Mr Chairperson,

India has taken the floor to explain its vote on the draft decision on Addressing the Threat from Chemical Weapons Use. India is participating in this Conference with the objective to strengthen the Chemical Weapons Convention as the multilaterally negotiated, universally accepted and one of the most successful disarmament agreements to date, which forms the global norm against use of chemical weapons. India has been a founding member of the Chemical Weapons Convention, member of the Executive Council and on every issue of substantive nature, India has an impeccable record of respecting and strengthening the Convention.

India attaches the highest importance to the Chemical Weapons Convention and all its provisions to address concerns regarding the alleged use of chemical weapons. India has always maintained that any use of chemical weapons is in complete disregard of humanity, and is reprehensible and contrary to the provisions of the Chemical Weapons Convention as well as accepted international norms. India is against the use of chemical weapons anywhere, at any time, by anybody, under any circumstances and cannot be justified. The perpetrators of such abhorrent acts must be held accountable.

India has consistently supported the need for impartial and objective investigation by the OPCW to establish the facts and reach evidence-based conclusions in incidents of any use of chemical weapons strictly in accordance with the provisions of the Chemical Weapons Convention.

We have studied this draft very carefully and have consulted widely including with the drafters and the main co-sponsors of the draft decision. However we believe that on an issue of such grave importance, the consultations conducted by the sponsors remain incomplete. It has been India's view that the draft decision of such far reaching importance and implications should be the end result of a comprehensive and extensive consultation.

It is the responsibility of all States Parties not only to preserve and protect the integrity and credibility of the Convention, but also to ensure the effective implementation of all provisions of the Convention to prevent any use of chemical weapons. When allegations of use appear,



these should be addressed in an effective and timely manner as provided for under the Convention. Following scrupulously the provisions of the Convention, the procedures embedded within, and respecting the distribution of powers and responsibilities of various policy-making organs is the only way to garner international legitimacy and ensure that all actions under the Convention meet the twin requirements of effective action and international acceptance.

The Convention contains a very finely balanced cooperative structure bringing together various policy-making organs and a Technical Secretariat headed by the Director-General. The founding fathers viewed this as an indispensable balance between legitimacy and effective action under a Member State driven Convention, assisted by a technically proficient Secretariat. This draft decision would imperil this indispensable finely crafted balance in the Convention by endowing powers to the Technical Secretariat headed by the Director-General under operative paragraphs 10 and 20. This poses difficulties for my delegation. While the Convention gives primacy and oversight to the Executive Council and the Conference of the States Parties over the functioning of the Technical Secretariat, this decision will grant the Director-General, as an individual, unprecedented and unchecked powers. This opens itself to partisan use of the institution of the Director-General. Further, assessed from the point of view of legality and natural justice, this appears to be deeply problematic where the investigator also assumes the role of the judge. The proposed provision seeks to short-circuit an established legitimate structure and process.

The proposed decisions in operative paragraphs 10 and 20 are tantamount to an amendment to the Convention (as the general scheme of the Convention does not envisage such a role for the Technical Secretariat). Any amendment to the Convention must follow the procedure as prescribed under Article XV of the Convention for that purpose. Therefore, India cannot justify its action in joining the effort for the creation of such a mechanism which is not in keeping with the provisions of the Convention.

As our concerns have not been addressed by the draft decision, India has decided to vote against the draft decision.

However, India remains willing and open for discussions with States Parties to find ways and means to strengthen the Convention and its effective implementation including on the present issue of timely attribution to the extent, provided it is strictly within the framework of the Convention. The international community has high expectation of the Chemical Weapons Convention and it is incumbent on all States Parties to rise up to this expectation by preserving and protecting the Convention.

India would like to reiterate its position that it is against the use of chemical weapons anywhere, at any time, by anybody, under any circumstances.

I would request that this statement be circulated as an official document of this session of the Conference and posted on the OPCW website.

Thank you Mr Chairperson