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**UNITED STATES OF AMERICA**

**STATEMENT BY H.E. AMBASSADOR KENNETH D. WARD  
PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA  
TO THE OPCW AT THE NINETY-SECOND SESSION OF THE EXECUTIVE COUNCIL**

Mr. Chairman,  
Mr. Director-General,  
Distinguished Ambassadors and Delegates,

This session of the Executive Council (“the Council”) we must continue to pursue our responsibilities as Council members to address chemical weapons use, to ensure the effective implementation of the Chemical Weapons Convention (“the Convention”), to prevent reemergence, and to promote the integrity of the OPCW.

At the end of September, another milestone passed for the Council. On 27 September, 2013, this Council adopted the decision “Destruction of Syrian Chemical Weapons,” and later that day the UN Security Council (UNSC) adopted resolution 2118. Six years have passed and neither the OPCW nor the UN Security Council has been able to deliver on the promise made to the people of Syria that the Assad regime’s chemical weapons program would all be destroyed. Indeed, the reign of chemical terror continues. The United States has determined that Assad regime military forces used the toxic industrial chemical chlorine this year on 19 May in Latakia Province, Syria. This action constitutes yet another case being actively investigated by the OPCW Fact-Finding Mission (FFM).

The work of the OPCW Investigation and Identification Team (the IIT) is critical to the international effort to hold responsible those who order and carry out chemical weapons attacks in Syria. Assad continues to deny the members of the IIT entry visas. The regime’s rejection of the Conference of the States Parties (“the Conference”) decision is baseless and its obstructionist behavior undermines our work as States Parties to uphold the Convention itself. Further, its refusal to issue entry visas to members of the IIT is unquestionably a violation of the UNSC resolution 2118 (2013) which mandates that the Syrian Arab Republic shall cooperate fully with the OPCW including by accepting personnel designated by the OPCW and by providing immediate and unfettered access to, and the right to inspect, any and all sites. The regime’s obstructionist behavior will not shield it from the consequences of its heinous acts. We hope this fall the IIT will be able to report its attribution findings on at least some of the incidents under investigation.

The United States is fully committed to supporting the IIT as well as the FFM, the Declaration Assessment Team (DAT) and the regular inspections of the Syrian Scientific



Studies Research Center (SSRC). To continue these critical efforts through 2021, we have recently provided \$7.35 million to the Syria Trust Fund.

The adoption of the 2020 budget is central to the effective implementation of the Convention. At this session, the Council must perform its duty under Article VIII by considering and submitting to the upcoming Conference 2020 Draft Programme and Budget of the Organisation. The United States commends the Director-General and the Technical Secretariat (“the Secretariat”) for their efforts and intends to fully support the proposed budget and related items. We welcome the Secretariat’s efforts to consolidate the various segments of the 2020 budget deliberations into one omnibus decision for consideration by this Council and the Conference.

Some members of this Council continue to object to funding the IIT as part of a deplorable campaign to cover-up the chemical weapons atrocities of the Assad regime and are attempting to hold the 2020 budget hostage. The Conference of the States Parties in its June 2018 decision directed the Secretariat to establish arrangements to independently and impartially identify those responsible for chemical weapons attacks in Syria as reported by the Fact-Finding Mission. Last year, States Parties at the Conference overwhelmingly rebuffed attempts to derail the adoption of the budget. All responsible States Parties should work together once again to ensure the adoption of the 2020 budget as proposed by the Secretariat.

We often speak in this Council of “preventing reemergence of chemical weapons” as if reemergence has not already occurred. Chemical weapons should have become relics of the twentieth century. Instead, the Assad regime’s use of the nerve agent sarin, first in Ghouta in August 2013, and again in Khan Shaykhun in April 2017 is well documented.

A new front in the effort to prevent re-emergence is the weaponisation and use of toxic industrial chemicals, like the unscheduled chemical chlorine, by Syrian military forces. Though relatively crude, chlorine barrel bombs dropped out of Syrian helicopters have proven themselves many times to be deadly weapons. Thanks to the efforts of the OPCW Fact-Finding Mission and the OPCW-United Nations Joint Investigative Mechanism this new reemergence threat has been exposed. Further, this Council took action in November 2016 in response to Assad's confirmed use of chlorine as a chemical weapon. However, no doubt, those who would use chemical weapons have taken note of the potential for using common industrial chemicals as weapons of war and terrorism.

Of even greater concern in preventing further reemergence is the threat posed by the use of aerosolised central nervous system-acting chemicals in law enforcement. At this session of the Council, the United States, Australia, and Switzerland and 19 other co-sponsors submitted a draft decision for discussion and consideration by the Council to counter this very real and growing threat. This initiative responsibly addresses the compelling evidence identified by the OPCW Scientific Advisory Board and other bodies that aerosolized CNS-acting chemicals carry a high risk of harm and death outside of a controlled medical setting.

Given their highly toxic properties, the use of CNS-acting chemicals in warfare would unquestionably be a violation of Article I of the Convention. Let me say that again -- given their highly toxic properties, the use of CNS-acting chemicals in warfare would unquestionably be a violation of Article I of the Convention. Article II of the Convention requires that purposes not prohibited - such as law enforcement - must employ “types and

quantities” of toxic chemicals consistent with such purposes. Due to the unavoidable danger of over exposure, aerosolized CNS-acting chemicals cannot satisfy the “types and quantities” requirement with respect to law enforcement. As such, there is no safe way to aerosolize CNS-acting chemicals in a manner consistent with law enforcement as purposes not prohibited, when aerosolised, CNS-acting chemicals have the potential to be just as lethal as some Schedule 1 chemical agents.

This initiative calls for the adoption of a set of decisions, starting with the Council recommending to the Twenty-Fifth Session of the Conference that aerosolised CNS-acting chemicals are inconsistent with law enforcement as a purpose not prohibited by the Convention. Subsequently, the Conference in November 2020 would formally make that decision. The United States and the other co-sponsors are now only introducing the draft decision and no action by the Council is required at this time. At a later session of the Council in 2020, the co-sponsors will seek the adoption of the draft decision. To be clear, this set of decisions is not imposing any new obligations on States Parties nor requiring any changes to the Convention. Instead, the decisions will make clear States Parties’ understanding that the Convention prohibits the aerosolised use of CNS-acting chemicals in law enforcement is already addressed by the Convention and that such use is inconsistent with purposes not prohibited.

The United States is deeply concerned that some States are deliberately developing CNS-acting chemicals for military warfare, under the guise of law enforcement. It is imperative to take action now before we are faced with a situation in which aerosolised CNS-acting chemicals are used to devastating and deadly effect. I call on Council members who have not yet co-sponsored the decision to join us and remove any ambiguity that may exist regarding these chemicals.

The co-sponsors of the Joint Technical Change Proposal – Canada, the Netherlands, and the United States – have responded to several diplomatic notes from the Russian Federation regarding Russia’s proposed changes to Schedule 1A of the Convention’s Annex on Chemicals (“Annex on Chemicals”). All of these diplomatic notes have been shared with States Parties.

We recognise that the Russian Federation’s most recent diplomatic note to the Secretariat contains an abbreviated technical change proposal encompassing only its Groups 1, 2, 3, and 4. We can join consensus in the adoption of this Russian set of proposals, and believe it can be adopted at the upcoming Conference by consensus in parallel with the Joint Proposal of Canada, the Netherlands, and the United States. Such parallel adoption could be achieved with “a single bang of the gavel”. It is necessary that Novichoks are added to the Annex on Chemicals without delay, and that, by their addition, further use will be deterred and prevented.

The United States and co-sponsors Bulgaria, Canada, the Czech Republic, Germany, Japan, the Netherlands, Ukraine, and the United Kingdom have submitted for consideration and adoption by the Council a draft decision revising the Rules of Procedure for the Advisory Body on Administrative and Financial Matters (ABAF). This draft decision is intended to update ABAF Rules of Procedure by adding sections addressing the qualifications for ABAF membership and a code of conduct as well as establishing procedures for dismissal of members, including breaches of the code of conduct. These new provisions would not be retroactive and, instead would be applicable to all future nominees and requests for renewal

of ABAF membership. Similar provisions are already embedded in the Rules of Procedure for the Scientific Advisory Board and the Advisory Board on Education and Outreach. It is crucial for the integrity of the ABAF and the overall integrity of this Organisation that all of its advisory boards set high ethical standards. This week we intend to work with other delegations to achieve broad support for the draft decision, with a view to its adoption at this Council session.

Regrettably, Mr. Chairman, there continues to be a political divide at the OPCW which puts consensus decisions out of reach on issues of fundamental importance to the faithful implementation of the Convention. The Convention's rules for voting preclude a single member from exercising a veto. Responsible States Parties can and will prevail as we have done in the past, both here and in the Conference, to uphold the Convention. We will hold Syria accountable for its continued possession and use of chemical weapons. We will adopt a 2020 budget, and it will fund the IIT. We will address the threat of further re-emergence posed by aerosolised central nervous system acting chemicals used for law enforcement purposes. We will ensure the future integrity of ABAF. Indeed, we will defend the Convention, strengthen the Secretariat, and advance the goal of a world free of chemical weapons.

Thank you, Mr Chairman.

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

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