



**OPCW**

**Executive Council**

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**AUSTRALIA**

**STATEMENT BY MICHELLE MCKENDRY DEPUTY PERMANENT  
REPRESENTATIVE OF AUSTRALIA TO THE OPCW AT THE NINETY-SECOND  
SESSION OF THE EXECUTIVE COUNCIL  
UNDER AGENDA ITEM 17: ANY OTHER BUSINESS**

Thank you Mr Chair

In July, Ambassador Neuhaus announced Australia's intention to start a process that we hoped would bring before this Council a decision that reflects our concerns regarding the use of aerosolised central nervous system-acting chemicals for law enforcement purposes.

As we said then, we believe the time has come to move this issue to the next stage. After a decade of discussion, debate and outreach, we feel the time has come to bring the issue before this Council and for States Parties to act.

This I why I am proud to announce that Australia has co-sponsored a decision with Switzerland, the United States of America and 20 other co-sponsors stating that the use of aerosolised CNS-acting chemicals for law enforcement purposes is inconsistent as a purpose not prohibited under the Convention.

Mr Chair, I would like to take a moment to make clear what Australia is trying to achieve with this decision, or more importantly what we are not. We are not seeking to amend the Chemical Weapons Convention. We are not seeking to impose any additional restrictions on pharmaceutical industries that produce CNS-acting chemicals for legitimate medical uses. We are not looking to impose additional verification or declaration obligations on States Parties. We are not seeking to restrict the use of Riot Control Agents as provided for in the Convention or to impose a definition of law enforcement onto States Parties.

What we are trying to do is confirm our understanding that the use of aerosolised central nervous system acting chemicals for law enforcement purposes is inconsistent with the spirit and the provisions of the Chemical Weapons Convention.

The law enforcement exemption provided for in the Convention under Article II (9)(d) is a recognition that at times, law enforcement officials may decide that they need to use chemical-based substances in their law enforcement tool kit. The OPCW Scientific Advisory Board (SAB) report of March 2017 clarified for States Parties the chemicals that meet the definition of a Riot Control Agent as defined by Article II(7) of the Convention. These are not the chemicals that we are seeking to cover with this decision.



The SAB has considered this issue extensively and concluded that no chemical has been discovered or developed that satisfies the requirements of being able to produce incapacitating effects in a law enforcement situation with no risk to the exposed individuals in the surrounding area. When CNS-acting chemicals are used in aerosolised form, it is virtually impossible to control the dosage received by individuals. This, combined with the known toxicity of these chemicals, is why Australia believes that their use for law enforcement is inconsistent with the Convention.

Hopefully you saw a copy of the draft decision circulated by the Technical Secretariat earlier this week (EC92/DEC/CRP9). We see this as the start of a serious discussion and look forward to taking on board further views. I encourage delegates to attend the side event at lunch today and to engage with the experts.

Thank you Mr Chair.

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