

**JOINT STATEMENT BY**

**ALBANIA, AUSTRALIA, AUSTRIA, BULGARIA, CANADA, COLOMBIA, CROATIA, CYPRUS, THE CZECH REPUBLIC, ESTONIA, FINLAND, GREECE, JAPAN, LATVIA, LITHUANIA, LUXEMBOURG, MALTA, THE NETHERLANDS, NORWAY, POLAND, THE REPUBLIC OF KOREA, ROMANIA, SLOVENIA, SPAIN, SWEDEN, SWITZERLAND, TURKEY, UKRAINE, AND THE UNITED STATES OF AMERICA**

**TO THE TWENTY-FIFTH SESSION OF THE CONFERENCE OF THE STATES PARTIES  
ON THE AEROSOLIZED USE OF CENTRAL NERVOUS SYSTEM (CNS)-ACTING  
CHEMICALS FOR LAW ENFORCEMENT**

Dear Mr. Chairperson,  
Mr. Director-General,  
Distinguished ambassadors and delegates,

The signatories of this statement recognize that, after more than a decade of outreach and advocacy, the time has come for the Organization for the Prohibition of Chemical Weapons (OPCW) Executive Council (EC) and Conference of the States Parties (CSP) to take action on the issue of aerosolized use of central nervous system (CNS)-acting chemicals for law enforcement purposes. In October 2019, a draft decision was submitted to the EC recommending that the CSP take a decision affirming States Parties' understanding that under the Chemical Weapons Convention (CWC) the aerosolized use CNS-acting chemicals is inconsistent with law enforcement purposes as a "purpose not prohibited." To date, thirty-two States Parties are co-sponsoring the EC draft decision, and a substantial number of other States Parties support its adoption. Let us take action in 2021.

By affirming the understanding of States Parties on this application of the CWC, States Parties will make clear that countries may not hide their work to advance an offensive capability regarding aerosolized CNS-acting chemicals under the guise of doing so for law enforcement as a "purpose not prohibited" under the CWC. The OPCW Scientific Advisory Board (SAB) has concluded that aerosolized CNS-acting chemicals *cannot* currently be used safely for law enforcement purposes. The aim of the decision is not to reconsider past activities, but instead to ensure that States Parties' shared understanding is clear as we move forward. If adopted, the proposed decision would contribute to preventing the use of aerosolized CNS-acting chemicals for offensive purposes by state and non-state actors. Such an effort benefits *all* States Parties.

This decision does not create any new international obligations for State Parties – it is neither a new agreement nor an amendment to the CWC. Further, the draft decision does not propose to prohibit a set list of chemicals, nor does it recommend adding a list of chemicals to the CWC Annex on Chemicals. Instead, the proposed decision would simply affirm States Parties' understanding on an application of the CWC: namely, that the aerosolized use of CNS-acting chemicals is inconsistent with law enforcement purposes as a purpose not prohibited. As such, claims that the decision somehow introduces a ban are misplaced. Further, we want to reiterate that this draft decision does not address uses of these chemicals for other purposes not prohibited, including pharmaceutical and medical purposes.

Further, there are no budgetary, programmatic, trade or verification impacts from this decision to the OPCW. This decision will not impact routine declaration or inspection requirements, nor are there any new verification-related costs. As highlighted in the draft decision, the Director-General issued a note confirming that any additional requirements associated with the adoption of the revised proposal could be met within existing resources.

This draft decision does not deny the possibility of future technological advances in this area, or prohibit behavior that would otherwise be consistent with the CWC. This application of the CWC is dependent on our understanding of the current state of CNS-acting chemicals, as well as our current understanding of their likely future development.

The decision is straightforward and our collective agreement on action should be similarly straightforward. Together, States Parties have the opportunity to make clear our understanding that under the CWC the aerosolized use of CNS-acting chemicals is inconsistent with law enforcement purposes as a “purpose not prohibited.” We thank those States Parties who have already confirmed their support and call on remaining States Parties also to endorse action on this important issue in 2021.

The signatories of this statement request that it be considered an official document of the Twenty-Fifth Session of the Conference and posted on the external server and the public website.

Thank you.