

Statement
by
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For Legal and International Affairs

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Chemical Weapons Convention**

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of God,
the Compassionate, the Merciful

**Mr. Chairperson,
Mr. Director-General,
Excellencies,
Distinguished delegates**

Mr. Chairperson,

At the outset, I would like to congratulate you, Ambassador Jose Antonio Zabalgaitia Trejo of the United Mexican States as the Chairperson of the Twenty-Fifth Session of the Conference of the States Parties on your well-deserved election. I assure you of the full support of my delegation.

I am grateful to the Director-General, H.E. Ambassador Fernando Arias, for his efforts, determinations and comprehensive statement.

My delegation would also like to associate itself with the statement delivered by distinguished Permanent Representative of the Republic of Azerbaijan, H.E. Fikrat Akhundov to the OPCW on behalf of the Members of the Non-Aligned Movement that are States Parties to the Chemical Weapons Convention and China (NAM CWC States Parties and China).

Mr. Chairperson,

The authors of the Chemical Weapons Convention (CWC) have created a legally binding instrument and the Organization to achieve a “**world free of chemical weapons**”. This fundamental instrument since its inception helped for more than two decades to promote international peace and security. Although, this instrument yet to be achieved its objective regarding the total destruction of chemical weapons stockpiles, but there is no doubt that in the absence of such valuable legally binding instrument, the world would have confronted with the excessive risk of development, transfer, stockpile and use of chemical weapons. To ensure a world free from chemical weapons, we agreed to set a norm and mechanism namely the OPCW for the full, effective, and non-discriminatory implementation of the CWC. This mechanism has been established to serve our common goals as enshrined in the Convention and aimed to become a forum for cooperation, consultation and clarification among States Parties.

Despite utmost efforts by the international community to ensure that the OPCW remains a center to achieve the object and purpose of the Convention and contribute to the global peace and security, the CWC in general and the OPCW in particular faced with many challenges in the recent years, threatening its integrity and credibility. The Convention has been being under severe stress by approaches pursued by certain corners aimed to achieve a narrow political interest dividing States Parties for and/or against certain decisions of PMOs. To this end, several challenges threatening the inviolability of the Convention and undermining collective efforts to strengthen this instrument in its entirety are identified as follows:

- The destruction of chemical weapons as the highest priority and indeed aspirational goal of the international community has yet to be materialized. It is the greatest challenge to the Convention and is a matter of serious concern that the United States, the only possessor of the largest chemical weapons stockpile, has not yet implemented its obligation despite its various resources, infrastructure, and capabilities. The repeated call of the international community

requiring the United States to accomplish its obligation under the Convention and abolish its chemical weapons program and stockpiles is systematically ignored by the US. The United States, at the end of the day, is the only country which did not abide by the final deadline of 29 April 2012 as set by the Convention to destroy all its substantial remaining chemical weapons stockpiles.

- Unilateral and inhuman sanctions in contravention with international law and the provisions of the Convention against States Parties of the CWC have been maintained and/or imposed by the United States hampering economic developments of the States Parties. The systematic denial of the rights of the States Parties not only compromised the full, effective, and non-discriminatory implementation of Article XI, but also has put the prospect of the full and effective implementation of the provisions of the Convention in jeopardy. This approach as continued by few States Parties was indeed aimed to change the delicate balance of the rights and obligations as exists under the Convention.
- It is unfortunate that despite the reaffirmation in the final outcomes of the Review Conferences that full, effective, and non-discriminatory implementation of Article XI is essential for the realization of the object and purposes of the Convention, no real progress achieved so far towards the implementation of both promotional and regulatory aspects of Article XI. We are of the view that non-compliance of States Parties shall not only be assessed in the light of the prohibitions of the Convention, but it shall be considered objectively through all provisions of the Convention including Article XI. The continued denial of the rights of the States Parties under this Article is a serious breach of obligation under the Convention. The need for the full, effective, and non-discriminatory implementation of Article XI shall not confined to annual workshops on Article XI, but as recalled many times, “concrete measures” including an action plan needed in this regard. To this end, we recall the proposal (C-12/NAT.1, dated 6 November 2007) by the NAM CWC States Parties and China on an action plan for the full, effective, and non-discriminatory implementation of Article XI.
- The OPCW is the sole competent authority to verify the compliance of States Parties with their obligations under the provisions of the Convention. It is a matter of regret and serious concern that against this principle, the sole possessor of CW, the so-called self-nominated guardian of the Convention, used to publish “Compliance Annual Report” making unsubstantiated allegations against other States Parties. This State Party does not consider the mechanism established under the Convention for the consultation, clarification and cooperation as well as on verification of compliance as a viable option to promote common objectives as long as these mechanisms are not subordinated to their own national tools which aimed to serve their own narrow political national interest. Such arbitrary reports are not expected to promote strengthening the implementation of the provisions of arms control and disarmament agreements, but rather designed to justify further procrastination of their obligations under disarmament and non-proliferation international legal instruments. Such an approach as continued over years undermines the whole apparatus of the CWC and lead to a divisive gap on the full and effective implementation of the provisions of the Convention.
- Consensus is a valuable tradition in all WMD treaties, and we ought to protect it for further succession of this Organization. In this connection, we strongly believe that consensus decision making is an established and dynamic way of reaching agreement at this technical august body. Instead of stubbornly voting for an item and having the majority getting their way, we are committed to finding solutions that every State Party actively supports.

While the practice of decision making through consensus helped to promote the cause of the CWC, it is a matter of extreme concern that a few States Parties chose a different path in close synergy with their overall approach towards “free unilateral actions”. Such path is aimed at eroding from the established practice of consensus which is fundamental in the disarmament and non-proliferation negotiations to ensure equal participation and undiminished security for all. This unconstructive approach towards questioning the practice of consensus as it becomes an uneven trend in the OPCW, undoubtedly would further lead to the polarization of the organization, jeopardizing its credibility as well as the integrity of the PMO’s decisions.

Mr. Chairperson,

It is a matter of serious concern that certain States Parties choose a different path towards the arbitrary interpretation and applications of the provisions of the Convention. The decision on “attribution” is one of the clear evidences of such an example that a certain group of States Parties against the provisions of the Convention, pushed to a non-consensual decision which has divided States Parties further on our common objectives towards strengthening the Convention in its entirety. While reiterating our principle position on the rejection of granting attribution competence to the OPCW, it should be noted that the credibility of the evidence and resources identified by the IIT are questionable, and the IIT’s working approach and methodology does not conform to the provisions on the investigation of the alleged use of CWs under the Convention.

In the same vein, it is worth to highlight CNS as another example of an orchestrated effort by certain States Parties aimed to compromise the integrity of the Convention. The Convention delicately embodies a balance of the rights and obligations of the States Parties under provisions of the Convention as enshrined in Article II paragraph 1(a) known as General-Purpose Criterion (GPC) that “[t]oxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes”. Under the GPC provisions of the Convention, the use of toxic chemicals is excluded for peaceful purposes not prohibited under the Convention. A deliberate and not consensual interpretation and/or application of the provisions of the Convention on the law enforcement, as well as other terms known as GPC are clear departure of the provisions of the Convention. Indeed, excluding aerosolized use of all CNS-acting chemicals by some States Parties is an arbitrary interpretation of the provisions of the Convention, which would essentially affect the right of States Parties under the Convention. It also contradicts certain provision of the Convention where States Parties are committed to resolving their differences on the interpretation and/or application of the provisions of the Convention through consultation and the good offices of the PMOs. Unfortunately, the decision does not reflect a common understanding among States Parties on the CNS-acting chemicals.

Mr. Chairperson,

The decision of the 96th Session of Executive Council yet to be approved by the 26th Session of CSP did not address all serious concerns raised by States Parties and suffers from many legal and technical shortcomings. Recourse to voting in the OPCW which is unprecedented in major disarmament and non-proliferation negotiations not only divides States Parties on the scope of the Convention, but also compromise the principle of undiminished security for all as agreed under various disarmament and non-proliferation international instruments. For some States Parties, this forum is not any more a platform to address issues on its technical grounds, but a framework where their national interests supersede any other collective efforts towards strengthening Convention in all its aspects.

To this end, it is essential to draw a roadmap to promote a common understanding of CNS-acting chemicals. A hasty decision on this very important issue would jeopardize the credibility of the OPCW

and undermine common efforts towards strengthening the Convention in its entirety. To ensure the integrity of any decision on this subject, a common understanding shall be reached rather than a stubbornly voting. In this connection a structural discussion is needed on all technical and legal aspects of CNS-acting chemicals with a view to reaching a common understanding on this important subject and proposing further action to enhance the object and purpose of the Convention.

Mr. Chairperson,

In violation of the Geneva Protocol of 1925, the Saddam's regime has repeatedly used chemical weapons during the eight-year imposed war against the Islamic Republic of Iran, amongst others, Sardasht, the border city in the northwest of my country. However, some countries may remain silent over that direful attacks, but the world will never forget it. The assault was very catastrophic that caused innumerable problems. As far as Hiroshima is the first city brutally bombarded with atomic weapons, Sardasht is the first city cruelly attacked with chemical ones on June 28, 1987. The chemical effects stayed thereof with more than 63 thousand of casualties including women and children for years by lethal chemicals agents. This horrible incident reminded the international community the importance of reaching the rule based international system totally banning one category of weapons of mass destruction not only verifying destruction and inspection of chemical weapons, but also enhancing international cooperation to strengthening the capacity of member states. It is unfortunate that the Iranian victims of chemical weapons once more are becoming victim of another immoral and inhuman unilateral sanction of certain State Parties obstructing the victims of CWs to have access to the equipment, medicine and other medical assistance which would help to alleviate a little bit the huge suffering of these victims. In this regard, while we take note of the Director-General's efforts to liaise with relevant States Parties to help to overcome stalemate which still get lives of many innocent Iranian victims of CWs, but regrettably these efforts have not yield to any result.

Mr. Chairperson,

In the last couple of years, some States Parties against the object and purposes of the United Nations and International law, made tremendous politically motivated efforts to manipulate relevant international fora to adopt unjustified decisions against Syria enabling further oppositions groups to continue their violence and terrorist acts against the government and people of the Syrian Arab Republic. In the same vein, in this session regrettably a draft decision is tabled by some western countries and its allies to derail the ever-increasing cooperation between the OPCW and Syria to resolve remaining issues on the Syrian case.

It should be noted that Syria has acceded to the CWC in a very sensitive and turbulent security and political environment. However, it has made significant progress in the field of CW destruction and cooperates with the UN and the OPCW's investigative and inspection teams in a very professional and transparent manner. All 27 chemical weapons production facilities of Syria as reported many times by TS were destroyed and more than 80 reports indicating the status of the implementation of commitment by Syria under the Convention are monthly provided. To this end, several rounds of bilateral meetings between the Syrian authorities and the Technical Secretariat are held and considerable amount of information provided by Syria. It should be highlighted that this cooperation has never been stopped despite the fact that Syria had serious challenges over combating with terrorist groups that occupied parts of its territory enabling them to have full access to chemical agents provided by foreigners and using CW against innocent people.

While we unequivocally support the continuation of the cooperation between Syria and OPCW, we are of the firm belief that cooperation proven to be the best way to resolve the remaining technical issues. Technical issues need to be resolved through cooperation, avoiding political pressure which has proven time and again to be a failed strategy and would jeopardizing the whole process aimed to address

outstanding issues Against this background, A counter-productive decision and politically motivated decision entitled “Addressing the Possession and Use of Chemical Weapons by the Syrian Arab Republic” (EC-94/DEC.2, dated 9 July 2020) was adopted in the Ninety-Fourth Council Session which completely disregarded all outstanding Syrian cooperation.

While a non-party with WMD program in the Middle East, namely Israeli regime, generously rewarded by some of those sponsors, continues its clandestine WMD program, now a State Party with a full constructive cooperation with the OPCW is targeted by to be deprived from its rights under the provisions of the Convention.

This draft decision as tabled is unprecedented and counter-productive aimed at as a part of a larger project to stigmatize a sovereign state and reconstruct the OPCW apparatus to serve their narrow political interest. Needless to reiterate that this draft decision undoubtedly would overshadow collective efforts towards strengthening the Convention and upholding the credibility of the OPCW.

Mr. Chairperson,

The Islamic Republic of Iran has the highest record in accession to the international legal instruments banning WMD including inter alia NPT, BTWC and CWC as well as other important documents. Iran’s initiative for the establishment of Nuclear Weapons Free Zone in Middle East is per se a clear commitment to the disarmament and non-proliferation norm. We keep continue to respect our obligations under the relevant international instruments including the CWC. In this connection, it is unfortunate that a non- compliant State party, the US with high record of abrogation from various arms control and disarmament instruments repeats baseless allegations against my country. The US with a series of serious non-compliances under many disarmament and non-proliferation instruments is not in a position to accuse other States Parties and urge them to discharge their obligations under relevant to react responsibly over the compliance with disarmament and non-proliferation regimes. A few non- compliances of the United States with its obligations under the provisions of the many international instruments, particularly the CWC are as follows:

- Derogation from the final extended deadline of 29 April 2012 of the Convention which has seriously undermine efforts towards total destruction of chemical weapons,
- Having a history of uses of weapons of mass destruction including nuclear bombing of Hiroshima and Nagasaki,
- Withdrawing from many bilateral and multilateral disarmament and arms control instruments,
- Nuclear Sharing with the Non-Nuclear Weapon States Parties to the NPT in Europe, particularly deploying tens of nuclear warheads in Germany, Italy, the Netherlands and elsewhere in contravention with the undertakings under the provisions of this Treaty as well as Final documents of NPT Review Conferences,
- Violating the UN Security Council resolutions including 2231 and forcing the other UN Member States to violate the provisions of such resolution in contravention of the UN Charter,
- Resorting to unilateral coercive measures as a mean of political and economic pressure against other States which undermines the ever-increasing need to solve issues through multilateral diplomacy.
- Blocking the Ad-hoc group negotiations strengthening the BWC.

Mr. Chairperson,

It is worth mention that the universality of disarmament instruments plays an important role in maintaining regional and international peace and security. In the last couple of years, the international community has repeatedly called on the non-parties to the CWC in particular Israeli regime with

clandestine WMD program to accede without delay and pre-conditions to the relevant NBC instruments. It is a matter for profound regret that this regime enjoying full support of its allies, have systematically rejected all calls by the international community to join the CWC and eliminate its offensive CW program. We are of the firm belief that any further due in the universality of the CWC would seriously undermine the global efforts towards universal norms against CWC.

Last but not least, while we are of view that the total destruction of chemical weapon shall be the main focus of our efforts in the years to come, at the same time we are of the firm belief that the CWC object and purpose would only be achieved if we act together and in good faith. The OPCW shall become the center for consultation and cooperation rather than confrontation. Zero - sum game policy as entrained by some States Parties in recent years in the OPCW would have serious impact on the future of the Organization; hence, it shall strictly be abandoned. Lessons learned in the last couple of years shall guide us toward a collective response to all threats arising from CW. To that end, we would spare no effort towards the full, effective, and non-discriminatory implementation of the provisions of the CWC.

I would like to ask this statement to be circulated as an official document of this Conference and posted in the both external as well as public server of the OPCW.

Thank you.
