



OPCW

Conference of the States Parties

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**STATEMENT BY THE DIRECTOR-GENERAL TO THE CONFERENCE
OF THE STATES PARTIES UNDER AGENDA ITEM 9(D) – BACKGROUND
ON C-SS-4/DEC.3 WITH RESPECT TO UNIVERSAL ATTRIBUTION**

1. Excellencies, distinguished delegates.
2. I note that several delegations took the floor to express their views on the matter of the identification of the perpetrators (expressed using various different terms such as attribution, accountability) and the role of the OPCW.
3. I wish to provide the background that led the Special Session of the Conference of the States Parties to adopt a decision entitled “Addressing the Threat from Chemical Weapons Use” in June 2018 (C-SS-4/DEC.3, dated 27 June 2018), in particular regarding the authority to identify the perpetrators of the use of chemical weapons in Syria or elsewhere.
4. At the time, there was evidence that chemical weapons had been used in Syria against the population.
5. Multiple investigations carried out by the United Nations Secretary-General’s Mechanism, before Syria acceded to the Convention—specifically the report by Åke Sellström—and the OPCW Fact-Finding Mission confirmed it.
6. As the use of toxic chemicals to kill and terrorise people in Syria was unquestionable, the United Nations Security Council adopted in August 2015 resolution 2235.
7. This resolution established for one year, an impartial independent mechanism, to identify the perpetrators of chemical weapons use in Syria.
8. This mechanism was known as the JIM, which stands for the OPCW–United Nations Joint Investigative Mechanism.
9. The Security Council renewed the mandate of the JIM with resolution 2319, in November 2016, for another year.
10. When the mandate for this additional year expired in November 2017, the members of the Security Council faced disagreements, and the JIM mandate was not renewed.
11. This was the end of the investigations of the JIM to identify the perpetrators of the use of chemical weapons in Syria.



12. During its existence the JIM produced several reports that identified in several cases the Syrian Armed Forces and ISIL as the perpetrators of the use of chemical weapons.
13. But the task was unfinished, as several important cases had not been investigated.
14. The principle that the perpetrators of chemical weapons should be held accountable is well accepted by the international community.
15. It has been recognised by several Security Council and General Assembly resolutions, by the Commission of Inquiry of the Human Rights Council, by statements of the United Nations Secretary-General, by hundreds of national statements delivered by the delegations at the OPCW and the United Nations, and by the declaration adopted by the States Parties to the Chemical Weapons Convention, in Ieper (Belgium), on 21 April 2015, on the occasion of the 100 years commemoration of the first large-scale use of chemical weapons.
16. The Ambassadors Permanent Representatives were present in Ieper on this occasion, and the support for the Ieper declaration was unanimous.
17. In all these resolutions and declarations there is a common principle, the unanimous and repeated condemnation of any use of chemical weapons, and that the perpetrators should be held accountable.
18. This has become an undisputed part of international customary law.
19. When the JIM was not renewed, a group of States Parties initiated consultations, in The Hague, New York and in some capitals, to find a way forward to identify the perpetrators in Syria, investigating the cases in which the JIM had not had the time to produce reports.
20. In January 2018, France launched the International Partnership Against Impunity for the Use of Chemical Weapons, supported by more than 40 States, calling for voluntary cooperation on fighting impunity.
21. The matter was soon brought to the OPCW, when in the spring of 2018, a third of the membership (65 States Parties) requested to hold a special session of the Conference of the States Parties to address this issue.
22. The issue I refer to was related to Syria, and only to Syria.
23. In June 2018, the special session of the Conference was convened and adopted a decision explicitly tasking the Secretariat to put in place arrangements to identify the perpetrators of the use of chemical weapons in Syria, in its paragraph 10.
24. In the implementation of this mandate, I created what we called the Investigation and Identification Team (IIT), to identify the perpetrators in Syria.
25. But when the Conference met in June 2018, it went further in the decision it adopted, with its paragraph 19.

26. Mirroring the general principle I have referred to, that the perpetrators of the use of chemical weapons have to be identified, the Conference underscored the added value of the Secretariat conducting an independent investigation of an alleged use of chemical weapons, with a view to facilitating universal attribution of all chemical weapons attacks (paragraph 19 of the above-mentioned decision).
27. This added value is a principle.
28. It does not task the Secretariat, as in paragraph 10 for Syria, to put in place arrangements.
29. In the circumstances of June 2018, the Conference would have never decided to give the Secretariat the authority to set up teams to identify the perpetrators in any State Party.
30. This would have meant an authority for universal attribution, which was out of the question during the referenced Conference of the States Parties.
31. To set up an independent system for identifying perpetrators in other countries than Syria is for the policy-making organs to decide, on a case-by-case basis.
32. As you know, the implementation of the Convention is the primary responsibility of its membership, that is you, States Parties.
33. In the meantime, in paragraph 20 of its decision, the Conference decided that the Secretariat may provide, upon request, expertise to support a national investigation, carried out by a State Party, aiming at identifying the perpetrators of use of chemical weapons.
34. Accordingly, the Secretariat has been working during these past few years to ensure that it maintains and develops the expertise to work with a State Party, providing it, upon its request, the technical support for a national investigation in identifying perpetrators of chemical weapons use.
35. The report that can be produced by a State Party, following a national investigation, will have the added value and added legitimacy and credibility provided by the participation of the Technical Secretariat in the domestic investigation, with dedicated technical support.

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