



OPCW

Conference of the States Parties

Twenty-Second Session
27 November – 1 December 2017

C-22/NAT.7*
27 November 2017
ENGLISH only

UNITED STATES OF AMERICA

STATEMENT BY ANDREA HALL

**SENIOR DIRECTOR FOR WEAPONS OF MASS DESTRUCTION AND
COUNTERPROLIFERATION, NATIONAL SECURITY COUNCIL
DELEGATION OF THE UNITED STATES OF AMERICA
TO THE
TWENTY-SECOND SESSION OF THE
CONFERENCE OF THE STATES PARTIES**

Mr Chairperson, Mr Director-General, distinguished ambassadors and delegates,

It is an honour to join you at the Conference of the States Parties in this twentieth anniversary year of the entry into force of the Chemical Weapons Convention. As we reflect collectively on the many accomplishments that we as States Parties and the Organisation for the Prohibition of Chemical Weapons (OPCW) have made over the years, I am pleased to take this opportunity to salute the tremendous contributions of Director-General Üzümcü, who has provided stalwart and visionary leadership to the OPCW during a period of unprecedented challenges. In this context, I am also pleased to congratulate Ambassador Fernando Arias on his nomination to assume the weighty responsibilities of the Director-General next year. The United States of America looks forward to joining other States Parties in confirming his appointment and supporting his future endeavours as the next Director-General.

Even as we acknowledge the important achievements that we have gained through two decades of implementation of the Convention, we must not be complacent or naïve regarding the challenges we face today. The international community is at a critical juncture in the fight to maintain the international norm against chemical weapons use. I see three issues that have forced us to this precipice – the Assad regime’s continued use of chemical weapons on its own people; the increased interest in and use of chemical weapons by non-State actors; and the growing concern that States are deliberately developing central nervous system (CNS)-acting chemicals for warfare or for other harmful purposes, cloaking these efforts under the guise of non-prohibited purposes such as law enforcement or medical research. I will address each of these issues. And, I have four recommendations that we in the international community should take to address them.

* Reissued for technical reasons.



First, let me start with the threat posed by the continued use of chemical weapons by a State Party to the Chemical Weapons Convention—Syria.

Chemical weapons use by the Syrian Arab Republic remains the most serious violation of the Chemical Weapons Convention in the Convention's twenty year history, and the greatest modern challenge to the global norm against chemical weapons use. The Syrian regime was found responsible by the OPCW-United Nations Joint Investigative Mechanism (JIM), an independent and impartial international body of experts, for three separate attacks using the toxic chemical chlorine as a chemical weapon in 2014 and 2015, and for the 4 April 2017, sarin attack in Khan Shaykhun, an opposition-held territory, where most of the victims were women and children. And the JIM would likely investigate numerous additional cases if the mandate were extended. The OPCW Fact-Finding Mission (FFM) has in front of it an additional 60 allegations of chemical weapons use in Syria to investigate. Syria's continued use of chemical weapons in blatant contravention of international law presumably continues because the Assad regime believes these weapons have military utility and psychological effect, and that they help the regime make gains in the ongoing civil war in Syria. While the civil war continues, we have seen the real effects on television – Syrian civilians with little to no defence against these abhorrent weapons dying in the streets. Use of chemical weapons is barbaric and must not be tolerated by the international community.

Second, I will turn to the increased interest in and use of chemical weapons by non-State actors.

The threat of non-State actor interest in development, acquisition, and use of chemical weapons is not a new challenge, but the threat is real, and the risks to our collective security are great. The technical pathway to a chemical weapon capability is clearly within the grasp of non-State actors. Non-State actors like ISIS are pursuing and using rudimentary chemical agents, like chlorine and mustard, in improvised explosive devices in Iraq and Syria. ISIS has used industrial chemicals and sulfur mustard in improvised explosive devices, mortars, and rockets in both Iraq and Syria. So far, the JIM has concluded that ISIS was responsible for two chemical weapons attacks using mustard, one in Marea in August 2015, and one in Um-Housh in September 2016. The counter ISIS campaign report detailed continued chemical weapons use in 2016 and 2017 beyond those attributed to ISIS by the JIM. Further, these actors are difficult to deter. While our ISIS-specific sanctions are important to limiting the outside support for these groups, non-State actors will continue to pose threats to international security because they shrug off accountability and the basic tenets of human decency. Chemical weapons terrorism can affect us all, and we must work together to stop it.

Finally, I would like to highlight the threat posed by central nervous system-acting chemicals, or so-called "incapacitants."

CNS-acting chemicals raise a new spectre of chemical weapons re-emergence. Since 2002, there has been a growing interest, evident through academic articles and press pieces, in the utility of these chemicals for law enforcement purposes. When it comes to these chemicals, the aerosolised use is not consistent with the law enforcement exception to the Chemical Weapons Convention as a purpose not prohibited by the Convention. President Trump recently announced that the opioid crisis in the United States of America is a public health emergency. As part of our response, the White House issued safety recommendations for first responders when handling and encountering fentanyl, the most well-known of the CNS-acting chemicals. If our first responders are at risk when they encounter illicit fentanyl,

how can our unsuspecting populations be safe when fentanyl is aerosolised and used as a law enforcement tool? The simple answer is that they cannot. Despite these dangers, countries continue to pursue these chemicals. If we do not seriously confront this issue here in The Hague, we would be turning a blind eye to the threat that CNS-acting chemicals pose to the Chemical Weapons Convention – a threat that will increase, not decrease, over time.

Call to Action

The international community must take action now or risk a reversal of a trend we have worked so hard to establish. We must take every opportunity to deter states from using chemical weapons. If we fail to take action now, non-State actor use will also rise. And, the number of countries pursuing nefarious CNS-acting chemical programmes will rise as well. We have made a commitment to put an end to chemical weapons use, and to fulfil that commitment, I recommend four concrete steps.

Step One: Hold Accountable Those Who Use Chemical Weapons

The international community must continue to take steps to hold the Syrian regime accountable for its chemical weapons use and take additional steps to deter future use. Holding the regime appropriately accountable would require effective United Nations Security Council and OPCW Executive Council action. But accountability cannot occur without appropriate resources. The United States of America has provided millions of dollars to the United Nations and OPCW trust funds set up specifically for the investigation of chemical weapons use in Syria. And we are not alone – the EU, Japan, and a number of other countries have made contributions to these funds, which have facilitated the OPCW and United Nations' ability to continue to investigate chemical weapons use in Syria. The Executive Council demonstrated accountability with the adoption of its 11 November 2016 decision, and it must do so again. While we sought an accountability resolution earlier this year at the United Nations, our efforts were undercut by Syria's ally the Russian Federation, which made a blatant decision to choose politics over human decency and our collective international obligations. The use of the veto has not deterred us, and many countries have enacted national sanctions on entities involved in the use of chlorine as a chemical weapon in Syria in 2014 and 2015, and we will again seek United Nations action on the latest JIM conclusions. We urge every State Party to condemn the use of chemical weapons by Syria and non-State actors. Unified condemnation and action are key to deterring future use and upholding the international norm against chemical weapons use. Everyone here in this room has a responsibility to respond to these atrocious acts.

Step Two: Full and Effective Implementation of Article VII of the Chemical Weapons Convention

The threat of non-State actor development, acquisition, and use of chemical weapons is a complex problem, and the response from the OPCW and States Parties – individually and collectively – must equal the challenge. We must fully and effectively implement our Chemical Weapons Convention Article VII obligations, specifically, comprehensive penal and export control legislation at the national level. This is the best way to ensure that there are no jurisdictions where non-State actors who commit or seek to commit chemical weapons-related crimes may seek safe harbour. Further, like-minded States Parties could share information regarding their relevant national domestic policies and laws. This would serve not only as a confidence-building measure, but would also strengthen the prohibitions

in the Convention and provide other stakeholders examples that could shorten their own routes to stronger national policies. Implementation of Article VII helps us deter not only those who would use chemical weapons but also those who would support them or provide them materials, knowledge, or a safe haven. It might deny terrorists or other non-State actors the tools they need to succeed and drive them away from these heinous weapons.

Step Three: Improve Chemical Defences

The international community should work to improve the defence of those populations most vulnerable to chemical weapons use. I specifically recommend providing support to the NGO medical community and to countries that may be a risk of attack, but are currently inadequately prepared to defend themselves. The establishment of the Rapid Response and Assistance Mission is an excellent step towards providing necessary assistance to States Parties affected by chemical weapons use, but we can do more. We should provide these entities training, defensive equipment, and appropriate medical countermeasures. Indeed, within the U.S. Government, the State Department has committed to providing up to USD 15 million in chemical weapons threat reduction equipment and training to medical personnel and first responders. I know we are not alone in wanting to improve our collective security and defence against chemical weapons use. Furthermore, denying those that would use these weapons their desired effect is, in itself, a deterrent to use.

Step Four: Endorse a CNS-acting Chemical Non-Use Policy Statement

Lastly, I call on States to endorse a non-use policy regarding aerosolisation of CNS-acting chemicals that reiterates the tenets of the Chemical Weapons Convention, to include that we are “determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons.” This endorsement would include international support recognising that the aerosolised use of CNS-acting chemicals is not consistent with law enforcement exception to the Chemical Weapons Convention. Together we can preserve the norm against chemical weapons use, but we have to do it now.

On 6 April 2017, President Trump said, “It is in the vital national security interest of the United States to prevent and deter the spread and use of deadly chemical weapons.” I would argue that preventing the spread and use of chemical weapons is also strongly in the international community’s security interest. It is important that the international community take steps now, such as those I have outlined, to improve the chances of deterring future use of chemical weapons.

Mr Chairperson, I request that this statement be considered an official document of the Twenty-Second Session of the Conference of the States Parties and posted on the external server.

Thank you.