



OPCW

Conference of the States Parties

Fourth Special Session
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DECISION

ADDRESSING THE THREAT FROM CHEMICAL WEAPONS USE

The Conference of the States Parties,

Reaffirming the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter “the Convention”);

Determined for the sake of all mankind to exclude completely the possibility of the use of chemical weapons through the implementation of the provisions of the Convention;

Recalling that the United Nations Security Council bears primary responsibility for the maintenance of international peace and security;

Recalling that United Nations Security Council Resolution 2235 (2015) established the OPCW-UN Joint Investigative Mechanism to identify perpetrators of chemical weapons attacks in Syria, and **regretting** that its mandate has not been renewed;

Reaffirming that those responsible for the use of chemical weapons should be held accountable;

Recalling paragraph 19 of Article VIII of the Convention that the Conference of the States Parties (hereinafter “the Conference”) shall consider any questions, matters or issues within the scope of the Convention, and may make recommendations and take decisions on any questions, matters or issues related to the Convention raised by a State Party or brought to its attention by the Executive Council (hereinafter “the Council”), and **recalling** paragraph 20 of Article VIII of the Convention that the Conference shall oversee the implementation of the Convention and act in order to promote its object and purpose, and review compliance;

Recalling paragraph 37 of Article VIII of the Convention that the Technical Secretariat (hereinafter “the Secretariat”) shall carry out the verification measures provided for in the Convention;

Recalling paragraph 40 of Article VIII of the Convention that the Secretariat shall inform the Council of any doubts, ambiguities or uncertainties about compliance with the Convention that have come to its notice in the performance of its verification activities and that it has been unable to resolve or clarify through its consultations with the State Party concerned, and **further recalling** paragraph 26 of Part XI(D) of the Verification Annex to the Convention;



Recalling paragraph 1 of Article IX of the Convention that States Parties shall consult and cooperate, directly among themselves, or through the Organisation or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of the Convention;

Recalling paragraph 4 of Article XII of the Convention that the Conference shall, in cases of particular gravity, bring the issue to the attention of the United Nations General Assembly and the United Nations Security Council; and

Bearing in mind the work of the Open-Ended Working Group on the Future Priorities of the OPCW, the work of the Open-Ended Working Group on Terrorism and the other working groups making a valuable contribution to supporting implementation of the Convention;

Hereby:

1. **Condemns** in the strongest possible terms the use of chemical weapons by anyone under any circumstances, emphasising that any use of chemical weapons anywhere, at any time, by anyone, under any circumstances is unacceptable and contravenes international norms and standards;
2. **Condemns** in the strongest terms that chemical weapons have since 2012 been used in Iraq, Malaysia, the Syrian Arab Republic, and the United Kingdom of Great Britain and Northern Ireland;
3. **Condemns** the use of chemical weapons by State and by non-State actors, which constitutes a direct threat to the object and purpose of the Convention;
4. **Expresses** support and appreciation for the professional, impartial, and independent work of the Director-General and the Secretariat to achieve the object and purpose of the Convention, to ensure the full implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties;
5. **Welcomes** the work of the Director-General and the Secretariat to develop the working methods and practices of the Secretariat, in line with the Convention and its Verification Annex, to tackle chemical weapons use, and **recalls** that, in the employment of staff, paragraph 44 of Article VIII of the Convention sets out the necessity to ensure the highest standards of efficiency, expertise, competence and integrity, and **encourages** the Director-General to ensure that due regard is given to expertise, gender, and as wide a geographical basis as possible, when selecting Secretariat personnel;
6. **Condemns** the use of chemical weapons as reported by the OPCW-UN Joint Investigative Mechanism in its reports of 24 August 2016, 21 October 2016 and 26 October 2017, which concluded that there was sufficient information to determine that the Syrian Arab Armed Forces were responsible for three chemical weapons attacks in 2014 and 2015, and that the Syrian Arab Republic was responsible for the use of the chemical weapon sarin on 4 April 2017 in Khan Shaykhun, the Syrian Arab Republic;

7. **Notes with concern** that the use of such chemical weapons by the Syrian Arab Republic, by direct implication, establishes that the Syrian Arab Republic failed to declare and destroy all of its chemical weapons and chemical weapons production facilities (CWPFs) and **demands** that the Syrian Arab Republic immediately cease all use of chemical weapons and declare all of the chemical weapons it possesses, including sarin and its precursors, as well as CWPFs;
8. **Welcomes** the regular briefings provided by the Director-General on the operational activities of the OPCW Fact-Finding Mission in Syria, and **encourages** the Director-General to continue to provide regular updates on the Fact-Finding Mission's operations, taking into account the need to protect the security and safety of Secretariat personnel;
9. **Notes with concern** that the Fact-Finding Mission has identified further uses of chemical weapons in the Syrian Arab Republic at Ltamenah on 24, 25 and 30 March 2017 and at Saraqib on 4 February 2018, and that the perpetrators of these attacks have still to be identified;
10. **Decides** that the Secretariat shall put in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons in those instances in which the OPCW Fact-Finding Mission in Syria determines or has determined that use or likely use occurred, and cases for which the OPCW-UN Joint Investigative Mechanism has not issued a report; and **decides also** that the Secretariat shall provide regular reports on its investigations to the Council and to the United Nations Secretary-General for their consideration;
11. **Notes** that under paragraph 35 of Article VIII, the Council shall consider any issue or matter within its competence affecting the Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Conference, and **further notes** that under paragraph 36 of Article VIII of the Convention that, in its consideration of doubts or concerns regarding compliance and cases of non-compliance, the Council shall, in cases of particular gravity and urgency, bring the issue or matter directly to the attention of the United Nations General Assembly and the United Nations Security Council;
12. **Decides** that the Secretariat shall preserve and provide information to the investigation mechanism established by the United Nations General Assembly in resolution 71/248 (2016), as well as to any relevant investigatory entities established under the auspices of the United Nations;
13. **Condemns** the use on 4 March 2018 of a nerve agent in Salisbury, the United Kingdom of Great Britain and Northern Ireland, as confirmed by the OPCW technical assistance visit report, and **notes** that the United Kingdom Government has identified the nerve agent as a Novichok;
14. **Condemns** that a chemical weapon—a Schedule 1 nerve agent VX—was used in an attack against a citizen of the Democratic People's Republic of Korea on 13 February 2017 in Kuala Lumpur, Malaysia;

15. **Condemns** that the so-called “Daesh” or “ISIL” has been found by Iraq to have used chemical weapons in Iraq, and that the so-called “Daesh” or “ISIL” has been found by the OPCW-UN Joint Investigative Mechanism to have used chemical weapons in the Syrian Arab Republic at Marea on 21 August 2015, and at Um-Housh on 15 and 16 September 2016;
16. **Commends** the Secretariat for the assistance provided to States Parties pursuant to subparagraph 38(e) of Article VIII of the Convention, in connection with national investigations of chemical weapons use and, in this regard, **commends** the Director-General for establishing the Rapid Response and Assistance Mission (RRAM) to enhance the quality and timeliness of support to States Parties;
17. **Endorses** the decision of the Council entitled “Addressing the Threat Posed by the Use of Chemical Weapons by Non State Actors” (EC-86/DEC.9, dated 13 October 2017);
18. **Requests** the Secretariat to consider options for further assistance to States Parties to help prevent the chemical weapons threat posed by non-State actors, and to aid States Parties’ contingency planning in the event of a chemical weapons attack;

Strengthening Implementation of the Convention

19. **Affirms** that, whenever a chemical weapons use occurs on the territory of a State Party, those who were the perpetrators, organisers, sponsors or otherwise involved should be identified, and **underscores** 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;
20. **Decides** that the Director-General, if requested by a State Party investigating a possible chemical weapons use on its territory, can provide technical expertise to identify those who were perpetrators, organisers, sponsors or otherwise involved in the use of chemicals as weapons, and **further decides** that, in this context, the Director-General may enlist support as appropriate from outside experts with relevant qualifications and professional experience, and **invites** the Director-General to submit to the Conference at its next regular session specific proposals to establish such independent, impartial, expert arrangements;
21. **Invites** the Director-General to submit to the Conference at its next regular session:
 - (a) proposals to enhance the capacity and tools of the Secretariat to strengthen implementation of the Convention verification regime;
 - (b) options for further assistance the Secretariat may provide to States Parties to enable them to implement their obligations under the Convention, to enhance chemical security, and to enable international cooperation in the field of chemical activities for purposes not prohibited under the Convention; and
 - (c) other proposals to strengthen the capability of the Secretariat;

22. **Invites further** the Director-General to produce a report, on the options and proposals set out in paragraph 21, for the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention;
23. **Emphasises** that the universality of the Convention is essential to achieving its object and purpose and to enhancing the security of States Parties, as well as to international peace and security, **underlines** the fact that the objectives of the Convention will not be fully realised as long as there remains even a single State not party to the Convention that could possess or acquire such weapons, and **calls upon** all States that have not yet done so to become parties to the Convention without delay;
24. **Decides** that the Director-General shall provide a copy of this decision and a report on its initial implementation to all States Parties and to the United Nations Secretary-General within 30 days of this decision and thereafter provide a report on progress to each regular session of the Council; and
25. **Decides** to remain seized of this matter.

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