



OPCW

Executive Council

Eighty-First Session
15 – 18 and 23 March 2016

EC-81/NAT.17
15 March 2016
ENGLISH only

UNITED STATES OF AMERICA

**STATEMENT BY H.E. AMBASSADOR KENNETH D. WARD
PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA
TO THE OPCW AT THE EIGHTY-FIRST SESSION OF THE EXECUTIVE COUNCIL**

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

As this is my first Executive Council session as the Permanent Representative of the United States of America to the OPCW, let me begin by pledging my full commitment and support, and that of my delegation, to the efforts of this Council and the Organisation. We continue to face very difficult circumstances as we collectively endeavour to address the threat of chemical weapons. The United States of America is highly appreciative of the extraordinary efforts and achievements of the Technical Secretariat and the Executive Council. However, much work and formidable challenges remain both in the immediate future as well as with respect to the long-term viability and effectiveness of the Organisation. You have my assurance that I will make every effort to help this Council surmount the challenges we face and move ever closer to a world free of chemical weapons.

Later during this session we will elect a new Chair. With the expectation that this Council will unanimously support the Africa Group's nominee for the position, let me congratulate and wish Ambassador Odette Melono of Cameroon every possible success.

Today we have before us a report from the Director-General that should set off alarm bells in this Council. Despite almost two years of intensive engagement with Syrian authorities, including 15 rounds of consultations, and 10 amendments to the original Syrian declaration, the Director-General has reported to this Council that “gaps, inconsistencies, and discrepancies remain with respect to chemical weapons facilities, activities, munitions, and chemical materials” and, as a result, “the Secretariat is unable at present to verify fully that the declaration and related submissions of the Syrian Arab Republic are accurate and complete, as required by the Convention and EC-M-33/DEC.1, dated 27 September 2013.” The Director-General's report goes on to inform the Council that the Secretariat has concluded that no further progress has been possible in nine out of 17 issues.

Over the last two years, statements have been made in the Council portraying discrepancies in Syria's declaration as technicalities and speculating that they might be honest mistakes that a new State Party could make when filling out unfamiliar treaty forms in a short time. Even if such statements ever were accurate, today they lack any credibility and there is no basis for concluding that Syria is acting in good faith. As has been underscored by the Head of the Declaration Assessment Team, instead of dwindling, the number of unresolved concerns with



Syria's declaration and related disclosures has steadily grown over the last two years. It now stands at no less than 17 issues – many of those issues are based on forensic sampling analysis results that are directly at odds with Syrian claims. It is particularly concerning to note how outrageously dismissive Syria is when the results of forensic analysis directly contradict Syrian assertions.

As concluded by the Director-General in his report, these 17 unresolved issues span every aspect of Syria's chemical weapons programme – facilities, activities, munitions and chemical materials. The scope and gravity of the growing body of unresolved issues are simply undeniable. They call into serious question Syria's continued assertion before this Council that it made a “strategic decision” to renounce and declare its entire chemical weapons programme. Instead, it is evident that Syria made a “strategic decision” to declare most, but not all, of its chemical weapons programme. The Council must now confront and address this troubling truth.

In addition to the requirements of the Convention itself, the demand that Syria destroy its chemical weapons is anchored in two international mechanisms. The first is the decision of this Council, taken on 27 September 2013, which, recognising the extraordinary character of the situation posed by Syrian chemical weapons, mandated that Syria fully declare its chemical weapons programme and take concrete actions for its verified elimination by specifically set deadlines. The second is the subsequent action of the United Nations Security Council in resolution 2118 (2013) mandating full compliance by Syria with the decision of the Executive Council and deciding in the event of non-compliance to impose measures under Chapter VII of the United Nations Charter.

It would appear that history has come full circle. As was the case in September of 2013, this Council must take decisive action to address Syria's chemical weapons programme. As embodied in the draft decision we have circulated, the United States of America believes this Council should afford Syria one last opportunity to come clean and truly make the strategic decision to renounce and declare its entire chemical weapons programme. To that end, the Council should request the Director-General, in parallel with the continuing work of the Declaration Assessment Team, to convene under his auspices a means for the current and incoming Council Chairpersons and the Technical Secretariat to engage senior officials of the Syrian Government directly. Those senior Syrian officials should have the authority to take the necessary decisions and actions to produce a truly accurate and complete declaration, and to ensure the verified and complete elimination of Syria's chemical warfare capabilities.

It is the sincere hope of the United States of America that Syria will seize this moment and that such senior-level engagement will be fully successful by the time we meet again in July, thus obviating any need for United Nations Security Council action. We urge all members of the Council to support the draft decision.

The United States of America very much hopes that this Council will adopt this decision by consensus. We have made and will continue to make every effort to achieve consensus.

In September 2013, this Council unanimously decided to ensure international confidence through the complete disclosure and elimination of Syria's chemical weapons programme. For this Council to accept anything less would be to break the solemn promise we made to ourselves, to the people of Syria, and to the world at large.

On 17 December of last year, the Fact-Finding Mission investigating allegations lodged by the Syrian Government reported that it was unable to confirm that chemical weapons use had occurred during any of the claimed incidents that were reviewed. A troubling aspect of this Fact-Finding Mission report was “the opinion that there is a high degree of probability that some of those identified as being involved in the alleged incident in Darayya on 15 February 2015 were at some point exposed to sarin or a sarin-like substance.” The report made no determination regarding how, when, or under what conditions the exposure occurred. In an effort to determine the circumstances of the exposure, the FFM returned to Damascus to further engage Syrian authorities, but Syria failed to provide any further clarification. Nevertheless, on 3 February 2016, the Syrian representative claimed during an informal briefing by the OPCW Declaration Assessment Team that sarin had been used against Syrian soldiers during the Darayya attack.

This claim, however, is particularly suspect and does not stand up to scrutiny. Despite having in its possession blood samples indicating sarin exposure, Syrian authorities never informed the Technical Secretariat or the Fact-Finding Mission. It appears to have been wholly fortuitous that the Fact-Finding Mission was provided the samples and blood analysis by Syrian doctors and not government officials. Syria's ad hoc claim of a sarin attack in Darayya only serves to fuel concerns that the soldiers were exposed to sarin under illicit circumstances, contrary to Article I of the Chemical Weapons Convention.

This Council has unanimously and repeatedly expressed its strong conviction that those individuals responsible for the use of chemical weapons should be held accountable. The mandate of determining the identity of those involved in the use of chemical weapons in Syria has been assigned by the United Nations Security Council to the OPCW-UN Joint Investigative Mechanism (JIM). We welcome the first report of the JIM about its work to date, and we fully support its continuing efforts to identify those involved in the chemical weapons attacks in Syria confirmed by the Fact-Finding Mission.

The United States of America welcomes the report from the Government of Iraq concerning its investigation on the use of mustard against the Kurds in Northern Iraq in the summer of 2015. We also commend the Technical Secretariat for assisting the Iraqi Government in completing its investigation. The United States of America once again underscores that the use of chemical weapons by anyone, under any circumstances, is not acceptable and that this Council should be kept informed about any such use.

Progress in the destruction of chemical arsenals on the part of the two largest possessor States has advanced steadily since this Council last met. The United States of America continues to be on track to meet its planned completion date, notwithstanding adjustments to our internal timelines to ensure all conditions are met for a safe commencement of operations at one of our destruction facilities. For the sake of transparency, the United States of America has shared such information with all Member States of the OPCW and we will once again have a presentation on progress to date under the appropriate agenda item during this Council session.

We welcome the progress of the Russian Federation with respect to the destruction of its remaining chemical weapons arsenals, and look forward to the Council's trip to the Kizner chemical weapons destruction facility in April.

The U.S. delegation understands the challenges that Libya faces in destroying its remaining Category 2 chemical weapons. As my delegation stated in the recent special meeting (EC-M-51) dedicated to this issue, all of us need to think very clearly about the security, legal, political, technical, and operational factors involved. We welcome the recent adoption of a decision calling on the Technical Secretariat to work with Libya in looking at all options for the timely destruction of these chemical stocks, and look forward to the update of the Director-General under agenda item six later in this session.

The United States of America supports the efforts of the OPCW's Open-Ended Working Group on Terrorism and its Sub-Working Group on Non-State Actors. My delegation is pleased to see that the Sub-Working Group has adopted a practical approach in developing recommendations for consideration by States Parties. This approach focuses on the recommendations that command general support and are more readily implementable.

We commend the ongoing work of the Sub-Working Group's chairperson, Ambassador María Teresa Infante of Chile. We commend also the Technical Secretariat's work in developing the useful discussion papers that have helped guide the Sub-Working Group in its three focus areas: prevention, response, and legal accountability. We are confident that, under the leadership of Ambassador Infante, the Sub-Working Group's recommendations will assist States Parties and the OPCW to address more effectively the threat posed by chemical weapons use by Non-State Actors.

The final issue I would like to address in my remarks is the deteriorating financial situation of the OPCW. This situation threatens to spiral into a full-blown crisis within the next eighteen months if we – all Member States in partnership with the Technical Secretariat – fail to uphold our collective responsibility to take decisive action.

Let me make it very clear that the situation in which we find ourselves is not the result of any financial mismanagement on the part of the Secretariat. The deteriorating financial situation is the inevitable consequence of non-payment by a number of Member States of their financial obligations – some for several years. This encompasses non-payment of the assessed annual contribution as well as failure to reimburse inspection costs. Currently, Member States owe over EUR 6.8 million just in prior-year assessments. As for inspection costs, most notably, Syria has refused to pay its EUR 3.9 million inspection bill. Of course, if these Member States were in the next few months to pay their outstanding arrears, the OPCW's financial status would immediately improve. Unfortunately, until that occurs, the Council, as it guides the Organisation through 2016 and considers the 2017 budget, must take prudent steps to ensure the financial health of the Organisation.

I intend to address the looming financial crisis of the OPCW in detail under the agenda item on administrative and financial matters. At this juncture, let me underscore that the growing cash shortfalls of the Organisation are not financially sustainable, nor is it feasible to continue to cover them through transfers from the Working Capital Fund and Enterprise Resource Planning Fund. The United States of America stands ready to work with other Member States and the Secretariat to restore the OPCW to sound financial health, so the Organisation can continue its important work.

Thank you, Mr Chairperson.