

**CANADA****STATEMENT BY H.E. AMBASSADOR SABINE NÖLKE
PERMANENT REPRESENTATIVE OF CANADA TO THE OPCW AT THE
EIGHTY-THIRD SESSION OF THE EXECUTIVE COUNCIL**

Madam Chair, at this Council's last regular session, States Parties were presented with a compelling body of evidence that another State Party had failed to comply with its obligations under the Chemical Weapons Convention. The Director-General's reports of 30 June and 4 July made this clear, detailing a long list of unexplained gaps and inconsistencies in Syria's narrative of its chemical weapons programme, as well as a pattern of obstructive and mendacious behaviour by its officials toward the Declaration Assessment Team.

Today, while we await the final version of its report, thanks to the diligent and scrupulous efforts of the OPCW-UN Joint Investigative Mechanism (JIM), it is now clear that Syria has not only failed to meet its declaration requirements, but has violated the Convention's most fundamental tenet, the very reason it exists. For the first time in this Organisation's history, a State Party has been confirmed by an independent international mechanism to have used chemical weapons on at least two occasions: at Talmenes in April 2014 and Sarmin in March 2015. In addition, the JIM found Da'esh responsible for the use of sulfur mustard in August 2015.

The international community's universal condemnation of the use of chemical weapons goes back nearly a century. It is reflected not only in the Convention to which we are all Party, but also in customary international law and international humanitarian law. When committed by belligerents in the context of armed conflict – whether State or non-State actors – the use of chemical weapons constitutes a war crime.

Canada condemns in the strongest terms the use of chemical weapons by Syria and Da'esh. We demand that all parties to the conflict desist from any further use of chemical weapons. We also condemn the Syrian Government for failing to declare fully its chemical weapons programme, including those facilities used to manufacture chlorine barrel bombs.

Madam Chair, this situation is without precedent. As such, it demands unprecedented measures from this Council. This must start with unanimous condemnation of the use of chemical weapons in Syria, as well as the pursuit of accountability under available international and domestic law for all those responsible, be they instigators or perpetrators. And to safeguard this Organisation's credibility – and our own as States Parties – this Council, and eventually the Conference of the States Parties, must impose penalties and



stringent verification requirements on the government in question to ensure there is no recurrence in the future.

In a perfect world, such a transgression of a major disarmament treaty – and of the international legal norms and standards in which it is embedded – would have already elicited a firm response from the United Nations Security Council. However, the continuing deadlock in New York means that it falls to us – the Member States of the OPCW – and to our principal policy-making organ, the Executive Council, to act. Someone has to, Madam Chair, or we may as well pack our bags and go home.

The Russian Federation's proposal for Council action is to put a state which has been directly implicated by the JIM in chemical weapons use in charge of investigating itself. Under present circumstances – and given Syria's long-standing lack of transparency, meaningful cooperation, and disrespect for the most fundamental humanitarian norms – this approach is simply not credible. Moreover, in stressing that the JIM's investigation is not yet complete, Russia's draft decision ignores the fact that the JIM has already found Syrian government forces responsible for two chemical weapons attacks. If Russian officials had any serious concerns about the JIM's methodology, they had plenty of opportunity to raise them over the last year.

Years from now, this Council will be judged by how it responded to this elemental test. Did we stand firmly on principle, or did we acquiesce to political gamesmanship by a small number of states intent on shielding a culpable ally? This is no time for politics. The political decision to condemn these acts was taken long ago, when States created this Convention to outlaw once and for all the use of chemical weapons.

I ask you, Madame Chair: if not us, then who? If not now, when?

Canada urges all members of the Executive Council to fulfil the cardinal duty for which they were elected, and to assert plainly to the world that the use of chemical weapons will not be tolerated by anyone, under any circumstances. For all these reasons, Canada supports the decision proposed by the United States of America.

Madam Chair, turning to more positive matters, Canada is pleased that the final remnants of Libya's chemical weapons stockpile were safely delivered to a facility in Germany on 8 September for destruction. The removal of these Category 2 precursors marks the last chapter in a multi-year international effort to help Libya eliminate its chemical weapons programme and ensure that they will not fall into the hands of Da'esh or other non-State actors in North Africa. We salute our partners – in particular Denmark, Germany, and the United States of America, as well as the United Kingdom of Great Britain and Northern Ireland, Finland, Italy, Spain, France, Malta, and the EU – for their financial and in-kind contributions to this operation. We also commend the OPCW for coordinating this complex undertaking and Libya's Government of National Accord in requesting and then facilitating the removal of these chemicals. Libya's approach to this issue has been the right one, and we laud Libyan authorities for having shouldered their responsibilities despite difficult circumstances.

Madam Chair, Canada endorses the draft decision on the 2017 Programme and Budget and hopes the Council will refer it to the Conference of the States Parties for approval. We are especially pleased to see that the OPCW will once again conform to the principle of zero

nominal growth and zero increases in assessed contributions. At the same time, Canada expects the Technical Secretariat to maintain in the years ahead an appropriate balance between operational and support expenditures.

Finally, Canada remains greatly concerned with the Organisation's cash position. It is unacceptable that the failure of some States Parties to pay assessed contributions or reimburse verification costs might prevent the Secretariat from fully implementing its programme of work for 2016. Canada believes that those in arrears must face the consequences of delinquency, not only on voting rights, but in access to staffing opportunities in the Secretariat as well. We are pleased to see that the target level for the Working Capital Fund (WCF) has been raised to EUR 7 million, and welcome the flexibility of States Parties in keeping assessed contributions at 2016 levels to help us move closer to that target. In future years, Canada would like to see savings from the Enterprise Resource Planning project channelled into the WCF at the earliest prudent opportunity.

Madam Chair, I ask that this statement be made an official document of this meeting of the Executive Council and published on the external server and the public website of the OPCW.

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