



ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

“Supporting Compliance with and Implementation of the CWC”

Remarks by the Director-General of the OPCW

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Chatham House, United Kingdom

25 May 2018

REMARKS AS DELIVERED

I thank the organisers especially the Netherlands for supporting this event.

Before we go into the mechanics of how best compliance and implementation issues can be dealt with in view of the known challenges, it would be worthwhile to recall the key features of the CWC regime.

We all know that the CWC is the only treaty of its kind which prohibits in a comprehensive and uncompromising manner an entire category of weapons of mass destruction, namely, chemical weapons. It is also a treaty that does not rely on mere declarations of intent but is backed up by verification. No less important is the oversight function that devolves on States Parties who have assumed a responsibility to ensure compliance by all Members by acting through the policy making organs of the Organisation for the Prohibition of Chemical Weapons (OPCW).

The comprehensive nature of the Convention means that compliance is a rather broad concept. That is why the CWC foresees a hierarchy of steps in the context of its Article XII which contains the stipulations for measures to redress a situation and to ensure compliance. Minor issues are to be dealt with within the Organisation which has various means at its disposal to persuade countries to comply with their obligations.

In cases of particular gravity, which are generally understood to mean situations affecting the fundamental prohibitions of the Convention, a referral to the United Nations is foreseen. While the Convention mentions both the UN General Assembly and the Security Council, it is only the latter that has enforcement authority, and therefore in practical terms, a crucial role in upholding the integrity of the Convention in critical situations. The use of chemical weapons clearly falls under this category justifying measures under the collective security provisions of the UN Charter.

As the Organisation evolved following its establishment, different issues at different points in its life emerged as worthy of special attention and focus.

Thus in the past the Executive Council adopted in 2003 an Action Plan on promoting the universality of the Convention. This happened at a time when a need was felt to increase the rate of accessions to the Convention. The Action Plan enabled a systematic approach in persuading countries to join the Convention with resources made available to the Secretariat for the purpose. The results were positive. The CWC registered the highest rate of growth in membership for any disarmament treaty.

Similarly, in 2003 the Conference of States Parties adopted an Action Plan on Implementation of Article VII.

This was a response to a general concern that the Convention will only be as effective as its national implementation through domestic legislation and related measures. Here again the results have been encouraging and national implementation has steadily improved over the years with investment of time, energy and resources in a planned and structured manner bearing fruit, while still, much remains to be done in this area.

A third major issue that was tackled by States Parties in the characteristic spirit of compromise and consensus was the politically divisive issue of meeting the deadlines for the destruction of declared chemical weapons. Through decisions that stipulated enhanced reporting and oversight measures, the two major possessors namely the Russian Federation and United States were allowed to continue their destruction campaigns beyond the lapsed deadlines as given in the Convention. The bargain was that States Parties needed to remain assured of their commitment and that they would continue to demonstrate in a tangible and transparent manner the steps that they take towards completely eliminating their declared stockpiles within a reasonable period of time.

Today 96 percent of all declared stockpiles have been verifiably destroyed and only the United States remains to complete its programme which is on track aiming for an end date in 2023.

The most important challenge was reordering the priorities in order to ensure that once the disarmament part of our mission was over, the Organisation continued to remain an effective barrier against the re-emergence of chemical weapons.

There were those who thought that once declared stockpiles were eliminated, there was little justification left for maintaining a well-resourced Organisation. Let us not forget that the ban on chemical weapons is permanent and the uncertainties of the world are many. A great effort was needed to bring home the conviction, that in the changing security scenario around the world, a stronger not weaker Organisation was essential.

The role of the OPCW in dealing with international terrorism, for example, shows how the Organisation is able to craft responses to challenges that were not quite foreseen at the time the CWC was negotiated. The incidents involving the use of chemical weapons in scenarios that could not have been anticipated a few years ago amply reinforce the point that the Organisation

needs to prepare and prepare well for dealing with the most unexpected situations that threaten lives and imperil the rules that it has taken us a long time to sanctify.

It is difficult to capture in a short intervention the magnitude of this undertaking which involved no less than a fundamental change in our thinking; in how we approached the Convention; and, in convincing everyone to embrace change by giving up the comfort of business-as-usual approach.

We have today before us the outlines of a well thought out and well debated road map that when implemented will indeed enable the international community to continue to reap the security and other benefits of the Convention well into the future.

The reason for me to recount these episodes is to underline the fact that each of these issues was dealt within the framework of the Convention and in the best traditions of multilateralism, namely, through giving up on our maximalist positions, through constructive debate and discussion and by never giving up on the search for compromise.

What we face today is the most consequential fork in the road.

There have been a number of confirmations of use of chemical weapons at a time when we all were beginning to actually think that humanity was finally rid of the scourge of chemical weapons use. This has naturally brought an intense focus on the work of the OPCW.

It is important to bear in mind that the outrage we feel at the use of chemical weapons is precisely on account of the fact that the norm is now regarded as universal and its violation considered intolerable.

Against this widespread sentiment of protecting the norm and upholding the rules of the CWC, we unfortunately find a political reality that prevents action beyond a certain point. That is the dilemma we currently face. And that is what we must try to resolve as quickly as possible to restore faith in the effectiveness of the multilateral system on which international peace and security are entirely dependent.

Chemical weapons use in Syria and incidents at Kuala Lumpur airport and recently in Salisbury represent a rude awakening to the reality of chemical weapons in our contemporary world. These incidents naturally lead to the question of the role of the international organisations - in this case more particularly to the OPCW, and what it can and should do to establish accountability as well as to prevent recurrence.

It is important here to appreciate the strengths of the existing international mechanisms but also to be aware of the limitations under which these function. A bifurcation of responsibilities exists whereby the Secretariat is made responsible for implementing the decisions of policy bodies where States Parties are exclusively the masters.

In implementing their will, the Secretariat draws upon not only its expertise but also its commitment to objectivity and impartiality.

Success is assured when these two organs work in tandem and each performs within the authority assigned to it. In this manner, they not only work productively with results often exceeding expectations. Take for example the mission to eliminate Syria's chemical weapons programme.

No one doubts the fact that this became possible once the United States and Russia were able to forge an understanding and an agreement to resolve the international crisis created by the imminence of the use of force following the chemical weapons attacks in Ghouta in suburban Damascus in August 2013.

A shared responsibility was then created between the UN and the OPCW for the implementation of the actual programme for the removal and destruction of Syria's chemical weapons capabilities. An unprecedented international effort led to the removal and destruction of Syria's chemical weapons.

Then, we were faced with reports of allegations of use of toxic chemicals, in particular chlorine as a weapon. I had established the FFM to investigate them in spring 2017.

FFM undertook investigations into allegations of use in the most difficult circumstances in Syria primarily due to the on-going civil war. Security conditions made on-site activities highly risky and therefore nearly impossible especially after an armed attack on the very first attempt made by the FFM to visit sites of interest. Yet, in the collection, analysis and reporting of evidence, we have never compromised on procedures and methods that are grounded in the Convention and in science and also otherwise conform to internationally accepted standards. It is only after following the most rigorous procedures that the FFM has documented numerous incidents confirming the use of chemical weapons.

Similarly the OPCW-UN Joint Investigative Mechanism (JIM) which was established by UN Security Council Resolution 2235 (2015) to attribute responsibility fulfilled its mandate and examined multiple incidents establishing in several instances the responsibility for the use of chemical weapons at the level of the state and by the terrorist group that calls itself the Islamic State. However, the Security Council was unable to act further and the mandate of the JIM was allowed to lapse.

While the JIM no longer functions, the FFM continues its work. On 7 April this year, the OPCW reacted to credible reports of the use of toxic chemicals as weapons in Douma, a town in Eastern Ghouta. A team of FFM experts was dispatched to Syria and eventually, after some delay due to factors beyond its control, was able to start collecting samples on 21 April.

The FFM has completed its initial deployment to Douma and the gathered samples are being examined by the OPCW designated laboratories.

In parallel with the activities of the FFM, the OPCW has also been working to clarify outstanding issues concerning the Syrian Arab Republic's initial declaration of its chemical weapons programme. The OPCW through its Declaration Assessment Team (DAT) has engaged

the Syrian authorities in order to resolve the gaps, inconsistencies, and ambiguities in its declaration. The Organisation has conducted 19 visits to Syria and held numerous consultations with Syrian officials both in The Hague and Damascus. Provision by Syria of technically and scientifically plausible explanations to a number of questions remains the key bring this matter to a satisfactory conclusion. The information made available so far has not been sufficient for the Secretariat to confirm that the Syrian Arab Republic has submitted a declaration that can be considered accurate and complete.

What I have tried to do in these brief introductory remarks is to underline that any treaty-based regime requires for its success a good faith effort at full and effective implementation. In the case of the CWC this entails for example complete and accurate declarations, transparency, national legislation, international inspections and verification. It is equally important for the various organs of the Organisation to function to their fullest. The Secretariat must be allowed the space in which it can carry out its responsibilities without the fear of political backlash. And the policy organs in turn must ensure their full support for those who undertake serious risks in carrying out their responsibilities to conduct investigations on behalf of the States Parties. Without such well-oiled machinery, our advance towards a rule-based international order will inevitably suffer.

Chemical weapons use whether it occurs in Syria, Iraq, Kuala Lumpur or Salisbury, is a serious wake up call for the international community. If accountability is avoided, the potential re-emergence and acceptance of chemicals as weapons of war and terror will not be deterred.

The notion that the OPCW does not go into attribution needs to be reconsidered. There is nothing in the Convention that precludes such a role for the Organisation. Today there might be good reasons to actually clarify the role of the OPCW itself in terms of attribution once it has the necessary information and evidence at its disposal.

Wilful defiance of a valuable norm should not be allowed to go unchallenged. The investigative arm of two international organisations – the OPCW and the UN – have together decisively uncovered the facts. It is now for the decision makers; the governments to fulfil their responsibilities. This in my view is the key challenge today in strengthening compliance and effective implementation of the CWC.

Thank you
