



ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

“Restoring Restraint: Enforcing Accountability for Users of Chemical Weapons”

Keynote Address to the Center for Strategic and International Studies (CSIS)

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REMARKS AS DELIVERED

Distinguished guests,
Ladies and Gentlemen,

Allow me to begin by thanking the CSIS for organising this important event. It is indeed a privilege to be in the company of such distinguished scholars and experts.

I take a moment to recognise our moderator, Ms Rebecca Hersman who combines academic achievement with dedicated public service. She is no stranger to the OPCW. As Deputy Assistant Secretary of Defense, she played a key role in coordinating and ensuring vital US support for the removal and destruction of Syria’s chemical weapons.

The last time I spoke at the CSIS, five years ago, it was before the Syria Mission. Since then the OPCW has faced several challenges. I am particularly pleased to address you today during my last visit to the United States in my current capacity.

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When we raise concerns about accountability, it is extremely important to clearly identify the pertinent legal framework under which such reckoning can take place, its strengths, its possible weaknesses and the remedies to restore its effectiveness.

As Director-General of the OPCW, the Chemical Weapons Convention is central to my frame of reference.

It is the treaty, the framework, that the OPCW was charged to uphold; to promote its universalisation and to ensure its full and effective implementation globally.

It is generally acknowledged that the CWC regime has performed better than expected. These assessments take into account the steady implementation of the Convention over two decades, the progress in realising key priorities and its resilience and adaptability in responding to challenges.

Let me elaborate a bit on each of these aspects.

The comprehensive prohibition established in the CWC tolerates no exceptions either in terms of possession or use of chemical weapons. We also know that this is not merely a declaratory treaty. Membership of the Convention means that all States Parties need to be pro-active in implementation through declarations, allowing inspections and meaningful national implementation measures. Compliance with legal obligations is not an idle concept but requires constant and active oversight. This is the responsibility of the policy-making organs of the OPCW, namely, the Executive Council and the Conference of States Parties.

In terms of key indicators of success let us take the priority goal of worldwide elimination of chemical weapons stockpiles. Today 96% of all declared chemical weapons have been destroyed. Once the remaining 4% stored in Colorado and Kentucky (USA) are eliminated by 2023, the world will mark an historic development – the first occasion when an entire category of weapons of mass destruction will have been eliminated under independent international verification.

In the context of peace and security, there cannot be a better example of what can be accomplished multilaterally.

As a major possessor State, the United States has remained committed to its obligations to destroy its chemical weapons. Despite the challenges encountered in the process on account of domestic legal, environmental and technical issues, it has stayed the course.

The Russian Federation has similarly adhered to its commitments and has already concluded the destruction of its declared stockpile of chemical weapons.

It is very likely that residual problems will remain. We must thus continue to address these by seeking universal adherence to the Convention. Who knows, for example, what additional benefits the recent historic summit between the US and the DPRK might yield.

The Cold War and the known possession of large stocks of chemical weapons by the two protagonists no doubt shaped the structure and content of the Convention. However, the Convention led to the declaration of a number of other chemical weapons programmes which were also eliminated under OPCW verification. This clearly makes the Convention a legal framework of global reach and vital to international security and non-proliferation objectives.

Verification is and will remain the bedrock of the CWC. This includes industry verification which will continue unabated. Initially built from scratch, the verification regime is now firmly established and accepted. It can also be adapted to respond to future requirements.

Add to this the rapid expansion in the membership. Today, the Convention is accepted by 193 countries of the world. This means that the use of chemical weapons has been stigmatised universally.

Destruction of declared chemical weapons is the most visible and quantifiable achievement of the CWC regime. A well-entrenched system of verification promotes confidence in compliance with key treaty provisions on non-production and non-diversion.

I consider it important to also spend a few moments explaining how the OPCW's success in this area has led to a major re-think about its future.

When I took over as Director-General in 2010, it became evident to me that having eliminated the bulk of declared chemical weapons, the Organisation needed to adapt to the post-destruction phase. As a leading priority, verification of destruction was taking up most of our organisational resources. With fewer weapons remaining to be destroyed, a significant part of our operational capacity faced redundancy with temptations to down size running high.

Many had felt, erroneously, in my view, that the complete elimination of declared chemical weapons would be a situation of mission accomplished with not much left for the OPCW to do thereafter. Should such thinking have become mainstream, that would have sounded like a death knell for the Organisation. However, an advisory Board that I called upon recommended in 2011 that the OPCW be maintained as a global repository of knowledge and expertise in the field of chemical weapons.

For this, re-allocation of resources and a re-ordering of priorities had become necessary.

What needed to be asserted and reaffirmed was the real nature and abiding goals of the Convention. The CWC is not meant to only eliminate chemical weapons in a particular time frame but also to protect and to strengthen the norms against them in perpetuity.

This means that our work is never done and that we need to continue to keep the Convention and the OPCW fully capable and active. This is to ensure that chemical weapons will never re-emerge and that we are always prepared to meet unexpected challenges.

It was also important not to lose sight of the fact that there are some significant absentees in the list of membership. Therefore, we could not do away with the capacity to carry out verification of destruction in case one or more countries decided to join as possessor states. In fact, this is exactly what happened. At a time when such existential questions about the OPCW's future were being raised, Syria, joined the Convention in 2013 and declared an extensive and sophisticated chemical weapons programme.

This was an unprecedented mission. The credit for the success of the demilitarisation operation in Syria is evenly shared between those directly connected to the work, over 30 States Parties who came forward with financial and material support, and the United Nations. This work was carried out under extremely compressed time-lines. It was followed by the work of the Fact Finding Mission and that of the Declaration Assessment Team.

These are all assignments that prove the resilience of the Convention in addressing real life problems. By maintaining such capacity, dynamism and adaptability, the OPCW will be able to continue to serve contemporary security interests and to meet future challenges.

Today, we are acutely aware of the persistence of old threats and the emergence of new ones.

Our discussions on the future relevance of the Convention together with our mission in Syria have clarified many of the doubts and removed the skepticism about the continued relevance of the OPCW.

We have reinvigorated our relationship with the global chemical industry; elevated discussions on science and technology which is evident in the work of the Scientific Advisory Board. This includes enhancing our ability in the area of forensics while reviewing methods and technologies used in our investigative assignments. This will better prepare us for contingency operations especially those relevant to investigations of alleged use of chemical weapons.

Our outreach efforts have extended to crucial audiences as we seek to deepen our relationships with key partners in science, academia, industry and non-governmental organisations. An Advisory Board on Education and Outreach established in 2016 remains active in this field.

Terrorism has formally acquired a priority for the Organisation to address. The Open Ended Group on Terrorism provides a forum to discuss prevention, response, and legal accountability aspects of the issue. This subject is now a standing item on the agenda of the Executive Council, which adopted a decision on the matter last October. The OPCW recently hosted the first international conference on countering chemical terrorism, which brought together representatives of governments, international organisations and civil society.

I have also sought through a new initiative to upgrade the OPCW Chemical Laboratory to a Center for Chemistry and Technology. There is need to augment the Organisation's technical and scientific capacity to fully address the threat of chemical weapons. Focus on training and research will be important undertakings for the Center together with capacity building programmes.

A new mechanism has been established for providing a quick response in the case of a chemical weapons attack, where a State Party might be unable to cope with the situation on its own. This is known as the Rapid Response and Assistance Mission (RRAM).

The Organisation demonstrated itself capable of adapting to the new security environment.

In order to sustain such effectiveness, the international community must come together on a few fundamental imperatives. Recent events underscore the need for an agreement to respond fully when instances of use of chemical weapons are uncovered.

This is the core premise of our discussion today on which I will make a few points for your consideration.

We are indeed at a cross roads. There have been a number of confirmations of the use of chemical weapons. Some of these have been looked into further and attribution established. The attribution mechanism however lapsed following disagreements in the Security Council.

When there exist fully functional international organisations with clearly defined mandates relevant to peace and security, it is natural to wonder where and why action is lacking in bringing to book those who choose to use chemical weapons.

Chemical weapons use in Syria, incidents at Kuala Lumpur airport and recently in Salisbury represent a rude awakening to the reality of chemical weapons in our contemporary world.

Against a widespread and strong 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. Such is the dilemma we currently face.

We must thus try to resolve this as quickly as possible to restore faith in the effectiveness of the multilateral system on which international peace and security are entirely dependent.

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.

As in any other international organisation, responsibilities have been divided between the executive arm of the OPCW, the Technical Secretariat which I head, and the policy making organs – the Executive Council and the Conference of States Parties.

Oversight functions, policy decisions and such sensitive matters as judgements about compliance all belong to the policy organs. In implementing their will, the Secretariat draws upon its expertise and remains committed 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 work productively with results often exceeding expectations. Take, for example, the mission to eliminate Syria's chemical weapons programme.

It became possible once the United States and Russia were able to forge an understanding and agreement to resolve the international crisis created by the chemical weapons attacks in Ghouta in suburban Damascus in August 2013. Also, in implementing the complex decisions that guided our work in Syria, continuing understanding and cooperation between Russia and the United States remained critical.

A shared responsibility was created between the UN and the OPCW for the implementation of the removal and destruction of Syria's chemical weapons capabilities.

It is important to note that, from the beginning, it was understood that any question of compliance would have to be dealt with by the United Nations Security Council and not the OPCW. There seems to have been general optimism that the Security Council would continue to enjoy consensus and act accordingly.

Subsequently, when the reports of the Fact Finding Mission confirmed the use of chemical weapons in Syria, it was again assumed, that any further action would be the responsibility of the United Nations Security Council.

The creation of the Joint Investigative Mechanism, in August 2015, was an extension of this understanding; that is to say that the responsibility of holding those accountable resided with the UNSC which was expected to act on the reports of the FFM and those of the JIM.

The JIM went on to identify the perpetrators in the context of a number of attacks. However, the Security Council was unable to act further and the mandate of the JIM lapsed. Currently, while the OPCW Fact Finding Mission is looking into continuing reports of use of chemical weapons, there is no follow up mechanism that would identify the perpetrators. This is a major gap and prevents necessary remedial action – action that would serve to restore confidence in compliance with the prohibitions of the CWC.

The implications of the current deadlock are disturbing.

OPCW undertook investigations into allegations of use in circumstances made most difficult due to the on-going civil war in Syria. 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, conform with 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. It has investigated over 80 allegations and established the use or likely use of toxic chemicals as weapons in 16 incidents.

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 with 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 to bringing 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.

This brings me to the concluding part of my remarks.

Any regime requires for its success a good faith effort at full and effective implementation. In the case of the CWC this entails 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. In turn, the policy-making organs must ensure their full support for those who take serious risks in carrying out their responsibilities to conduct investigations on behalf of the States Parties. Without such a well-oiled machinery, our advance towards a rule-based international order is likely to suffer.

The CWC creates an elaborate legal framework that also provides remedies in cases where compliance becomes an issue. However, in cases of serious breaches, the authority for remedial action ultimately belongs to the UN Security Council.

Chemical weapons use whether it occurs in Syria, Iraq, Kuala Lumpur or Salisbury, is a serious offence requiring resolute action. If there is no accountability, the potential re-emergence and acceptance of chemicals as weapons of war and terror will not be deterred. A culture of impunity cannot be allowed to develop around the use of chemical weapons.

Later this month, a special session of the Conference of States Parties will be held to consider a response to the situation that we confront. The Conference is expected to review the role the OPCW could play in terms of attribution. Until now, the Organisation has confined itself to simply establishing the factual part of what it investigated. Should the Conference decide on any new measures, I am confident the Secretariat will once again prove equal to the task. There would be no legal impediments to give a mandate for attribution work to the Secretariat.

My concern, however, is the present lack of unity among States Parties.

It is now time for the decision makers - the governments - to act with unity and to fulfil their responsibilities. This, in my view, is the key challenge today.

20 plus years of the operation of the Convention indicate a trajectory of progress and consolidation that is unprecedented.

This work represents the singular, internationally organised effort of global reach for the permanent abolition of an entire class of weapons of mass destruction.

The culture of the OPCW has always been marked with a spirit that allowed accommodation of a variety of views while remaining focussed on clearly defined goals. A number of difficult issues have in the past been handled within the framework of the Convention and in the best traditions of multilateralism – by giving up on maximalist positions, through constructive debate and discussion and by never giving up on the search for compromise.

Challenges can be turned into opportunities if we all decide to respect our collective interests instead of pressing parochial agendas. Civil society must continue to raise its voice in favour of what is sensible and just. This is crucial.

At the same time and with respect to the general state of health of the OPCW, I can say without fear of contradiction that we have before us the outlines of a well thought out road map. It has been extensively debated. When implemented, it will indeed enable the international community to continue to reap the security and other benefits of the Convention well into the future.

Restoring political cooperation, ensuring the provision of the necessary financial resources for the Organisation will enable a strong OPCW to contribute to international peace and security.

US support for the OPCW has remained critical over the years. Apart from its assessed annual contribution which in terms of the quantum represents the largest share in the OPCW regular budget, the US has funded numerous OPCW programmes through generous voluntary contributions.

I am confident that on its part the United States will continue with this tradition of strong support for the Organisation.

I thank you for your attention.
