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Letter dated 21 December 2023 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith a letter dated 4 December 2023 from the Director General of the Organisation for the Prohibition of Chemical Weapons (see annex).

The letter contains a decision entitled "Addressing the threat from chemical weapons use and the threat of future use" (C-28/DEC.12), adopted on 30 November 2023 by the Conference of the States Parties at its twenty-eighth session.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council, pursuant to paragraph 9 of the aforementioned decision.

(*Signed*) António **Guterres**

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Annex

[Original: Arabic, Chinese, English, French, Russian and Spanish]

I have the honour to transmit to you the decision adopted at the twenty-eighth session of the Conference of the States Parties entitled “Addressing the threat from chemical weapons use and the threat of future use”, dated 30 November 2023 (see enclosure).

(*Signed*) Fernando **Arias**
Director General
Organisation for the Prohibition of Chemical Weapons

Enclosure

[Original: Arabic, Chinese, English, French, Russian and Spanish]

Decision of the Conference of the States Parties

Addressing the threat from chemical weapons use and the threat of future 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 (the Convention);

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

Recalling that the development, production, acquisition, possession, stockpiling, retention, transfer, and use or threat of use of chemical weapons by any actor poses a threat to the object and purpose of the Convention and to the achievement of a world free of chemical weapons, and that those responsible for such activities must be held accountable;

Expressing grave concern that the threat of chemical weapons use persists;

Recalling the decision of the Conference of the States Parties (the Conference) at its Fourth Special Session entitled "Addressing the Threat from Chemical Weapons Use" (C-SS-4/DEC.3, dated 27 June 2018);

Commending the ongoing work of the Declaration Assessment Team (DAT) (established in April 2014), the OPCW Fact-Finding Mission in Syria (FFM) (established on 29 April 2014), and the Investigation and Identification Team (IIT) (established pursuant to decision C-SS-4/DEC.3, as described in Note EC-91/S/3, dated 28 June 2019), inter alia, to verify whether declarations submitted by the Syrian Arab Republic on its chemical weapons programme are accurate and complete; to establish all facts surrounding the allegations of chemical weapons use in the Syrian Arab Republic; and to identify the perpetrators of specific instances of the use of chemical weapons in the Syrian Arab Republic;

Further expressing grave concerns about chemical weapons use by the Syrian Arab Republic, as documented by the OPCW-United Nations Joint Investigative Mechanism (S/2016/738/Rev.1, dated 24 August 2016; S/2016/888, dated 21 October 2016; and S/2017/904, dated 26 October 2017) and by the IIT (S/1867/2020, dated 8 April 2020; S/1943/2021, dated 12 April 2021; and S/2125/2023, dated 27 January 2023), as well as chemical weapons use by the terrorist group Daesh or ISIL, as documented by the OPCW-United Nations Joint Investigative Mechanism, and those chemical weapons uses also reported by the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/46/54, dated 21 January 2021);

Recalling the decision of the OPCW Executive Council (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), as well as the obligations of States under United Nations Security Council resolution 1540 (2004) to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use chemical weapons and their means of delivery;

Emphasising the importance of the ongoing work of the Open-Ended Working Group on Terrorism, as an expression of States Parties' shared commitment to confronting the threat of chemical weapons use;

Fully recognising the important role of the provision of assistance in support of capacity building in enhancing national implementation of obligations under the Convention and supporting States Parties' ability to protect their security against the threat of chemical weapons;

Noting the need to continue to enhance the Secretariat's capacity and readiness to provide technical assistance under Article VIII of the Convention, to deploy emergency and other measures under Article X of the Convention at the request of a State Party, and to enhance the Secretariat's readiness to conduct challenge inspections and investigations of alleged use under Article IX and Article X of the Convention and Parts X and XI of the Annex on Implementation and Verification to the Convention (the Verification Annex);

Recognising that, pursuant to paragraph 20 of Article VIII of the Convention, the Conference shall review compliance with the Convention and **also recognising** that, pursuant to subparagraph 21(k) of Article VIII of the Convention, the Conference shall take the necessary measures to ensure compliance with the Convention and to redress and remedy any situation which contravenes the provisions of the Convention, in accordance with Article XII; and **further recognising** the critical role the discharge of these duties plays in realising the Organisation's mandate, pursuant to paragraph 1 of Article VIII, to achieve the object and purpose of the Convention, and to ensure the implementation of its provisions;

Recalling that, pursuant to paragraph 3 of Article XII of the Convention, the Conference may recommend collective measures to States Parties in conformity with international law in cases where serious damage to the object and purpose of the Convention may result from activities prohibited under the Convention, in particular by Article I;

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

Emphasising the obligation of each State Party under subparagraph 1(a) of Article VII of the Convention to prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognised by international law from undertaking any activity prohibited to a State Party under the Convention, including enacting penal legislation with respect to such activity;

Recalling that Parts VI, VII, and VIII of the Verification Annex impose specific restrictions and declaration obligations on States Parties in relation to the transfer of chemicals listed in the Schedules of the Annex on Chemicals to the Convention;

Expressing its full support for the efforts of States Parties, consistent with the Convention and international law, to control transfers to any destination beyond the States Parties' national jurisdiction of materials, equipment, technology, and software that could contribute in any way to the development, production, acquisition, stockpiling, retention, transfer, or use of chemical weapons;

Expressing grave concern that, according to the decision of the Conference C-25/DEC.9 (dated 21 April 2021), the Director-General has reported (most recently in document EC-105/DG.2, dated 24 November 2023) that the Syrian Arab Republic has not completed any of the measures stipulated by the Council in paragraph 5 of its decision EC-94/DEC.2 (dated 9 July 2020), and **reiterating** its demand that the Syrian

Arab Republic cooperate fully with the Technical Secretariat (the Secretariat), as required by United Nations Security Council resolution 2118 (2013), including by complying with relevant OPCW and United Nations recommendations, by accepting personnel designated by the OPCW or the United Nations, by providing for and ensuring the security of activities undertaken by these personnel, by providing these personnel with immediate and unfettered access to and the right to inspect, in discharging their functions, any and all sites, and by allowing immediate and unfettered access to individuals that the OPCW has grounds to believe to be of importance for the purpose of its mandate, pursuant to paragraph 7 of United Nations Security Council resolution 2118 (2013);

Recalling the obligation of each State Party to the Convention, pursuant to paragraph 7 of Article VII of the Convention, to cooperate with the OPCW in the exercise of all its functions and in particular to provide assistance to the Secretariat; and

Reaffirming its determination to continue to take actions to address threats related to chemical weapons in the Syrian Arab Republic and elsewhere;

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, and under any circumstances is unacceptable and contravenes international norms and standards;

2. **Requests** the Secretariat, in the discharge of its mandate under the Convention, to continue efforts to sustain and build its capabilities to investigate allegations of use of chemical weapons, including through the further development of tools and methodologies such as those related to forensics, witness interviews, evidence collection, chain of custody, the planning and conduct of regular training and other relevant exercises, the integration and retention of knowledge, skills, and expertise accumulated through the conduct of previous missions, and by any other means the Director-General deems necessary and appropriate;

3. **Encourages** all States Parties to strengthen cooperation to prevent the production, acquisition, and use of chemical weapons by non-State actors, including terrorist groups;

4. **Requests** the Secretariat to enhance and report to the Council at each of its sessions on its relevant capacity-building programmes to facilitate the sharing of best practices for developing national measures to prevent the transfer of toxic chemicals and their precursors, their potential means of delivery, and related materials, where such transfer risks supporting the use or development of chemical weapons or any other activity inconsistent with the Convention;

5. **Encourages** States Parties to share through the Open-Ended Working Group on Terrorism, according to their national laws, as appropriate, information related to national measures designed to prevent the development, production, acquisition, stockpiling, retention, transfer, or use of chemical weapons, as well as information on completed domestic investigations related to chemical weapons, including on any subsequent criminal or other legal proceedings undertaken, in order to benefit from lessons learned and to develop best practices;

6. **Requests** the Secretariat to examine and report to the Council regarding types of cooperation and assistance it could provide, within the framework of the Convention and its Confidentiality Annex and the OPCW Policy on Confidentiality, to assist States Parties in developing national measures to prevent the transfer of toxic chemicals and their precursors, their potential means of delivery, and related materials, where such transfer risks supporting

the use or development of chemical weapons or any other activity inconsistent with the Convention;

7. **Decides** that the continued possession and use of chemical weapons by the Syrian Arab Republic in Syria, and its failures to submit an accurate and complete declaration and to destroy all of its undeclared chemical weapons and production facilities, have caused serious damage to the object and purpose of the Convention, and **decides also**, pursuant to subparagraph 21(k) of Article VIII and paragraph 3 of Article XII of the Convention, to recommend that States Parties take the following collective measures, in accordance with national laws:

   (a) to prevent the direct or indirect supply, sale, or transfer to the Syrian Arab Republic, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of the chemical precursors and dual-use chemical manufacturing facilities and equipment and related technology included in the Annex to United Nations document S/2006/853* (dated 7 November 2006) and Corr.1 (dated 14 November 2006);

   (b) to put in place other appropriate measures as may be considered necessary, consistent with the Convention, related to the transfer of toxic chemicals and their precursors listed in the Schedules in the Annex on Chemicals to the Convention, as well as potential means of delivery and related materials to the Syrian Arab Republic that may contribute to the development, production, acquisition, possession, stockpiling, retention, transfer, and use or threat of use of chemical weapons; and

   (c) to afford the greatest measure of assistance possible in connection with criminal investigations or criminal proceedings in accordance with international law relating to the chemical weapons attacks in the Syrian Arab Republic, and to provide appropriate support to relevant national and international accountability efforts, including the International, Impartial, and Independent Mechanism (IIIM) established by the United Nations General Assembly in resolution 71/248 (2016);

8. **Decides further** that the Director-General shall report to the Council and States Parties annually, at a regularly scheduled session of the Council, on the Secretariat's efforts to implement this decision and on information available to the Director-General on transfers of scheduled chemicals to the Syrian Arab Republic by States Parties, and **decides further** that in any case in which the OPCW identifies States Parties as perpetrators or those otherwise responsible for chemical weapons use in the future, the Director-General shall also report to the Council on information available to it on transfers of scheduled chemicals to the States Parties identified;

9. **Decides further**, considering the particular gravity of the situation, and pursuant to paragraph 4 of Article XII of the Convention, that the Director-General shall provide a copy of this decision to the United Nations Secretary-General in order to bring to the attention of the United Nations General Assembly and the United Nations Security Council the continuing threat related to the Syrian Arab Republic's possession and use of chemical weapons and its failures to submit an accurate and complete declaration and to destroy its undeclared chemical weapons and production facilities, despite its obligations under the Convention and Security Council resolution 2118 (2013), and **urges** the General Assembly and the Security Council to take appropriate actions to address the situation and advance accountability; and

10. **Decides** to remain seized of this matter.