

**Twenty-Seventh Session of the Conference of the
States Parties (CSP-27) to the Chemical Weapons Convention**

The Hague, The Netherlands
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NGO Joint Statement:
Compliance and Accountability

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Chairperson, Director General, Distinguished Delegates, Civil Society Colleagues,

At no time since the CWC entered into force 25 years ago have there been so many violations and allegations of non-compliance with the complete prohibition of chemical weapons enshrined in the Chemical Weapons Convention.

Chemical weapons have been used hundreds of times in Syria. The OPCW's Investigation and Identification Team has concluded that there are reasonable grounds to believe that the Syrian Air Force was responsible for the use of chemical weapons on their own population in at least four cases. The IIT stated that "military operations of such a strategic nature as these four attacks only occur pursuant to orders from the highest levels of the Syrian Arab Armed Forces." The culprits for these war crimes sit in Damascus.

The OPCW has also helped to confirm that Russia citizens Sergey Skripal and Alexei Navalny were poisoned with the nerve agent Novichok. This type of agent has been developed in the Soviet Union. Russia has not answered many questions of other states parties related to these attacks.

In the course of its war of aggression against Ukraine, Moscow has repeatedly accused Kyiv of planning to stage "false flag" operations involving chemical weapons. At the same time, Kyiv, for its part, accused Moscow of preparing the ground for its own use of chemical weapons by

¹ Please note: the following statement reflects the views and opinions of the authors and the co-signers, and does not necessarily reflect the views of all organizations and individuals within the CWC Coalition.

² Note from the CWC Coalition: This version of the statement includes several authors that are not listed on the OPCW version of the document, as the OPCW General Committee did not accredit these individuals for the 27th Conference of the States Parties to the Chemical Weapons Convention. However, the CWC Coalition believes that civil society voices should not be muted through this practice, and so all authors are included in the statement posted on the CWC Coalition website.

disseminating these false allegations. The OPCW has rejected Russian accusations that it was helping to prepare Ukrainian "false flag" operations by having OPCW experts on standby to verify the use of chemical weapons. The Technical Secretariat has called on Moscow's representative to the OPCW to refrain from such "baseless allegations".

It is of paramount importance to the integrity of the CWC that instances of chemical weapons use – real and alleged – are investigated, and those responsible are identified and held to account.

Towards this end, states parties at the Conference of States Parties should:

- individually and collectively continue to call out violations of the Convention,
- provide evidence for any non-compliance allegation so that the evidence can be fact-checked independently,
- use CWC mechanisms, such as clarification procedures and investigations to determine whether chemical weapons-related allegations are based on factual evidence,
- strengthen the OPCW's investigative capabilities and give the IIT a permanent mandate, and
- expand the IIT's mandate so that it can investigate all cases of alleged use of chemical weapons use and identify the perpetrators.

The rules of procedures of multilateral disarmament institutions make it difficult to hold those responsible for chemical weapons use accountable. Where governments are shielding the culprits, criminal law and international criminal law provides an alternative avenue to seek justice. States parties should:

- support the UN's International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011. IIIM plays an important role in documenting war crimes and making such evidence available to prosecutors,
- support and initiate trials under universal jurisdiction against those responsible for the use of chemical weapons, and
- ratify the Rome Statute of the International Criminal Court and support future ICC investigations into chemical weapons use.

Civil society is playing an increasing role in documenting cases of chemical weapons. Evidence collected by non-governmental experts is used frequently by governments, prosecutors and the media. It is important that civil society organisations are provided unhindered access to deliberations of state parties. We are grateful for the opportunity to contribute to the debate about non-compliance and accountability at this conference of states parties.

The strength of the norm against chemical weapons is measured not only by the degree of compliance with it, but also by the unity of the international community in countering violations. International organisations like the OPCW, governments and civil society can and must work together to uphold the norm against chemical weapons. Keeping the attention on breaches of the conventions is key to deterring future violations. Most of all, however, justice matters to the victims of the horrific crime of using chemical weapons.

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