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## CHAPTER 19

### Arms Control, Disarmament, and Nonproliferation

#### A. GENERAL

##### 1. Compliance Report

In April 2018, the State Department released the unclassified version of its report to Congress on “Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments” (“Compliance Report”), submitted pursuant to Section 403 of the Arms Control and Disarmament Act, as amended, 22 U.S.C. § 2593a. The Compliance Report contains five parts. Part I addresses U.S. compliance with arms control, nonproliferation, and disarmament agreements and commitments. Part II discusses compliance by Russia and other Soviet successor states with treaties and agreements the United States concluded bilaterally with the Soviet Union or its successor states. Part III assesses compliance by other countries that are parties to multilateral agreements. Part IV covers other countries’ adherence to international commitments, such as the Missile Technology Control Regime (“MTCR”). And Part V covers other countries’ adherence to certain unilateral commitments. The 2018 report primarily covers the period from January 1, 2017 through December 31, 2017. The report is available at <https://www.state.gov/2018-report-on-adherence-to-and-compliance-with-arms-control-nonproliferation-and-disarmament-agreements-and-commitments/>. See discussion *infra* of statements in the Compliance Report regarding Russian noncompliance with the Open Skies Treaty.

## 2. Nuclear Posture Review

In February 2018, the U.S. Department of Defense released the 2018 Nuclear Posture Review (“NPR”), completed in response to the President’s January 27, 2017 direction to conduct a new NPR “to ensure a safe, secure, and effective nuclear deterrent that protects the homeland, assures allies[,] and above all, deters adversaries.” The 2018 NPR is available at <https://dod.defense.gov/News/SpecialReports/2018NuclearPostureReview.aspx>. See discussion *infra* of the NPR’s statements regarding the Comprehensive Nuclear Test Ban Treaty.

## B. NONPROLIFERATION

### 1. Non-Proliferation Treaty

On June 28, 2018, Dr. Christopher Ashley Ford, Assistant Secretary of State for International Security and Nonproliferation, delivered remarks on the 50<sup>th</sup> anniversary of the opening for signature of the Treaty on the Nonproliferation of Nuclear Weapons (“NPT”). Dr. Ford’s remarks are excerpted below and available at <https://www.state.gov/remarks-and-releases-bureau-of-international-security-and-nonproliferation/negotiating-the-npt-50-years-on-some-lessons-for-the-future/>.

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I would suggest that the story of how it was that we got an NPT in the first place offers several lessons as we struggle with the challenges of international security and nonproliferation today and in the years ahead.

#### *1. Nonproliferation and International Peace and Security*

First and foremost, I would suggest that a clear-eyed look at the Treaty’s origins should focus us anew upon its drafters’ core insights about the critical importance of nuclear nonproliferation as a *sine qua non* for international peace and security. ...

Nuclear deterrence is an important component of the international security environment and will likely remain so for the foreseeable future ... When more than two “players” become involved in this grim “game,” the potential for problems grow at an alarming rate.

A nuclear deterrent dyad has but one axis along which nuclear relationships occur—and along which potential problems of misperception, miscalculation, or escalation must be managed if nuclear war is to be avoided. ... As the number of players increases arithmetically, ... the number of nuclear relationships that have to be managed without calamity increases geometrically. This makes proliferation a recipe for disaster, vastly increasing the risk of nuclear war.

This was quite clear to the drafters of the NPT as they struggled with negotiating the new treaty in the mid-1960s. ...

\* \* \* \*

As we approach the 50<sup>th</sup> Anniversary of the NPT's entry into force in 2020, we need to remain focused upon these risks ... .

A second lesson from the NPT's negotiation lies in the drafters' clear emphasis upon the fact that nonproliferation is a security benefit *for all*. ...

These security benefits resulted from possessors' obligation not to transfer nuclear weapons capabilities to non-possessors, coupled with the reciprocal exchange of non-possession commitments by those non-possessors. Together, these complementary promises served to prevent the injection of nuclear weaponry into regional rivalries and disputes—to the benefit of *every* state and the international community as a whole.

\* \* \* \*

That said, security is not the only benefit the NPT provides. As we look to the future, we should remember that it has been clear all along that nonproliferation is a foundation upon which *additional* benefits can be built. This is my third lesson.

... [I]t was an important selling point for the embryonic NPT ... that the proposed Treaty would “stimulate widespread, peaceful development of nuclear energy.” Because it would surely be difficult to imagine possessors being willing to share peaceful nuclear technology if they did not have assurances against its misuse for weapons purposes, peaceful uses of nuclear energy *depend upon* the solidity of nonproliferation guarantees. Nonproliferation rules, as Foster recognized, would thus “promote the sharing of the peaceful benefits of nuclear energy,” allowing developing nations to participate in “expanding international cooperation in the field of peaceful nuclear activities” and thereby making possible “economic gains which they could not realistically have hoped to achieve on their own.” As President Johnson emphasized to the ENDC, a nonproliferation regime would free nations to devote their efforts to “developing strong, peaceful programs.”

\* \* \* \*

A fourth lesson from the creation of the NPT is of the importance of prudence and pragmatism in multilateral nuclear diplomacy. Since the dawn of the nuclear age, there has been a temptation to respond to the unique and worrisome challenges of managing nuclear risks by proposing dramatic and utopian, but unworkable, solutions. ...

\* \* \* \*

A fifth lesson of the NPT, at least from an American perspective, suggests the value ... of ensuring appropriate involvement and support from the elected legislators who represent the sovereign People whose security depends upon diplomats getting such things right.

The NPT is a treaty, of course, duly submitted to the U.S. Senate for its advice and consent, and thereafter ratified and in force as the law of the land pursuant to Article VI, Section 2, of the U.S. Constitution. But the Johnson Administration's willingness to work with Congress

during the ... process to ensure that the legislature understood and supported the emerging treaty went well beyond simply submitting it for a Senate vote in 1968.

\* \* \* \*

A sixth and final lesson can be found in the remarkable and decisive role of the United States and the USSR as co-chairs of the ... process and joint authors of the 1967 draft that led to the final text of the Treaty. That year 1967 was, I should remind you, a year deeply mired in Cold War tensions. ...

And yet, despite the bitterness of the East-West divide and the ominous nuclear shadow that hung over global politics, Washington and Moscow found it possible to recognize their shared interest—and the world's shared interest—in stemming the further proliferation of nuclear weapons. These Cold War rivals found it within themselves to sit down, to engage with a wide range of diplomatic partners, and to cooperate effectively and decisively in hammering out the Treaty that today stands as the cornerstone of the global nonproliferation regime.

\* \* \* \*

I have suggested these six lessons from negotiation of the NPT in the spirit of helping us grapple with the proliferation challenges of the present day, half a century after the Treaty was opened for signature. ...

\* \* \* \*

Also on June 28, 2018, the foreign ministers of the governments of the United States, the United Kingdom, and the Russian Federation, as the depositaries for the NPT, issued a joint statement on the anniversary of the NPT's opening for signature, which is excerpted below and available at <https://www.state.gov/wp-content/uploads/2019/03/NPT-Joint-Statement.pdf>.

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\* \* \* \*

On July 1, 1968, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) opened for signature in our respective capitals: London, Moscow, and Washington. Today, 50 years later, we celebrate the immeasurable contributions this landmark treaty has made to the security and prosperity of the nations and peoples of the world.

The NPT has provided the essential foundation for international efforts to stem the looming threat—then and now—that nuclear weapons would proliferate across the globe. In so doing, it has served the interests of all its Parties and has limited the risk that the vast devastation of nuclear war would be unleashed.

We also celebrate the astonishingly diverse benefits of the peaceful uses of the atom, whether for electricity, medicine, agriculture, or industry. This boon to humanity thrives because the NPT, and the nuclear nonproliferation regime built around the Treaty, has helped provide confidence that nuclear programs are and will remain entirely peaceful.

The International Atomic Energy Agency (IAEA) plays a critical role in NPT implementation, both to promote the fullest possible cooperation on the peaceful uses of nuclear energy, and to apply safeguards and verify that nuclear programs are entirely peaceful. An IAEA comprehensive safeguards agreement together with an Additional Protocol provide credible assurances of the absence of undeclared nuclear activities and should become the universal standard for verifying the fulfillment of NPT obligations. We pledge our full and continued support to the IAEA and urge others to do the same.

By helping to ease international tensions and create conditions of stability, security and trust among nations, the NPT has made a vital contribution to nuclear disarmament. The NPT continues to help create conditions that would be essential for further progress on nuclear disarmament. We remain committed to the ultimate goal of the elimination of nuclear weapons, as set forth in the NPT, and are committed to working together to make the international environment more conducive to such progress.

The success of the NPT was not foreordained, nor is its future success guaranteed. It depends on our concerted and sustained efforts to ensure compliance, to promote universalization, to ensure effective safeguards, and to respond to ongoing and emerging proliferation challenges, wherever they occur. Even at the height of the Cold War, our predecessors made this wise investment in our shared security and prosperity. Today, we pledge our unstinting commitment to preserving and deepening this legacy for future generations.

\* \* \* \*

On September 19, 2018, Dr. Ford delivered further remarks reflecting on lessons learned during the 50 years of the NPT at the Vienna Center for Disarmament and Non-Proliferation. Those remarks are excerpted below and available at <https://www.state.gov/remarks-and-releases-bureau-of-international-security-and-nonproliferation/nonproliferation-lessons-learned/>.

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But remembering the benefits that the NPT provides, and which will be lost if the international community fails to preserve the nonproliferation architecture that is the Treaty's core, should not be our only lesson from the NPT's history. I believe we can also learn valuable things from the nonproliferation regime about *how* international institutions survive and thrive in a complex and changing world—in particular, how the regime has been able to *learn* from its environment and to *adapt* as learning occurs. Let me offer three examples of past and ongoing learning, and one case of lessons not yet fully learned:

1. The regime's ability to change course in working to ameliorate proliferation risks that the regime itself had inadvertently created by supporting the worldwide construction of research reactors fueled with highly-enriched uranium (HEU);

2. The regime's ability to supplement traditional International Atomic Energy Agency (IAEA) safeguards with the Additional Protocol (AP) after it became clear that implementation of Comprehensive Safeguards Agreements (CSAs) was insufficient to provide credible assurances against illicit nuclear activities;
3. The regime's development of increasingly effective, flexible, and efficient approaches to implementing safeguards agreements under the State-Level Concept (SLC); and
4. The regime's as yet inadequate and incomplete response to a case of announced withdrawal, and the need to adopt principles and put in place measures that discourage future such withdrawals.

\* \* \* \*

## 2. Peaceful Nuclear Uses

Dr. Ford addressed a joint session of the Nonproliferation Directors Group and the Nuclear Safety and Security Group in Quebec, Canada, on October 16, 2018, regarding the benefits of peaceful nuclear uses. His remarks are excerpted below and available at <https://www.state.gov/remarks-and-releases-bureau-of-international-security-and-nonproliferation/sharing-the-benefits-of-peaceful-nuclear-uses/>.

\* \* \* \*

The approach of the 50th anniversary of the entry into force of the Nuclear Non-Proliferation Treaty (NPT)—which will coincide with the U.S. G7 chairmanship in 2020—makes this a very important and auspicious year, and one full of symbolic and political, as well as substantive, importance for the global nonproliferation regime. Under the circumstances, it is important that we, the G7, continue to be a driving force, both in sharing the benefits of the peaceful uses of nuclear energy in accordance with Article IV of the NPT and in making sure other States Party *know* of our pivotal role in this respect. Since President Eisenhower's *Atoms for Peace* speech in 1953, the countries that now make up the G7 have been leaders in advancing international civil nuclear cooperation and in facilitating access worldwide to the peaceful uses of nuclear energy consistent with the highest standards of safety, security, and nonproliferation.

My focus today is to highlight a few concrete examples of how we, as G7 members, are supporting implementation of Article IV. ...

One could not imagine a world of wide and deep nuclear sharing unless it were clear that such sharing would not lead to the proliferation of nuclear weapons to state or non-state actors. Safeguards, safety, and security are therefore critical *enablers* for nuclear cooperation, and it would be foolish and counterproductive to forget or ignore this.

So that's why it's a pleasure to be able to say a few words about the G7's critical role in supporting peaceful uses, building upon that foundation. As we know, the International Atomic Energy Agency (IAEA) is a focal point for engagement between NPT Parties on peaceful nuclear uses. For many IAEA Member States without nuclear power programs—especially developing countries—the availability of IAEA projects and activities supporting peaceful nuclear uses is a



key incentive for IAEA membership and for the ongoing work that is necessary to implement and comply with nonproliferation requirements and nuclear safety and security “best practices.”

If we consider the period from 2010, when the IAEA launched the Peaceful Uses Initiative (PUI), through 2017, we can see that the G7 back up their commitments of support for peaceful nuclear uses with considerable financial resources. ...

We don’t just contribute financial resources, however. We also contribute expertise that helps ensure peaceful nuclear uses are shared widely, efficiently, and effectively. Together, our financial resources and technical expertise have consistently contributed to the IAEA’s many successes in the field. A few recent examples include the removal of disused radioactive sources from several South American countries (2018), the eradication of the fruit-destroying Mediterranean fruit fly in the Dominican Republic (2017), the first region-wide mapping and assessment of ground water in Africa’s drought-prone Sahel Region (2017), eradication (99%) of the disease-spreading tsetse fly in Senegal (2017), the 20<sup>th</sup> anniversary of the eradication of the tsetse fly from Tanzania’s Island of Zanzibar (2016), and the global eradication of the cattle-destroying rinderpest disease (2011).

\* \* \* \*

As we prepare for the 2020 NPT Review Conference, the United States hopes the international community can remain focused on the common interests of all NPT States Party in promoting peaceful uses, and thus also in ensuring fidelity to the nonproliferation and safety and security practices that *enable* and *underpin* peaceful uses. We hope you will join in pursuing a collective goal of drawing more attention to the peaceful uses of nuclear energy as a shared benefit of the NPT regime.

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Dr. Ford addressed the IAEA ministerial conference on science and technology in Vienna, Austria on November 29, 2018 on the benefits for the developing world of nuclear technical cooperation through the nonproliferation regime. His remarks are available at <https://www.state.gov/nuclear-technical-cooperation-benefits-from-the-nonproliferation-regime-for-the-developing-world/>.

### 3. Proliferation Security Initiative (“PSI”)

On December 17, 2018, the State Department issued a press statement welcoming the decision by the Republic of Palau to endorse the Proliferation Security Initiative (“PSI”). See “Palau Endorses the Proliferation Security Initiative,” available at <https://www.state.gov/palau-endorses-the-proliferation-security-initiative/>. The Republic of Palau is the 106<sup>th</sup> state to become a PSI participant. The press statement includes the following background on the PSI:

Launched in Krakow, Poland in 2003, PSI participants commit to undertake measures, on a voluntary basis and consistent with their authorities and resources, to interdict illicit transfers of weapons of mass destruction and missile-related items, exchange relevant information, and strengthen legal authorities to conduct interdictions. Participants also conduct exercises, workshops, and other activities to improve their capacities to fulfill their PSI commitments. ...

On January 12, 2018, the U.S. Department of State released as a media note the text of a joint statement from PSI partners in support of enforcing UN Security Council resolutions 2375 and 2397 relating to interdictions against the DPRK. The joint statement was signed by Australia, Argentina, Canada, Denmark, France, Germany, Greece, Italy, Japan, the Republic of Korea, the Netherlands, New Zealand, Norway, Poland, Singapore, the United Kingdom, and the United States. The joint statement is excerpted below and available at <https://www.state.gov/joint-statement-from-proliferation-security-initiative-psi-partners-in-support-of-united-nations-security-council-resolutions-2375-and-2397-enforcement/>.

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In September 2003, the original eleven ... [PSI] partners gathered in Paris to adopt the PSI Statement of Interdiction Principles. Currently, 105 nations around the globe have endorsed those principles. The Statement of Interdiction Principles calls on all endorsing States to establish, consistent with national legal authorities and relevant international law and frameworks including ... UN Security Council Resolutions, a more coordinated and effective basis to impede and stop shipments of ... WMD, delivery systems, and related materials flowing to and from States and non-state actors of proliferation concern.

Specifically, the principles commit endorsing States to: (1) Undertake effective measures to interdict the illicit transfer of WMD, their delivery systems, and related materials; (2) Adopt streamlined procedures for rapid exchange of relevant information concerning suspected proliferation activity; (3) Review and work to strengthen their relevant national legal authorities; and (4) Take specific actions in support of interdiction efforts regarding cargoes of WMD and related materials.

Nearly fifteen years after the establishment of the PSI, WMD proliferation continues to be a threat, and the need for a global effort to counter that threat remains as great as ever. On September 11, 2017, the UN Security Council unanimously adopted UN Security Council Resolution (UNSCR) 2375 in response to the sixth nuclear test conducted by the Democratic People's Republic of Korea (DPRK). On December 22, 2017, the UN Security Council unanimously adopted UNSCR 2397 in response to the DPRK's intercontinental ballistic missile (ICBM) launch conducted on November 28, 2017. UNSCR 2397 further strengthens UN sanctions on the DPRK, sending a clear message that the international community speaks with a single and unambiguous voice in condemning its violations of UN Security Council resolutions, and demanding that the DPRK abandon its prohibited nuclear, ballistic missile, and other WMD

programs. In particular, it is imperative for us to redouble our efforts to put maximum pressure on North Korea through the full implementation of the relevant UN Security Council Resolutions, including non-proliferation related actions, to compel North Korea to change its path to achieve denuclearization of the Korean Peninsula.

As Member States of the United Nations and as PSI-endorsing States, it is our responsibility to implement UNSCR obligations fully, take advantage of the additional actions authorized in those UNSCRs, and continue pursuing our commitments under the Statement of Interdiction Principles. As PSI-endorsing States, we note UNSCR 2375's provisions on maritime interdiction of cargo vessels and take note of how these provisions complement PSI's Statement of Interdiction Principles. We also note UNSCR 2397's provisions that include new maritime interdiction obligations and authorities to help shut down North Korea's illicit smuggling activities.

We, the undersigned PSI-endorsing States, reiterate our commitment to upholding the commitments enshrined in the Statement of Interdiction Principles and are postured to help enforce UNSCRs 2375 and 2397 through the following measures, in accordance with national and international legal authorities:

1. Inspect proliferation-related shipments on vessels with the consent of the flag State, on the high seas, if we have information that provides reasonable grounds to believe that the cargo of such vessels contains items prohibited under UNSCRs concerning the DPRK.
2. If there are reasonable grounds to believe that the cargo on a vessel flagged by one of our countries is prohibited for export to or from the DPRK under relevant UNSCRs, cooperate with inspections pursuant to the commitment above.
3. If we, as flag States, do not consent to inspection on the high seas, we will direct the vessel to proceed to an appropriate and convenient port for required inspection.
4. Direct our flagged vessels to a port in coordination with the port State when requested; and deflag any of our flagged vessels designated by the 1718 Committee.
5. Prohibit our nationals, persons subject to our jurisdiction, entities incorporated in our territory or subject to our jurisdiction, and vessels flying our flag, from facilitating or engaging in ship-to-ship transfers to or from DPRK-flagged vessels of any goods or items that are being supplied, sold, or transferred to or from the DPRK.
6. Redouble efforts to implement in full the measures in relevant UN Security Council Resolutions with respect to inspecting, detecting, and seizing items the transfer of which is prohibited by those resolutions.
7. Seize and dispose of (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer, or export of which is prohibited by relevant UN Security Council Resolutions and consistent with other international obligations.

All PSI endorsing States commit to ensuring that their domestic processes are in place to undertake the above measures.

We call on all UN Member States to enforce all elements of applicable UN Security Council Resolutions. Given our concerted efforts to build our capacities and resolve to act to interdict WMD and related materials, we stand united in our determination to prevent the DPRK from acquiring nuclear and ballistic missile-related technologies, and from engaging in prohibited activities that generate revenue for its illicit WMD program. As PSI endorsing States we remain strongly committed to WMD counter-proliferation, including supporting and

enforcing UNSCRs 2375, 2397, and all other DPRK-related UN Security Council Resolutions.

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#### 4. Country-Specific Issues

##### a. *Democratic People's Republic of Korea ("DPRK" or "North Korea")*

See Chapter 16 for discussion of sanctions in 2018 regarding North Korea. See section B.3. *supra* for discussion of the January 2018 PSI statement on enforcing UN Security Council resolutions regarding the DPRK.

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##### b. *Iran*

On May 8, 2018, a national security presidential memorandum announced that the United States would cease participating in the Joint Comprehensive Plan of Action ("JCPOA") with Iran. National Security Presidential Memorandum, dated May 8, 2018, available at <https://www.whitehouse.gov/presidential-actions/ceasing-u-s-participation-jcpoa-taking-additional-action-counter-irans-malign-influence-deny-iran-paths-nuclear-weapon/>. Excerpts follow from the presidential memorandum.

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Since the JCPOA's inception, ... Iran has only escalated its destabilizing activities in the surrounding region. Iranian or Iran-backed forces have gone on the march in Syria, Iraq, and Yemen, and continue to control parts of Lebanon and Gaza. Meanwhile, Iran has publicly declared it would deny the International Atomic Energy Agency (IAEA) access to military sites in direct conflict with the Additional Protocol to its Comprehensive Safeguards Agreement with the IAEA. In 2016, Iran also twice violated the JCPOA's heavy water stockpile limits. This behavior is unacceptable, especially for a regime known to have pursued nuclear weapons in violation of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

Iran's behavior threatens the national interest of the United States. On October 13, 2017, consistent with certification procedures stipulated in the Iran Nuclear Agreement Review Act, I determined that I was unable to certify that the suspension of sanctions related to Iran pursuant to the JCPOA was appropriate and proportionate to the specific and verifiable measures taken by Iran with respect to terminating its illicit nuclear program. On January 12, 2018, I outlined two possible paths forward—the JCPOA's disastrous flaws would be fixed by May 12, 2018, or, failing that, the United States would cease participation in the agreement. I made clear that this was a last chance, and that absent an understanding to fix the JCPOA, the United States would not continue to implement it.

That understanding has not materialized, and I am today making good on my pledge to end the participation of the United States in the JCPOA. I do not believe that continuing to provide JCPOA-related sanctions relief to Iran is in the national

interest of the United States, and I will not affirm what I know to be false. Further, I have determined that it is in the national interest of the United States to re-impose sanctions lifted or waived in connection with the JCPOA as expeditiously as possible.

Section 1. Policy. It is the policy of the United States that Iran be denied a nuclear weapon and intercontinental ballistic missiles; that Iran's network and campaign of regional aggression be neutralized; to disrupt, degrade, or deny the Islamic Revolutionary Guards Corps and its surrogates access to the resources that sustain their destabilizing activities; and to counter Iran's aggressive development of missiles and other asymmetric and conventional weapons capabilities. The United States will continue to pursue these aims and the objectives contained in the Iran strategy that I announced on October 13, 2017, adjusting the ways and means to achieve them as required.

Sec. 2. Ending United States Participation in the JCPOA. The Secretary of State shall, in consultation with the Secretary of the Treasury and the Secretary of Energy, take all appropriate steps to cease the participation of the United States in the JCPOA.

Sec. 3. Restoring United States Sanctions. The Secretary of State and the Secretary of the Treasury shall immediately begin taking steps to re-impose all United States sanctions lifted or waived in connection with the JCPOA, including those under the National Defense Authorization Act for Fiscal Year 2012, the Iran Sanctions Act of 1996, the Iran Threat Reduction and Syria Human Rights Act of 2012, and the Iran Freedom and Counterproliferation Act of 2012. These steps shall be accomplished as expeditiously as possible, and in no case later than 180 days from the date of this memorandum. The Secretary of State and the Secretary of the Treasury shall coordinate, as appropriate, on steps needed to achieve this aim. They shall, for example, coordinate with respect to preparing any recommended executive actions, including appropriate documents to re-impose sanctions lifted by Executive Order 13716 of January 16, 2016; preparing to re-list persons removed, in connection with the JCPOA, from any relevant sanctions lists, as appropriate; revising relevant sanctions regulations; issuing limited waivers during the wind-down period, as appropriate; and preparing guidance necessary to educate United States and non-United States business communities on the scope of prohibited and sanctionable activity and the need to unwind any such dealings with Iranian persons. Those steps should be accomplished in a manner that, to the extent reasonably practicable, shifts the financial burden of unwinding any transaction or course of dealing primarily onto Iran or the Iranian counterparty.

Sec. 4. Preparing for Regional Contingencies. The Secretary of Defense and heads of any other relevant agencies shall prepare to meet, swiftly and decisively, all possible modes of Iranian aggression against the United States, our allies, and our partners. The Department of Defense shall ensure that the United States develops and retains the means to stop Iran from developing or acquiring a nuclear weapon and related delivery systems.

Sec. 5. Monitoring Iran's Nuclear Conduct and Consultation with Allies and Partners. Agencies shall take appropriate steps to enable the United States to continue to monitor Iran's nuclear conduct. I am open to consultations with allies and partners on future international agreements to counter the full range of Iran's threats, including the nuclear weapon and intercontinental ballistic missile threats, and the heads of agencies shall advise me, as appropriate, regarding opportunities for such consultations.

\* \* \* \*

On May 21, 2018, Secretary Pompeo delivered a speech at the Heritage Foundation, entitled, “After the Deal: A New Iran Strategy,” which is available at <https://www.state.gov/after-the-deal-a-new-iran-strategy/>. Secretary Pompeo identified twelve steps for Iran to take before a new arrangement could be reached to replace the JCPOA and lift re-imposed U.S. sanctions. Excerpts follow from the Secretary’s May 21 remarks.

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First, Iran must declare to the IAEA a full account of the prior military dimensions of its nuclear program, and permanently and verifiably abandon such work in perpetuity.

Second, Iran must stop enrichment and never pursue plutonium reprocessing. This includes closing its heavy water reactor.

Third, Iran must also provide the IAEA with unqualified access to all sites throughout the entire country.

Iran must end its proliferation of ballistic missiles and halt further launching or development of nuclear-capable missile systems.

Iran must release all U.S. citizens, as well as citizens of our partners and allies, each of them detained on spurious charges.

Iran must end support to Middle East terrorist groups, including Lebanese Hizballah, Hamas, and the Palestinian Islamic Jihad.

Iran must respect the sovereignty of the Iraqi Government and permit the disarming, demobilization, and reintegration of Shia militias.

Iran must also end its military support for the Houthi militia and work towards a peaceful political settlement in Yemen.

Iran must withdraw all forces under Iranian command throughout the entirety of Syria.

Iran, too, must end support for the Taliban and other terrorists in Afghanistan and the region, and cease harboring senior al-Qaida leaders.

Iran, too, must end the IRG Qods Force’s support for terrorists and militant partners around the world.

And too, Iran must end its threatening behavior against its neighbors—many of whom are U.S. allies. This certainly includes its threats to destroy Israel, and its firing of missiles into Saudi Arabia and the United Arab Emirates. It also includes threats to international shipping and destructive ... cyberattacks.

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From my conversations with European friends, I know that they broadly share these same views of what the Iranian regime must do to gain acceptance in the international community. I ask that America’s allies join us in calling for the Iranian Government to act more responsibly.

In exchange for major changes in Iran, the United States is prepared to take actions which will benefit the Iranian people. These areas of action include a number of things.

First, once this is achieved, we’re prepared to end the principal components of every one of our sanctions against the regime. We’re happy at that point to re-establish full diplomatic and commercial relationships with Iran. And we’re prepared to [permit] Iran to have advanced

technology. If Iran makes this fundamental strategic shift, we, too, are prepared to support the modernization and reintegration of the Iranian economy into the international economic system.

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Secretary Pompeo addressed the “United Against Nuclear Iran” summit in New York on September 25, 2018. His remarks are excerpted below and available at <https://www.state.gov/remarks-at-the-united-against-nuclear-iran-summit/>.

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From 2006 to 2010, the UN Security Council passed six different resolutions governing Iran’s nuclear and ballistic missile programs. But from 20[07] to 2015, the IAEA Board of Governors issued less than—no less than 33 reports outlining Iran’s noncompliance with each of those resolutions.

UN Security Council Resolution 1929 stated that, “Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons.” But Iran conducted multiple ballistic missile launches between 2010 and 2015, every one of them in flagrant violation of UN Security Council resolutions.

And even when, in connection with the JCPOA sanctions relief, the Security Council superseded this provision in UN Security Council Resolution 2231 with a call upon Iran not to undertake any activity related to such missiles, Iran’s pace of missile activity, missile launches, and tests did not diminish. Iran has conducted multiple ballistic missile launches since January 2016, when the deal was first implemented. Today Iran has the largest ballistic missile force in the Middle East, each of those ballistic missiles costing more than a million dollars.

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I don’t think I need to offer much more evidence than I have laid out here today. These are destructive activities undertaken by Iran in a global scope. It is therefore incumbent on every country to join our efforts to change the regime’s lawless behavior. The ongoing, multi-national, multi-continental nature of Iranian malign activity leaves no room for indecision.

The United States will continue to coalesce international efforts to change Iranian behavior through pressure, deterrence, and support for the Iranian people. We want every single country on board. This is among the President’s top diplomatic priorities.

The consensus—the consensus that already exists—on Iran nonnuclear activities is reflected in Security Council resolutions, the ones I just mentioned.

But enforcement of those resolutions should be the bare minimum we ask of every nation.

In the wake of President Trump’s decision to pull the United States out of the nuclear deal, countries are now facing a choice on whether to keep doing business in Iran. Reimposing sanctions and discouraging international business with Iran is not something we’re doing out of spite. This is a necessary security measure. The regime must no longer be allowed to get its hands on billions of dollars that it’s already proven it will spread around the world to its client states, rebel groups, and terrorists. Doing business in Iran only pours money into a regime that

hoards it for itself and misuses it for violent ends. This all happened, of course, during the JCPOA.

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As President Trump and I have said many times, a new agreement is possible. Indeed, he said it even today. But change must come in the 12 areas I outlined in May, as well as with Iran's human rights record.

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On November 29, 2018, Special Representative for Iran Brian Hook provided a special briefing at a military base in Washington, D.C. on Iran's transfers of arms to proxy groups and ongoing missile development. The briefing was presented before a display of Iranian missiles. Excerpts follow from that briefing, which is transcribed in full at <https://www.state.gov/the-iranian-regimes-transfer-of-arms-to-proxy-groups-and-ongoing-missile-development-2/>.

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Today, the United States is unveiling new evidence of Iran's ongoing missile proliferation. The Iranian threat is growing and we are accumulating risk of escalation in the region if we fail to act. ...

The inventory in this display has expanded since December. This is a function of Iran's relentless commitment to put more weapons into the hands of even more of its proxies, regardless of the suffering. Iran has been prohibited by several UN resolutions from exporting arms for a decade. These restrictions were in place starting in 2006 under UN Security Council Resolution 1737 and 1747, which I helped to negotiate. The prohibitions have continued since 2015 under UN Resolution 2231. This display and the items we have added to it reveal an outlaw regime exporting arms as it pleases.

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I want to now highlight the Iranian regime's investment in missile testing and development. It is increasing. The regime's pace of missile launches did not diminish after implementation of the Iran nuclear deal in January of 2016. Iran has conducted numerous ballistic missile launches and space launches since this time as it continues to prioritize missile development as a tool of revolution. We assess that in January of 2017, Iran launched a medium-range missile, believed to be the Khorramshahr. It can carry a payload of more than 500 kilograms and could be used to carry nuclear warheads. Its suspected range is over 1,200 miles, which is far enough to target some European capitals. Iran's ongoing missile development puts Europe in its range.

Iran has the largest ballistic missile force in the region, with more than 10 ballistic missile systems either in its inventory or under development. Any environment where Iran is able to operate freely can become a forward-deployed missile base for such systems and for many other



kinds of weapons that you see here today. This threatens Israel and other partners, especially Saudi Arabia and the UAE.

Just this month, rockets rained down on Israel from territory controlled by Iran's Palestinian partner Hamas. In Lebanon, we have evidence that Iran is helping Hizballah build missile production facilities. In Iraq, credible reports indicate that Iran is transferring ballistic missiles to Shia militia groups. This comes as these militias carried out highly provocative attacks on U.S. diplomatic facilities in Baghdad and Basra in September, which we know that Iran did nothing to stop.

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On December 12, 2018, Secretary Pompeo addressed a UN Security Council meeting on Iran. His remarks are excerpted below and available at <https://www.state.gov/remarks-at-the-united-nations-security-council-meeting-on-iran/>.

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Just two days ago, the head of the IRGC's airspace division, Amir Hajizadeh, boasted that Iran is capable of building missiles with a range beyond 2,000 kilometers. ... He bragged that Iran does 40 to 50 tests per year.

As I'll talk about further, it is clear that the Iranian regime's ballistic missile activity has grown since the nuclear deal. Iran has exploited the goodwill of nations and defied multiple Security Council resolutions in its quest for a robust ballistic missile force. The United States will never stand for this.

No nation that seeks peace and prosperity in the Middle East should either.

Since 2006, this Council has been telling Iran to stop testing and proliferating ballistic missiles in one form or another. From 2010 to 2015, Iran was subject to UN Security Council Resolution 1929—the strictest resolution addressing the Iranian ballistic missiles to date.

In that resolution, the Security Council decided that, “Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that States shall take ... necessary measures to prevent the transfer of technology or technical assistance to Iran related to such activities.” This provision of UNSCR 1929 imposed a legal prohibition on Iran's ballistic missile activity. There was force of law behind these words.

Nevertheless, Iran conducted multiple ballistic missile launches between 2010 and 2015, in flagrant violation of that resolution.

So what did we do in response? Did we increase accountability on Iran for serial violations of international law? Quite the opposite. ...

In connection with the Iranian regime's engagement in nuclear talks, and at the Obama administration's urging, the Security Council replaced Resolution 1929 with Resolution 2231. Resolution 2231 “calls upon” Iran not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons. Notwithstanding that change in language, the world's concerns remain.

When we collectively “call upon” Iran to cease its ballistic missile activity, we must agree to stop it now. ...

Iran’s pace of missile activity, including missile launches and tests, did not diminish since the JCPOA. In fact, Iran’s missile testing and missile proliferation is growing. Today Iran has the largest ballistic missile force in the Middle East. It has more than 10 ballistic missile systems in its inventory or in development. It has hundreds of missiles which pose a threat to our partners in the region.

From more recent times: In 2016, during the time of the JCPOA, Iran unveiled two new short-range ballistic missiles, which it claims are capable of striking targets between 500 and 700 kilometers. In January of 2017, during the time of the JCPOA, Iran launched a medium-range missile designed to carry a payload greater than 500 kilograms, and which could be used to carry nuclear warheads. Its suspected range also approaches 2,000 kilometers, which is far enough to target Athens, Sofia, Bucharest, and other major European cities. If the IRGC airspace commander is telling the truth, and Iran has capabilities beyond 2,000 kilometers, other European capitals are at risk as well.

In July of 2017, while the United States was still in the JCPOA, Iran tested a Simorgh space launch vehicle. The United States, France, Germany, and the UK all assessed that the launch was inconsistent with 2231, because space launch vehicle ... uses a similar technology as intercontinental ballistic missiles.

Iran has exported ballistic missile systems as well, most recently to Yemen. We have hard evidence that Iran is providing missiles, training, and support to the Houthis, and the Iranian-Houthi missile force is fully engaged. This poses a threat to innocent civilians—including Americans—living in Riyadh, Abu Dhabi, Dubai, as well as people of all nationalities who travel on civilian aircraft in that region.

Iran is also transferring ballistic missile systems to Shia militias in Iraq.

And just look at the last two weeks. The Iranian regime test-fired a medium range ballistic missile that is capable of carrying multiple warheads.

Our goodwill gestures have been futile, futile in correcting the Iranian regime’s reckless missile activity and its destructive behaviors. No nation can dispute that Iran is in open defiance of UN Security Council Resolution 2231.

The United States is not alone in raising these concerns. I’d like to thank France and Germany and the United Kingdom for raising concerns about Iranian missile proliferation to the secretariat.

I would also like to thank our partners from Saudi Arabia and the United Arab Emirates, who are working with UN inspectors in recovering material debris of Iranian-supplied missiles, rockets, and UAVs launched into their countries by Houthi forces in Yemen.

Our Israeli allies have brought further evidence to the Security Council about Iran’s continued launches of ballistic missiles that are inherently capable of carrying nuclear weapons. Israel has also given evidence to the secretariat of Iran’s transfer of weapon systems to its proxies all around the Middle East, and in defiance of what we have insisted that they do.

... What steps ought we take to confront this Iranian malign activity? We risk the security of our people if Iran continues stocking up on ballistic missiles. We risk escalation of conflict in the region if we fail to restore deterrence. And we convey to all other malign actors that they too can defy the Security Council with impunity if we do nothing.

... The United States seeks to work with all other members of the Council to reimpose on Iran the ballistic missiles restrictions outlined in 1929.

Beyond addressing Iran's ballistic missile activities, the Council should not lift the arms embargo in 2020 on Iran. This is a country in noncompliance with multiple UN Security Council resolutions, including those related to al-Qaida, Afghanistan, Lebanon, Yemen, and Somalia. Iran is harboring al-Qaida, supporting Taliban militants in Afghanistan, arming terrorists in Lebanon, facilitating illicit trade in Somali charcoal benefiting al-Shabaab, and training and equipping Shia militias in Iraq, even as we sit here today.

It is also stoking conflict in Syria and Yemen. The Council must address these malign activities. It cannot reward Iran by lifting the arms embargo.

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... The Trump administration clearly defined in May the 12 areas in which we are demanding change from Iran.

If Iran makes a fundamental strategic shift and honors these demands, we are prepared to ease our pressure campaign and support the modernization and reintegration of the Iranian economy into the international economic system.

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### **c. *Russia***

On October 22, 2018, Dr. Ford addressed the International Advisory Council of the James Martin Center for Nonproliferation Studies in Washington, DC. He discussed the challenges and potential of nonproliferation cooperation with Russia. Dr. Ford's remarks are excerpted below and available at <https://www.state.gov/remarks-and-releases-bureau-of-international-security-and-nonproliferation/the-challenge-and-the-potential-of-u-s-russian-nonproliferation-cooperation/>.

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I think it is ... important to be honest and clear about the challenges that exist to nonproliferation cooperation. Some of these challenges relate to big and obvious things such as the range of malign activities in which Russia has engaged in recent years—destabilizing and invading its neighbors in 2008 and 2014, conducting routine exercises that play-act targeting nuclear weapons against NATO countries, violating arms control treaties, and meddling in elections in both the United States and European countries. These clearly make it harder, both politically and practically, to engage in cooperative endeavors of other sorts.

I don't want to emphasize those broader problems too much, however, because the example of the NPT itself suggests that cooperation in support of shared interests on nonproliferation is possible even while other aspects of our relationship remain problematic.

More troubling to me, from the perspective of pursuing cooperation in the nonproliferation arena, is the degree to which Russia's malign behavior has now come to manifest itself, not just in other areas that could conceivably be compartmented off from

nonproliferation, but in fact *in the nonproliferation arena* as well. As you can imagine, this makes it much more difficult to imagine Russia as a potential partner. Nevertheless, Russia's nonproliferation record is not entirely bad—and the areas where things have been working can perhaps point us toward a more constructively cooperative future together. Let me offer some examples.

#### A. PROBLEM AREAS

##### (1) Nuclear Safeguards

Let's start with the problem areas. At the International Atomic Energy Agency (IAEA), Russia has made it a diplomatic objective to undermine support for the IAEA's "State Level Concept" (SLC) for effectively implementing the safeguards agreements that are negotiated between NPT States Party and the IAEA and are intended to cover all nuclear material in peaceful use in the state, as required by Article III of the Treaty. Most recently, for instance, Russia tried to block the expanded use of the SLC by introducing a competing safeguards resolution at the IAEA General Conference.

Russian diplomats have also worked to undermine the IAEA's long-established ability to consider and professionally evaluate all available relevant information in conducting safeguards work—trying, in effect, to prevent the IAEA from taking action based on information it did not itself directly acquire through safeguards declarations and its own verification activities. We know from experience that the IAEA cannot—and must not—ignore credible information indicating the possible existence of undeclared nuclear material or activities. If successful, this campaign against the SLC and sound safeguards analytics would blind and hobble safeguards implementation around the world and undercut decades of progress in strengthening nuclear safeguards, and damage the nonproliferation regime. So far, other IAEA Members have remained strong in resisting Russia's campaign against effective nuclear safeguards, but Russia has not relented.

Russia, unfortunately, has also sometimes worked to undermine IAEA investigative authorities in Iran. This manifested itself last year, for example, in a Russian effort to redefine and downgrade IAEA investigative authorities under the Joint Comprehensive Plan of Action (JCPOA)—in effect, to erase from that agreement both the IAEA's responsibility under the JCPOA's "Section T" to monitor against Iran's resumption of nuclear weaponization and the site-access authorities given by the JCPOA's "Section Q." Thankfully, this effort was rebuffed, with the IAEA Secretariat and most member States remaining committed to the integrity of the IAEA's work and authorities. But it was a disturbing episode that may bode ill for the future.

##### (2) Chemical Weapons Accountability

As for chemical weapons, I won't belabor here the history of Moscow's continuing efforts to shelter the Syrian regime of Bashar al-Assad from accountability for the chemical weapons atrocities it has committed. Russia has engaged in a disinformation campaign to obscure responsibility for Syrian abuses. More troublingly still, it has also acted to immunize Syria against responsibility for its use of chemical weapons in concrete ways—thus becoming an enabler for the regime's barbarism and continuing erosion of global norms against chemical weapons possession and use.

As most of you will remember, it was Russia that involved itself in defusing international horror and anger when Syria first began using nerve agent in its civil war several years ago, stepping in to facilitate Syria's accession to the Chemical Weapons Convention (CWC) and the destruction of Syria's chemical weapons stockpile under supervision of the Organization for the Prohibition of Chemical Weapons (OPCW). In retrospect, however, it is tragically clear that this

Russian-facilitated “solution” was little more than a way to protect Syria from a serious accounting and meaningful accountability.

Syria clearly *kept* its clandestine chemical weapons program going, and was soon back in the business of using these weapons on its own people, including the same nerve agent it had employed earlier. And Russia has continued to protect its ally from consequences after the Joint Investigative Mechanism confirmed that Syria was responsible for use of chemical weapons on four separate occasions. Moscow also fought fiercely to oppose efforts at the OPCW to establish new authorities—in the wake of the Joint Investigative Mechanism’s demise—to assess attribution of chemical weapons use. And Russia continues to oppose the work of the U.N. Secretary General’s mechanism for investigating chemical and biological weapons use. None of this, certainly, is what one would ordinarily expect of a country particularly serious about nonproliferation.

### (3) Chemical Weapons Use

And that’s not even counting Russia’s *own* use of chemical weapons—specifically, in an attempt to assassinate Sergei Skripal and his daughter in March—for which the United States recently imposed sanctions against Russia, and the European Union may also target as part of a new sanctions mechanism.

To be sure, both the United States and Russia have declared Cold War-era stocks of chemical weaponry to the OPCW, and worked hard for years to destroy them. Russia finished destroying what it declared to the OPCW with substantial help from the United States and our EU partners. But the U.S. government has had longstanding concerns about the completeness of Russia’s declarations, and recent events made it clear that this is not just an accounting problem. The United States expressed concern about Russia’s potential military stockpiling of fentanyl following its use in the Dubrovka Theater 15 years ago. More disturbing in the Skripal case, Russia’s attack demonstrates that Russia possesses novel nerve agents, colloquially known as “novichoks,” designed to be more lethal and less detectable than traditional ones such as the sarin used in Syria. This is troubling indeed and why the United States certifies that Russia is in non-compliance with its obligations under the Chemical Weapons Convention.

## B. MIXED RECORDS

### (1) Biological Weapons

With regard to biological weapons, Russia’s record is also poor, but not nearly as confrontational. On the one hand, Moscow still engages in wild and baseless accusations about United States bioweapons activity, and it dismisses all requests for accountability for, or clarity about the current status of, its own prior biological weapons program—the existence of which President Boris Yeltsin admitted in 1992, and that defectors have confirmed, but that Yeltsin’s successors have gone back to denying. On the other hand, Russia was helpful in 2017 in working with us and the United Kingdom to get the Biological and Toxin Weapons Convention process back on track.

### (2) Nuclear Energy

When it comes to nuclear energy cooperation, Russia’s record is also mixed. On the one hand, modern Russia thankfully no longer does what the Soviet Union did in using nuclear energy cooperation as a cover for providing facilities, technological assistance, and training—and very nearly a prototype nuclear weapon—to the nuclear weapons program of Maoist China in the 1950s. On the other hand, Russia is consistently willing to deviate downward from global nonproliferation “best practices” in order to make money and develop strategic relationships from the massively state-subsidized export of nuclear power technology. The Kremlin uses the

civil nuclear sector to advance its own foreign policy and security aims, with nonproliferation goals a distant afterthought.

By not insisting upon sound nonproliferation practices as a condition for such supply, Russia has been encouraging a “race to the bottom” in terms of the nonproliferation requirements. Unlike the United States, Moscow does not require that countries it supplies with nuclear reactors, equipment, and fuel have in force an IAEA Additional Protocol to help reassure the international community against the presence of undeclared and illicit nuclear activities. Nor does Russia observe OECD financing guidelines for nuclear power plants, or ask for all of the nonproliferation protections that the U.S. requires in all nuclear cooperation agreements with other countries. The Nuclear Suppliers Group was established so that suppliers would adopt high nonproliferation standards and would not use lax requirements for commercial advantage. Russia is, unfortunately, not the only global nuclear supplier to use proliferation irresponsibility as a marketing tool, but there is clearly much room for improvement here.

### (3) Nuclear Security

In nuclear security, Russia’s track record is also mixed. On the one hand, the world was horrified by the Kremlin’s use of radioactive material Polonium-210 to assassinate Alexander Litvinenko in London in 2006. In response to the UK’s inclusion of information about that poisoning in the IAEA’s Incident and Trafficking Database (ITDB), Russia compounded the damage by trying to undermine the legitimacy and credibility of that database. This is worrying, for the ITDB is the only international mechanism for tracking State-confirmed incidents and facilitating information-sharing on radioactive or nuclear material that has fallen out of regulatory control, and its operation is a significant contribution to maintaining security standards and preventing nuclear terrorism worldwide.

So that is clearly a problem, and not the sort of thing one would expect from a good nonproliferation partner. It was also disappointing that after many years of good cooperative work together—during which U.S. “Nunn-Lugar” Cooperative Threat Reduction program dedicated many resources to improve nuclear security practices of the former Soviet Union—Russia decided in 2013 not to extend this project that had made the world much safer.

On the other hand, Russia’s cooperative track record is good when it comes to things such as implementing the 1997 U.S.-Russia Plutonium Production Reactor Agreement (PPRA), which required the permanent shutdown of 13 Russian and 14 U.S. production reactors from the Cold War era. The PPRA mandates annual inspections of each side’s shutdown reactors and inspections of the safe and secure storage of the more than 10 tons of weapon-grade plutonium produced by the last three Russian PPRA reactors prior to their shutdown under the agreement.

So that is clearly a success story, although we should not forget that U.S. funding played a pivotal role in providing the replacement heat and electricity that facilitated the last three of those reactor shutdowns in Siberia more than a decade ago. Joint U.S. and Russian implementation of the 2004 Russian Research Reactor Spent Fuel Return Agreement has also been highly successful, resulting in the removal and blend-down of more than two tons of Russian highly enriched uranium (HEU) from 16 countries—12 of which are now considered “HEU-free” as a result. Russia has been a good partner in that effort, and the agreement was extended for 10 more years in 2013, to continue this important HEU minimization effort for the handful of remaining countries still holding Russian-origin HEU.

Another success is the Global Initiative to Combat Nuclear Terrorism (GICNT), which the United States and Russia jointly established more than a decade ago, and of which we have served as co-chairs ever since. Under these auspices, Russia routinely sends experts to engage in

GICNT events promoting “best practices” and sharing experiences in nuclear security, and it has supported an effective multilateral work program. In GICNT, Russia and the United States remain good partners, helping enable the Initiative’s 88 other partners to work together to address critical practical issues at the nexus between nuclear security and counterterrorism.

(4) Nonproliferation Sanctions

The record is also clearly mixed with regard to the enforcement of proliferation sanctions against rogue proliferators such as North Korea and Iran. Russian support—or at least its *non-opposition*, given its Security Council veto rights—was obviously critical to imposing U.N. sanctions against both of those countries in the first place, and for the most part Russia has complied with such sanctions as indeed international law requires.

However, Russia has recently failed to uphold its DPRK sanctions commitments. Russia has become increasingly active in its efforts to circumvent international mechanisms associated with U.N. sanctions enforcement against North Korea, including blocking designations, by the United Nations’ “Resolution 1718 Committee,” of vessels caught in illegal sanctions evasion, and in conducting illicit ship-to-ship transfers of prohibited North Korean commodities. This is a worrying trend that, unchecked, could sabotage the global pressure campaign, which is necessary to achieve the final fully verified denuclearization of the DPRK.

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**d. United Kingdom**

On May 4, 2018, the Agreement for Cooperation between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation in Peaceful Uses of Nuclear Energy, was signed at Washington and on May 7, 2018 the Agreement (U.S.-UK 123 Agreement) was transmitted by the President to the Congress. Under the Atomic Energy Act of 1954, as amended, such agreements must undergo a Congressional review period of 90 days of continuous session. If during that time no resolution of disapproval is enacted, they may be brought into force. The President approved the proposed Agreement pursuant to section 123 b of the Atomic Energy Act in Presidential Determination No. 2018–07 of April 30, 2018. 83 Fed. Reg. 20,711 (May 8, 2018). The Presidential determination, based on views, recommendations, and statements from interested departments and agencies, is that performance of the proposed Agreement “will promote, and will not constitute an unreasonable risk to, the common defense and security.”

**e. Mexico**

The Agreement between the Government of the United States of America and the Government of the United Mexican States for Cooperation in Peaceful Uses of Nuclear Energy was signed at Washington on May 7, 2018, and transmitted by the President to the Congress on May 8, 2018. Like the U.S.-UK 123 agreement, the U.S.-Mexico agreement may be brought into force if no resolution of disapproval is enacted during a Congressional review period of 90 days of continuous session. The President approved

the proposed Agreement pursuant to section 123 b of the Atomic Energy Act in Presidential Determination No. 2018–06 of April 30, 2018. 83 Fed. Reg. 20,709 (May 8, 2018). The Presidential determination, based on views, recommendations, and statements from interested departments and agencies, is that performance of the proposed Agreement “will promote, and will not constitute an unreasonable risk to, the common defense and security.”

## **C. ARMS CONTROL AND DISARMAMENT**

### **1. United Nations**

#### ***a. Treaty Banning Nuclear Weapons***

On October 24, 2018, the P5 issued a joint statement reiterating their opposition to the Treaty on the Prohibition of Nuclear Weapons (“TPNW”). The statement includes the following:

We remain committed under the [NPT] to the pursuit of good faith negotiations on effective measures related to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control. We support the ultimate goal of a world without nuclear weapons with undiminished security for all. We are committed to working to make the international environment more conducive to further progress on nuclear disarmament.

It is in this context that we reiterate our opposition to the Treaty on the Prohibition of Nuclear Weapons. We firmly believe that the best way to achieve a world without nuclear weapons is through a gradual process that takes into account the international security environment. This proven approach to nuclear disarmament has produced tangible results, including deep reductions in the global stockpiles of nuclear weapons.

The TPNW fails to address the key issues that must be overcome to achieve lasting global nuclear disarmament. It contradicts, and risks undermining, the NPT. It ignores the international security context and regional challenges, and does nothing to increase trust and transparency between States. It will not result in the elimination of a single weapon. It fails to meet the highest standards of non-proliferation. It is creating divisions across the international non-proliferation and disarmament machinery, which could make further progress on disarmament even more difficult.

We will not support, sign or ratify this Treaty. The TPNW will not be binding on our countries, and we do not accept any claim that it contributes to the development of customary international law; nor does it set any new standards or norms. We call on all countries that are considering supporting the TPNW to reflect seriously on its implications for international peace and security.



On October 30, 2018, Assistant Secretary Ford delivered remarks on the TPNW at a disarmament conference in Reykjavik, Iceland. His remarks are excerpted below and available at <https://www.state.gov/remarks-and-releases-bureau-of-international-security-and-nonproliferation/the-treaty-on-the-prohibition-of-nuclear-weapons-a-well-intentioned-mistake/>. See *Digest 2017* at 792-93 for Dr. Ford’s 2017 remarks on the nuclear weapons ban treaty.

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[T]he proposed Treaty would neither make nuclear weapons illegal nor lead to the elimination of even a single nuclear weapon. Contrary to what its supporters might wish, it makes no impact that would support any new norm of customary international law that would in any way be binding on any state having nuclear weapons today. In particular, all NPT nuclear-weapon States consistently and openly oppose the “Ban,” along with their military allies around the world. The text of the treaty *itself* is inconsistent with creation of any norm of non-possession of nuclear weapons, inasmuch as it does not actually prohibit States from joining while still having nuclear weapons, and only envisions them relinquishing such devices at an unspecified future date and under unspecified future circumstances. Far from contributing to some kind of non-possession norm, the Treaty seems itself to prove there’s no such thing.

Nor could the TPNW ensure *verification* of nuclear weapons elimination even if it occurred, for the text carefully declines to say anything intelligible about verifying compliance with the very prohibition it purports to bring about. Specifically, it envisions three separate scenarios—and then it gets each one of them wrong. For states that do not possess nuclear weapons, for instance, it relies on outdated system for International Atomic Energy Agency (IAEA) inspections that was designed for different purposes, and which has been known for a quarter century to be inadequate to the challenge of rooting out clandestine nuclear activity. This standard is already demonstrably inadequate in the NPT context, and it would be no better in connection with a “Ban.”

For states that possess nuclear weapons, the TPNW drops the ball even more emphatically. The Treaty offers a “disarm then join” scenario or a “join then disarm” scenario, but without spelling out any of the details such states would need to know in before accession—either in order to have confidence in effective verification or in order to protect against the disclosure of proliferation-sensitive information in the course of disarming.

- For those that disarm *before* joining, verification of this disarmament is to be done pursuant to an agreement negotiated only after accession. Such countries, therefore, are asked to come aboard without knowing the verification regime to which they would be subject under the Treaty.
- Those that opt to disarm *after* joining would be in an even more problematic situation, inasmuch as it is not just verification but the very process of disarmament *itself* that is to be worked out only after a possessor state joins the treaty. One would be asked to accede, in other words, without any assurance of protecting against the compromise of weapons design information, the disclosure of which could fuel proliferation to state or non-state actors.

No possessor state would willingly agree to disarm under those conditions, nor could anyone have any real confidence ahead of time that disarmament on such terms would actually work.

Almost amusingly, the TPNW also trips over its own feet by barring a nuclear weapons possessor that joins the treaty from assisting with the safe and effective removal and dismantlement of *another* country's nuclear weapons. Article I of the TPNW would thus, in effect, prohibit cooperative efforts to achieve the fundamental purpose of the "Ban" by the only people who might be able to provide such help without this aid becoming itself a proliferation risk. Did the TPNW's proponents *really* intend to create an instrument that might prohibit negotiated, cooperative denuclearization efforts such as those the United States is pursuing with the North Korea? One gets the impression that this is just another area in which things just weren't thought through.

In short, the idea that the Ban Treaty provides any kind of viable framework for bringing about or verifying the dismantlement of a state's nuclear weapons program is wishful, and indeed simply magical, thinking.

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Nor would the international community necessarily be able to rely upon the well-established, tried and true institutions of the NPT and the broader global nonproliferation regime to control the pernicious nuclear dynamics that could be set in motion by the TPNW, for the "Ban" works at cross-purposes to these nonproliferation institutions. As I noted earlier, the TPNW deliberately ignores—and backs away from—decades of progress in making the Additional Protocol into the global safeguards standard by reifying the outdated verification system of the INFCIRC/153 IAEA comprehensive safeguards agreement. TPNW proponents have claimed that the "Ban" does not interfere with the NPT, but the TPNW explicitly provides that between parties to the treaty *it* takes precedence over pre-existing international agreements to the extent they contain inconsistent obligations. And, despite solemn promises to the contrary from "Ban" supporters, TPNW debates are already beginning to intrude upon and poison discourse within multilateral fora such as the NPT review process and the IAEA Board of Governors and General Conference.

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Supporters of the "Ban" effort seem to be struggling a bit to persuade states that it would really be in their interest to sign up, and while they may still eventually get enough accessions to meet the requirements TPNW's entry-into-force provisions, a number of countries seem to be gradually waking up to the potential real-world costs and risks of joining. ...

In saying this I do *not* simply refer to the bizarre withdrawal provision of the TPNW, which would penalize ... any state that joins the treaty, insofar as it explicitly prevents the effective withdrawal of such a state so long as it is a party to an armed conflict. ...

... I mostly refer to more immediately practical dangers. ... Any country that joins the TPNW would be required to enshrine the purported illegality of nuclear weapons in its own national law by taking "legal, administrative, and other measures, including the imposition of penal sanctions, to prevent and suppress any activity" prohibited under the Treaty. ...

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For all of these reasons, therefore, the TPNW is clearly a colossal mistake . . . .

And, fortunately, there *is* a better way. . . . [O]ther people are thankfully working to develop concrete ways to *improve* those conditions in ways that will facilitate further disarmament progress.

- Technical and policy experts have been hard at work, for instance, in the International Partnership for Nuclear Disarmament Verification (IPNDV) and the Nuclear Verification “Quad” process, as well as the UN Group of Governmental Experts on Nuclear Disarmament Verification, to explore how to answer the practical and technical challenges associated with being able to undertake and verify dismantlement of nuclear weaponry in nonproliferation-responsible ways.
- In addition, responsible countries . . . support effective nuclear safeguards—including universalization of the Additional Protocol and its establishment as a condition for nuclear supply—as well as sternly effective compliance enforcement when countries break the rules. They also support sound nuclear safety and security best practices, to protect against accidents and malicious acts and keep state and non-state actors alike from acquiring nuclear weapons capabilities. And they work to ensure that the IAEA gets and uses the support and resources it needs in order to play its critical role in nuclear safeguards, safety, and security around the world.
- A broad coalition of diplomats from around the globe are also working to overcome Chinese and Pakistani stonewalling in the Conference on Disarmament, in order to allow that body finally to begin negotiating a Fissile Material Cutoff Treaty (FMCT), while others are promoting the universal adoption of moratoria on nuclear weapons testing and working to ensure that the International Data Center (IDC) and the International Monitoring System (IMS) in Vienna are properly resourced to help guard against clandestine nuclear testing. A similarly broad coalition is working tirelessly to protect and reinforce the Chemical Weapons Convention (CWC) and the international norm against the use of chemical weapons from countries determined to shield the Syrian regime of Bashar al-Assad and others from accountability for atrocities committed with chemical weapons.
- In the United States, moreover, we are continuing our dismantlement of retired nuclear weapons, proud of the extraordinary and unprecedented nuclear disarmament success we have had over the last three decades in cutting the size of our arsenal by some 88 *percent* from its Cold War peak. The United States and Russia have both met the New START Treaty’s central limits, capping strategic arsenals at the lowest levels since early in the Cold War, and we continue to implement the Treaty. We also continue to encourage stability-focused engagement by and between *other* nuclear weapons possessors around the world in order to minimize the dangers of such possession and ensure the safe management of nuclear deterrence during whatever period still remains before to the long hoped-for final elimination of such weapons.
- Still other experts from around the world are currently developing plans, under the new “Creating the Conditions for Nuclear Disarmament” (CCND) initiative, for a broad, multilateral dialogue—one involving not just diplomats and government officials but a range of more nontraditional stakeholders, on both a global and a regional basis—to identify ways in which states can do more, as the NPT Preamble exhorts all of us, to ease tension and strengthen trust between states in order to facilitate nuclear disarmament. We hope and expect to be able to reveal more of these plans in the near future.

All of these efforts are, in important ways, disarmament efforts, for they contribute to changing actual security conditions in the real world in ways that are likely to facilitate future progress on disarmament. As “effective measures” for facilitating nuclear disarmament, all of these efforts contribute to the fulfilment of the disarmament objectives described in the NPT and the obligations set forth in its Article VI. All of them, together, are in effect thus part of a broad and growing collective endeavor that offers a far more serious, thoughtful, and indeed *viable* way forward than does the confused and counterproductive TPNW.

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**b. P5 Approach to Disarmament**

On December 10, 2018, Dr. Ford addressed a conference on nonproliferation looking forward to the 2020 NPT Review Conference (“RevCon”). The topic for the conference on December 10<sup>th</sup> was the role of the five permanent members of the Security Council (“P5”) in global nonproliferation and disarmament policy in the lead-up to the 2020 NPT RevCon. Dr. Ford’s remarks are excerpted below and available at <https://www.state.gov/the-p5-process-and-approaches-to-nuclear-disarmament-a-new-structured-dialogue/>.

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[T]he P5 states have made very clear—most recently in a joint statement issued at the United Nations First Committee in October—their continuing commitment to the NPT in all its aspects.

One of those aspects, of course, is the pursuit of good-faith negotiations on nuclear disarmament ... The P5 have proclaimed their continued commitment to this goal, declaring at the First Committee that they “support the ultimate goal of a world without nuclear weapons with undiminished security for all ... [and] are committed to working to make the international environment more conducive to further progress on nuclear disarmament.” And indeed, with the exception of China, the actions of the P5 states in eliminating the vast majority of their nuclear weapons stocks after the end of the Cold War epitomize the sort of extraordinary progress that is achievable when conditions in the security environment make such movement possible.

The critical question now, however, is: “Where do we go next?” The P5 have engaged regularly on NPT matters, and will continue to do so, but despite their shared commitments and central role in the NPT, they do not form a unified front on NPT matters. ...

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Some of these problems, of course, stem from the destabilizing and provocative actions of rogue regimes such as Iran and North Korea, but others stem directly from the conduct of P5 states—in particular, the determination by two of them to use military coercion to expand the territories under their control. Moreover, Russia has been blithely violating arms control agreements for years while seeking to shift blame to others, maintains a vast arsenal of non-

strategic weapons, and all but boasts of constructing for itself a sprawling new and destabilizing array of nuclear delivery systems. For its part China remains opaque regarding its strategic intentions and the motivations behind its continuing and steady buildup of both its conventional and nuclear forces. These actions have contributed to a deteriorating global security environment, eroding the disarmament-conducive conditions that prevailed for years after the end of the Cold War.

Making things worse, from the perspective of our collective disarmament goals, these global and regional security challenges emerged at a time when traditional post-Cold War approaches to disarmament were running out of steam. Notwithstanding widespread complaints of the supposed lack of progress on disarmament, those traditional approaches had been hugely successful—leading, for instance, to a United States reduction by about 88 percent in the number of nuclear warheads we had at our Cold War peak. Nevertheless, by definition, eliminating weapons made unnecessary by the end of the Cold War was not an approach that could continue to move disarmament forward indefinitely so as long as any nuclear deterrence still remained necessary in our complex and troubled world, let alone in a world beset by worsening security problems.

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Painfully aware of how the traditional approach to disarmament has exhausted itself, and of the deteriorating security environment in which real-world disarmament decisions must necessarily be made, we in the United States undertook a bottom-up review of nuclear disarmament policy in the summer of 2017. That autumn, our interagency approved a new approach to disarmament policy based around dialogue aimed at identifying and addressing negative factors in the global security environment, and in regional contexts, that presently stand in the way of movement toward the ultimate goal of nuclear disarmament as envisioned in the Preamble and Article VI of the NPT.

The new U.S. approach to a reality-based dialogue was publicly announced in October 2017, and subsequently informed the discussion of disarmament issues that appeared in the new U.S. Nuclear Posture Review. In May 2018, it formed the basis of a seminal United States' position paper at the NPT Preparatory Committee (PrepCom) meeting in Geneva, entitled "Creating the Conditions for Nuclear Disarmament," which announced a new initiative by that same name—under the acronym "CCND."

This new initiative aims to move beyond the traditional approach that had focused principally upon "step-by-step" efforts to bring down the number of U.S. and Russian nuclear weapons, but that did so in ways that did *not* provide a pathway to address the challenge of worsening security conditions, did *not* address nuclear build-ups by China, India, and Pakistan, and did *not* provide an answer to challenges of deterrence and stability in Europe and the Indo-Pacific, and that had clearly stalled.

This new discourse, building on the foundation provided by our 2017 review, is both more realistic than these traditional modes of thought and more consonant with the security challenges facing the real-world leaders whose engagement is essential for disarmament. ...

#### IV. A Productive Start ... But More is Needed

Since the announcement of this new initiative by U.S. officials, our diplomats have had success in promoting these concepts in bilateral engagements and in multilateral fora. These concepts have been reflected in the disarmament language of the Japanese-sponsored "United Action" resolution adopted with U.S. support at the UN General Assembly's First Committee in 2017, and in the nonproliferation language of the 2018 G7 Foreign Ministers and

Nonproliferation Directors Group (NPDG) documents, and it has influenced national policy and diplomatic statements by a number of likeminded states—including the disarmament statement issued by the P5 at the First Committee in October.

This concept of a “conditions” discourse has also elicited notable interest and even support from some influential think tanks and civil society actors who are not normally well disposed toward U.S. nuclear weapons policy, some of which have expressed interest in hosting “conditions”-focused programming or are already beginning to do so. The new “conditions” discourse is also now a critical part of U.S. diplomatic messaging and public diplomacy as we head toward the NPT RevCon in 2020, marking the 50th anniversary of the NPT’s entry into force.

We recognize, however, that merely *announcing* a desire for a “conditions” dialogue to help the international community find a viable path toward disarmament is not enough. ...

Accordingly, in October 2018, the United States stepped up its efforts to solicit input from international partners and other relevant stakeholders ...

... We propose, therefore, to use the same basic organizational model for operationalizing the “conditions” discourse as is currently being used by the International Partnership for Nuclear Disarmament Verification (IPNDV).

As many of you already know, the IPNDV is a multilateral effort that has brought more than 25 states with and without nuclear weapons together to try to address specific, practical problems related to how actually to verify the achievement of nuclear weapons dismantlement to international audiences without contributing to proliferation by spreading weaponization knowledge. ... The IPNDV, in other words, is a demonstrably successful model that already resonates with the international stakeholders who would be involved in “conditions” engagements.

Accordingly, we have decided to establish a notionally titled “Creating the Conditions Working Group,” or CCWG. Like the IPNDV, the CCWG will include functional subgroups. This is necessary because in contrast to the IPNDV, which speaks solely to the specific challenges associated with disarmament verification, the CCWG will need to address differing practical aspects of the broader disarmament challenge. The goal of the CCWG will be to identify aspects of the real world security environment that present major obstacles to further disarmament movement and to develop specific proposals for how those obstacles might be overcome.

As we envision it, the CCWG would consist of perhaps 25 to 30 countries selected on the basis of both regional and political diversity, and united both by the understanding that further progress on disarmament requires addressing the security issues which impede it, and by a shared commitment to finding ways to do so. As long as states are committed to constructive dialogue aimed at finding ways to make regional and global conditions more conducive to disarmament, both ardent disarmers and disarmament skeptics would all be welcome.

The program of work for the CCWG would begin with an identification of key issues that, if addressed effectively, could improve prospects for progress on nuclear disarmament. The United States has already provided some thoughts in the working paper submitted to the NPT PrepCom in May 2018, but all participants will be invited to offer their own views. An initial deliverable for the CCWG will be to come to at least provisional agreement on such a list, which would thereafter be the basis upon which the Group would establish sub-groups to look at functional challenges.

After that, the next step will be to identify which specific issues from the list are most suitable for initial in-depth study by subgroups. Up to three subgroups will be established, with associated co-chairs, each assigned a specific functional topic. The co-chairs will be chosen to reflect the diversity of opinion on how to achieve progress on a given topic, but they would also be chosen from among states and individuals most able to provide constructive contributions. We in the United States would organize a small Executive Secretariat for the overall CCWG, staffed by the United States, which would also facilitate the functioning of each subgroup. As with the IPNDV, much of the work of these subgroups would be conducted virtually, through the exchange of working papers, but the working groups would also meet periodically for in-person consultations, hosted by one of the partners. (Concurrent, co-located sessions of all the groups, would allow for states with limited resources to participate as fully as they wish.) Once every 12 to 18 months, a plenary session will be held to review the work of the individual groups and plan for next steps.

We also envision identifying a suitable NGO to assist the CCWG both with logistics and resource support and with substantive input, as has proven helpful for the IPNDV. The subgroups and plenaries would be largely funded by the participant hosting them, our experience at IPNDV having shown that having additional funding sources allows for more diversity in hosting. This would not necessarily exclude other mechanisms for dialogue, and we will need to consider how to engage with states that are not part of the CCWG. Outside the structure of the CCWG itself, additional NGOs would also be encouraged to convene complementary efforts—such as colloquia on “conditions”-related issues that would bring academics and former policymakers together in “Track 1.5” or “Track 2” contexts in order to explore particular challenges, as one partner government has very helpfully already suggested.

We hope to have implementation planning for the new CCWG well underway by the time of the 2019 NPT PrepCom next spring, and to have the working group and its subgroups in full swing before the 2020 Review Conference.

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**c. *Conference on Disarmament***

Permanent Representative to the United Nations Nikki Haley issued a statement on May 29, 2018 on Syria assuming the presidency of the Conference on Disarmament in Geneva for a four-week period. The presidency of the CD rotates among members and the rules of the CD do not allow any member to block another member’s rotation. Her statement is excerpted below and available at <https://usun.usmission.gov/press-release-ambassador-haley-on-syria-assuming-the-presidency-of-the-conference-on-disarmament/>.

During this period, the United States will limit participation in informal sessions convened by the presidency and will continue to highlight the hypocrisy of Syria holding this position in spite of its continued use of chemical weapons and disregard for its other disarmament obligations.

It is shameful that a regime that continues to use chemical weapons to murder its own people has the audacity to accept the presidency of the very

organization that established the Chemical Weapons Convention. The Assad regime does not have the moral authority to chair an organization that helped establish the global norms for ending the use of these heinous weapons. It should immediately relinquish the presidency, and every country that supports accountability for the use of weapons of mass destruction should share our outrage and join us in opposing Syria's presidency.

## 2. Comprehensive Nuclear Test Ban Treaty

The 2018 NPR (which is discussed in section A.2, *supra*) conveys the U.S. decision not to seek ratification of the Comprehensive Nuclear Test Ban Treaty ("CTBT"), though the NPR also states that the United States will continue its support for the CTBT Organization Preparatory Committee, the International Monitoring System, and the International Data Center. Excerpts follow from pages 63 and 72 of the 2018 NPR.

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Along with its nuclear weapon development and production infrastructure, NNSA [National Nuclear Security Administration] will maintain the capability to resume underground nuclear explosive testing if called upon to do so. The United States will not seek Senate ratification of the Comprehensive Nuclear Test Ban Treaty, but will continue to observe a nuclear test moratorium that began in 1992. This posture was adopted with the understanding that the United States must remain ready to resume nuclear testing if necessary to meet severe technological or geopolitical challenges.

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Although the United States will not seek Senate ratification of the Comprehensive Nuclear Test Ban Treaty, it will continue to support the Comprehensive Nuclear Test Ban Treaty Organization Preparatory Committee as well as the related International Monitoring System and the International Data Center, which detect nuclear tests and monitor seismic activity. The United States will not resume nuclear explosive testing unless necessary to ensure the safety and effectiveness of the U.S. nuclear arsenal, and calls on all states possessing nuclear weapons to declare or maintain a moratorium on nuclear testing.

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## 3. International Partnership for Nuclear Disarmament Verification

As discussed in *Digest 2014* at 824-25, and *Digest 2015* at 863-66, the United States advocated for and led the way in establishing the International Partnership for Nuclear Disarmament Verification ("IPNDV"). On April 27, 2018, Anita E. Friedt, Principal Deputy Assistant Secretary of State for Arms Control, Verification and Compliance delivered



remarks at an IPNDV side event at the 2018 NPT PrepCom. Her remarks are excerpted below and available at <https://www.state.gov/remarks-at-the-ipndv-side-event-at-the-2018-npt-prepcom/>.

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[T]he Partnership began as a collaboration between the U.S. Department of State and the Nuclear Threat Initiative to foster collaborative engagement between states with and without nuclear weapons on the technical challenges associated with verifying nuclear disarmament.

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The work of the past three years has really highlighted the utility of collaboration between states with and without nuclear weapons, and demonstrated clearly that all states have something useful to contribute to this important subject.

Given the gaps in verification technology, the Partners were able to produce an excellent body of work during Phase I. That work was focused narrowly on potential procedures and technologies applicable to warhead dismantlement. In Phase II the working groups will build off of that work and expand their scope to the broader elements of the nuclear dismantlement process.

To conclude this discussion, I would like to offer some thoughts on why the United States, and I think all of the Partner states, see this work as important to helping lay the groundwork for future nuclear disarmament.

Despite the great work produced during Phase I, substantial technical challenges remain. However, we are hopeful that, thanks to the Partnership's broad range of technical expertise, the IPNDV is uniquely suited to identifying solutions that will provide for credible means and methods of future verification. Now and in the future, verification will remain a key element of taking steps toward a world without nuclear weapons.

Over the three years of the Partnership's existence, more than 30 countries have participated in IPNDV activities. This collaboration among states with and without nuclear weapons is leading to the development of technologies, capabilities, and experience that can provide a basis for that verification.

During the most recent meeting in Stockholm, the Partners welcomed representatives from Hungary, Nigeria, and Pakistan, which will participate in the upcoming Group of Governmental Experts (GGE) on Nuclear Disarmament Verification. The inclusion and contributions of these states, which were not already members of the Partnership, will only help to further advance the work of both the IPNDV and the Nuclear Disarmament Verification GGE.

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#### **4. New START Treaty**

On February 5, 2018, the central limits set out in Article II of the New START Treaty took effect. See February 5, 2018 State Department press statement, available at

<https://www.state.gov/new-start-treaty-central-limits-take-effect/>. Both the United States and Russia have met these central limits as required under the Treaty. The Fifteenth Session of the Bilateral Consultative Commission under the New START Treaty was held in Geneva April 10-20, 2018. See April 19, 2018 State Department media note, available at <https://www.state.gov/fifteenth-session-of-the-bilateral-consultative-commission-under-the-new-start-treaty/>. The delegations to the BCC discuss practical issues related to the implementation of the Treaty. The Sixteenth Session of the BCC was held in Geneva from October 10–18, 2018. See October 18, 2018 State Department media note, available at <https://www.state.gov/sixteenth-session-of-the-bilateral-consultative-commission-under-the-new-start-treaty/>.

## 5. INF Treaty

On December 4, 2018, the State Department issued a fact sheet regarding Russia’s violation of the Intermediate-Range Nuclear Forces (“INF”) Treaty. The fact sheet is excerpted below and available at <https://www.state.gov/russias-violation-of-the-intermediate-range-nuclear-forces-inf-treaty/>. See Chapter 4 of this *Digest* for the text of the December 4, 2018 diplomatic note from the Embassy of the United States of America to the Russian Federation providing notice that the United States would suspend its obligations under the INF Treaty effective 60 days from the date of the note.

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Since 2013, the United States has raised its concerns with Russia regarding Russian development of a ground-launched cruise missile (NATO designator: SSC-8, Russian designator: 9M729) with a range capability between 500 and 5,500 kilometers on repeated occasions. These include more than 30 engagements at all levels of the Russian government.

Russia has repeatedly changed its cover story regarding its violating missile. For more than four years, Russia denied the existence of the missile and provided no information about it, despite the U.S. provision to Russia of the location of the tests and the names of the companies involved in the development and production of the missile. Russia only admitted that the missile existed after we publicly announced the missile system’s Russian designator but claimed that the missile was incapable of ranges beyond 500 kilometers and, therefore, INF Treaty-compliant. Russia refuses to provide the United States any more information about the missile, its capability, or its testing history to support Russia’s contention that the missile is Treaty-compliant. Despite such obfuscation, Russia claims that it wants to preserve the Treaty.

The United States has convened five meetings of the parties’ technical experts to discuss Russia’s INF Treaty violation since 2014. These meetings included two sessions of the Special Verification Commission, the Treaty body responsible for addressing compliance concerns, in November 2016 and December 2017, and three bilateral U.S.-Russia meetings of technical experts in September 2014, April 2015, and June 2018. At each of these meetings, the United States pressed Russia on its violating missile, urged it to come back into compliance, and

highlighted the critical nature of our concerns. These actions were met with denials, obfuscation, and falsehoods. In contrast, Russia has initiated zero expert meetings with the United States on this topic during this time period and has not engaged in a substantive manner.

The United States has provided detailed information to Russia regarding its violation over the course of these bilateral and multilateral engagements, giving more than enough information for Russia to engage substantively on the issue. ...

If Russia had decided it wanted to return to compliance, it had a clear path forward. There are measures in the Treaty that were used for eliminating systems, which Russia could have adopted to verifiably destroy the SSC-8 and its associated equipment. Russia decided not to do so.

It is important to note that, in addition to violating the INF Treaty, Russia is also not complying with its obligations under several other arms control treaties, including the Open Skies Treaty, the Chemical Weapons Convention, and the Conventional Armed Forces in Europe Treaty.

#### **U.S. Compliance with the INF Treaty**

The United States is in compliance with its obligations under the INF Treaty, and Allies affirmed this most recently in the NATO Summit declaration in July 2018. In contrast to Russia's refusal to answer substantively key U.S. questions about the SSC-8/9M729, the United States has provided Russia with detailed information explaining why the United States is in compliance with the INF Treaty. The United States has even presented some of this information publicly, including in a separate factsheet on the State Department webpage.

#### **U.S. Response to Russia's Violation**

The United States is declaring that Russia's ongoing violation of the INF Treaty constitutes a material breach of the Treaty. As a consequence of Russia's material breach, the United States will suspend its obligations under the Treaty effective in 60 days from December 4 unless Russia returns to full and verifiable compliance.

Russia must return to full and verifiable compliance; Russia's failure to do so will result in the demise of the INF Treaty. We should be clear that Russia has not shown any indications that it seeks to return to compliance.

As described in the 2018 Nuclear Posture Review, the United States is committed to arms control efforts that advance U.S., allied, and partner security; are verifiable and enforceable; and include partners that comply in a verifiable manner with their obligations. An arms control treaty that restrains only one side, while the other side violates it, is not effective in making us safer. Rather, it undermines the very idea of arms control as a tool to enhance our collective security.

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Also on December 4, 2018, Secretary Pompeo delivered remarks at NATO headquarters in Brussels, declaring Russia to be in material breach of the INF Treaty. Secretary Pompeo's remarks are excerpted below and available at <https://www.state.gov/press-availability-at-nato-headquarters/>.

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These violations of the INF Treaty cannot be viewed in isolation from the larger pattern of Russian lawlessness on the world stage. The list of Russia's infamous acts is long: Georgia, Ukraine, Syria, election meddling, Skripal, and now the Kerch Strait, to name just a few.

In light of these facts, the United States today declares it has found Russia in material breach of the treaty and will suspend our obligations as a remedy effective in 60 days unless Russia returns to full and verifiable compliance.

We're taking these steps for several reasons. First, Russia's actions gravely undermine American national security and that of our allies and partners. It makes no sense for the United States to remain in a treaty that constrains our ability to respond to Russia's violations. Russia has reversed the trajectory of diminishing nuclear risk in Europe, where America has tens of thousands of troops and where millions more American civilians are living and working. These Americans live and work alongside many more millions of Europeans who are put in danger by Russian missile systems.

Second, while Russia is responsible for the demise of the treaty, many other states—including China, North Korea, and Iran—are not parties to the INF Treaty. This leaves them free to build all the intermediate range missiles that they would like. There is no reason the United States should continue to cede this crucial military advantage to revisionist powers like China, in particular when these weapons are being used to threaten and coerce the United States and its allies in Asia.

If you ask the question why the treaty wasn't enlarged to include more nations, including China, keep in mind that it has been tried three times without any success already, and it has failed each time.

Third, inertia will not drive policy in the Trump administration. As President Trump has made clear and as I spoke about this morning, the United States will not support international agreements that undermine our security, our interests, or our values.

Finally, and I want to be clear about this, America is upholding the rule of law. When we set forth our commitments, we agree to be bound by them. We expect the same of our treaty counterparts everywhere, and we will hold them accountable when their words prove untrustworthy. If we do not, we'll get cheated by other nations, expose Americans to greater risk, and squander our credibility.

Earlier today, I spoke on America's enduring leadership role in the international order and I reiterate that powerful American leadership means never abandoning our responsibility to protect our security and our nation's sovereignty. I've stated our position in no uncertain terms. The United States remains hopeful that our relationship with Russia can get better, can get on better footing.

With that being said, the burden falls on Russia to make the necessary changes. Only they can save this treaty. If Russia admits its violations and fully and verifiably comes back into compliance we will, of course, welcome that course of action. But Russia and Russia only can take this step.

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On December 6, 2018, U.S. Ambassador to Russia John M. Huntsman and Under Secretary of State for Arms Control and International Security Andrea L. Thompson provided a briefing on the INF Treaty. Their remarks are excerpted below and available at <https://www.state.gov/briefing-on-the-intermediate-range-nuclear-forces-treaty-inf/>.

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**AMBASSADOR HUNTSMAN: ...**

Let me just start by saying this. We've discussed our concerns about Russia's longstanding violations of the Intermediate-Range Nuclear Forces Treaty for many years now ... under two administration[s] ... . We've had probably 30 engagements over five years at a high level. We've had probably five engagements by expert-level groups, including two SVC—that's our verification commission—at a request by the United States, both in 2016 and 2017.

So we have been at this for many years now. We in NATO have gone to great lengths to preserve this treaty. However, no one believes, nor is there any reason to believe, that Russia is going to resolve this problem—of its own creation, by the way—and come back into compliance even after the President's October 20 announcement.

So we are now moving ahead with implementing the President's October 20 decision because Russia's violation poses a clear threat to U.S., European, and global security. The United States is declaring that Russia's ongoing violation of the INF Treaty constitutes a material breach of the treaty. The United States will suspend its obligations under the treaty effective 60 days from December 4th, which is when Secretary Pompeo just a couple of days ago laid it out in very clear terms, unless Russia returns to full and verifiable compliance.

Now Russia must return to full and verifiable compliance, or their failure to do so will result in the demise of the INF Treaty. But we should be clear: Russia has not shown any indication so far that it seeks to return to full compliance.

This also does not mean we are walking away from arms control. We are doing this to preserve the viability and integrity of arms control agreements more broadly. We remain committed to arms control, but we need a reliable partner and do not have one in Russia on INF, or for that matter on other treaties that it's violating.

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**UNDER SECRETARY THOMPSON: ...** [W]ith the Secretary and the United States formally declaring on Tuesday that Russia is in material breach of the INF, that ... decision really demonstrates to all nations ... that this administration ... takes our arms control treaties seriously ... .

And just as a reminder, as Ambassador Huntsman raised, Moscow began cheating on the INF Treaty in 2008 when they began flight-testing of the SSC-8, the cruise missile that has the excess of ranges that the treaty permits. And as he mentioned, we've confronted Russia multiple times over the course of the five-plus years and the 30 detailed engagements and raised it with them. We confronted them with the evidence of the violation. They feigned ignorance. The Obama administration has raised it, as the ambassador raised it as well. November of last year our administration raised it. We named the missile in question, and Russia went from denying the missile's existence and now claiming it is in compliance. And as the vice chairman, as Paul Selva testified to Congress and we've stated as well, that Moscow has filled in multiple battalions of the SSC-8, and all of them are positioned for offensive purposes.

We've exercised patience with this across two administrations; like the ambassador mentioned, over 30 occasions since 2013. We've raised it at the highest levels to the Putin regime that a failure to return to the status quo would have consequences, and they've—continue to violate the treaty. And this—President Trump has said repeatedly our first responsibility is to protect the safety and security of the American people, and that promise relies upon a credible military deterrent. With our INF Treaty that it doesn't bind the likes of China or Iran or North Korea, and if we want credible arms control agreements we've got to demonstrate that our treaties are worth the paper they're written on. It's important to me as under secretary, to Secretary Pompeo and the President that our arms control agreements are adhered to.

We've engaged with partners and allies. I'm sure we'll talk about that this afternoon. You saw the very strong statement from NATO and the remarks by the secretary-general. Again, we've engaged with partners and allies both before, during, and we'll continue for next steps. But it's very clear that President Putin broke the terms of the INF Treaty. He's done other violations, which I'm sure we'll talk about. And again, I look forward to your questions this afternoon, and thanks for making the time.

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**AMBASSADOR HUNTSMAN: ...**

The issue of INF compliance comes up in virtually every high-level meeting we have. It comes up at high-level meetings, it comes up at working-level meetings, and not only during the year-plus that I have been here but certainly for the previous almost five years as well. So there is a consistency with which this issue has been raised, a consistent messaging now over two administrations. Information has been presented that makes our case on the SSC-8.

Frankly, I heard somebody today say that we were somehow giving an "ultimatum," I think was the word that they used. And I had to say no, this is exactly the opposite of an ultimatum. This has been very methodically worked now over two administrations, five years, dozens of engagements at the very, very senior level. When you have two signatories to the 30-year-old agreement taking us back to 1987, arguably one of the most important and successful launch control agreements in the history of arms control, and you find that today—indeed over the better part of the last five years—one of two of those signatories is abiding by the obligations, it becomes foolhardy to carry on.

So here we are. The decision has been made, and the 60-day clock has started. I think we're two days into it. And Russia has the ability over the 60-day period to return to full, verifiable compliance, or the result will be the end of the INF as we know it today.

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**AMBASSADOR HUNTSMAN:** One can only surmise that they're trying to get ahead in the game, a little bit like violations we're seeing with other treaties, whether it's the Open Skies Treaty or whether it's the Chemical Weapons Convention. It's an ability to somehow seek an advantage, and that's something that we're not willing to put up with. It's a straight-up violation of the agreement. We've been very, very clear about it. And now we've finally reached the point where we're willing to do something about it.

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**UNDER SECRETARY THOMPSON:** ... [T]he legal effect of suspension for us means that we're no longer obligated to implement the treaty's provisions. So the treaty remains in force during this period of suspension, so for the 60-day period we remain in force. But again, if and when that next step is made, then we would not be obligated by that, so would be able to continue the efforts. But next steps on the funding, building, and deploying of those systems, I would refer to my DOD partners, but I have the utmost faith and confidence that they will do whatever it takes to defend our security and prosperity. But again, reiterate that we are still adhering to our treaty's provisions under this time.

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## 6. Open Skies Treaty

In the 2018 Compliance Report, discussed in section A.1., *supra*, the United States summarized the limited, reversible, Treaty-compliant measures it was taking in response to Russian violations of the Treaty on Open Skies ("OST"), a regime governing observation flights over the territories of Treaty Parties using specified types of sensors. Excerpts follow from the 2018 Compliance Report, Part III.

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Belarus and the Russian Federation (hereafter, Russia) participate in the Treaty as the Belarus/Russian Federation Group of States Party. The United States first began addressing compliance concerns regarding the Belarus/Russian Federation Group of States Party in the 2004 Compliance Report. All OST issues that rise to the level of violations or compliance concerns that impact the United States in 2017 are related to Russia alone.

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The United States will continue to raise and discuss implementation issues in the context of multilateral consultations and bilaterally with the Russian Federation to improve common understanding of Treaty requirements and expectations.

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### **BELARUS/RUSSIAN FEDERATION GROUP OF STATES PARTY (RUSSIA) FINDING**

In 2017, the United States determined that Russia was in violation of Section III of Annex A to the Treaty and OSCC Decision 3/04 for imposing and enforcing a sublimit of 500 kilometers over the Kaliningrad Oblast for all flights originating out of Kubinka Open Skies Airfield. The United States informed all States Party of this determination on June 20, 2017, at the OSCC.

**CONDUCT GIVING RISE TO FINDING**

In 2014, Russia introduced a 500-kilometer sublimit on the distance that any observation mission could fly over the Kaliningrad Oblast, including any mission originating from Kubinka Open Skies Airfield, which otherwise has a maximum flight distance of 5,500 kilometers and provides sufficient range to observe the entire Kaliningrad Oblast. In 2017, Russia refused three proposed flight plans from the United States that had flight distances of greater than 500 kilometers over the Kaliningrad Oblast: 1) in September, Norway, and the United States proposed a flight distance of 1,102 kilometers over Kaliningrad; 2) on another flight in September, the United States and Ukraine proposed a flight distance of 685 kilometers over Kaliningrad; and 3) in October, Sweden and the United States submitted a flight distance of 581.2 kilometers. After Russia rejected these flight plans, the observing Parties modified the plans, under protest, to include a distance of less than 500 kilometers over Kaliningrad in order to be able to conduct the observation mission. In the corresponding mission reports, the United States cited Russia's imposition of the sublimit as the reason for the modifications, which were made without prejudice to the observing Parties' Treaty rights.

**ANALYSIS OF FINDING**

As established in Section III of Annex A to the Treaty, flights originating from the Kubinka Open Skies Airfield are subject to a maximum flight distance of 5,500 kilometers. No Treaty provision permits a State Party to establish a sublimit within the maximum flight distance of an established Open Skies Airfield, as Russia did for missions originating from the Kubinka Open Skies Airfield for the territory of Kaliningrad. To the contrary, subparagraph 1(b) of OSCC Decision 3/04 precludes a State Party from decreasing the maximum flight distance of an Open Skies Airfield. Russia's 500-kilometer sublimit on flights over the Kaliningrad Oblast is therefore inconsistent with Section III of Annex A to the Treaty and OSCC Decision 3/04.

**FINDING**

In 2017, the United States determined that Russia was in violation of provisions of Article VI of the Treaty for refusing access to observation flights in a ten kilometer corridor along its border with the Georgian regions of South Ossetia and Abkhazia.

**CONDUCT GIVING RISE TO FINDING**

Although no State Party submitted a flight plan in 2017 that included a proposed flight path within ten kilometers of Russia's border with the Georgian regions of Abkhazia and South Ossetia, Russia stated during the reporting period that it would continue to reject such flight plans because it considered those regions independent nations that are not States Party to the Treaty.

**ANALYSIS OF FINDING**

Paragraph 2 of Section II of Article VI of the Treaty prohibits flight within ten kilometers of a border with a non-State Party. Russia claims that the South Ossetia and Abkhazia regions of Georgia are independent States and not party to the Treaty, and thus takes the position that Paragraph 2 of Section II of Article VI prohibits flight within ten kilometers of its border with those regions. However, South Ossetia and Abkhazia are within the internationally recognized borders of Georgia, and are considered by all other States Party to be part of Georgia, which is a State Party to the Treaty. Accordingly, the U.S. position is that there is no basis within the Treaty to prohibit observation flights from within ten kilometers of any portion of the Russian-Georgian border, thereby denying States Party the right to observe those parts of Russia's territory. Russia's policy with regard to such flights is therefore inconsistent with Russia's obligations under Article VI of the Treaty. The United States notes that the operational question



of facilitating flights could be resolved without prejudice to Parties' political views on the status of Abkhazia and South Ossetia, should Russia choose to do so.

### **EFFORTS TO RESOLVE FINDING**

As in previous years, in 2017 the United States and other States Party raised their compliance concerns repeatedly at meetings of the OSCC and in bilateral and multilateral consultations with Russia. The United States continued to oppose any restriction inhibiting an observing Party's right to observe any point on the observed Party's territory in accordance with the Treaty.

In March 2016, the United States, Allies, and partners decided to engage Russia diplomatically in an effort to try to understand and resolve these concerns with Russia through consultation. Allies sought to engage Russia as early as April 2016, but Russia declined to discuss these issues until July 2016. At that time, Russia agreed to experts meetings in a Small Group format that included Russia and several other States Party.

This group met three times between September 2016 and March 2017. After the last meeting in March 2017, the United States came to the conclusion that Russia did not share the U.S. interest in engaging substantively toward a mutually agreeable resolution. At the March 2017 meeting, Russia's representatives rejected U.S. proposals to agree on areas where the United States might document progress from the discussions and questioned the value of further engagement on the U.S. concerns in the Small Group format, bringing the effort the United States initiated in 2016 to a disappointing close.

At the OSCC Plenary on September 26, 2017, the United States announced it would take several limited, Treaty-compliant, and reversible measures aimed at encouraging Russia to return to full compliance with the Treaty. Specifically, the United States said it would:

- revise the flight distance associated with the access to the leeward Hawaiian Islands to a maximum of 900 kilometers as part of the special procedures provided for in subparagraph 5(b)(2) of Annex E to the Treaty;
- cease the practice of waiving certain published Federal Aviation Administration (FAA) rules, procedures, and guidelines on flight safety for Open Skies flights; and
- no longer allow courtesy overnight accommodations at certain mainland Open Skies Refueling Airfields (OSRAs) that are not needed to enable territorial access.

On October 23, 2017, the Russian Delegation to the OSCC stated that Russia would take "reciprocal" actions in response to the U.S. measures.

At the December 11, 2017, OSCC Plenary, Russia stated that it would cease implementing a series of bilateral, operational agreements/arrangements instituted in 2006, 2007, 2008, and 2011 to facilitate Open Skies Treaty implementation. As of December 31, 2017, the impact of Russia's actions on U.S. Treaty implementation was still being assessed.

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**D. CHEMICAL AND BIOLOGICAL WEAPONS****1. General****a. OPCW Special Session**

On June 26, 2018, Deputy Secretary of State John J. Sullivan addressed the Fourth Special Session of the Conference of States Parties to the Organization for the Prohibition of Chemical Weapons (OPCW) at The Hague. Deputy Secretary Sullivan's remarks are excerpted below (with emphases omitted) and available at <https://www.state.gov/statement-at-fourth-special-session-of-the-conference-of-the-states-parties/>.

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For much of the Chemical Weapons Convention's long history, the OPCW and States Parties had a singular focus of destroying legacy chemical weapons stockpiles. The use of chemical weapons was an issue for a bygone era, or so we thought. But, sadly, that is no longer the case.

State and non-State actors are challenging the international norm against chemical weapons use. Allowing chemical weapons use to continue with impunity threatens our rules-based order and all nations around the world.

Chemical weapons have been used recently, to tragic effect, across the world—in Asia, the Middle East, and here in Europe. The Assad regime has continued to use chemical weapons to terrorize and kill Syrians civilians. In March 2018, we saw the use of an unscheduled military-grade nerve agent in a brazen assassination attempt on UK soil. Last year, the chemical agent VX was used to assassinate Kim Jong-Nam in the Kuala Lumpur International Airport. Further, the Islamic State of Iraq and Syria has used chemical weapons repeatedly in Iraq and Syria in recent years. These barbaric acts must stop now.

The United States believes that the OPCW, State Parties, and indeed the Chemical Weapons Convention itself, are up to the task. The Chemical Weapons Convention can—and should—adapt and remain relevant to the changing security environment.

The OPCW is a Nobel Peace Prize winning organization for a reason. It has proven its ability to adapt readily to change, to respond ably and quickly to wide-ranging crises, with highly professional and dedicated experts implementing its mission.

The draft decision put forward by the United Kingdom and a number of co-sponsors, including the United States, provides a roadmap to reaffirming the international norm against the use of chemical weapons. It provides concrete actions to attribute responsibility to those who have violated this value that we all share.

Today, on behalf of the United States, I call on all State Parties to support this decision and to provide the OPCW with the tools it needs to further our shared goals of deterring, preventing, and responding to chemical weapons use.

Removing the ability to use chemical weapons with impunity is a first step towards restoring deterrence against chemical weapons use. We must first empower the OPCW so that it

can ably identify those who are responsible for the confirmed instances of chemical weapons use in Syria.

The OPCW Fact-Finding Mission has been investigating credible allegations of chemical weapons use in Syria since 2014, and, relying on its cadre of chemical weapons experts, has confirmed such use many times over. Unfortunately, the fact-finding mission is limited by its mandate from following the facts to identify those responsible.

The OPCW-UN Joint Investigative Mechanism (The JIM) in Syria proved that it is possible, through countless hours and dogged investigative work, to put forward a thorough, independent, and impartial analysis to determine CW attribution. There is no reason to believe that the same Organization involved in such work for the JIM is not up to the same task itself. The United States deeply regrets that Russia vetoed the JIM renewal in the UN Security Council. Russia has also been campaigning against any action in the OPCW Executive Council on Syria.

The second tool OPCW needs is the ability to build on its existing mandate to assist States Parties in the event of chemical weapons use on their territory. As we have seen in the UK and Iraq, the OPCW provides State Parties with technical assistance related to national investigations of chemical weapons use. To further provide assistance, the Director General has established the Rapid Response and Assistance Mission. The United States supports the Technical Secretariat expanding assistance options to help State Parties *prevent* chemical weapons use before it occurs.

Third, is the ability of the OPCW to further facilitate enhanced capacity-building. This includes tools to allow the OPCW to help Parties to implement their Chemical Weapons Convention obligations, enhance chemical security, and enable international cooperation in the field of chemical activities for those purposes not prohibited by the Convention.

Finally, the OPCW needs to be able to share information with other investigative efforts. This collaboration would allow us to feed into the work and expertise of other investigative mechanisms, such as the Commission of Inquiry and the International, Impartial, and Independent Mechanism, which support our goals of ensuring that chemical weapons cannot be used with impunity.

To conclude, I want to emphasize the United States' determination that restoring the norm against chemical weapons use is a collective responsibility that calls for collective action. We are grateful to the diplomatic coalition of countries that are working to uphold the norms against the use of chemical weapons—the International Partnership against Impunity for the Use of Chemical Weapons and the Australia Group.

We must continue to use the Partnership as an instrument to share information on chemical weapons use and counter false narratives. Through the Partnership, we can build the capacity of Participating States to coordinate our response in the face of chemical weapons use. These economic, judicial, and political arrangements exist for coordinated action. Now is the time to put them into action – to impose serious costs for those actors who make that fateful decision to use chemical weapons. It is absolutely vital that we stand united and use the tools at our collective disposal to deter the future use of CW by anyone, anywhere.

Although the drafters of the Chemical Weapons Convention did not imagine a world where chemical weapons use would increase over time, they nonetheless drafted a treaty that can be responsive to our current environment. Chemical weapons use may have created a crisis, but we as States Parties can put an end to that crisis, by taking decisive action to further enable the OPCW Technical Secretariat to address chemical weapons use and further prevent its re-emergence.

As many of you know, President Trump stated in April 2017: “it is in the vital national security interest of the United States to prevent and deter the spread and use of deadly chemical weapons.” We have taken this to heart and are committed to doing our utmost to stop, *and hold accountable*, those who use chemical weapons.

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**b. *Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (REVCON IV)***

On November 22, 2018, Ambassador Kenneth D. Ward, U.S. Representative to the OPCW, addressed the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (“REVCON IV”). His remarks are excerpted below and available at <https://www.state.gov/remarks-at-the-fourth-special-session-of-the-conference-of-the-states-parties-to-review-the-operation-of-the-chemical-weapons-convention-revcon-iv/>.

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It is an honor to join you today as part of the Fourth Review Conference of the Chemical Weapons Convention (CWC) to evaluate the implementation of the Convention and address significant developments over the last five years. Without a doubt, the Organization for the Prohibition of Chemical Weapons (OPCW) has undergone more change and faced more challenges in the last five years than in the preceding fifteen years combined, greatly deserving its Nobel Peace Prize.

Indeed, the OPCW is a Nobel Peace Prize winning organization for a reason. As highlighted by U.S. Deputy Secretary of State Sullivan at the historic special session of the Conference of the States Parties in June, the Organization has proven, again and again, its ability to adapt readily to change, to respond ably and quickly to wide-ranging crises, and to remain relevant to the ever changing security environment, with its highly professional and dedicated experts. It is essential that the Organization retain this adaptability. Responsible states parties must continue to find ways to deter future CW use and restore the international norm against the use of chemical weapons.

One of the founding principles of the CWC is to “exclude completely the possibility of use of chemical weapons, through implementation of the provisions” of the CWC. The success of this principle depends entirely on all States Parties’ compliance with their obligations. When States Parties fail to meet these obligations, they must be held accountable. No one should think that they can develop, retain, use, or transfer chemical weapons and get away with it. Unfortunately, there are States Parties in this room that think their conduct has no consequences and that they can act with impunity. Today, I would like to focus on non-compliance by those States Parties and highlight what we have done and what we need to do to take on the challenges posed by these States. Member States should join together, just as we did in June, and hold those responsible accountable.

***First, let me start with addressing the Syrian regime’s chemical weapons program and its repeated use of chemical weapons against its own people.***

Although destruction of the declared Syrian regime stockpile was completed in August 2014, the Syrian regime has used chemical weapons against its people from before it joined the Chemical Weapons Convention and its repeated use has continued. The Syrian regime repeatedly used chemical weapons to compensate for its lack of military manpower to achieve battlefield goals and to compel rebel surrender.

The Syrian Arab Republic was found responsible for four attacks in 2014, 2015, and 2017. It likely would have been found responsible for additional chemical weapons use if Russia had not used its veto on the UN Security Council to block renewal of the OPCW-UN Joint Investigative Mechanism.

To be clear, Syria has retained the ability to produce and use more chemical weapons. The United States assesses the regime still has chemicals—specifically sarin and chlorine—that can be used in future attacks. The Syrian military also has a wide variety of chemical capable munitions—including grenades, aerial bombs, and improvised munitions—that can be used with little or no warning. Indeed, the June CSP decision concludes that the Assad regime has failed to declare and destroy all of its chemical weapons and chemical weapons production facilities.

***Next, I will turn to two states that are enabling Syria’s chemical weapons use by shielding the Assad regime from consequences in international fora, while at the same time pursuing their own offensive chemical weapons programs.***

*Iran.* The United States has had longstanding concerns that Iran maintains a chemical weapons program that it failed to declare to the OPCW. The United States is also concerned that Iran is pursuing Central Nervous System-Acting Chemicals for offensive purposes. These efforts are especially concerning because Iran is the world’s leading state sponsor of terrorism and remains the most significant challenge to Middle East stability. I would like to highlight three examples of Iran’s declaration failures:

- First, Iran failed to declare its transfer of chemical weapons to Libya in the 1980s. When the post-Gadhafi Libyan government found these weapons in 2011, Iran never declared the transfer of the weapons, despite OPCW formal requests to States Parties about their origin. They were clearly of Iranian origin as evidenced by the Farsi writing on the boxes containing the artillery shells.
- Second, Iran has not declared all of its riot control agents. Iran has marketed delivery systems and chemicals, including CR at defense expos. Iran has not declared any holdings of CR.
- Third, Iran failed to submit a complete chemical weapons production facility declaration, specifically a CWPF filling capability. In light of the discovery of chemical-filled artillery projectiles and aerial bombs that Iran transferred to Libya and assessed Iranian-origin chemical-filled 81mm mortars found by Iraq during United Nations Special Commission inspections, the United States assesses that Iran filled and possessed chemical weapons. Iran, however, did not declare a CWPF filling capability.

*Let me turn now to Russia.* In March 2018, only months after claiming to have completed destruction of its chemical weapons stockpile, Russia used an unscheduled, military-grade nerve agent in an assassination attempt of the Skripals in Salisbury, the United Kingdom. The UK’s investigation into the assassination attempt on Sergei and Yulia Skripal concluded that two Russian nationals were responsible for the attack and that these two individuals are officers from the Russian military intelligence service, also known as the GRU.

The use of this nerve agent in Salisbury demonstrates that Russia has not met its obligations under the CWC and still maintains a chemical weapons program, in clear violation of Article I. The United States again urges Russia to abandon its chemical weapons program, declare and fully eliminate it under international verification. Russia must be held accountable for flouting its international obligations under the Chemical Weapons Convention.

Further, as the United States has underscored repeatedly, the Russian Federation's actions to shield the Syrian regime from international accountability also make it complicit in the Syrian regime's use of chemical weapons.

***Now let me turn to what we are doing to address non-compliance and what other States Parties can also do together so that when this august body meets again in five years' time we may be closer to fully realizing a world free of chemical weapons.***

***First, ensuring accountability.*** In June, responsible states joined together in adopting the decision "Addressing the Threat from Chemical Weapons Use" which provides the OPCW Technical Secretariat with additional tools to respond to chemical weapons use, including the means to identify the perpetrators of chemical weapons attacks in Syria. Importantly, the decision also directs the OPCW to share information it collects with the United Nations, to build capability to defend against chemical weapons use, and to obtain the advice of outside experts for Technical Assistance Visits, if needed. These tools should serve as a deterrent for State and non-State actors considering the use of chemical weapons in the future. It is incumbent upon all of us to ensure that the special CSP decision is fully implemented.

***Second, updating the Chemical Weapons Convention Schedules.*** Last month, the United States, Canada, and the Netherlands submitted to the Director-General a technical proposal to update the Annex on Chemicals in accordance with CWC Article XV, paragraph 5. Specifically, we seek to add two families of chemicals to the Schedules that include the novichok chemical agent used in Salisbury and that claimed a life in Amesbury. Novichoks are military-grade nerve agents with no known purposes not prohibited by the CWC. We call on all States Parties to support the technical change proposal so that these heinous chemicals can be added to Schedule 1 of the Annex on Chemicals without delay and thus be subject to the CWC's stringent verification regime.

***Third, retaining OPCW capability, flexibility, and expertise through Voluntary Contributions to the Future OPCW Center for Chemistry and Technology.*** The United States strongly supports this initiative of the Director-General to ensure that the laboratory further enhances its analytical capabilities and maintains its stature as a world-class institution. We are further reviewing our options to financially contribute toward such an important effort and encourage other States Parties to also lend financial support to this important undertaking.

***Fourth, endorsing a CNS-acting Chemical Non-Use Policy Statement.*** The United States calls on responsible states to endorse a non-use policy regarding aerosolisation of CNS-acting chemicals. This endorsement would include international support recognizing that the aerosolised use of CNS-acting chemicals is not consistent with the law enforcement exception to the Chemical Weapons Convention. The United States proposed taking this step last year, and we propose it once again. Let us not wait to take action on this issue until it is too late.

To conclude, the United States believes that all of us gathered here today have a vested interest in the success of the mission of the OPCW. Restoring the norm against chemical weapons use is a collective responsibility that calls for collective action. I challenge us all never to forget why this organization was awarded the Nobel Peace Prize in 2013 and to channel our collective determination to rid the world, once and for all, of all chemical weapons.

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## 2. Chemical Weapons in Syria

### a. *Attack in Douma*

On April 10, 2018, the Security Council considered different draft resolutions on the use of chemical weapons in Syria. Ambassador Haley delivered the U.S. explanation of vote on each of the drafts. First, Ambassador Haley delivered remarks before the vote on the drafts. Those remarks are excerpted below and available at <https://usun.usmission.gov/remarks-before-a-vote-on-a-draft-un-security-council-resolution-on-the-use-of-chemical-weapons-in-syria/>.

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We have reached a decisive moment as a Security Council. On Saturday, the first haunting images appeared from Douma in Syria. We gathered around this table yesterday to express our collective outrage. We then collectively agreed that this Council must take steps to determine exactly what happened in Douma, and to put an end to these barbaric attacks.

The United States has put forward a resolution that accomplishes these shared goals. For weeks, we have been working with every single delegation on this Council to develop a new attribution mechanism for chemical weapons attacks in Syria. We held open and transparent negotiations, so every delegation could provide their input.

And we went the extra mile for one Council member. We adopted paragraph after paragraph of Russia's proposed resolution. We tried to take every Russian proposal that did not compromise the impartiality, independence, or professionalism of a new attribution mechanism.

After the Douma attack, we updated our resolution with common-sense changes. Our proposal condemns the attack. It demands unhindered humanitarian access for the people in Douma. It calls on the parties to give maximum cooperation to the investigation. And it creates the attribution mechanism that we worked so hard with each of you to develop. This resolution is the bare minimum that the Council can do to respond to the attack.

The United States did everything possible to work toward Security Council unity on this text. Again, we accepted every recommendation that did not compromise the impartiality and independence of the proposed attribution mechanism.

I want to say a brief word about Russia's resolution, which is also before us for a vote. Our resolutions are similar, but there are important differences. The key point is our resolution guarantees that any investigations will truly be independent. Russia's resolution gives Russia itself the chance to choose the investigators and then to assess the outcome. There is nothing independent about that.

The United States is not asking to choose the investigators, and neither should Russia. The United States is not asking to review the findings of any investigation before they are final, and neither should Russia.

All of us say we want an independent investigation. Our resolution achieves that goal. Russia's does not. This is not an issue that more time or more consultations could have resolved. At a certain point, you're either for an independent and impartial investigation, or you're not. And now that the Douma attack has happened, this is not a decision that we can delay any longer.

The United States calls on all Security Council members to vote in favor of our resolution and to abstain or vote against the Russian draft. The Syrian people are counting on us.

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Next, Ambassador Haley provided the U.S. explanation of vote after the Security Council voted on the draft resolutions on the use of chemical weapons in Syria. That statement, excerpted below, is available at <https://usun.usmission.gov/explanation-of-vote-on-a-draft-resolution-on-the-use-of-chemical-weapons-in-syria-2/>.

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The votes have been cast. The record will show that today, some countries decided to stand up for truth, accountability, and justice for the Syrian people. Most countries saw the horror that took place in Douma last weekend at the hands of the Assad regime and realized that today was a time for action.

Month after month, the Assad regime, with full support of Russia and Iran, has strung along this Council. They ignored our calls for a ceasefire. They ignored our calls for political dialogue. They ignored our calls for deliveries of humanitarian aid. They ignored our calls to stop using chemical weapons – weapons that are universally banned from war. And then, last weekend, the Assad regime forced a moment of reckoning on all of us by gassing people of Douma.

The United States and the countries that joined us today could not allow this attack to go unanswered. The record will not be kind to one permanent member of this Council. Unfortunately, Russia has chosen the Assad regime again over the unity of this council. We have said it before that Russia will stop at nothing to shield the Assad regime. And here is our answer.

Russia has trashed the credibility of the Council. They are not interested in unity or compromise. Whenever we propose anything meaningful on Russia, Russia vetoes it. It's a travesty. They have now officially vetoed resolutions that would hold these barbaric uses of chemical attacks by Assad six times. It did not need to turn out this way.

For weeks, the United States has led transparent, good faith negotiations with all Security Council members to establish an attribution mechanism for chemical weapons in Syria. We started from a simple premise—that every Council member would want to know who was responsible for using these barbaric and illegal weapons. We did everything to accommodate Russia's views. Russia surprised us with a proposed resolution, calling all of us into the Security Council and handing out a draft on the spot. After hearing widespread concerns about their draft, Russia moved ahead anyway—accommodating no one's views.

We could have done the same thing. But instead, we tried to take as much as we could from Russia's draft, while maintaining an impartial and independent process. We were



negotiating in good faith. Many aspects of our resolutions were similar. Russia said investigators should have safe access to the places where chemical weapons were used. We agreed. Russia said they wanted an impartial, independent, and professional investigation. We agreed. Russia said that the investigators should be recruited on as wide a geographical basis as possible. We agreed. Russia said they wanted reports on the activities of non-State actors involving chemical weapons. Even though this sounded to us like an attempt to distract from the Assad regime, we included Russia's request. We even gave our mechanism the name Russia wanted—the United Nations Independent Mechanism of Investigation.

There were really only two key differences between our draft and Russia's. But those differences speak volumes. First, Russia wanted to give themselves the chance to approve the investigators who were chosen for the task. And second, Russia wanted to have the Security Council assess the findings of any investigation before any report was released. Does any of that sound independent or impartial?

So Russia's proposal wasn't about an independent and impartial investigation at all. It was all about protecting the Assad regime. This is a sad day. The United States takes no pleasure in seeing Russia exercise its sixth veto on the issue of chemical weapons in Syria.

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Ambassador Haley provided an additional explanation of vote for the United States, excerpted below, and available at <https://usun.usmission.gov/explanation-of-vote-on-a-draft-resolution-on-the-use-of-chemical-weapons-in-syria/>.

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[T]oday, Russia vetoed for the sixth time a resolution condemning Assad for chemical weapons attacks on his own people. So no matter what we do, Russia will be consistent. They'll continue to play the games. And once again, they're putting forward yet another surprise resolution. The first time any of us saw it was today at 11:00 a.m. They held no negotiations. They took no input. And when Sweden asked that the Council be allowed to discuss the resolution, they allowed it, but they didn't allow any changes to it. So there's a reason Russia didn't want to discuss their resolution, because it doesn't accomplish anything.

The draft resolution mainly asks for the Organization for the Prohibition of Chemical Weapons to send a fact-finding mission to Douma, but the fact-finding mission is already traveling to Douma. They already have a mandate to investigate and collect samples. But what makes it worse is Russia includes several provisions in its resolution that are deeply problematic and that yet again seek to compromise the credibility of the international investigation. The resolution puts Russia and the Assad regime itself in the driver's seat for making arrangements for the fact-finding mission investigators. We're just supposed to trust that the same government who says everything about the Douma attack was fake will work in good faith with the OPCW. This draft also tries to micromanage how the FFM should carry out its investigation, dictating where the investigators should go. Like we've always said, for an investigation to be credible and independent, the investigators must choose where they think they should go. This Council,

least of all Russia, should not be calling the shots. For these reasons, the United States voted “no” on this resolution.

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On April 16, 2018, Ambassador Kenneth D. Ward, U.S. permanent representative to the OPCW, delivered the U.S statement to the OPCE’s 58<sup>th</sup> Executive Council meeting regarding the attack in Douma. His remarks are excerpted below and available at <https://www.state.gov/statement-by-the-united-states-to-the-opcw-58th-meeting-of-the-executive-council/>.

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It is utterly deplorable that, once again, the Executive Council must address a horrific chemical weapons attack by Syria. On 7 April, just three days after this Council convened—on the anniversary of the 4 April 2017, Khan Shaykhun attack—the Syrian city of Douma came under an intense chemical weapons attack which killed dozens of innocent civilians and injured hundreds more. Initial reports indicate the attack in Douma could result in a similar level of civilian casualties as experienced by the town of Khan Shaykhun last year. These horrors need to stop.

After years of repeated and systematic use of chemical weapons, the chemical weapons attack in Douma represents yet another escalation of the Assad regime’s barbaric chemical weapons attacks on its own people. The Assad regime continues to terrorise its own citizens despite international condemnation for its use of chemical weapons. This use has been confirmed by the independent and impartial OPCW-United Nations Joint Investigative Mechanism. It remains undeniable that the Syrian Government is in flagrant, indeed contemptuous, violation of international law, including the Chemical Weapons Convention and United Nations Security Council resolutions.

The United States of America would like to commend the Director-General for promptly mobilising the Fact-Finding Mission (FFM) to investigate the Douma attacks. We call on all parties to ensure that the FFM can investigate the Douma attacks safely, quickly, and with unfettered access. However, it is our understanding the Russian Federation may have visited the attack site. We are concerned they may have tampered with it with the intent of thwarting the efforts of the OPCW Fact-Finding Mission to conduct an effective investigation. This raises serious questions about the ability of the FFM to do its job.

On 13 April, U.S., French, and British forces undertook military operations against the Syrian regime. Our strikes were focused on degrading Syria’s chemical weapons capabilities and deterring further use, consistent with U.S. and our allies’ policies on Syria. The U.S. and its allies made efforts to minimise the risk of civilian casualties in the planning and execution of these strikes. The military strikes by the United States of America and our allies were legitimate, proportionate, and justified.

The United States of America has tried repeatedly to use diplomatic, economic, and political tools to stop the Assad regime’s use of chemical weapons. We have sought action at the United Nations. We have tried imposing sanctions in partnership with the EU and other

countries. However, the Russian Federation has stood in the way of every effort the United States of America and our partners have taken to address this unacceptable situation. The Russian Federation has repeatedly undermined efforts at the OPCW to pressure the regime to surrender its remaining chemical weapons stockpiles and completely dismantle its programme. The Russian Federation has also used its veto power six times over the past year to block United Nations Security Council resolutions and prevent the regime from being held accountable for its continuous use of chemical weapons. Although Russia agreed to a cessation of hostilities under United Nations Security Council resolution 2401 (2018), it has not abided by any of its terms and has only used the resolution as a tool to further the Assad regime's military aims and facilitate Syria's further use of chemical weapons against its own people.

Perhaps most telling, the Russian Federation took away the world's ability to attribute the chemical weapons attacks in Syria by vetoing the renewal of the OPCW-United Nations Joint Investigative Mechanism—an impartial, independent technical body mandated to investigate responsibility for chemical weapons use in Syria. Indeed, just days ago on April 9 and 10, the United Nations Security Council met in emergency session, and once again the Russian Federation vetoed a draft resolution that would have re-established an independent and impartial attribution mechanism that could hold the perpetrators accountable for their atrocities.

By shielding its ally, the Russian Federation has failed to live up to its guarantee underpinning the 2013 Framework Agreement that Syria would cease all use of chemical weapons and fully declare its entire stockpile for verifiable destruction. By continuing to cover for Assad's chemical weapons use, the Russian Federation has not only become morally complicit, but has betrayed the Chemical Weapons Convention and United Nations Security Council Resolution 2118 (2013). As Ambassador Haley said, "Russia could stop this senseless slaughter if it wanted to, but it stands with the Assad regime and supports it without any hesitation."

Syria's continued use of chemical weapons, and the Russian Federation's continued refusal to rein in its Syrian ally through bilateral and international action, necessitated—indeed demanded—a response. The purpose of these recent military operations taken together with key partners is not simply to hold Assad and other regime officials accountable for these atrocities, but to degrade the regime's capability to commit them, and to deter the use of these grotesque weapons in the future by the Syrian regime.

The images of dead and dying children following the Syrian regime's most recent chemical weapons attack represent a call to action among the world's civilised nations. Countries that have the ability—but fail—to hold chemical weapons users accountable render themselves enablers, if not complicit, in these outrages. Further, the failure to respond will not only embolden the Assad regime, but also convince despots around the world that weapons of mass destruction can be used with impunity.

Responding to the use of the world's most abhorrent weapons is essential to preventing their normalisation. With each chemical attack that goes unaddressed, the world grows progressively desensitised to their horror. If this trend continues, we can expect the increased acquisition and use of these weapons by additional states in the future, and that undermines the security of all.

Our strikes against Syria are part of a broader U.S. effort to deter and de-normalise the use of chemical weapons. Over the last year, we have imposed hundreds of sanctions on individuals and entities complicit in chemical weapons use in Syria and in North Korea, and designated entities in Asia, the Middle East, and Africa that have helped facilitate WMD

proliferation activities. We also expelled 60 Russian intelligence officers working under diplomatic cover in response to the Russian Federation's involvement in the Salisbury attack. We will continue to identify those aiding, abetting, or performing such atrocities, to call them out, and prevent their illicit activities. Everyone must be made to understand that the costs of using chemical weapons will always outweigh any military or political benefits.

The United States of America and our allies call upon Syria to immediately cease all use of chemical weapons, to immediately declare for destruction its chemical weapons, to immediately declare and dismantle all aspects of its chemical weapons programme, and to end the charade and cooperate fully with the OPCW in resolving all outstanding issues with respect to its declaration. We call on Syria's protectors to ensure that this time Assad complies.

The Syrian chemical weapons crisis has been going on for over five years. It is long overdue that this Council faces the reality of Syria's despicable assault on the Chemical Weapons Convention and this Organisation. It is long overdue that this Council condemns the Syrian Government for its reign of chemical terror and demands international accountability for those responsible for these heinous attacks. How many more lives must be lost to chemical weapons before we take action? How many more lives must be lost to chemical weapons before we take action?

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**b. Security Council Briefing on Chemical Weapons in Syria**

On September 6, 2018, Ambassador Haley delivered remarks at a UN Security Council briefing on the use of chemical weapons in Syria. Her remarks are excerpted below and available at <https://usun.usmission.gov/remarks-at-a-un-security-council-briefing-on-the-use-of-chemical-weapons-in-syria/>.

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History's verdict on the conflict in Syria is not yet written. There have been plenty of missteps, miscalculations, and willful negligence over the course of the war. There has been evil. There has been honor. And many things in between. I would say it should be a cause of deep shame for the members of the Council who have fought relentlessly to shield the Assad regime from accountability. Instead, those members have made a clear display of their cynicism, their penchant for brutality, and their lack of capacity for shame. ...

Today's Security Council session is devoted to chemical weapons; but make no mistake, an Assad regime offensive on Idlib would be a reckless escalation even if chemical weapons were not used. It is up to Russia to keep this from happening, and we will discuss the humanitarian consequences of the Idlib offensive in greater detail tomorrow.

In the meantime, the Russian Federation has recently been building up its naval forces off the coast of Syria—signaling that Moscow is pre-positioning itself to once more abet the murder and mayhem of the Assad regime. And, as has happened numerous times in the past, there are signs that the Assad regime is planning to use chemical weapons to finish off the siege of Idlib.

As in the past, the Syrian regime and its Russian and Iranian allies are spreading lies about who is behind chemical weapons attacks in Syria. Their claims are baseless. ... In fact, if the past is any guide, the Syrian and Russian attempts to blame others for the use of chemical agents is an indication that the Syrian regime still believes it can use these horrific weapons with impunity and an indication that the Syrian regime may be preparing to use these horrific weapons in future attacks. ...

Here are the terrible facts of the war in Syria. Five years ago, the Assad regime launched missiles containing a cocktail of deadly gas at the people of Ghouta. One thousand, four hundred, twenty-nine people were killed. On April 4, 2017, the Assad regime dropped sarin gas from the sky on the people of Khan Sheikhoun. The attack killed over 70 innocent Syrians—including dozens of children. An independent investigative group, the UN-OPCW Joint Investigative Mechanism, found the Assad regime responsible for the attack. The fact that the Russians later succeeded in killing the JIM doesn't change its conclusions. Their finding was credible, and it was definitive: Assad killed his own people with chemical weapons at Khan Sheikhoun. Then, in April 2018, over 40 people died, and hundreds received treatment for exposure to chemical weapons in Douma.

In all, the United States estimates—conservatively—that the Assad regime has used chemical weapons on its own people at least 50 times since the war began. That's easily—conservatively—1,500 innocent children, women, and men killed by the Syrian regime with chemical weapons. Fifteen hundred murders covered up by the Russian regime. And 1,500 reasons to disbelieve the claims that others are responsible for the atrocities.

As these ridiculous claims are repeated again and again, I ask everyone listening to remember this: the Syrians' and Russians' lies do not exonerate them. The Syrians' and Russians' lies only reveal Assad's guilt. The United States will not stop pushing back forcefully on these lies. We will not abandon the Syrian people.

Along with France, the United States has announced new sanctions against individuals and entities that support Assad's chemical and conventional weapons program.

In June, the Special Conference of the States Parties to the Chemical Weapons Convention decided that the Organization for the Prohibition of Chemical Weapons should identify the perpetrators of chemical attacks in Syria. Even though the United States believes the primary responsibility for addressing the use of chemical weapons belongs to the Security Council, we welcome this decision. Anything that brings us closer to bringing the Assad regime to account for its crimes enhances the security, not just of the Syrian people, but all of us.

In referencing accountability, we have a message for the Assad regime and anyone contemplating using chemical weapons in Syria. In the past 18 months, I have stood on this floor twice, promising that the United States would respond to the use of chemical weapons in Syria. Both times, this administration followed through. The United States and its allies forced the Assad regime to pay its price for its crimes. So we want to take this opportunity to remind Assad and his Russian and Iranian partners: you don't want to bet against the United States responding again.

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### 3. International Partnership Against Impunity for the Use of Chemical Weapons

On January 23, 2018, the State Department issued a fact sheet on the International Partnership Against Impunity for the Use of Chemical Weapons. The fact sheet is excerpted below and available at <https://www.state.gov/international-partnership-against-impunity-for-the-use-of-chemical-weapons/>.

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The international community is at a critical juncture in the fight to uphold the international norm against chemical weapons use. Repeated obstruction by some countries at the Organization for the Prohibition of Chemical Weapons (OPCW) and the United Nations ha[s] undermined the ability of the international community to hold accountable those who use chemical weapons.

The “International Partnership against Impunity for the Use of Chemical Weapons,” initiated by France, represents a political commitment by participating countries to hold to account those responsible for the use of chemical weapons. Countering weapons of mass destruction is a priority reflected in the new U.S. National Security Strategy. The Secretary of State’s participation in the January 23, 2018 Partnership launching conference illustrates the importance that the United States places to hold accountable those involved in the use of chemical weapons.

The Partnership supports and complements existing organizations and mechanisms, including the Chemical Weapons Convention (CWC). OPCW Director-General Ahmet Üzümcü’s participation in the launch reinforces this message of support.

#### **The Partnership**

Participating States will work together in six core areas, as stated by its Declaration of Principles:

- Collecting, compiling, retaining, and preserving relevant information to support efforts to hold accountable those responsible for the proliferation or use of chemical weapons;
- Facilitating the sharing of such information with Participating States and international or regional organizations, so that those responsible may be brought to justice;
- Using relevant mechanisms to designate individuals, entities, groups, and governments involved in the proliferation or use of chemical weapons for sanctions;
- Publicizing the names of individuals, entities, groups or governments placed under sanctions for their involvement in the proliferation or use of chemical weapons through a dedicated website;
- Strengthening the capacity of Participating States to hold accountable those involved in the use of chemical weapons, including by enhancing States’ legal and operational capabilities to identify and sanction or prosecute individuals involved in the proliferation or use of chemical weapons; and
- Supporting, where appropriate, common positions in existing fora regarding the use of chemical weapons, for example, the OPCW Executive Council and the UN Security Council and General Assembly.

Over 25 countries signed on to the Declaration of Principles on January 23, 2018.

Additional countries are welcome to join the Partnership, as long as they agree to the Declaration of Principles and Terms of Reference. Additional information on the Partnership can be found at: [www.noimpunitychemicalweapons.org](http://www.noimpunitychemicalweapons.org).

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#### 4. Russia's Use of Chemical Weapons

See Chapter 16 for further discussion of the consequences of the Secretary of State's determination that the Government of the Russian Federation used chemical weapons in violation of international law or lethal chemical weapons against its own nationals. On April 18, 2018, the State Department issued a press statement on holding Russia accountable for the March 4, 2018 chemical weapon use in Salisbury, United Kingdom. The statement is excerpted below and available at <https://www.state.gov/holding-russia-accountable-for-chemical-weapons-use-in-salisbury-uk/>.

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Today, the UN Security Council and the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW) met to discuss the OPCW's recent findings related to the March 4 use of a military-grade nerve agent in Salisbury, UK.

The OPCW's independent report, released last week, confirms the UK lab analysis regarding the identity of the chemical used in Salisbury. We applaud the OPCW's expeditious support and technical efforts to uncover the facts.

We fully support the UK and the need for today's special meetings of the OPCW Executive Council and the UN Security Council to discuss the chemical weapons attack in Salisbury and the OPCW's detailed independent analysis.

As we have made clear, the United States agrees with the UK's assessment that Russia is responsible for this use of chemical weapons on UK soil—either through deliberate use or through its failure to declare and secure its stocks of this nerve agent.

Only the Government of Russia has the motive, means, and record to conduct such an attack. Russia developed the type of military-grade nerve agent used in Salisbury and has a record of conducting state-sponsored assassinations.

Rather than changing its harmful and destructive behavior, the Russian government offers only denials and counteraccusations to deflect attention from its culpability.

The United States condemns the use of chemical weapons anywhere, anytime, by anyone, under any circumstances. We urge our colleagues on the UN Security Council and the OPCW Executive Council to join us, as they have before, to create a unified front against the use of chemical weapons. We cannot allow the normalization of chemical weapons use.

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## 5. **Australia Group**

On January 23, 2018, the United States congratulated India on joining the Australia Group, “an informal forum that seeks to prevent the proliferation of chemical and biological weapons,” which, with India, reached 43 members. See State Department press release, available at <https://www.state.gov/u-s-congratulates-india-on-joining-the-australia-group/>. The State Department press release goes on to say:

This latest accomplishment underscores the Indian government’s excellent nonproliferation credentials and commitment to preventing the proliferation of weapons of mass destruction, including by regulating the trade of sensitive goods and technologies. Its accession bolsters the effectiveness of the regime’s nonproliferation efforts.

India is a valued nonproliferation partner. We look forward to continuing our work with India in the Australia Group in furtherance of our shared nonproliferation goals.

## 6. **Biological Weapons Convention**

The United States welcomed the Central African Republic’s deposit of its instrument of ratification to the Biological and Toxin Weapons Convention (“BWC”) in a September 26, 2018 State Department media note, available at <https://www.state.gov/united-states-applauds-central-african-republics-ratification-of-the-biological-weapons-convention/>.



### **Cross References**

*Termination of Treaty of Amity with Iran*, **Ch. 4.B.1**

*Suspension of obligations under the INF Treaty*, **Ch. 4.B.6**

*Leibovitz v. Iran (regarding JCPOA)*, **Ch. 5.A.3**

*Iran v. United States (ICJ case relating to JCPOA)*, **Ch. 7.B.1**

*Russia*, **Ch. 9.A.5**

*Disarmament aspects of outer space*, **Ch. 12.B**

*Iran/JCPOA*, **Ch. 16.A.1.a**

*DPRK sanctions*, **Ch. 16.A.5**

*Russia sanctions*, **Ch. 16.A.6**

*Nonproliferation sanctions*, **Ch. 16.A.7**

*Conventional weapons*, **Ch. 18.B**