



Permanent Representation
of the Federal Republic of Germany
to the OPCW

STATEMENT OF THE FEDERAL REPUBLIC OF GERMANY
BY H.E. AMBASSADOR GUDRUN LINGNER
PERMANENT REPRESENTATIVE OF GERMANY TO THE OPCW
AT THE 99th SESSION OF THE EXECUTIVE COUNCIL
(The Hague, 8 - 11 March 2022)

Madame Chairperson, Director General, distinguished colleagues,

Firstly, Germany would like to congratulate our former Chairperson of the Executive Council, H.E. Ambassador Bellouki of Morocco, for his outstanding leadership in steering the works of this Council from May 2021 until the end of last year. We wish Ambassador Bellouki all the best in his new posting and thank him for entrusting the German Ambassador to the OPCW to prepare EC-99 on his behalf. As Acting Chairperson, Ambassador Lingner has cooperated very closely in the preparation of this session with H.E. Ambassador Eniola Ajayi of Nigeria, the nominated future Chairperson. As always, Germany is also grateful to Director General Fernando Arias and the Technical Secretariat for their comprehensive reporting and preparatory work.

This 99th Executive Council takes place in unprecedented circumstances. Since last February 24th, we are forced to face a situation that we did not think possible only a few weeks ago. War raises its ugly head once more in the heart of Europe; the UN Charter has been breached and security structures that have protected peoples on the European continent since the end of the Second World War have been challenged. The Chemical Weapons Convention (CWC) is a pillar of the international disarmament structure and fortunately, it has not been directly affected by the Russian invasion of Ukraine. However, no responsible government and no States Party to the CWC can ignore the wider implications of a military aggression that illustrates a clear willingness to violate international law recklessly. It means for States Parties to the Convention that we have to protect international law and the CWC even more vigorously. We must uphold the ban on chemical weapons use. The clock cannot be turned back, we owe that to the victims of chemical weapons attacks and indeed to all victims of war.

This is particularly true with regard to the Syrian Chemical Weapons Programme. Since the last Council session, EC98 in October 2021, Germany has studied with utmost attention the Director General's reports on the state-of-play with regard to Syria related OPCW missions. We also took note of the ongoing correspondence between the Director General and the Foreign Minister of the Syrian Arab Republic, Dr. Faisal Mekdad, and carefully read the official monthly reports issued by Damascus. Unfortunately, we did not notice any progress. The Syrian chemical

weapons initial declaration remains incomplete and inaccurate, and the 25th round of consultations of the Declaration Assessment Team (DAT), originally scheduled to take place in Syria in mid May 2021, can still not be implemented due to Damascus' refusal to issue the visa for an essential member of the DAT-Team. Germany deplores this blatant lack of cooperation from the part of the Syrian Arab Republic and reiterates that Syria has a clear obligation under Chapter VII to allow immediate and unfettered access to any OPCW personnel, including all members of DAT and IIT teams, as defined in the UN Security Council resolution 2118 (2018) and related EC decisions. Germany urges the Syrian Arab Republic to let its words be followed by deeds and finally cooperate fully with the OPCW on all outstanding questions, gaps and inconsistencies. The times of pretending and veiling must end. This appeal is also directed at those who support impunity for Damascus by hampering the OPCW's efforts to establish accountability for CW use in Syria.

We commend the continuous commitment of OPCW experts on all Syria missions and express our gratitude for the reliable work of the Fact Finding Mission (FFM), the Declaration Assessment Team (DAT) and the Identification and Investigation Team (IIT). We reaffirm our confidence in the professional findings of the FFM. Their scientific expertise and impartial approach have again been illustrated by the two latest FFM reports on chemical weapons incidents, covering incidents in Marea (report issued on 24.01.2022) and Kafir Zita (report issued 31.01.2022). Both FFM reports confirm the use of chemical weapons against civilians in Syria (blister agent on 01.09.2015 in Marea and chlorine on 01.10.2016 in Kafir Zita). Germany looks forward to possible IIT reports on these chemical weapons' uses and hopes that there will be enough information available to identify who was responsible for the attacks. We remain committed to ensuring full accountability on part of the perpetrators of chemical weapons attacks by using all instruments available, in particular sanctions, and by enabling processes in national courts where applicable.

Accountability for the use of chemical weapons is a *conditio sine qua non* with regard to preventing the re-emergence of these horrific weapons. In this context, Germany notes with grave concern that the use of a chemical nerve agent against Mr. Alexej Navalny on 20 August 2020 on Russian territory has still not been addressed by the Russian authorities as prescribed by the Chemical Weapons Convention. Mr. Navalny fell victim to a heinous chemical weapons attack in Siberia, but circumstances have still not been clarified and the Russian Federation has neither given any plausible explanation of this incident nor started a formal investigation. Germany recalls that Russia is obliged under Article VII of the Convention to criminalise, and consequently to investigate and punish any suspected use of chemical weapons on its territory.

Together with 45 States Parties to the Convention and in the formal framework of Art. IX CWC consultations, Germany has asked the Russian Federation on 5th October 2021 for explanations regarding the poisoning of Mr. Navalny. The provision in Article IX, paragraph 2 of the Convention requires a State Party that has received a request for clarification to provide a response with 'information sufficient to answer the doubt or concern raised along with an explanation of how the information provided resolves the matter'. To date, no such answer has

been received from the Russian Federation. Germany together with the 45 States Parties has reiterated the request for information. Taking note of this matter, the Parliamentary Assembly of the Council of Europe has recently called upon the Russian Federation “to fulfil its obligations under the Chemical Weapons Convention, including by investigating the alleged development, production, stockpiling, and use of a chemical weapon on Russian territory and by providing as soon as possible substantive replies to questions posed” (PACE Resolution 2423 (2022) adopted on 26.01.22).

Madame Chairperson,

Germany strongly supports a rules based international order and in particular the implementation of the Convention through the OPCW, financially and politically, on different levels and in several international fora. In December 2021, we have made another voluntary contribution of 1 Million Euro in order to support capacity building for laboratories in Africa and training for OPCW staff on non-routine missions. As current Chair of the G7-led Global Partnership against the Spread of Weapons and Materials of Mass Destruction we will continue to support the OPCW in its mission. We promote the exchange of ideas on how the OPCW could adapt to changing security circumstances. These discussions will *inter alia* nourish States Parties’ reflexions in preparation of the 5th Review Conference, scheduled for May 2023, and also give input to the programming for the future OPCW Centre for Chemistry and Technology (CCT). Germany welcomes the establishment of an Open Ended Working Group (OEWG) that will structure the preparatory work for the coming Review Conference. This conference will be of great importance, as it will be taking place at a moment that coincides with the end of an era that was marked by the destruction of declared chemical weapons. We will engage constructively in the preparatory Working Group and look forward to cooperating with all States Parties under the able leadership of the nominated Chairman, H.E. Ambassador Lauri Kuusing of Estonia, in order to identify together the guidelines for the work of the OPCW in years to come.

Madame Chairperson,

Let me end this statement by giving a short update on an initiative launched by Germany almost two years ago, which has become known as the “EC Business Continuity Initiative”. This initiative aims at defining procedures that allow the Executive Council to convene when in-person meetings are not possible, using virtual meeting technology. We have worked hard and made great progress on this matter. A wide consensus has been built, as reflected in the Rev1 - version of the draft EC decision that Germany tabled recently on behalf of 15 co-sponsors. However, a very small number of States Parties have still not joined the consensus. I appeal to them to get actively involved in consultations after EC-99, so that we can find a common ground that will allow us to adopt a decision by consensus. I would like to stress that the need for procedures that facilitate the Council’s work in emergency situations will prevail, even if the COVID-19 pandemic finally seems to recede. We still need to prepare for the possibility of extraordinary circumstances or emergencies that might arise in the future, much like you would need to store a spare wheel in your trunk in times when your actual car wheels are still working perfectly fine.

I thank you.