

**STATEMENT OF THE FEDERAL REPUBLIC OF GERMANY**

**BY H.E. AMBASSADOR THOMAS SCHIEB**

**PERMANENT REPRESENTATIVE OF GERMANY TO THE OPCW**

**AT THE 102<sup>nd</sup> SESSION OF THE EXECUTIVE COUNCIL**

**(The Hague, 14 - 17 March 2023)**

Mr. Chairperson, Director-General, distinguished Ambassadors and delegates,

Germany aligns itself with the statement delivered by the Permanent Representative of Sweden on behalf of the EU.

2023 is a critical year for the OPCW – with the end of the worldwide destruction of declared chemical weapons in sight, the upcoming Fifth Review Conference should provide orientation as to the future role of this important organisation. Given the current geopolitical environment, we are aware that this will be extremely challenging, but Germany is fully committed to achieving this goal.

As we gather for the first session of the Executive Council this year, Germany would like to congratulate our Chairperson of the Executive Council, H.E. Ambassador Ziad of Saudi Arabia, for his outstanding leadership in steering the works of this Council since May 2023. Germany would also like to express its appreciation of the professionalism and impartiality of the Director General (DG), Ambassador Fernando Arias, as well as the Technical Secretariat (“Secretariat”). Time and again, the Secretariat has, under the DG’s able leadership, demonstrated resilience in the face of unfounded accusations of partiality, defending the OPCW against attacks on its legitimacy and authority. The Secretariat can count on Germany’s unwavering support.

On 27 January, the OPCW released the third report of the Investigation and Identification Team (IIT). Germany commends the IIT coordinator, Ambassador Oñate, and his team, for providing us with yet another well-researched and comprehensive report. This third report concludes that the Syrian Arab Air Force was responsible for the use of chlorine as a chemical weapon in the Syrian town of Douma on 7 April 2018, killing 43 people and affecting dozens more. The report also mentions that Russian forces were co-located at the airbase from which the flights departed and that the airspace over Douma was controlled by the Syrian and the Russian Air Forces at the time of the attack.

This is the ninth clear attribution of CW use to the Assad regime by UN and OPCW mechanisms.

Germany condemns in the strongest terms the Syrian regime's repeated use of CW. The Syrian regime has to comply with its obligations under the Chemical Weapons Convention ("Convention") and relevant UN Security Council resolutions without further delay; it must fully declare and destroy its chemical weapons program; and it has to stop playing games and allow the deployment of OPCW staff to verify it has done so.

We also call on the Russian Federation to stop shielding the Syrian regime from accountability for its use of chemical weapons, including through campaigns of disinformation. It is very deplorable that the Russian Federation, in order to distract from the Assad regime's clearly attributed responsibility for CW use, does not shy away from severe attacks against the Secretariat, also on a personal level, accusing it of being biased and partial, as it happened again during the DG's briefing of the UN Security Council on the IIT Douma report on 7 February.

It cannot be stressed enough: The use of chemical weapons is a violation of international law and can amount to the most serious of international crimes: war crimes and crimes against humanity. Those responsible must be held accountable, and the IIT's extensive reporting is an important contribution to ending impunity for the chemical weapons use. In this context, Germany calls on all States Parties to cooperate with the OPCW's relevant mechanisms, as well as with the relevant international courts and tribunals with the aim of bringing the perpetrators of chemical weapons use to justice.

Germany reiterates its resolute condemnation of Russia's war of aggression against Ukraine, which constitutes a flagrant violation of UN Charter obligations and OSCE principles and commitments. Russia's brutal war has brought immense suffering and destruction to Ukraine and its people. We resolutely support Ukraine, the victim of Russia's unprovoked aggression, in its inherent right of self-defence in accordance with Article 51 of the UN Charter. We urge Russia to stop its war of aggression and to immediately, completely and unconditionally withdraw all its troops and military equipment from the entire territory of Ukraine within its internationally recognised borders.

Germany is very concerned that Russia is continuing, with varying intensity, its elaborate, malicious disinformation campaign, which targets not only Ukraine and spreads untrue allegations regarding plans to use chemical weapons or toxic chemical substances. Such unfounded accusations are an insult to all States Parties that comply with their obligations in good faith and they destroy trust among States Parties. I would like to recall the statement delivered by Germany on behalf of 54 States Parties at the 27th session of the Conference of the

States Parties to the Convention denouncing these repeated allegations as an abuse of the Convention. To our deep regret, on February 28 this year, Russia added another set of allegations, again without any credible evidence, at a briefing at Russia's Ministry of Defence. This abusive behaviour by Russia has to stop.

Germany also deplores Russia's reckless military attacks in the direct vicinity of civilian chemical facilities in Ukraine. We condemn any act compromising the safety of these facilities and reiterate the utmost importance of safeguarding such facilities and preventing the risk of dangerous substances and materials being released. Together with many other concerned States Parties, Germany welcomes the OPCW's monitoring of the situation, particularly around declared chemical industrial sites in Ukraine. We recall that any toxic chemical used to cause death, temporary incapacitation or permanent harm to humans or animals would constitute the use of a chemical weapon. This includes the use of riot control agents as a method of warfare.

The outrage over Russia's war of aggression against Ukraine should not let us forget that there is another matter where Russia continues to evade its responsibilities as a State Party to the Convention. It is absolutely unacceptable that, until today, the Russian Federation has not reacted to international calls for a thorough and transparent investigation into the assassination attempt on the Russian opposition politician Alexei Navalny. The poisoning of Mr. Navalny in Russia in August 2020 with a nerve agent of the "Novichok" group has been confirmed, beyond doubt, by specialised laboratories in France, Germany and Sweden, as well as by the OPCW. Germany once again urges the Russian Federation to disclose without further delay the circumstances of the assassination attempt on Mr. Navalny and to provide substantive answers to the questions posed by 45 States Parties in the framework of Art. IX, paragraph 2 of the Convention on 5 October 2021.

At the Fifth Review Conference it will be crucial to achieve a common understanding on how to counter the re-emergence of chemical weapons and on how to safeguard and strengthen the Convention as a pillar of the international non-proliferation and disarmament regime in the future.

Undoubtedly, many challenges remain when it comes to the implementation of the Convention. At the same time, it is fair to say that a lot has been achieved since the last Review Conference five years ago, the imminent and successful conclusion of the destruction of the declared CW stockpiles being the most prominent example. More States Parties have reached partial or even full implementation of the Convention through their national legislative framework, thousands of experts from all five regions have received specialised trainings, thus in-

creasing knowledge about and implementation of the Convention around the globe. The Organisation's technological capabilities will reach a new level thanks to the new state-of-the-art OPCW laboratory at the ChemTechCentre.

The preparations for the Fifth Review Conference by the OEWG have got off to a promising start, and Germany would like to thank the Chairperson, Ambassador Lauri Kuusing of Estonia, for steering the work in a very open and inclusive manner. He and the Chair of the Review Conference, Ambassador Henk van der Kwast of the Netherlands, can definitely count on Germany's support in their efforts to prepare the ground for a consensual outcome document.

On 1 March, 2023 Germany announced its new guidelines on Feminist Foreign Policy, thus emphasizing our intention to put the focus on equal rights and the participation of women and girls in our foreign and development policy. Germany therefore commends the DG particularly for the progress made towards a more gender-balanced, diverse and representative Technical Secretariat and a stronger focus on "women in chemistry". We encourage him to continue his efforts, including with regard to the enhancement of gender mainstreaming in all areas of the Secretariat's work, including ICA activities.

In the summer of 2020, six months into the Covid-19 pandemic, Germany launched an initiative to discuss and agree on an interpretation of the Rules of Procedure of the Executive Council (EC RoP) to ensure the functioning of the Organisation, should extraordinary circumstances like a pandemic prevent us from meeting in person. All along, Germany has upheld the intention not to amend, but only to interpret the EC RoP. The initial non-paper, presenting our ideas, was consulted with the five regional groups. This revealed a large consensus on the need to adopt measures to convene sessions or meetings of the Council remotely or at a venue other than the seat of the organisation. A revision of our non-paper for EC-96 was shared, followed by further consultations that led to a draft Council decision for consideration at EC-98. This document reflected, amongst other aspects, the wish of several delegations to thrash out the details of a potential vote during a virtual meeting, while some delegations rejected any reference to voting in a virtual format. The definition of "extraordinary circumstances" also triggered a lot of discussion in the outset. In addition, we have made considerable headway towards ensuring that all Council members have a say if an alternative meeting format is suggested.

This third revision of the draft decision, tabled for adoption at EC-102, represents a good compromise between the different views and will hopefully earn all State Parties support. To be best prepared and ensure the functioning of the Organisation under extraordinary circumstances is, Germany believes, a shared ambition of all States Parties. The adoption of this decision by consensus will not only ensure the business continuity of the Executive Council, but

will also send the very positive signal that it is still possible to reach consensual Council decisions.

Finally, Germany would like to reiterate the importance of engaging with all relevant stakeholders, ranging from non-governmental organisations to chemical industry associations and think tanks. These stakeholders make critically important contributions to the work of the OPCW, thus supporting the full implementation of the Convention. They need to be involved as much as possible and according to transparent criteria in the sessions of the Conference of States Parties.

I would kindly ask you to consider this statement as an official document and post it on the OPCW external server and public website.