

中国外交部发言人对于调查鉴定组首份报告的评论

(2020年4月9日)

中方注意到这份报告。我愿借此机会重申，中方一贯坚决反对任何国家、任何组织、任何个人在任何情况下、出于任何目的使用化学武器，支持禁化武组织根据禁化武公约规定，对可能使用化学武器的事件开展全面、客观、公正的调查，得出经得起历史和事实检验的结论。

同时我们也认为，上述“调查鉴定组”的成立不符合禁化武公约的规定，其所开展的工作没有体现全面、客观、公正的原则，更谈不上得出经得起历史和事实检验的结论。包括中方在内不少国家从一开始就反对建立“调查鉴定组”，我们的立场没有改变。某些国家出于地缘政治目的，强行推动成立这个机制，导致叙利亚化武问题被进一步政治化，引发禁化武公约缔约国陷入更大分裂，中方对此深感关切。

我们呼吁有关国家严格遵循禁化武公约规定，通过对话弥合分歧，妥善处理叙利亚化武问题，维护禁化武公约的权威，不要做有可能进一步损害中东地区和平稳定的事。

Comments by the Spokesperson of the Ministry of Foreign Affairs of the People's Republic of China on the Release of the First Report by the OPCW Investigation and Identification Team

9 April 2020

The Chinese side has taken note of the report. I would like to take this opportunity to reiterate that China always firmly opposes the use of chemical weapons for any purpose by any country, organization or individual under any circumstance, and supports the OPCW in carrying out comprehensive, objective and impartial investigation into any possible use of chemical weapons according to the Chemical Weapons Convention (CWC) and reaching conclusions that can withstand the test of time and truth.

However, at the same time, we also believe that the establishment of the IIT is not in accordance with the provisions of the CWC, that its work does not reflect the principle of making comprehensive, objective and fair investigation, and that its conclusions cannot withstand the test of time and truth. Many countries, including China, have opposed the establishment of the IIT from the very beginning, and our position has not changed. China is deeply concerned that some countries have pushed for the establishment of this mechanism for geopolitical purposes, which has further politicized the issue of chemical weapons in Syria and driven further apart the parties to the CWC.

We call on relevant countries to strictly abide by the provisions of the CWC, bridge differences through dialogue, properly handle the issue of chemical weapons in Syria, safeguard the authority of the CWC, and refrain from doing anything that may further undermine peace and stability in the Middle East.

**Statement by H.E. Ambassador XU Hong Permanent Representative
of the People's Republic of China to the OPCW on the First Report
by the OPCW Investigation and Identification Team**

(The Hague, 22 April 2020)

China noted the first report issued by the Investigation and Identification Team of the Technical Secretariat. I would like to take this opportunity to reiterate that China always firmly opposes the use of chemical weapons for any purpose by any country, organization or individual under any circumstance, and supports the OPCW in carrying out comprehensive, objective and impartial investigation into any possible use of chemical weapons according to the Chemical Weapons Convention (CWC) and reaching conclusions that can withstand the test of time and truth.

The IIT has been controversial since its establishment. Many States Parties, including China opposed the adoption of the decision “Addressing the threat from chemical weapons use” (C-SS-4/DEC.3) which is beyond the framework of the CWC by vote from the very beginning and have concerns on the establishment of the IIT. China’s position has not changed. Regarding the work of the IIT, we consider that it has the following problems:

Firstly, the establishment of the IIT is beyond the mandate of the CWC. The CWC prescribes detailed provisions on the alleged use of chemical weapons, with Article IX and Article X setting up mechanisms, such as “investigation in cases of alleged use of chemical weapons” and “challenge inspection” to carry out investigation, and clearly defines investigation procedures and methodology, including the procedure of investigation under the situation of conflict. These mechanisms are aimed at clarifying and resolving any matter which may cause doubt about compliance with the CWC. The factual report produced by these mechanisms shall be submitted to the Executive Council. The Executive Council and the Conference of States Parties shall address any concerns as to whether any non-compliance has occurred and take necessary measures pursuant to Article XII. It should be emphasized that these mechanisms apply to all the States Parties, who have signed and acceded to the CWC by accepting the above-mentioned mechanisms, instead of other verification mechanisms outside the CWC. Some States Parties forcibly pushed for by vote the establishment of a new mechanism, the so-called investigation on attribution of the use of chemical weapons, whose mandate is beyond the purview of the CWC, and undermined the authority and the effectiveness of the Convention.

Secondly, the working methodology of the IIT does not reflect the principles of comprehensiveness, objectivity, and impartiality, and is inconsistent with the provision of the CWC. The IIT, since its establishment, has yet submitted its Terms of Reference to the Executive Council for review, nor distributed it to the States Parties, and thus lacking transparency. The IIT emphasized it has followed the “international best practice” and the practices of similar types of investigation. In our view, since the IIT is a mechanism set up by the OPCW, its working methodology and procedure should follow the provisions of the CWC and its Verification Annex, rather than the

so called ambiguous “best practice” or “practice of similar investigation”. Any investigation should be based on concrete facts and evidence. However, from the procedure point of view, the IIT did not go to the site and collect direct evidence. Rather, it only depends on collecting and assessing indirect information, such as: interviewing with the so called witnesses at a third country, receiving samples from NGOs, and consulting external experts. These practices cannot ensure the integrity and completeness of the chain of custody, are contrary to the relevant provisions of the CWC and its Verification Annex, and fail to guarantee that the conclusion of the investigation is objective, factual and impartial.

Regarding the composition of the IIT, due to the open information provided by the Secretariat, its staffs are mostly from western countries, especially 5 core members, namely 2 investigators, 2 analysts and 1 legal officer, all from the western group. The percentage of staffs from the western group by far overweighs other regional groups, and thus does not reflect a fair geographic distribution. As an investigation mechanism with important and sensitive mandate, the IIT’s composition lacks due balance.

Thirdly, the verification mechanisms established by the CWC are all fact-finding in nature. The issues as to who is the perpetrator and whether there is a breach of the CWC are beyond the technical mandate of fact-finding of the Technical Secretariat, and should be considered and determined by the Executive Council in accordance with Article VIII of the CWC. Therefore, the responsibilities of the IIT should also be limited to identifying and reporting on all information potentially relevant to the origin of those CWs, and the conclusion of the report that the Syrian military is the perpetrator of using the CWs is beyond the mandate of the IIT.

Finally, China emphasizes that, under the guise of safeguarding the CWC, some States Parties pushed for the adoption of the decision “Addressing the Threat from Chemical Weapons Use” which is beyond the mandate of the CWC, and the working methodology of the established IIT also does not comply with the provisions of the CWC and its Verification Annex. Such practice has caused serious impacts on the authority and effectiveness of the CWC. Currently, the work of the OPCW is facing difficulties such as dialogue replaced by voting, the State Parties divided and confronted on the issue of attribution of the use of CWs. The OPCW is becoming an instrument for geopolitical strife.

China has repeatedly called for that the issue of attribution of the use of CWs should be guided back to the framework of the CWC. As a technical organ, the Technical Secretariat should strictly follow the CWC and uphold the spirit of objectivity, impartiality and independence to do its job well. The PMOs such as the Executive Council shall play its due role, based on facts, in a spirit of seeking truth from facts, and fully discuss the report and address it in accordance with the relevant provisions of the CWC. The Executive Council shall make any conclusion or take any action in a careful and serious manner. If there are major differences among the States Parties, there should be no hasty conclusion or action. China hopes that all States Parties could bridge the differences through dialogue, properly handle the issue of the chemical weapons in Syria, and jointly safeguard the authority and seriousness of the CWC.