



**OPCW**

**Executive Council**

101st Session  
4 – 6 October 2022

EC-101/NAT.77  
4 October 2022  
ENGLISH and FRENCH only

**UKRAINE**

**STATEMENT BY H.E. AMBASSADOR MAKSYM KONONENKO  
PERMANENT REPRESENTATIVE OF UKRAINE TO THE OPCW  
AT THE 101ST SESSION OF THE EXECUTIVE COUNCIL**

Mr Chairperson,  
Mr Director-General,  
Excellencies,  
Ladies and gentlemen,

It is a great honour for me, as Ambassador and Permanent Representative of Ukraine, to participate in this general debate of the Executive Council (“the Council”) of the Organisation for the Prohibition of Chemical Weapons (OPCW), which is aimed at clarifying the political framework in which the OPCW operates. And for me, the key to succeeding in this exercise is to remain clear, honest, and courageous, “to call a spade a spade” no matter what because, faced with the tectonic geopolitical shifts that have shaken Europe and the whole world these past few months, the benevolent indifference or head-in-the-sand policy practiced by some can work no more. Whether you want it or not, the new reality will catch up with us all, and our inability to adapt will cost us dearly. So, better to be aware and to take action without delay, including at the OPCW.

There is no question that the Russian aggression against Ukraine has left a profound mark on the current international context. Since 24 February 2022, under the pretext of a so-called “special military operation”, the Moscow authorities have waged a real conventional war against the Ukrainian State and people.

Thanks to hundreds of journalists and to modern technologies, the Russia-Ukraine war is the best-covered international conflict in human history. I am certain that each of you begins and ends your day with news from the front on your screen. So, I see no point in giving you a complete recap of the past 223 days. Nonetheless, allow me to draw your attention to a few of the most important facts.

First, I must bring up the issue of fake referendums on “unification with Russia”, organised and held from 23 to 27 September by the Russian occupying administrations in the occupied parts of the Ukrainian regions of Donetsk, Luhansk, Kherson, and Zaporizhzhia. This cynical farce represents the modus operandi of the Kremlin, which I already described for you in July at the last session of the Council. It is a simple formula: occupy as much Ukrainian territory as possible, eliminate all those who muster the courage to stand up to the occupying regime, pressure the civilian population to vote yes, “with a gun pointed at their head”, to unification with Mother Russia, annex the occupied territories, destroy civilian infrastructure and



economic system of Ukraine to weaken the resistance, and blackmail the West by placing the conquered territories under the shadow of the nuclear umbrella.

Basing himself on the fabricated results of these so-called “popular votes”, on 30 September the Russian President tried to make official the annexation of four new Ukrainian regions by signing “agreements integrating them with Russia” and by declaring the inhabitants there Russian citizens “forever”. To support his position, Vladimir Putin referred to international law and, most importantly, the right of peoples to self-determination. On 3 October this decision was approved by the Duma which hastily “ratified” these “treaties”.

Dear colleagues, Ukraine’s position on this issue could not be clearer: this farce has nothing to do with the will of the Ukrainian people, nor with international law. The results of these sham referendums were decided by the Kremlin even before they took place. So all of these figures have no basis in reality and are pure lies. What is real, however, is the decision taken by the Ukrainian people during the referendum of 1 December 1991, when 92% of Ukrainians, with a turnout of 84%, voted in favour of a sovereign and independent Ukraine within the borders of the Ukrainian Soviet Socialist Republic. Within the borders that Russia itself confirmed in the treaties of 1997 and 2003 and brutally violated in 2014 and 2022. That was the sole and unique act of self-determination by the Ukrainian people that counts, and which still remains valid today.

From a legal standpoint, things are even clearer. Even a first-year student in international law knows that, under paragraph 4 of Article 2 of the Charter of the United Nations, a territory may not be acquired through the use of force. A second-year law student could already cite the Declaration on Principles of International Law of 1970 which stipulates that – and I quote: “[t]he territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal.” A third-year student could speak about Principle IV of the Declaration on Principles adopted by the Conference on Security and Co-operation in Europe in the Helsinki Final Act of 1975, which follows the same lines. In the view of a fourth-year student, Article 52 of the Vienna Convention on the Law of Treaties of 1969 would be of particular importance in this case, since it specifies that – and I quote: “A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.” Finally, a fifth-year student has already read enough to know about the opinions of the Venice Commission in 2014 on the referendum organised by the Russian occupying forces in Crimea and on the attempt to annex this Ukrainian region. Both opinions conclude that the Russian actions are not compatible with the law or the Constitution of Ukraine, nor with European constitutional principles, nor with international law.

It naturally follows that the so-called referendums held in the Donetsk, Luhansk, Kherson, and Zaporizhzhia regions are null and void and that Ukrainian sovereignty over these territories has not been transferred to the occupier. The legal status of the people is also not affected by any agreement concluded between the de facto authorities in the occupied territory and the occupying power, nor through any annexation by this power. Consequently, no act by Russia or by the local authorities acting under its orders in the occupied territories can affect the pre-existing legal status of these territories, which under international law remain Ukrainian.

In my search for any reliable explanations of these actions, for a long time I went back and forth between either the complete illiteracy of Russian lawyers or the underhanded intentions

of the Kremlin, which has a history of hijacking a system to then destroy it, and then portraying itself as its staunchest defender. Ultimately, I am inclined to believe the second version: President Putin and his entourage deliberately set out to dismantle the system of international law and security built after World War II. Will his plan succeed or not? That depends on our joint determination to protect the existing international order. And in the worst case, no country will any longer be safe from forcible loss of territory.

Secondly, I must draw your attention to the dangerous escalation of the Russia-Ukraine conflict triggered recently by the Moscow authorities. During the seven months of total war against Ukraine, Russia has used all manner of conventional weapons in its possession: tanks, planes, heavy artillery, multiple rocket launchers, and both guided and unguided missiles. To no avail. The Ukrainian resistance only grows stronger. In September, the Ukrainian armed forces took back nearly all of the Kharkiv region, and several cities and towns in the Kherson and Donetsk regions, including the strategic city of Lyman. In all, more than 9,000 km<sup>2</sup>. In light of this situation, instead of recognising its defeat, withdrawing from Ukrainian lands, and returning to the negotiating table in good faith, the Kremlin opted for an unprecedented escalation, both politically and militarily.

In addition to the fake referendums, Vladimir Putin upped the political stakes by announcing on 21 September the “partial mobilisation” of fighting-age Russians. The Russian Minister of Defence then specified that 300,000 reservists would be called up and sent to the front after brief training. According to him, since 1 March 2022 a total of 5,937 Russian soldiers have been killed in Ukraine. Another lie intended to conceal the misery of the “world’s second army.” First, it was not a partial, but rather a general mobilisation, in which Moscow intends to call up one million reservists. Second, according to the most conservative estimates of the Ukrainian Ministry of Defence, which keeps a daily tally of the losses inflicted on Russian troops on its territory, as of 22 September, a total of 55,510 Russian troops had been killed in Ukraine, not to mention the wounded. Today they number more than 60,000. Third, if the “special military operation” is a success and is going “according to plan”, and if only 6,000 soldiers have been killed in combat, why announce a mobilisation?

In his address on 21 September, the Russian President also raised the military stakes, by declaring that if the territorial integrity of Russia was threatened, Moscow would use any means at its disposal to protect Russia. That implies that Russia is prepared to use nuclear or chemical weapons. On 30 September, the same refrain: Vladimir Putin raised the possibility of use of a nuclear weapon if the “territorial integrity” of Russia was threatened.

To sum it up, dear colleagues: Russia, a Permanent Member of the United Nations Security Council which, by definition, bears a particular responsibility for maintaining international peace and security, is being defeated by Ukrainian troops on the battlefield and, as a result, is mobilising a million troops and publicly making nuclear threats. I have no idea whether this doomed-from-the-start mobilisation or this ill-equipped and badly prepared cannon fodder will be able to turn the tide of the war, nor do I know whether the Russian nuclear blackmail is for real or is a bluff. But what I do know full well is that these kinds of escalations, if not met with a firm and resolute response, could give rise to a global catastrophe.

Third, the point of my remarks today is to raise the awareness of the international community, and the OPCW in particular, about the genocidal policy that the Moscow authorities have put in place to achieve their military objectives in Ukraine and to crush the resistance of the Ukrainian people.

Since the Russian troops, cut off from their supply lines, are no longer able to launch an offensive and, at some point, when they are no longer able to defend their positions against a Ukrainian counteroffensive, they attack civilian infrastructure in the most populated cities and kill people to sow fear and to terrorise the population. Here are a few recent examples: on 22 September, in a single day, as a result of Russian attacks, 11 civilians were killed and 44 more wounded in the cities of Dnipro, Donetsk, Zaporizhzhia, Kharkiv, and Sumy; on 29 September, Russian troops bombed the city of Mykolaiv with cluster munitions, killing 3 and wounding 12; on 30 September, more than 30 civilians were killed in a Russian airstrike targeting a humanitarian convoy in the Zaporizhzhia region, leaving 88 wounded in this ruthless attack.

But that is not all. Ukrainian forces continue to find evidence of atrocities committed by the Russian Army after its retreat from the Kharkiv region. In the recently liberated city of Iziium, a mass burial site was discovered. Roughly 440 bodies were buried in a mass grave. Forensic investigations have been launched to determine the circumstances of their death. Another case was uncovered on 1 October. At least 24 civilians, including a dozen children, were found shot dead in their vehicle near the recently liberated city of Kupiansk. The Russian occupiers attacked, at point-blank range, civilians who were attempting to flee the bombings. Two cars were completely burned out; inside, children with their parents burned alive.

In all, as a result of this dehumanisation of Ukrainians, which has been publicly professed by the Russian leaders, at least 7,254 civilians, including 392 children, have been killed and at least 9,774 civilians, including 764 children, have been wounded as of 28 September 2022. More than 43,600 civilian structures have been damaged or destroyed, including at least 34,423 residential buildings and homes, roads, and bridges, more than 1,700 schools and more than 300 medical facilities, roughly 4,000 water and power utilities, and more than 400 cultural and religious sites. And this does not include the cities of Mariupol, Sievierodonetsk, Lysychansk, and other towns and villages that we cannot access because of the hostilities or temporary occupation.

The worst of the lies in all of this is that the Moscow authorities not only deny responsibility for the crime of aggression against the Ukrainian State and nation, but also dismiss any war crimes and crimes against humanity perpetrated by Russian soldiers in Ukraine against Ukrainians themselves. Despite the attempts by the Russian propagandists, this cannot go on forever. Ukrainian law enforcement agencies have already opened investigations into 35,200 crimes committed since 24 February. And I am convinced that, in collaboration with the Joint Investigation Team and the International Criminal Court, we will bring to justice all of those responsible for the bombings of civilian infrastructure, the premeditated murders, the use of banned weapons, the rapes and other forms of sexual violence, the tortures and inhumane treatment, and the illegal displacements and expulsions. Justice will be done. It is a matter of principle.

Dear colleagues, of course there is the question: what is the role of the OPCW in all of this? What is the link between my words and the Chemical Weapons Convention (“the Convention”)? As I did in July, I shall attempt to give you some simple but effective guidance.

First, do not recognise. Do not recognise and accept this illegal alteration of the status of the Ukrainian regions of Donetsk, Luhansk, Kherson, and Zaporizhzhia, as you did for the Autonomous Republic of Crimea. For this is a legal obligation stemming both from the Charter

of the United Nations (paragraph 4 of Article 2) and international customary law. By occupying and attempting to annex Ukrainian territory, Russia committed an internationally wrongful act: a serious breach of a peremptory norm of general international law. States and international organisations, including the OPCW, are obligated to refuse to recognise as legitimate a situation created by such a breach. Accordingly, any reference to these territories, including in maps, statistics and the like, must be made while respecting the territorial integrity of Ukraine within the framework of its internationally recognised borders. The Organisation must ensure that its activities, and those of its organs, cover the regions of Donetsk, Luhansk, Kherson, and Zaporizhzhia, solely as an integral part of Ukraine.

Next, cooperate. Cooperate, through lawful means, to put an end to this serious violation of Ukraine's sovereignty. Double, and even triple the political pressure on the aggressor State to make it renounce its forcible territorial gains and to return to the framework of international law.

Finally, remain vigilant. As I said before, the Russian leaders no longer have any limits, not legal, not institutional, not moral. Their only truth is lies. They are prepared, without a second thought, to use nuclear or chemical weapons, if such a decision can give them a considerable advantage on the battlefield. Therefore, I am asking the OPCW and its Member States to monitor the situation in Ukraine very closely and, if necessary, to intervene without delay. In the worst case, I urge you to make Russia pay a heavy price for any possible violation of the Convention.

For our part, I wish to assure you that Ukraine has been and remains very much committed to the Convention and has no intention of using this type of weapon, regardless of the situation on the front. Ukraine will never use, under any circumstance, chemical weapons or industrial chemicals as weapons. Ukrainians will never allow a recurrence of a catastrophe like that in Chernobyl, which could pollute our land and deny several generations the opportunity to benefit from it.

I would ask that my statement be considered as an official document of this session of the Council and would refer you to the External Server where you can find the full version of my statement.

Thank you for your attention.

- - - 0 - - -