



General Assembly

Distr.: General
12 July 2021

Original: English

Seventy-fifth session

Agenda item 103

General and complete disarmament

Letter dated 9 July 2021 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I would like to bring to your attention an urgent matter pertaining to the activities of the Organisation for the Prohibition of Chemical Weapons (OPCW).

As you are aware, from 6 to 9 July, the ninety-seventh session of the OPCW Executive Council took place in The Hague. One of the most divisive issues at the session has been the draft 2020 report of OPCW on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. It is not a consensual document; it contains a number of provisions relating to the activities of the so-called Investigation and Identification Team (IIT), which was established in violation of article XV of the Convention. Russia, as well as many other countries, regards the Team as illegitimate and encroaching on the mandate of the Security Council, and openly opposed the references to the Team in the draft report during the debate in the Executive Council (see statement in the annex).

Therefore, we were puzzled to see that controversial draft circulated among Member States in the note by the Secretary-General on the implementation of the Convention ([A/76/111](#)) as early as 28 June 2021, even before the formal discussion of this matter in the Executive Council had started. We took note of your reference that it was done at the request of OPCW. In that regard, we would like to stress that such a request violates paragraph 21, subparagraph a, paragraph 32, subparagraph b and paragraph 38, subparagraph b, of article VIII of the Convention. Given all this and the timing of circulation, we cannot but regard this step of the OPCW Technical Secretariat as politically motivated.

This is yet another illustration of the Technical Secretariat failing to live up to its mandate as an impartial guardian of the Convention's implementation, adding to its poor recent record. We remain deeply concerned about troubling dynamics in OPCW triggered by the attempts of certain States to politicize its activities, converting this formerly authoritative technical organization into a geopolitical instrument.

I should be grateful if you would circulate the present letter as a document of the General Assembly under agenda item 103.

(Signed) Vassily Nebenzia



Annex to the letter dated 9 July 2021 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

[Original: Russian]

Statement by Ambassador A. V. Shulgin, Permanent Representative of the Russian Federation to the Organisation for the Prohibition of Chemical Weapons, at the ninety-seventh session of the Executive Council (under agenda item 9, Draft annual report of the OPCW on the implementation of the Chemical Weapons Convention in 2020)

Mr. Chair,

At the outset, we should like to thank the Technical Secretariat for preparing the draft report of the Organisation for the Prohibition of Chemical Weapons (OPCW) on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2020 (EC-97/CRP.1, dated 17 May 2021). This is a voluminous document, many pages long, that we have studied carefully. We should like to discuss with the members of the Executive Council a number of points regarding which we have serious concerns.

First, the Russian Federation objects, as a matter of principle, to the inclusion in the draft report of provisions related to the activities of the illegitimate Investigation and Identification Team, namely, paragraphs 1.32 to 1.36 and 1.38 to 1.40.

We have repeatedly emphasized that no provision is made in the Convention for the attribution of chemical weapons attacks. The decision of the fourth special session of the Conference of the States Parties on addressing the threat from chemical weapons use (C-SS-4/DEC.3, dated 27 June 2018) exceeds the competence of the Conference and infringes on the exclusive powers of the Security Council.

Furthermore, we cannot agree that the Team's conclusions "are based on the combination, consistency, and corroboration of the obtained information, after a careful assessment of its probative value through a widely shared methodology in compliance with best practices of international fact-finding bodies and commissions of inquiry". In addition, we have no reason to believe that, "in its investigations, the IIT adhered to applicable OPCW procedures, including with respect to chain of custody, supplemented as appropriate". In accordance with the principles established in the Convention and the internal rules of OPCW, inspectors must visit the site of an alleged incident and take samples themselves. In practice, however, the OPCW fact-finding mission in the Syrian Arab Republic receives samples from "third parties", often non-governmental organizations with dubious reputations and even terrorist organizations active in Syrian territory. To speak of the Team's adherence to the above-mentioned principles is also completely absurd.

We categorically disagree that the transfer by the Technical Secretariat, in October and November 2020, of information related to the Team's investigations to the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 was conducted "in a manner consistent with the applicable OPCW rules and policies on confidentiality". We have repeatedly informed the Technical Secretariat and the States Parties to the Convention of our position in this regard. In our view, the Technical Secretariat

exceeded its authority by independently concluding an international treaty on the matter (the so-called memorandum of understanding) with the Mechanism, in violation of article VIII, paragraph 34, of the Convention, given that only the Executive Council is entitled to do so. In addition to the fact that the Mechanism cannot be regarded as legitimate, no provision is made in the Convention, in principle, for such direct contact between the Technical Secretariat and United Nations bodies. Moreover, the memorandum runs counter to the Annex on the Protection of Confidential Information (Confidentiality Annex) to the Convention and the OPCW Policy on Confidentiality, in which it is stated that the Organisation's protected data cannot be released without the consent of the State concerned.

Second, paragraph 4.11, on the virtual briefing allegedly given by the Director General to the members of the Security Council on 12 May 2020, is incorrect. The Council held no such meeting. Two permanent members, namely, China and Russia, did not participate in the event. The Director General's private meeting, at the invitation of the Permanent Representative of Estonia to the United Nations, with a group of States Parties to the Convention that are coincidentally also members of the Security Council was not an official Security Council event, either in form or in substance. It is not mentioned in the report of the Security Council for 2020 (A/75/2) either.

Third, we are also puzzled by paragraph 1.29, which, in our view, needs to be corrected. In that paragraph, the Technical Secretariat assumes, without justification, the authority of the Security Council to assess the full implementation by Damascus of Council resolution 2118 (2013), and the authority of the Executive Council to assess the implementation of its decision, at its thirty-third meeting, on the destruction of Syrian chemical weapons (EC-M-33/DEC.1). Neither the Security Council nor the governing bodies of OPCW have granted such authority to the Technical Secretariat.

Fourth, serious questions are raised in paragraph 1.41 regarding the Technical Secretariat's provision of technical assistance to Germany in connection with the situation related to Alexei Navalny. The information in that paragraph in fact confirms that what happened to the Russian blogger was the result of a provocation that was clearly planned outside Russia. The Technical Secretariat thus admits that, at the request of Germany, it deployed a team to provide technical assistance in connection with the suspected poisoning of a Russian citizen as early as 20 August 2020, namely, precisely when the first signs of a deterioration in the condition of Mr. Navalny, who was on flight 2614 of the Russian carrier S7 Airlines from Tomsk to Moscow, began to appear, followed by his admission to hospital in Omsk. We would welcome clear explanations in that regard. We also request the Technical Secretariat to explain why the draft does not include information on how the request of the Russian Federation for technical assistance under article VIII, paragraph 38 (e), of the Convention was not granted.

The Russian Federation therefore opposes the transmission of the draft report on the implementation of the Convention in 2020 to the Conference for consideration in its current form, and proposes the deletion of paragraphs 1.32 to 1.36, 1.38 to 1.40, and 4.11. We are willing to hold consultations on the margins of the session with interested delegations and the participation of representatives of the Technical Secretariat. Otherwise, in the absence of consensus, we propose that a vote be held, in accordance with rule 45 of the rules of procedure of the Executive Council, on a package comprising paragraphs 1.32 to 1.36, 1.38 to 1.40, and 4.11.

I request that the present statement be circulated as an official document of the session and posted on the Organisation's extranet and website.