

Statement of Germany under agenda item 9d „Addressing the threat from chemical weapons use“ (RCA)

Under Article I, paragraph 5, the CWC states that “Each State Party undertakes not to use riot control agents as a method of warfare”. At the July meeting of the Executive Council Germany expressed its concern regarding reports, including a report from Russian state media, about the possible use of riot control agents as a method of warfare by Russian armed forces in its illegal war of aggression against Ukraine. In the media report, televised by the Russian First Channel’s prime time news journal “Vremya” on May 2nd about combat action in the Donetsk region, we are shown how Russian forces use tear gas dropped from drones to clear out Ukrainian soldiers from their positions.

We called on the delegation of Russia to comment on this and on the very serious questions it raises. However, we did not receive an answer at the July meeting of the Executive Council. In the following weeks we received further reports and a further note from the delegation of Ukraine on this issue.

For this reason, on October 9th, upon request from the delegations of Canada, France, Germany, Italy, Japan, the United Kingdom and the United States of America, the Technical Secretariat forwarded a note to the Russian delegation with a demand for explanations pursuant to paragraph 2 of Article 9 of the CWC, repeating our concern about reports that indicate riot control agents may have been used repeatedly by Russian armed forces in combat operations against Ukrainian forces – let me stress the formulation “may have been used”. We asked the Russian Federation to respond to two simple questions:

1. Have Russian armed forces used riot control agents in combat operations in the conflict in Ukraine?
2. How does the Russian Federation explain the First Channel TV report, and has there been any investigation of the reported case in order to ensure that obligations under the Convention are being strictly observed?

We believe we stated a legitimate concern about compliance with the provisions of the CWC. We did not make any prejudgement. We used the procedure foreseen in the Convention to consult with the relevant State Party and to clarify the issue.

Two days later, the Spokesperson of the Russian Foreign Ministry called this request for clarification “another anti-Russian provocation” and a “tendentious and brazen attack on Russia”. We read these remarks with some consternation and consider them completely inappropriate.

On October 18th we received the formal answer from the Russian delegation to our request. In that note, Russia repeats at length its well-known, repetitive but never proven allegations that Ukraine was preparing so-called “provocations” with the use of toxic chemicals. Russia claims to have evidence of such use, which it transmitted to the Director General of this Organisation. We have no information about the nature of this alleged evidence, as no other State Party has seen it, but would be interested to learn more as the prohibition of the military use of toxic chemicals applies of course to all States Parties.

Only at the very end, the note addresses the questions we asked, in particular the Russian TV report. According to the Russian note, the report was about the use of not prohibited smoke camouflage grenades and incendiary ammunition. The K-51 tear gas grenade demonstrated in the report was the object of a misunderstanding, and in fact fell within the hands of the Russian military when capturing Ukrainian positions.

So here is the explanation Russia provides us for a Russian state TV media report showing the “smoking out” of Ukrainian positions, using explicitly the words “tear gas grenades”: It is all a misunderstanding, and in fact it was the Ukrainians which were using such grenades.

I must say this explanation somewhat stretches our credulity. Not only because it does not sound very plausible, but because it falls into a typical pattern of Russian propaganda: Always claim the exact opposite to be true and put the blame on the other side. We saw this pattern in Russia’s attempts to explain what happened in the cases of Skripal and Navalny, where in both cases the use of prohibited nerve agents was proven by the OPCW. In both cases Russia’s behaviour makes it hard to get to any other plausible explanation than a Russian state involvement and responsibility.

We were furthermore surprised that Russia in its Note verbale from 18 October tried to return the question it has been asked, requesting information from Germany. Please let me make one thing clear: As Germany is not a belligerent in Russia’s war of aggression against Ukraine, we do not have information of our own on the incidents.

In addition, we firmly reject more recent Russian insinuations, expressed in a Note verbale from the Russian delegation of 3 November that Germany was somehow involved in or at least aware of alleged Ukrainian “provocations”.

Let me conclude by saying that we consider the responses received from the Russian Federation as insufficient to alleviate our concern regarding the prohibited use of riot control agents in combat situations.

This is also because in the meantime we have discovered other reports of Russian – not Ukrainian – origin showing the use of riot control agents in combat situations by Russian troops in Ukraine.

We again ask Russia to examine the matter and strictly fulfil its obligations under the CWC, including the obligation not to use riot control agents as a method of warfare. We ask the Technical Secretariat to continue monitoring the situation.

This is not an issue to take lightly. The obligation not to use riot control agents as a method of warfare has been included in Article I for good reasons. While not being directly lethal, it has lethal consequences on the battlefield, and it may open the door to the use of lethal chemical agents. We consider any violation of the prohibitions under Article I of the Convention as utterly unacceptable.