

Right of Reply by Germany, Deputy PR Jarek Korczynski, on Agenda
Item 10 at the 29th CSP of the OPCW, 28.11.2024

“Germany commends the IIT for their professionalism and commitment.

It is clear from the Convention and its Verification Annex that when non-compliance is registered, attribution is a necessity. Part XI of the Verification Annex states that an inspection is to note any information that might help identify the origin of a Chemical Weapon that had been used.

Without this kind of attribution, the OPCW cannot fulfil its mandate. The OPCW needs to be able to identify non-compliance so we, the State Parties, can then decide on consequences. The OPCW needs to be able to answer the question who committed the gravest of all breaches of the Chemical Weapons Convention, the use of a Chemical Weapon. This is what the IIT is for. If you question the IIT, you call into doubt the OPCW’s mandate.

We also reject any criticism at the vote that created the IIT. Germany would like to agree that in this Organisation, consensus was always understood as an important ideal. Important because all States Parties offer relevant perspectives to the benefit of us all. But consensus must not serve as an instrument of blockade, imperilling the functioning of the OPCW.

Please allow me to add: The State Parties who are stating dissatisfaction with majority voting were fully aware that this is a standing provision of the Convention, for cases where consensus is impossible to reach. In fact, some of the State Parties who are criticising this standing provision today were present back then, when the Convention was negotiated. They cannot be surprised by the fact that majority voting is foreseen in the Convention - they agreed to majority voting when they ratified the Convention.

And decisions taken by majority voting are an obvious necessity when the topic at hand is attribution, with one State Party being the perpetrator. What realistic hope for consensus can there be when a State Party is using Chemical Weapons and has no interest whatsoever to see the OPCW investigate? Shall we wait for the offending State Party to come around and concede that an investigation is called for? Majority voting is the only realistic mechanism to arrive at decisions then.

And there can be no cherry picking, no opt-out – to state the obvious: decisions taken by majority voting cannot be taken as optional. They are binding to all State Parties.”