

## I. Allegations of and reactions to chemical weapon use

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Investigations into previous allegations of the use of chemical weapons in the civil war in Syria and into the accuracy of Syria's declarations to the Organisation for the Prohibition of Chemical Weapons (OPCW) continued in 2023.<sup>1</sup> In addition, allegations of illegal chemical activities and the use of riot control agents (RCAs) as a method of warfare in Ukraine intensified in 2023.<sup>2</sup> This section discusses each of these topics in turn. Both developments—the unresolved concerns over Syria's non-compliance with the 1993 Chemical Weapons Convention (CWC) and new allegations of chemical weapons use in Ukraine—pose continued challenges for the work of the OPCW.<sup>3</sup>

### Chemical weapon disarmament and investigations in Syria

The OPCW continued to investigate past incidents of alleged chemical weapon use in Syria and to clarify concerns that Syria might not have fully disclosed its chemical weapon activities and stockpiles. Following Syria's accession to the CWC in 2013, all of the chemical weapon facilities and stockpiles declared by the country were destroyed by 2016 under OPCW verification. However, concerns remained that Syria's declarations were incomplete and inaccurate. Moreover, chemical weapon attacks were reported until 2019.

In 2023 the OPCW continued its activities to address the chemical weapon issue in Syria through the Fact-Finding Mission (FFM), the Declaration Assessment Team (DAT) and the Investigation and Identification Team (IIT), as well as inspections at sites identified as relevant by earlier investigations by the OPCW and the United Nations (see table 9.1). These activities were supported by the OPCW Trust Fund for Syria Missions, established in November 2015, which had received a total of €40.9 million (\$44.2 million) from 23 CWC states parties and the European Union (EU) as of September 2023.<sup>4</sup>

<sup>1</sup> See also Jakob, U., 'Allegations of chemical weapons use in Syria', *SIPRI Yearbook 2022* (Oxford University Press: Oxford, 2022); and Jakob, U., 'Allegations of and reactions to chemical weapons use', *SIPRI Yearbook 2023*, pp. 413–20.

<sup>2</sup> See also Jakob, *SIPRI Yearbook 2023* (note 1), pp. 422–24.

<sup>3</sup> For a summary and other details of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention, CWC) see annex A, section I, in this volume. On CWC-related developments in 2023 see section II of this chapter.

<sup>4</sup> OPCW, Executive Council, 'Progress in the elimination of the Syrian chemical weapons programme', Report by the director-general, EC-105/DG.3, 22 Dec. 2023, para. 36.

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**Table 9.1.** Overview of ad hoc mechanisms of the Organisation for the Prohibition of Chemical Weapons to address the issue of chemical weapons in Syria

Mechanism	Duration	Mandate	Source
Declaration Assessment Team (DAT)	2014–	Resolve identified gaps and inconsistencies in Syria’s declarations	Established by OPCW director-general
Fact-Finding Mission (FFM)	2014–	Establish facts surrounding alleged chemical weapon use in Syria	Established by OPCW director-general, endorsed by OPCW Executive Council and UN Security Council <sup>a</sup>
OPCW–UN Joint Investigative Mechanism (JIM)	2015–17	Identify perpetrators of chemical weapon attacks established by the FFM	UN Security Council Resolution 2235 <sup>b</sup>
Investigation and Identification Team (IIT)	2018–	Identify those involved in cases of chemical weapon use established by the FFM but not investigated by the JIM	Decision by OPCW Conference of the States Parties <sup>c</sup>

OPCW = Organisation for the Prohibition of Chemical Weapons; UN = United Nations.

<sup>a</sup> OPCW, Executive Council, ‘Reports of the OPCW Fact-Finding Mission in Syria’, Decision EC-M-48/DEC.1(2015), 4 Feb. 2015; and UN Security Council Resolution 2209, 6 Mar. 2015.

<sup>b</sup> UN Security Council Resolution 2235, 7 Aug. 2015.

<sup>c</sup> OPCW, Conference of the States Parties, ‘Addressing the threat from chemicals weapons use’, Decision C-SS-4/DEC.3, 27 June 2018.

Sources: OPCW, ‘Syria and the OPCW’, [n.d.]; and Jakob, U., ‘Allegations of chemical weapons use in Syria’, *SIPRI Yearbook 2022*, p. 498, table 12.1.

Also in September 2023 the OPCW Technical Secretariat issued a document in which it outlined developments in the 10 years since Syria acceded to the CWC and the current state of chemical disarmament in Syria.<sup>5</sup>

#### *Clarification of Syria’s declarations and subsequent inspection findings*

As in previous years, the Declaration Assessment Team continued its work to clarify all outstanding issues regarding the initial and subsequent declarations submitted by Syria. Since the DAT took up its work, Syria has submitted 17 amendments to its initial declarations.<sup>6</sup> However, Syria still did not fully cooperate with the Technical Secretariat. According to the OPCW director-general, Fernando Arias, Syria ‘has failed to declare the production and fate of substantial quantities and types of chemical warfare agents. It has also failed to properly declare large quantities of aerial bombs, specifically designed to carry chemical warfare agents. Additionally, some chemical

<sup>5</sup> OPCW, Technical Secretariat, ‘Accession of the Syrian Arab Republic to the Chemical Weapons Convention: Ten years on’, S/2213/2023, 27 Sep. 2023.

<sup>6</sup> OPCW, Conference of the States Parties, Opening statement by the director-general, C-28/DG.21, 27 Nov. 2023, para. 39.

weapons-related facilities, and relevant activities, have not been declared or fully declared.<sup>7</sup>

Even though some interaction took place between the Technical Secretariat (through the DAT) and the Syrian government and Syria provided some additional information in 2023, the Secretariat concluded that the outstanding issues ‘give rise to concerns regarding the potential existence of undeclared stockpiles of chemical weapons, activities, and/or facilities’.<sup>8</sup> As in previous years it also stated that ‘Considering the identified gaps, inconsistencies, and discrepancies that remain unresolved, the Secretariat assesses that the declaration submitted by [Syria] still cannot be considered accurate and complete’.<sup>9</sup>

By the beginning of 2023, 24 rounds of consultations between members of the DAT and Syrian authorities had taken place, but the 25th round of consultations had been on hold since April 2021. This was in part due to Syria’s refusal to issue a visa for a leading member of the DAT.<sup>10</sup> In addition to the continued exchange of written notes, a smaller DAT team carried out two rounds of ‘limited in-country activities’, in January and April 2023, which consisted of interviews, site visits and collection of samples to verify Syria’s declarations. This limited DAT held no substantive consultations with Syrian authorities during these deployments. The analysis of samples taken at two sites during the deployment in April ‘revealed the presence of unexpected chemicals, which may’, as the director-general reported to the Executive Council in October 2023, ‘indicate undeclared activities at these sites’.<sup>11</sup> The Technical Secretariat consequently requested plausible and verifiable explanations for these findings. Syria submitted additional information regarding these and other issues, the latest of which the DAT was still in the process of reviewing at the time of writing.<sup>12</sup>

In addition to these limited activities, delegations from the OPCW Technical Secretariat and from Syria met in Lebanon in June 2023 to discuss the resumption of full consultations.<sup>13</sup> In October 2023 the Syrian government agreed to the convening of the 25th round of consultations ‘without any conditions’ from 30 October to 5 November 2023 in Damascus.<sup>14</sup> Despite the

<sup>7</sup> OPCW, C-28/DG.21 (note 6), para. 39.

<sup>8</sup> OPCW, S/2213/2023 (note 5), para. 22.

<sup>9</sup> OPCW, S/2213/2023 (note 5), para. 27.

<sup>10</sup> OPCW, Executive Council, ‘Progress in the elimination of the Syrian chemical weapons programme’, Report of the director-general, EC-103/DG.3, 25 Apr 2023, para. 11.

<sup>11</sup> OPCW, Executive Council, ‘Progress in the elimination of the Syrian chemical weapons programme’, Report of the director-general, EC-105/DG.1, 25 Oct. 2023, para. 14. See also OPCW, Executive Council, ‘Progress in the elimination of the Syrian chemical weapons programme’, Report of the director-general, EC-105/DG.2, 24 Nov. 2023, para. 13.

<sup>12</sup> OPCW, Executive Council, ‘Progress in the elimination of the Syrian chemical weapons programme’, Report of the director-general, EC-105/DG.6, 24 Jan. 2024, para. 11.

<sup>13</sup> OPCW, S/2213/2023 (note 5), p. 5.

<sup>14</sup> OPCW, EC-105/DG.2 (note 11), paras 11, 12, 14.

resumption of the consultations, none of the 20 unresolved issues—of the total of 24 outstanding issues initially identified by the DAT—was clarified in the course of 2023. According to the Technical Secretariat, these issues relate to ‘unverified quantities of chemical weapons’, ‘undeclared production of chemical weapons’, and Syria’s failure to declare all of its chemical weapon stockpiles and facilities.<sup>15</sup>

In addition to its other activities, the Technical Secretariat also continued to fulfil its mandate regarding the Barzah and Jamrayah facilities of the Syrian Scientific Studies and Research Centre (SSRC).<sup>16</sup> During the third round of inspections at these facilities, in November 2018, the inspectors had detected a chemical listed in Schedule 2.B.04 of the CWC.<sup>17</sup> The finding was added to the list of outstanding issues and by the end of 2023 still remained unresolved as Syria had yet to provide sufficient explanations for the presence of this chemical.<sup>18</sup> Furthermore, in the course of the ninth round of inspections, in September 2022, inspectors observed large quantities of a chemical of dual-use nature. Upon request of the Technical Secretariat, Syria provided some information, but the inspection team still remained engaged with Syrian authorities on this matter in 2023.<sup>19</sup> The Secretariat carried out the 10th round of inspections at the Barzah and Jamrayah facilities in December 2023.<sup>20</sup>

Another unresolved issue concerned two chlorine cylinders related to the chemical weapon attack in Douma, near Damascus, in April 2018. Syria reported these two cylinders as having been destroyed in an attack in July 2021. However, when inspected by the Technical Secretariat in November 2020, the cylinders had been stored at a location a considerable distance from the site of the reported July 2021 attack. In 2023, in response to repeated requests by the Secretariat to provide clarification on the unauthorized movement of the cylinders from the inspected site to the site of the attack, Syria submitted some pictures of a damaged building that it claimed had housed these cylinders at the time of the attack.<sup>21</sup> However, at the end of 2023

<sup>15</sup> OPCW, S/2213/2023 (note 5), para. 21.

<sup>16</sup> OPCW, Executive Council, ‘OPCW–United Nations Joint Investigative Mechanism reports on chemical weapons use in the Syrian Arab Republic’, Decision EC-83/DEC.5, 11 Nov. 2016, para. 11.

<sup>17</sup> The chemical is not identified in publicly available reports, but ‘According to the reports of the two designated laboratories, the chemical detected could be the primary hydrolysis product of a Schedule 1.A.01 or 1.A.03 chemical’. See OPCW, Executive Council, ‘Progress in the elimination of the Syrian chemical weapons programme’, Report of the director-general, EC-91/DG.14, 24 June 2029, para. 13.

<sup>18</sup> OPCW, EC-105/DG.3 (note 4), para. 16.

<sup>19</sup> OPCW, Executive Council, ‘Progress in the elimination of the Syrian chemical weapons programme’, Report of the director-general, EC-104/DG.19, Sep. 2023, para. 24; and OPCW, EC-105/DG.3 (note 4), para. 17.

<sup>20</sup> OPCW, EC-105/DG.3 (note 4), para. 14.

<sup>21</sup> OPCW, Executive Council, ‘Progress in the elimination of the Syrian chemical weapons programme’, Report of the director-general, EC-103/DG.2, 24 Mar. 2023, paras 23–24.

the Technical Secretariat reported that Syria had still not fulfilled the request for full clarification of the incident.<sup>22</sup>

*Ongoing work of the Fact-Finding Mission*

During 2023 the FFM continued to investigate cases of alleged chemical weapon use in Syria. As the Technical Secretariat reported in September 2023, since its establishment in 2014 ‘the FFM has investigated 71 allegations and has issued 20 reports. In 14 instances, the FFM confirmed the use of chlorine, in three instances the FFM confirmed the use of sulfur mustard, and in three instances the FFM confirmed the use of sarin.’<sup>23</sup> The FFM is not mandated to attribute responsibility for or identify the perpetrators of these attacks.

The FFM published one new report in 2023, on the investigation of alleged chemical weapon attacks in Kharbit Massasneh, Hama governorate, on 7 July and 4 August 2017. The Syrian government had requested in October 2017 that the OPCW Technical Secretariat investigate two cases of what it reported as ‘mortar attack with poisonous gas’.<sup>24</sup> The FFM deployed to Syria four times in 2017, 2018, 2019 and 2021 in its investigations of these incidents. In its 2023 report, the team noted that, based on the available information, it could not confirm exposure of the seven casualties to a specific chemical. Moreover, the report lists several challenges faced by the FFM during its investigation, including that the team could not deploy to the site of the alleged attacks due to safety concerns; that no photographs or videos of the reported incidents or of the munitions and no samples of blood and clothing of casualties were made available to the FFM; and that no environmental samples were collected.<sup>25</sup> It concluded that ‘The information obtained and analysed in line with the FFM’s mandate . . . did not provide reasonable grounds for the FFM to determine that toxic chemicals were used as a weapon in the reported incidents . . . in Kharbit Massasneh . . . on 7 July 2017 and 4 August 2017’.<sup>26</sup>

As of December 2023 the FFM was still looking into at least 18 incidents that were reported to have occurred between March 2016 and May 2019.<sup>27</sup> During 2023 the team continued to seek further information on several of these incidents, including through deployments and an exchange of notes verbales (diplomatic memoranda) with the Syrian government. One

<sup>22</sup> OPCW, EC-105/DG.3 (note 4), para. 19.

<sup>23</sup> OPCW, S/2213/2023 (note 5), p. 5.

<sup>24</sup> As quoted in OPCW, Technical Secretariat, ‘Report of the OPCW Fact-Finding Mission regarding incidents of alleged use of toxic chemicals as a weapon in Kharbit Massasneh, Syrian Arab Republic on 7 July and 4 August 2017’, S/2186/2023, 28 June 2023, para. 1.1.

<sup>25</sup> OPCW, S/2186/2023 (note 24), para. 1.6.

<sup>26</sup> OPCW, S/2186/2023 (note 24), para. 1.9.

<sup>27</sup> OPCW, Technical Secretariat, ‘Summary update of the activities carried out by the OPCW Fact-Finding Mission in Syria’, S/2232/2023, 21 Dec. 2023, para. 1.18. An annex to the same report lists all 146 alleged chemical weapon attacks reported to the OPCW between Dec. 2015 and May 2019.

deployment to Aleppo, planned for May 2023, had to be postponed ‘for logistical and security reasons’.<sup>28</sup> According to the Technical Secretariat’s report, Syria did provide information on the alleged incidents in Kharbit Massasneh, on which the FFM reported earlier in the year, but with regard to other incidents under investigation either denied that they had taken place at all or accused ‘the West’ of having fabricated incidents to blame them on the Syrian government.<sup>29</sup>

Over the years, the Syrian government has also submitted numerous claims to the Technical Secretariat in which it accused armed groups in Syria of having carried out chemical weapon-related activities, including storage, movement and intent to use, or stage the use of, chemical weapons.<sup>30</sup> The Technical Secretariat could not establish any links between these accusations by the Syrian government and any of the allegations under review by the FFM.<sup>31</sup>

*The work of the Investigation and Identification Team and efforts to restore Syrian compliance*

The OPCW Conference of the States Parties (CSP) established the IIT in 2018, after the expiry of the mandate of the OPCW–UN Joint Investigative Mechanism (JIM) left the international community without a mechanism to attribute responsibility for chemical attacks in Syria.<sup>32</sup> The IIT published its third report in January 2023 in which it concluded that there were ‘reasonable grounds to believe’ that the Syrian Arab Air Force carried out the chlorine attack in Douma on 7 April 2018.<sup>33</sup>

In 2019, in response to earlier IIT reports, OPCW member states revoked several of Syria’s membership rights in accordance with Article XII, paragraph 2, of the CWC. In its 2023 meeting the CSP, applying the provisions of Article XII, paragraphs 3 and 4, recommended that CWC states parties take collective measures to prevent the supply, sale or transfer to Syria of certain ‘chemical precursors and dual-use chemical manufacturing facilities and equipment and related technology’.<sup>34</sup> The decision applies to Syria the same list of chemicals and related equipment that the UN Security Council

<sup>28</sup> OPCW, S/2232/2023 (note 27), para. 1.8.

<sup>29</sup> OPCW, S/2232/2023 (note 27), paras 1.7, 1.9, 1.10.

<sup>30</sup> OPCW, S/2213/2023 (note 5), para. 47.

<sup>31</sup> OPCW, S/2213/2023 (note 5), para. 48.

<sup>32</sup> OPCW, Conference of the States Parties, ‘Addressing the threat from chemicals weapons use’, Decision C-SS-4/DEC.3, 27 June 2018.

<sup>33</sup> OPCW, Technical Secretariat, ‘Douma (Syrian Arab Republic)—7 April 2018’, 3rd report by the OPCW Investigation and Identification Team, S/2125/2023, 27 Jan. 2023.

<sup>34</sup> OPCW, Conference of the States Parties, ‘Addressing the threat from chemical weapons use and the threat of future use’, Decision C-28/DEC.12, 30 Nov. 2023, para. 7(a).

applies in its sanctions regime against North Korea.<sup>35</sup> Furthermore, pursuant to the CSP decision, CWC states parties are required to (a) put in place other pertinent measures in relation to the transfer to Syria of listed toxic chemicals and precursors as well as potential means of delivery and related materials; (b) provide as much assistance as possible to criminal investigations or criminal proceedings related to chemical weapon attacks in Syria; and (c) support international efforts to create accountability, including those of the International, Impartial, and Independent Mechanism (IIIM).<sup>36</sup> This mechanism was established by the UN General Assembly in 2016 ‘to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in [Syria] since March 2011’.<sup>37</sup> Finally, citing the ‘particular gravity of the situation’, the decision requests the OPCW director-general to bring the matter to the attention of the UN General Assembly and the UN Security Council and urges these two bodies ‘to take appropriate actions to address the situation and advance accountability’.<sup>38</sup> This means that the CSP has now invoked all of the measures specified in CWC Article XII to redress concerns about compliance.

As with other decisions related to the use of chemical weapons in Syria, a vote was taken as consensus could not be reached on its substance. The draft decision was co-sponsored by a cross-regional group of 52 states parties. In total, 69 states parties voted in favour of the draft decision, 10 voted against it and 45 abstained.<sup>39</sup>

Prior to the vote, countries in favour of the decision pointed out that Syria’s ongoing non-compliance with the CWC could cause ‘serious damage to the objective and purpose of the Convention’ and required additional action.<sup>40</sup> Syria did not participate in the vote, as its voting rights had been suspended in 2021.<sup>41</sup> However, the Syrian representative commented on the decision, referring mainly to the procedural aspects of voting and to what Syria perceived as an increasing polarization and politicization of the OPCW, among

<sup>35</sup> The CSP decision refers to the list contained in United Nations, Security Council, Letter dated 1 November 2006 from the chair of the 1718 Committee to the president of the Security Council, S/2006/853, 7 Nov. 2006. On the sanctions regime against North Korea see United Nations, Security Council Committee established pursuant to resolution 1718 (2006), [n.d.]; and chapter 12, section II, in this volume.

<sup>36</sup> OPCW, Decision C-28/DEC.12 (note 34), para. 7(b–c).

<sup>37</sup> UN General Assembly Resolution 71/248, ‘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’, 21 Dec. 2016.

<sup>38</sup> OPCW, Decision C-28/DEC.12 (note 34), para. 9.

<sup>39</sup> OPCW, Conference of the States Parties, Report of the 28th session, C-28/5, para 9.24.

<sup>40</sup> OPCW, Conference of the States Parties, Statement by the European Union, 27 Nov.–1 Dec. 2023. See also e.g. OPCW, Conference of the States Parties, Statement by Canada on behalf of Australia, Canada and New Zealand, 29 Nov. 2023; Statement by Germany, 29 Nov. 2023; and Statement by the USA, 24 Nov. 2023.

<sup>41</sup> OPCW, Conference of the States Parties, ‘Addressing the possession and use of chemical weapons by the Syrian Arab Republic’, Decision C-25/DEC.9, 21 Apr. 2021, para. 7

other things. He also claimed that the accusations against Syria contained in the decision were ‘baseless’.<sup>42</sup> Explaining their abstentions, Bolivia objected to the process of voting as opposed to decision-making based on consensus, while Malaysia wished to follow a more cooperative approach given that the 25th round of consultations had taken place just a few weeks earlier (see above). Of the countries that explained their rejection of the decision, China, Pakistan and Iran reaffirmed their known objection to the IIT, whose work informed the formulation of the draft decision, while the Russian Federation more generally accused Western countries of politicizing the OPCW for their own goals and using the process for ‘punishment’. Pakistan and Palestine also criticized the tabling of the draft decision at short notice, which did not leave delegations with enough time to form their positions.<sup>43</sup>

### **Allegations of illegal chemical activities in the Russia–Ukraine war**

Allegations of chemical weapon use in the war in Ukraine continued in 2023.<sup>44</sup> Whereas earlier allegations in 2022 mainly focused on intentional attacks on chemical infrastructure and the possibility of so-called false-flag attacks, allegations in 2023 included the use of riot control agents by the Russian Federation as a method of warfare.<sup>45</sup> While the CWC does not prohibit RCAs, it does unequivocally ban their use as a method of warfare.

During 2023 Ukraine submitted three notes verbales to the OPCW Technical Secretariat, in May, August and September, in which it accused Russia of having used ‘ammunition containing chemical substance’ as well as RCAs as a method of warfare.<sup>46</sup> In these notes verbales, Ukraine informed the Technical Secretariat that it was investigating the incidents and that it intended to update the Secretariat about its progress ‘in due course’.

Russia denied any use of chemical weapons and, in turn, accused Ukraine of using its allegations against Russia as a pretext for chemical weapon-related activities of its own; of planning to stage chemical weapon attacks, with support from Western countries, in order to blame them on Russia; and of possibly preparing limited chemical weapon ‘provocations’.<sup>47</sup>

<sup>42</sup> OPCW, Conference of the States Parties, Morning session, 30 Nov. 2023, Video recording, Oral statement by Syria, starting at 2:53.

<sup>43</sup> For the explanations of votes see OPCW (note 42), starting at 2:36.

<sup>44</sup> On other aspects of the war see chapter 1, chapter 2, section I, and chapter 10, sections II and III, in this volume. On allegations of the use of biological weapons see section III of this chapter.

<sup>45</sup> On the 2022 allegations see Jakob, *SIPRI Yearbook 2023* (note 1), pp. 422–24. On the 2023 allegations see e.g. OPCW, Conference of the States Parties, Statement by Canada, 15 Jan. 2024.

<sup>46</sup> Ukrainian Permanent Representation to the OPCW, Notes verbales no. 61219/35-196/50-61363, 28 May 2023, no. 61219/35-196/50-92525, 7 Aug. 2023, and no. 61219/35-196/50-107892, 11 Sep. 2023, all contained in OPCW, ‘Compendium of correspondence shared by states parties on Ukraine’, [n.d.]. See also OPCW, Conference of the States Parties, Statement by Ukraine, 27 Nov.–1 Dec. 2023.

<sup>47</sup> Russian Permanent Representation to the OPCW, Notes verbales no. 6, 3 Mar. 2023, no. 12, 8 Apr. 2023, and no. 54, 12 Dec. 2023, all contained in OPCW, ‘Compendium’ (note 46).

On 6 October 2023 Germany on behalf of six other countries invoked Article IX of the CWC, which provides that states parties can request clarification on situations giving rise to concerns about possible non-compliance by another state party. The seven countries requested that Russia answer two questions: whether ‘Russian armed forces used riot control agents in combat operations in the conflict in Ukraine’; and how it explains a news report on Russian TV on ‘the use of tear gas by Russian armed forces in combat action in the Donetsk region’.<sup>48</sup>

In its reply, Russia denied using RCAs in Ukraine and claimed that the news report in question had referred to incendiary munitions and not to chemical weapons; it also claimed that a tear gas grenade shown on Russian TV was in fact of Ukrainian origin.<sup>49</sup> Russia also repeated its allegation that Ukraine with support from Western countries had prepared and carried out ‘provocations’ with toxic chemicals. In addition, Russia requested information from Germany on the incidents to which Ukraine referred in two of its notes verbales regarding alleged chemical weapon use by Russia.<sup>50</sup> Germany, again on behalf of the six other states, acknowledged the Russian reply but did not consider its questions fully answered. Regarding Russia’s request for clarification to Germany, the latter stated that it had no information on the incidents in question and deferred further reactions to a later stage.<sup>51</sup>

This exchange is likely to continue into 2024. While the clarification procedures under CWC Article IX mostly rest on consultations between states parties, with the Executive Council being able to play a supportive role, the Technical Secretariat could in theory become involved in this process in several ways. In accordance with CWC Article IX.4(e), the Executive Council may ask the director-general ‘to establish a group of experts from the Technical Secretariat’ to examine the situation and provide a factual report. States parties may also, for example, request the Secretariat to carry out a technical assistance visit (TAV), pursuant to CWC Article VIII.38(e), or an investigation of alleged use of RCAs as a method of warfare (the procedure for such an investigation is set out in part XI of the Verification Annex to the CWC).

<sup>48</sup> German Permanent Representation to the OPCW, Note Verbale no. 41/2023, published as OPCW, Executive Council, EC-104/NAT.6, 6 Oct. 2023.

<sup>49</sup> Russian Permanent Representation to the OPCW, Note Verbale no. 38, published as OPCW, Executive Council, EC-104/NAT.7, 12 Oct. 2023.

<sup>50</sup> Russian Permanent Representation to the OPCW (note 49).

<sup>51</sup> German Permanent Representation to the OPCW, Note Verbale no. 44/2023, published as OPCW, Executive Council, EC-105/NAT.1, 26 Oct. 2023.