

Communication to the Aarhus Convention's Compliance Committee

United Nations Economic Commission for Europe

Environment and Human Settlement Division

Room 332, Palais des Nations

CH-1211 Geneva 10, Switzerland

Phone: +41 22 917 2384

Fax: +41 22 917 0634

Email: public.participation@unece.org

I. Information on correspondents submitting the communication

- 1. His Holiness Archbishop of Crete Irinaios, Address: 25 Agiou Mina, PC: 712 01, Heraklion, Crete, Greece, Phone: + 30 2810 335845, email: iak@iak.gr**
- 2. Foteini Koutsoumpou, President of the Architects Association of Heraklion, Address: Varnis 31 & Kondylaki, PC: 712 02, Heraklion Crete, Greece, Phone: + 30 2810285752 / + 30 6948374085, email: fanikoutsoumbou@gmail.com**
- 3. Roussos Kypriotakis, Mayor of Archanes & Asteroussia, Address: Peza, PC: 701 00, Heraklion Crete, Greece, Phone: + 30 2813401141 / + 30 6944917262, email: roussosk@her.forthnet.gr**
- 4. Socrates Vardakis, President of the Workers' Center of Heraklion, Address: 10 Dimokratias, PC: 713 06, Heraklion, Crete, Greece, Phone: + 30 6944773555, email: ergkehr@otenet.gr**
- 5. Ioannis Haronitis, President of the Technical Chamber of Greece - Eastern Crete Division, Address: Prevelaki & Grevenon, PC: 712 02, Heraklion, Crete, Greece, Phone: + 30 2810342520 / + 30 6972350768, email: presidentteetak@tee.gr**
- 6. Ioannis Dangonakis, President of the Supreme Administration of Civil Servants' Unions (ADEDY) / Heraklion Section, Address: 10 Dimokratias, PC: 713 06,**

Heraklion, Crete, Greece, Phone: + 30 6979118710, email: giannisdagonakis@yahoo.gr

7. Polyanthis Syngelakis, Member of the Board of the Hellenic Association of Mechanical and Electrical Engineers / Member of the Initiative "Ship to Gaza Greece", Address: 30 Raftopoulou, PC: 713 05, Heraklion, Crete, Greece, Phone: + 30 2810376386 / + 30 6978512779, email: p.syngelakis@dei.com.gr
8. Dimitrios Petrakis, Paediatric Surgeon, Representative of the Heraklion Medical Association, Address: 45 Eleftherias sq. PC: 712 02, Heraklion, Crete, Greece, Phone: + 306932409353, email: dimitriospetrakis@hotmail.com
9. Aris Rozakis, President of the Heraklion Bar Association, Address: Court House of Heraklion, PC: 711 10, Heraklion, Crete, Greece, Phone + 30 2810330345 / + 30 6944989599, email: arozakis@otenet.gr
10. Eleni Katsama, Journalist - Reporter at the Heraklion State Broadcasting Corporation / Member of the Reporters Union, Address: Voutes Heraklion, PA: 146, PC: 700 13, Heraklion, Crete, Greece, Phone: + 30 6945556401, email: nellyk91@gmail.com
11. Eugenia Tsatsaki, Educator, Graduate of Methodology, History & Theory of Science, History and Archaeology, Address: 17 Efodou, PC: 713 03, Heraklion, Crete, Greece, Phone: + 30 6980474650, email: tsantzen@yahoo.gr
12. Aristides Athanassakis, Municipal Councillor of Heraklion, Address: 1 Agiou Titou, PC: 712 02, Heraklion, Crete, Greece, Phone: + 30 6947736126, email: arisath2002@yahoo.gr
13. Pavlos Polakis, Mayor of Sfakia, Address: Hora Sfakion, PC: 730 11, Sfakia, Crete, Greece, Phone: + 30 6944384939, email: pavlos.polakis@gmail.com
14. Ioannis Malandrakis, Mayor of Platanias, Address: Gerani, PC: 730 14, Platanias Chanion, Crete, Greece, Phone: + 30 6977613733, email: grammateia@platanias.gr
15. Evangelia Kallinikou, Deputy Mayor and recently elected Mayor of Gavdos, Address: Gavdos, PC: 730 01, Gavdos, Crete, Greece, Phone: + 30 6972515132, email: gellygavdos@yahoo.gr

16. Anastassios Vamvoukas, recently elected Mayor of Chania, Address: 29 Kidonias, PC: 731 35, Chania, Crete, Greece, Phone: + 30 6944373101, email: tasosvamvoukas@otenet.gr
17. Antonios Perrakis, recently elected Mayor of Kandanos and Selinos, Address: E. Venizelou & A. Diakou, PC: 730 01, Palaiochora Selinos, Crete, Greece, Phone: + 30 6977576083, email: padonis3@gmail.com
18. Charalambos Koukiannakis, recently elected Mayor of Apokorronas, Address: Vrisses Apokorronas, PC: 730 07, Chania, Crete, Greece, Phone: + 30 6948375990, email: apokorwnas@gmail.com
19. Theodoros Stathakis, recently elected Mayor of Kissamos, Address: Polemiston tou 1941, PC: 734 00, Kissamos, Crete, Grece, Phone: + 30 694463570, email: stathakisteo@hotmail.gr
20. Dimitrios Kornarakis, President of the Workers' Centre of Chania, Address: 68 M. Botsari, PC: 731 36, Chania, Crete, Greece, Phone: + 30 2821097686 / + 30 6977652503, email: erga1234@otenet.gr
21. Ioannis Daskalakis, President of the Chania Bar Association, Address: Court House of Chania, PC: 731 34, Chania, Crete, Greece, Phone: + 30 2821054529, email: ioannisdaskalakis@ymail.com
22. Athena Giannoulaki, President of the Association of Local Government Officers of Chania, Address: 98 Halidon, PC: 731 31, Chania, Crete, Greece, Phone: + 30 2821092294, email: agianoulaki@yahoo.gr
23. Ioannis Strogilos, President of the Technical Chamber of Greece - Western Crete Division, Address: 23 Nearhou, PC: 731 00, Chania, Crete, Greece, Phone: + 30 6977445136, email: jstrog@hotmail.com
24. Nikolaos Malliaros, Regional Councillor of Crete / Member of the Board of Directors of the Organisation for the Development of Crete, Address: Eleftherias sq., PC: 712 01, Heraklion, Crete, Greece, Phone: + 30 6974811816, email: malliarosn@gmail.com
25. Emmanouil Kallerghis, recently elected Mayor of Anogia, Address: Anogia, PC: 740 51, Anogia Rethymnon, Crete, Greece, Phone: + 30 6974726223, email: mkallergis@yahoo.gr

26. Georgios Nikolidakis, President of the Workers' Centre of Rethymnon, Address: Ergatikis Protomagias Sq., PC: 741 00, Rethymnon, Crete, Greece, Phone: + 30 6974034159, email: erker@otenet.gr
27. Nikolaos Deredakis, President of the Supreme Administration of Civil Servants' Unions (ADEDY) - Rethymnon Section, Address: 6 Gorgopotamou, PC: 741 00, Rethymnon, Crete, Greece Phone: + 30 6978200399, email: deredakis@yahoo.gr
28. Georgios Polioudakis, President of the Federation of Trade Associations of Crete, Address: 1 Archimidous, PC: 716 01, Nea Alikarnassos Heraklion, Crete, Greece, Phone: + 30 6932252272, email: polioudakisaevte@yahoo.gr
29. Georgios Stefanakis, President of the Medical Association of Rethymnon, Address: 17 Kourmouli, PC: 741 00, Rethymnon, Crete, Greece, Phone: + 30 6932252929, email: gstemfd@otenet.gr
30. Emmanouil Tsakalakis, President of the Hotel Owners' Association of Rethymnon, Address: 3 Papanastasiou, PC: 741 00, Rethymnon, Crete, Greece, Phone: + 30 6932252597, email: rethmare@otenet.gr
31. Georgios Giakoumakis, President of the Chamber of Commerce and Industry of Rethymnon, Address: 23 Emm. Portaliou, PC: 741 00, Rethymnon, Crete, Greece Phone: + 30 6932417645, email: giakou@otenet.gr
32. Georgios Troullis, President of the Educators Association of Rethymnon (Primary Education) / General Counselor of the Supreme Administration of Civil Servants' Unions (ADEDY), Address: 43 Kastrinogiannaki, PC: 741 00, Rethymnon, Crete, Greece, Phone: + 30 6936841955 email: giorgiot@edu.uoc.gr
33. Matina Hatzaki-Volytaki, President of the Parents and Pupils Association of Rethymnon, Address: 29 Emm. Portaliou PC: 741 00, Rethymnon, Crete, Greece, Phone: + 30 6940402439, email: matatzaki@hotmail.com
34. Pelagia Petraki, Deputy Prefect of Lassithi, Address: Terma Polytechniou, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 2841340300 / + 30 6972922201, email: petrakipel@crete.gov.gr
35. Theodoros Paterakis, Mayor of Sitia, Address: 9 Vartholomeou, PC: 723 00, Sitia, Crete, Greece, Phone: + 30 2843340507, email: info@sitia.gr

36. Sifis Anastassakis, Mayor of Ierapetra, Address: 1 Kanoupaki sq., PC: 722 00, Ierapetra, Crete, Greece, Phone: + 30 2842340300, email: kyrva@ierapetra.gr
37. Georgios Miliaras, Mayor of Oropedion Lassithiou, Address: Tzermiado Lassithiou, PC: 720 52, Lassithi, Crete, Greece, Phone: + 30 2844340170 / + 30 6972241474, e-mails: gmiliaras@yahoo.gr / gmiliaras92@gmail.com
38. Emmanouil Peponis, President of the Workers' Centre of Lassithi, Address: 51 Minoos, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 2841022364, email: epeponis@gmail.com
39. Odysseas Sgouros, General Secretary of the Technical Chamber of Greece - Eastern Crete Division, Address: 1 Pemptis Merarchias, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 6944240699, email: osgouros@gmail.com
40. Ioannis Kakourakis, President of the Hotel Owners' Association of Sitia, Address: 4 Karamanli, PC: 723 00, Sitia, Crete, Greece, Phone: + 30 6972710520, email: flisvos@sit.forthnet.gr
41. Emmanouil Kritharakis, President of the Federation of Professionals, Craftsmen and Merchants of Lassithi and President of the Association of Electrical Contractors of Lassithi, Address: 2 Roussou Kapetanaki, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 6975308755, email: mkkritharakis@gmail.com
42. Christophoros Kalambokis, President of the Restaurants, Café and Clubs Association of Sitia, Address: 4 Varla, PC: 723 00, Sitia, Crete, Greece, Phone: + 30 2843029450 / + 30 6937489101, email: info@kalabokis.gr
43. Kyriakos Papaioannou, President of the Yacht Club of Sitia, Address: Anapafseos, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 6947847650, email: papaioannou_kyr@cyta.gr
44. Alexis Mantas, President of the Group of Ecologists of Ag. Nikolaos, Address: Vathi, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 6944465690, email: a.mantas@hotmail.com
45. Nikolaos Zachariades, President of the Farmers Cooperative of Kritsa, Address: Kritsa Lasithi, PC: 721 51, Lasithi, Crete, Greece, Phone: + 30 6977217332, email: info@kritsacoop.gr

46. Euphimia Amygdaliou, President of the Volunteer Rescuers Crete, Address:
Palaiokastros, PC: 723 00, Sitia, Crete, Greece, Phone: + 30 6976000188, email:
efiamigdaliou@yahoo.gr

Contact person: Foteini Koutsoumpou, President of the Architects Association of Heraklion, Address: Varnis 31 & Kondylaki, PC: 712 02, Heraklion Crete, Greece, Phone: + 30 2810285752 / + 30 6948374085, email: fanikoutsoumbou@gmail.com

Legal Representative (see the attached authorization letter): Konstantinos Kazanas, Lawyer, Athens Bar Association (Reg. num. 31655), Address: 1c Lykavittou, PC: 107 76, Athens, Greece, Phone: + 30 210367455 / + 30 6971741416, email: kazanas@mfhr.gr

II. Party concerned

Greece

III. Facts of the communication

A. Introductory facts concerning the operation to destruct the Syrian chemical weapons in international waters in the Mediterranean sea

We, the signatories of the present Communication, are the Cretan Clerical Authority, the Mayors of Cretan Municipalities, the Presidents of Local Cretan Authorities, Associations, Unions, *etc* and permanent residents of the island of Crete (Greece) that will be directly and seriously affected by the operation of the destruction of the Syrian chemical weapons in an unspecified location in the Mediterranean Sea.

After 3 years of internal armed conflict, on 14 September 2014, the Syrian Arab Republic deposited its instrument of accession to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical

Weapons and on their Destruction (Chemical Weapons Convention) with the United Nations Secretary-General and declared that it shall comply with its stipulations and observe them faithfully and sincerely, applying the Convention provisionally pending its entry into force for the Syrian Arab Republic on 14 October 2014.

Following the Framework Agreement between the Russian Federation and the United States of America for the elimination of the Syrian chemical weapons, dated 14 September 2013, the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW) at its thirty-third Meeting, held on 27 September 2013, adopted a decision entitled “*Destruction of Syrian Chemical Weapons*” (EC-M-33/DEC.1, 27 September 2013), which established special procedures for the expeditious destruction of the Syrian Arab Republic’s chemical weapons programme and called for its full implementation in the most expedient manner. This decision was followed by the adoption on the same day of Resolution 2118 (2013) by the United Nations Security Council, which endorsed the decision of the Executive Council. This resolution, *inter alia*, welcomed the decision of the Executive Council, requested the Director-General and the Secretary-General to closely cooperate in the implementation of the Council decision and requested further that the Director-General report to the Security Council, through the Secretary-General.

On 16 October 2013, the OPCW and the United Nations established an OPCW-UN Joint Mission in Syria, which was described in the letter submitted by the United Nations Secretary-General, in consultation with the Director-General, to the United Nations Security Council on 7 October 2013.¹ Also on 16 October 2013, the Director-General and the United Nations Secretary-General signed the “*Supplementary Arrangement Concerning Cooperation Between the United Nations and the OPCW for the Implementation of the OPCW Executive Council Decision EC-M-33/DEC.1 and United Nations Security Council Resolution 2118 (2013) relating to the Elimination of Syrian Chemical Weapons*”. The United Nations Secretary-General, in consultation with the Director-General, appointed Ms Sigrid Kaag as Special

¹ Letter dated 7 October 2013 from the Secretary-General addressed to the President of the Security Council, submitting recommendations regarding the role of the United Nations in eliminating the chemical weapons programme of the Syrian Arab Republic, S/2013/591. See attached, Annex A1.

Coordinator of the OPCW-UN Joint Mission to provide overall coordination of the Joint Mission.²

In accordance with subparagraph 1(b) of EC-M-33/DEC.1, the Syrian Arab Republic submitted the initial declaration required under Article III of the Chemical Weapons Convention on 23 October 2013.³ As part of its declaration, the Syrian Arab Republic provided information required under Article III, declaring possession of chemical weapons, chemical weapons production facilities (CWPFs), abandoned chemical weapons, riot control agents and other chemical weapons-related facilities, as well as information required under Article VI about chemical industry facilities. On 21 November 2013, the Syrian Arab Republic submitted an amendment to its initial declaration increasing the total amount of declared munitions to approximately 1,260 items.

The Director-General reviewed the Syrian submission closely and concluded that *“the destruction of chemical weapons carried out outside the territory of Syria constitutes the most viable option available to fulfill the requirements established under the Council decision (EC-M-33/DEC.1) and United Nations Security Council Resolution 2118 (2013) for the safe and expeditious elimination of chemical weapons in Syria”* (EC-M-34/DG.14, dated 5 November 2013). Pursuant to subparagraph 1(c) of EC-M-33/DEC.1, the Council adopted decision EC-M-34/DEC.1 on 15 November 2013. This decision established detailed requirements for the destruction of Syrian chemical weapons and Syrian CWPFs. It also established timelines for the removal of chemical weapons from the territory of the Syrian Arab Republic and for their destruction outside its territory.

² Letter dated 13 October 2013 from the Secretary-General to the President of the Security Council, informing the Council of his intention to appoint Ms Sigrid Kaag (Netherlands) to the post of Special Coordinator of the OPCW-UN Joint Mission, S/2013/608. See attached, Annex A2.

³ In accordance with Article III of the Chemical Weapons Convention which stipulates the obligation of each State Party to submit to the Organization official declarations concerning its whole range of chemical weapons arsenal not later than 30 days after the Convention entered into force for it, and pursuant to subparagraph 1(b) of EC-M-33/DEC.1, which incorporated this obligation, the Syrian Arab Republic had to submit its declaration “not later than 30 days after the adoption of the Council decision”, that was not later than 27 October 2013.

In accordance with subparagraph 1(c) of EC-M-33/DEC.1, the Syrian Arab Republic is required to *“complete the elimination of all chemical weapons material and equipment in the first half of 2014”*. Paragraphs 2 and 3 of EC-M-34/DEC.1 establish intermediate completion dates for the removal and destruction of the Syrian chemical weapons prior to their complete elimination in the first half of 2014. On 23 February 2014, the Syrian Arab Republic submitted to the Director-General an amended time frame for the removal of all chemicals. In accordance with this amended time frame, the Syrian Arab Republic aims to complete the removal of all chemicals from its territory by 13 April 2014, except for chemicals located in facilities that are presently inaccessible. These chemicals could be removed whenever conditions are deemed suitable for movements from these sites, but in any event are scheduled for transportation by 27 April 2014, according to the revised schedule.

On 22 and 23 June 2014, the final shipments of chemicals identified for removal from the territory of the Syrian Arab Republic took place. Therefore, and in accordance with paragraph 21 of EC-M-34/DEC.1, the Director-General confirmed to the Council that 100% of the declared Priority 1 and 2 chemicals have been removed from the Syrian Arab Republic. In addition, 100% of the declared items of Category 3 chemical weapons had already been verified as destroyed on Syrian territory.⁴

On 15 November 2013, we were informed – not from an official source, but from the press (BBC website) – that Albania did not allow the destruction of chemical weapons on its territory.⁵ Belgium, Germany and Norway, which were considered as possible alternative locations for the destruction of chemical weapons also adopted a negative stance. The alternative proposal to destroy chemical weapons in the territory of Syria was rejected because of potential security implications. As a result, the method of hydrolysis that would take place in international waters in the Mediterranean Sea, on the south part of the Greek island of Crete, was favoured within the OPCW in which Greece is a member.⁶

⁴ On 18 November 2013, the Syrian Arab Republic informed the Secretariat that it had destroyed all declared items of Category 3 Chemical Weapons.

⁵ <http://www.bbc.co.uk/news/world-europe-24963241>

⁶ <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10463164/Syrias-chemical-weapons-could-be-destroyed-at-sea.html> and

Pursuant to this decision, dozens of ships from various countries transported hundreds of tons of chemical weapons through the territorial waters of Greece, in the south of Crete, heading to ports in Italy and Spain. For the whole period, during which these sea transportations took place, no official information from any governmental or other public source has been provided and as a result a large number of questions, petitions and interpellations have been submitted in the Hellenic Parliament by several Members of the Parliament (MPs) coming from a range of parliamentary groups and by Members of the European Parliament.⁷ The Head of the Region of Crete, various Cretan associations and unions have also made numerous interventions, declarations, statements, resolutions, letters, protestations, *etc* against the destruction operation of the Syrian chemical weapons in the Mediterranean Sea. They also denounced the information deficit that prevented them from having access to environmental information.⁸

At this point, it is worth adding that the destruction operation of the Syrian chemical arsenal will take place on the US vessel MV Cape Ray which is a 648-foot roll-on/roll-off container ship built in 1977.⁹ A team of specialists aboard the Cape Ray vessel have the mission of destroying chemical materials from Syria in an unspecified location in the Mediterranean Sea.¹⁰ This vessel, allegedly equipped with special gear, could be neutralizing some of Syria's most dangerous chemical weapons at sea. It is estimated that the neutralization process includes approximately dozens of tons of the chemical components used, like mustard gas and sarin gas. However, the standards of the ship do not meet the security

<http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=P-2014-000194&format=XML&language=EN>

⁷ See attached, Annexes E13-19 and F20-23.

⁸ See attached, Annexes K31-66.

⁹ See Letter dated 27 December 2013 from the Secretary-General to the President of the Security Council transmitting the Third Monthly Report of the Director-General of the Organisation for the Prohibition of Chemical Weapons entitled "Progress in the elimination of the Syrian chemical weapons programme" submitted to the UN Security Council, S/2013/774, p.11. See attached, Annex A6.

¹⁰ The only information about the location of the undertaken hydrolysis operation was provided on the official website of the US Department of Defence where it is explicitly mentioned that the operation will take place "*in an unspecified location in the Mediterranean Sea*", available at

http://www.defense.gov/home/features/2014/0114_caperay/

conditions and do not fulfill the necessary guarantees that no environmental pollution and damage to the health of people will occur.

It is also important to highlight that despite the widely recognised obligation under general international law to conduct Environmental Impact Assessments in order to specify the potential environmental effects of any activity that could create harmful effects to the natural environment, no Environmental Impact Assessment has been undertaken in the present case.

B. The role of Greece in the process and the operation of the destruction of the Syrian chemical arsenal in the Mediterranean Sea

Greece participates in the destruction operation of the Syrian chemical weapons in international waters in the Mediterranean Sea on the south part of Crete without complying with human rights standards and without paying due regard to the generally recognized obligation to conduct an Environmental Impact Assessment which pursuant to the *Pulp Mills* case has attained customary international law status.¹¹ In addition, it does not provide reliable information and deprives the public of its right to have access to environmental information.

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Waste Convention) was ratified by Greece in 1994 (Law 2254/94, FEK 194/ A /94) and entered into force in 2002 (Law 2991/2002, FEK 35/ A /27.02.2002). Greece is a member of the OPCW and takes an active part in the decisions taken during its Sessions, including the decision about the destruction of the Syrian chemical weapons in the Mediterranean Sea. Moreover, given the collective character of the OPCW decisions, Greece as a member of the OPCW, participated actively in the aforementioned decision.

¹¹ Case Concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgment of 20 April 2010, para. 204. See attached, Annex J30. For further elaboration on the status of Environmental Impact Assessments under international law, see Chapter IV of the present Communication, Section B. “The precautionary principle and Environmental Impact Assessments”, p.19.

The Greek Foreign Minister has provided the public only with general and vague information by mentioning that the whole operation aiming to destruct the Syrian chemical arsenal is under the operational supervision of Greece,¹² at least to the extent that there is transit via our territorial sea.

In the next pages of the present Communication we shall demonstrate that Greece has not provided information about the quantity and nature of the cargo, the location of the Cape Ray vessel, the timeline of the hydrolysis process and the existence of an Environmental Impact Assessment. On the contrary, only incomplete, unclear and contradictory information about the undertaken operation has been given, thus depriving the public of its right to have access to meaningful and substantial environmental information.

With regard to the process of the onboard hydrolysis of the Syrian chemical weapons, Greece has offered one ship and one submarine from the Hellenic Navy to escort Cape Ray.¹³ Moreover, Prof. Seimenis, Secretary General of the National Authority of Chemical Weapons, has been appointed as the national expert and has already submitted an unpublished Report to the Ministry of Foreign Affairs concerning the condition of the Cape Ray vessel and other crucial details about its operational safety.¹⁴

Furthermore, the Hellenic Centre for Maritime Research (ELKETHE) has already collected water samples from the area where the hydrolysis will take place and will also test the water quality after the completion of the process. At the parliamentary Session dated 11 April 2014, the Deputy Foreign Minister, Mr. D. Kourkoulas stated that *"the National Authority of Chemical Weapons and the General Chemical State Laboratory of Greece are in constant contact and cooperation with the OPCW; ... have complete and detailed overview of the process; ... the national expert and Secretary of the National Authority, Prof. Seimenis has inspected the ship on which the neutralization of the Syrian chemical weapons is*

¹² Statement by the USA Ambassador, Robert P. Mikulak, at the Seventy-Sixth Session of the Executive Council of the OPCW, 8 July 2014, expressing "his deep gratitude" *inter alia* to Greece for "offering security support for the MV Cape Ray while it conducts neutralization in international waters". See attached, Annex B8.

¹³ See attached, Annex E19.

¹⁴ *ibid.*

going to take place and has issued a report in this regard; ... moreover, there will be a defensive firewall of naval ships around the Cape Ray...".¹⁵

In addition, Greek authorities have not informed the public about the aforementioned operation nor have they provided guidance to the public in seeking access to information and in facilitating participation in decision-making in these environmental matters.

C. Risks arising from the at-sea destruction operation of the Syrian chemical arsenal

The risks of the undertaken operation were underlined in a series of official documents submitted by the UN Secretary General, Ban Ki Moon, in his exchange of letters with the President of the Security Council and in his letters transmitting to the Security Council the required monthly reports of the Director-General of the OPCW.

In particular, in his letter, dated 7 October 2013, the UN Secretary General addressing the President of the Security Council, explicitly expressed his concerns that *"in the extant circumstances the pressures associated with the destruction timelines will not only enhance operational and security risks, but also potential public health and environmental risks. ... The OPCW-UN Joint Mission will seek to conduct an operation the likes which, quite simply, has never been tried before. ... I am very mindful of the potential public health and environmental risks that may arise from the destruction of chemical weapons and related material"*.¹⁶

On 27 November 2013, the UN Secretary General in his letter transmitting to the President of the Security Council the Second Monthly Report of the OPCW Director-General stated that *"the UN and OPCW maintain that the States undertaking the removal and maritime transport should seek to agree among themselves on questions of possession, jurisdiction and control and the related questions of liability for, and mitigation of, security and other risks including in respect of damage to public health and the environment. ... Achieving these timelines will require an unprecedented effort and coordination from all stakeholders under*

¹⁵ *ibid.*

¹⁶ *supra*, note 1, p.6.

*extremely challenging conditions. ... Given the complexity of the mission and the unpredictable operating environment, many factors remain outside the control of the Joint Mission”.*¹⁷

Given his repeatedly expressed concerns, the UN Secretary General, Ban Ki Moon, addressing on 10 December 2013 the President of the Security Council, explicitly referred to his intention *“to mobilize resources to assist Member States in managing the risks and potential liabilities associated with the removal, maritime transport and ultimate destruction of the aforementioned items in implementation of Security Council resolution 2118 (2013)”.*¹⁸

Moreover, on 27 December 2013, the UN Secretary General, in his letter to the President of the Security Council that enclosed the Third Monthly Report of the OPCW Director-General highlighted that *“the Joint Mission is working to achieve unprecedented objectives in a uniquely challenging environment and in an extremely short period of time”.*¹⁹

Under this spirit of general concern and hesitation about the undertaken ambitious operation, the Secretary General went on to acknowledge that *“the continuing volatility and unpredictable operating environment has a direct impact on the achievement of the Joint Mission’s mandate”.*²⁰

Additionally, it is important to mention that the potential risks to humans and the environment which are inherent in the chemical weapons destruction process and are associated even with normal destruction operations,²¹ are aggravated by a

¹⁷ Letter dated 27 November 2013 from the Secretary-General addressed to the President of the Security Council transmitting the Second Monthly Report of the Director-General of the Organisation for the Prohibition of Chemical Weapons, S/2013/700, p.5-7. See attached, Annex A4.

¹⁸ Letter dated 10 December 2013 from the Secretary-General addressed to the President of the Security Council relating to the removal and maritime transport of the chemical weapons and materials from Syria, S/2013/730. See attached, Annex A5.

¹⁹ *supra*, note 9, p.6.

²⁰ Letter dated 27 January 2014 from the Secretary-General addressed to the President of the Security Council transmitting the Fourth Monthly Report of the Director-General of the Organisation for the Prohibition of Chemical Weapons, S/2014/52, p.4. See attached, Annex A7.

²¹ <http://www.opcw.org/our-work/demilitarisation/environmental-concerns-and-provisions/> under the Heading *“Environmental Concerns”*.

series of factors that play a central role in the undertaken operation to destruct the Syrian chemical arsenal.

First and foremost, the decision that the operation to destruct chemical weapons will take place at sea is unprecedented. Never before has such a neutralisation operation – especially of this magnitude and taking into account the severity of the chemicals to be destroyed²² – taken place at sea.

The Field Deployable Hydrolysis System (FDHS), the method that will be deployed for the neutralisation of the Syrian chemical weapons, is a newly developed method that was designed, developed and fabricated by a US Government team, and has never been tested before in real circumstances.²³ As a result, both the at-sea destruction of the chemical weapons and the untested nature of the method to be used testify to the **pilot** nature of the whole operation. Even the US Ministry of Defence acknowledges that *“it is the first time the United States will neutralize chemical materials at sea”*.²⁴

Besides these two critical factors, it is worth adding that this process will take place on the US vessel Cape Ray. However, this vessel is not compartmentalised and is built with only a single hull. In other words, Cape Ray is totally inappropriate for such a high risk operation due to the increased likelihood of an accident. The consequences of a possible – even accidental – leak during the process have to be seriously taken into consideration, especially due to the risk of dispersal around the Mediterranean Sea, which is a highly uncontrolled environment.²⁵

²² These dangerous and highly toxic chemical weapons are characterised by the Chemical Weapons Convention as “Schedule I chemicals” and are subject to the prohibitions on production, acquisition, retention, transfer and use as specified in Part VI of the Verification Annex.

²³ The FDHS is a fast-track acquisition project firstly initiated in February 2013. The first unit was delivered on 1 July 2013. For further information on the FDHS, see the Fact Sheet of the US Ministry of Defence, available online at http://www.defense.gov/home/features/2014/0114_caperay/pdfs/JPME_fs_FDHS_111213.pdf

²⁴ http://www.defense.gov/home/features/2014/0114_caperay/

²⁵ See Joint Statement by 62 Scientists and Environmental Organizations addressed to the President of the European Commission [J.M.Barroso], “At-sea destruction of Syrian Chemical Arsenal threatens the Mediterranean”, 18 March 2014, http://archipelago.gr/wp-content/uploads/Joint_Statement_Syrian_Weapons_in_Med.pdf. See attached, Annex K48.

All these concerns about the risks of the undertaken operation demonstrate the actual existence of a high degree of danger of the onboard destruction operation of the Syrian chemical arsenal in the international waters of the Mediterranean Sea. The existence of such a risk, the absolute lack of access to reliable environmental information and the absence of any scientific proof thereof constitute direct violations of International Environmental Law and in particular of the precautionary principle, the right to environmental information and public participation in environmental decision-making, the right to a healthy environment, the right to health, the right to safety and the right to life of the residents of the adjacent areas.

D. Contradictory information and non transparency during the design and implementation of the whole operation to destruct the Syrian chemical arsenal in the Mediterranean Sea leading to violation of the International Environmental *acquis* and of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)

On 27 November 2013, the UN Secretary General addressed a letter to the President of the Security Council, stating that *“full clarity regarding the plan for the removal and the destruction of chemical material outside Syrian territory is critical, including the location for destruction”*.²⁶

In the Specialist Factsheet “Environmental and Health Protection” that the Communication Centre of the OPCW-UN Joint Mission has issued, it is explicitly stated that *“all States that are involved in the transportation or destruction of Syrian chemical weapons material are responsible to ensure that their operations afford/meet the highest environmental protection and adhere fully to relevant national and international environmental laws”*.²⁷

Moreover, this Factsheet of the OPCW-UN Joint Mission acknowledges that *“neutralizing chemical material at sea will be the **fastest** way to destroy the chemical*

²⁶ *supra*, note 17.

²⁷ <http://opcw.unmissions.org/CommunicationsCentre/FactSheets/EnvironmentandHealthProtection.aspx>

*materials given the tight timelines established by the OPCW Executive Council and UN Security Council decisions”.*²⁸

However, this explicit and unquestionable statement comes in clear contradiction with the statement issued by the Ministry of Foreign Affairs of Greece, according to which the onboard hydrolysis process of the Syrian Chemical Weapons was chosen as the **one and only viable** method given the technical inability to hydrolyse these weapons on land.²⁹

All these contradictions prove beyond any reasonable doubt the lack of clarity regarding the process of the onboard destruction of the Syrian chemical weapons in the international waters in the Mediterranean Sea, thus distorting the real sequence of facts. In essence, they deprive the public of its right to have access to reliable information and they put in danger its interests, thus violating in this way International Environmental Law and in particular the right to have access to reliable environmental information.

A further official statement that by no means appeases the concerns that have been raised comes from the Spokesperson of the OPCW in a letter that answers a series of questions posed to the OPCW by the Cretan local Newspaper “Nea Kriti”, the Radio Station “98,4”, the TV channel “Kriti TV” and the portal “www.neakriti.gr”. Martin Luhan stated that *“the OPCW **holds** that the planned destruction of the Syrian chemical weapons will comply with the highest safety standards of the Chemical Weapons Convention which have repeatedly been followed by the U.S. in all destruction operations that it has undertaken so far”*. Such a statement is just an **expression of an estimation** by the OPCW and testifies to the absence of any scientific assessment of the potential risks of the undertaken operation to hydrolyze the Syrian chemical arsenal at sea. To this unequivocal statement, a further acknowledgement was added by the Spokesperson of the OPCW who recognized

²⁸ *ibid.*

²⁹ Announcement of the Ministry of Foreign Affairs of Greece on the issue of the destruction of the Syrian chemical arsenal, 22 January 2014, available online at: <http://www.mfa.gr/en/current-affairs/news-announcements/foreign-ministry-announcement-on-the-issue-of-the-destruction-of-the-weapons-in-syrias-chemical-arsenal.html>. See attached, Annex G24.

that “it is **not** unusual to have small incidents of leakage of chemicals during such operations”[!].³⁰

In essence, these two statements illustrate the absence of any clear and cogent assurance by the OPCW and Greece that all necessary precautions not only have not been taken, but also not applied in practice.

IV. Nature of the alleged non-compliance

A. Introductory Remarks - International Environmental *Acquis*

Principle 1 of the Stockholm Declaration on the Human Environment, principle 10 of the Rio Declaration on Environment and Development, the World Charter for Nature, the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention), the United Nations Convention on the Law of the Sea (UNCLOS), the Kyoto Conference, the European Environmental Policy (Regulations and Directives), the various resolutions of the UN General Assembly, *etc* illustrate a clear stance of the international community towards ensuring a healthy environment and participation of the public in environmental policies, while recognizing that the adequate protection of the environment is essential to human well-being and the enjoyment of basic human rights, including the right to life.

The right to environment constitutes the link between the right to life, the right to health and the right to a decent living. It highlights the indivisible and interdependent nature of human rights and in particular the inextricable link between economic and social rights.

An environmental offence can take the form of degradation, pollution, contamination and damage and may result in direct or indirect adverse alteration of the elements and activities that surround human beings.

The so-called environmental *acquis* constitutes the inalienable core of the right to environment. There is, therefore, a legitimate interest in environmental

³⁰ See the article on which the answers of the OPCW Spokesperson were published: <http://www.neakriti.gr/?page=newsdetail&DocID=1151208&srv=94>. See attached, Annex K62.

issues even among individuals irrespective of any special legal provision within the framework that the state shall take special preventive or repressive measures for the protection of the natural and cultural environment for the benefit of the public interest.

The mixed nature of the right to environment includes elements of civil, political and especially social rights. In particular, its perception as an individual right grants the individual a sphere of freedom that prohibits any interference by the State. At the same time, it requires that the State abstains from acts which negatively affect the environment and that it should form a regulatory protective framework.

Furthermore, within the context of a modern welfare - protective state, the protection of public health encompasses measures that protect the population from threats to public health. Therefore, the State should avoid and/or prevent any environmental actions that may impair the health of citizens, as is the case with the Communication at hand.

B. The precautionary principle - Environmental Impact Assessments (EIAs)

Moreover, reference must be made to the precautionary principle which has been widely regarded as an important paradigm shift in international environmental law. This principle maximizes environmental protection, as it aims to avoid potential risks of a given activity and justifies action to prevent harm, when there is no causal link arising clearly and unequivocally on the basis of available scientific evidence.

According to article 174.2 of the Treaty of the European Union (TEU), the Union policy on the environment “shall be based on the precautionary principle and on the principles that preventive action should be taken”.

The precautionary principle was introduced in the Treaty of the European Union with the 1987 Single European Act and was the central theme of the Third Environment Programme. It emphasizes the need to protect the environment at an early stage and requires the adoption of measures in order to avoid damage.

The precautionary principle was incorporated in Principle 15 of the 1992 Rio Declaration, according to which *“in order to protect the environment, the*

precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”.

As a result, protective measures shall be adopted pursuant to a scientific risk assessment which would prove the detrimental environmental effects of a given activity.³¹

In this regard, it is vital to design and implement procedures which ensure that the effects of a given activity that may significantly affect the environment are taken into account at an early stage during the decision making procedure. Environmental Impact Assessments, therefore, constitute an excellent procedural tool for putting the precautionary principle into effect.

The requirement of such an assessment is an expression of the precautionary principle, from which derives not only the obligation to restore damage, but also to prevent it from occurring. In this way, Environmental Impact Assessments constitute the most important tool for exercising preventive control when it comes to environmental protection.

The requirement to conduct an Environmental Impact Assessment is fully consonant with Principle 17 of the Rio Declaration, which provides for assessment of risks for *“proposed activities that are likely to have a significant adverse impact on the environment”*.

Similarly, article 7 of the International Law Commission’s Draft Articles on the Prevention of Transboundary Harm from Hazardous Activities, drawing upon Principle 17 of the Rio Declaration, stipulates that *“any decision in respect of the authorization of an activity ... shall, in particular, be based on an assessment of the possible transboundary harm caused by that activity, including any environmental*

³¹ Concerning the status of the precautionary principle under customary international law, Judge Cançado Trindade in his Separate Opinion in the *Pulp Mills* case provided an extensive analysis on why he considered the precautionary principle to be a “general principle of international environmental law”; Case Concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay), Separate Opinion of Judge Cançado Trindade, paras. 62-96 and 103-113.

impact assessment".³² According to the International Law Commission's commentary to its draft articles, such a practice of requiring an Environmental Impact Assessment "*has become very prevalent*" in order to assess whether a particular activity has the potential to cause significant transboundary harm.³³

Moreover, pursuant to the *Pulp Mills* case, a landmark case in the international environmental law jurisprudence, the International Court of Justice explicitly recognised Environmental Impact Assessments as a practice that has attained customary international law status and that is inherent in the obligation to protect and preserve the environment.³⁴

C. Violations of the Aarhus Convention by Greece

The Aarhus Convention was adopted on 25 June 1998 in the Danish city of Aarhus. It lays down a set of basic rules to promote the involvement of the public in environmental matters and improve enforcement of environmental law. The Convention is legally binding on States that have become Parties to it. As the European Union is a contracting party, the Convention also applies to the EU institutions. Greece became a Party to the Aarhus Convention in 2005.

The provisions of the Aarhus Convention are divided into three pillars: access to information, public participation in decision-making and access to justice. Articles 4 and 5 of the Convention concern environmental information. Citizens are entitled to request and obtain environmental information from public bodies concerning the state of the environment, policies and measures taken or on the state of human health and safety, where this can be affected by the environmental condition. A certain amount of information is exempt from release, for instance in cases where disclosure would adversely affect international relations, national defence, public security, the course of justice, commercial confidentiality or the confidentiality of

³² Article 7, Draft Articles on the Prevention of Transboundary Harm from Hazardous Activities with commentaries, "Report of the International Law Commission on the work of its fifty-third session", Yearbook of the International Law Commission (2001-II), Part 2, p. 157.

³³ *ibid*, p. 158.

³⁴ Case Concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgment of 20 April 2010, para. 204.

personal data. Information may also be withheld if its release could harm the environment, such as the breeding sites of rare species.

Under the Convention, the public has the right to participate in decision-making in environmental matters. Arrangements should be made by public authorities to enable the public to comment, for instance, on proposals for projects affecting the environment or plans and programmes related to the environment. Subsequent comments are also to be taken into consideration in the decision-making process.

We, the majority of us who are Mayors and Chairmen of public and private institutions of the island, are deprived of any access to general or specific information on the details of the undertaken hydrolysis. As a result our fundamental environmental rights are being violated and we are not capable of further informing our fellow citizens. All these bear evidence to the fact that the Aarhus Convention is systematically being violated by the Greece.

Greek authorities have not provided so far any substantial information about the undertaken hydrolysis. We have not been informed about the quantity and the nature of the cargo, the location of the Cape Ray vessel, the timeline of the operation and the existence of an Environmental Impact Assessment. On the contrary, the authorities in question provide only insufficient, unclear and contradictory information about the undertaken operation, thus depriving the public of their right to have access to substantive information on environmental matters.

Furthermore, despite the fact that we have constantly asked State officials to arrange for meetings that would enable our participation in decisions that would directly or indirectly affect our lives and the environment, the latter have rejected our proposals or have not even replied. Because of these acts and omissions from the State officials, we have been deprived of our right to have access to informed decision-making and more specifically, we, as representatives of local authorities, institutions, *etc* have been prevented from participating in any decision related to the undertaken operation and from expressing our own point of view.

In this regard, it is important to mention that the Deputy Foreign Minister, Mr. D. Kourkoulas, at the Plenary Session of the Hellenic Parliament dated 11 April 2014 admitted that *"there is a great information deficit"* as regards the destruction

operation of the Syrian chemical weapons. In the same parliamentary session, during the correspondence with the MPs and as regards the choice of the Cape Ray vessel, the Deputy Foreign Minister answered that *“I am not an expert; I cannot give you any answer”* and acknowledged that he was not aware of the exact location where the hydrolysis operation will take place. Additionally, during the same session when answering the questions of the MPs about the details and the process of the operation Mr. D. Kourkoulas *“recommended that the MPs should seek their requested information on the internet”*. Furthermore, he admitted that *“he has no information by any scientific expert about what was going to happen if an earthquake or tsunami occurred”*.³⁵ In essence, his statements proved the absence of any Environmental Impact Assessment that would prevent or mitigate any potential environmental harm. All these acknowledgements by the Deputy Foreign Minister demonstrate that we have a direct violation of the Aarhus Convention and that Greece does not comply with its obligations arising under the Convention.

It is therefore evident that Greece has not ensured that its officials and authorities have actually assisted and provided guidance to the public in seeking access to information and in facilitating participation in informed decision-making in environmental matters.

Greece has not ensured that its public authorities, in response to a request for environmental information, make environmental information about the hydrolysis operation available to the public.

Greece has not ensured that its public authorities possess and have updated environmental information which is relevant to their functions about the hydrolysis operation. Mandatory systems are not established so that there would be an adequate flow of information to public authorities about the planned and existing activities which may significantly affect the environment, such as the operation for the destruction of the Syrian chemical arsenal in the Mediterranean Sea.

Greece has not ensured that all information which could enable the public to take measures to prevent or mitigate harm arising from the risks of the undertaken operation of the aforementioned destruction and which is held by a public authority

³⁵ See attached, Annex E 19.

is disseminated immediately and without delay to members of the public who may be affected and it has also not published information and facts about the aforementioned operation.

Greece has not provided in an appropriate form information about the performance of public functions relating to the environment at all governmental levels about the operation of the destruction of the Syrian chemical weapons due to the fact that this operation is highly likely to affect the life and health of the inhabitants of the island of Crete and the quality of the environment.

Greece has not taken any precautionary measures to prevent or mitigate the potential harm of the aforementioned operation.

Greece has not drafted any risk assessment analysis or Environmental Impact Assessment, thus violating the precautionary principle.

Ultimately, Greece has violated the International Environmental *acquis* in general and the Aarhus Convention in particular.

D. Concluding Remarks

The destruction of the Syrian chemical arsenal carried out in international waters in the Mediterranean Sea can potentially cause unprecedented damage to the marine environment and consequently to the health and lives of residents in the adjacent regions. No government agency has so far assured based on cogent scientific evidence or on an Environmental Impact Assessment that there is no risk to the environment and to the public.

The Aarhus Convention recognizes that every person has the right to live in an environment adequate to his/her health and well-being and the duty, both individually and collectively, to protect and improve the environment for the benefit of the present and future generations.

Besides these two factors, it should be taken into account that a possible accident within the enclosed Mediterranean Sea would result to the death of marine life, to pollution, carcinogenesis and genetic mutation of the fish. Should the latter be introduced into the food chain, this could consequently generate great risks to human health. The disposal of any chemical substances into the water environment

causes without doubt substantial damage to the quality of the water. Even the possibility of such a damage serves as the ground for taking measures pursuant to the precautionary principle.

The scope of the damage, at a local and regional level, for the Mediterranean basin cannot be assessed as no data has been published and any installation of observation units by independent experts or any televised reproduction of the procedure has been prohibited in advance.³⁶ Moreover, there is no Environmental Impact Assessment or at least it has not been made public. In this regard, it is worth highlighting the fact that the Letters of the UN Secretary-General, Ban Ki Moon, addressed to the President of the Security Council repeatedly refer to the close consultation of the OPCW-UN Joint Mission with the United Nations Environment Programme (UNEP) and the World Health Organisation (WHO) in order to assess environmental and public health risks related to the destruction of the Syrian chemical arsenal. In particular, in his letter dated 28 October the Secretary General specifically mentioned that *“the Joint Mission, with support from the Health and Safety Branch of the OPCW and the United Nations Environment Programme has developed an initial environmental protection and health and safety analysis”*.³⁷ However, to date this analysis has not been made public and our persistent efforts to have access to it were rendered futile.

However, it is certain that the quantity and quality of the cargo during the operation of the destruction of the Syrian chemical weapons, the multiple sea transfers, the instability of the natural environment and of the weather conditions in the region, the pilot nature of the onboard hydrolysis process, the incomplete standards of the ship, the absence of environmental risk assessment, the lack of an Environmental Impact Assessment, the impossibility of accessing information, the absence of public participation that would take into account the interests of the residents of the island of Crete, the secrecy of the whole process, the lack of

³⁶ For further reference, see <http://www.mfa.gr/epikairotita/eidiseis-anakoinoseis/sugklese-ethnikou-sumbouliou-exoterikes-politikes-14022014.html> and <http://www.econews.gr/2014/02/13/ypex-ximika-syria-111839/>

³⁷ Letter dated 28 October 2013 from the Secretary-General addressed to the President of the Security Council transmitting the First Monthly Report of the Director-General of the Organisation for the Prohibition of Chemical Weapons, S/2013/629, p.5. See attached, Annex A3.

information, the violation of the precautionary principle, the creation of environmental and health risk, the co-decision making ability of Greece are factors that lead to direct violations by Greece of the international environmental *acquis* and of the Aarhus Convention in particular.

FOR ALL THESE REASONS

we, the undersigned the Cretan Clerical Authority, the Mayors of Cretan Municipalities, the Presidents of Local Cretan Authorities and the residents of the island of Crete, Greece,

ask from the Aarhus Convention's Compliance Committee to take all the appropriate measures so that the Aarhus Convention will be fully respected and implemented by Greece and to demand the discontinuance of the destruction operation of the Syrian chemical arsenal weapons in the Mediterranean Sea in order to prevent unpredictable and irreversible damage to the enjoyment of all kinds of human rights and to the environment.

V. Provisions of the Convention relevant for the Communication

Article 3

2. Each Party shall endeavour to ensure that officials and authorities assist and provide guidance to the public in seeking access to information, in facilitating participation in decision-making and in seeking access to justice in environmental matters.

Article 4

Access to environmental information

1. Each Party shall ensure that, subject to the following paragraphs of this article, public authorities, in response to a request for environmental information, make such information available to the public, within the framework of national

legislation, including, where requested and subject to subparagraph (b) below, copies of the actual documentation containing or comprising such information:

- (a) Without an interest having to be stated;
- (b) In the form requested unless:
 - (i) It is reasonable for the public authority to make it available in another form, in which case reasons shall be given for making it available in that form; or
 - (ii) The information is already publicly available in another form.

Article 5

Collection and dissemination of environmental information

1. Each Party shall ensure that:

- (a) Public authorities possess and update environmental information which is relevant to their functions;
- (b) Mandatory systems are established so that there is an adequate flow of information to public authorities about proposed and existing activities which may significantly affect the environment;
- (c) In the event of any imminent threat to human health or the environment, whether caused by human activities or due to natural causes, all information which could enable the public to take measures to prevent or mitigate harm arising from the threat and is held by a public authority is disseminated immediately and without delay to members of the public who may be affected.

...

7. Each Party shall:

- (a) Publish the facts and analyses of facts which it considers relevant and important in framing major environmental policy proposals;
- (b) Publish, or otherwise make accessible, available explanatory material on its dealings with the public in matters falling within the scope of this Convention; and
- (c) Provide in an appropriate form information on the performance of public functions or the provision of public services relating to the environment by government at all levels.

VI. Use of domestic or other international procedures

We have signed and submitted a petition to the Public Prosecutor of the Supreme Court dated 7 April 2014³⁸ regarding the violations of international and national law during the process of transportation, provisional stockpiling, re-transportation of Syrian chemical weapons within the EU borders, the management of the Syrian chemical weapons and the operational standards of the onboard the Cape Ray hydrolysis unit and regarding in general the destruction of the chemical weapons in international waters in the Mediterranean Sea. In this context, we have met several times with the public prosecutors of the island, the regional and local authorities of Crete in order to express our concerns and denounce the continuing violations of human rights during the destruction of the chemical arsenal in the closed Mediterranean Sea.

VII. Confidentiality

We do not request confidentiality with regard to the content of the present Communication.

VIII. Supporting documentation

Annexes

- A. UN Secretary-General's Correspondence with the President of the UN Security Council (Annex 1-7)**
- B. Statement by the USA at the OPCW Executive Council (Annex 8)**
- C. Correspondence of the *PanCretan Commission against the destruction of Syrian Chemical Weapons in the Enclosed Mediterranean Sea* (Annex 9-10)**
- D. Correspondence between the *PanCretan Commission against the destruction of Syrian Chemical Weapons in the Enclosed Mediterranean Sea* and the Vice President of the Greek Government and Minister of Foreign Affairs concerning the Neutralization of Syrian Chemical Weapons in International Waters in the Mediterranean Sea (Annex 11-12)**

³⁸ See attached, Annex I29.

- E. Minutes of the Parliamentary Sessions where the Deputy Foreign Minister acknowledges the absolute lack of information and of any Environmental Impact Assessment (EIA) as regards the destruction of Syrian Chemical Weapons in the Enclosed Mediterranean Sea (Annex 13-19)**
- F. Parliamentary Questions in the European Parliament (Annex 20-23)**
- G. Greek Ministry of Foreign Affairs – Announcements (Annex 24-26)**
- H. Expert View Opinion of Prof. Gidarakos, Technical School of Crete (27-28)**
- I. Communication before the Greek Supreme Court (Annex 29)**
- J. International Court of Justice Judgment (Annex 30)**
- K. Resolutions, Statements, Declarations, Letters and Press Releases from Municipalities, Associations, Institutions, etc. (Annex 31-66)**

IX. Summary

We, the signatories of the present Communication, are the Cretan Clerical Authority, the Mayors of Cretan Municipalities, the Presidents of Local Cretan Authorities, Associations, Unions, *etc* and permanent residents of the island of Crete (Greece) that will be directly and seriously affected by the operation of the destruction of the Syrian chemical weapons in an unspecified location in the Mediterranean Sea.

The Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW) adopted a decision entitled “Destruction of Syrian Chemical Weapons” (EC-M-33/DEC.1, 27 September 2013), which established special procedures for the expeditious destruction of the Syrian Arab Republic’s chemical weapons programme and called for its full implementation in the most expedient manner. This decision was followed by the adoption on the same day of Resolution 2118 (2013) by the United Nations Security Council, which endorsed the decision by the Executive Council.

The risks of the undertaken operation were underlined in a series of official documents submitted by the UN Secretary General, Ban Ki Moon, in his exchange of letters with the President of the Security Council and in his letters transmitting to the Security Council the required monthly reports of the Director-General of the OPCW.

Moreover, the decision that the operation to destruct chemical weapons will take place at sea is unprecedented. Never before has such a neutralisation operation, especially of this magnitude and taking into account the severity of the

chemicals to be destroyed, taken place at sea nor has it ever been tested in real circumstances.

Besides, it is worth adding that this process will take place on the US vessel Cape Ray which is not compartmentalised and is built with only a single hull. Cape Ray is totally inappropriate for such a high risk operation due to the increased likelihood of an accident. The consequences of a possible leak during the process is of a great concern, especially due to the risk of dispersal around the Mediterranean Sea, which is a highly uncontrolled environment.

All these concerns about the risks of the undertaken operation demonstrate the actual existence of a high degree of danger of the onboard destruction operation of the Syrian chemical arsenal in international waters of the Mediterranean Sea. The existence of such a risk, the absolute lack of access to reliable environmental information and the absence of any scientific proof thereof constitute direct violations of International Environmental Law and in particular of the precautionary principle, the right to environmental information and public participation in environmental decision-making, the right to a healthy environment, the right to health, the right to safety and the right to life of the residents of the adjacent areas.

As a consequence of all these factors, we are deprived of any access to general or specific information about the details of the undertaken hydrolysis. As a result, our fundamental environmental rights are being violated and we are not capable of further informing our fellow citizens. All these bear evidence to the fact that the Aarhus Convention is systematically being violated by Greece.

Despite the fact that we have continuously protested and have repeatedly sought for information as regards the undertaken operation, Greek authorities have not provided so far any substantial information about the onboard the Cape Ray hydrolysis. We have not been informed about the quantity and the nature of the cargo, the location of the Cape Ray vessel, the timeline of the operation and the existence of an Environmental Impact Assessment. On the contrary, the authorities in question provide only insufficient, unclear and contradictory information about the undertaken operation, thus depriving the public of their right to have access to substantive information on environmental matters.

Furthermore, despite the fact that we have constantly asked State officials to arrange for meetings that would enable our participation to decisions that would directly or indirectly affect our lives and the environment, the latter have rejected our proposals or have not even replied. Because of these acts and omissions from the State officials, we have been prevented from participating in environmental decision-making and more specifically, we, as representatives of local authorities, institutions, *etc* have been prevented from participating in any decision related to the destruction operation and from expressing our own point of view.

A direct consequence of all the above mentioned factors is that Greece has not ensured that its officials and authorities have actually assisted and provided guidance to the public in seeking access to information and in facilitating participation in decision-making in environmental matters.

It is certain that the quantity and quality of the cargo during the operation of the destruction of the Syrian chemical weapons, the multiple sea transfers, the instability of the natural environment and of the weather conditions in the region, the pilot nature of the onboard hydrolysis process, the incomplete standards of the ship, the absence of environmental risk assessment, the lack of an Environmental Impact Assessment, the impossibility of accessing information, the absence of public participation that would take into account the interests of the residents of the island of Crete, the secrecy of the whole process, the lack of information, the violation of the precautionary principle, the creation of an environmental and health risk, the co-decision making ability of Greece are factors that lead to direct violations by Greece of the international environmental *acquis* and especially of the Aarhus Convention.

Greece has not ensured that its public authorities, in response to a request for environmental information, make environmental information about the hydrolysis operation available to the public.

Greece has not ensured that its public authorities possess and have updated environmental information which is relevant to their functions about the hydrolysis operation. Mandatory systems are not established so that there would be an adequate flow of information to public authorities about planned and existing activities which may significantly affect the environment, such as the hydrolysis

operation for the destruction of the Syrian chemical arsenal in the Mediterranean Sea.

Greece has not ensured that all information which could enable the public to take measures to prevent or mitigate harm arising from the risks of the undertaken operation of the aforementioned destruction and which is held by a public authority is disseminated immediately and without delay to members of the public who may be affected and also it has not published information and facts about the aforementioned operation.

Greece has not provided in an appropriate form information about the performance of public functions relating to the environment at all levels of government about the operation of the destruction of Syrian chemical weapons due to the fact that this operation is highly likely to affect the life and health of the inhabitants and the quality of the environment.

Greece has not taken any precautionary measures to mitigate the potential harm of the aforementioned operation and has not drafted any risk assessment analysis or Environmental Impact Assessment, thus violating the precautionary principle.

Ultimately, **Greece has violated the International Environmental *acquis* in general and the Aarhus Convention in particular.**

Signatures

1. His Holiness Archbishop of Crete Ierinaios, Address: 25 Agiou Mina, PC: 712 01, Heraklion, Crete, Greece, Phone: + 30 2810 335845, email: iak@iak.gr

Signature



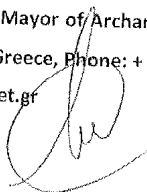
2. Foteini Koutsoumpou, President of the Architects Association of Heraklion, Address: Varnis 31 & Kondylaki, PC: 712 02, Heraklion Crete, Greece, Phone: + 30 2810285752 / + 30 6948374085, email: fanikoutsoumbou@gmail.com

Signature



3. Roussos Kypriotakis, Mayor of Archanes & Asteroussia, Address: Peza, PC: 701 00, Heraklion Crete, Greece, Phone: + 30 2813401141 / + 30 6944917262, email: roussosk@her.forthnet.gr

Signature



4. Socrates Vardakis, President of the Workers' Center of Heraklion, Address: 10 Dimokratias, PC: 713 06, Heraklion, Crete, Greece, Phone: + 30 6944773555, email: ergkehr@otenet.gr

Signature



5. Ioannis Haronitis, President of the Technical Chamber of Greece - Eastern Crete Division, Address: Prevelaki & Grevenon, PC: 712 02, Heraklion, Crete, Greece, Phone: + 30 2810342520 / + 30 6972350768, email: presidentteetak@tee.gr

Signature



6. Ioannis Dagonakis, President of the Supreme Administration of Civil Servants' Unions (ADEDY) / Heraklion Section, Address: 10 Demokratias, PC: 713 06, Heraklion, Crete, Greece, Phone: + 30 6979118710, email: giannisdagonakis@yahoo.gr

Signature

7. Polyanthis Syngelakis, Member of the Board of the Hellenic Association of Mechanical and Electrical Engineers / Member of the Initiative "Ship to Gaza Greece", Address: 30 Raftopoulou, PC: 713 05, Heraklion, Crete, Greece, Phone: + 30 2810376386 / + 30 6978512779, email: p.syngelakis@dei.com.gr

Signature

8. Dimitrios Petrakis, Paediatric Surgeon, Representative of the Heraklion Medical Association, Address: 45 Eleftherias sq. PC: 712 02, Heraklion, Crete, Greece, Phone: + 306932409353, email: dimitriospetrakis@hotmail.com

Signature

9. Aris Rozakis, President of the Heraklion Bar Association, Address: Court House of Heraklion, PC: 711 10, Heraklion, Crete, Greece, Phone + 30 2810330345 / + 30 6944989599, email: arozakis@otenet.gr

Signature

10. Eleni Katsama, Journalist - Reporter at the Heraklion State Broadcasting Corporation / Member of the Reporters Union, Address: Voutes Heraklion, PA:

146, PC: 700 13, Heraklion, Crete, Greece, Phone: + 30 6945556401, email:
nellyk91@gmail.com

Signature 

11. Eugenia Tsatsaki, Educator, Graduate of Methodology, History & Theory of
Science, History and Archaeology, Address: 17 Efodou, PC: 713 03, Heraklion,
Crete, Greece, Phone: + 30 6980474650, email: tsantzen@yahoo.gr

Signature 

12. Aristides Athanassakis, Municipal Councilor of Heraklion, Address: 1 Agiou
Titou, PC: 712 02, Heraklion, Crete, Greece, Phone: + 30 6947736126,
email: arisath2002@yahoo.gr

Signature 

13. Pavlos Polakis, Mayor of Sfakia, Address: Hora Sfakion, PC: 730 11, Sfakia,
Crete, Greece, Phone: + 30 6944384939, email: pavlos.polakis@gmail.com

Signature 

14. Ioannis Malandrakis, Mayor of Platanias, Address: Gerani, PC: 730 14, Platanias
Chanion, Crete, Greece, Phone: + 30 6977613733, email:
grammateia@platanias.gr

Signature 

15. Evangelia Kallinikou, Deputy Mayor and recently elected Mayor of Gavdos,
Address: Gavdos, PC: 730 01, Gavdos, Crete, Greece, Phone: + 30 6972515132,
email: gellygavdos@yahoo.gr

Signature

16. Anastassios Vamvoukas, recently elected Mayor of Chania, Address: 29 Kidonias, PC: 731 35, Chania, Crete, Greece, Phone: + 30 6944373101, email: tasosvamvoukas@otenet.gr

Signature

17. Antonios Perrakis, recently elected Mayor of Kandanos and Selinos, Address: E. Venizelou & A. Diakou, PC: 730 01, Palaiochora Selinos, Crete, Greece, Phone: + 30 6977576083, email: padonis3@gmail.com

Signature

18. Charalambos Koukiannakis, recently elected Mayor of Apokorronas, Address: Vrisses Apokorronas, PC: 730 07, Chania, Crete, Greece, Phone: + 30 6948375990, email: apokorwnas@gmail.com

Signature

19. Theodoros Stathakis, recently elected Mayor of Kissamos, Address: Poimiston tou 1941, PC: 734 00, Kissamos, Crete, Greece, Phone: + 30 694463570, email: stathakisteo@hotmail.gr

Signature

20. Dimitrios Kornarakis, President of the Workers' Centre of Chania, Address: 68 M. Botsari, PC: 731 36, Chania, Crete, Greece, Phone: + 30 2821097686 / + 30 6977652503, email: erga1234@otenet.gr

Signature

21. Ioannis Daskalakis, President of the Chania Bar Association, Address: Court House of Chania, PC: 731 34, Chania, Crete, Greece, Phone: + 30 2821054529, email: ioannisdaskalakis@ymail.com

Signature



22. Athena Giannoulaki, President of the Association of Local Government Officers of Chania, Address: 98 Halidon, PC: 731 31, Chania, Crete, Greece, Phone: + 30 2821092294, email: agianoulaki@yahoo.gr

Signature



23. Ioannis Strogilos, President of the Technical Chamber of Greece - Western Crete Division, Address: 23 Nearhou, PC: 731 00, Chania, Crete, Greece, Phone: + 30 6977445136, email: jstrog@hotmail.com

Signature



24. Nikolaos Malliaros, Regional Councillor of Crete / Member of the Board of Directors of the Organisation for the Development of Crete, Address: Eleftherias sq., PC: 712 01, Heraklion, Crete, Greece, Phone: + 30 6974811816, email: malliarosn@gmail.com

Signature



25. Emmanouil Kallerghis, recently elected Mayor of Anogia, Address: Anogia, PC: 740 51, Anogia Rethymnon, Crete, Greece, Phone: + 30 6974726223, email: mkallerghis@yahoo.gr

Signature



26. Georgios Nikolidakis, President of the Workers' Centre of Rethymnon, Address:
Ergatikis Protomagias Sq., PC: 741 00, Rethymnon, Crete, Greece, Phone: + 30
6974034159, email: erker@otenet.gr

Signature



27. Nikolaos Deredakis, President of the Supreme Administration of Civil Servants'
Unions (ADEDY) - Rethymnon Section, Address: 6 Gorgopotamou, PC: 741 00,
Rethymnon, Crete, Greece Phone: + 30 6978200399, email:
deredakis@yahoo.gr

Signature



28. Georgios Polioudakis, President of the Federation of Trade Associations of
Crete, Address: 1 Archimidous, PC: 716 01, Nea Alikarnassos Heraklion, Crete,
Greece, Phone: + 30 6932252272, email: polioudakisaepte@yahoo.gr

Signature



29. Georgios Stefanakis, President of the Medical Association of Rethymnon,
Address: 17 Kourmouli, PC: 741 00, Rethymnon, Crete, Greece, Phone: + 30
6932252929, email: gstemfd@otenet.gr

Signature



30. Emmanouil Tsakalakis, President of the Hotel Owners' Association of
Rethymnon, Address: 3 Papanastasiou, PC: 741 00, Rethymnon, Crete, Greece,
Phone: + 30 6932252597, email: rethmare@otenet.gr

Signature



31. Georgios Giakoumakis, President of the Chamber of Commerce and Industry of Rethymnon, Address: 23 Emm. Portaliou, PC: 741 00, Rethymnon, Crete, Greece Phone: + 30 6932417645, email: giakou@otenet.gr

Signature



32. Georgios Troullis, President of the Educators Association of Rethymnon (Primary Education) / General Counselor of the Supreme Administration of Civil Servants' Unions (ADEDY), Address: 43 Kastrinogiannaki, PC: 741 00, Rethymnon, Crete, Greece, Phone : + 30 6936841955 email: giorgiot@edu.uoc.gr

Signature



33. Matina Hatzaki-Volytaki, President of the Parents and Pupils Association of Rethymnon, Address: 29 Emm. Portaliou PC: 741 00, Rethymnon, Crete, Greece, Phone: + 30 6940402439, email: matatzaki@hotmail.com

Signature



34. Pelagia Petraki, Deputy Prefect of Lassithi, Address: Terma Polytechniou, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 2841340300 / + 30 6972922201, email: petrakipel@crete.gov.gr

Signature



35. Theodoros Paterakis, Mayor of Sitia, Address: 9 Vartholomeou, PC: 723 00, Sitia, Crete, Greece, Phone: + 30 2843340507, email: info@sitia.gr

Signature



36. Sifis Anastassakis, Mayor of Ierapetra, Address: 1 Kanoupaki sq., PC: 722 00, Ierapetra, Crete, Greece, Phone: + 30 2842340300, email: kyrva@ierapetra.gr

Signature



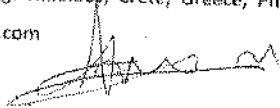
37. Georgios Miliaras, Mayor of Oropedion Lassithiou, Address: Tzermiado Lassithiou, PC: 720 52, Lassithi, Crete, Greece, Phone: + 30 2844340170 / + 30 6972241474, e-mails: gmiliaras@yahoo.gr / gmiliaras92@gmail.com

Signature



38. Emmanouil Peponis, President of the Workers' Centre of Lassithi, Address: 51 Minoos, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 2841022364, email: epeponis@gmail.com

Signature



39. Odysseas Sgouros, General Secretary of the Technical Chamber of Greece - Eastern Crete Division, Address: 1 5th Merarchias, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 6944240699, email: osgouros@gmail.com

Signature



40. Ioannis Kakourakis, President of the Hotel Owners' Association of Sitia, Address: 4 Karamanli, PC: 723 00, Sitia, Crete, Greece, Phone: + 30 6972710520, email: flisvos@sit.forthnet.gr

Signature



41. Emmanouil Kritharakis, President of the Federation of Professionals, Craftsmen and Merchants of Lassithi and President of the Association of Electrical Contractors of Lassithi, Address: 2 Roussou Kapetanaki, PC: 721 00, Ag.

Nikolaos, Crete, Greece, Phone: + 30 6975308755, email:
mkritharakis@gmail.com

Signature

42. Christophoros Kalambokis, President of the Restaurants, Café and Clubs
Association of Sitia, Address: 4 Varla, PC: 723 00, Sitia, Crete, Greece, Phone: +
30 2843029450 / + 30 6937489101, email: info@kalambokis.gr

Signature

43. Kyriakos Papaioannou, President of the Yacht Club of Sitia, Address:
Anapafseos, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 6947847650,
email: papaioannou_kyr@cyta.gr

Signature

44. Alexis Mantas, President of the Group of Ecologists of Ag. Nikolaos, Address:
Vathi, PC: 721 00, Ag. Nikolaos, Crete, Greece, Phone: + 30 6944465690, email:
a.mantas@hotmail.com

Signature

45. Nikolaos Zachariades, President of the Farmers Cooperative of Kritsa, Address:
Kritsa Lasithi, PC: 721 51, Lasithi, Crete, Greece, Phone: + 30 6977217332,
email: info@kritisacoop.gr

Signature

46. Euphimia Amygdaliou, President of the Volunteer Rescuers Crete, Address:
Palaiokastros, PC: 723 00, Sitia, Crete, Greece, Phone: + 30 6976000188, email:
efiamigdaliou@yahoo.gr

Signature



Contact person: Foteini Koutsoumpou, President of the Architects Association of
Heraklion, Address: Varnis 31 & Kondylaki, PC: 712 02, Heraklion Crete, Greece,
Phone: + 30 2810285752 / + 30 6948374085, email: fanikoutsoumbou@gmail.com

Signature



Lawyer/Legal Representative: Konstantinos Kazanas, Member of the Athens Bar
Association (Reg. Num. 31655), 1C Lykavittou, PC: 106 72, Athens, Greece, Phone:
+30 2103637455 / +306971741416, email: kazanas@mfhr.gr

Signature

