

# TWO YEARS ON, SYRIA'S SUSPENSION FROM THE OPCW WAS BENEFICIAL

*Member States' Next Act Should be Suspending Russia*

BY ANDREA STRICKER

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By a vote of 87 to 15 with 34 abstentions, the Hague-based Organisation for the Prohibition of Chemical Weapons (OPCW) voted in April 2021 to suspend Syria's voting rights and privileges.<sup>1</sup> It was the first suspension of its kind, holding Damascus to account for prolonged non-compliance with the 1993 Chemical Weapons Convention (CWC).<sup>2</sup> Indeed, the Syrian regime continued to deploy chemical attacks after claiming to surrender its arsenal in 2013.<sup>3</sup> Likewise, Damascus failed to declare and destroy its chemical weapons, production facilities, and precursors as required by the CWC.<sup>4</sup>

The OPCW oversees the implementation of the CWC, whose purpose is the complete elimination of chemical weapons. The OPCW has functioned more smoothly since it suspended Syria because the Russian Federation obstructs routine business less frequently than in the past when it did so to protect its client in Damascus. Yet Moscow's obstruction is likely to resume if the OPCW holds Russia accountable for its own use of chemical weapons against opponents of the state as well as the Russian military's role in supporting Syrian chemical attacks.<sup>5</sup>

1. Organisation for the Prohibition of Chemical Weapons, Conference of the States Parties, "Decision Addressing the Possession and Use of Chemical Weapons by the Syrian Arab Republic," April 21, 2021. (<https://www.opcw.org/sites/default/files/documents/2021/04/c25dec09%28e%29.pdf>); Mike Corder, "States Suspend Syria's OPCW Rights Over Chemical Attacks," *Associated Press*, April 21, 2021. (<https://apnews.com/article/netherlands-chemical-weapons-damascus-the-hague-syria-ab2da467f4a4d9336010a141e5178276>)

2. Countries may not vote if their OPCW dues are two years in arrears unless members decide that conditions for failure to pay are beyond the state's control. See: Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Paris, January 13, 1993, Article VIII.A.8. ([https://www.opcw.org/sites/default/files/documents/CWC/CWC\\_en.pdf](https://www.opcw.org/sites/default/files/documents/CWC/CWC_en.pdf))

3. "Timeline of Syrian Chemical Weapons Activity, 2012-2022," *Arms Control Association*, May 2021. (<https://www.armscontrol.org/factsheets/Timeline-of-Syrian-Chemical-Weapons-Activity>)

4. "Syria and the OPCW," Organisation for the Prohibition of Chemical Weapons, accessed April 21, 2023. (<https://www.opcw.org/media-centre/featured-topics/opcw-and-syria>)

5. Organisation for the Prohibition of Chemical Weapons, Technical Secretariat, "Third Report by the OPCW Investigation and Identification Team Pursuant to Paragraph 10 of Decision C-SS-4/DEC. 3 'Addressing the Threat from Chemical Weapons Use' Douma (Syrian Arab Republic) – 7 April 2018," January 27, 2023. (<https://www.opcw.org/sites/default/files/documents/2023/01/s-2125-2023%28e%29.pdf>); U.S. State Department, "Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction," April 2022, pages 10-11. (<https://www.state.gov/wp-content/uploads/2022/04/Condition-10-c-Report.pdf>)

Over the past two years, the obstructionist coalition — led by Russia, China, and Iran — has tried to prevent the OPCW from holding violators accountable or conducting routine business, such as passing budgets and programs of work and adopting OPCW reports.<sup>6</sup> However, Washington and its partners are fighting back.

Two years ago, just prior to Syria's suspension, the Foundation for Defense of Democracies (FDD) published an analysis of the voting patterns of the OPCW's 193 member states.<sup>7</sup> This memorandum updates that analysis through March 2023. Washington and its partners are winning over countries that previously opposed them or abstained from key OPCW votes. Russia's troublemaking in the organization, as well as its invasion of Ukraine and veiled threats to use chemical weapons, also helped reduce abstentions.<sup>8</sup>

This May, the OPCW will hold its fifth review conference to assess implementation of the CWC, which recently celebrated the 25th anniversary of its entry into force. At the conference, the United States should rally support for a plan to hold Moscow accountable for repeated chemical weapons use. Then, at the July meeting of the OPCW's 41-member Executive Council (EC), where such a process must start, member states should issue an ultimatum for Russia to demonstrate CWC compliance within 90 days or face suspension.

Building such a coalition will require intensive diplomacy. Officials close to the OPCW say that while Damascus' suspension was "one hundred percent useful" for the OPCW's functioning, there is no appetite to suspend Russia. Western countries still prefer Moscow inside the system. What they evidently fail to grasp: so long as Russia remains a member in good standing, the Kremlin will undermine serious efforts to eliminate chemical weapons.

Suspending Russia would deter its further use of chemical weapons and signal that far worse penalties are to come outside the OPCW should it carry out an attack again. If the OPCW will not even hold Russia accountable for flagrant violations of the CWC, Moscow will have every reason to continue testing boundaries in its use of chemical weapons.

## **OPCW VOTES SINCE APRIL 2021**

There have been 11 recorded votes since the previous FDD analysis — eight in the all-member Conference of the States Parties (CSP) and three in the EC. The United States and allies prevailed decisively in each vote. In every instance, the margin of victory far exceeded the two-thirds threshold necessary for approval. There is little patience for Russian obstruction, yet there was also no appetite to directly confront Moscow's defiance of its CWC obligations.

Of the 11 recorded votes, two dealt with substantive matters: the suspension of Syria and a clarification on the prohibition of aerosolized central-nervous system (CNS) acting chemicals by law enforcement agencies. The other nine votes addressed internal business, such as draft OPCW budgets, programs of work, and draft OPCW reports on implementation of the CWC.

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6. Andrea Stricker, "OPCW Member States Must Counter Russian Obstruction," *Foundation for Defense of Democracies*, April 8, 2021. (<https://www.fdd.org/analysis/2021/04/8/opcw-member-states-must-counter-russian-obstruction>)

7. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Paris, January 13, 1993. ([https://www.opcw.org/sites/default/files/documents/CWC/CWC\\_en.pdf](https://www.opcw.org/sites/default/files/documents/CWC/CWC_en.pdf))

8. Erin Banco and Lara Seligman, "U.S. Concerned Russia Could Use Chemical Weapons in Ukraine," *Politico*, November 23, 2022. (<https://www.politico.com/news/2022/11/23/russia-chemical-weapons-ukraine-00070743>)

At the April 2021 CSP, Russia, China, Iran, and 12 others opposed holding Damascus accountable for its continued stockpiling and use of chemical weapons.<sup>9</sup> The motion passed with 87 votes in favor, 15 opposed, 34 abstentions, and 57 states not voting, easily clearing the two-thirds threshold, since abstentions have no weight in the CSP.<sup>10</sup> Because member states knew that abstaining or not voting would not affect the outcome, their decisions minimized friction with both the U.S.- and Russia-led blocs. That said, 91 countries — 34 that abstained and 57 that did not vote — took no position on Syria’s suspension.

At the November 2021 CSP, Russia, China, Iran, and seven others voted against clarifying that the CWC prohibits law enforcement agencies from using aerosolized CNS-acting chemicals.<sup>11</sup> The OPCW’s Scientific Advisory Board noted that CNS-acting chemicals differ from other riot control agents “as they act primarily on the central nervous system and their effects are not confined to sensory irritation of a temporary nature.”<sup>12</sup> The OPCW already treats CNS-acting chemicals in munitions and devices “specifically designed to cause death or other harm” as a chemical weapon.<sup>13</sup> The decision ensures dictatorships cannot cite the CWC’s law enforcement carve out as a pretext to develop aerosolized CNS-acting chemicals. In that regard, the State Department suspects that China, Iran, and Russia maintain pharmaceutical-based agents (PBA) programs, of which CNS-acting chemicals are a subset, in conflict with their CWC obligations.<sup>14</sup> In the end, 33 states abstained and 65 did not cast a vote. The decision still passed with 85 states in favor.

<b>April 2021 Vote on Suspension of Syria from OPCW</b>	
Yeas	87
Nays	15
Abstentions	34
No Vote	57

<b>Nov. 2021 Vote on Prohibition of CNS acting chemicals by law enforcement</b>	
Yeas	85
Nays	10
Abstentions	33
No Vote	565

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**9.** Organisation for the Prohibition of Chemical Weapons, Director-General, “Progress on the Elimination of the Syrian Chemical Weapons Programme,” October 26, 2020. (<https://www.opcw.org/sites/default/files/documents/2020/10/ec96dg02%28e%29.pdf>)

**10.** Organisation for the Prohibition of Chemical Weapons, “Report of the Twenty-Fifth Session of the Conference of the States Parties,” April 22, 2021. (<https://www.opcw.org/sites/default/files/documents/2021/04/c2505%28e%29.pdf>)

**11.** Organisation for the Prohibition of Chemical Weapons, Conference of the States Parties, “Understanding Regarding the Aerosolized Use of Central Nervous System-Acting Chemicals for Law Enforcement Purposes,” December 1, 2021. (<https://www.opcw.org/sites/default/files/documents/2021/12/c26dec10%28e%29.pdf>); Organisation for the Prohibition of Chemical Weapons, Conference of the States Parties, “Report of the Twenty-Sixth Session of the Conference of the States Parties,” December 2, 2021. (<https://www.opcw.org/sites/default/files/documents/2021/12/c2605%28e%29.pdf>)

**12.** “Decision on aerosolised use of Central Nervous System-acting chemicals adopted by OPCW Conference of the States Parties,” *Organisation for the Prohibition of Chemical Weapons*, December 1, 2021. (<https://www.opcw.org/media-centre/news/2021/12/decision-aerosolised-use-central-nervous-system-acting-chemicals-adopted>)

**13.** Organisation for the Prohibition of Chemical Weapons, Conference of the States Parties, “Understanding Regarding the Aerosolized Use of Central Nervous System-Acting Chemicals for Law Enforcement Purposes,” December 1, 2021. (<https://www.opcw.org/sites/default/files/documents/2021/12/c26dec10%28e%29.pdf>)

**14.** U.S. State Department, “Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,” April 2022. (<https://www.state.gov/wp-content/uploads/2022/04/Condition-10-c-Report.pdf>)

The full list of matters put to a vote and resulting tallies:

### Conference of the States Parties voting tallies (April 2021-December 2022)

Date	Decision	Passed?	Yeas	Nays	Abstentions	No vote
Nov. 2020/ April 2021*	Syrian suspension	Yes	87	15	34	57
Nov. 2020/ April 2021*	Draft Program and Budget for 2021	Yes	103	14	13	63
Nov./Dec. 2021	Russian proposal for separate vote on sections it opposed in OPCW report on CWC implementation	No	15	76	30	72
Nov./Dec. 2021	Draft annual report on CWC implementation	Yes	93	12	18	70
Nov./Dec. 2021	Draft Program and Budget for 2022-2023	Yes	102	12	18	61
Nov./Dec. 2021	Prohibiting Aerosolized Use of Central Nervous System-Acting Chemicals for Law Enforcement Purposes	Yes	85	10	33	65
Nov./Dec. 2022	Draft Program and Budget for 2023	Yes	99	7	15	72
Nov./Dec. 2022	Russian proposal for separate vote on sections it opposed in OPCW report on CWC implementation	No	7	69	37	80

\*Meeting split into two parts due to COVID-19 considerations.

### Executive Council voting tallies (April 2021-March 2023)\*

Date	Decision	Passed?	Yeas	Nays	Abstentions	No vote
July 2021	Russian motion to block draft annual report on CWC implementation	No	3	31	7	0
Oct. 2021	Draft Program and Budget for 2022-2023	Yes	31	3	7	0
Oct. 2022	Draft Revised Program and Budget for 2023	Yes	35	2	2	2**

\*No decisions went up for vote at the March and July 2022 and March 2023 EC meetings. The draft July report was not adopted or made public, but FDD obtained a copy.

\*\*Iran and Nigeria did not vote.

The core of the obstructionist coalition consists of countries that abstain or vote adversely nearly half the time in the CSP or at least one-third of the time in the EC. The threshold is lower for the EC, since its rules give greater weight to abstentions. The ranks of frequent abstainers and adverse voters have become thinner in both the CSP

and the EC. Officials close to the OPCW say this is a result of Russia not forcing votes on as many decisions, growing dissatisfaction with Moscow’s behavior, opposition to the war in Ukraine, and more robust Western outreach. In both the CSP and EC, thanks to Western outreach, the Africa Group no longer voted against OPCW budgets, although some African states still abstained.

**Voting patterns between April 2021 and March 2023 and states with improved voting records**

Conference of States Parties	As of April 2021	As of April 2023
States with Adverse Voting Records	27	22
Frequent Abstainers	32	22

States no longer voting adversely:



Angola Comoros Congo Mozambique Vietnam

Executive Council	As of April 2021	As of April 2023
States with Adverse Voting Records	3	3
Frequent Abstainers	16	13

States no longer abstaining frequently:



Morocco Saudi Arabia Senegal

In 2018, the OPCW began recording votes and publishing the outcomes because Russia and its supporters became particularly disruptive. Their efforts included tabling decisions regarding Syria, which the majority did not support, and attempting to stymie passage of OPCW budgets, programs of work, and other organizational business. As the chart below indicates, the decision to record outcomes possibly led Russia to insist on fewer votes, with the number dropping further after Syria’s suspension in 2021.

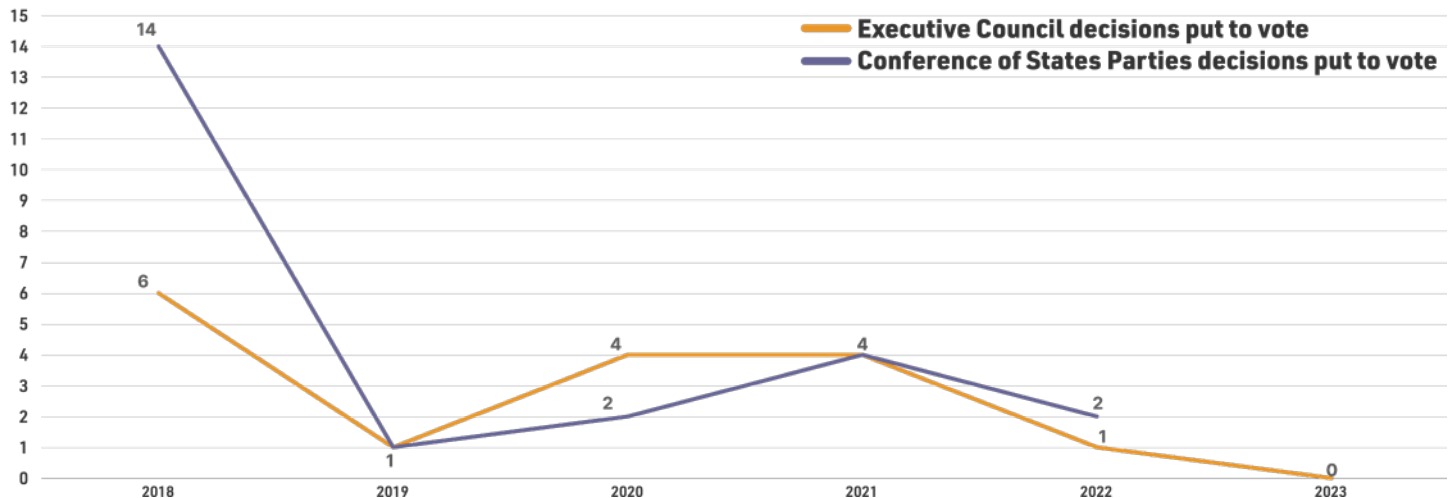


Chart 1: OPCW decisions put to a vote 2018-2023. The CSP meets next in late 2023. Therefore, data for this year is not yet available.

For countries that abstain frequently or oppose U.S.-backed initiatives, full voting tabulations are available at the end of this memorandum.

## MEMBER STATES HESITATE TO HOLD RUSSIA ACCOUNTABLE

Despite prevailing when disputed matters come up for a vote, the United States and allies have proven timid to initiate the process that would prompt a vote to suspend Russia's voting rights and privileges in the OPCW. This represents a quiet success for the obstructionist coalition that is not reflected in a simple tabulation of votes.

The OPCW has investigative powers, yet the CSP and EC have done little to probe Russia's use of Novichok — a military-grade chemical nerve agent — in two attempted assassinations.<sup>15</sup> Following its August 2020 attack on Russian opposition leader Alexei Navalny, Moscow suggested that an OPCW team travel to Russia to investigate. The OPCW agreed to this, but Russia sent terms for the visit that were unacceptable.<sup>16</sup> At the October 2021 EC meeting, member states began a lengthy process, set out in Article IX of the CWC, permitting members to pose questions regarding possible non-compliance.<sup>17</sup> Forty-five states parties rendered questions to Moscow, which yielded 235 pages of Russian denials. The exercise amounted to time wasted.<sup>18</sup> This coalition of 45 states has not pushed for additional steps against Russia at the OPCW, instead focusing on Moscow's war in Ukraine and threats to use chemical weapons.

Member states are also hesitant to use another CWC mechanism, a “challenge inspection,” which requires one member state to request an inspection of another state's suspect facility. Even if it permitted an inspection, Moscow would likely keep inspectors on a short leash while pre-emptively sanitizing any site inspectors visited. Alternately, Russia might hide evidence of non-compliance so completely that even a robust inspection would fail to uncover it. Moscow would then use an exoneration to further attack the OPCW's legitimacy.<sup>19</sup>

One positive outcome at the CSP in November/December 2022 was Russia's failure to win a position as vice-chair of the Eastern European group. While Russia, Croatia, and Latvia presented their candidacies, Croatia and Latvia secured the two available seats.<sup>20</sup> The group voted via secret ballot, so members did not have to oppose Russia openly.

Nevertheless, officials close to the OPCW say there is no willingness by the United States, Europe, or their partners to sideline Moscow at the OPCW. They consider it better to have Russia as part of OPCW processes in the hope it will eventually comply with the CWC. Some countries fear Moscow's suspension will drive it to retaliate with unfettered chemical weapons production. Others view Russia's chemical weapons attacks as not rising to the level

15. Anthony Ruggiero and Andrea Stricker, “Putting Chemical Weapons Questions to Russia Backfired,” *The Hill*, November 2, 2021. (<https://thehill.com/opinion/international/579560-putting-chemical-weapons-questions-to-russia-backfired>)

16. “Case of Mr. Alexei Navalny,” *Organisation for the Prohibition of Chemical Weapons*, accessed April 21, 2023 (<https://www.opcw.org/media-centre/featured-topics/case-mr-alexei-navalny>)

17. Statement by 45 States Parties at the 98th Session of the Organisation for the Prohibition of Chemical Weapons Executive Council, “Addressing the Threat from Chemical Weapons Use,” October 5, 2021. (<https://www.opcw.org/sites/default/files/documents/2021/10/EC-98%20Item%206g%20Statement.pdf>)

18. Permanent Representation of the Russian Federation to the Organisation for the Prohibition of Chemical Weapons, “Note Verbale No. 44 from the Permanent Representation of the Russia Federation to the Technical Secretariat,” October 7, 2021. (<https://www.opcw.org/sites/default/files/documents/2021/10/ec98nat08%28e%29.pdf>)

19. Maggie Gile, “Russian Ambassador Says U.N. Watchdog Illegitimate After Report on Syria's Likely Chemical Weapons Use,” *Newsweek*, June 4, 2021. (<https://www.newsweek.com/russian-ambassador-says-un-watchdog-illegitimate-after-report-syrias-likely-chemical-weapons-use-1597631>)

20. Organisation for the Prohibition of Chemical Weapons, “Report of the Twenty-Seventh Session of the Conference of the States Parties,” December 1, 2022. (<https://www.opcw.org/sites/default/files/documents/2022/12/c2705%28e%29.pdf>)

of Syria's and thus not warranting such severe action. What's more, even if Washington were to initiate a serious effort to hold Russia accountable, many delegations do not have adequate staff or time to corral votes, let alone adequate direction from their capitals.

## RECOMMENDATIONS

Unless OPCW member states pursue greater accountability, Russia will continue to delegitimize and obstruct the OPCW from within, use these weapons, and threaten other countries.<sup>21</sup> Indeed, Moscow used Novichok again in 2020 after a tepid international response to its 2018 attack.

Syria's suspension has demonstrated the benefit of sidelining a country to improve overall organizational functioning and legitimacy and set a precedent for upholding a minimal standard of CWC compliance. Despite its suspended voting rights and privileges, Damascus has continued to participate in OPCW meetings and circulate complaints and notes, indicating that it still sees value in defending its record. Having Russia on the sidelines could even facilitate positive changes to the CWC itself, such as member states enhancing the ability of the OPCW to conduct investigations and inspections more independently.

The OPCW can never succeed in its mission of eliminating chemical weapons unless Russia faces demands to verifiably account for and dismantle its chemical weapons programs.

Member states should set a short deadline for Moscow's compliance, and if that fails, they should vote to suspend Russia using the Syria model.

The United States should rally support for Russian suspension from likeminded countries at the CWC review conference in May. At the July 2023 EC meeting, this coalition should seek to pass a decision that gives Russia 90 days to demonstrate compliance with the CWC. If Moscow fails to comply, the next EC session should vote for Russia's suspension, and the subsequent CSP should finalize the motion.<sup>22</sup> Washington must undertake significant diplomatic efforts to achieve this aim. The matter is urgent since Russia has already used chemical agents and has threatened to use them on a far greater scale in Ukraine.<sup>23</sup>

The United States should also continue to investigate the chemical weapons programs of China, Iran, and others that may be in serious breach of their CWC obligations. Congress can play a role by passing legislation requiring the Biden administration to sanction entities and individuals who support violator nations' chemical weapons programs.

Over the past two years, the OPCW has shown that it can overcome the obstruction of CWC violators seeking impunity for their illicit actions. Now is the time to build on that success and press all member states to honor their commitment to eliminating the threat of chemical weapons.

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21. U.S. State Department, Global Engagement Center, "The Kremlin's Chemical Weapons Disinformation Campaigns," May 2022. ([https://www.state.gov/wp-content/uploads/2022/05/The-Kremlins-Chemical-Weapons-Disinformation-Campaigns\\_edit.pdf](https://www.state.gov/wp-content/uploads/2022/05/The-Kremlins-Chemical-Weapons-Disinformation-Campaigns_edit.pdf))

22. Andrea Stricker and Anthony Ruggiero, "U.S. Must Show Russia There is No Impunity for Chemical Weapons Use," *Foundation for Defense of Democracies*, September 29, 2022. (<https://www.fdd.org/analysis/2022/09/29/no-impunity-chemical-weapons>)

23. Anthony Ruggiero and Andrea Stricker, "Deter Russia's Use of Chemical Weapons in Ukraine," *Defense One*, March 24, 2022. (<https://www.defenseone.com/ideas/2022/03/deter-russias-use-chemical-weapons-ukraine/363597>)

## APPENDIX 1: OPCW VOTE RECORDS BY COUNTRY (TOP ADVERSE AND ABSTAINED VOTERS IN CSP AND EC)

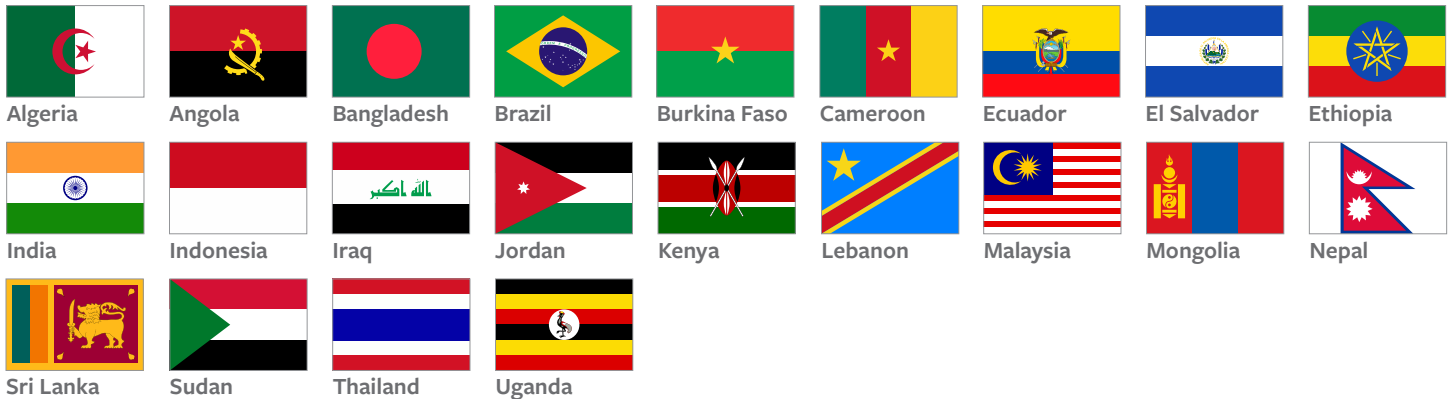
### Top Adverse Voters in the Conference of the States Parties | 11+ adverse votes out of 23



### Top Adverse Voters in the Executive Council | 5+ adverse votes out of 17



### Top Abstained Voters in the Conference of the States Parties | 8+ abstained votes out of 16



### Top Abstained Voters in the Executive Council | 5+ abstained votes out of 17





## VOTE RECORDS BY COUNTRY

Country	Abstentions in CSP	Adverse votes in CSP	Abstentions in EC	Adverse votes in EC
Afghanistan	7			
Algeria*	14	6	12	3
Angola	8	7		
Armenia	1	13		
Argentina*			5	
Azerbaijan		5		2
Bahrain	1			
Bangladesh	8		5	1
Belarus		22		
Benin	4			
Bhutan	4			
Bolivia	3	18		
Bosnia Herz	6			
Botswana	3	1		
Brazil*	8		9	
Brunei	4			
Burkina Faso	14			
Burundi	7	13		
Cambodia	1	7		
Cameroon*	9		5	1
Chile*			2	
China*		23		16
Comoros		7		
Congo		7		
Cuba		18		
DR Congo	2	3		
Ecuador*	8			
El Salvador*	9		3	
Eritrea		2		
Eswatini	7			
Ethiopia	11			
Gambia	2			

Country	Abstentions in CSP	Adverse votes in CSP	Abstentions in EC	Adverse votes in EC
Ghana*	4		3	1
Guatemala*	2	1	1	
Holy See	3			
Honduras	1			
India*	11	5	12	2
Indonesia	8	1	3	
Iran*		23		15
Iraq*	10		7	
Jamaica		1		
Japan*			1	
Jordan	11			
Kazakhstan	2	18		
Kenya*	12	1	12	2
Kuwait	1			
Kyrgyzstan		12		
Laos	5	17		
Lebanon	9			
Libya	4			
Madagascar	4			
Malawi	1			
Malaysia*	9			
Mali	5			
Mauritania	1			
Mexico*	1		2	
Mongolia	12	1		
Morocco*	1		4	
Mozambique	2	7		
Myanmar		17		
Namibia		1		
Nepal	15			
Nicaragua	1	21		
Nigeria*	5		7	1
Oman	2			
Pakistan*	7	11	12	4

Country	Abstentions in CSP	Adverse votes in CSP	Abstentions in EC	Adverse votes in EC
Palestinian Authority	5	11		
Panama			1	
Peru			2	
Philippines	7	1	5	
Qatar	2			
Russia*		23		17
Rwanda	3			
Saudi Arabia*			4	
S. Africa*	6	12	11	2
S. Korea*			1	
Senegal*	6		3	1
Serbia	1			
Sri Lanka	10			
Sudan*	8	14	9	3
Suriname	7			
Sweden	1			
Syria*		17		
Tajikistan	2	20		
Tanzania	6			
Thailand	8			
Togo	3			
Tunisia	7			
UAE	3		2	1
Uganda	13	1		
Uzbekistan	1	17		
Venezuela		16		
Vietnam	6	7		
Zimbabwe		15		

\* Denotes current EC member states, as of May 2022.

\*\*Suspended in mid-2021.

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