

**COMPLIANCE WITH
THE CONVENTION ON THE
PROHIBITION OF THE DEVELOPMENT, PRODUCTION,
STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON
THEIR DESTRUCTION
Condition (10)(C) Report**



April 2022

Prepared by the U.S. Department of State

CONDITION (10)(C) ANNUAL REPORT ON COMPLIANCE WITH THE CHEMICAL WEAPONS CONVENTION (CWC)

This Report is submitted consistent with Condition (10)(C) of the Resolution of Advice and Consent to Ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC). The Convention was ratified by the United States on April 25, 1997, and entered into force on April 29, 1997. This report covers the period January 1 through December 31, 2021.

Condition (10)(C) provides that the President shall submit on January 1 annually to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) a certification of those countries included in the Intelligence Community's (IC) Monitoring Strategy, as set forth by the Director of Central Intelligence's Arms Control Staff and the National Intelligence Council (or any successor document setting forth intelligence priorities in the field of the proliferation of weapons of mass destruction (WMD)) that are determined to be in compliance with the Convention, on a country-by-country basis;

(ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to adherence of the country to its obligations under the Convention;

(iii) the steps the United States has taken, either unilaterally or in conjunction with another State Party:

- (I) to initiate challenge inspections of the noncompliant party with the objective of demonstrating to the international community the act of non-compliance;
- (II) to call attention publicly to the activity in question; and
- (III) to seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant party with the objective of bringing the noncompliant party into compliance;

(iv) a determination of the military significance and broader security risks arising from any compliance issue identified pursuant to clause (ii); and

(v) a detailed assessment of the responses of the noncompliant party in question to action undertaken by the United States described in clause (iii).

It is the view of the United States that, in most cases, efforts to resolve compliance concerns discovered through review of declarations or inspection results should first be attempted through

diplomatic means. This does not preclude or prevent the escalatory step of requesting challenge inspections, but diplomatic outreach is an initial mechanism to attempt to resolve compliance concerns before the need to resort to challenge inspection requests.

For its part, both as a matter of national policy and as a guide to national policy, the United States undertakes its own independent review – based upon the best available information, including intelligence information – of the compliance of CWC States Parties with their obligations under the Convention. The United States believes that CWC States Parties should be held to their obligations under the CWC, and places a high premium upon their compliance with specific declaration and implementation provisions (e.g. Articles III, IV, V, VI, and VII) and the “general obligations” provision under Article I.

Information and assessments in this report are current as of December 31, 2021. This report highlights developments since the conclusion of the reporting period included in the Condition (10)(C) Report published in 2021, and, to the extent possible, refrains from repeating older information found in previously submitted reports.

The United States continues to take extraordinary steps, bilaterally and in close coordination with Close Allies and like-minded states, to address CWC non-compliance and restore deterrence of chemical weapons (CW) development and use.

- The United States continues to play an instrumental role in the Partnership against Impunity for the Use of Chemical Weapons (“the Partnership”), a French-led initiative created in 2018 in which participating states made a political commitment to increase pressure on those responsible for the use of CW. As of December 2021, the Partnership had 40 members, plus the European Union.
- On April 21, 2021, during its twenty-fifth session, the Organization for the Prohibition of Chemical Weapons (OPCW) Conference of the States Parties (CSP) adopted a decision, with 87 votes in favor and only 15 against, condemning Syria’s use of chemical weapons and suspending Syria’s right to vote, right to stand for elections, and right to hold any office in the OPCW until it fulfills the measures set forth in a decision that the OPCW Executive Council (EC) adopted in July 2020. The adoption of the CSP decision represents the first time a State Party has had its rights and privileges under the Convention suspended by the CSP pursuant to Article XII. The Syrian regime has made no meaningful effort to redress the situation.
- In response to Russia’s assassination attempt against Mr. Aleksey Navalny with a CW agent on August 20, 2020, the United States and 44 other countries submitted questions regarding the attack to Russia in accordance with paragraph 2 of Article IX of the CWC on October 5, 2021. These questions came after repeated public calls for Russia to provide information about the attack. Russia has failed to substantively answer the questions as required under Article IX. On November 5, 2021, the 45 likeminded countries submitted a second formal diplomatic note underscoring that Russia’s response did not address the questions.

- On December 1, 2021, the twenty-sixth session of the CSP adopted a decision affirming that the aerosolized use of central nervous system-acting chemicals (CNS-acting chemicals) is understood to be inconsistent with law enforcement purposes as a “purpose not prohibited” under the Convention.^a The decision was adopted with 85 votes in favor and only 10 against. This U.S.-led effort was in part in direct response to concerns that Iran and Russia are pursuing these chemicals for offensive purposes, as highlighted in this report.
- In 2021, the United States, along with allies and other partners, again worked to ensure the CSP agreed to provide the necessary resources to the OPCW to fulfill its mandate, including continued work by the Investigation and Identification Team (IIT).
- Further, the United States engaged in bilateral efforts throughout 2021 to encourage OPCW member States to pay their arrears, so that their voting rights could be reinstated.
- The United States continued efforts throughout the reporting period to address non-compliance by Burma, Iran, Russia, and Syria.

The OPCW Technical Secretariat (TS) reported, as of July 31, 2021, the following regarding Article VII implementation:

1. Gambia, Niger, Somalia, and Timor-Leste, which became States Parties in 1998, 1997, 2013, and 2003, respectively, do not have designated National Authorities.
2. Seventy-four^b States Parties had not yet notified the TS of the adoption of implementing legislation and/or regulations that cover all the initial measures (scheduled chemical transfers, prohibitions, penalties, extraterritorial obligations, legal basis of regulations, establishment of national authority, and other initial measures). They were: Afghanistan, Andorra, Angola, Antigua and Barbuda, Armenia, The Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Brunei Darussalam, Burma, Chad, Cote d’Ivoire, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Gabon, the Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, Iraq, Jamaica, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libya, Malawi, the Maldives, Marshall Islands, Mauritania, Mongolia, Mozambique, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Papua New Guinea, the Philippines, Rwanda, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Solomon Islands, Somalia, Suriname, Syrian Arab Republic, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tuvalu, the United Republic of Tanzania, Vanuatu, Venezuela, and Zimbabwe.
3. One State Party, Tonga, has not yet submitted its required initial declarations (due July 28, 2003) pursuant to the Convention. The TS is unable to fulfill its

^a CNS-acting chemicals are a subset of pharmaceutical-based agents (PBAs).

^b The Report by the Director-General Status of Implementation of Article VII of the Chemical Weapons Convention as of 31 July 2021 also includes the “State of Palestine” in its list of States Parties that have not yet notified the TS of the adoption of implementing legislation and/or regulations that cover all the initial measures.

verification tasks with regard to this State Party. The United States made efforts in 2021 to encourage Tonga to prepare and submit its initial Declaration.

As of December 31, 2021, there were 192 CWC States Parties.^c Four States have neither ratified nor acceded to the CWC and, therefore, are not States Parties to the Convention (one signatory State, Israel, and three non-signatory States, Egypt, North Korea, and South Sudan).

Four States Parties – Burma, Iran, Russia, and Syria – are certified in non-compliance with the CWC. Russia and Syria were first certified in non-compliance in April 2018. Iran was first certified in non-compliance in November 2018. Burma was first certified in non-compliance in 2019. The United States also cannot certify the People’s Republic of China’s (PRC) compliance, which was first reported in 2021. Additional information is available in the 2022 classified Condition (10)(C) Reports.

COUNTRY ASSESSMENTS

BURMA

FINDING

The United States certifies that Burma is in non-compliance with the CWC, due to its failure to declare its past CW program and destroy its historical CW production facility (CWPF). The United States has concerns that a CW stockpile may remain at Burma’s historical CWPF.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with CWC Article I, paragraph 1(a), each State Party undertakes never under any circumstances “to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone.” In accordance with CWC Article I, paragraph 2, each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention. The United States assesses Burma had a CW program in the 1980s that included a sulfur mustard development program and a CWPF near Tonbo. CW agent and production equipment may remain at Tonbo.

In accordance with CWC Article I, paragraph 4, each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention. Despite ratifying the CWC in 2015, Burma has retained a facility – the historic CWPF near Tonbo – assessed to have housed key components of its historical CW program that were never declared to the OPCW.

^c On May 18, 2018, the Palestinians deposited a purported instrument of accession to the CWC. On June 18, 2018, the United States submitted to the UN Secretary General, the Depositary for the CWC, a letter detailing U.S. objections to the purported accession of the “State of Palestine” to the CWC. This letter was circulated to all States Parties by the Depositary.

In accordance with CWC Article III, paragraph 1, each State Party is required to declare whether it owns or possesses chemical weapons and whether it has or had any chemical weapons production facilities under its ownership or possession. Burma has failed to declare its past program to the OPCW.

BACKGROUND

The United States assesses Burma had a CW program in the 1980s that included sulfur mustard development production and chemical weapons production at the facility near Tonbo.

Burma was one of the original signatories of the CWC, having signed the Convention on January 14, 1993. The Convention entered into force for Burma on August 7, 2015. Burma made its initial declaration on September 7, 2015. No chemical weapons or CWPFs were declared.

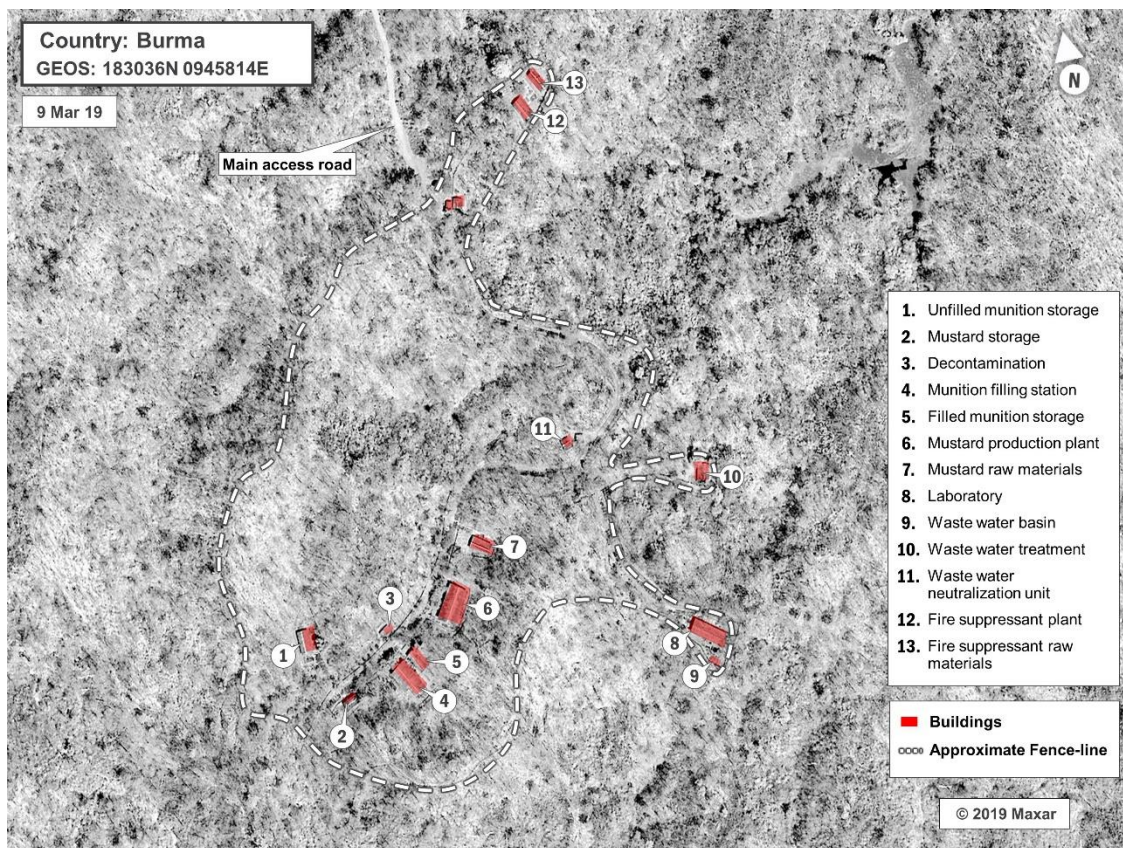


Figure 1 - Tonbo CWPF

Despite ratifying the CWC in 2015, Burma has retained a facility assessed to have housed key components of its historical CW program that were never declared to the OPCW. Infrastructure has remained at several buildings at the Tonbo site. Most of the original buildings associated with Burma's legacy research, production, weaponization, and storage of sulfur mustard munitions remain at the historic CWPF near Tonbo, which was Burma's primary CW research, production, weaponization, and storage center during the 1980s. The physical integrity of the buildings at Tonbo remain intact. Additionally, Burma has failed to declare four dual-use facilities: three urea fertilizer plants and one methanol production plant under the Burmese

Ministry of Energy, all of which probably have annual production capacities that meet declaration requirements. The United States is also concerned that Burma did not declare two locations that may have been involved in Burma's military-run CW program.

The United States provided the following historical photographs to Burma during a September 2020 bilateral meeting:



Figure 2 - Project 817 Director LTC Khin Muang Lin and Chief of Plans MAJ Nyant Tun at Tonbo

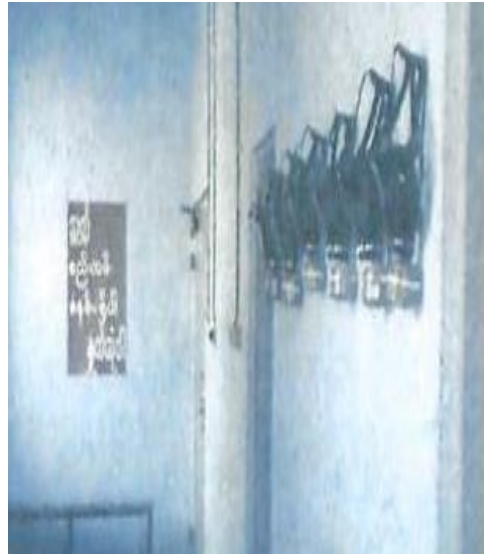


Figure 3 - Laboratory entry hall with protective masks

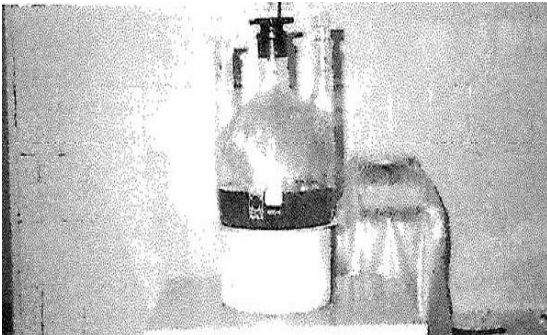


Figure 4 - Laboratory scale reaction vessel containing sulfur mustard

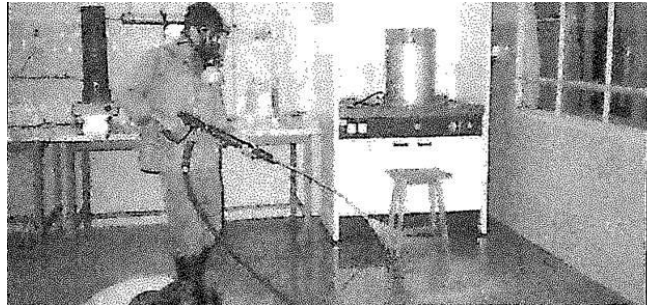


Figure 5 - Decontamination of the laboratory work area

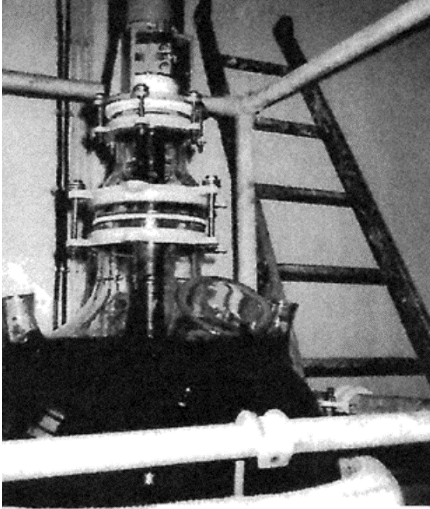


Figure 6 - Sulfur monochloride production reactor

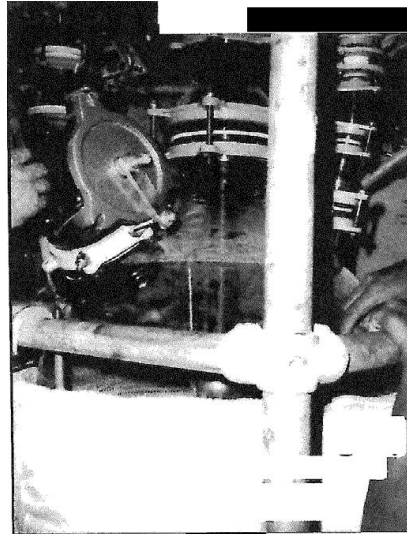


Figure 7 - Sulfur mustard production reactor

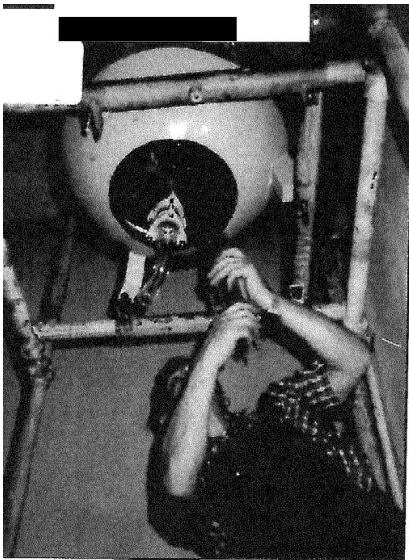


Figure 8 - Ethanol reservoir for ethylene production

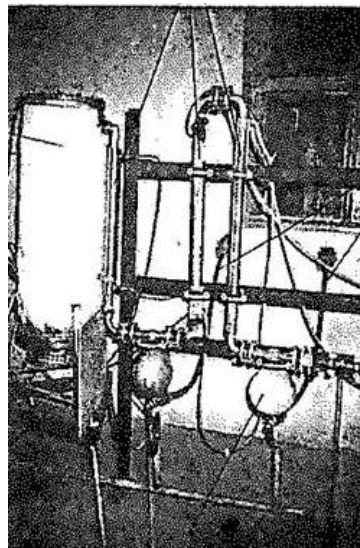


Figure 9 - Ethylene drying train

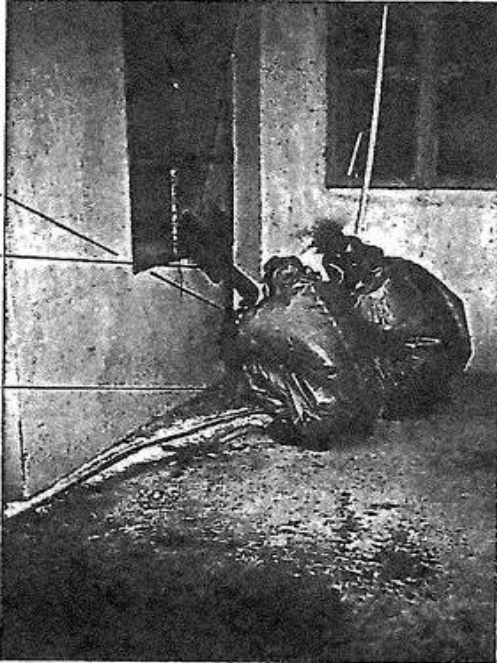


Figure 10 - Filling of storage drum with sulfur mustard from the production area

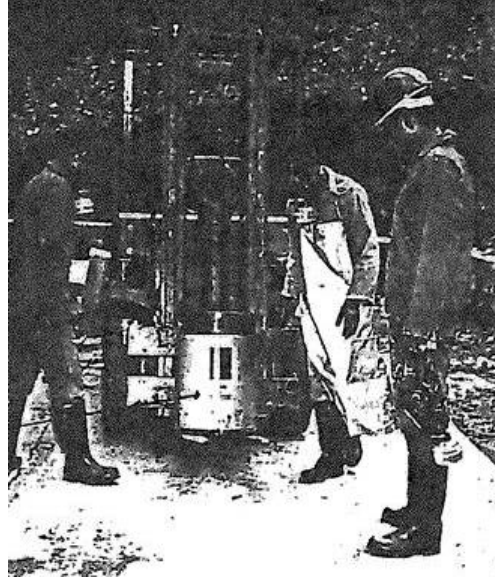


Figure 11 - Transfer of sulfur mustard

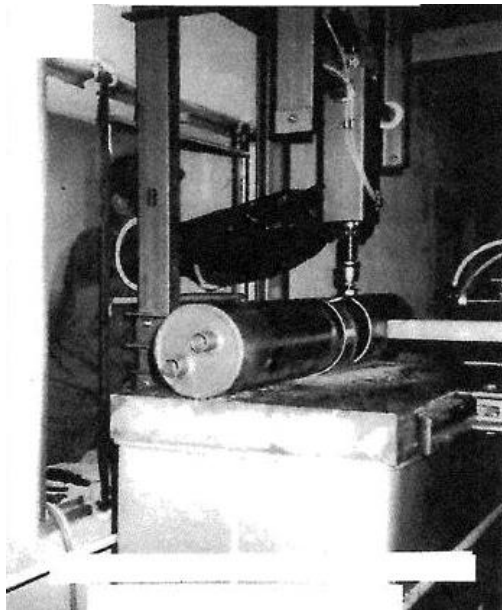


Figure 12 - Aerial bomb filling with sulfur mustard

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

Prior to entry into force of the CWC for Burma, Burma was provided assistance and advice regarding its declaration obligations. In February 2013, the OPCW TS held a three-day technical assistance workshop in Naypyidaw at the request of the Burmese Government regarding national implementation requirements. In January 2015, the United States sent a senior-level delegation to Rangoon to discuss CWC ratification and offer U.S. assistance for CW implementation. In

August 2015, the United States again engaged the Government of Burma about its historical CW program at Tonbo. Specifically, on August 4, 2015, the U.S. Ambassador to Burma asked the Commander-in-Chief of the Burmese military about the Burmese historical CW program at Tonbo, including raising the possibility that Burma still had a small CW stockpile. In each case, the United States requested that Burma investigate and declare its past program. In February 2019, the United States reinvigorated bilateral discussions with the Government of Burma to ensure that the civilian government was aware of U.S. concerns regarding Burma's past CW program. Although the civilian government and its interagency departments, including the military, had actively engaged in discussions and indicated its commitment to fulfill its CWC obligations, Burma's military did not admit its past CW program. The United States has encouraged regional partners and allies to raise this issue with Burma, but their engagement has been similarly unfruitful. Further, the United States has informed the OPCW Director-General (DG) of the U.S. assessment of the Burmese past CW program. Two expert-level bilateral meetings were held with Burma in 2020, one in Naypyidaw in February 2020 and one virtually in September 2020. During the September 22, 2020, virtual meeting, the United States presented additional information about the historical Tonbo CWPF including photos and information about 1980s Tonbo leadership, schematics of the Tonbo laboratory, production, and CW filling buildings and information about internationally-sourced CW equipment. The Burmese indicated they would provide the U.S. information to their superiors. In November 2020, at the twenty-fifth session of the CSP, Burma's national statement emphasized their efforts to fully implement the CWC, but made no mention of the obligation to declare the Tonbo CWPF. Engagements have been paused due to the February 2021 military coup.

PEOPLE'S REPUBLIC OF CHINA (PRC)

FINDING

Based on available information, the United States cannot certify that the PRC has met its obligations under the Convention due to concerns regarding the PRC's research of pharmaceutical-based agents (PBAs) and toxins with potential dual-use applications.

ANALYSIS OF COMPLIANCE CONCERNS

CWC obligations include: Article I, paragraph 1(a), each State Party undertakes never under any circumstances "to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone." The United States is concerned about the PRC's interest in PBAs and toxins because these agents have utility for CW applications.

BACKGROUND

The PRC signed the CWC on January 13, 1993, ratified the CWC on April 25, 1997, and submitted its initial declarations in 1998.

Scientists at a Chinese military institute have expressed interest in military applications of PBAs and are engaged in research involving the synthesis, characterization, and testing of PBAs with

potential dual-use applications. In addition, available information on studies conducted at Chinese military medical institutions indicate that researchers identify, test, and characterize diverse families of potent toxins—which raises questions about the intended purposes of the work conducted by the researchers.

Reinforcing these concerns, during the November 2021 CSP, the PRC submitted a joint statement with Iran, Russia, and Syria making clear its objections to the decision adopted by the Conference on the aerosolized use of CNS-acting chemicals. In the statement, the co-signatories stated that, “Article II, paragraphs 1(a) and 9(d) of the Convention permits the use of toxic chemicals for law enforcement including domestic riot control purposes’ as long as types and quantities are consistent with such purposes. Therefore, the Convention allows States Parties to choose their own method of law enforcement in full conformity with the provisions of the Convention including the General Purpose Criterion (GPC).”

Additional information is provided in the classified Condition (10)(C) Reports.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

In 2021, the United States engaged the PRC about rescheduling the virtual bilateral CWC-related meeting that Chinese officials postponed in 2020 for unspecified “technical reasons.” A new date had been proposed for early 2022, but the PRC again cancelled the meeting. The United States will continue to monitor and report about the PRC’s activities in relation to its CWC obligations.

ISLAMIC REPUBLIC OF IRAN (IRAN)

FINDING

The United States certifies Iran is in non-compliance with the CWC due to (1) its failure to declare its transfer of CW to Libya during the 1978-1987 Libya-Chad war, (2) its failure to declare its complete holdings of Riot Control Agents (RCAs), and (3) its failure to submit a complete CWPf declaration. Further, the United States has concerns that Iran is pursuing PBAs and toxins with utility for CW applications for offensive purposes.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with CWC Article III, paragraph 1(a) (iv), each State Party is required to “declare whether it has transferred or received, directly or indirectly, any chemical weapons since 1 January 1946 and specify the transfer or receipt of such weapons.” The United States assesses that in 1987 Iran transferred CW munitions to Libya during the 1978-1987 Libya-Chad war. Following the collapse of the Gaddafi regime, the Libyan Transitional National Council located sulfur mustard-filled 130-millimeter (mm) artillery shells and aerial bombs, which are assessed to have originated from Iran in the late 1980s. In 2011, Libya declared to the OPCW that it discovered 517 artillery shells and 8 aerial bombs comprising 1.3 metric tons (MT) of sulfur mustard but did not address the provenance of the items. Iran never declared this transfer

in accordance with Article III, paragraph 1(a)(iv) of the CWC, and Iran never responded to an OPCW request for additional information.

In accordance with Article III, paragraph 1(e) each State Party is required to declare, with respect to RCAs, the chemical name, structural formula, and Chemical Abstracts Service registry number, if assigned, of each chemical it holds for riot control purposes. States Parties are further obligated to update the declaration not later than 30 days after any change becomes effective. The United States assesses that Iran's RCA declaration is incomplete. Iran has developed several RCA options – specifically the irritant dibenzoxazepine (CR) – and since 2012, Iran has marketed them for export for riot control purposes. However, Iran has not declared that it holds CR for riot control purposes.

In accordance with CWC Article III, paragraph 1(c)(i) and (ii), each State Party is required to “[d]eclare whether it has or has had any chemical weapons production facility under its ownership or possession, or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946” and “[s]pecify any chemical weapons production facility it has or has had under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946, in accordance with Part V, paragraph 1, of the Verification Annex.” Further, Part V, paragraph (1)(c) of the Verification Annex requires a “statement of whether it is a facility for the manufacture of chemicals that are defined as chemical weapons or whether it is a facility for the filling of chemical weapons, or both.” In light of the discovery of chemical-filled artillery projectiles and aerial bombs, the United States assesses that Iran filled and possessed CW munitions. The United States also assesses that Iran successfully developed mortars, artillery cannon rounds, and aerial bombs for CW agent delivery during the 1980-1987 Iran-Iraq War, but failed to declare a CWPF with respect to weapons filling.

The United States is also concerned that Iran is pursuing chemicals for purposes inconsistent with the CWC, based on Iranian scientific publications. Specifically, Iran's work on PBAs, which it refers to as “incapacitating chemical agents,” raises serious concerns that Iran is pursuing these agents for offensive purposes, which would be a violation of Article I.

BACKGROUND

Iran signed the CWC on January 13, 1993, ratified the CWC on November 3, 1997, and submitted its initial declarations in 1998 and 1999. Previous Condition (10)(C) Reports and compliance reports have addressed Iran's sulfur and nitrogen mustard production before entry into force. Iran did not declare any CW weapons or agent stockpiles.

Lack of Declaration on Transfer of Chemical Weapons to Libya

Iran is assessed to have transferred CW munitions to Libya during the 1978-1987 Libyan-Chad war. Specifically, Iran is assessed to have transferred sulfur mustard-filled munitions to Libya in 1987. After the collapse of the Gaddafi regime in 2011, the Libyan Government located newly found munitions that it suspected were of a chemical nature, which are assessed to have originated from Iran in the late 1980s.



Figure 13 - Photographs of the 517 130-mm artillery shells declared by Libya. The Persian markings on the cases (inset) translate to 01-G-S-Gh (meaning unknown) and 65-01 (likely a manufacture date of Farvardin 1365, corresponding to March/April 1986).

After declaring the 130-mm artillery projectiles in 2011, Libya requested OPCW TS assistance in collecting information relating to these chemical weapons. Pursuant to this request, the TS, on December 19, 2012, invited “States Parties, should they be aware and/or in the possession of any information that could contribute to resolving this issue, or should they need any additional information and/or clarification in this regard, to directly contact the National Authority of Libya, or the Permanent Representation of Libya to the OPCW” (NV/VER/DEB/180682/12). Iran has never declared that it transferred chemical weapons to Libya, including in response to the TS’s request.

Lack of Complete Declaration on Riot Control Agents

Although Iran has not declared that it holds CR for riot control purposes, the Iranian Ministry of Defense publicly advertises a range of RCA delivery devices, including a personal defense spray that contains CR. Additionally, Shahid Meisami Group (SMG) has participated in defense expos providing fact sheets on its products, to include an 'Ashkan' irritant hand grenade that creates smoke containing CR. SMG has also provided fact sheets to interested users on a “Fog Maker System” that can be used to make smoke and fog at high volume in a short time. This is noteworthy because it can disseminate debilitating chemicals, like CR, over a large area quickly.



(U) Figure 14 - Protect3000 contains CR; Iranian Advertisement for “Fog Maker” Mounted on a Speed Boat and Truck



(U) Figure 15 - Defense Industries Organization CS-Filled Hand Grenade and Cartridge

Lack of Complete Declaration on CWPFs

Although Iran never declared a CWPF with a filling capability to weaponize its chemical agent, reports of Iranian-filled CW munition use during the Iran-Iraq war indicate that Iran had such a capability. In April 1987, mustard-filled 130-mm artillery projectiles believed to be of Iranian origin were used near Basrah, Iraq. Iraq’s military and a United Nations (UN) delegation in Iraq reported the artillery contained residual sulfur mustard agent, and Iraqi casualties displayed burns consistent with mustard exposure.



Figure 16 - Image of 81-mm mortars

During a United Nations Special Commission (UNSCOM) inspection in 1991 at Iraq's Muthana State Establishment, UN inspectors found 165 81-mm mortars filled with sulfur mustard that the Iraqis claimed were Iranian origin (image). Iraq did not possess or fill 81-mm mortars with mustard and the subsequent laboratory tests concluded that the agent in the munitions had higher levels of sulfur mustard impurities than those typically found in agent made by the Iraqis at Muthana, suggesting the munitions were not made by the Iraqis or made at that location.

Work on PBAs and Toxins

Since 2005, some of Iran's military-controlled facilities, Imam Hossein University (IHU) and Malek Ashtar University of Technology (MUT), have researched chemicals that have a wide range of sedation, dissociation, and amnesic incapacitating effects. Published Iranian papers cited the potential weapons applications of the PBAs; one specifically referenced the use of fentanyl during the 2002 Dubrovka theater hostage crisis. In 2014, Iran's Chemistry Department of IHU sought kilogram quantities of medetomidine – a sedative it has researched as an incapacitant – from Chinese exporters. The Chemistry Department has little history of veterinary or even medical research, and the quantities sought (over 10,000 effective doses) were inconsistent with the reported end use of research.

The United States is also concerned that Iran is developing toxins and bioregulators as chemical weapons. Toxins are toxic chemicals produced by living organisms. Bioregulators are a class of natural chemicals in the human body that control vital bodily functions. Iran has engaged in dual-use activities with potential for BW and CW applications, such as building a plant for pharmaceutical botulinum toxin production. Iranian biotechnology entities, particular military-affiliated institutions, continued to pursue dual-use technologies. Open-source reports note Iranian military-associated universities and affiliated research centers have conducted BW-relevant projects on bioregulators and have built a plant for the commercial production of botulinum toxin. The United States has raised similar concerns in its annual Compliance Report related to the BWC.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

On November 22, 2018, the United States addressed Iran's non-compliance with the CWC in its national statement to the CWC's Fourth Review Conference. The statement included findings from the November 20, 2018, Report to Congress detailing Iran's non-compliance with the CWC. The United States reiterated this finding in its 2019 and 2020 national statements to the CWC Conference of the States Parties. In 2019, the G7 also issued a statement of concern about Iranian CWC compliance further reinforcing the U.S. non-compliance finding. In its 2020 national statement to the CSP the United States specifically called on Iran to take action and made clear that the United States would consider actions, including sanctions, in response to Iran's CWC non-compliance. Following the national statement at the CSP, on December 3, 2020, the United States designated Iranian defense entity SMG under Executive Order 13382 because of its responsibility for projects involving the testing and production of chemical agents for use as so-called incapacitation agents. SMG's director, Mehran Babri, was also designated.

As noted above, in part to address concerns about Iran's work on PBAs, the United States led an effort at the OPCW that concluded with the adoption of a CSP decision affirming that "the aerosolized use of CNS-acting chemicals is understood to be inconsistent with law enforcement purposes as a 'purpose not prohibited' under the Convention." Iran, along with Russia, the PRC, and Syria, was a principal opponent of the decision.

While the United States remains concerned about the regime's true intent with regard to the testing and production of these so-called chemical incapacitating agents, which could be used for offensive purposes, including against Iranian citizens, the United States will continue to work to shed light on Iran's activities, including by highlighting the recently adopted CSP decision. No bilateral discussions with Iran occurred during the 2021 reporting year. The last CWC compliance-related bilateral exchanges occurred in 2001 and 2004, on the margins of OPCW EC meetings, but discussions did not resolve any of the issues raised by the United States.

RUSSIAN FEDERATION (RUSSIA)

FINDING

The United States certifies that Russia is in non-compliance with the CWC. Russia retains an undeclared chemical weapons program and has used chemical weapons twice in recent years: in an assassination attempt with a Novichok nerve agent – also known as a fourth generation agent (FGA) – on a Russian opposition leader on August 20, 2020, and in an assassination attempt with a Novichok nerve agent on UK soil in March 2018. Russia is in non-compliance with the CWC for the lack of its complete declarations of its: (1) CWPFS; (2) CW development facilities; and (3) CW stockpiles. Russian scientific institutes have researched and developed chemical weapons capabilities, including technologies to deliver CW agents. Russia has conducted chemical weapons-related testing at the Shikhany Chemical Proving Ground. The United States continues to have serious concerns regarding Russia's assistance to the Syrian Arab Republic regarding the regime's use of chlorine against Douma in April 2018. Furthermore, the United States has concerns that Russia's PBA program is for offensive purposes.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with Article I, paragraph 1, each State Party undertakes never under any circumstances "to develop, produce, otherwise acquire, stockpile or retain chemical weapons" or "to use chemical weapons." On August 20, 2020, the Russia's Federal Security Service (FSB) officers used a Novichok nerve agent to poison a Russian opposition leader, Aleksey Navalny, while he was traveling back to Moscow after campaigning in Tomsk and Novosibirsk, Russia, against pro-Kremlin candidates in regional elections. On March 4, 2018, Russia attempted to assassinate two individuals in the UK using a Novichok nerve agent. These acts are clear violations of the CWC Article I, paragraph 1 prohibition on the use of CW.

In accordance with Article I, paragraph 2, each State Party "undertakes to destroy chemical weapons it owns or possesses." Each State Party is also required to declare its chemical weapons program in accordance with Article III. Russia completed destruction of its declared Category 1 CW stockpile on September 27, 2017. Based on existing information, however, the

United States does not believe Russia has declared all of its CW stockpile, CWPFs, and all CW development facilities. Rather, the United States assesses that Russia maintains an undeclared CW program.

In accordance with Article I, paragraph 1(d), each State Party undertakes never under any circumstances to assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this convention. There are serious compliance questions about Russian officials' assistance to Syria regarding the Syrian regime's chemical attack against its own citizens in the city of Douma on April 7, 2018. Russia's joint air operations and negotiations to retake eastern Ghouta from opposition forces, and its activities assisting the Syrian regime to cover up the use of CW after the attack, raise serious questions about Russia's possible role assisting the Syrian regime's use of CW on April 7, 2018. Russia continues to conduct a disinformation campaign in defense of Syria, including the Syrian regime, most prominently at the UN Security Council in the form of an Arria-formula meeting on April 16, 2021, and a subsequent side event at the OPCW on April 19, 2021, to continue asserting their unfounded views that the OPCW reports on Syria are unreliable.

The United States is also concerned that Russia has a PBA program intended for purposes inconsistent with the CWC. Russian Health Minister Shevchenko acknowledged to the press that Russian special operations forces employed "derivatives of fentanyl" to resolve the October 2002 Dubrovka theater hostage crisis. The United States is concerned that Russia is pursuing these types of agents for offensive purposes, which would be a violation of Article I. Russia long opposed the efforts to adopt a decision on the aerosolized use of CNS-acting chemicals, which was adopted in 2021, and according to a non-paper Russia published at the OPCW in November 2018 entitled, *Aerosolisation of Central Nervous System-Acting Chemicals For Law Enforcement Purposes*, Russia believes use of these agents "is not regulated under the [Chemical Weapons] Convention."

BACKGROUND

The Convention entered into force for Russia on December 5, 1997, and Russia made its initial declaration in March 1998, in accordance with the CWC. The Russian declaration included CWPFs, CW storage facilities (CWSFs), a CW development facility, and a stockpile of almost 40,000 MT of CW agent, in both bulk and weaponized form. As of September 27, 2017, Russia had completed destruction of its declared Category 1 CW stockpile. Its Article VI declaration included Schedule 2, Schedule 3, and other chemical production facility plant sites.

Use of CW

With respect to the poisoning of Aleksey Navalny in August 2020, analysis from several national laboratories, including laboratories in Germany, France, Sweden, and other OPCW-designated laboratories, concluded that Navalny was poisoned with a nerve agent from a group of chemical agents, Novichoks, which the United States assesses only Russia has researched, developed, and used as a chemical weapon. In addition, the FSB was tracking and surveilling Navalny during his stay in Tomsk, Russia. Navalny has for many years been the target of FSB surveillance,

including wiretapping and covert video surveillance. Russia, however, has denied any responsibility for the attack.

Russia has also denied any responsibility for the use of a Novichok chemical agent in an assassination attempt against UK citizen Sergei Skripal and his daughter Yulia Skripal, despite the evidence that Russia is responsible, including UK identification and video of officers from Russia's General Staff Main Intelligence Directorate. The Soviet Union developed these toxic Novichok agents in the 1970s and 1980s as part of its development of a new class of "fourth-generation" nerve agents. It is highly likely these agents were developed to prevent detection by the West and circumvent international CW controls.

The OPCW TS confirmed, as part of two separate Technical Assistance Visits (TAVs), that the chemical agent used to poison the Skripals matched the UK's analysis and was, at that time, unscheduled. The OPCW TS also confirmed, as part of a TAV to Germany in September 2020, the analytical findings of German, French, and Swedish laboratories that determined Navalny was exposed to an unscheduled nerve agent from the Novichok group. Specifically, the unclassified TAV summary stated that the unscheduled nerve agent had "structural characteristics similar to the toxic chemicals belonging to Schedules 1.A.14 and 1.A.15, which were added to the Annex on Chemicals at the Twenty-Fourth Session of the Conference of the States Parties in November 2019. This cholinesterase inhibitor is not listed in the Annex on Chemicals to the Convention."



Figure 17 - A UK citizen found this perfume bottle in Amesbury, UK, which contained the chemical agent used to poison the Skripals in Salisbury, UK. The UK citizens were both exposed to the chemical agent, and one died as a result of her exposure.

Assistance to the Syrian Regime

Russian assistance to the Syrian regime may have facilitated and enabled the regime's continued use of chemical weapons. Beginning in September 2015 until present, the Russian Government has been directly involved in the Syrian civil war, assisting the Syrian regime to execute its

military offensive by providing Russian airpower and other material support to the regime. This has included support in several siege and starve offensives including in Aleppo and the Damascus suburbs. On February 18, 2018, the Syrian regime and Russia began an assault on the de-escalation zone of eastern Ghouta. On February 24, 2018, the UN Security Council unanimously approved a 30-day cease fire in Syria (Resolution 2401 (2018)); however, Syrian regime forces started a ground assault the very next day. Fighting continued and, between February 24 and 28, 2018, Russian military aircraft conducted at least 20 daily bombing missions in Damascus and Eastern Ghouta from Humaymim Airfield in northwest Syria, directly contravening the UN Security Council Resolution (UNSCR) to which it had agreed. Syrian regime and Russian military aircraft bombed towns into submission and, while doing so, offered negotiations and evacuations if opposition forces surrendered. The first deal negotiated by Russia for the Syrian regime was reached on March 18, 2018, with Ahrar al-Sham. A second deal was reached with additional Ghouta suburbs on March 23, 2018.

Douma then became the last town in Eastern Ghouta under opposition control. On April 4, 2018, there was ongoing negotiation between the Syrian regime, the Russian government, and opposition forces inside Douma, reported by the UN humanitarian adviser for Syria. On April 4, 2018, Russian Lieutenant General Sergei Rudskoi was quoted by Al Jazeera News as stating: “The militants are being evacuated from Douma, their last bastion in Eastern Ghouta, and within a few days the humanitarian operation in Eastern Ghouta must be completed.” On April 5, 2018, however, Syrian state media and opposition forces reportedly stated that evacuations from Douma had been suspended.

On April 6, 2018, the Syrian regime launched an air and ground offensive against Douma. The United States assesses with confidence that on April 7, 2018, the Syrian regime used CW in the eastern Damascus suburb of Douma, killing dozens of men, women, and children and severely injuring hundreds more. On April 8, 2018, Syrian state media reported that the Syrian regime agreed to a final deal negotiated by the Russian military in which Jaish al-Islam fighters would depart Douma within 48 hours and Russian military police would move into the city. The March 1, 2019 report of the OPCW Fact-Finding Mission (FFM) regarding the use of toxic chemicals as a weapon in Douma, Syria, on April 7, 2018, corroborated the presence of Russian military police in Douma. On page 7, paragraph 6.2 of its report, the FFM explained that, although as a general rule the security of its missions is the responsibility of the hosting State Party to the CWC, the FFM team “was informed by Syrian and Russian representatives that Syria could guarantee the safety of the FFM team only if security was provided jointly with the Russian Military Police.”

Thereafter, the Russian and Syrian regime:

- Denied and delayed OPCW inspectors’ access to Douma, in an effort to stage their own staged investigations;
- Attempted to sanitize the locations of suspected attacks and remove any incriminating evidence of CW use;
- Staged photographs for dissemination online to help support the Russian/Syrian conflicting narratives that the opposition was responsible for the CW attacks or, alternatively, that there was no use of CW; and

- Threatened and coerced the Syrian opposition in Douma: any first hand testimony that Russian or Syrian outlets or spokespeople cite from opposition figures or doctors in Douma is assessed to have been taken under duress and extreme pressure from the Syrian and Russian military.

Moreover, Russia continued supporting Syria by obstructing discussion of Syrian CW use in international fora in 2021, including at the UN and at the OPCW.

Incomplete Declarations

The United States believes the Russian CW declaration is not complete, in particular with respect to its chemical agent and weapons stockpile, as demonstrated by the 2018 and 2020 Novichok poisonings. The United States also notes that Russia may have additional facilities that require declaration as CWPFs. Lastly, the United States does not share Russia's narrow interpretation of the CWC that Article III only requires declaration of facilities that are used "primarily for" the development of CW. Instead, the United States believes that all CW development facilities, including CW testing facilities, need to be declared.

CW Development Facilities

In violation of Article I, the 33rd Scientific Research and Testing Institute, 27th Scientific Center, and the State Scientific Research Institute of Organic Chemistry and Technology (GosNIIOKhT) have engaged in activities to develop Russia's chemical weapons capabilities, including technologies for delivering such weapons. GosNIIOKhT is a Russian institute with a longstanding role in researching and developing chemical weapons, and GosNIIOKhT developed Russia's Novichok chemical weapons. Since 2016, GosNIIOKhT has expanded its research, development, testing, and evaluation capabilities. The 33rd Scientific Research and Testing Institute and the 27th Scientific Center are organizations subordinate to the Russian Federation Armed Forces Chemical, Biological, and Radiological Defense troops. The 33rd Scientific Research and Testing Institute stewards Russia's Shikhany Chemical Proving Ground, where Russia conducts chemical weapons-related testing. The 27th Scientific Center has been involved with Russian chemical weapons research and testing activities.

The United States also has questions with regard to Russia's declarations related to Schedule 1 chemicals. Russia has declared protective purposes research involving Schedule 1 chemicals, but the United States notes that it has not pursuant to Part VI of the Verification Annex, declared a Single Small Scale Facility (SSSF) or a single other facility referred to in paragraph 10 of that Part. In accordance with the Convention, States Parties can only produce Schedule 1 chemicals for protective purposes at a SSSF or a single other facility described in paragraph 10 of Part VI.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

The United States has had longstanding concerns about Russian compliance with the CWC, and has engaged in numerous exchanges with Russia regarding a number of compliance issues – including the accuracy of Russia's CWC declaration – in 2002, 2003, and 2006. In 2006, the United States reiterated its longstanding proposal to hold expert-level consultations with Russia

but no consultations were held. In 2017, the United States consulted with select like-minded CWC States Parties on their shared concerns regarding Russia's compliance with the CWC.

In 2018, the United States undertook significant effort to address its concerns with Russian non-compliance with the CWC. In response to the March 2018 Russian use of a Novichok nerve agent in an attempt to assassinate the Skripals, the United States, along with the UK, called on the Russian Government to declare its Novichok nerve agent program to the OPCW.

The United States imposed four rounds of sanctions on Russia pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act) and related legal authorities between August 2018 and August 2021. The sanctions will remain in place until Russia (1) is no longer using chemical and biological weapons (CBW) in violation of international law, (2) has provided reliable assurances it will not engage in any such activities in the future, and (3) is willing to allow on-site inspection to ensure it is not using CBW in violation of international law. To date, Russia has not met those conditions. The United States has also designated or otherwise sanctioned more than two dozen Russian government entities, firms, and individuals since August 2020 for their involvement in Russia's chemical and biological weapons programs. The Department of Commerce also added two Russian military institutes associated with the CW program to its Entity List in August 2020. These sanctions included the 33rd Scientific Research and Testing Institute and the State Scientific Research Institute of Organic Chemistry and Technology, which have been linked to Russia's chemical weapons activities since the Soviet era. In March 2021, the Department of Commerce supplemented the 2020 action by adding 10 additional Russian facilities to the Entity List, including the 27th Scientific Center of the Russian Ministry of Defense, which was linked to the Navalny poisoning.

The United States also responded to the March 2018 assassination attempt in the UK by taking action at the OPCW to ensure that the CWC specifically and concretely addressed the Novichok agent used and related chemical agents. On October 16, 2018, the United States, Canada, and the Netherlands jointly submitted to the OPCW DG a Technical Change Proposal (TCP) to add two families of chemicals to Schedule 1 of the CWC Annex on Chemicals. The two chemical families include the chemical family of the Novichok nerve agent involved in the UK assassination attempt, as well as a closely-related family of chemicals.

On January 14, 2019, the EC adopted a decision by consensus recommending to States Parties that the two families be added to the Annex on Chemicals, though Russia disassociated from consensus. Russia later objected to the EC's recommendation, and the proposal went to the CSP for decision. The TCP was subsequently adopted by consensus by the CSP in November 2019 and entered into force in June 2020. The Australia Group also added a slate of Novichok-related precursors to its common control list in March 2021.

In 2021, the United States continued to consult with like-minded CWC States Parties on their shared concerns regarding Russia's non-compliance with the CWC. In November 2020, in response to the poisoning of Aleksey Navalny, the United States and 57 co-sponsors issued a joint statement at the OPCW condemning the use of a CW agent in the assassination attempt. On October 8, 2021, the United States and 44 other countries submitted questions to Russia in

accordance with paragraph 2 of Article IX of the CWC, which sets the formal process by which a State Party can make a request to another State Party for clarification on any matter that may cause doubt about compliance. On November 5, 2021, the 45 likeminded countries submitted a second formal diplomatic note underscoring that Russia's response did not address the questions. To date, Russia has not provided a substantive response to the questions. On November 29, 2021, the United States and 55 co-sponsors issued another joint statement at the CSP condemning the use of a CW agent in the poisoning of Aleksey Navalny.

As noted above, the United States led a successful effort at the OPCW that in 2021 resulted in the adoption of a CSP decision affirming the understanding that "the aerosolized use of CNS-acting chemicals is understood to be inconsistent with law enforcement purposes as a 'purpose not prohibited' under the Convention." The United States has long had concerns about Russia's activities related to PBAs and will continue to work to shed light on these activities, including through highlighting the CSP decision.

SYRIAN ARAB REPUBLIC (SYRIA)

FINDING

The United States certifies that Syria is in non-compliance with its obligations under the CWC. The United States assesses that the Syrian regime has used CW repeatedly against the Syrian people since acceding to the Convention in 2013, in violation of its obligations under Article I of the CWC. In addition, the United States assesses that the Syrian regime did not declare all elements of its CW program, as required by Article III of the CWC, and in fact retains CW as defined by the CWC. The process for verifying the accuracy and completeness of the Syrian declaration and resolving these matters is ongoing.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with CWC Article I, paragraph 1(b) each State Party is obligated never under any circumstances to use CW. The United States assesses that the Syrian regime repeatedly used chlorine and Sarin as chemical agents from 2014 through 2019 in violation of Article I of the CWC. Further, Syria violated UNSCR 2118 operative paragraph 4, which provides that "the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons." In spite of compelling evidence, which included findings of attribution by two independent international mechanisms, Syria continued to deny it used CW.

In accordance with CWC Article III, paragraph 1 each State Party is obligated to declare its CW program. The Syrian declaration contained obvious gaps, discrepancies, and omissions, in violation of Article III of the CWC and the additional declaration requirements outlined in operative paragraph 6 of UNSCR 2118. Although the OPCW Declaration Assessment Team (DAT) effort compelled Syria to declare additional activities and several additional sites since it started its work in 2014, significant gaps, discrepancies, and omissions in the declaration remain. These declaration issues and Syria's repeated use of CW, as independently confirmed by both the OPCW-UN Joint Investigative Mechanism (JIM) and the OPCW IIT, and the additional instances that the United States assesses can be attributed to the Syrian regime, demonstrate that

Syria retains a residual CW capability and has not disclosed the full history and scope of its CW-related activities.

BACKGROUND

Following the threat of military force in response to the use of Sarin in multiple, small-scale attacks in opposition areas, and in a large-scale attack using surface-to-surface rockets in the Damascus suburb of Ghouta in August 2013, Syria deposited its instruments of accession to the CWC on September 14, 2013. The United States and Russia then negotiated the Framework for Elimination of the Syrian CW Program. This Framework led to the September 27, 2013, OPCW EC decision and to UNSCR 2118, which, taken together, established milestones for the full disclosure and elimination of Syria's CW program and stringent verification, including unfettered access for the OPCW to Syrian sites and individuals. Detailed background information on CW use in previous years may be found in the 2014 – 2021 reports.

Continued Concerns about Syria's CWC Declaration

After a preliminary disclosure of its CW program, Syria submitted to the OPCW its treaty-mandated initial declaration in October 2013, followed by numerous subsequent amendments. The sum of Syria's disclosures, declarations, and amendments provided an incomplete declaration of Syria's CW program. The OPCW TS identified gaps, discrepancies, and omissions in the declaration, raising serious concerns about whether Syria had declared its entire CW program. In April 2014, the OPCW Director-General established the DAT to attempt to clarify these concerns. To date Syria has not provided adequate information to resolve all declaration issues, but the DAT will continue its work into 2022.

The twenty-fourth round of consultations between the DAT and the Syrian National Authority took place from February 7 to 25, 2021, in Damascus. During those consultations, the DAT shared with Syrian authorities the results of the analysis of the samples collected during the twenty-third round of consultations in September 2020. The sample analysis indicated the presence of a nerve agent in a large vessel. The Syrian regime has yet to provide any explanation or declaration amendment related to this finding, bringing the total number of outstanding issues with its declaration to 20 out of the 24 opened by the DAT.

In 2021, Syria's already perfunctory cooperation with the OPCW deteriorated. Between April and August 2021, the Secretariat did not receive any response from the Syrian regime regarding its request to schedule the twenty-fifth round of consultations for 2022. Since August 2021, the regime refused on several occasions to issue visas requested by the TS, despite its obligations under UNSCR 2118, and the DAT has been unable to deploy to Damascus.

On July 9, 2021, Syria informed the OPCW that a June 8, 2021, air strike targeted a military facility that housed a declared former CWPF, destroying two chlorine containers. The containers, which were related to the April 2018 CW attack in Douma, had previously been inspected at a different site 40 miles away and, at that time, the OPCW had instructed Syria "not to open, move or alter the containers or its contents (sic) in any way without seeking, in writing, the prior written consent of the [OPCW] Secretariat." Since then, the TS has requested

on at least three occasions further information from the regime on the movement of the containers and on the damage to the declared site as it relates to an outstanding DAT issue. To date, Syria has not provided any of the requested information.

On December 23, 2021, the OPCW DG informed States Parties that Syria had yet to provide sufficient technical information or explanations for a Schedule 2.B.04 chemical that was detected in samples taken during the DAT's third round of inspections in November 2018. Two designated laboratories noted that the chemical detected "could be the hydrolysis product of a Schedule 1.A.01 or 1.A.03 chemical."^d Similar to challenges faced in previous years, the TS in 2021 continued to lack access to original documentation on Syria's CW program and to senior Syrian leadership within the CW program, which has hampered the TS's work. Furthermore, Syria has not provided historical CW-related documents to the TS and continues to claim that no documentation exists.

The OPCW TS has repeatedly encouraged Syria to provide the information necessary to resolve outstanding issues. However, the DG continued to note that the TS cannot fully verify that Syria's declaration can be considered either accurate or complete. Thus, the numerous, serious concerns over the declaration will likely remain for the foreseeable future.

Repeated Use of CW

The United States assesses that the Syrian regime has used chemical weapons since the accession of Syria to the CWC in September 2013.

During this reporting period, due to Covid-19 pandemic, the FFM deployed to Syria only once and did not issue any reports. The FFM did, however, continue to engage Syria and other States Parties to investigate at least five further instances of alleged use of CW: in Kharbit Masasnah on July 7, 2017, and on August 4, 2017; al Salmiyah on August 9, 2017; Damascus on October 22, 2017; and al Balil Souran on November 8, 2017; for which reports remain outstanding.

Following reports of the OPCW-UN JIM that attributed four cases of CW use to elements of the Syrian regime and two instances of use of sulfur mustard to ISIS, Russia repeatedly used its veto in the UN Security Council to prevent the extension of the JIM's mandate beyond November 2017.

In response to repeated incidents of CW use around the world, the United States and like-minded nations called for convening a Special Session of the OPCW CSP in June 2018. At that special session, the CSP adopted a decision directing the TS to establish attribution arrangements to identify the perpetrators of CW attacks for instances where the FFM concluded there was use or likely use of CW in Syria and for which the OPCW-UN JIM had not issued reports (CSP-SS-4/DEC.3, dated 30 June 2018).

In accordance with the June 2018 decision of the special session of the CSP, the OPCW established the IIT to identify the perpetrators of CW attacks in Syria. The IIT later notified

^d These categories of Schedule 1 chemicals cover agents and analogues in the Sarin and VX classes, respectively.

States Parties that it intended to first review the following cases (listed in chronological order of occurrence):

1. Al-Tamanah, April, 12, 2014
2. Kafr-Zita, April 18, 2014
3. Al-Tamanah, April 18, 2014
4. Marea, September 1, 2015
5. Ltamenah, March 24, 2017
6. Ltamenah, March 25, 2017
7. Ltamenah, March 30, 2017
8. Saraqib, February 4, 2018
9. Douma, April 7, 2018

On April 8, 2020, the IIT issued its inaugural report that found reasonable grounds to believe the Syrian Arab Air Force was responsible for three CW attacks in Ltamenah, Syria that occurred, in March 2017. The IIT also found that the Sarin used in Ltamenah on March 24 and 30, 2017, was produced through a chemical process using raw materials consistent with Sarin found in the Syrian declared stockpile, and that no other States or entities were known to have used the same raw materials to produce Sarin. The IIT further concluded that the attacks “would only have taken place on the basis of orders from the higher authority of the [Syrian Arab Republic] military command.”

On April 12, 2021, the IIT released its second report that concluded there were reasonable grounds to believe that at approximately 21:22 on February 4, 2018, a military helicopter of the Syrian Arab Air Force, under the control of the Tiger Forces, dropped at least one cylinder of chlorine on eastern Saraqib, Syria, injuring 12 individuals.

In its second report, the IIT also noted the lack of cooperation by the Syrian regime, including its unwillingness to grant repeated requests by the TS for access to the attack site, despite Syria’s obligations under paragraph 7 of Article VII of the CWC and UNSCR 2118.

Incomplete Destruction of Syria’s Chemical Weapons Program

Syria did not complete the destruction of all of its 27 declared CWPFs by the destruction timelines established in March 2014. The two remaining CWPFs were verified as destroyed in June 2018 by the TS. The Syrian regime’s repeated use of CW, including instances that occurred after June 2018, indicate however that it has failed to completely declare and destroy its CW program.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

Following the release of the first IIT report, the United States worked with a cross-regional group of responsible States Parties to put forth an OPCW EC decision, which was adopted in July 2020, condemning Syria’s use of CW in Ltamenah, Syria. The decision set out clear measures for Syria to take to redress the situation and, if those measures were not completed by October 7,

2020, the EC decided it would recommend that the CSP take appropriate action. The DG released a report in October 2020 that stated Syria had taken no actions to fulfill the measures set forth in this EC decision. Subsequently, the OPCW CSP – on April 21, 2021, during its twenty-fifth session – adopted a decision to suspend some of Syria’s rights and privileges under the CWC, notably its right to vote and hold office at the OPCW, until it fulfills the measures set forth in the July 2020 EC decision. 47 countries, including the United States, co-sponsored the decision, which was adopted with the overwhelming support of 87 States Parties. Fifteen States Parties voted against the decision, among them Burma, the PRC, Iran, and Russia.

The United States continues to seize every available opportunity to bring attention to Syria’s non-compliance with the CWC. For example, the United States regularly highlights it at regular UN Security Council meetings dedicated to this issue. At the OPCW, the United States uses its statements before the EC and the CSP to underscore our demands that Syria: 1) cease using CW; 2) cooperate with the FFM; 3) adopt a proactive and fully transparent approach, as recommended by the DG; 4) cooperate with the IIT; and 5) resolve the gaps, discrepancies, and omissions in its declaration. At the November 2021 CSP, the United States and 56 co-sponsors issued a joint statement highlighting Syria’s lack of genuine cooperation with the OPCW. As noted above, Syria continued to deny all accusations and attributions of CW use, and claimed that it had cooperated with the OPCW’s efforts.

The United States played a key role in securing the adoption of the June 2018 CSP decision that directed the OPCW to establish attribution arrangements to identify the perpetrators of CW attacks in Syria, and the subsequent CSP budget decisions that ensure the TS obtains the necessary resources for its work, including that of the IIT. The 2022-2023 OPCW budget, adopted at the twenty-sixth session of the CSP, includes funding for investigative efforts into the use of CW in Syria and was approved with a vote of 102 for, 12 against, and 18 abstentions, signaling continued broad support for the IIT’s mandate. The adoption of the OPCW CSP budget decisions with increasing margins also further highlights the isolation of Russia and others who seek to shield the Syrian regime from accountability for CW use. The United States will continue to seek accountability at the OPCW in 2022.

In December 2021, the United States imposed sanctions on two senior Syrian Arab Air Force officers responsible for CW attacks on civilians. These designations are in addition to the numerous Syrian individuals and entities already sanctioned by the United States, often in coordination with allies, for their involvement in Syria’s production and use of CW in contravention of its CWC obligations.