

Novichok and Murkier case of Navalny poisoning: Is Russia Flouting Chemical Weapon Convention obligations?

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Summary

Novichok nerve agents developed by the Soviet Union during the Cold War emerged as a lethal tool due to their use in attempted assassinations recently. Two such attempts involving deadly Novichok nerve agents in Salisbury, UK (2018) and Omsk, Russia (2020) raised doubts about Russia's existing tactical CW arsenal. Despite recent requests and pressure from several European countries and the OPCW, Russia rejected the proposal to use the CWC's consultation and clarification procedures to resolve any allegation against its involvement in producing and using Novichok nerve agents. The Alexei Navalny poisoning case significantly raised doubts about the efficacy of the CWC and seriously questioned Russia's compliance with international agreements.

Alexei Navalny, the Russian pro-democratic opposition figure and anti-corruption activist, wrote in an August 2021 article that “[I] did not die from poisoning by a chemical weapon, and it would seem that corruption played no small part in my survival.”¹ Fortunately, he lives to tell this ordeal. Navalny was recollecting the assassination attempt on his life exactly a year back, with a suspected nerve agent. On August 20, 2020, Navalny was grievously ill onboard a flight from Tomsk (Siberia) to Moscow. He was taken to a city hospital midway in Omsk for treatment after the flight made an emergency landing.² A couple of days later he was shifted to Berlin's (Germany) Charite University hospital for treatment. He eventually recovered and survived the ordeal.

Novichok Again

Novichok agents, also known as fourth-generation agents (FGA), are a class of nerve agents developed by the Soviet Union during the Cold War.³ These nerve agents emerged as a significant chemical weapon threat due to their use in the attempted assassination recently.

In the Navalny poisoning case, a toxicology test at a specialist military laboratory in Germany revealed the presence of a substance from the group of cholinesterase inhibitors (e.g. Novichok nerve agent).⁴ Subsequent laboratory sample tests in France and Sweden confirmed that Navalny was poisoned with this Soviet-era nerve agent. The Organisation for the Prohibition of Chemical Weapons (OPCW), through its designated laboratories too confirmed that the biomarkers of the cholinesterase inhibitor found in Navalny's blood and urine

samples have similar structural characteristics as the toxic chemicals belonging to schedules 1-A.14 and 1-A.15, added to the Annex on Chemicals in November 2019.⁵

Following the confirmation of Novichok poisoning, German Chancellor Angela Merkel in early September 2021 termed the event as ‘shocking’ and underscored Navalny was “the victim of a crime intended to silence him.” She directly pointed at the Russian government, saying that the poisoning case raises “very serious questions that only the Russian government can answer and the world will wait for an answer.”

On October 15, 2020, the European Union imposed ‘restrictive measures’ on six senior Russian officials, including Aleksandr Bortnikov, the Director of the Federal Security Service of the Russian Federation and a chemical research facility, State Scientific Research Institute for Organic Chemistry and Technology, over the Novichok poisoning of Navalny.⁶ Previously, the U.S. authorities have also blacklisted this civilian scientific facility in August 2020 for developing Novichok, the military-grade nerve agent. This chemical research facility has been on the US intelligence radar since the poisoning of Russian national Sergei Skripal and his daughter, Yulia Skripal, in Salisbury, the UK, in March 2018.

Private investigating group Belingcat corroborated shreds of evidence gathered from open-source research and investigation suggesting that Russia’s military intelligence agency, the GRU Glavnoye Razvedyvatel’noye Upravleniye) was responsible for the Navalny case.⁷ However, the Russian government denied any role in the Navalny poisoning case and rejected all allegations regarding the use and origin of the Novichok agent.

Russia on the Chemical Crosshair

Alexei Navalny case is not the first time Russia has been accused of using this novel method to neutralise dissent and opposition against the state authority. Similar to the Navalny case, the poisoning of Sergei Skripal, a former Russian military intelligence official, and his daughter on March 4, 2018, in Salisbury, (United Kingdom) had caught the attention of the international community regarding Russia’s covert assassination operations. Like Angela Merkel’s reaction in the Navalny case, British Prime Minister Theresa May directly blamed Russia following British intelligence services investigations named, Alexander Petrov and Ruslan Boshirov who were believed to have been employed by the Russian state. She expelled several Russian diplomats in retaliation and demanded an explanation from the Russian government about the Novichok incident on British soil.⁸

In the light of these recent Novichok cases, another previous poisoning and attempted-assassination incident came to light in Bulgaria. In October 2018, Bulgaria reopened the investigation into the April 2015 poisoning of Emilian Gebrev, a Bulgarian arms dealer, to determine whether it involved Novichok. Both the US and UK intelligence agencies joined the probe with Bulgarian agencies. In January 2019, formal charges of attempted murder were announced in absentia against three Russian suspects. However, in September 2020, the Bulgarian Prosecutor-General has ordered the suspension of investigation for unknown ‘geopolitical concerns’.⁹

Browbeating OPCW?

In the 98th session of the OPCW Executive Council (October 5-8, 2021), the United

Kingdom raised a CWC treaty mechanism to urge Russian assistance in seeking clarity on the whole episode of Navalny poisoning.¹⁰ Along with 44 western countries, the UK activated the CWC's Article IX (2) process. Under this article, each member state of CWC has the right to request clarification on any matter that causes doubt regarding compliance with the treaty. These countries have again sought clarity on Russia's involvement in the attempted assassination of Navalny, urging its cooperation with OPCW. Russia is blamed for the lack of transparency and cooperation surrounding the poisoning cases in the past. However, despite requests and pressure from the European countries and the OPCW, Russia rejected the proposal to use the CWC's consultation and clarification procedures to resolve any allegation against its involvement in producing and using Novichok nerve agents. On October 7 this year, Russia placed a document on the Navalny investigation at the OPCW.¹¹ The 235-page document comprised previous OPCW and Russian federation's communications/ statements and confidential communications within Russian German, French, and Swedish authorities. Also, this document collated various news reports related to the Navalny case.

Earlier, Russia termed western allegations as 'cynical fiction' and cautioned for any politically motivated decision at the OPCW. Russia raised the issue of 'deep divide' in the OPCW, especially supporting Syria in similar chemical weapon use investigations. In the Navalny episode, Russia too accused Western countries of taking OPCW hostage for their geopolitical interests. Russia reiterated that its trust in the implementing body for the Chemical Weapons Convention is rapidly declining.

It is alleged that Russia may remain adamant on its stance in any future deliberations on this issue. This is likely to increase Russia's differences with the OPCW and Western countries, which may go beyond the present status quo. All this could raise more questions than answers about the effectiveness of CWC's multilateral mechanisms.

Endnotes:

- ¹ Alexei Navalny, "Only action against corruption can solve the world's biggest problems," *The Guardian*, August 19, 2021, <https://www.theguardian.com/commentisfree/2021/aug/19/action-against-corruption-russian-sanctions-oligarchs-alexei-navalny>.
- ² "An S7 flight with Alexey Navalny onboard diverted after suspected poisoning of Russian opposition leader", *Aviation24.com*, <https://www.aviation24.be/airlines/s7-airlines/an-s7-flight-with-alexey-navalny-onboard-diverted-after-suspected-poisoning-of-russian-opposition-leader/>
- ³ Tanos C. C. Franca, et.all, "Novichoks: The Dangerous Fourth Generation of Chemical Weapons", *International Journal of Molecular Sciences*, 2019, 20, 1222; doi:10.3390/ijms20051222
- ⁴ "Statement by the Federal Government on the Navalny case", Press Release, No. 306, 2 September 2020. <https://www.bundesregierung.de/breg-en/news/statement-by-the-federal-government-on-the-navalny-case-1781882>
- ⁵ Annex on Chemicals, OPCW, Schedule 1, <https://www.opcw.org/chemical-weapons-convention/annexes/annex-chemicals/schedule-1>
- ⁶ Council Implementing Regulation (EU), 2020/1480, October 14, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2020:341:FULL&from=EN>
- ⁷ "Hunting the Hunters: How We Identified Navalny's FSB Stalkers", *Bellingcat*, December

14, 2020, <https://www.bellingcat.com/resources/2020/12/14/navalny-fsb-methodology/>

- ⁸ “Russian spy: UK to expel 23 Russian diplomats”, BBC News, March 14, 2018, <https://www.bbc.com/news/uk-43402506>
- ⁹ “The prosecutor’s office has stopped the investigation into the poisoning of Emilian Gebrev”, RadioFree, Bulgaria, September 01, 2020, <https://www.svobodnaevropa.bg/a/30813581.html>
- ¹⁰ “United Kingdom of Great Britain and Northern Ireland Request for Circulation of A Document at the Ninety-Eighth Session of The Executive Council” , OPCW, October 05, 2021, <https://www.opcw.org/sites/default/files/documents/2021/10/ec98nato7%28e%29.pdf>
- ¹¹ “Russian Federation Request For Circulation Of A Document At The Ninety-Eighth Session Of The Executive Council”, OPCW, October 7, 2021, <https://www.opcw.org/sites/default/files/documents/2021/10/ec98nato8%28e%29.pdf>