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**UNITED KINGDOM**

**RESPONSE BY THE UNITED KINGDOM TO A REQUEST FOR CLARIFICATION  
SUBMITTED UNDER ARTICLE IX, PARAGRAPH 2, OF THE CHEMICAL  
WEAPONS CONVENTION**

**UK response to compliance concerns**

The United Kingdom values the provisions for consultations, cooperation and fact-finding contained in Article IX as an important element of the Convention's compliance regime. This paper provides clarification to resolve concerns which have been raised about the actions of UK forces in destroying chemical weapons in Iraq. In the interests of openness and transparency, this paper seeks also to clarify matters which do not relate directly to matters covered by Article IX, but are relevant to UK actions in Iraq at the time.

The United Kingdom strongly rejects any allegation that it has violated any of its obligations under the Chemical Weapons Convention (the Convention) or undermined the credibility of the Convention. In particular, the United Kingdom absolutely rejects allegations that it has violated its obligations by failing to submit a destruction plan for chemical weapons recovered in Iraq in accordance with paragraph 6 of Part IV(A) of the Verification Annex of the Convention. The United Kingdom has supported the negotiations and implementation of the Convention from the earliest days of the Preparatory Commission, and has continued to provide political, technical and financial support ever since. The UK is firmly committed to upholding the principles of the Convention.

The UK's actions to secure and destroy chemical weapons in Iraq were taken in exceptional circumstances and were in full accordance not only with our international obligations, but also with the fundamental object and purpose of the Convention—to rid the world of chemical weapons—taking account of the need to ensure the maintenance of security and stability in Iraq. This was to the benefit of the people of Iraq, the coalition forces, and neighbouring states. If the UK had failed to take such action, chemical weapons could have been acquired and used by insurgents in Iraq.

The circumstances under which these items were recovered were not envisaged when the Convention was negotiated and agreed by the parties. This is manifest from the face of the Convention, in that the verification steps it provides would not be practicable in circumstances such as those in Iraq at the time. (For example, the security situation in Iraq at that time would not have allowed any on-site verification by the Technical Secretariat. Indeed, the security situation in Iraq, although much improved, has still not been such as to



allow any on-site verification activities by the Technical Secretariat.) It is precisely because of this type of situation that the Executive Council (at its Fifty-Eighth Session) decided to establish a facilitation to develop guidelines for the security and destruction of chemical weapons in situations not foreseen by the Convention, including conflict situations. Consequently, a number of obligations under, for example, Article IV and Part IV(A) of the Verification Annex of the Convention did not apply in the particular situation in Iraq. In particular, there was no obligation to submit a destruction plan in accordance with paragraph 6 of Part IV(A) of the Verification Annex.

After May 2004, the UK was no longer an occupying power. At the time in question, the Government of Iraq exercised sovereign authority, and the UK was there at their invitation, and under the authorisation of United Nations Security Council Resolution 1546 and subsequent resolutions. Consequently, the detailed verification and declaration provisions did not apply to the destruction of chemical weapons by UK forces in this particular situation.

In addition, the UK's actions in destroying the chemical weapons were in fulfilment of our international obligations in light of the mandate provided by the Security Council in Resolution 1546 (2004) (and renewed in subsequent resolutions), which states that "the multinational force shall have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq". The letters annexed to Resolution 1546 set out tasks which included "the continued search for and securing of weapons that threaten Iraq's security". The timely destruction of the chemical weapons—which would not have been achievable had the routine verification provisions of the Convention been applicable—was necessary in order to fulfil this mandate.

Following Iraq's accession to the Convention, with the knowledge of the Iraqi authorities, and in the light of the improving security situation, the UK informed the Secretariat and the Executive Council of the actions it had taken. This was done in the interests of transparency and the spirit of the Convention. The UK participated constructively, and in good faith, in the discussions mandated by the Executive Council at its Fifty-Eighth Session on destruction of chemical weapons in "situations not foreseen".

### **Information on recovery of chemical weapons in Iraq**

None of UNSCOM, UNMOVIC or the ISG were able to confirm that they had destroyed or otherwise accounted for all chemical weapons possessed by Iraq. It is likely that numbers of chemical weapons had been abandoned, buried or otherwise lost during the course of Iraq's military operations in the 1980s, which were not identified or recovered by UNSCOM or UNMOVIC. (It is not unusual that old chemical weapons munitions are found periodically from former programmes or in combat zones where they were deployed.) In 2006, UK forces recovered and destroyed 21 such items of suspected chemical weapons believed to have been manufactured by the former Iraqi regime before 1991. This occurred in two separate operations in January and May 2006. The dangerous operating environment and the constant threat from insurgents at the time meant that troops could only spend a limited amount of time in any one location without inviting attack; all vehicle movement had to be carefully co-ordinated and heavily protected, and no area could be considered safe. The second destruction operation took place just 24 hours before five UK troops were killed when their Lynx helicopter was shot down by a missile fired by insurgents. Subsequently, insurgents used chlorine in chemical weapon attacks against Iraqi civilians. In sum, the destruction of the chemical weapons was conducted in hazardous, complex conditions under constant threat

of attack. Moreover, these munitions were in a dangerous and corroded condition. Accordingly, the priority was the rapid and safe destruction of the weapons, which were destroyed as quickly as practicable, close to the locations where they were recovered.

The UK wishes to be as transparent as possible about these operations, both of which took place in the province of Maysaan. However, because the potential acquisition and use of such weapons by terrorists and insurgent groups poses a continuing threat to the civilian population and the Iraqi Government, as well as to remaining coalition forces, it is not possible to provide further details of the precise locations in Iraq where these items were recovered and destroyed.

### **Assessment and destruction of recovered items**

Sixteen 122mm AL BORAK canisters filled with suspected GB agent were released from Iraqi judicial authority to the UK Explosive Ordnance Disposal (EOD) and Chemical, Biological, Radiological and Nuclear (CBRN) teams on 15 January 2006 for destruction. These were confirmed as chemical weapons items by the UK EOD team on the basis of visual identification, and the canisters were immediately leak-seal packaged on-site by UK personnel. They were transported to a nearby secured destruction location and destroyed the next day.

Five 122mm AL BORAK canisters filled with suspected GB agent were passed to the UK CBRN team on 5 May 2006. Visual identification by the UK team confirmed the items as chemical weapons and they were photographed and leak-seal packaged. They were transported to a secured destruction location and destroyed later that day.

The precise quantities of agent were not measured because of the urgent requirement to destroy the weapons quickly and safely, and the corroded and dangerous state of the munitions.

Other coalition forces were not involved in these two operations.

In neither case was a chemical weapon storage or destruction facility established.

Three photographs of the destruction activity on 5 May 2006 are in the Annex (Figures 1, 2 and 3) attached hereto.

### **Method of chemical weapons destruction**

Transport and destruction of chemical weapons in Iraq was carried out in such a way as to ensure the safety of people and protect the environment. In each case, all the canisters were transported to a desert location for immediate destruction by a munitions disposal team. On arrival, confirmatory vapour checks were carried out to ensure that the canisters and packaging were intact. In both events the destruction method was an explosion in an open area, which was secured, including the downwind locations. In order to conduct the post-destruction survey, UK personnel returned to the site after each destruction event to confirm that the chemical weapons had been successfully destroyed and that there was no residual contamination on site. The results showed no chemical weapons or explosive contamination near the demolition crater. This was confirmed using several types of detector. There was no visual indication of any liquid contamination in the area. All

post-destruction surveys showed that the explosive method used was effective and that no residual threat of contamination remained on-site after this operation.

All chemical weapons recovered by UK forces in Iraq were completely destroyed.

### **Transfer, sampling and analysis**

A small number of samples suspected of containing Schedule 1 chemicals, weighing about 1 gram each, were transferred from Iraq to the UK for confirmatory chemical analysis in order to determine the nature of the safety and security risks they posed. These were transported in a toxic sample container in accordance with UK national standards to the Defence Science and Technology Laboratory, Porton Down, which is the UK's designated laboratory for analysis of suspected chemical weapons agents. Analysis showed that the samples contained a mixture of sarin (GB) and GF of varying concentrations. The samples were destroyed on completion of the analysis.

No other items were transported to the UK or elsewhere.

### **Reporting of information to the Technical Secretariat and the Executive Council**

The decision to destroy these items quickly was taken with safety and security as the key justifications. Although the Secretariat was not advised of these two individual destruction operations at the time, it was made aware of coalition forces' operations to recover and destroy chemical weapons in Iraq. As set out above, there was no obligation to make a declaration, but in the interests of transparency, the UK voluntarily informed the Secretariat by letter of the destruction of these items on 6 April 2009. The UK letter also requested that this information be distributed to States Parties.

On 6 April 2009, the UK declared the transfer of samples containing Schedule 1 chemicals under paragraph 6 of Part VI of the Convention Verification Annex, and provided details of the samples and the analytical results.

In both cases, the UK's actions were driven by security concerns, namely the need to ensure security and stability in Iraq by not releasing information which could have been useful to insurgent groups seeking to acquire and use chemical weapons; at the same time the UK wished to act in accordance with the spirit of the Convention. In addition, it would not have been appropriate to provide such information without Iraq, as the responsible State, having the opportunity to take part in discussions in the OPCW as a State Party. Accordingly, in the light of the improved security situation in Iraq, with the agreement of Iraq and after Iraq had become a State Party to the Convention on 12 February 2009, the UK provided the appropriate information and declaration in April 2009.

The UK also made a short explanatory statement to the Executive Council at its Fifty-Sixth Session on the destruction of the 21 munitions, highlighting that, because of the security conditions in which they were recovered, and in many cases their corroded and dangerous state—and to ensure the safety and security of UK Forces and the Iraqi people—destruction of the recovered chemical weapons was carried out in as timely a fashion as possible, using explosives.

The UK subsequently invited the Secretariat to review UK records of chemical weapons destruction activity, and the Secretariat did so in September 2009. The Secretariat similarly reviewed US records. The OPCW Director-General, in his report to the Fifty-Eighth Session of the Executive Council stated: “In both cases, the Technical Secretariat’s teams concluded that the documents reviewed during the visit appeared to be consistent with the information provided by the Governments of the United Kingdom and of the United States of America on 6 April 2009 and 17 April 2009 respectively. At the same time, both States Parties demonstrated full transparency and cooperation in providing all required and available information in support of the review.”

### **Chemical weapons production facilities, equipment and other aspects**

No additional chemical weapons production facilities (CWPF) other than those noted and sealed by UNSCOM were discovered by UK forces. The UK neither used nor occupied any former CWPFs in Iraq. Although the UK is aware of reports of looting of specialised equipment, no items were recovered by UK forces.

No biological weapons were discovered by UK forces in Iraq.

### **Conclusion**

The UK has endeavoured to provide sufficient information to resolve the doubts raised, to answer the questions which fall within the purview of Article IX.2, and to provide additional relevant context. The UK considers that the information contained in this paper provides the clarification necessary to resolve the concerns which have been raised about the actions of UK forces in destroying chemical weapons in Iraq, but stands ready to take part in further consultations if requested.

**Annex**

Figure 1: AL BORAK canisters prior to packaging. One canister still had a fuse attached, but no rocket motors were present.



Figure 2: Canister placed in barmine stack. Further barmines were then placed over the “lid” and donor charges and initiators fixed.



Figure 3: Destruction site after demolition had been completed.

