



OPCW

Conference of the States Parties

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THE FEDERAL REPUBLIC OF GERMANY
THE ROLE AND IMPORTANCE OF TRANSPARENCY

Introduction

The Chemical Weapons Convention (hereinafter the “Convention” is the first multilateral disarmament treaty which bans an entire category of weapons of mass destruction and requires their complete and comprehensive elimination under international supervision. States Parties are committed to destroy all existing chemical weapons (CW) stocks and related facilities within codified timelines and to restrict their activities in the field of chemistry and trade to non-prohibited purposes only. The Convention establishes a concept of mutual security assurances amongst the States Parties equipped with equal rights and obligations under the Convention for all States Parties. It is based on the perception that disarmament and compliance with the treaty’s prohibitions and restrictions serve the security of all States Parties, and that therefore all States Parties must be enabled to assess compliance by all other States Parties to be assured of the continued compliance with the Convention. This is essentially a political judgement of the States Parties, based on the necessary data provided by the Technical Secretariat (hereinafter the “Secretariat”) according to the relevant rules of the Convention.

Vitalising this ambitious concept makes it absolutely necessary that States Parties gain sufficient confidence in the continued compliance of all States Parties and in an effective and credible verification regime applied by the Secretariat.

Without confidence, the readiness of States not Party to join the Convention - in particular from regions of tension - will remain low.

Without confidence, the readiness of States Parties to proactively implement the Convention and to create within domestic military and industrial structures the determination to bear its burdens will be difficult to achieve.

Without confidence, the commitment to renounce national CW programs will be weakened; moreover, there may be an increased risk of a perceived need for new hidden CW programs.

Without confidence, the progress and pace of disarmament will be delayed.



Without confidence, it would be difficult to create a co-operative and constructive working atmosphere within the OPCW's corresponding political bodies and between the States Parties and the Secretariat.

Therefore, confidence is crucial for the success of the OPCW. However, confidence is not possible without transparency; transparency is, therefore, a key for success, provided that it observe the necessary confidentiality where required. To reduce this idea to a simple formula:

**without transparency there is no confidence,
without confidence there is no success.**

The First Review Conference should assess to what degree transparency has been achieved so far, and identify areas for further improvement. In Germany's view, the following three main areas should be considered with a view to further improvement:

- Information on States Parties' declarations and formal reports,
- Information on the results of verification activities,
- Standards for verification.

The First Review Conference may wish to provide the States Parties with the necessary political guidance for further improvement of transparency in these areas.

1. Information on States Parties' declarations and formal reports

States Parties shall be routinely provided with initial and annual reports and declarations by other States Parties under Articles III to VI of the Convention; that includes, for example, declarations of CW stocks, old chemical weapons (OCW), abandoned chemical weapons (ACW), riot control agents (RCA), CW development facilities, chemical weapons production facilities (CWPF), chemical weapons storage facilities (CWSF), chemical weapons destruction facilities (CWDF), annual reports on CW destruction and CWPF destruction, annual reports on converted CWPF, Schedule 1 declarations and Schedule 2, 3 and UDOC declarations (as restricted by Parts VII paragraph 11, VIII paragraph 11 and IX paragraph 8 of the Verification Annex to the Convention (hereinafter the "Verification Annex")). The current distribution format requires vast amounts of paper, is time-consuming and to some degree confusing, and requires extensive data processing and translation work on the part of National Authorities.

In Germany's view, the distribution of declaration data and formal reports needs to become more timely, structured and user-friendly; at the same time, any improvement should take into account that for some States Parties electronic declarations may not be possible or not be the decision of choice. To that end, a standardised tabular format for distribution of declaration data together with a structured distribution procedure for declarations, formal reports and other information (as recently proposed by the Secretariat) could be a possible improvement.

A standardised tabular format for distribution of declaration data would have the advantage that States Parties would not need to change their domestic procedures for collection of data and submission of declarations to the Secretariat; all that would be necessary would be evaluation software to be used by the Secretariat which would extract data for distribution from existing data sets within the Secretariat. The risk of data entry errors by the Secretariat could be reduced to the minimum if the States Parties used means of electronic declaration or, where this is not possible, if the Secretariat provided the respective tabular form prior to its distribution to the State Party concerned for review and comment and connected that with a silent procedure.

The Secretariat should also report, in a routine manner, on the compliance of States Parties with timelines for mandatory declarations under Articles III to VI of the Convention, mandatory information (such as annual destruction plans according to Parts IV A, paragraph 29, and V, paragraph 8 of the Verification Annex, or additional information as required by C-7/DEC.4 and C-7/DEC.19) and mandatory reports (e.g. submission of annual reports on destruction of CW and CWPF and on the activities at converted CWPF, c.f. Parts IV A, paragraph 36 and V, paragraphs 9 and 85 of the Verification Annex).

2. Information on the results of verification

According to the Confidentiality Annex to the Convention's paragraph (2)(b)(ii) States Parties shall receive general reports on the results and effectiveness of verification activities; the Verification Implementation Report (VIR) represents a core element of such information.

VIRs could become even more meaningful by introducing:

- an additional section setting out the results and effectiveness of verification activities, sorted by States Parties; and
- more details of verification activities, including a full and accurate presentation of differences between the Secretariat and the inspected State Party (i.e. the nature of the issue, the Secretariat's view, and the view or comments of the inspected State Party).

3. Standards for verification

The value and meaning of verification results can only be properly assessed if and when the standards on which verification was based are known. Examples for a backlog demand and an urgent need for improvement in this regard are:

- outstanding guidelines for CW-related and Schedule 1 inspections (for further details, see the Annex);
- a comprehensive concept for verification of converted CWPF according to Part V, paragraph 85 of the Verification Annex;
- comprehensive information on the criteria for the issuance of a destruction certificate; and

- submission of bilateral verification arrangements, in particular in the field of CW-related verification, for review and adoption by the Executive Council.

Annex

Guidelines for CW-related and Schedule 1 inspections

Annex

GUIDELINES FOR CW-RELATED AND SCHEDULE 1 INSPECTIONS

A number of guidelines for CW-related and Schedule 1 inspections, whose adoption is mandatory according to the Convention and the Paris Resolution since 1993, is still outstanding. The following is an enumeration of these outstanding guidelines:

1. Deadlines for submission of information on CWDFs (Part IV A, paragraph 34 of the Verification Annex, Paris Resolution (12) k); remark: C-I/DEC.9 relates only to category 2 and 3 CW)
2. Frequency guidelines for systematic CWSF inspections (Part IV A, paragraph 44 of the Verification Annex, Paris Resolution (12) l); remark: C-I/DEC.10 contains only provisional general criteria and a mandate to decide upon the final frequency after completion of initial inspections and facility agreements)
3. Usability guidelines for OCW (Part IV B, paragraph 5 of the Verification Annex, Paris Resolution (12) n))
4. Frequency guidelines for systematic CWPF inspections (Part V, paragraph 54 of the Verification Annex, Paris Resolution (12) o))
5. Criteria for toxicity, corrosiveness and, if applicable, other technical factors to be taken into account when converting CWPFs (Part V, paragraph 71 b of the Verification Annex, Paris Resolution (12) p))
6. Guidelines for single small-scale facilities (SSSF) inspections (Part VI, paragraph 23 of the Verification Annex, Paris Resolution (12) q))
7. Guidelines for inspections of other Schedule 1 facilities (Part VI, paragraph 30 of the Verification Annex, Paris Resolution (12) s))
8. Guidelines for on-site-monitoring (Part III, paragraph 13 of the Verification Annex, Paris Resolution (12) j))

There is no progress with respect to the above guidelines; with the exception of No. 3, not even a facilitator has been appointed. All guidelines not yet in place are directly related to verification or transparency.