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THE PEOPLE'S REPUBLIC OF CHINA
REPORT
ON THE IMPLEMENTATION OF
THE CHEMICAL WEAPONS CONVENTION IN CHINA

1. Introduction

The Chemical Weapons Convention (hereinafter “the Convention”) represents the first treaty reached since the end of the Cold War on the complete prohibition and thorough destruction of an entire category of weapons of mass destruction, and is thus an instrument of great significance in the history of international arms control and disarmament. The government of the People's Republic of China signed the Convention on 13 January 1993, and deposited the letter of ratification on 25 April 1997, solemnly undertaking thereby that China shall faithfully fulfil all its obligations under the Convention. Ever since the entry into force of the Convention on 29 April 1997, the Government of China, with a view to honouring its political commitment, has overcome many difficulties and made earnest efforts to fulfil its obligations. The following is a report, presented to the First Special Session of the Conference of the States Parties to Review the Operation of the Convention, on the implementation of the Convention by China over the last six years.

2. Information on the National Authority and on relevant legislation

China believes that the key to implementing the Convention lies in establishing an organisational structure for the purpose. Since the Convention is extensive in scope and highly technical, a prerequisite for its implementation is to set up a complete and highly efficient body devoted to implementing it, and provided with the appropriate human and financial resources. In March 1997, the Government of China established, under the leadership of a Vice-Premier of the State Council, the National Guiding Group on the Implementation of the Chemical Weapons Convention, as well as its executive office, which was mandated to implement the Convention nation-wide. It was also charged with the task of setting up Convention-implementing organs at the provincial level, to form a national implementation system encompassing the entire nation and working under effective management. All this was aimed at ensuring the comprehensive and effective implementation of the Convention.

China believes that the high professional standards of the personnel working in this field are fundamental to the proper implementation of the Convention. The personnel



engaged in implementation come from different parts of the country, and, due to the diversity in their backgrounds, the levels of their professional skill did vary. The Government of China, therefore, poured large sums into training personnel, especially in such technical fields as the submission of declarations and the reception of inspections. As a result, the implementation-related personnel nation-wide, including government officials at all levels as well as executives from the industry, have been given a better comprehension of what the Convention contains, and a heightened awareness and improved skills to improve performance in implementing the Convention. This has helped them to be more efficient and to produce good-quality work.

Legislation is the guarantee of proper implementation of the Convention. The Government of China promulgated in close succession the Regulations of the People's Republic of China on Controlled Chemicals (1995), the List of Controlled Chemicals by Category (1996), the Rules of Implementation for the Regulations of the People's Republic of China on Controlled Chemicals (1997), and the List of Items Newly Included in Category Three of Controlled Chemicals (1998), among others. These legislative documents are the Chinese legal framework for the implementation of the Convention and form a complete regime of effective monitoring of the production, trading, use, stockpiling and import of scheduled chemicals. Moreover, the Government of China also issued and brought into effect the Measures for Export Control of Relevant Chemicals and their Related Equipment and Technology (including the List of Items under Export Control, 2002), which have come further to improve China's export control of relevant chemicals and dual-use chemical equipment and technology.

In order to prevent acts of terrorism, including those carried out with toxic chemicals, the Standing Committee of the Chinese National People's Congress passed, in December 2001, Amendment No. 3 to the Criminal Law, which makes it an offence illegally to manufacture, transport and stockpile poisonous substances and the pathogens of infectious diseases, or release such substances, pathogens, etc, which harm the public safety; severe penalties are provided for such actions.

Experience shows that the measures mentioned above have yielded positive, effective results, and have thus laid a solid foundation, from the very beginning, for the comprehensive and effective implementation of the Convention.

3. The submission of declarations and reception of inspections

Pursuant to the requirements of the Convention, China has submitted to the OPCW, on time and at the required levels of detail, its initial declarations and its subsequent declarations of annual and anticipated activities involving Schedule 1, Schedule 2, Schedule 3 and discrete organic chemicals facilities. The industrial facilities which China has declared account for one-third of all the facilities declared by States Parties. China has also notified the Technical Secretariat (hereinafter "the Secretariat") in a timely manner of its transfers of Schedule 1 chemicals.

To collaborate with the Secretariat in clarifying inconsistencies found in the declared data on scheduled chemicals, China has conducted useful bilateral consultations with certain other States Parties. In conformity with Article IX of the Convention, China

has also held dialogues and consultations with other interested State Parties on topics relating to declarations and implementation. Experience has shown that dialogue, consultations and cooperation can help States Parties to address their various concerns in the process of implementing the Convention, and also contribute to furthering trust and cooperation among them.

As at March 2003, China had successfully received 62 on-site inspections by the OPCW, which covered Schedule 1, Schedule 2, Schedule 3 and discrete organic chemicals facilities, as well as the sites of the chemical weapons abandoned in China by Japan and some of the facilities which formerly produced them. The results of the inspections have all been confirmed to be consistent with the information provided in the Chinese declarations.

The implementation process in China has been accompanied by many difficulties and challenges. China is a developing nation, and its economy is in transition; there have been frequent cases of restructuring of government agencies and of corporate mergers and reorganisations. In addition, there is in China a vast number of chemical facilities, which are, however, of a relatively small size and possessed of underdeveloped corporate management. This situation adds to the difficulty of implementing the Convention. In spite of this, the central government and the agencies at national and local levels responsible for implementing the Convention have attached the greatest importance to implementation, and have constantly adopted measures appropriate to the changing situation. Many practical difficulties have been overcome in the process. For instance, in order to cope with the enormous workload of collection, consolidation and declaration of data, the Chinese Chemical Weapons Convention National Authority has introduced a system of management by administrative region of the collection of data and preparation of statistics and the consolidation thereof by submission up the administrative ladder to the National Authority. At the same time, the Convention-implementing bodies at all levels are tasked to screen and control the quality of the data declared by industrial facilities. Another example is that, in order to improve the efficiency of the declaration of data, China has developed a database system for collecting declaration data and an electronic data transmission network; these have been customised to the Chinese requirements. All these measures have served to ensure the submission of all types of declarations on time and at the required levels of detail. In the past six years, the Chinese National Authority has successfully received, and actively cooperated with, each OPCW on-site inspection.

4. The chemical weapons abandoned in China by Japan

Japan used chemical weapons many times in China, during its war of aggression. On the eve of its defeat, Japan abandoned a large quantity of chemical weapons on Chinese territory. To date, these chemical weapons still pose a grave threat to the lives of Chinese people and to the ecological environment of China.

The Government of China has laboured tirelessly to reach an early, satisfactory solution to this matter. Both being States Parties to the Convention, China and Japan reached in July 1997 the Memorandum of Understanding between the Government of the People's Republic of China and the Government of Japan on the Destruction in China of the Chemical Weapons Abandoned by Japan in China (hereinafter "the

MOU”). In it, the Japanese Government states that it shall assume the responsibilities and obligations of an Abandoning State Party, and undertakes to destroy, as required by the Convention, all its Abandoned Chemical Weapons (hereinafter “ACWs”) in China. To assist Japan in its work, China has set up a special office responsible for dealing with the problem of the Japanese ACWs in China.

In May 1997, pursuant to the relevant provisions of the Convention, China submitted to the OPCW its initial declaration of the Japanese ACWs in China. More declarations have later been submitted on Japanese ACWs subsequently discovered. These have to date been found in more than 30 locations in over ten provinces and municipalities in China, with most of them being in the northeast of the country. The OPCW has so far conducted 16 on-site inspections of the sites of the Japanese ACWs, which have all confirmed Japan as the Abandoning State, a fact consistent with the relevant Chinese declarations.

In accordance with the MOU, and with a view to demonstrating the full cooperation and assistance of the Chinese side, China has agreed to Japan destroying its ACWs in China, on condition that no threat to personal safety or any environmental pollution be caused thereby. In recent years, urged and assisted by the Government of China, Japan has, as the Abandoning State, made some effort to deal with the matter, and some progress has been made in this regard. The two sides have undertaken more than 30 bilateral investigations, and held over 20 rounds of expert-level consultations on the subjects of destruction technology, environmental standards and selection of sites for the destruction facilities, etc. It is expected that work on such important matters as identifying the main destruction technology will soon be completed.

This notwithstanding, the actual destruction has yet to start. In the time left before the deadline specified by the Convention for the completion of destruction, a great deal remains to be done. This will involve redoubled efforts, and China asks Japan to speed matters up and start the destruction at an early date, so that it will be completed within the deadline set by the Convention.

5. The implementation of the Convention in Hong Kong, Macao and Taiwan

In the past, the central government of China has sent envoys to the Hong Kong Special Administrative Region to give briefings on the Convention and the OPCW, and to hold a variety of talks with the government of the Region on the specifics regarding Hong Kong’s implementation of the Convention. At present, Hong Kong is in the process of conducting legislative reviews and finalising preparations for implementation, which is expected to commence soon. Similar briefings were given in the Macao Special Administrative Region by envoys sent over by the central government. Preparations in Macao for implementation are now also proceeding vigorously.

As an inalienable part of China’s territory, Taiwan must, on the basis of the principle of One China, fulfil the obligations assumed under the Convention. The Government of China has held a favourable attitude and a pragmatic and flexible approach towards this matter, which it has taken measures to push towards an appropriate resolution. It shall continue its efforts in this regard.

6. The OPCW-designated laboratory

Since the sampling and analysis of chemicals are an important integral part of verification, it is essential for the OPCW to have and maintain high-quality laboratories.

In order to achieve early and successful implementation of the Convention and facilitate the effective operation of the verification regime, the Government of China has expended huge amounts of financial, human and material resources on improving the analytical capabilities of the Chinese laboratory involved. During the period of the Preparatory Commission of the OPCW, the Government of China on many occasions sent personnel from the Laboratory of Analytical Chemistry of China's Institute of Chemical Defence (hereinafter "the Laboratory of Analytical Chemistry") to participate in international comparison tests in analytical chemistry. It also authorised the Laboratory to make proposals on the methodology and technical standards of verification in the context of the implementation of the Convention. Since the entry into force of the Convention, the Laboratory has participated many times in OPCW proficiency tests, or in preparing the samples for these tests. Its fine performance won the Laboratory the designation in December 1998 as one of the first seven OPCW-designated laboratories. In 2000, under the arrangement made by the Secretariat, the Laboratory hosted a technical visit by international experts, as part of the international cooperation within the framework of the Convention.

In addition, this Laboratory has also been designated by the United Nations Special Commission for the Disarmament of Iraq as one of the laboratories for chemical sample analysis.

7. International cooperation: assistance and protection against chemical weapons

Setting great store by international cooperation, assistance and protection against chemical weapons, the Government of China has dedicated itself to the implementation of the provisions concerning international cooperation and assistance, and to the promotion of the economic and technological development of States Parties in the field of chemistry and the enhancement of trade and international cooperation for peaceful purposes in the field of chemical activities. The Government of China is of the view that international cooperation and assistance activities should be carried out with necessary financial support.

In 1997 and 1998, in Qingdao Pesticides Factory in Shandong Province in China, the Government of China and the OPCW jointly conducted two workshops which simulated on-site verification for international inspectors. Some 70 inspectors took part. In September 1998 and September 2000, the Government of China and the OPCW jointly held in Beijing two regional seminars on the implementation of the Convention, which were attended by about 100 participants from nearly 30 countries. At the two seminars, the participants shared experiences among themselves on declarations, the reception of inspections and import/export controls on chemicals, etc. The seminars proved conducive to fostering comprehensive and effective implementation of the Convention.

In 1999, pursuant to the Article X of the Convention, China contributed some chemical protection equipment to the OPCW programmes on chemical protection and assistance. In September 2002, China submitted to the OPCW its declaration on China's national chemical protection program. Furthermore, China actively participated in relevant activities of the OPCW and sent representatives to attend meetings of the OPCW Protection Expert Network and to join in the exercise on the investigation of the alleged use of chemical weapons. Through all this, China has made its contributions to the implementation of the Article on assistance and protection against chemical weapons.

8. Universality of the Convention and cooperation with the OPCW

China cares greatly about the universality of the Convention, and has worked to help encourage states which have not yet joined to accede to the Convention at an early date.

China attaches high importance to, and vigorously joins in, the work of the OPCW in all its aspects. In 1998, the Government of China established in The Hague its permanent mission to the OPCW, which is responsible for all contacts with the OPCW and other States Parties regarding the implementation of the Convention. China has been elected and re-elected as a member of the Executive Council. It has attended all the sessions of the Conference of the States Parties, and has actively participated in the deliberations of other relevant meetings. China has sent its specialists to attend the expert-level meetings held within the framework of the Scientific Advisory Board, the Advisory Body on Administrative and Financial Matters, the Confidentiality Commission, the OPCW Central Analytical Database, the Protection Expert Network and the Declaration Coordination Group, etc, and the Chinese experts have played a positive role therein.

In 1998, 2000 and 2002, the former Director-General, the former Deputy Director-General and the incumbent Director-General of the OPCW respectively paid successful working visits to China, which helped them gain a full acquaintance with the overall situation in China concerning its chemical facilities and the implementation of the Convention. The visits served to reinforce understanding and cooperation between the OPCW and China, and at the same time, offered an opportunity to the Chinese side to show that China supports the work of the Secretariat and works jointly with the latter towards the comprehensive implementation of the Convention.