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**TECHNICAL SECRETARIAT
BACKGROUND PAPER**

**CONSOLIDATED UNCLASSIFIED
VERIFICATION IMPLEMENTATION REPORT
(APRIL 1997 – 31 DECEMBER 2002)**

EXECUTIVE SUMMARY

1. Introduction

- 1.1 The Technical Secretariat (hereinafter “the Secretariat”) has prepared this background paper to assist the States Parties in their deliberations on verification-related issues for the First Special Session of the Conference of the States Parties to Review the Operations of the Chemical Weapons Convention (hereinafter “the First Review Conference”). This unclassified document is based on previous verification implementation reports, as well as on previous annual reports of the Organisation for the Prohibition of Chemical Weapons (OPCW), and provides an overview of the developments in implementing the verification provisions of the Chemical Weapons Convention (hereinafter “the Convention”) since its entry into force (EIF). The cut-off date for the data that has been included is 31 December 2002.
- 1.2 This background paper does not analyse the methodology or the logistics of the conduct of on-site inspections by the OPCW. Neither does it attempt to analyse conceptual matters related to the Convention’s verification regime and its implementation. The Secretariat has issued separate background papers on these issues.
- 1.3 The paper consists of an executive summary and annexes containing a detailed presentation of the verification issues under the Convention that have been encountered since it entered into force.

2. Initial declarations

- 2.1 Each State Party is required to submit their initial declarations within 30 days after the Convention enters into force for it. Declarations that have been submitted pursuant to



Article III identify those States Parties possessing chemical weapons (CW) and/or chemical weapons production facilities (CWPFs), and thus carry obligations to destroy these CW capabilities in accordance with the provisions of the Convention. The initial declarations to be submitted pursuant to Article VI form the basis for implementing the Convention's regime for the verification of the non-production of CW. The timely, accurate, and complete submission of initial declarations is thus essential for the effective functioning of the Convention, and for the States Parties' confidence in treaty compliance.

- 2.2 A significant number of States Parties failed to submit their initial declarations in a timely and complete form. By the end of 1999 – more than two and a half years after EIF – almost 30 percent of the initial declaration submissions were still outstanding. The most common reasons for that failure appeared to be the lack of implementing legislation, and other deficiencies in national preparations. The Executive Council (hereinafter “the Council”) and the Conference of the States Parties (hereinafter “the Conference”) were seriously concerned about this persistent non-compliance. To redress this situation, in the year 2000, the Secretariat initiated an assistance project aimed at those States Parties which required technical support to prepare their initial declarations. By the end of 2002, the situation had improved significantly, and 142 of the 147 States Parties for which initial declarations were due had submitted them. As the universal adherence to the Convention increases, the Organisation should continue to monitor this issue, should urge States Parties that have not yet done so to submit their initial declarations without delay, and should arrange for any needed assistance.
- 2.3 The delays in the submission of initial declarations under Article VI, as well as the fact that several initial declarations that were submitted also remained incomplete for a long time, were of a major concern and hindered smoother implementation of the Convention's verification measures under Article VI. This situation has subsequently been rectified with regard to those States Parties that are the major producers of chemicals. There remain, however, concerns that not all the States Parties have, in fact, identified all their declarable (and thus potentially inspectable) facilities. States Parties on a bilateral basis, as well as the Secretariat, continue to offer their assistance both with identifying the declarable facilities, and with adopting legislative and other necessary regulatory measures. In mid 2001, the Secretariat began providing information to States Parties from public sources about potentially declarable industries and supporting them to meet their declaration obligations under Article VI. This project continues to be implemented in the year 2003.
- 2.4 Another declarations-related problem was the delayed submission of annual declarations by a number of States Parties. This led to uncertain situations as to whether some facilities declared under Article VI remain inspectable even after the turn of a calendar year. In the view of the Secretariat, this issue could be resolved if States Parties agreed to submit their annual declarations for previously declared facilities (ADAA), even when the facility is not anticipated to produce, process, or consume scheduled chemicals above the appropriate declaration thresholds, or has not produced, processed, or consumed scheduled chemicals during the previous year (ADPA) above the appropriate declaration thresholds. In other words, the Secretariat recommends that States Parties should agree to make so-called “nil declarations”.

- 2.5 Over the period under review, the Secretariat gradually introduced the practice of requesting clarifications from National Authorities whenever declaration data appeared to be ambiguous, incomplete, or inconsistent. The response rate initially remained low, although responses to clarification requests on those issues which directly affect verification activities have improved considerably since 2001. To further improve this situation, States Parties may wish to consider adopting a more formalised approach to clarifying the information contained in their declarations, and/or may consider indicating to the Secretariat when they will be submitting their responses to the Secretariat's clarification requests.
- 2.6 Some progress has been made towards the possible submission of declaration data in electronic form. In 2002, one State Party, the United States of America, had submitted in CD-ROM format a redacted version of its annual declaration on anticipated activities for 2003. The copies of that declaration version have been already requested by four other States Parties. This paper does not discuss this issue in any detail. It is clear, however, that an acceptable solution is urgently needed for the Secretariat to expedite declaration processing and evaluation, inspection planning, and reporting to the Council. The Secretariat is in the process of working out the confidentiality issues related to the submission of classified information to/from States Parties in electronic form.
- 2.7 Since EIF of the Convention, a total of 35 States Parties had requested and received from the Secretariat the declaration data submitted by other States Parties. The provision of such declaration data to other States Parties is carried out in accordance with the provisions of subparagraph 2(b)(i) of the Confidentiality Annex to the Convention (hereinafter "the Confidentiality Annex").

Verification of declared CW and their destruction

- 2.8 Four States Parties have declared that they possess CW stockpiles. One other State Party has submitted a notification of discovery of CW on its territory. A detailed declaration is expected, and the following discussion does not include consideration of the requirements for declaration, verification, and destruction of this particular State Party's CW. All the declared CW of the four possessor States Parties were inspected in accordance with the provisions of the Convention. The declared inventories were verified by on-site inspections. Thirty CW storage facilities in the four possessor States Parties continue to be systematically verified by the Secretariat. Facility agreements have been adopted by the Council for all storage facilities.
- 2.9 The Convention requires each State Party to destroy one percent of its Category 1 CW not later than three years after EIF of the Convention; 20% in five years; 45% in seven years; and 100% in ten years. As required, all four CW possessor States Parties submitted their general destruction plans within 30 days after the Convention entered into force for them. All general destruction plans submitted at that time were consistent with destruction requirements. However, some difficulties were encountered in implementing these destruction plans. While India, the United States of America, and a third State Party met their obligation in relation to the first destruction target, only India and the United States of America met their obligation in relation to the second destruction timeline. The Russian Federation requested an extension of its first intermediate destruction timeline, which was granted by the

Conference in 2000. The Russian Federation submitted a revised destruction plan to the Council in September 2001. One State Party had experienced technical difficulties and informed the Council that it would not be able to meet the second intermediate timeline and requested an extension of its obligation. This request was granted by the Conference at its Seventh Session and the State Party actually met the Phase Two destruction requirement by the end of 2002. Based on the recommendation of the Council, the Conference at its Seventh Session granted an extension in principle to the Russian Federation to meet their obligation to meet an intermediate deadline for the destruction of one percent of its Category 1 CW stockpiles, and authorised the Council to establish a specific date for one percent destruction deadline. On 19 December 2002, the Russian Federation commenced its destruction operations at the Gorny destruction facility. As of 31 December 2002, a total of 6319.817 tonnes of Category 1 CW (1,116,197 items of unitary CW munitions or bulk containers containing VX, tabun, sarin and mustard gas and lewisite), approximately 69 tonnes of binary key components, 515 tonnes of other binary components, and 356,141 binary munitions and canisters have been destroyed by the four States Parties since EIF of the Convention.

- 2.10 The Russian Federation and India have declared possession of Category 2 CW. The Russian Federation has completed the destruction of its Category 2 stockpile within the required timeframes. India has completed the destruction of one of its Category 2 CW agents, and continues to destroy the second one (this is an unscheduled chemical, which is being used as a solvent in the destruction of Category 1 CW), along with its destruction of its Category 1 CW stockpile. Four States Parties that have declared the possession of CW stockpiles had completed the destruction of their Category 3 CW well in advance of 29 April 2002 (five years after EIF), the timeline established by the Convention. In total, as of 31 December 2002, 265.212 tonnes of Category 2 CW (thiodiglycol, 2-chloroethanol, and phosgene) and 412,704 items of Category 3 CW (unfilled munitions, devices, and specifically designed equipment) have been destroyed.
- 2.11 During the period under review, the Council approved 10 detailed agreed plans for destruction and verification, as well as five transitional verification arrangements, and six facility agreements for CW destruction facilities. An additional two facility agreements for CW destruction facilities are under consideration by the Council, and three more draft facility agreements are being discussed with States Parties. The systematic verification of CW destruction is undertaken when inspectors with on-site instruments are physically present at the destruction site. Verification of destruction operations consumed the bulk of the Secretariat's resources during the period under review. As of 31 December 2002, a total of about 50,181 inspector days had been spent at CWDFs, which equals 66.77% of all inspector days spent in the field.
- 2.12 Changes in the approach to verification activities at CW destruction operations is likely to occur as a result of the adoption of low-temperature, two-stage destruction technology as an alternative to incineration, and the projected increase in the number of CW destruction facilities that will become operational during the coming years. As a consequence, appropriate verification measures have already been agreed with both the Russian Federation and the United States of America, and these arrangements will soon be implemented. It is understood that both of these factors will have an effect on

the resources that are required, and will prompt a change in the verification approach currently being used by the Secretariat.

- 2.13 Nine States Parties have declared old chemical weapons (OCW) at 41 locations. Seven States Parties have declared their OCW produced before 1925 one of these States Parties has completed the destruction of its OCW. Four States Parties have been providing annual information on the disposal of their OCW, while no information has been received by the Secretariat from two other States Parties. In relation to OCW produced between 1925 and 1946 that were declared by five States Parties, one State Party has completed its destruction operations. The process of recovery and destruction continues in the remaining four States Parties that have declared OCW produced between 1925 and 1946. It is difficult, however, to determine whether the destruction timelines set out in paragraph 7 of Part IV(B) of the Verification Annex can be achieved, given that the accounting for any new findings requires declarations of OCW to be frequently adjusted by the States Parties. Furthermore, the lack of agreement on the verification regime applicable to this category of OCW, particularly on the guidelines to assess the usability of CW produced between 1926 and 1946 and on the costs of verification, have complicated issues like timelines and the order of destruction of OCW.
- 2.14 China, Italy, and Panama have submitted declarations of abandoned chemical weapons (ACW) located in their territories. China and Panama have identified States Parties which have abandoned ACW on their territories. However, only Japan has submitted a declaration as an abandoning State Party (ASP) with respect to ACW located on the territory of China. In China, the recovery of ACW has begun, and the territorial and the ASPs are continuing their negotiations on a mutually agreed destruction plan. In the absence of a declaration by an ASP and its identification, Italy itself has undertaken to destroy the ACW located on its territory. Inspections have been conducted on-site at ACW locations within the territories of these three States Parties. Panama hosted an initial inspection in January 2002, which confirmed the presence of OCW at the declared location. The results of this initial inspection were reported to the Council. In the mean time, bilateral discussions have been initiated between Panama and the United States of America; upon request from Panama, the Secretariat has withheld submission of any recommendation to the Council on the subject matter, pending the outcome of discussions between the two States Parties.
- 2.15 In accordance with the provisions of the Convention, a total of 62 inspections at OCW and ACW locations have been conducted since EIF, in accordance with the provisions of the Convention.

3. Verification of declared CW production facilities and their destruction

- 3.1 As of 31 December 2002, 61 CW production facilities had been declared by 11 States Parties. As a result of the initial inspections carried out at these facilities, and after consultations between the Secretariat and the respective States Parties involved, ten States Parties amended the data in their initial declarations. Such revisions related to the boundaries of the facility, the exclusion or inclusion of certain buildings and equipment, other data (production capacity, flow diagrams), and the status of the facility.

- 3.2 By 31 December 2002, 28 CWPFs (46%) in seven States Parties had been certified as destroyed. Nine CWPFs had been certified as converted by the same cut-off date. All conversion requests were approved by the Conference at its Seventh Session. Thirteen CWPFs remained to be destroyed, including those three facilities that had been temporarily converted into CW destruction facilities. As of 31 December 2002, only one of these three facilities was being used as a CW destruction facility.
- 3.3 All the facilities have been deactivated. Specialised equipment and standard equipment have been inventoried, and all specialised equipment has been tagged. A cost-effective method for the verification of the destruction of buildings and equipment without the physical presence of inspectors during the destruction operations was introduced at those CWPFs, the destruction or conversion plans for which had been approved by the Council. Photographs or video records were taken by the inspected State Party before and after destruction, and were provided to the OPCW inspection teams during the next systematic inspection of the facility; furthermore, the remnants of the destruction of specialised equipment, together with any tags were retained, so that the OPCW inspectors could confirm their destruction. Some of the issues that need to be addressed include determination of specialised equipment, the destruction or conversion of a facility which was “used exclusively for production of non-chemical parts for chemical munitions”, the fate of equipment that had been removed from CWPFs before EIF, and the calculation of the residual capacity of the CWPFs.

4. Other declarations required under Article III

- 4.1 As of 31 December 2002, 102 States Parties have declared possession of a total of 11 different types of riot control agents (RCAs), with the majority of these States Parties declaring CS and omega-chloroacetophenone (CN) types of RCAs. The ongoing clarification procedures between States Parties and the Secretariat have ensured that three States Parties that have declared chloropicrin (or its mixtures) as RCAs have either amended their initial declarations, or informed the Secretariat that they intend to delete these chemicals from their list of RCAs. No routine verification measures are applied to RCA chemicals under the Convention.
- 4.2 Eight States Parties have submitted declarations on 23 facilities which, since 1 January 1946, have been designed, constructed, or used primarily for the development of CW. As of 31 December 2002, three States Parties continued to use four of these facilities, either as research centres and/or as recovery laboratories in the facilities used for protective purposes or for the destruction of OCW. It should be noted that a common understanding among the States Parties on the meaning of the phrase “primarily for the development of CW” in the declaration requirement under the Convention continues to remain elusive.

5. Implementation under Article VI

Affirmative declarations have been made by 60 States Parties under the provisions of Article VI of the Convention. Of these, 58 States Parties have declared inspectable facilities. As of 31 December 2002, 502 Article VI inspections have been conducted. In addition, numerous declarations of transfers of Schedule 1 chemicals between States Parties have been submitted, in most cases involving very small quantities.

The following sections detail the implementation for the regimes under Parts VI, VII, VIII, and IX of the Verification Annex.

6. Schedule 1 chemicals and facilities

- 6.1 With the exception of the transfers of small amounts of saxitoxin (STX) for medical/diagnostic purposes, transfers of Schedule 1 chemicals between the States Parties shall be notified 30 days in advance of each transfer, and be subsequently included in annual declarations on past activities, both by the sending and by the receiving State Party. In practice, about two-thirds of the transfers were notified by both States Parties. Of these notifications, about 15% resulted in problems, such as uncertainties about which transfer declarations referred to the same transaction, differences in transfer dates, or different designations of transferred chemicals.
- 6.2 In relation to saxitoxin transferred for diagnostic/medical purposes in quantities of 5 milligrams or less, Canada proposed a change to the Convention, which recognised the practical difficulties involved with the timely transfer of this compound when it is used in emergency situations as a reference standard to test for paralytic shellfish poisoning. The change became effective on 31 October 1999, in accordance with paragraph 5 of Article XV as the new paragraph 5bis of Part VI of the Verification Annex.
- 6.3 An issue affecting both transfer notifications/declarations and the prohibition of transfers of Schedule 1 chemicals to States not party is that States Parties have adopted different practices as to whether the salts of Schedule 1 chemicals should be treated in the same way as the parent compounds specified in the Annex on Chemicals.
- 6.4 Since EIF, a total of 33 Schedule 1 facilities have been declared. On 31 December 2002, twenty-one States Parties had declared 26 Schedule 1 facilities (eight single small-scale facilities, 17 other Schedule 1 facilities for protective purposes, and one other Schedule 1 facility for research, medical, or pharmaceutical purposes). Until 31 December 2002, 107 initial and subsequent systematic inspections had been carried out by the Secretariat.
- 6.5 It is worth noting that for the majority of these facilities, the amounts of Schedule 1 chemical(s) actually produced were either very small or, in fact, zero. Only six States Parties stored in excess of 1.0 kg of Schedule 1 chemicals, while four of the declared Schedule 1 facilities produced kilogram quantities per year. In the view of the Secretariat, the current intensity of inspections (inspection frequency, inspection time, and team size) may not adequately reflect the differences in the degree of risk which these facilities pose to the object and purpose of the Convention.
- 6.6 Different approaches have been taken by States Parties on the issue of whether areas where Schedule 1 chemicals are being consumed should be included in the declared facility areas. Furthermore, it must be recognised that the specifics of each individual facility have an impact on such declarations. The Secretariat takes the view that a consistent approach to this issue would be desirable to ensure that the verification regime is applied in an even-handed manner.

7. Schedule 2 chemicals and facilities

- 7.1 Declarations are required for aggregate national data (AND) on the production, processing, consumption, export, and import of each Schedule 2 chemical, as well as for facilities producing, processing, or consuming Schedule 2 chemicals above the applicable declaration threshold. The initial declaration of Schedule 2 facilities includes each of the three years before the Convention enters into force for the declaring State Party.
- 7.2 In relation to AND for Schedule 2 chemicals, the production, processing, and consumption figures corresponded to the data contained in facility declarations. Significant discrepancies were, however, encountered in the aggregates on exports and imports. In principle, the data provided in the declarations of the exporting and the importing States Parties should match. As of 31 December 2002, however, about 70% of the data on imports did not match the data submitted on exports. The States Parties and the Secretariat have discussed possible causes for these discrepancies, which include, inter alia, material in transit, differences in national regulations, different data collection methods, and clerical errors. Essentially, these differences also reflect to an extent the non-uniform implementation of the Convention at the national level. It is important for the credibility of the regime that States Parties improve the cooperation between their National Authorities, and that they agree on, and apply, similar rules and standards for collecting and reporting data.
- 7.3 Recognising that a common approach to AND declarations was necessary, States Parties, under the direction of the Council and within the framework of the Industry Cluster, held consultations on this issue. A decision was reached that addressed AND for the production, processing, consumption, import and export of Schedule 2 chemicals and the import and export of Schedule 3 chemicals (C-7/DEC.14, dated 10 October 2002). This decision should help resolve some of the mismatches in declared AND noted above. No decision could as yet be taken on Schedule 3 production AND declarations, and consultations on this issue have continued into 2003.
- 7.4 As of 31 December 2002, twenty-three States Parties have declared a total of 438 Schedule 2 facilities, 156 facilities of which in twenty-one States Parties were inspectable under the provisions of the Convention. Between EIF and 31 December 2002, 198 initial and subsequent inspections of Schedule 2 facilities were conducted. During the conduct of 11 of these inspections, a total of 15 uncertainties were recorded by inspection teams between the period from EIF until the end of 2001. Two of these were clarified in accordance with the provisions of paragraph 64 of Part II of the Verification Annex, while one was clarified through information obtained during an inspection conducted under another regime at the same location. A further 12 were clarified by information obtained during subsequent inspections. These uncertainties occurred as a result of the lack of certain types of records being available at the plant site, differing views as to whether sub-threshold production/processing/ consumption amounts needed to be recorded, and questions related to access to areas outside the declared plant(s) to verify the absence of Schedule 1 chemicals. These issues were discussed between the Secretariat and the States Parties involved, and approaches to avoid such situations in future inspections were agreed; these are now being successfully implemented.

7.5 Unresolved issues had an impact on the Schedule 2 regime, and in some cases led to differences in the national implementation by States Parties and consequently in their declarations. This included such issues as low concentration limits for mixtures containing scheduled chemicals, production of Schedule 2 chemicals that are consumed in situ without isolation of the chemical (“captive use”), the use of rounding rules, and the delineation of Schedule 2 plants and plant sites. Decisions were taken by the OPCW that have improved the situation: for Schedule 2B and Schedule 3 chemicals (but not for Schedule 2A and 2A* chemicals), low concentration limits have been agreed (C-V/DEC.19, dated 19 May 2000). Rounding rules were adopted (EC-XIX/DEC.5, dated 7 April 2000). AND guidelines were adopted (EC-30/DEC.4, dated 13 September 2002) and the boundaries of production guidelines were adopted (EC-31/DEC.7, dated 11 December 2002).

8. Schedule 3 chemicals and facilities

8.1 States Parties are required to declare as AND the production, export, and import of each Schedule 3 chemical, as well as those facilities that are producing Schedule 3 chemicals above the declaration threshold. In relation to the export and import of AND, discrepancies similar to those mentioned above (paragraph 7.4) for Schedule 2 chemicals have been recorded.

8.2 Thirty-four States Parties declared 497 Schedule 3 facilities. Four hundred thirty-seven of these, located in 34 States Parties, are above the inspection threshold. Since EIF of the Convention and by 31 December 2002, 100 inspections at Schedule 3 facilities had been conducted. Two uncertainties were recorded during one inspection, and both were clarified and resolved during the reporting period under the provisions of paragraph 64 of Part II of the Verification Annex. Thus, inspection mandates for inspections of Schedule 3 facilities have been implemented in full.

8.3 The initial concerns of some of the States Parties in relation to the methodology for selection of Schedule 3 plant sites for inspections were resolved after consultations conducted under the auspices of the Council; this resulted in the adoption of the currently-applied computer assisted, two stage, weighted random-selection methodology (EC-XVII/DEC.7, dated 1 December 1999).

9. Other chemical production facilities

9.1 Part IX of the Verification Annex requires an initial declaration of other chemical production facilities (OCPFs) producing in excess of 200 tonnes aggregate of discrete organic chemicals (DOCs) – the so-called DOC facilities, as well as facilities having a plant or plants producing in excess of 30 tonnes per year of a DOC containing phosphorous, sulfur or fluorine – so-called PSF facilities. Any change in the information contained in this initial register of plant sites needs to be submitted as an annual update.

9.2 Since EIF of the Convention, 60 States Parties, as of now, have declared a total of 4,117 such facilities. Of these, 3,990 facilities located in 58 States Parties are above the inspection threshold. In accordance with the Convention, inspections at these plant sites were initiated after 29 April 2000, and 97 OCPF inspections were completed by 31 December 2002.

9.3 The selection methodology currently being used for OCPF inspections is similar in principle to that used for Schedule 3 inspections. It thus comprises a two-stage selection process. During the first stage, the State Party to be inspected is selected and then a DOC/PSF facility declared by the selected State Party is declared. Additional weighting factors are being applied. No decision, however, has yet been taken in relation to the involvement of States Parties in the selection process, as stipulated in paragraph 11 (c) of Part IX of the Verification Annex. This resolution of this issue is overdue in terms of the Convention, and should be addressed during the review process within the wider context of inspection conduct in the chemical industry.

10. Areas of particular importance in relation to the work of the First Review Conference

10.1 It is the prerogative of States Parties to identify those areas that they consider important, and thus requiring possible action by the First Review Conference. In this context, the Secretariat would suggest that the following issues may need to be addressed:

- (a) future verification approaches for CW destruction facilities;
- (b) agreement on the outstanding issues in relation to OCW produced between 1925 and 1946;
- (c) resolution of the outstanding issues in relation to CW issues and Schedule 1 facilities that have a reference in the Convention to a decision to be taken by the Conference;
- (d) adoption of common standards for submission of annual declarations, in particular under Article VI, including implementing the practice of submission of “nil declarations” by States Parties;
- (e) resolution of those additional industry declaration issues that remain outstanding;
- (f) review of the relative emphasis of different types of inspections under Article VI; and
- (g) discussion of the selection methodology under Part IX of the Verification Annex, including proposals by States Parties and the issue of differing interpretation among the States Parties in relation to the validity of the previous year’s declaration data submitted under Part IX of the Verification Annex until the submission of the next annual update.

Annexes : ENGLISH only (except for Annex 1):

- Annex 1: Consolidated Verification Implementation Report
(April 1997 – 31 December 2002)
- Annex 2: Inspection summary, EIF to 31 December 2002
- Annex 3: Inspection summary 1997 - 2002
- Annex 4: List of chemical agents declared and destroyed (as of 31 December 2002)
- Annex 5: Declarable and inspectable Schedule 2 facilities (as of 31 December 2002)
- Annex 6: Declarable and inspectable Schedule 3 facilities (as of 31 December 2002)
- Annex 7: Declarable and inspectable OCPF facilities (as of 31 December 2002)
- Annex 8: Status of submission of initial declarations and notifications (as of
31 December 2002)

Annex 1

**CONSOLIDATED VERIFICATION IMPLEMENTATION REPORT
29 APRIL 1997 – 31 DECEMBER 2002**

DETAILED REPORT

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¹ In relation to both Schedule 2 and Schedule 3 chemicals.

1. Introduction

- 1.1 This is an abridged Verification Implementation Report (VIR) prepared by the Technical Secretariat (hereinafter “the Secretariat”) to inform the States Parties of the status of implementation of the verification requirements of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter “the Convention”).
- 1.2 This report is derived from the information provided in annual and mid-term VIRs and in Status of Implementation Reports of the Convention. It covers the verification activities for the period between the EIF of the Convention (i.e. 29 April 1997) and 31 December 2002. The document also contains an analysis of some of the major issues that have arisen in relation to declarations, notifications, and related verification measures. It identifies those issues that have had an impact on the implementation of an effective verification regime. It also identifies issues that have been resolved, whether these originated from the preparatory work or arose after EIF of the Convention.

2. Declarations

Generic issues

Initial declarations

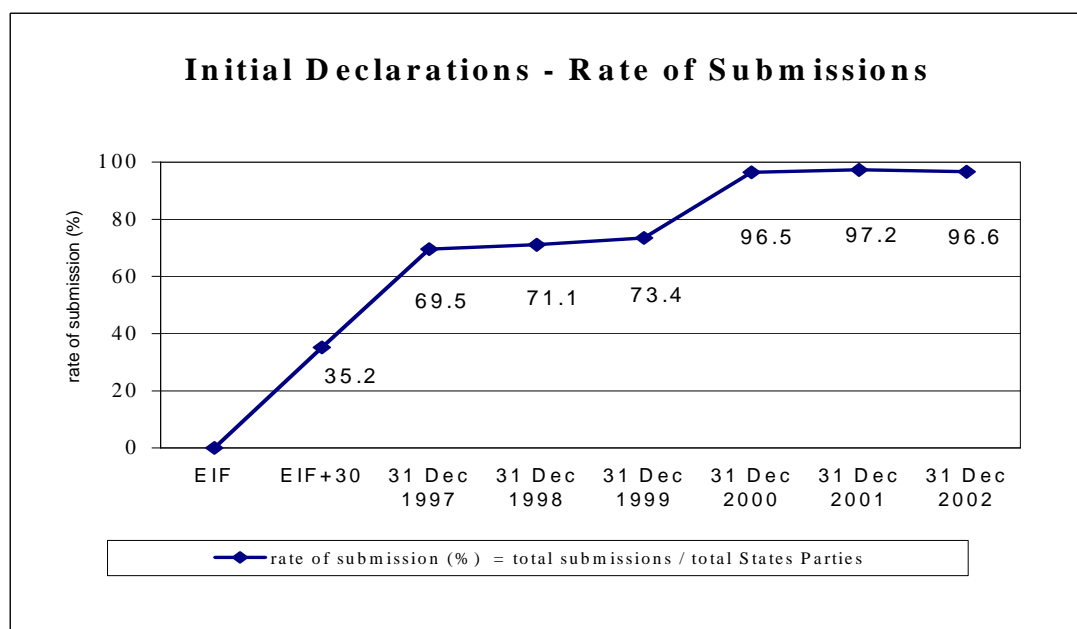
- 2.1 The Convention requires that each State Party shall submit to the Organisation, not later than 30 days after the Convention enters into force for it, initial declarations pursuant to Articles III and VI of the Convention.
- 2.2 As of 31 December 2002, 142 of 147 States Parties (i.e. 97 %) had submitted their initial declarations. As of the same date, five States Parties – Mozambique, Nauru, Uganda, Saint Vincent and the Grenadines, and Samoa – had yet to submit their initial declarations (the due dates for these submission were 14 October 2000; 11 January 2002; 29 January 2002; 17 November 2002; and 26 November 2002, respectively).²

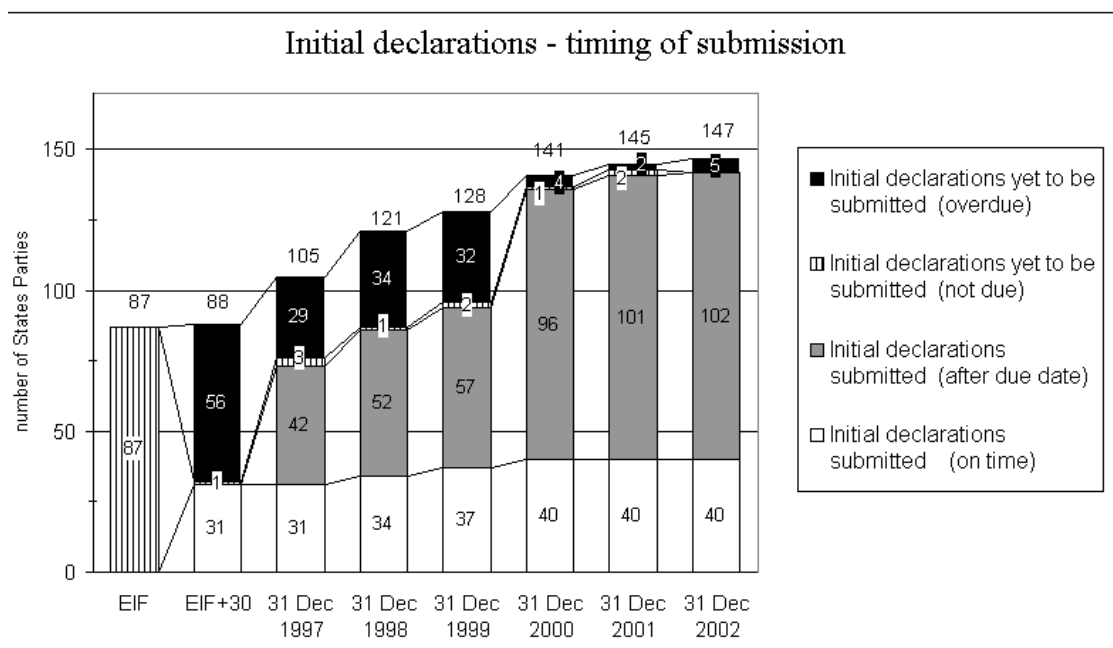
Rate of submission of initial declarations

- 2.3 The process of submission of initial declarations have developed unevenly during the five-year period since EIF. As of 29 May 1997, i.e. 30 days after EIF, 31 States Parties (or 35%) of all States Parties at that time (88), had provided their initial declarations, thus meeting the timeline established by the Convention. At that point in time, 57 States Parties had yet to submit their initial declarations; the initial declarations of 56 States Parties were overdue. By the end of 1997, forty-two additional States Parties had provided initial declarations, which brought the overall number of such declarations to 73, or 70% of all States Parties at that time (105). As of 31 December 1997, 32 States Parties had yet to provide their initial declarations, of which 29 were overdue.

² Samoa and Uganda submitted their initial declarations on 27 January 2003 and on 16 January 2003, respectively.

- 2.4 During 1998 and 1999, a significant number of States Parties were unable to fulfil the requirements of the Convention with respect to the submission of initial declarations, and either did not submit such declarations or only submitted partial declarations. This issue became a matter of serious concern with the Council, which repeatedly drew the attention of the Conference to this matter in order for it to be resolved. The Conference itself, at its Third and Fourth Sessions, urged all the States Parties that had failed to submit their initial declarations on time, to provide them without further delay. In doing so, the Conference noted that the timely submission of declarations is a basic prerequisite for the implementation of the verification regime instituted by the Convention (subparagraph 12.2(h) of C-III/4, dated 20 November 1998). The Conference requested the Council closely to monitor the fulfilment by the States Parties of this important obligation under the Convention in order to enable the Council to consider recommendations to the Conference with a view to redressing the situation (subparagraph 10.1 of C-IV/6, dated 2 July 1999).
- 2.5 In 2000, the Secretariat initiated an assistance project for the benefit of those States Parties that had yet to prepare and submit their initial declarations to the Organisation. The Director-General wrote letters to the foreign ministers of 32 States Parties, asking them personally to attend to this matter. He assigned one divisional director to establish direct contacts with the National Authorities of these States Parties and to provide assistance to them, with a view to accelerating the receipt of all outstanding initial declarations. As a result, 42 States Parties, including all 32 States Parties mentioned above, submitted their initial declarations during 2000. As of 31 December 2000, 136 of the 141 States Parties at that time (or 96%) had submitted their initial declarations. This represented a considerable improvement of the situation in comparison to previous years. Similarly, by the end of 2001, the initial declarations of 141 of the 145 States Parties had been provided, achieving a submission rate of 99%. One additional initial declaration was submitted in 2002. As of 31 December 2002, 142 out of the 147 States Parties had submitted their initial declarations. Thus, the submission rate of initial declarations was 97.2%.
- 2.6 The following two charts illustrate the rate and timing of the submission of initial declarations by States Parties at key points during the period between EIF and the end of the year 2002.





Incomplete initial declarations

- 2.7 The Secretariat initiated, early after EIF, the practice of requesting States Parties that have submitted incomplete initial declarations to provide amendments, additional information, and clarifications to the declaration data. This process has brought about amendments from a number of States Parties to their initial declarations submitted under Articles III and/or VI of the Convention. The overall situation with regard to the completeness of the initial declarations, however, still leaves room for improvement.
- 2.8 Of particular concern was the late submission of a complete initial declaration under Article VI by the United States of America, due to delays in the enactment of the necessary legislation. This situation was rectified in the year 2000.
- 2.9 As of 31 December 2002, 10 States Parties³ had not submitted initial declarations under either Article III or Article VI of the Convention. Colombia, Côte d'Ivoire, Kiribati, Nepal, Seychelles, Suriname, Turkmenistan, the United Republic of Tanzania and Yemen have yet to submit their initial declarations under Article VI, while Senegal has yet to provide its declaration under Article III. Five of these States Parties – Côte d'Ivoire, Nepal, Senegal, Seychelles and Suriname – have provided incomplete initial declarations, and these declarations have remained incomplete for more than three years.
- 2.10 Even when initial declarations have been submitted under Articles III and VI, there are cases where concerns about the completeness of the submitted data remain. The Secretariat reviewed the information available in the public domain with a view to

³ As of 31 December 2002, eight of these states Parties had yet to inform the Secretariat about their respective national implementing legislation, and six of them had yet to provide details regarding their National Authorities.

identifying potential facilities that could be declared, but which States Parties had not identified as declarable facilities, and therefore did not identify in their declaration to the Secretariat. Furthermore, the Secretariat has assisted a number of States Parties in improving their national capacities to identify their declarable facilities and to prepare their respective declarations, through technical assistance visits, on-site support for National Authorities, support for national awareness activities, and other means. Some of these activities have been conducted jointly with experts from States Parties who have had practical experience to share.

- 2.11 This situation may be indicative of the need for some States Parties to strengthen their legal and/or administrative capacities to implement the Convention. The Secretariat remains available to render to such States Parties the assistance they need to prepare their initial declarations for submission to the OPCW.

Annual Declarations

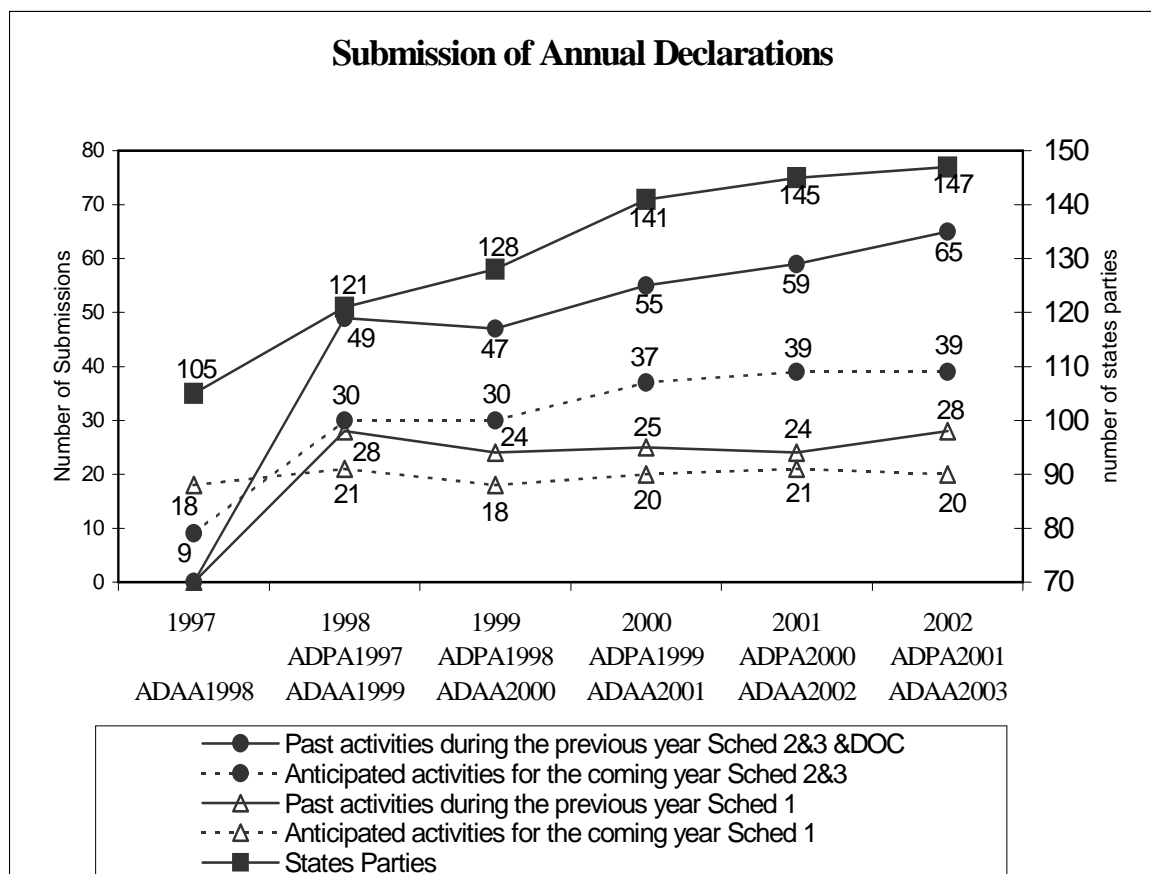
Declaration requirements

- 2.12 Annual declarations under Article VI on activities anticipated during the following year (ADAA) and on past activities during the previous year (ADPA) are required to be submitted every year within the timelines specified in Parts VI, VII, and VIII of the Verification Annex, respectively. Annual declarations on Schedule 1 facilities cover projected activities and anticipated production at such facilities for the coming year. In addition to the ADAA, any declarable activity additionally planned involving Schedule 2 or Schedule 3 chemicals after the submission of the ADAA would have to be declared not later than five days before this activity begins. In relation to facilities declared under Part IX of the Verification Annex, States Parties need annually to provide the information necessary to update the list of OPCFs they have submitted in their initial declaration.

Timelines/rate of submission of annual declarations

- 2.13 In the period from 1998 through 2002, the number of States Parties that submitted ADPA regarding transfers of Schedule 1 chemicals and activities at Schedule 1 facilities, pursuant to paragraphs 6, 15, and 19 of Part VI, Verification Annex, varied between 24 and 28. During the same period, the number of States Parties providing their annual declarations on projected activities and anticipated production at Schedule 1 facilities, pursuant to paragraphs 16 and 20, Part VI, VA, fluctuated around the figure of 20.
- 2.14 The number of States Parties that submitted ADPA regarding Schedule 2 and/or Schedule 3 and/or other chemicals (paragraphs 4, respectively, of Parts VII and VIII of the Verification Annex, and paragraph 3, Part IX of the Verification Annex), and ADAA regarding Schedule 2 and/or Schedule 3 (paragraphs 4, respectively, of Parts VII and VIII, Verification Annex), increased steadily during the period under review, in step with the growth of membership of the Organisation, but remained significantly lower than the number of submissions on past activities. A small number of States Parties submitted their annual declarations stating that they had no declarable activity (sometimes called “nil” declarations).

2.15 The chart below illustrates the pattern of submission⁴ of annual declarations by the States Parties each year during the period between EIF till 31 December 2002.



“Nil” declarations

2.16 The pattern of submission of annual declarations in the period from EIF till 31 December 2002 revealed that only a very few of the State Parties interpreted Article VI of the Convention to mean that States Parties are required to submit declarations for previously-declared facilities that did not in a given year produce, process, or consume scheduled chemicals above the declaration or are anticipated to do so in the following year (so-called “nil declarations”). The absence of such information from the States Parties has created an uncertain situation, wherein the Secretariat finds it difficult to accurately monitor the declaration data and to plan inspections. Such a situation will affect the accuracy of the information that is provided by the Secretariat to the Council from time to time, as indicated below.

⁴ The figures in this chart are taken from the annual reports of the Organisation or the Verification Implementation Reports provided by the Secretariat. These do not include the submissions received after the “cut-off” dates of these reports.

- 2.17 As of 31 December 2002, while 133 States Parties had submitted initial declarations under Article VI of the Convention⁵; ADPA for 2001 had been provided by only 62 (or 47%) of the States Parties. At present, if a State Party does not submit an annual declaration or an annual update, as applicable under Article VI, particularly when industry activity/facility has previously been declared, it is usually due to one of the following reasons:
- (a) the absence of any declarable activity (“zero” level) at a previously declared facility, or its closure; or
 - (b) a decrease in the level of chemical activity below the declaration threshold (remaining above “zero” level) at a previously declared facility, which renders it non-declarable; or
 - (c) a delay in the submission of the declaration (or even non-submission of a declaration regarding declarable activities or facilities) caused by administrative or legislative problems.
- 2.18 The non-submission or late submission of an ADPA makes it difficult for the Secretariat to ascertain, on the basis of the declarations alone, the correct status of a previously declared facility, and can lead to uneven implementation of the verification provisions of the Convention. For example, in the case of Schedule 3 plant sites, the late submission of declarations can create an uncertain situation for the inspection planning process at the beginning of a calendar year, at which time it is unclear whether or not a facility remains inspectable. Such uncertain situations can also result in extensive and resource-consuming clarification attempts by the Secretariat and States Parties concerned.
- 2.19 For these reasons, a declaration indicating the absence of declarable activities (i.e. a “nil declaration”) would be particularly useful both to States Parties and the Secretariat in the two cases described in subparagraphs 2.17(a) and 2.17(b) above. In the case mentioned in subparagraph 2.17(c), a timely communication from the State Party concerned, which would warn the Secretariat that the declaration will arrive late, could facilitate a better understanding of the actual situation. It should be noted that the Conference has already recognised⁶ the usefulness of the submission of “nil declarations”, when Schedule 2 of Schedule 3 plants or plant sites that have previously been declared cease to engage in activities which are declarable. Thus far, the issue has been addressed only on a “voluntary” basis.

Incomplete annual declarations

- 2.20 The pattern of submission of annual declarations during the period under review indicated that the declarations that were submitted did not always contain complete information as required by the Convention. Although most States Parties were guided by the Declaration Handbook and used its declaration forms, the whole set of

⁵ As of 31 December 2002, initial declarations had been provided by 142 (out of 147) States Parties, nine of which had yet to submit their declarations under Article VI.

⁶ Ref.: Decision C-I/DEC.38, dated 16 May 1997.

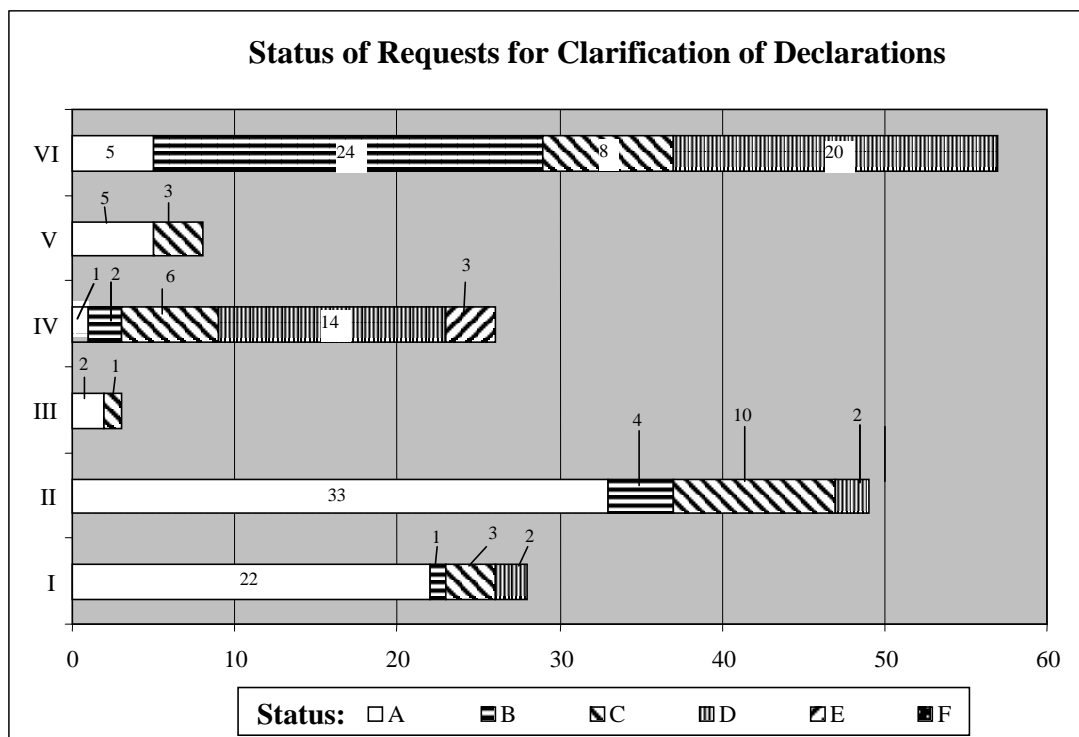
declaration requirements described therein often appeared to be rather complex, and thus sometimes posed problems. As a result, while some of the data required by the Convention were not declared at all, other relevant data found in declarations often remained ambiguous. This was particularly the case when national criteria used by States Parties to aggregate/select declared information were not specified in the declaration. The data monitoring and analysis of declarable activities for the purpose of reporting to the Council were thus affected by a lack of precision and completeness in the information from annual declarations submitted by States Parties.

- 2.21 It is important that the States Parties and the Secretariat continue to harmonise their approaches to annual declarations and develop more standardised practices. This could be reflected in a further revision of the Declaration Handbook, which could also be improved by making it more user-friendly. At the end of 2002, States Parties were engaged in informal consultations to resolve this issue. Other measures to facilitate this process could include the development of standardised electronic tools for the preparation and submission of declarations; the introduction of guidelines for the submission of amendments to declarations in the Declaration Handbook; additional declaration training for National Authority personnel; and continued on-site assistance for the preparation of annual declarations. Specific proposals have been put forward by some of the States Parties, and informal consultations on some of the issues have already started in 2002.

Clarification of declarations

- 2.22 During the period under review, the Secretariat gradually introduced the practice of requesting the National Authorities to clarify information that was submitted through their declarations. The purpose of the clarification requests is to ensure that the declaration data used by the Secretariat for verification purposes contains no significant omissions, ambiguities, or inconsistencies. The practice of seeking such clarifications became more systematic in 2000 and 2001.
- 2.23 In 2000, the Secretariat had sent 208 clarification requests addressed to 101 States Parties, requesting them to submit clarifications on the information provided by them in their declarations. One hundred fifty-eight such requests were submitted to 99 States Parties in 2001. In 2002, the Secretariat sent a total 171 requests for clarification to 92 States Parties. Sixty eight (or 40%) of the requests that were prepared were fully clarified, while another 31 (or 18%) of them had been partially addressed. Only 41 (or 24%) of all requests from 2002 remained either unanswered or uncollected for more than 60 days. This represented a significant improvement in the process of clarification.

2.24 The chart below gives the breakdown of the clarification requests and provides information on the status (A-F) of such clarification requests forwarded to States Parties, the nature of responses received, and the time taken for States Parties to respond.⁷



2.25 Twenty-eight (or 16%) of the clarification requests prepared by the Secretariat in 2002 were reminders about overdue declarations (Category I), i.e. cases where declarations were either submitted late or were not submitted at all. This category consists of 24 requests for annual declarations and four for initial declarations. In 2002, only two (or 7%) of the requests in that year remained unanswered in writing after more than 60 days from the date on which they were collected.

2.26 Forty-nine (or 29%) of the requests prepared in 2002 contained either unclear or incomplete declaration data, both of which affect the planning or conduct of inspections (Category II). In 2002, the Secretariat requested four clarifications in relation to CW declarations. The remaining 45 requests made in 2002 were related to

⁷ The six status of requests are defined as follows: (A) Requests fully clarified, i.e. all matters raised in the request had been clarified in writing by State Parties concerned; (B) Requests partially clarified, i.e. some of the matters raised in the request have been clarified in writing by State Parties concerned; (C): requests to which any response in writing is pending; however less than 60 days have elapsed since an accredited representatives of the State Parties concerned received the request; (D): requests that have elicited no written response 60 days after their collection by accredited representatives of the State Parties concerned; (E): requests awaiting collection by accredited representatives after the Secretariat sent a written notification to the State Parties concerned; and (F): requests awaiting collection by accredited representatives after more than 6 months after the Secretariat has sent a written notification to States parties concerned.

plant site declarations under Article VI, which resulted from incomplete data, ambiguities in chemical identification, lack of clarity in descriptions of the purpose of production, or other unclear declaration data. As with Category I, complete responses to such requests for clarification are of central importance to the inspection-planning process, particularly while determining the inspectability of the declared plant sites and the data to be verified during inspections. In 2002, only two (or four percent) of the requests had received no written response, more than 60 days after being collected.

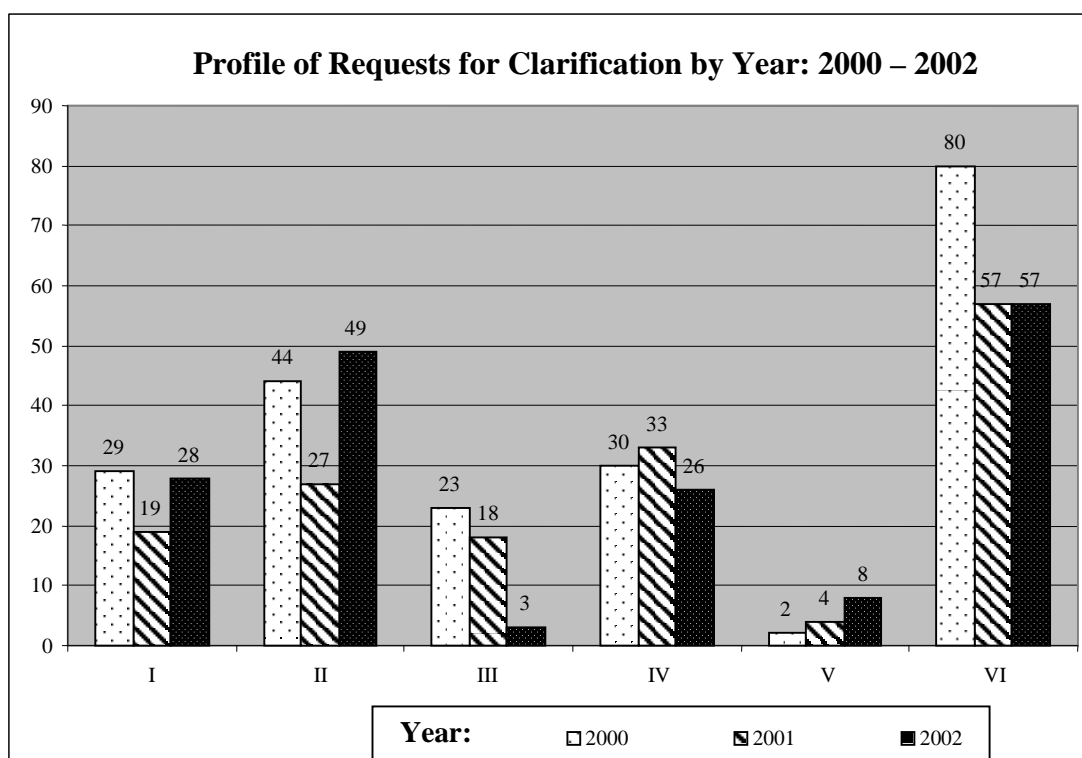
- 2.27 In total, 77 Category I and II requests (or 45%) of all requests for clarification in 2002 had a negative impact on verification activities. The late submission of declarations on the part of some State Parties created an undue disadvantage for those States Parties that had provided their declarations on time, because their Schedule 3 and DOC/PSF facilities had a higher chance of being selected for inspection. By the same token, the submission of ambiguous data or incomplete forms in declarations may have lead to a situation where an inspectable plant site might be inspected late or not at all. Such submissions might also have the opposite effect – a non-inspectable plant site can be selected for inspection.
- 2.28 Three (or two percent) of the clarification requests made in 2002 were related to Category III declarations. The matters raised by the Secretariat in relation to these requests involved declarations of riot control agents. In 2002, two of the States Parties concerned responded to the clarification requests by amending their declarations, while the response of the third State Party was still pending at the end of 2002.
- 2.29 Twenty-six (or 15%) of the clarification requests in 2002 belonged to Category IV declarations; discrepancies were noted between the declaration data submitted by exporting and importing States Parties. In some cases, information pertaining to transfers amongst States Parties or exports and/or imports were not included in the annual declarations submitted by States Parties. This dimension of the declaration process acquires an increasing significance in the light of the growing need for States Parties to enact national measures to ensure that transfers of all scheduled chemicals are fully accounted for, and that the international trade in such chemicals is strictly controlled.
- 2.30 In 2002, as in the previous years, the responses to Category IV clarification requests remained relatively low. Seventeen (or 65%) of these requests had received no response in writing more than 60 days after the issuance of the request. The Secretariat believes that the information provided by submission of export/import-related declarations to the Secretariat may be further improved with the implementation of the decision of the Conference taken at its Seventh Session (C-7/DEC.14, dated 10 October 2002) on guidelines regarding declarations of AND for the production, processing, import and export of Schedule 2 chemicals, and the import and export of Schedule 3 chemicals.
- 2.31 Eight (or five percent) of the requests for clarification in 2002 dealt with a lack of clarity with regard to the declared AND (Category V); this was in addition to the requests for clarification in relation to the reconciliation of export and import data

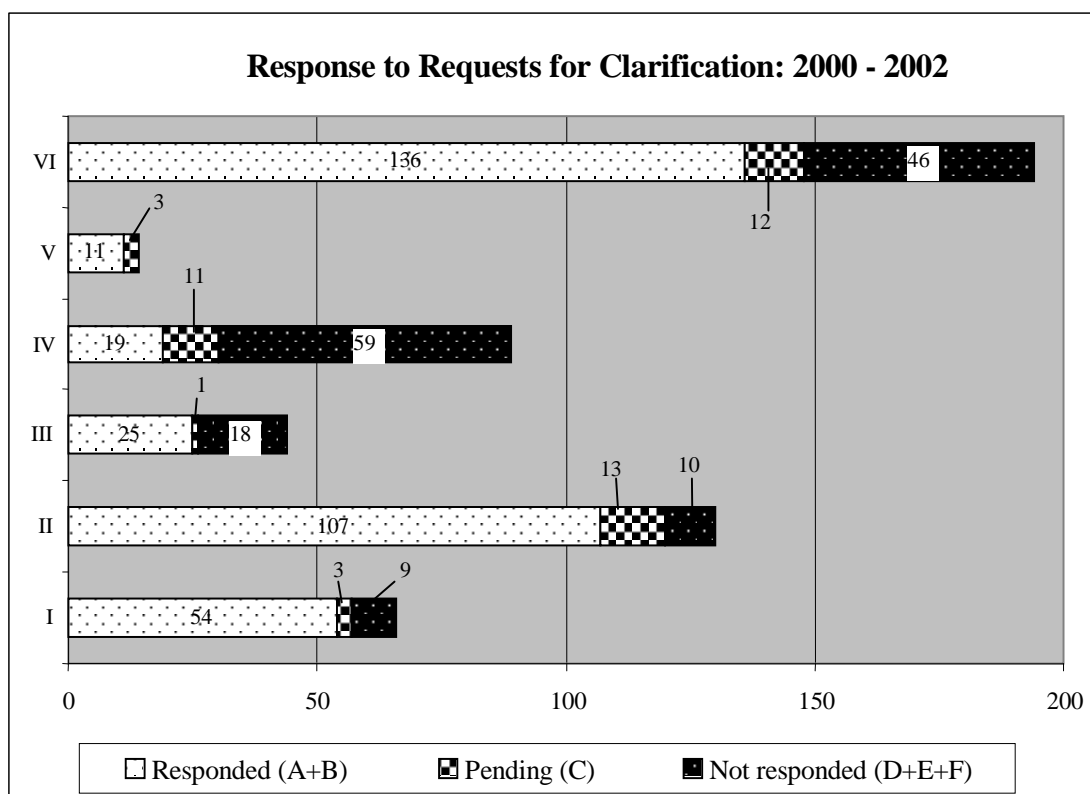
(Categories IV and VI). In 2002, five requests were fully clarified, while no responses were received for the remaining three requests by the end of 2002.

- 2.32 Fifty-seven (or 33%) of the requests prepared in 2002 related to export/import discrepancies in declarations (Category VI). These requests resulted from differences of at least 20% observed from the declarations received on exports of scheduled chemicals and the corresponding declarations received on imports by States Parties. Both the importing and the exporting States Parties were requested to clarify the origin of those discrepancies through bilateral consultations. In 2002, 20 (or 35%) of these requests had received no response from the States Parties concerned, even after 60 days had passed since the requests were collected.

Clarification requests in 2000-2002

- 2.33 Since the beginning of 2000, when the Secretariat systematically began to request clarification on declaration-related matters, a total 537 requests were sent to 124 States Parties. The first of the following two charts depicts the changing profile of the clarification requests during the period from 2000 until the end of 2002, for each of the six categories of requests defined in paragraphs 2.27 through 2.32 above. The second chart illustrates the responses received from States Parties on the clarification requests issued in the same period. The numbers of such requests have been categorised in three groups: requests responded to (status A and B), requests pending a response (status C), and requests which have not received a response (status D, E and F).





- 2.34 Many clarification requests during the period 2000–2002 resulted either from the non-submission of declaration information on transfers of scheduled chemicals or from discrepancies between the transfer declarations of exporting and receiving States Parties (Categories IV and VI). The remaining requests mainly addressed the outstanding declaration-related issues that had an impact on the planning and conduct of inspections (Categories I and II), although a few of these requests involved those issues that did not bear direct affect on the conduct of inspection activities (Categories III and V).
- 2.35 Three hundred and fifty-two (or 66%) of the requests that were prepared during the period 2000–2002, had been fully or partially clarified by the States Parties concerned (status A and B). Forty-three (or eight percent) of the requests were still awaiting a response from the States Parties at the end of the 2002 (status C). One hundred and forty-two (or 26%) of the requests received no response from the States Parties concerned, even after more than 60 days had passed since the requests had been collected (status D, E, and F).
- 2.36 The Secretariat noted that in general, the responses to the requests prepared for clarification of declaration-related information had improved towards the end of 2002. The Secretariat noted that full or partial clarification to unclear declaration-related information were received in 52% (192 of 366) of the cases in 2001, while in the year 2002, responses from States Parties to such requests increased to 66% (352 of 537) of all the requests made.

- 2.37 In the view of the Secretariat, further improvements to the existing clarification practices should be introduced to facilitate the operation of the verification regime; this would require the active cooperation by all the parties concerned. Such improvements may involve more regular clarification-related discussions with the States Parties concerned, in order to identify and review any problems associated with their declarations and to agree to some timeframes in which the Secretariat would receive responses to its requests for clarification.⁸

Identification of chemicals in declarations

- 2.38 The Convention requires that the States Parties identify the chemicals declared in their Article VI declarations by their chemical names, the common or trade names used by the facility, their structural formulae, and their Chemical Abstract Service (CAS) registry numbers, if these have been assigned. Many of these declarations provided neither the CAS registry numbers nor the structural formulae of the chemicals that had been declared (approximately 500 per annum). Some of the chemicals had only been identified by a reference being given to the respective group of chemicals listed in the Annex on Chemicals. In other cases, States Parties used only the CAS registry numbers to identify their declared chemicals. As a result, considerable time and resources were spent by the Secretariat to validate which chemicals had actually been declared. Furthermore, numerous clarification requests had to be processed. A more standardised approach would be cost effective and would increase the clarity of declaration data.
- 2.39 The Secretariat will continue to assist interested States Parties in identifying the chemicals that need to be declared in their annual declarations. To that end, the Handbook on Chemicals containing the nomenclature information for relevant scheduled chemicals will continue to be maintained.

Declaration data monitoring

- 2.40 The issue of data monitoring for verification purposes includes certain important aspects that could be addressed by both States Parties and by the Secretariat. States Parties may wish to review questions such as: (a) the utility of different types of declaration data (the facility, the plant site, and the AND) for verification purposes and the resources that the Secretariat should allocate to process, validate, and evaluate these different types of data; (b) options to increase the utility of the declared data; (c) tools, including electronic means, that the Secretariat should further develop to facilitate declaration data submission, processing, validation, and evaluation, as well how and in what formats the Secretariat may provide the relevant declaration data to States Parties, if requested to do so.
- 2.41 During this review conference, the States Parties may also wish to note that data monitoring is the only means available to the Secretariat to address verification of chemical activities for purposes not prohibited under the Convention, particularly in those States Parties that have no inspectable facilities (which at present is nearly

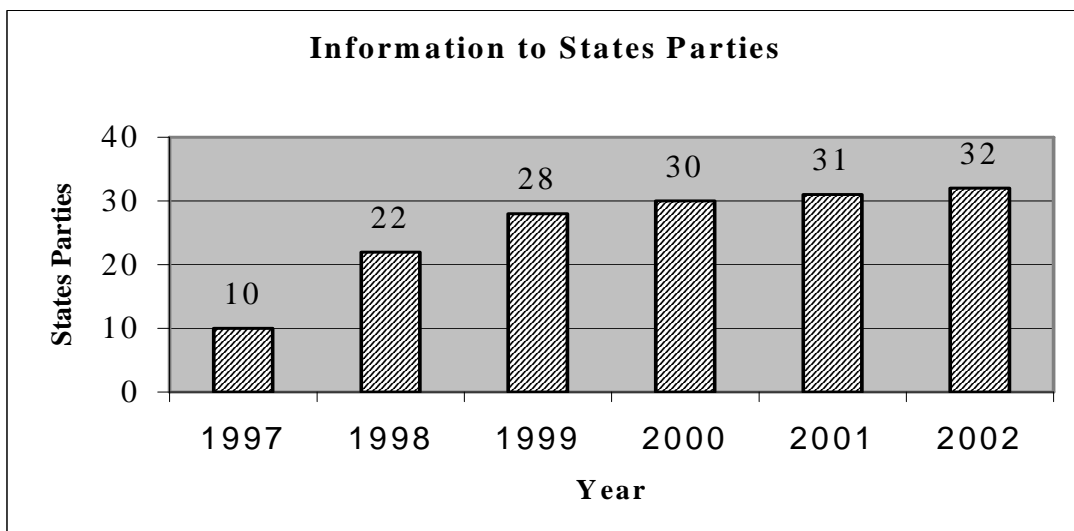
⁸ Ref.: draft decision EC/26/DEC/CRP.2, dated 27 June 2001.

two-thirds of all States Parties), or in those States Parties that have declared inspectable facilities, but which have not as yet been inspected.

Provision of information to the States Parties

2.42 From EIF till 31 December 2002, the Secretariat, using the declarations it had received, had routinely provided relevant information to those States Parties that had requested such information, in accordance with subparagraph 2(b)(i) of the Confidentiality Annex. The number of States Parties that had received such information each year increased from 10 in 1997, to 32 in 2002. In total, thirty-five States Parties received such information during the period under review.

2.43 The chart below shows the increasing number of States Parties per year that have routinely received the relevant declaration-related information under subparagraph 2(b)(i) of the Confidentiality Annex for the period from EIF till 31 December 2002. Three more States Parties had only occasionally requested that the Secretariat provide them with declaration-related information.



3. CHEMICAL WEAPONS

Declarations with respect to Article III, subparagraph 1(a), and Article IV of the Convention

Initial declarations

- 3.1 Pursuant to subparagraph 1(a) of Article III of the Convention, not later than 30 days after its EIF for each State Party, the State Party is required to declare whether it owns or possesses any CW, or whether there are any CW located in any place under its jurisdiction or control; to submit information on such CW in accordance with paragraphs 1 to 3 of Part IV(A) of the Verification Annex; and to provide its general plan for destruction of the CW that it owns or possesses, or that are located in any place under its jurisdiction or control.
- 3.2 During the period under review, five States Parties – Albania, India, the Russian Federation, the United States of America, and one other State Party – declared possession of CW. A total of, 69,883 tonnes of chemical agents of 16 types, including mixtures, were declared; these were held in 8,212,424 filled munitions and containers. In addition, 412,695 unfilled munitions, devices, and equipment were also declared. Nerve agents constituted 63% of the total amount of declared CW agents (VX (28%), sarin (22%), and soman (13%)), while blister agents (mustard gas, lewisite, etc.) constituted another 35%. The remaining two percent consisted of Category 1 binary components, Category 2 CW, and toxic waste. All CW possessor States Parties complied with the requirement to submit their initial declaration within 30 days after the Convention entered into force for them.
- 3.3 Since the EIF of the Convention, four States Parties – India, the Russian Federation, the United States of America, and one other State Party– periodically supplemented the data submitted in their initial declarations, providing information on changes in quantity and category of CW, as well as changes in nominal or actual fill weight of CW, as more precise data became available. These revisions were attributed to internal data reviews, continued inventory checks, the discovery of additional items following the submission of initial declarations; and the results of verification activities, including on-site inspections. Inspection teams, through systematic inspections, have subsequently verified these amendments.

Munitions devices, and equipment

- 3.4 States Parties have decided not to further pursue a common understanding of the terms “munitions and devices” and “equipment” as defined in subparagraphs 1(b) and 1(c) of Article II of the Convention. Instead, they requested that the Secretariat analyse the declarations that had been submitted, and that it compile a list of illustrative, non-exhaustive examples of CW that met the definitions in subparagraphs 1(b) and 1(c) of Article II (C-III/DEC.13, dated 20 November 1998). Based upon the experience gained during the implementation of the Convention during the past five years, the Secretariat discussed and, on a bilateral basis, resolved most of the issues pertaining to the classification of declared CW as “munitions, devices and equipment” directly with the CW possessor States Parties.

Chemical weapons storage facilities (CWSFs)

- 3.5 As of 31 December 2002, initial declarations indicated that all declared CW had been stored at 33 CWSFs. All these declared CWSFs have received initial inspections after the submission of their declarations. The Secretariat had confirmed that the entire stock of CW had been removed for destruction from two declared CWSFs in the United States of America – from USACAP, from Johnston Atoll in 2001, and from building 50-910 at Pine Bluff, Arkansas, in 1998. Hence the systematic verification measures at these facilities had ceased. The United States of America had also re-declared one of its CWSFs as a temporary holding area at a CWDF. As of 31 December 2002, a total of 30 CWSFs remained subject to systematic verification.
- 3.6 Since the completion of initial inspections, all declared CWSFs have been re-inspected on an average of five to six times. During both initial and subsequent inspections, inspection teams performed a physical inventory of all the declared CW. Based on the results of these inspections, the Secretariat was in a position to confirm that the declared quantities of CW were consistent with the data gathered during the inventories conducted by inspection teams. Consequently, there were no indications that CW had been removed from CWSFs, other than their removal to CWDFs for destruction or the removal of Schedule 1 chemicals, in accordance with Part VI, Section A, paragraph 2(d) of the Verification Annex.

Outstanding inspection issues resolved

- 3.7 Tagging of munitions: Three States Parties (the Russian Federation, the United States of America, and one other State Party) initially imposed unilateral restrictions on the number of declared items that could be tagged at declared CWSFs for subsequent sampling and analysis at the facility. Seeking consistency in its approach to all CW possessor States Parties, the Secretariat proposed a uniform approach to the issue of determining the total number of tags that would need to be applied at each declared CWSF and that would be sufficient for verification purposes. The Secretariat's approach in each of the three States Parties mentioned above was based on the formula: "three tags per type of munitions and per type of agent fill in each storage bunker". This approach has been incorporated in several tagging agreements of the Secretariat with the States Parties concerned. As of 31 December 2002, the placement of additional tags has been completed at most of the CWSFs, pursuant to the tagging agreements reached.
- 3.8 Non-declared items: During the initial and subsequent inspections at some CWSFs in three States Parties, the inspection teams came across a number of non-declared items, including empty or contaminated CW containers, stimulant-filled or training munitions, drained munitions, dual-use fuses and firing tubes, and parts of mobile filling stations, which in the view of the Secretariat should have been declared as CW. A similar problem has emerged with regard to some buildings within the declared CWSF perimeter in cases when access to the facility was not initially provided to the inspection team. The following solutions with regard to these matters have been agreed and implemented:

- (a) it was agreed with one State Party that one-ton containers believed not to contain any CW agent would either be opened on a random basis in accordance with agreed quotas to verify the absence of toxic chemicals in them, or would be tagged for future verification;
- (b) demonstrations of non-declared dual-use items, along with the review of technical documentation, have been conducted in two States Parties to confirm the dual-use designation of the items concerned; and
- (c) the State Party concerned agreed to destroy all the training and practice rockets, which would be destroyed under the transparency measures as agreed with the Secretariat. The inspection teams have confirmed that all such items that have been previously observed at the CWSFs were either moved to a CWDF for destruction or were confirmed as destroyed in-situ. The issue has thus been closed and the agreed solutions are being implemented facility by facility.

3.9 Accountability of chemical agent in bulk containers: During the initial and systematic inspections at CWSFs in United States of America, the actual quantities of the chemical agent in bulk containers could not be verified, because the inspected State Party, for safety reasons, did not permit such containers to be weighed. An agreement has been reached with the United States of America on an alternative approach to measure the agent fill, by using NDE/UPE equipment to measure the liquid fill levels during the destruction process of the containers at times when the inspection team can observe the readings of gross container weights measured by the facility as part of their destruction accounting. These measures were successfully implemented during subsequent systematic inspections at CWSFs and during the continuous monitoring of destruction operations in the United States of America.

3.10 States Parties have reported to the Secretariat the information pertaining to the standard maintenance activities that are undertaken at CWSFs. These activities include safety monitoring, physical security, and preparation of CW for destruction. In addition, information was also provided on the relocation of CW from one storage bunker to another one. A small number of leaking or corroded CW or bulk containers had to be destroyed/treated or reloaded at a CWSF for safety reasons in two States Parties – India and the Russian Federation. Such operations, which were notified to the Secretariat in advance, were verified by inspection teams through continuous monitoring or – in cases when the number of such munitions was very small – through the verification of records and remnants of items destroyed during subsequent inspections.

Destruction of CW and verification of destruction under Article IV and Part IV(A) of the Verification Annex

Destruction plans

Timelines for destruction

- 3.11 The Convention requires each State Party to destroy one percent of its Category 1 CW not later than three years after EIF. Twenty percent of such weapons must be destroyed within five years; 45% in seven years; and the entire stockpile by 29 April 2007. The destruction of Category 2 and Category 3 CW needs to be completed by 29 April 2002.
- 3.12 The order of CW destruction stipulated in the Convention correlates to the date of EIF of the Convention. At the same time, detailed plans for, and reports on, the destruction of CW are required to be submitted before and after each annual destruction period. The Convention does not define the term “annual destruction period”. India, the Russian Federation, and one other State Party submit their annual plans and reports for an annual destruction period that begins on 29 April of the current year to 28 April of the following year. The United States of America submits its destruction plans and reports on an annual destruction period that corresponds to a calendar year. Since the destruction deadlines correlate with the anniversary of the EIF, the different annual destruction periods used by the four possessors for submission of their annual plans and reports initially led to some difficulties in monitoring the progress of CW destruction. The Secretariat has noted this difference and has, accordingly, planned its activities in to take note of this fact.

General plans for destruction

- 3.13 Pursuant to paragraph 1(a)(v), Article III and paragraph 6, Part IV(A) of the Verification Annex, the United States of America, the Russian Federation, India, and one other State Party have submitted their general plans for destruction within 30 days of EIF of the Convention. These plans provided an overview of their national CW destruction programmes and formed the basis for long and medium-term inspection plans by the Secretariat. In addition, the destruction plans have also facilitated the assessment of the general conformity of the destruction campaigns with the timelines and other provisions of the Convention.
- 3.14 Initially, these four possessor States Parties planned to destroy their CW at 42 CWDFs located in their territories. During the period under review, a total of fifteen destruction facilities were operational at various points in time – one in India, one in a State Party, six in the Russian Federation, and seven in the United States of America. Systematic verification of CW destruction was performed in accordance with the provisions of Part IV(A) of the Verification Annex, and the inspection mandates were issued in the physical presence of inspectors at the site, who monitored the destruction process with on-site instruments. The inspection teams were able to confirm the specific types and quantities of CW destroyed, that no CW had been diverted, and that the destruction process had been completed.

- 3.15 The following table provides the details of the quantities of CW that were planned to be destroyed in accordance with the general plans for destruction submitted, and those actually destroyed since EIF of the Convention in the four CW possessor States Parties.

State Party/Year	Quantity Planned to Be Destroyed (%)	Quantity Destroyed (%)
A State Party		
1999-2000	1.16	1.08
2000-2001	9.48	0
2001-2002	9.48	3.85
2002-2003	20.46	15.84
Sub-total	40.58	20.77
India		
1999-2000	1.05	3.00
2000-2001	6.70	14.54
2001-2002	12.26	12.72
2002-2003	9.57	9.67
Sub-total	29.58	39.93
Russian Federation		
1999-2000	0.02	0
2000-2001	0.27	0
2001-2002	6.38	0
2002-2003	1.55	0.00034
Sub-total	8.22	0
United States of America		
1997	5.92	3.15
1998	12.42	5.89
1999	2.61	5.19
2000	1.63	4.91
2001	7.42	2.49
2002	3.94	1.26
Sub-total	33.94	22.89

- 3.16 The differences of indicating CW destruction accomplishments for three States Parties for a period between two years, versus the same for the destruction accomplished during one calendar year for the United States of America, reflects the different approaches they have chosen with regard to reporting on CW destruction. The three States Parties chose the destruction period from the date of EIF of the Convention, while the United States of America chose the calendar year.

Detailed annual plans for destruction:

- 3.17 Pursuant to paragraph 7(a), Article IV and paragraph 29 of Part IV(A) of the Verification Annex, each possessor State Party is required to submit its detailed annual plan for destruction of CW not later than 60 days before each annual destruction period begins. While the general plan for destruction is important for the purposes of the long- and medium-term planning of the Secretariat, the detailed annual plan facilitates the development of short-term inspection plans. The latter plans have been received in a timely manner from all four possessor States Parties.
- 3.18 The Convention provides for a review and approval of the agreed detailed plans for verification of destruction activities by the Council. The Convention also requires that the Council complete its review not less than 180 days before the destruction period begins. On a few occasions, this requirement was not met, either due to late submission of respective detailed destruction plans by the States Parties concerned, or because the review process required an extended period of time, since no consensus could be reached on some of the issues involved.
- 3.19 In two instances, the destruction process was started and completed without the approval of the agreed plans for destruction by the Council (e.g. Category 2 CW destruction at the Perm destruction facility in the Russian Federation and Category 3 CW destruction at the Pine Bluff Chemical Activity, a CWDF in the United States of America). In these circumstances, the Secretariat relied, for verification purposes, on the draft agreed detailed plans submitted for verification, which had been developed together with the State Party concerned. The Council was informed of this course of action, and no objections to it were raised.
- 3.20 In another case, the destruction of Category 3 CW in the Russian Federation commenced in 2000 without the submission of any destruction plans to the Secretariat. At the request of the Secretariat, this destruction was, however, immediately suspended. A meeting of the Council was convened at short notice to consider the situation. The destruction activities were resumed only after an inspection team had arrived on site to verify the Category 3 destruction process.
- 3.21 All possessor States Parties have succeeded in destroying 100% of their Category 2 and Category 3 CW. However, they have achieved a mixed record of success in meeting their Category 1 destruction goals, as envisioned in their annual destruction plans. Frequent changes during the implementation of the annual destruction plans have had an adverse impact on the short-term inspection planning of the Secretariat, as well as on the estimates of the cost of inspections conducted under Articles IV and V of the Convention.

Progress on CW destruction

- 3.22 As of 31 December 2002, inspection teams have confirmed the destruction, in total, of the following CW in four of the five declared possessor States Parties. The details (by category) are provided below:

- (a) Category 1 CW – 6319.817 metric tonnes of unitary CW (including 140.712 tonnes of CW agents destroyed by the United States of America since EIF, but prior to the commencement of on-site monitoring and verification) that included the nerve agents VX, GA (tabun), and GB (sarin), and the blister agent HD (mustard gas), contained in 1,116,197 munitions items and bulk containers, 68.881 tonnes of key binary components, 514.645 tonnes of other binary components, and 356,132 binary items (artillery projectiles), canisters, and nine other binary containers;
- (b) Category 2 CW – 265.212 metric tonnes of thiodiglycol, 2-chloroethanol, and phosgene; and
- (c) Category 3 CW – 412,704 items of Category 3 CW (unfilled munitions, devices, and specifically designed equipment).

Destruction of Category 1 CW

- 3.23 The United States of America had commenced destruction of its Category 1 CW before the Convention entered into force for it. India, the United States of America, and another State Party met the Convention's requirement to destroy one percent of their CW stockpile by 29 April 2000. India and the United States of America also complied with the second CWC timeline – to destroy 20% of their CW by 29 April 2002.
- 3.24 Destruction of Category 1 CW in the Russian Federation lags behind the timetable set out in the Convention. In 2001, Russia requested a five-year extension for it to complete its destruction of all its Category 1 CW (along with an extension of all the intermediate timelines). Similarly, another State Party was not able to destroy 20% of its Category 1 CW by 29 April 2002, and requested an extension, as required under the Convention. Both States Parties submitted their revised general plans for destruction that reflected these new realities.
- 3.25 The Russian Federation submitted its revised destruction schedule indicating that it planned to destroy one percent of its CW by 29 April 2003; 20% by 2007; 45% by 2009; and 100% by 29 April 2012. In accordance with the revised general plan for destruction submitted in 2001, and in accordance with additional information submitted subsequently, the Russian Federation is now planning to operate three separate CWDFs for the destruction of Category 1 CW located at Gorny, Kambarka, and Shchuchye, respectively, instead of seven such facilities, as previously planned. The revised plan envisages that, should international financial assistance to increase the destruction capacity of the Shchuchye destruction facility not be forthcoming, the Russian Federation will also build three additional facilities to destroy CW and to detoxify chemical agents at Leonidovka, Maradykovsky, and Pochep, respectively. The Russian Federation's plan to start destruction operations at Gorny in the first quarter of 2002 were cancelled and were rescheduled for December 2002. In fact, the destruction of Category 1 CW at Gorny started on 19 December 2002.
- 3.26 As of 31 December 2002, another State Party completed the destruction of more than 20% of its declared stockpile, thus meeting the Phase 2 destruction requirement with

some delay, but within the timeframes established by the Council decision that granted the requested extension. This State Party plans to destroy 45% of its Category 1 CW before 29 April 2004 and complete its destruction before 29 April 2007.

Destruction of Category 2 CW

- 3.27 Two States Parties – India and the Russian Federation – have declared Category 2 CW.
- 3.28 India has completed the destruction of one of its declared Category 2 CW agents in 2001. It has also declared its intention to retain the remaining amount of unscheduled chemical, 2-chloroethanol, declared as a Category 2 CW, beyond the established timeline (29 April 2002), due to its need to use it as a solvent during the destruction of its remaining Category 1 CW. The remaining quantities of this chemical will be subject to verification during systematic inspections.
- 3.29 The Russian Federation has carried out the destruction of its Category 2 CW in two phases. On 27 September 2001, the Russian Federation completed the demilitarisation of the declared Category 2 CW phosgene-filled artillery projectiles at the Shchuchye CWDF. Inspection teams had confirmed the identity of the declared agent, the reloading of 10.62 tonnes of phosgene from 3,844 projectiles into 40-litre industrial cylinders, and the irreversible mutilation of the decontaminated projectile bodies. The drained phosgene was then transferred to the Perm subsidiary “Prikladnaya Khimiya” Research Centre, and irreversibly destroyed under continuous monitoring by inspection teams. Russian Federation completed destruction of its Category 2 CW in March 2002, in accordance with the requirements of the Convention.

Destruction of Category 3 CW

- 3.30 All CW possessor States Parties completed the destruction of their Category 3 CW stockpile within five years after EIF.
- 3.31 As of 31 December 2001, India, the Russian Federation, and a State Party that had declared their Category 3 CW stockpile, had completed the destruction of all Category 3 CW in advance of 29 April 2002, under systematic verification by the Secretariat. As of the same date, the United States of America had destroyed more than 99% of their Category 3 CW and had completed full destruction as of March 2002.
- 3.32 The Secretariat has verified that by mid November 2001, the entire stockpile of Category 3 CW in the Russian Federation had been destroyed. Almost 280,000 powder and burster charges were destroyed at Category 3 CW destruction facilities in Leonidovka, Maradykovsky, Pochep, and Seltso in October and November of that year. The destruction of more than 4,300 unfilled munitions and devices – including spray tanks of the most recent Soviet designs – was also verified at two destruction facilities in Leonidovka and Pochep.

Chemical weapons destruction facilities

- 3.33 CW destruction was carried out at specifically designated, appropriately designed and equipped facilities. The systematic verification measures at the declared CWDFs covered the destruction of assembled unitary CW (artillery projectiles, mortars, air bombs, rockets, rocket warheads, spray tanks and others), CW agents stored in bulks (containers, drums), binary munitions and components, and non-stockpiled materials (recovered munitions). Based on the notifications received from the States Parties, inspection teams verified the draining and detoxification of agents from hazardous/leaking munitions at three CW storage facilities in the Russian Federation, and the emergency destruction of recovered CW munitions in the United States of America.
- 3.34 In November 2000, the Johnston Atoll Chemical Agent Disposal Facility in the United States of America was the first continuously operating CWDF to complete its destruction operations after EIF of the Convention. This significant milestone was confirmed by the OPCW, which also confirmed the completion of the binary munitions destruction campaign at a non-continuously operating CWDF at Hawthorne, United States of America, in August 1999.
- 3.35 A draft plan for inspecting the destruction of CW was elaborated by the Secretariat for each CW destruction facility, based on the requirements of the Convention, detailed facility information submitted to the Secretariat, the State Party's proposal regarding measures facilitating verification, and the results of the initial visit to the facility by the Secretariat. These plans were submitted for the consideration and approval of the Council. To develop agreed detailed plans for destruction, bilateral technical visits have been conducted in the case of Category 1 CW destruction in India and Category 3 CW destruction in the Russian Federation. As of 31 December 2002, a total six detailed agreed plans have been approved by the Council and have been implemented.
- 3.36 As destruction operations in possessor States Parties gather momentum, the requirements for monitoring the operations of destruction facilities will continue to increase substantially. The Secretariat and States Parties are currently exploring the possibility of new operational parameters to monitor CW destruction activities; this will ensure that confidence is maintained, thus enabling the Secretariat to meet its verification responsibilities with the resources it currently has available. The instrumental monitoring concept was already successfully applied at CWDFs in India and a State Party, as well as for the destruction of Category 2 and Category 3 CW in the Russian Federation. Discussions are continuing with the United States of America and the Russian Federation to apply similar monitoring concepts for large-scale, continuously operated CWDFs.
- 3.37 Since EIF in April 1997, a limited number of operating facilities in the United States of America (JACADS, TOCDF) have used incineration ("base-line") technology. The United States of America has scheduled two additional CWDFs that will be based on incineration technology, and that have yet to begin operations. Other CWDF designs are based on low-temperature, two-stage technologies that destroy CW agent in bulk. These CWDFs will require changes in verification methodology. The new large-scale

CW destruction facilities that will use low-temperature, two-stage technologies to destroy CW agent in bulk require changes in verification methodology, in order to take into account the basic hydrolysis operation, as well as the possibility of performing the hydrolysate post-treatment at industrial sites. One CW destruction facility using neutralisation started operating in 2002 in the Russian Federation (Gorny CWDF), and a further such facility commenced operations in early 2003 in the United States of America (Aberdeen Chemical Agent Disposal Facility).

- 3.38 The development and testing of low-temperature CW destruction technologies require the use of the agent, which may be withdrawn from the declared stockpile for such limited activities. The destruction of a limited amount of agent used for the purpose of development of new destruction technologies was verified by the Secretariat under Part IV(A) of the Verification Annex, in accordance with the relevant decision of the Council. This verification process was complemented by transparency measures proposed by the United States of America in relation to the hydrolysate consumption at the post-treatment prototype units (SCWQ, Biodegradation). This included spot check visits by inspection teams at the post-treatment facility in Corpus Christi, Texas.

Annual reports on CW destruction

- 3.39 Pursuant to paragraph 7(b), Article IV and paragraph 36, Part IV(A), of the Verification Annex, each possessor State Party is required annually to submit a declaration regarding the implementation of its plans for destruction of CW, including information in respect of the actual quantity of CW destroyed during the previous year at each destruction facility and, if applicable, stating the reasons for not meeting destruction goals.
- 3.40 During the period under review, all possessor States Parties provided their annual destruction reports in a timely manner. These reports have proved to be an extremely useful component of the verification process, allowing the data received from States Parties to be compared to the actual information obtained through on-site inspections. Additionally, annual destruction reports have also facilitated the Secretariat's accountancy verification for CW destroyed either during standard maintenance activities being carried out at CWSFs or in cases where they had to be destroyed in situ, for reasons of safety. The latter situation did not permit the Secretariat sufficient time to plan an on-site monitoring visit. In situations such as this, the States Parties concerned provided detailed documentation, including video records, to the Secretariat to facilitate verification of the destruction activities carried out at the site (e.g. discovery and in situ destruction of CW/OCW by Canada and the United States of America).

Facility agreements under Part IV (A) of the Verification Annex

- 3.41 Between EIF of the Convention and 31 December 2002, 28 CW storage facility agreements were approved by the Council. Two of these agreements covered CWSFs that have subsequently been closed. There are no CWSF facility agreements pending before the Council.

- 3.42 As of 31 December 2002, five transitional verification arrangements and six facility agreements for CW destruction facilities were approved by the Council, while two more draft facility agreements are pending before the Council for their approval, and three more are being discussed with the States Parties concerned.

OLD AND ABANDONED CHEMICAL WEAPONS

Declarations under Article III paragraph 1(b) of the Convention

- 3.43 Each State Party which has on its territory OCW as defined in Article II, subparagraph 5(a), i.e. CW that were produced before 1925, or as defined in subparagraph 5(b), i.e. CW produced in the period between 1925 and 1946, which have deteriorated to such an extent, that they can no longer be used as CW, shall, not later than 30 days after this Convention enters into force for it, submit to the Secretariat all available relevant information, including, to the extent possible, the location, type, quantity, and the present condition of these OCW.

Initial declarations

- 3.44 Nine States Parties – Belgium, Canada, France, Germany, Italy, Japan, Slovenia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America – have declared OCW on their territory. In addition, the United Kingdom of Great Britain and Northern Ireland declared OCW that had been produced between 1925 and 1946, and that had been stored at a United Kingdom base in Germany.
- 3.45 OCW are continuously being recovered from different locations in State Parties that have declared them. Pursuant to paragraph 4 of Part IV(B) of the Verification Annex, the States Parties concerned, during the period under review, provided information on a regular basis on new discoveries, changes in inventories, and recovery of OCW and ACW. It should be noted, however, that France has yet to provide to the Secretariat the reasons for the decrease in the inventory of OCW on its territory, or information regarding the steps being taken to destroy its OCW.
- 3.46 Three State Parties: China, Italy and Panama have submitted initial declarations of ACW pursuant to Article III of the Convention and Part IV(B) of the Verification Annex. China and Panama continue to submit declarations of new discoveries. Only one State Party, Japan, has submitted a declaration in relation to ACW on the territory of another State Party, China.
- 3.47 Part IV(B) of the Verification Annex stipulates that both the Territorial State Party (TSP) and the Abandoning State Party (ASP) shall submit all available relevant information concerning discovered ACW in their declarations, and shall begin consultations with a view to establishing an agreed plan for the destruction of the ACW. However, in certain cases, it was not possible for the TSP to establish the identity of the ASP or to determine the precise circumstances of the possible abandonment. Italy declared adamsite as ACW. As the identity of the ASP had not been established, Italy took it upon itself to destroy the adamsite, a process that is currently ongoing. Furthermore, the Secretariat is continuing to assess the situation in relation to ACW declared by Panama, and is seeking information from other States

Parties, with the aim of resolving the issue of possible abandonment and the ultimate goal of the destruction of these OCW in a timely fashion.

- 3.48 Pursuant to paragraph 9 of Part IV(B) of the Verification Annex, China has been submitting periodic declarations of new discoveries of CW abandoned on its territory. Similarly, Japan has also continued to provide to the Secretariat information of new discoveries of ACW in China.
- 3.49 Poland had made a declaration in relation to adamsite that the Secretariat interpreted as a declaration of ACW. The adamsite was considered by Poland to be an abandoned chemical and was destroyed as toxic waste. The Secretariat witnessed the destruction of the last batch of this amount of adamsite during a bilateral technical visit, which brought the issue to a close.

Verification of OCW and ACW

- 3.50 In accordance with Part IV(B), paragraph 11 of the Verification Annex, the Secretariat is required to conduct an initial inspection of the declared ACW and any further inspections as may be necessary. The Convention does not clearly define the role of the ASP during inspections carried out on the territory of the TSP. In the case of the Japanese CW declared as abandoned in China, the Secretariat has discussed this issue with both the States Parties concerned. In the absence of a bilateral agreement between the two States Parties, an arrangement has been reached with them regarding the conduct of ACW inspections in the TSP on the following basis:
- (a) the Secretariat will arrange to provide the ASP promptly with a copy of its notification to the TSP of an impending ACW inspection well in advance, to allow participation of ASP representatives in the inspection, if it so decides;
 - (b) both the ASP and TSP will receive the inspection mandate, and review and sign the Preliminary Factual Findings (PFF) Report prepared by the inspection team on-site; and
 - (c) the inspection team will include in the PFF report information on the presence of ASP representatives, as well as any information provided by them during the course of the inspection. Any additional information that is provided to the inspection team will constitute an amendment to the declarations, and such information will consequently be required to be formally submitted to the Secretariat as an amendment to the declaration by both the ASP and the TSP.
- 3.51 The Secretariat submitted to the Council, at its Eleventh Session, two reports (EC-XI/HP/TS.1, dated 17 August 1998; and EC-XI/R/TS.2, dated 28 August 1998) on initial inspections conducted at the declared ACW sites in China and Italy.
- 3.52 During the conduct of these initial inspections, both at the recovery of ACW sites and at OCW storage sites, the inspection teams, in the absence of agreed usability guidelines for OCW, could not confirm that the declared OCW met the definition of OCW stipulated in Article II, subparagraph 5(b), of the Convention. This resulted in

inspection files pertaining to those inspections conducted at post-1925 OCW sites and ACW sites continuing to remain open.

- 3.53 The Secretariat informed the Council at its Eighteenth Session of its intention to implement the draft usability guidelines contained in Annex 1 to S/166/2000, dated 15 February 2000, pending a decision in the Council on the application of usability guidelines. The detailed criteria and factors developed by the Secretariat in the above-mentioned paper addressed issues such as the degree of deterioration of munitions and devices, and of equipment specifically designed for use in connection with the use of munitions and devices. The adequacy and accuracy of such technical assessments were tested during the inspections conducted in April 2000. The Secretariat was fully satisfied with the results achieved and will continue to use this approach as a basis for its future technical assessments of declared OCW items.
- 3.54 In response to the questions raised in the course of implementing the Note S/166/2000, dated 15 February 2000, the Secretariat introduced a paper to specifically address the issue of the procedures to be used if a weapon is determined to be usable (S/231/2000, dated 6 December 2000).
- 3.55 The Secretariat used X-ray equipment for the first time during ACW inspections in China in 1999 for the purpose of verifying the contents of over-packed items. The use of non-destructive evaluation (NDE) equipment for verification purposes proved valuable, and the inspection teams could confirm the declarations made by the two States Parties in question under paragraphs 8 and 10 of Part IV(B) of the Verification Annex. The Secretariat will continue, where appropriate, to use X-ray equipment during inspections conducted at OCW and ACW sites.
- 3.56 During 2000, inspections were conducted in Canada at its request, to confirm the recovery, assessment, and destruction of suspected OCW items. None of the recovered items, however, contained a chemical fill.
- 3.57 In the year 2001, the Secretariat conducted a technical assistance visit in Panama, at its request, to assist the State Party in the clarification of their declaration of ACW. The findings have been reported to the Council (EC-XXVIII/S/3, dated 11 March 2002). In January 2002, the Secretariat also conducted an initial inspection of those ACW that were subsequently declared in Panama. The Secretariat submitted the report of the findings to the Council (EC-28/S/3, dated 11 March 2002). This report confirmed the presence of OCW (six 1,000-lb bombs, and one 500-lb bomb) located on San José Island, Panama, which were declared as ACW by Panama, and which had been identified as having been manufactured in the United States of America. Due to the circumstances of the declaration and of the inspection site, the report did not at that time identify an ASP. The States Parties concerned were urged to submit any additional information that they may possess and to discuss this matter expeditiously, thus facilitating both the resolution of the issue of possible abandonment and progress towards the ultimate goal of destroying OCW in a timely fashion. Since then, Panama and the United States of America have entered into bilateral discussions. Pending the outcome of the discussions that are being held between the two States Parties and upon a request by Panama, the Secretariat has withheld its recommendations on the matter to the Council.

Destruction of OCW and ACW (Part IV (B) of the Verification Annex)

General and detailed plans for destruction of OCW and ACW

- 3.58 Pursuant to paragraph 7 of Part IV(B) of the Verification Annex, the destruction of OCW produced between 1925 and 1946 needs to be carried out in accordance with Article IV of the Convention and Part IV(A) of the Verification Annex. Part IV(A) contains provisions for the submission of general and detailed annual plans for and reports on destruction. Such plans provide an overview of the entire national programme for destruction of OCW, including efforts by States Parties to fulfil the destruction requirements under the Convention. In addition they will also facilitate the development of short- and long-term inspection plans.
- 3.59 Out of five State Parties – Canada, Germany, Italy, Japan, and the United Kingdom of Great Britain and Northern Ireland – which have provided declarations of OCW produced between 1925 and 1946, three States Parties – Italy, Japan and the United Kingdom of Great Britain and Northern Ireland – have provided their general plans for destruction of OCW. Italy and the United Kingdom of Great Britain and Northern Ireland have also submitted their detailed annual plans for, and reports on, destruction of OCW on a regular basis, while Germany provides information destruction on a voluntary basis. Canada has completed the destruction of its declared OCW, although it periodically had reported new discoveries and corresponding amendments to declarations were submitted.
- 3.60 Two State Parties – Germany and Japan – interpret the requirements of the Convention with regard to OCW in a different manner. Both these States Parties were of the view that that paragraph 1 of Article IV of the Convention establishes that Part IV(A) of the Verification Annex does not apply to OCW, and maintains the position that the Convention does not establish any mandatory reporting requirements on the destruction of OCW.
- 3.61 At the same time, Germany, for transparency purposes, has provided information pertaining to transfers of declared OCW to a destruction facility, information on its plans to destroy such munitions, as well as information on the destruction of OCW. Japan, in addition to amendments to its initial declaration regarding new findings of OCW, has also voluntarily provided its detailed plans for destruction of OCW stored at two sites.
- 3.62 During the period under review, four States Parties, Canada, Germany, Italy and the United Kingdom of Great Britain and Northern Ireland, continued to destroy OCW produced between 1925 and 1946. Japan has partially destroyed its OCW from the stockpile and plans to start destroying the remaining ones after completion of the construction of its destruction facility. The United Kingdom of Great Britain and Northern Ireland has finalised the destruction of OCW declared at its base in Germany.
- 3.63 Slovenia reported the recovery of OCW left on its territory. These OCW, which were produced before 1925, had been destroyed before an initial on-site inspection could be

conducted to verify their declaration. Slovenia subsequently provided detailed documentation that enabled the Secretariat to confirm the destruction of the recovered OCW. Slovenia was, however, advised that, in similar situations in the future, it should submit appropriate declarations, as well as plans for and reports on destruction in accordance with the relevant provisions of the Convention.

- 3.64 Two States Parties – Italy and Canada – carried out in-situ destruction of OCW that were determined to be unsafe and hazardous for transportation to their storage facilities. Canada subsequently submitted photographs and detailed documentation to facilitate verification of their destruction. Relevant information from Italy is still being awaited.
- 3.65 Several States Parties have destroyed munitions declared as OCW prior to their confirmation in accordance with paragraphs 6 and 7 of Part IV(B) of the Verification Annex by the Secretariat. Such a situation arose partly due to cancellation of several planned inspections to those sites. In the meanwhile, States Parties continued their recovery process and destruction efforts. Discussions have been held with concerned States Parties to avoid recurrence of such situations in future and to agree on procedures that may facilitate destruction efforts of States Parties in future.

Timelines for destruction of OCW/ACW

- 3.66 Paragraph 7 of Part IV(B) stipulates that a State Party shall destroy OCW that have been confirmed by the Secretariat as meeting the definition in paragraph 5(b) of Article II, and in accordance with Article IV and Part IV(A) of the Verification Annex. Paragraph 17 of Part IV(B) of the Verification Annex contains a similar provision in the case of ACW. It is implicit, therefore, that the timelines specified in paragraph 17 of Part IV(A) of the Verification Annex should, whenever applicable, be used as guidelines in the process of the destruction of these weapons.
- 3.67 Since the recovery of both OCW and ACW is an ongoing process, the total numbers of such CW declared by the States Parties keeps changing. Consequently, the timelines for implementation of the obligation of the States Parties concerned to destroy particular percentage of their OCW/ACW within a certain timeframe cannot always be determined. In this context, it would be desirable to reconsider the feasibility of implementing the obligation of timelines specified in paragraph 17 of Part IV(A) of the Verification Annex and its application for the destruction of these weapons. ACW.
- 3.68 Out of the five State Parties that have declared OCW produced between 1925 and 1946, only Canada has completed the destruction of its OCW, with periodic new discoveries and continued declarations. Recovery and destruction of OCW in the remaining four States Parties – Germany, Italy, Japan, and the United Kingdom of Great Britain and Northern Ireland – is continuing. In the absence of identification of the abandoning State Party, destruction of ACW had been undertaken in one State Party – Italy. In China, recovery of ACW abandoned by Japan continues, and both States Parties remain engaged in this process, with a view to establish a mutually agreed plan for destruction.

- 3.69 States Parties that have declared OCW produced before 1925 are required to inform the Secretariat of the steps being taken to destroy or otherwise dispose of such OCW as toxic waste, in accordance with their national legislation. Out of seven State Parties – Belgium, France, Germany, Italy, Slovenia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America – only one State Party, Slovenia (as mentioned above), has reported the completion of the destruction of its declared OCW produced before 1925. Four State Parties – Belgium, Germany, Italy, and the United Kingdom of Great Britain and Northern Ireland – provided information on the quantities, types of OCW, and their possible chemical fill, and the steps that are being taken to destroy or otherwise dispose of these OCW.

Facility agreements for OCW and ACW

- 3.70 While there is no specific reference in the Convention to the necessity for preparation of facility agreements regarding OCW/ACW sites, a facility agreement for such facilities might, nevertheless, be envisaged in some cases listed below:
- (a) if the State Party deems it necessary; and
 - (b) if the site presents a high degree of complexity (the types(s) of munitions/agents; the remoteness of the area; logistical concerns; health and safety factors; climatic features, etc.).
- 3.71 During the period from EIF of the Convention until 31 December 2002, one facility agreement was approved by the Council.

4. CHEMICAL WEAPONS PRODUCTION FACILITIES

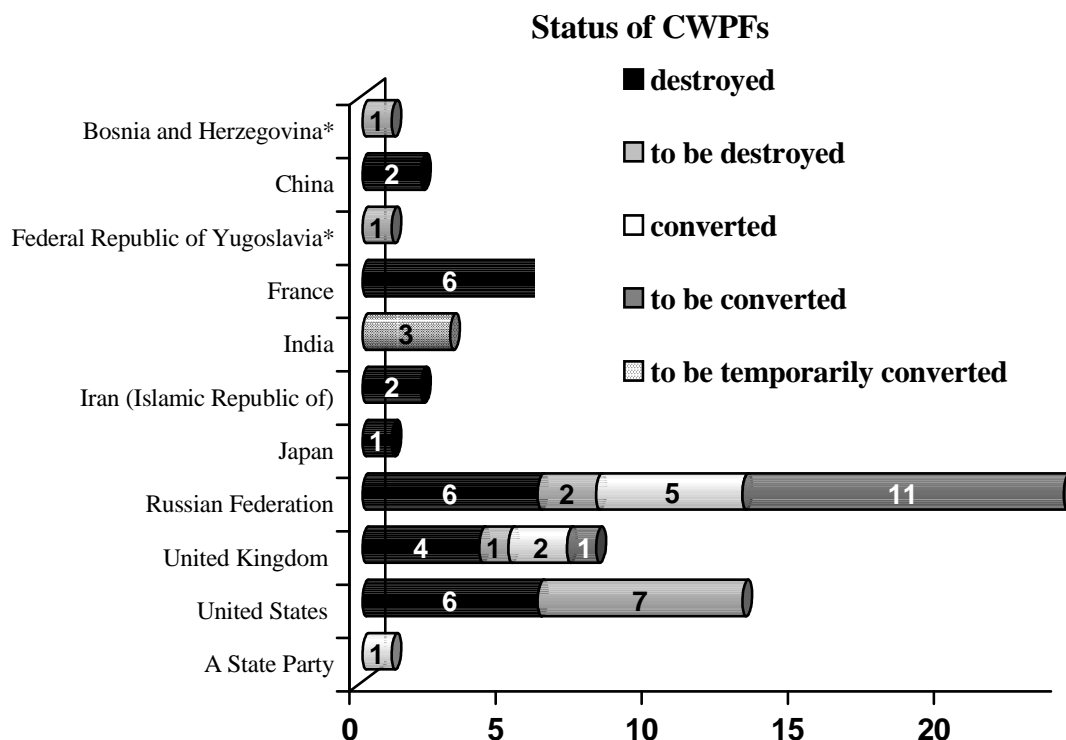
Declarations under Article III, subparagraph 1(c), and Article V of the Convention

Initial declarations

- 4.1 Each State Party is required to declare any CWPFs 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. Consequently, this includes CWPFs that no longer exist, or that were converted in the past for legitimate purposes.
- 4.2 During 1997, seven State Parties – India, Japan, France, China, the United Kingdom of Great Britain and Northern Ireland, a State Party, and the United States of America – submitted initial declarations for 34 CWPFs. The number of declared CWPFs increased to 60 in January 1998, when the Russian Federation submitted its initial declaration for 24 CWPFs and the Islamic Republic of Iran submitted its declaration under Article III for two CWPFs. One additional CWPF was declared by two State Parties (Yugoslavia and Bosnia and Herzegovina) in 2000. As of 31 December 2002, totally, 61 facilities had been declared by 11 State Parties.
- 4.3 Five States Parties had initially declared 34 facilities as destroyed before EIF. The initial inspections, however, determined that 19 of those facilities could not be

considered destroyed as yet, since buildings or equipment still remained to be destroyed. Such CWPFs included one facility in France; two in the Islamic Republic of Iran; 11 in the Russian Federation; four in the United Kingdom of Great Britain and Northern Ireland, and one facility in the United States of America.

- 4.4 As a result of findings that have emerged from initial inspections followed by consultations between State Parties concerned and the Secretariat, amendments to initial declarations have been provided by ten States Parties – India, Iran, France, Japan, the Russian Federation, a State Party, Serbia and Montenegro, Bosnia and Herzegovina, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Amendments to declarations that were received included information on revised boundaries of the facility, the exclusion or inclusion of some buildings and equipment, the revised status of the declared facility as being not yet destroyed, its production capacity, and the submission of process flow diagrams. Two facilities, one located in the United Kingdom of Great Britain and Northern Ireland and another one located in the United States of America, were initially declared as totally destroyed. Initial inspections reported the existence of some remaining buildings. The United Kingdom of Great Britain and Northern Ireland subsequently submitted a destruction plan and destroyed the remaining buildings in the facility.
- 4.5 Three States Parties declared facilities where the status of the facilities was unclear. Through consultations with the States Parties concerned and technical assistance visits to those facilities, the issues were fully clarified and the Secretariat confirmed that those facilities were not CWPFs.
- 4.6 The following chart provides an overview on the status of declared CWPFs as of 31 December 2002.



4.7 Out of a total of 61 declared CWPFs, 41 CWPFs were planned to be destroyed, while the remaining facilities were planned to be converted for purposes not prohibited under the Convention. As of 31 December 2002, 28 CWPFs in seven States Parties had received certificates of destruction from the Secretariat. The first eleven destruction certificates were issued in 1998, followed by nine in 1999, five in 2000, two in 2001, and one in 2002. As of 31 December 2002, thirteen CWPFs remained to be destroyed.

Outstanding declarations regarding CWPF issues

(a) The facility used exclusively for the production of non-chemical parts for chemical munitions or equipment specifically designed for use directly in connection with CW employment:

4.8 The status of destruction of CWPFs used exclusively for the production of non-chemical parts for chemical munitions or equipment specifically designed for use directly in connection with CW employment continues to remain unclear. During the period under review, the Secretariat faced some difficulties in dealing with declarations submitted for such facilities.

4.9 A State Party declared one building used exclusively for production of non-chemical parts for chemical munitions adjacent to an existing CWPF. Pursuant to paragraph 27 of Part V of the Verification Annex, the Convention requires that this building shall

be destroyed. At the same time, the States Party declared that this building had been converted for its legitimate use before the EIF of the Convention. However, neither the previous inventory nor documents supporting the destruction of standard equipment and equipment designed exclusively for production of non-chemical parts for chemical munitions were provided to the Secretariat. In the view of the Secretariat, a detailed destruction plan or a conversion request for this building should have been submitted for consideration and approval by the Council.

- 4.10 The United States of America continues to declare its BZ production facility at Swananoah as destroyed in spite of the fact that buildings and some equipment identified by the Secretariat as belonging to this facility are yet not destroyed. The submission of general and detailed destruction plans are still under discussion with the State Party. This issue continues to remain unresolved at the end of the review period.

(b) Specialised versus standard equipment:

- 4.11 The categorisation of “equipment” as referred to in the definition of CWPF in Article II of the Convention has been interpreted and declared differently by States Parties. This situation was mainly due to differing understandings of what constitutes specialised and standard equipment, despite the definition contained in paragraph 5 of Part I of the Verification Annex. The Secretariat’s note on a practical approach to determining specialised equipment at CWDFs (EC-XIX/CRP.4, dated 3 April 2000) to a certain extent resulted in bridging the gap between different interpretations and formed the basis for the receipt of several amendments to initial declarations from the States Parties that had declared CWPFs. Yet differences of view remain between the Secretariat and the United States of America over the categorisation of some items of equipment that the Secretariat believes are specialised and that have been so categorised in other States Parties with declared CWPFs. This has resulted in a situation where there is no consistency of approach.

- 4.12 There is no requirement in the Convention for States Parties that declared CWPFs to provide a list of standard equipment in their initial declaration. Neither does the Convention require that such an information/list should be included in the detailed plans for destruction of a CWPF. The destruction of all specialised and standard equipment is, however, one of the pre-requisites for a CWPF to be certified as having been destroyed. In absence of the declared and verified inventory of standard equipment, issuance of the certificate of destruction is not possible. The States Parties concerned agreed, however, that they should either provide a list of standard equipment during the conduct of the initial inspection or include it in the detailed plans for destruction being submitted to the Secretariat.

(c) Production capacity

- 4.13 States Parties are required to provide the production capacity of CWPFs in their initial declaration. Pursuant to paragraph 30(a) of Part V of the Verification Annex and the relevant decision of the Conference (C-I/DEC.29, dated 16 May 1997), the residual production capacity is to be used as a comparison factor for assessing the progress of destruction of CWPFs through levelling out. In some State Parties, during the course

of inspections, no records were provided as evidence of the actual amount of chemicals produced at CWPFs, particularly with respect to facilities which were either initially declared as destroyed or were being used for purposes not prohibited before EIF of the Convention. For instance, lack of such information from the Russian Federation and from the United Kingdom of Great Britain and Northern Ireland, the United States of America, Bosnia and Herzegovina, Serbia and Montenegro did cause difficulties for the Secretariat in determining residual production capacity in these States Parties. The Secretariat had no choice but to proceed to make approximations of the production capacity, based on available process flow diagrams or on the type of technological process used at the facility.

- 4.14 One CWPF has been declared by two State Parties. Since the equipment of that particular facility is located in Serbia and Montenegro while its buildings are in Bosnia and Herzegovina, the determination of the residual production capacity proved to be extremely difficult.
- 4.15 Pursuant to subparagraph 30(e) of Part V of the Verification Annex, CWPFs that have been temporarily converted for the purpose of destroying CW continue to be subject to the obligation of the possessor State Party to destroy their production capacity at the same rate as those that have not been converted. Moreover, in accordance with paragraph 8 of the decision of the Conference (C-I/DEC.29, dated 16 May 1997), in order to qualify for the given percentage reduction (as indicated in tables 2(a) and (c) of that decision), all items within a given group of CWPF items must be destroyed. These two requirements appear to be contradictory in the real cases of temporary conversion approved by the Conference on the following grounds: on the one hand, a State Party is permitted temporarily to convert CWPFs into CWDFs for the sole purpose of destroying CW in that facility during the 10-year period after EIF, unless this deadline is extended by the Conference; on the other hand, the Convention requires that the State Party concerned shall conform to the order of destruction specified in the Conference decision C-I/DEC.29, dated 16 May 1997. It may be interesting to note that since EIF, only India has submitted requests for temporary conversion of three of its CWPFs into CWDFs, two of which were approved by the Conference. For the purposes of destroying CW and despite the contradiction mentioned above in the Convention, India has achieved the objective of destroying 40% of its production capacity within five years after EIF, as required by the Convention. It may, however, face difficulties in complying with the timelines for destruction of its remaining CWPF production capacity in the future.
- 4.16 During 2001, the Secretariat had prepared and distributed a document to States Parties (S/260/2001, dated 5 June 2001), detailing an approach for the calculation of the residual production capacity in CWPFs. The Secretariat's current assessment of the calculation of the residual capacity in CWPFs is based upon the above mentioned approach, and on the decision of the Conference on this issue (C-I/DEC.29, dated 16 May 1997). The Secretariat included the results of its assessment of the residual production capacity at the end of the fifth year after EIF for all the States Parties that have declared CWPFs according to the 2002 Verification Implementation Report (EC-33/HP/DG.1, dated 14 March 2003).

Verification activities with respect to CWPFs under Part V of the Verification Annex :

Destruction plans

General plans for destruction of CWPFs

- 4.17 The general plans for destruction provide an overview of the entire national CWPF destruction programme. They are essential for the development of long- and medium-term inspection plans of the Secretariat. Since the EIF of the Convention, States Parties encountered various difficulties in implementing the process of destruction of their CWPFs, in accordance with the general plans submitted to the Secretariat. The following table provides some details on the CWPFs that were either destroyed or are being destroyed since 29 April 1997 – the date of EIF of the Convention.

General Destruction Plan Goals	Number of CWPFs
CWPFs declared destroyed before EIF and certified as such	15
CWPFs destroyed or being destroyed in accordance with general plans	10
CWPFs destroyed without any general or detailed plans	9
Destruction commenced before the scheduled time specified in general plans	5
Destruction planned to commence in 2002-	1
Facilities being destroyed but not included in general plans	1
Total facilities planned to be destroyed	41

- 4.18 At the same time, it can be concluded that the deviations from the general plans for destruction submitted to the Secretariat has had little or no adverse impact on the actual pace of destruction of CWPFs. This is based on the fact that all the States Parties that have declared CWPFs have complied with their obligation to destroy 40% of their declared production capacity within five years after EIF of the Convention, and some have actually exceeded this target. In the case of one production facility declared by two State Parties (Bosnia and Herzegovina, and Serbia and Montenegro), where one of the States Parties possesses the buildings and structures of the declared facility while the other State Party has the equipment from the same facility, the two States Parties have separately complied with the 60% threshold of permitted residual production capacity, measured against the individual parts of their part of the "shared/joint" production capacity.

Detailed plans for destruction of CWPFs

- 4.19 The Convention requires the submission of detailed plans for destruction for each and every CWPF to be destroyed. The plans should contain detailed information on the facility, the manner of its destruction and the proposed measures for verification. These plans provide transparency and an assurance that the relevant provisions of Article V and Part V of the Convention are fulfilled. In addition, these destruction plans facilitate the evaluation of their conformity with the order of destruction set forth in paragraphs 28 through 31 of Part V of the Verification Annex. In general, the States Parties have submitted their detailed destruction plans on time.
- 4.20 The process of destruction of the CWPF for production of lewisite at Dzerzhinsk in the Russian Federation and of the VX production and filling facility in Newport, the United States of America, was divided into phases, and the corresponding destruction plans were submitted for each phase, rather than for the facility as a whole. For two facilities that the Russian Federation ultimately plans to convert, namely, the VX production and filling capacity at Novocheboksarsk, along with the sarin, soman and viscous soman production facility at Volgograd, the Russian Federation has also submitted separate destruction plans for buildings, equipment, and structures for two facilities that are required to be destroyed. The Council has approved these destruction plans, as they are seen to contribute to the overall goal of timely CWPF destruction, in spite of some operational difficulties with the monitoring of the destruction processes by the Secretariat.
- 4.21 Four States Parties – Iran, France, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland – have reported parts of their CWPFs that were destroyed after the date of EIF of the Convention. Although these States Parties had declared in their initial declarations that all or some of their production facilities had been destroyed, the initial inspections identified certain buildings, equipment and structures that were yet to be completely destroyed. Some of these facilities were afterwards destroyed without any destruction plans having been submitted or approved. At the same time, it should be noted that these facilities were subjected to initial inspections prior to their complete destruction. The Secretariat also verified that the subsequent destruction of buildings and equipment was conducted in accordance with the relevant provisions of the Convention.
- 4.22 Paragraph 40 of Part V of the Verification Annex provides that in instances where an agreement is not reached with the Council on aspects of verification, or the approved verification plan cannot be put into action, the verification of destruction process shall proceed through continuous monitoring with on-site instruments and in the physical presence of inspection teams. In 1998, the Russian Federation undertook limited destruction operations at its former CWPFs in the absence of agreed destruction plans. This activity was discontinued upon a request by the Director-General. These destruction activities, however, had either been carried out in the presence of inspection teams or were subsequently verified through an inspection of the remains of the items destroyed and through relevant documentation. The United States of America commenced destruction of its GB production and fill facility at Rocky Mountain Arsenal, Colorado, without either an approved plan or the physical presence of inspectors. Destruction activities were discontinued upon request by the

Director-General and the matter was brought to the attention of the Council. Destruction activities were resumed once the Council discussed and addressed the matter in presence of the inspection team. Step III of the Detailed Destruction Plan for the VX facility at Newport in United States of America was submitted to the Secretariat. Destruction operations at this facility have started, pending agreement and approval of the combined plan. The verification is proceeding under the continuous presence of the inspection team on site.

- 4.23 One CWPF has been declared by two States Parties; the buildings and part of the equipment of the facility have been declared by Bosnia and Herzegovina, and the equipment has been declared by Serbia and Montenegro. These States Parties have submitted two separate plans for the destruction of their respective parts of this CWPF.
- 4.24 The Convention requires that the destruction of CWPFs that are not covered by paragraph 30 of Part V of the Verification Annex, i.e. facilities other than those where Schedule 1 chemicals were produced but which have otherwise been involved in the production of CW, shall be completed not later than five years after EIF for the State Party concerned. Only one facility in the United Kingdom of Great Britain and Northern Ireland has been declared pursuant to this provision of the Convention. In accordance with the destruction plan submitted, this facility was destroyed before 29 April 2002.

Annual plans for, and reports on, destruction of CWPFs

- 4.25 Pursuant to paragraphs 8 and 9 of Part V of the Verification Annex, each State Party that declared CWPFs is required to submit annually its plans for, and reports on, the destruction of CWPFs not less than 90 days before the beginning of the coming destruction year, and not later than 90 days after the end of the previous destruction year, respectively. These reports have proved to be an extremely useful tool in the verification process, allowing declared data received from States Parties to be monitored through on-site inspections. Additionally, the destruction reports have also facilitated the Secretariat's accountancy for buildings and equipment that have been destroyed in the absence of inspectors, and have enabled the it to monitor the compliance with the provisions regarding the order (rate and sequence) of destruction set out in the Convention.
- 4.26 In practice, the majority of the States Parties with declared CWPFs have submitted their destruction plans and reports on a regular basis. France, Iran (Islamic Republic of), and the Russian Federation have been the only exceptions in this regard. As mentioned earlier, all CWPFs in Iran and France have since been certified by the Secretariat as destroyed. The Secretariat continues to remind the Russian Federation of its obligation to submit its destruction reports. In the absence of such reports, the Secretariat has relied on the verification-related information obtained through on-site inspections in order to assess the status of CWPF destruction in the Russian Federation.

Conversion of CWPFs

- 4.27 Twenty-one CWPFs have been identified by four States Parties – the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, a State Party, and the United States of America – for conversion for purposes not prohibited under the Convention. Since EIF, nine CWPFs have been certified as converted. Out of the nine converted CWPFs, one facility in the United States of America was subsequently destroyed and has been certified as such by the Secretariat. Requests for conversion of the remaining 12 facilities were approved by the Conference at its Seventh Session, and remain to be converted. The Russian Federation has submitted requests for conversion of the majority of its CWPFs (16 out of 24). These CWPFs are located within commercial industrial complexes. The United Kingdom of Great Britain and Northern Ireland has requested that three of its eight facilities be converted for purposes not prohibited by the Convention. In all other cases, the States Parties involved have decided to destroy rather than convert their CWPFs.
- 4.28 Paragraph 72 of Part V, VA requires that the conversion of CWPFs shall be completed not later than six years after EIF of the Convention. On the basis of the conversion plans submitted to the Secretariat, it is apparent that all the States Parties involved are likely to conform to this timeline, with the exception of the Russian Federation.
- 4.29 The exception mentioned in the preceding paragraph involves the conversion of the facility for production of VX-type substance and filling it **into** munitions at the Khimprom Company at Novocheboksarsk. The conversion has been planned to take place in two phases. The specialised equipment with specialised buildings and special features of buildings that distinguish them from industrial facilities will be destroyed during the first phase, which is currently planned to be completed by the year 2007, and the conversion of the remaining parts of this facility is scheduled to end in March 2007, thus preventing the completion within the established Convention timelines. Since a key prerequisite for the CWPF conversion is the destruction of the specialised equipment (scheduled to be completed only in 2007), conversion cannot possibly be completed before April 2003, the timeline stipulated in the Convention. Unlike the timeline for destruction of CW, which may be extended by the Council, no such provision exists in the Convention with respect to the conversion of CWPFs.
- 4.30 In three States Parties – the Russian Federation, a State Party, and the United Kingdom of Great Britain and Northern Ireland – the destruction of equipment, buildings, and structures in CWPFs that had been identified for conversion commenced without submission of any conversion requests. The information provided by respective States Parties has been subsequently verified by the Secretariat, and has been found to be in conformity with the details provided.

Annual reports on converted facilities

- 4.31 The Convention also does not require States Parties to submit any annual reports on the progress of the process of conversion of CWPFs. In the absence of such progress reports, it is difficult to accurately assess the status of CWPFs undergoing conversion in the period between inspections. In three States Parties – the Russian Federation,

another State Party, and the United Kingdom of Great Britain and Northern Ireland – the destruction of equipment, buildings, and structures in CWPFs identified for conversion commenced without submission of any conversion requests, and was reported only after the fact. The information provided by these States Parties was subsequently verified by the Secretariat.

- 4.32 The Convention requires that for 10 years after the Director-General certifies that conversion is complete, the States Parties involved shall continue to report annually on the activities at the converted facility. As of 31 December 2002, eight converted CWPFs fall under this Category. With the exception of the Russian Federation, two States Parties involved in this process had submitted their annual reports on the activities being carried out at these converted facilities. Furthermore, States Parties have been notifying the Secretariat periodically of the changes to the process equipment at converted facilities, in accordance with the Conference decision C-IV/DEC.8, dated 29 June 1999. By 29 April 2003, conversion at 12 additional CWPFs is expected to come to a stage when this reporting requirement will be applicable.

Verification activities at CWPFs

- 4.33 During inspections conducted in 1998 to verify past production at CWPFs, there were instances where the specific chemicals and quantities produced, as provided in initial declaration, could not be verified by inspection teams. States Parties encountered difficulties in providing historical information in the form of documentation regarding the production of CW, dates of production, the manner of destruction of buildings and equipment, and an inventory trail of destruction of standard and/or specialised equipment. Where neither historical data nor any alternative means of verifying the declaration could be provided, inspection teams recorded in the inspection report that it was not possible to fully verify or confirm the State Party's initial declaration.
- 4.34 In 1999, on the basis of the Secretariat's review of the non-availability of documentation relating to the destruction or disposal of equipment at CWPFs prior to EIF of the Convention, the Secretariat, in its paper EC-XVI/DG.14, dated 10 September 1999, outlined an approach with regard to certifying the destruction and/or closure of CWPFs with the equipment either destroyed or disposed of before EIF.

Facility agreements under Part V of the Verification Annex

- 4.35 For the period between EIF of the Convention and April 2002, a total of 17 facility agreements were approved by the Council. An additional five draft facility agreement had been provided to the States Parties for their review, while 16 facility agreements are currently being prepared by the Secretariat.

5. RIOT CONTROL AGENTS (RCAs) AND FORMER CW DEVELOPMENT FACILITIES

Riot control agents

- 5.1 Pursuant to paragraph 5 of Article I of the Convention, State Parties have undertaken not to use RCAs as a method of warfare. Article III, paragraph 1(e), requires States Parties to declare which RCAs they hold.
- 5.2 One hundred and two State Parties have declared possession of RCAs. A total of 12 types of RCAs have been declared. Most of these States Parties have declared CS and CN types of RCAs, while 90 States Parties have declared CS, and 58 States Parties have declared CN.
- 5.3 Viet Nam has reported the discovery of 105-mm artillery and 106.7-mm (4.2 inch) mortar shells, as well as grenades and plastic cans (United States in origin) containing CS (a lachrymatory agent widely used for riot control). Such munitions have been recovered on a regular basis since 1975 in former battlefields in the Southern part of Viet Nam. At the end of the period under review, the Secretariat was continuing its consultations with Viet Nam in order to clarify the status of the CS filled munitions reported in the initial declaration of Viet Nam.

Facilities primarily for the development of CW:

- 5.4 Eight States Parties have submitted declarations regarding a total of 23 facilities that have been designed, constructed, or used since 1 January 1946, primarily for the development of CW. Out of these 23 declared facilities, twelve have been used as proving/testing grounds, and 19 have been used for research/defence establishments and laboratories. At the end of the period under review, 19 facilities were either destroyed or closed, while the remaining four facilities continued to be used as research centres or laboratories, or for protective purposes. Of these 23 declared facilities, one facility has been identified for the destruction of OCW.
- 5.6 There is still no common understanding of the term “primarily for the development of CW” in the context of subparagraph 1(d) of Article III of the Convention, which has continued to remain under the consideration of States Parties.

6. SCHEDULE 1 CHEMICALS AND FACILITIES

Declarations

- 6.1 Part VI of the Verification Annex requires the advance notification as well as the annual declaration of transfers of Schedule 1 chemicals. It furthermore requires the declaration of facilities producing Schedule 1 chemicals.
- 6.2 States Parties expressed differing views on whether or not certain chemicals should be treated as Schedule 1 chemicals, with specific references to the salts of Schedule 1 chemicals, such as the hydrochlorides of bis(2-chloroethyl)ethylamine and saxitoxin, both as pure chemicals and as solutions. This has led to differences in the national

implementation of the Convention's provisions on declarations and notifications under Part VI of the Verification Annex. Another consequence of such different interpretations would be differences in the application of the prohibitions of transfers of Schedule 1 chemicals to States not party to the Convention.

- 6.3 The recommendations of the SAB in relation to ricin and salts of scheduled chemicals (SAB-II/1, dated 23 April 1999), and the Director-General's endorsement of the SAB's findings (SAB-II/DG.1, dated 3 June 1999), elicited a decision from the Conference to call a meeting of governmental experts on these subjects (C-IV/DEC.20, dated 2 July 1999). That meeting did not support the majority of the SAB recommendations. The recommendation in relation to ricin, however, was adopted after modification (C-V/DEC.17, dated 18 May 2000). As a consequence of this decision, castor oil pressing plants are not considered to be Schedule 1 facilities. The Conference' decision did not, however, clarify exactly what is to be understood, for declaration purposes, by "ricin". It nevertheless removed the ricin issue from its list of unresolved issues.

Transfers

- 6.4 For each transfer of a Schedule 1 chemical between States Parties, the sending and the receiving States Parties are required to submit to the Secretariat an advance notification with the transfer details. Also, transfers between States Parties are subject to annual declaration on past activities.
- 6.5 In 1999, the Secretariat was notified about 63 transfers of Schedule 1 chemicals. These transfers involved six sending and 20 receiving States Parties. In 2000, the Secretariat was notified about 33 transfers of Schedule 1 chemicals, involving six sending and 12 receiving States Parties. In 2001, the Secretariat was notified about 45 transfers of Schedule 1 chemicals between six sending and nine receiving States Parties. A series of transfers from States Parties to the OPCW – occurred during the period under review, when the OPCW Laboratory received small amounts of Schedule 1 chemicals to be used only as reference standards. The total amount of Schedule 1 chemicals notified as having been transferred during the period from 1999 to 31 December 2001 was approximately 9,300 grams. These six transfers accounted for more than 95% of the total quantity of chemicals transferred.
- 6.6 For only about one third of all Schedule 1 transfers, both the sending and the receiving States Parties notified the transfer. Approximately 15 % of these cases contain uncertainties resulting from the existing format of notification/declaration of such transfers. Some of these uncertainties could be reduced by the adoption of improved formats for the declaration of Schedule 1 transfers.

Issues associated with transfers

- 6.7 It is sometimes difficult for the Secretariat to establish with certainty, on the basis of the information provided in Schedule 1 transfer notifications and annual declarations (paragraphs 5 and 6 of Part VI of the Verification Annex) whether or not the data provided by the two States Parties relate to the same transfer. The declarations of the sending and receiving States Parties may appear to refer to two separate transfers if

the two States Parties were involved in more than one transfer at the time and if only one State Party gives a notification about the transfers. The problem is further complicated by differences in the notified dates for dispatch and receipt, or when different chemical names are used by the two States Parties. This type of ambiguity has an impact on the efficiency and reliability of the verification regime of the Convention with respect to Schedule 1 transfers.

- 6.8 Full implementation of the requirement that both States Parties involved in a Schedule 1 transfer shall submit advance notifications and annual declarations remained a problem at the end of the year 2002. Its solution will require, amongst other things, enacting and enforcing the requisite national legislation to implement treaty obligations.
- 6.9 In September 1997, Canada had drawn attention to the fact that the provisions on the notification of Schedule 1 transfers caused serious problems for transfers of Saxitoxin (STX) that were used as a reference standard in field detection kits (as well as in laboratory analysis) for paralytic shellfish poisoning (EC-V/NAT.1, dated 25 September 1997). There was no substitute for STX in this context, and in emergency situations STX transfers had to be authorised on very short notice in order to enable countries affected by a PSP outbreak to test potentially contaminated seafood and guarantee its safety for human consumption. Not adjusting the rules would potentially risk human life. To this end, Australia tabled a proposal for reducing the delays caused by the notification requirements of paragraph 5 of Part VI of the Verification Annex when transferring diagnostic testing kits containing saxitoxin (EC-V/NAT.2, dated 26 September 1997).
- 6.10 Furthermore, in 1997, the United Kingdom of Great Britain and Northern Ireland had also drawn attention to the fact that the retransfer prohibition for Schedule 1 chemicals clashed with the practice of providing radioactively labelled STX for research purposes. A company in the United Kingdom of Great Britain and Northern Ireland had in the past been importing STX from abroad, labelling STX with radioactive isotopes, and shipping the labelled STX to customers around the world. This retransfer was no longer possible, given the provisions of paragraph 4 of Part VI of the Verification Annex and the National Authority of the United Kingdom of Great Britain and Northern Ireland had to refuse the company the requested export licence.
- 6.11 The resolution of the transfer of the detection kit containing STX was begun with the decision of the Council in October 1998 (EC-XII/DEC.5, dated 9 October 1998) that allowed exemption from the 30 days advance notification for amounts limited to 5 milligrams. These measures were to be applied for a period of 270 days only unless, prior to the expiration of that period, an amendment or change to the Convention making these measures consistent with its provisions was adopted. (To allow for the time required for the EIF of the subsequently adopted change to the Convention, these interim measures were later extended.)
- 6.12 Canada then formally tabled a request for a change under paragraph 5 of Article XV, in relation to allowing the notification of STX transfers for medical and diagnostic purposes to be done at the time of transfer rather than 30 days in advance (EC-XIII/DG.7, dated 7 December 1998). After careful consideration, the Council

endorsed the Canadian request in January 1999 (EC-MII/DEC.1, dated 15 January 1999). Upon completion of the procedure under paragraph 5 of Article XV, a change to the Convention (paragraph 5bis of Part VI of the Verification Annex) became effective, to the effect that transfers of STX in quantities of 5 milligrams less, if used for medical and diagnostic purposes, may be notified at the date of transfer rather than 30 days before that date. The depository informed all States Parties about the EIF of the change on 31 October 1999 (Depository Notification C.N.916.1999.TREATIES-7 of 8 October 1999; followed by Depository Notification C.N.157.2000.TREATIES-1 of 13 March 2000; with a correction effective 9 March 2000).

- 6.13 No decision was taken in relation to re-transfers of saxitoxin.

Declaration of Schedule 1 facilities

- 6.14 In the period since EIF till the end of 2001, 22 States Parties had declared 33 Schedule 1 facilities. During an inspection, one of the declared Schedule 1 facilities in one State Party turned out to have been declared in error. As of 31 December 2002, there were 26 Schedule 1 facilities declared by 21 States Parties. These facilities were, in turn, subdivided into three subcategories: eight single small-scale facilities (SSSF); 17 other facilities producing Schedule 1 chemicals for protective purposes (OFPP); and one other facility producing Schedule 1 chemicals for research, medical, and pharmaceutical purposes (OFRMPhP).
- 6.15 The average yearly amount of chemicals produced, acquired, consumed, or stored at Schedule 1 facilities are as follows: produced (50 grams); acquired (170 grams); consumed (55 grams); and stored (1370 grams). In the year 2001, 79% of the Schedule 1 production declared was concentrated in three facilities. Twenty of the declared Schedule 1 facilities were producing on average less than one kilogram of Schedule 1 chemicals per annum, while some of them were, in fact, not producing any Schedule 1 chemicals at all. More than 84% of the stored Schedule 1 chemicals are located in four facilities.
- 6.16 In accordance with the declarations submitted, the above facilities produced, acquired, consumed, or stored approximately 940 different chemicals.

Issues in relation to facility declarations

- 6.17 There appears to be a generic problem in that some facilities are not in a position to anticipate precisely the types and amounts of chemicals that will be produced during the next calendar year. Since a large percentage of these chemicals have no CAS registry numbers, their identification needs to be validated only by their chemical names, and their structural formulae. The processing of these types of information by the Secretariat can be extremely time-consuming and prone to error.
- 6.18 Another declaration problem arose from the differing interpretations of paragraphs 11 and 12 of Part VI of the Verification Annex with regard to other Schedule 1 facilities that have been producing Schedule 1 chemicals for research, medical, or pharmaceutical purposes. Some States Parties do not view ceasing to make

declarations as a change to their initial declaration submitted in accordance with paragraph 14 of Part VI of the Verification Annex. In some of these cases, Schedule 1 facilities that were declared under paragraph 11, Part VI of the Verification Annex, which had ceased to produce more than 100 g per year, have been considered as automatically falling into the category of facilities covered under paragraph 12, Part VI of the Verification Annex, i.e. they are not subject to any obligation related to declaration and verification. If such changes remain undeclared, the Secretariat will have no confirmation that this specific facility is no longer declared as a Schedule 1 facility. This could result in an inspection being initiated when the facility was in fact was no longer inspectable, or, alternatively, the production of Schedule 1 chemicals could be restarted without the concurrent possibility of inspection by the Secretariat. It should also be noted that it is possible that any resumption of activities for the production of Schedule 1 chemicals in excess of 100 g per annum at a facility that has ceased to declare might require the State Party to declare it as a new Schedule 1 facility in accordance with paragraph 13 of Part VI of the Verification Annex. All these considerations need to be addressed and the issues resolved to ensure the even-handed implementation of Part VI of Verification Annex.

Verification activities under Part VI of the Verification Annex

- 6.19 In the period from EIF to 31 December 2002, 107 initial and systematic inspections of Schedule 1 facilities were conducted. During these inspections, no uncertainties were identified, although the inspection reports listed some issues that required further attention, such as differences in the quantities of Schedule 1 chemicals declared, relevant record keeping, and some declared administrative data.
- 6.20 The Schedule 1 inspections conducted since EIF accomplished the aims of the inspection mandates. However, it will be useful to emphasise the following issues that emerged during the course of verification.
- 6.21 On the basis of data submitted for the period between EIF and 31 December 2002, at most Schedule 1 facilities, the amounts of Schedule 1 chemicals produced had been very low; in some facilities Schedule 1 chemicals were not produced at all. Only six States Parties stored in excess of 1.0 kg of Schedule 1 chemicals. The Secretariat observed that inspection teams are obliged to systematically inspect all declared Schedule 1 facilities, even those with no production and with very limited quantities of Schedule 1 chemical in stock. In the VIR for the year 2000, the Secretariat had put forward for the consideration of the States Parties the issue which quantity of a Schedule 1 chemical, and in which scenario, would present a threat to the object and purpose of the Convention, and proposed to discuss the possibility of thresholds for verification activities.
- 6.22 During some of the inspections conducted at Schedule 1 facilities, inspection reports recorded issues, namely the lack of access to non-declared areas where Schedule 1 chemicals produced at the declared facilities were consumed, as well as to relevant consumption records, to verify purposes of consumption under paragraphs 15(b) (v) and paragraph 28(b) for Part VI of the Verification Annex. While for most Schedule 1 facilities, consumption areas were declared as part of the facility, declarations received from some States Parties did not include these areas as part of

the declared facility. These differences in the delineation of the facilities resulted in differences in the scope of access provided to inspection team at otherwise similar Schedule 1 facilities in different States Parties.

- 6.23 The Secretariat distributed a Note (EC-XXV/S/1, dated 6 April 2001) entitled “Verification at Schedule 1 Facilities in accordance with the Provisions of Paragraph 3 of Article VI and Part VI of the Verification Annex of the Convention”, which detailed its understanding of this issue. This paper had drawn attention to the differing approaches taken by States Parties in relation to declarations of such facilities. In essence, the paper concluded that the States Parties needed to agree on a unified approach to the declaration of Schedule 1 facilities, to ensure consistency in the scope of access provided to inspection teams during inspections of Schedule 1 facilities. Furthermore, it must be recognised that the specifics of each individual facility have an impact on the way it is declared.
- 6.24 Some States Parties had expressed different views in relation to the Secretariat Note (EC-XXV/S/1, dated 6 April 2001) in the light of the relevant discussions during the Conference on Disarmament during the development of the text of the Convention. In their view, the intent of Part VI was exclusively to verify exclusively the production by Schedule 1 facilities, and that other activities, particularly those that involve activities such as protection, should neither be subject to declaration under Article VI, nor to their verification. It had been further pointed out that paragraph 4 of Article X addresses the issue of protection. The issue was tabled in the Industry Cluster, where majority of States Parties appeared to have reservations about the Note mentioned, no consensus was reached, and no decision was taken by the Council.
- 6.25 Pending a decision of the Council, inspection teams had continued to seek access to consumption areas located outside the declared areas during Schedule 1 inspections. While several States Parties continued to grant access to areas located outside the declared facility upon being asked to do so by inspection teams, some States Parties chose not to grant that access. It may be noted that such an access was granted by several States Parties only on a voluntary basis, and as a measure of transparency and confidence-building. The inspection teams began to record lack of access as an issue that required further attention (IRFA) of the inspected State Party in their inspection reports, but by late 2002, the Secretariat reconsidered this issue, and instead instructed inspection teams to simply record lack or denial of access to these areas in the body of the Report in the light that no guidance had been received on this matter.

Status of facility agreements under Part VI of the Verification Annex

- 6.26 For the period between EIF of the Convention and 31 December 2002, a total of 17 facility agreements were approved by the Council. Three more facility agreements were submitted to the Council for its consideration and approval. It should also be noted that 10 other draft facility agreements are with the concerned States Parties for their review, while one draft facility agreement is currently under preparation at the Secretariat to be subsequently forwarded to the State Party concerned.

7. SCHEDULE 2 CHEMICALS AND FACILITIES

Declarations

- 7.1 The declaration requirements under Part VII of the Verification Annex can be divided into two parts: (a) declaration of aggregate national data (AND) for the previous calendar year on the quantities produced, processed, consumed, imported and exported of each Schedule 2 chemical, together with a quantitative specification of import and export for each country involved, and (b) declaration of plant sites producing, processing, or consuming Schedule 2 chemicals above the declaration thresholds specified in Part VII of the Verification Annex.
- 7.2 Problems related to the aggregate national data (AND) will be discussed together with the AND issues related to Schedule 3 chemicals, as the problems encountered under both Parts of the Verification Annex are identical (see paragraphs 8.15 to 8.24 below).
- 7.3 During the period under review, the States Parties declared the average approximate Schedule 2 production (16,500 tonnes per year); processing (4,500 tonnes per year); and consumption (12,200 tonnes per year). States Parties have declared approximately 5000 tonnes of export/import of Schedule 2 chemicals per annum.
- 7.4 As of 31 December 2002, 33 States Parties had declared 438 plant sites producing, processing, or consuming Schedule 2 chemicals above the declaration threshold, based on the declared data provided in the ADPA covering the years 1999, 2000, 2001 and/or as in Annual Declaration of Anticipated Activities (ADAA) for the year 2002. Twenty-one States Parties have declared 156 plant sites above the verification threshold. Of these, 86% (or 378) of the declared plant sites are located in eleven States Parties, while 27% or 120 number of the inspectable plant sites are located in seven States Parties with each of these have declared 10 or more Schedule 2 plant sites. The status as of 31 December 2002 showed that the total number of declared plant sites increased from the originally declared number of 345 to 438 during the period under review.

Issues in relation to Schedule 2 Declarations

Changes in plant site delineation and configuration

- 7.5 Since EIF, several States Parties have introduced changes to the way they declare Schedule 2 plant sites in their annual declarations. This has had the effect, inter alia, of narrowing the scope of access to these plant sites during inspections.
- 7.6 The changes in the operational structure of the chemical industry have been described in a separate Secretariat informal background paper entitled "Changes in the Chemical Industry Relevant to the Implementation of the Convention", dated 27 January 2003, that was submitted to the Working Group for the Preparation of the First Review Conference, and need not be repeated here.
- 7.7 As one of the consequences of these industrial changes, some States Parties now take the position that the term "one operational control" (paragraph 6(a), Part I of the

Verification Annex), even within the same company, relates to functional relationships, such as marketing, sales, financial, and legal relationships, rather than to operational control over hardware or infrastructure. Thus, what might have previously been declared as one plant site with “one operational control” may now be only “partially declared” as separate business units and/or with semi-independent operational control. This phenomenon will have implications for the implementation of the Convention.

Plant site codes in declarations

- 7.8 The Secretariat has noted that, although the allocation of unique plant site-codes is not a Convention requirement, upon request from the Secretariat, the majority of the States Parties have begun to assign plant site-codes while submitting their annual declarations for Schedule 2 plant sites/facilities in the formats prescribed in the Declaration Handbook. The provision of such information has facilitated the clear identification of the plant sites that are declared. Some States Parties, however, do not use or do not inconsistently apply, plant site-codes in their annual declarations. This has created difficulties for the Secretariat to accurately evaluate declaration data, plan inspections, and monitor the submitted declaration data. Although the Convention requires States Parties to provide in-plant sites/facilities declarations information pertaining to the name, the location, and the owner/operator, this data is not always suitable in terms of unambiguously identifying a plant site, since it may be subject to change over time. This may result in the Secretariat’s finding it difficult to reconcile the declaration data in the absence of an allotted plant site-code. The Secretariat has suggested that each State Party introduce and consistently apply a system of unique plant site-codes for identifying its declared plant sites (paragraphs 3 and 4 of S/245/2001, dated 12 March 2001; and Corr.1, dated 20 March 2001).
- 7.9 During the last few years, the frequency of these problems have decreased, mainly due to the adoption of standardised declaration practices by an increasing number of States Parties. Nevertheless, some mistakes continue to occur. In case of those States Parties that use the forms provided in the Declaration Handbook, these problems can usually be reconciled relatively easily, while declarations submitted by States Parties in a non-standardised format can more often be inconsistent in their contents rather than contain mere typographical errors. To further minimise these types of problems in the future, the implementation of standard declaration practices could, perhaps, be supported by appropriate electronic tools, including agreed data dictionaries and rules that may be provided to States Parties.

Transfers of Schedule 2 chemicals

- 7.10 In May 2000, the application of the provisions of paragraph 31 of Part VII of the Verification Annex became effective, thus meaning that Schedule 2 chemicals may only be transferred to and from States Parties. During its Fifth Session, the Conference discussed a decision (C-V/DEC.16, dated 17 May 2000) and decided that this transfer restriction shall not apply to mixtures containing Schedule 2 chemicals, particularly where:
- (a) products contain one percent or less of a Schedule 2A or 2A* chemical;

- (b) products contain 10 % or less of a Schedule 2B chemical; and
 - (c) products have been identified as being consumer goods, and have been packaged for retail sale, or are for personal use, or have been packed for individual use.
- 7.11 During the period between EIF and 31 December 2002, the Secretariat had requested those States Parties that had exported Schedule 2 chemicals to States not party to the Convention to confirm whether the restrictions that are applicable by the decision of the Conference regarding such transfers had been complied with by the States Parties concerned. Two States Parties (paragraph 6.20, EC-30/HP/DG.1, dated 4 July 2002) had confirmed that their relevant transfers had taken place before 29 April 2000. One State Party has stated that its transfer in 2001 was in full compliance with the conditions laid down by the decision of the Conference. Two other States Parties had taken measures to prevent transfers of Schedule 2 chemicals to States not party to the Convention and/or to initiate the necessary legal actions and impose penalties to their exporting companies for breaches of their respective export control regulations (see the VIR for 2002; EC-33/HP/DG.1, dated 14 March 2003).
- 7.12 These instances emphasise once again the need for all States Parties to enact and enforce their national implementing measures and the decisions by the Conference that involve export controls of scheduled chemicals.

Verification activities under Part VII of the Verification Annex

- 7.13 During the period between EIF and 31 December 2002, the Secretariat conducted 198 initial and subsequent inspections of declared Schedule 2 plant sites. During these inspections, 15 uncertainties were recorded during 11 inspections in four States Parties. As of 31 December 2002, two uncertainties that had arisen during inspections had been satisfactorily clarified through bilateral consultations under the provisions of paragraph 64 of Part II of the Verification Annex; one uncertainty had been clarified through the information obtained from an inspection under another regime at the same location; and twelve others were clarified through subsequent inspections. Discussions were held between the States Parties concerned and the Secretariat to identify the causes for these uncertainties or those issues requiring further attention, and to develop inspection approaches that would help in avoiding the recurrence of such issues during future inspections. Such approaches were identified and are currently being implemented. Additionally, the factors that led to the reporting of issues requiring further attention were identified as being mainly related to differences between declared and verified amounts of declared Schedule 2 chemicals, caused by different degrees of accuracy in the relevant records, or they related to incomplete or inaccurate data on declared administrative data.

Issues identified in Schedule 2 inspections

- 7.14 A State Party's legislation did not require the declaration of imports and exports under the provisions of paragraph 8 of Part VII of the Verification Annex for Schedule 2 plant sites that fall below the declaration thresholds (paragraph 15 of Part VII of the Verification Annex). It was view of the Secretariat that in absence of any clear

guidance on threshold limits for exports and imports of Schedule 2 chemicals in paragraph 8, Part VII of the Verification Annex, such data should have been included in the aggregate plant site figures that are submitted to the Secretariat. The Secretariat prepared a Note (EC-XXV/S/2, dated 13 June 2001) which was discussed by States Parties in the Industry Cluster. At the end of 2001, no progress had been made on this issue.

- 7.15 In another State Party, it was found that declarations of the declared Schedule 2 chemicals for the plant site did not include those quantities which were produced, processed, or consumed for plants located at the plant site that were operating below the thresholds noted in paragraph 3, Part VII, VA. In the view of the Secretariat, paragraph 3 thresholds apply to the plant site with amounts of each declarable Schedule 2 chemical at any plant being a contributor to the plant site. During inspections, the State Party provided inspection teams an access to plants operating below the noted thresholds and to the records associated with plant activities involving the Schedule 2 chemicals without prejudice to their position on the issue.

Access and plant/plant site delineation

- 7.16 There were eight uncertainties recorded by inspection teams during the period under review as a result of the lack of access to other parts of the Schedule 2 plant sites to verify the absence of Schedule 1 chemicals. Five uncertainties that were recorded by inspection teams were due to the lack of access granted to records that were deemed necessary by the inspection team to confirm the non-diversion of the declared Schedule 2 chemical(s). In two State Parties, access to areas beyond the declared Schedule 2 plant was not granted because of differences in the interpretation of paragraph 25, Part VII and its references to paragraph 51, Part II of the Verification Annex. All these matters have since been resolved, and from mid 2001 until 31 December 2002, no reconcilable issues in relation to delineation of or inspection team's access to components of Schedule 2 plant sites have arisen.

Initial inspection mandate

- 7.17 A State Party had objected to the language provided in the inspection mandate tasking the inspection team to collect data for the conclusion of the facility agreement when the State Party did not intend to conclude a facility agreement for that particular facility. In view of the Secretariat, inspection teams may discuss a facility agreement with the inspected State Party during inspections with a view to gather the necessary information that may be required to conclude the facility agreement, and inspection teams may highlight differences between the views of the Secretariat and those expressed by the inspected State Party. The Secretariat views this as information or data collection and document developed on site are being treated as a first draft. The actual negotiations to finalise the draft facility agreement are not conducted on site, however, and thus a decision on whether a facility agreement may not be needed will not be taken by the inspection team during the inspection. Additionally, the State Party in question also expressed reservations to the language incorporated in the inspection mandate regarding collection of data to determine the risk of the site to the object and purpose of the Convention, as opposed to tasking the inspection team itself to determine the risk of the site to the object and purpose of the Convention. Here

again, it is the view of the Secretariat that such a determination cannot be made ad hoc by inspection teams during inspections, but instead, that such determination should be made within the Secretariat whose expertise and resources, together with the data collected by the inspection teams can be used to provide for an even-handed and consistent application of risk estimates.

Low concentration limits

- 7.18 Since EIF, different concentration limits were used by different States Parties for the coverage of mixtures containing Schedule 2 chemicals. This led to differences in the identification and declaration of Schedule 2 facilities. Initially, the Secretariat had no knowledge about the specific regulations adopted by different States Parties which, in response to a Conference decision (C-II/DEC.7, dated 5 December 1997), eventually provided the necessary information, either through their communications or through submission of their annual declarations. This information covered their national decisions on low concentration limits in relation to Schedule 2 plant sites and AND declarations.
- 7.19 The low concentration limits for Schedule 2 chemicals that were reported by States Parties ranged from zero to 30%, resulting in an unequal implementation of the declaration obligations between States Parties, both in terms of the plants sites and the AND. During the initial period after EIF, inspection teams observed that different low concentration limits had been applied in different declarations for identical industrial processes. An associated problem was whether the intermediates in captive use should be considered for declaration. In accordance with the Conference decision on this issue (C-V/DEC.19, dated 19 May 2000), the States Parties were required to use, as of 1 January 2001, 30% as the concentration limit for mixtures containing Schedule 2B chemicals. The limit for Schedule 2A/A* chemicals continues to remain under consideration of States Parties under the industry cluster consultations. The SAB, which was requested to comment on this issue, stated that the applicable low concentration limit for Schedule 2A/A* chemicals should be determined on the basis of the regulatory intent (compare SAB/IV.1, dated 6 February 2001). This issue has remained unresolved, as does the related issue of captive use and of whether and how low concentration limits are to be applied.
- 7.20 The definition of boundaries of production have been a problem for States Parties since EIF in determining how to declare Schedule 2 and 3 chemical production. Basically, the issue is whether to delineate the production boundaries around the reactor (unit) or around the reactor, including all the ancillary equipment necessary to yield the isolable or isolated scheduled chemical. This can make a great difference in a decision whether to declare or not, especially when low concentration limits are applied. After several consultations in the Industry Cluster, a decision was adopted that the production of a Schedule 2 or Schedule 3 chemical is understood, for declaration purposes, to include all the steps in the production of a chemical in any units within the same plant through chemical reaction, including any associated processes (e.g. purification, separation, extraction, distillation, or refining) in which the chemical is not converted into another chemical. The exact nature of any associated process (e.g. purification, etc.) is not required to be declared. The same

decision amplified definitions of how to declare processing and consumption in Schedule 2 plants (EC-31-DEC.7, dated 11 December 2002).

Captive use

- 7.21 The term “captive use” refers to a facility producing a scheduled chemical that will be consumed in a subsequent process step on site without the isolation of the Scheduled chemical from the process configuration, i.e. the chemical is generated and then consumed without being isolated from the process stream, or from any equipment, and the chemical is neither purified nor stored. This is not an uncommon industrial practice during production of intermediates and scheduled chemicals. During this reporting period inspection teams had observed differences in the declarations associated with Schedule 2 chemicals that were consumed captively.
- 7.22 The issue of the declaration of Schedule 2 and 3 chemicals production that is being consumed by captive use have been raised in individual VIRs since 1999. It was discussed with the concerned States Parties, and taken up in the industry cluster consultations under the auspices of the Council. As noted above, the issue of captive use is closely linked in the views of some State Parties to the issue of low concentration limits. A draft decision incorporating the language of subparagraphs 3.2.2. (a) and (b) of the Declaration Handbook that combined the issue of boundaries of production and captive use was circulated (EC-XXIV/DEC/CRP.5, dated 3 April 2001) to all States Parties. Consultations continued through 2002 with a decision being taken on boundaries of production (see above) but no consensus was reached on the issue of captive use. Consultations in the Industry Cluster will continue in 2003.

Reporting criteria on rounding rules

- 7.23 Inspection teams noted differences in the manner in which States Parties rounded declared quantitative information on Schedule 2 and 3 chemicals. Discussions on rounding rules in the industry cluster in relation to Schedule 1, Schedule 2, and Schedule 3 declarations and transfers of Schedule 1 chemicals led to a decision in 2000 which provides guidance for States Parties and the Secretariat (EC-XIX/DEC.5, dated 7 April 2000) regarding application of the rounding rules.

Status of facility agreements under Part VII of the Verification Annex:

- 7.24 For the period between EIF of the Convention and 31 December 2002, the Council approved five facility agreements. One more facility agreement has been submitted to the Council for consideration and approval. It should also be noted that a large number of draft facility agreements (59) are still pending with States Parties for their review and consideration, while five draft facility agreements are being prepared by the Secretariat, which will subsequently forward them to the States Parties concerned.

8. SCHEDULE 3 CHEMICALS AND FACILITIES

Declarations

- 8.1 The declaration requirements under Part VIII of the Verification Annex can be divided into two parts: (a) declaration of AND for the previous calendar year on the quantities produced, exported, and imported of each Schedule 3 chemical, together with a quantitative specification of imports and exports for each country involved; and (b) declaration of plant sites producing Schedule 3 chemicals above 30 tonnes per annum. AND for Schedule 3 chemicals will be discussed subsequently, together with Schedule 2 AND.
- 8.2 As of 31 December 2002, States Parties declared total production of Schedule 3 chemicals in excess of 3.5 million tonnes per annum whereas, approximately 0.4 million tonnes of export/import of Schedule 3 chemicals per annum had been declared.
- 8.3 As of 31 December 2002, 34 States Parties had declared 497 plant sites producing Schedule 3 chemicals above the declaration threshold, of which 437 plant sites were found to be above the verification threshold. Eighty-two percent (or 360) of the declared and inspectable plant sites are located in seven States Parties, each of which has 10 or more Schedule 3 plant sites. The total number of declared plant sites grew marginally, from 395 to 497.

Issues in relation to Schedule 3 declarations

- 8.4 Late submission of ADAA covering Schedule 3 chemical activities during the next year may create a “declaration data gap” for inspection planning at the beginning of that year. The Secretariat has repeatedly reported to the Council on this issue, which relates to the provision of paragraph 3, Part VIII of the Verification Annex, requiring that Schedule 3 plant sites be selected for on-site inspections on the basis of ADPA for the previous year or of ADAA for the following year (EC-XXI.DG.6, dated 2 October 2000; and EC-XXII/DG.11, dated 5 December 2000; and paragraph 36 of EC-XXVII/DG.10, dated 4 December 2001).
- 8.5 The impact of this ADAA problem on the verification activities of the Secretariat may be reduced if an understanding could be agreed upon that: (a) States Parties will continue to submit their declarations on anticipated activities on time, in accordance with their obligations under the Convention, and (b) until the annual declaration on anticipated activities regarding a plant site activity is received, the Secretariat would tentatively base its inspection planning on the previously declared information regarding the same plant site (e.g. the information provided in the ADPA).
- 8.6 Prompted by the discussions of the issue of the late submission of ADAA, the rate and timing of submissions of the ADAA for the year 2002, involving Schedule 3 chemicals, improved considerably in 2001, as compared to the situation in 2000. By 31 December 2001, 33 of the expected 34 States Parties, under Part VIII of the Verification Annex, had submitted their ADAA for 2003. By comparison, under Part VII of the Verification Annex, 30 of the expected 32 States Parties had provided

their ADAA 2992, Schedule 2 chemicals. In terms of plant sites, from the ADAA for 2002, the Secretariat had received information covering more than 99% of the Schedule 3 plant sites and 100% of the Schedule 2 plant sites that were inspectable at that time.

Transfers of Schedule 3 chemicals

- 8.7 In relation to transfers of Schedule 3 chemicals to States not party to the Convention, the Conference at its Sixth Session called the attention of the States Parties to their obligation to require end-use certificates in accordance with the requirements of paragraph 26, Part VIII of the Verification Annex (C-VI/DEC.10 dated 17 May 2001). It urged the States Parties to adopt their national legislation and administrative measures, as appropriate, and to inform the Secretariat about the measures taken, in accordance with paragraph 5 of Article VII. As of 31 December 2002, an update of the survey of the contents of all submissions made under paragraph 5 of Article VII showed that 42 States Parties had by law required end-use certificates for transfers of Schedule 3 chemicals to States not party. The Conference further decided that, without prejudice to the right of any State Party to adopt a more restrictive approach, the requirements for end-use certificates were not required:
- (a) for products containing 30 % or less of a Schedule 3 chemical; and
 - (b) for products identified as consumer goods that had been packed for retail sale, for personal use, or that had been packed for individual use.

- 8.8 In relation to paragraph 27, Part VIII of the Verification Annex, which requires the Conference to consider the need for other measures regarding transfers of Schedule 3 chemicals to States not party to the Convention, informal consultations were held in the industry cluster. No conclusions had been reached by 31 December 2002.

Boundaries of Production and Captive Use:

- 8.9 As noted in the discussions about the Schedule 2 regime, a decision has been adopted by the Council in relation to boundaries of production that the production of a Schedule 2 or Schedule 3 chemical is understood, for declaration purposes, to include all the steps involved in the production of a chemical in any units within the same plant through chemical reaction, including any associated processes (e.g. purification, separation, extraction, distillation, or refining) in which the chemical is not converted into another chemical. The exact nature of any associated process (e.g. purification, etc.) is not required to be declared. The same decision amplified the definitions of how to declare processing and consumption in Schedule 2 plants. (EC-31/DEC.7, dated 11 December 2002). Consultations about captive use continued in the industry cluster into 2003.

Verification activities under Part VIII of the Verification Annex

- 8.10 During the period between EIF and 31 December 2002 the Secretariat conducted 100 Schedule 3 inspections, which began in 1998. Only two uncertainties were

identified during one inspection which referred to, the verification of the absence of Schedule 1 chemicals and the purposes of production. Both these issues were clarified during the reporting period. In all other Schedule 3 inspections, mandated inspection aims were achieved, and no major issues were encountered.

- 8.11 As reported in subparagraph 4.10. of Part I of the Status Implementation Report (SIR) to the Council at its Sixteenth session (EC-XVI/HP/DG.1, dated 25 August 1999), the random selection methodologies used by the Secretariat for selection of Schedule 3 plant sites for inspections in 1998 and during early 1999 were a cause of concern to some States Parties. These were related to the inclusion in the Secretariat's database of declared, as opposed to inspectable Schedule 3 plant sites, which could theoretically result in the selection of a State Party which did not have any inspectable Schedule 3 plant sites, and the removal of States Parties from the database after their selection for inspection purposes. This could reduce the probability for some States Parties to be selected for inspection, particularly if they had large numbers of declared Schedule 3 plant sites. In light of these concerns from States Parties, the issue of selection of Schedule 3 plant sites was included for discussion in the industry cluster.
- 8.12 The consultations held on this issue resulted in a consensus among States Parties in support of a two-stage computer-assisted modified random selection methodology. In the first step, a State Party is selected on the basis of a selection probability factor that is calculated on the basis of 0.5 times (the square root of the number of its inspectable plant sites) plus 1. A facility is then selected from all inspectable facilities declared by this State Party by random selection, whereby the probability of selecting a particular plant site is dependent on the factors listed in subparagraph 14(b) of Part VIII of the Verification Annex. This methodology was adopted by the Council at its Sixteenth Session (EC-XVII/DEC.7, dated 1 December 1999) and has been used since 1999 to select Schedule 3 plant sites for inspection.
- 8.13 Due to the aforementioned fact that the receipt of ADPA for the previous calendar year is not required until 31 March, the selection must await the establishment of an inspectable Schedule 3 plant site database; this means that selections will be made in the second quarter of the year. Through the end of 31 December 2002, the Secretariat had directed that repeat selections of Schedule 3 plant sites should be deferred until a greater number of Schedule 3 plant sites had received an inspection. This directive may be reconsidered in the light of discussions in the Industry Cluster on the same issue in relation to the selection of OCPF plant sites to be inspected.

Status of Facility Agreements under Part VIII of the Verification Annex

- 8.14 As of 31 December 2002, no State Party had requested a facility agreement for a Schedule 3 plant site.

Aggregate National Data

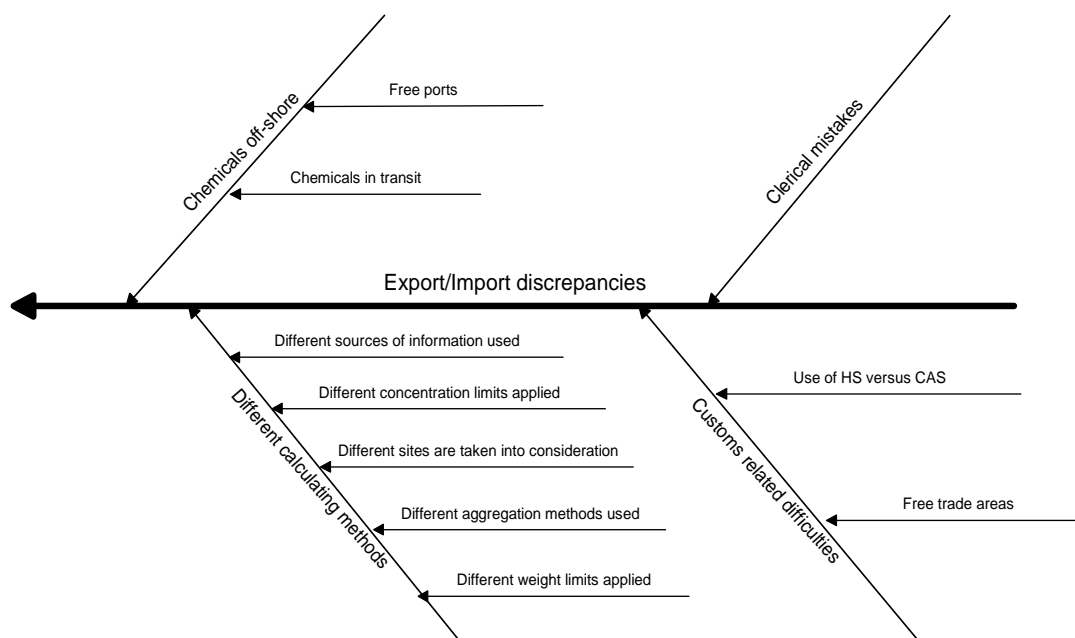
- 8.15 The declaration of AND is stipulated in paragraph 1 of Part VII and paragraph 1 of Part VIII of the Verification Annex. For States Parties with declarable facilities, this AND complements the information provided in the facility declarations. For States Parties without declarable facilities under Parts VII and VIII, but which engage in

activities involving scheduled chemicals, the import data submitted under these provisions are the sole source which the Secretariat can use for data monitoring. In principle, AND is useful to validate data contained in facility declarations, and illustrates past transactions between States Parties involving Schedule 2 and 3 chemicals. It does not, however, provide for the actual monitoring of such transfers. AND is the only declaration source for the Secretariat in relation to transfers of scheduled chemicals to States not party.

- 8.16 The declaration of AND serves as a confidence-building measure. In combination with other means stipulated under the Convention (prohibitions in relation to Schedule 2 chemicals effective 29 April 2000, end use certificates for Schedule 3 chemicals), they are also intended to address CW-proliferation concerns.
- 8.17 Schedule 2 AND includes annual data on the production, processing, consumption, import and export of each Schedule 2 chemical, including a quantitative specification of annual exports and imports per country involved. AND for Schedule 3 chemicals relates to production, exports and imports only, but the provisions are otherwise identical to those for Schedule 2 chemicals. AND data for production, processing, and consumption have their equivalent in the data available from Schedule 2 and 3 plant site declarations.
- 8.18 The Secretariat has noted that both the States Parties involved in a transfer had not always provided the required data. Furthermore, the information declared by exporting and importing States Parties regarding their Schedule 2/Schedule 3 transfers often did not match, even when both parties that were involved, provided their transfer data. Approximately 78 % of the export/import data as declared by the end 2002 did not match.⁹ The Secretariat reported this issue to the Council (EC-XXIII/S.1, dated 12 January 2001). The Secretariat compared the aggregate production figures declared by States Parties with the relevant information available from open sources, which had indicated further significant differences. It appeared that the lack of widely accepted common standards on the methods of collecting and calculating such information has made the assessment of submitted information rather difficult.
- 8.19 One such issue is that States Parties had different interpretations as to the requirements for national aggregation data that was submitted as AND. The Convention does not establish any rules to that end (it speaks of “amounts” only). Some States Parties have chosen to apply the same thresholds as those used for facility declarations when their AND is being collected and submitted. On the other hand, some States Parties essentially aggregate all the data available to them, irrespective of the amounts involved.
- 8.20 The Secretariat had already reported to the Council (EC-XXIII/S.1, dated 12 January 2001) that the discrepancies for Schedule 2 and Schedule 3 chemicals are the highest for those chemicals which were traded in high volumes.

⁹ Either because only one of the two States parties involved submitted any data, or because the amounts declared by two States Parties involved differed by more than 20%.

8.21 Both States Parties and the Secretariat identified several factors that contributed to either the absence of AND declarations, or to mismatches that occurred in declarations of transferred amounts of Schedule 2/Schedule 3 chemicals. An assessment is depicted in the chart below.



8.22 The relative impact of each of the factors identified could not be reliably determined during the period under review. However, it is likely that some additional factors may be identified based on the inputs received from States Parties. In view of the Secretariat, some of the factors mentioned above, particularly the different calculation methods used by States Parties, could be resolved within the framework of Convention. The Secretariat views the current degree of inconsistency that is observed regarding declared AND quantities as significant. States Parties have lately begun to take steps to provide more precise declaration data.

8.23 Recognising that a common approach to AND declarations was necessary, States Parties under the direction of the Council within the framework of the Industry Cluster held consultations on the issue. A decision was reached which addressed AND for the production, processing, consumption, import and export of Schedule 2 chemicals and the import and export of Schedule 3 chemicals (C-7/DEC.14, dated 10 October 2002.) No decision could be taken on Schedule 3 Production AND declarations and consultations on this issue will be continued in 2003.

8.24 The enacting and/or further improvement of implementing legislation and administrative measures by States Parties should improve the timing and accuracy of the data collected which, together with decision C-7/DEC.14, dated 10 October 2002 should resolve some of the mismatches in AND as noted above.

9. OTHER CHEMICAL PRODUCTION FACILITIES

Declarations

- 9.1 The declaration requirements under Part IX of the Verification Annex are significantly different from those defined in Parts VI, VII, or VIII of the Verification Annex. Under Part IX of the Verification Annex, no annual declaration of anticipated activities is required. The Secretariat has interpreted paragraph 3 of Part IX to mean that after the declarations for plant sites producing DOC/PSF chemicals above the declaration threshold have been submitted in the initial declaration, no resubmission of the information is required until a change has occurred and an annual update needs to be submitted. It should be noted that one State Party has formally disagreed with this position, and two other State Parties, through their delegations, have expressed their view that an opportunity must be made for submission of an update each year at the same time as the ADPA, and that therefore, similar to the case of Schedule 3 sites, OCPF plant sites would only be liable for selection for inspection after 31 March of any given year, and provided they exceeded the inspection threshold in the previous calendar year. This would create a delay in the ability of the Secretariat to select OCPF plant sites until after the first quarter of the year.
- 9.2 By the end of period under review, 60 States Parties had declared 4,117 plant sites producing DOC/PSF chemicals above the declaration threshold, and 58 States Parties declared 3,990 plant sites above the verification threshold. 83% of the declared and inspectable plant sites are located in 10 States Parties.

Verification activities under Part IX of the Verification Annex:

- 9.3 A total of 97 OCPF inspections were conducted during the period under review, which began on 29 April 2000. The inspection procedures were those described in the Secretariat non-paper dated 5 April 2000, entitled "Illustrative Inspection Procedures for Inspection of DOC/PSF Plant Sites"; these procedures appeared to function satisfactorily during the period under review. No uncertainties occurred during inspections. Issues requiring further attention were primarily in relation to corrections needed in the declared data.
- 9.4 During these inspections, States Parties disclosed the names of the chemicals produced at the inspected plants and provided production records to inspection teams to assess the quantities produced in the previous year. In the case of one inspection where the production records were not available, consumption records for the intermediate consumed to produce polymers was provided; in another case, where the inspected State Party did not want to disclose the production data, utility consumption data was provided to the inspection team as an alternative. The level of technical information assessed during the inspections varied, but was always sufficient to allow inspection teams to determine that the activities at these plant sites were in accordance with the provisions of the Convention.
- 9.5 Although the Convention provides for access to the plant(s) under the rules of managed access, and to the rest of the plant site after the inspected State Party has

agreed to this, in practice, during the reporting period little difference was observed by inspection teams between managed access to the plants and agreed access to the rest of the plant site, granted by the inspected States Parties.

- 9.6 The majority of the OCPF inspections took place at sites with DOC plants at which there was no production of PSF chemicals. Many of these facilities were dedicated to chemicals produced in bulk such as urea, methanol, formaldehyde and linear alkyl benzene sulfonate (soap). These, in opinion of the Secretariat, are of little relevance to the non-proliferation interests of the Convention. On the other hand there were some PSF facilities within the OCPF plant sites that possessed multi-purpose plants with features that could provide a platform for the production of Scheduled chemicals. The Secretariat and States Parties recognised that it would be more productive to focus on the selection of those facilities from all declared OCPF plant sites. The developments in relation to selection of OCPFs for inspection will be discussed later in this report.

Issues in relation to Inspections of OCPFs

Production by synthesis:

- 9.7 Inspection teams observed that some States Parties have declared facilities that produced chemicals using biologically or biochemically mediated processes. There is no consensus amongst States Parties on the question of whether DOCs that are “produced by synthesis” should include those chemicals that are produced by biological and/or biochemically mediated process. This issue was referred to the SAB for its assessment and recommendation. The SAB concluded that the focus should be the chemical that is produced and not on the method employed by the facility to produce it and that facilities producing DOCs using biologically mediated processes should also be declared. A group of experts from the States Parties discussed this issue and disagreed with this conclusion. The Council concurred with the view of the expert group, but also noted the Director-General’s view that the issue should be kept under review (paragraph 13.1 of EC-XIX/6, dated 3 May 2000; and EC-XIX/DG.4, dated 14 March 2000).

Random selection process

- 9.8 Since OCPF inspections were budgeted for in the Programme and Budget 2000 (C-IV/DEC.23, dated 2 July 1999), the Secretariat and States Parties in the Industry Cluster considered ways in which to implement the provisions of paragraph 11 of Part IX of the Verification Annex, that provides for the random selection of DOC/PSF plant sites for inspection using three distinct weighting factors (equitable geographical distribution, information available to the Secretariat on the listed plant sites, and the States Parties’ proposals on a basis to be agreed upon).
- 9.9 After several months of discussion, a two stage random selection methodology was adopted in which, like for Schedule 3 plant sites, the State Party was selected first, followed by the selection of a plant site from the pool of declared plant sites within the State Party (EC-XIX/DEC/CRP.11, dated 4 April 2000). Any State Party’s probability of selection was proportional to: the cube root of the number of its

inspectable facilities; the facility's production range; and whether the plant site contained any PSF plant, and it was inversely proportional to the number of times the plant site had been selected in the past. This procedure was used until November 2001, when the Secretariat, in order to enhance the geographic distribution, changed the first stage of the selection methodology to a totally random selection of States Parties.

- 9.10 The second stage of the selection methodology had resulted in the selection of a large number of facilities that were dedicated to the production of large volume chemicals in plants which, in the view of the Secretariat, had little relevance to the Convention. Therefore, the Secretariat undertook studies (a Secretariat non-paper on this issue was distributed during the Industry Cluster meeting held on 8 October 2001), which resulted in a plant site selection methodology that uses weighting factors that lead to a higher probability that medium-range production facilities, which are chemically more relevant, will be selected. Some of the factors used in the random selection process are: a weighting factor of seven accounting for the presence of PSF plants on the plant site, and the use of higher weighting factors for SITC product codes for product types relating to chemicals of higher relevance to the interests of the Convention's verification system. To minimise the chances of a State Party being reselected, an inverse proportionality was added for facilities that had previously been inspected. This methodology increases the probability of selecting relevant sites from 12% using the methodology described in EC-XIX/DEC/CRP.11, dated 4 April 2000 to 40%. The Director-General approved the Secretariat's use from November 2001 of this second-stage methodology. In addition, the Council, at its Twenty-Seventh Session, recognised that this plant site selection methodology will lead to an improved weighting factor for those OCPFs that are most relevant to the Convention (paragraph 13.3 of EC-XXVII/3, dated 7 December 2001).
- 9.11 None of the OCPF selection methodologies used by the Secretariat during the reporting period included the use of information available to the Secretariat (see paragraph 11(b) of Part IX of the Verification Annex, other than declared information, or proposals by States Parties as foreseen under subparagraph 11(c) of Part IX of the Verification Annex. However, States Parties, in addition to providing comments and national papers in relation to the Secretariat's two-stage methodologies, have made contributions in relation to the incorporation of paragraphs 11 (b) and 11 (c) of Part IX of the Verification Annex.
- 9.12 Belgium provided a national paper (dated 17 January 2000) that suggested paragraph 11(c) of Part IX of the Verification Annex might be implemented by adding to the first stage of the Secretariat's two stage selection process a factor which would increase the probability that a State Party would be selected, based on secret ballot nominations of State Parties by other States Parties.
- 9.13 The United States of America, in its non-paper (dated 22 January 2002) suggested a computer-assisted methodology which directly selected plant sites for inspection, in contrast to the two-stage methodologies in which the State Parties are selected first, followed by the selection of the plant sites. In this methodology, the probability that a plant site would be selected was based on the weighting factors, each accounting for one-third of the total. The first was a geographic weighting factor related to the

number of inspectable OCPFs in a given State Party; the second was related to information available to the Secretariat, including non-declared information; the third was based on nomination points for specific OCPF plant sites.

- 9.14 The paper from the United States of America was followed on 1 March 2002 by a Swiss paper that proposed a two-stage computer assisted selection methodology, the process of which is similar to the current methodology used by the Secretariat, but with significant differences in the weighting factors used for the selection of States Parties. The first stage assigned higher selection probabilities to States Parties that were not receiving inspections under Parts VI, VII, or VIII of the Verification Annex. The provisions of paragraph 11(c) would be incorporated into the first stage of the process by assigning higher probabilities to State Parties that had submitted either no declarations or late declarations or that had been nominated by other States Parties, in accordance with the previously described Belgian proposal. As in the Secretariat methodologies, the second stage after the States Parties had been selected would be the selection of the OCPF plant site(s) per selected State Party, using exclusively declared information.
- 9.15 These proposals by States Parties were under discussion in the Industry Cluster at the close of the period under review and consultations were scheduled to continue in 2003.
- 9.16 As noted under the section on selection of Schedule 3 plant sites for inspection, the Secretariat's policy has been not to re-inspect OCPF plant sites that have been reselected. This was implemented because very few of the inspectable OCPF plant sites have yet been selected. However, it must be pointed out that the United States of America's selection methodology paper, noted in paragraph 9.13 above, envisions repeat inspections in a given year, and thus this policy may be reviewed by the Secretariat or by the Council in the future.

Annex 2

Inspection Summary, EIF to 31 December 2002

Data as of
31 December 2002¹⁰

EIF + 2074

	NUMBER OF INSPECTIONS	NUMBER OF SITES	INSPECTOR DAYS
<u>COMPLETED</u>			
ACW	20	16	564
CWDF	306	23	50,181
CWPF	267	63	5,286
CWSF	184	33	6,380
DHCW ¹¹	4	0	291
OCPF	97	97	1,856
EDCW ¹²	1	0	10
OCW	43	26	917
SCHED1	107	33	1,934
SCHED2	198	183	5,827
SCHED3	100	100	1,014
TOTAL	1,327	574	75,160

¹⁰ Note: 1 Inspector Year = 1 Inspector per 1 deployment day (including travel days).
Inspector Days for ongoing inspections are estimated values.

51 State Parties have been inspected since EIF.

*: None of these inspections take place at sites that have not received an inspection in the past.

¹¹ Destruction of hazardous CW

¹² Emergency destruction of CW

Annex 3
Inspection Summary EIF 1997 – 31 December 2002

STATE PARTY	ACW	CWDF	CWPF	CWSF	DHCW	DOC	EDCW	OCW	SCHED1	SCHED2	SCHED3	TOTAL
ALGERIA						3						3
ARGENTINA						4						4
AUSTRALIA						1			3	1	4	9
AUSTRIA						1					1	2
BELARUS						2					1	3
BELGIUM						2		2	3	1	3	11
BOSNIA AND HERZEGOVINA			2									2
BRAZIL						1				2	3	6
BULGARIA						2				1	1	4
CANADA						5		2	5			12
CHILE						2					1	3
CHINA	16		2			1			10	21	9	59
COSTA RICA						1						1
CROATIA						4						4
CZECH REPUBLIC						5					2	7
DENMARK										1		1
ESTONIA						2						2
FEDERAL REPUBLIC OF YUGOSLAVIA			2			1			2			5
FINLAND						3			7	2		12
FRANCE			10					6	5	18	7	47
GERMANY								15		29	7	51
HUNGARY						1					4	5
INDIA		38	21	13					4	2	7	85
IRAN			2			5			1		1	9
IRELAND						2				3		5
ITALY	2							5		23	3	33
JAPAN			5			1		4	4	24	8	46
LITHUANIA						1						1
MEXICO						2					1	3
MOROCCO						2						2
NETHERLANDS						1			4	7	2	14
NEW ZEALAND						2			1			3
NORWAY						4			5	1		10
PANAMA	1											1
POLAND	1					5					3	9
STATE PARTY	ACW	CWDF	CWPF	CWSF	DHCW	DOC	EDCW	OCW	SCHED1	SCHED2	SCHED3	TOTAL
REPUBLIC OF KOREA												102
ROMANIA						3					3	6

Annex 4

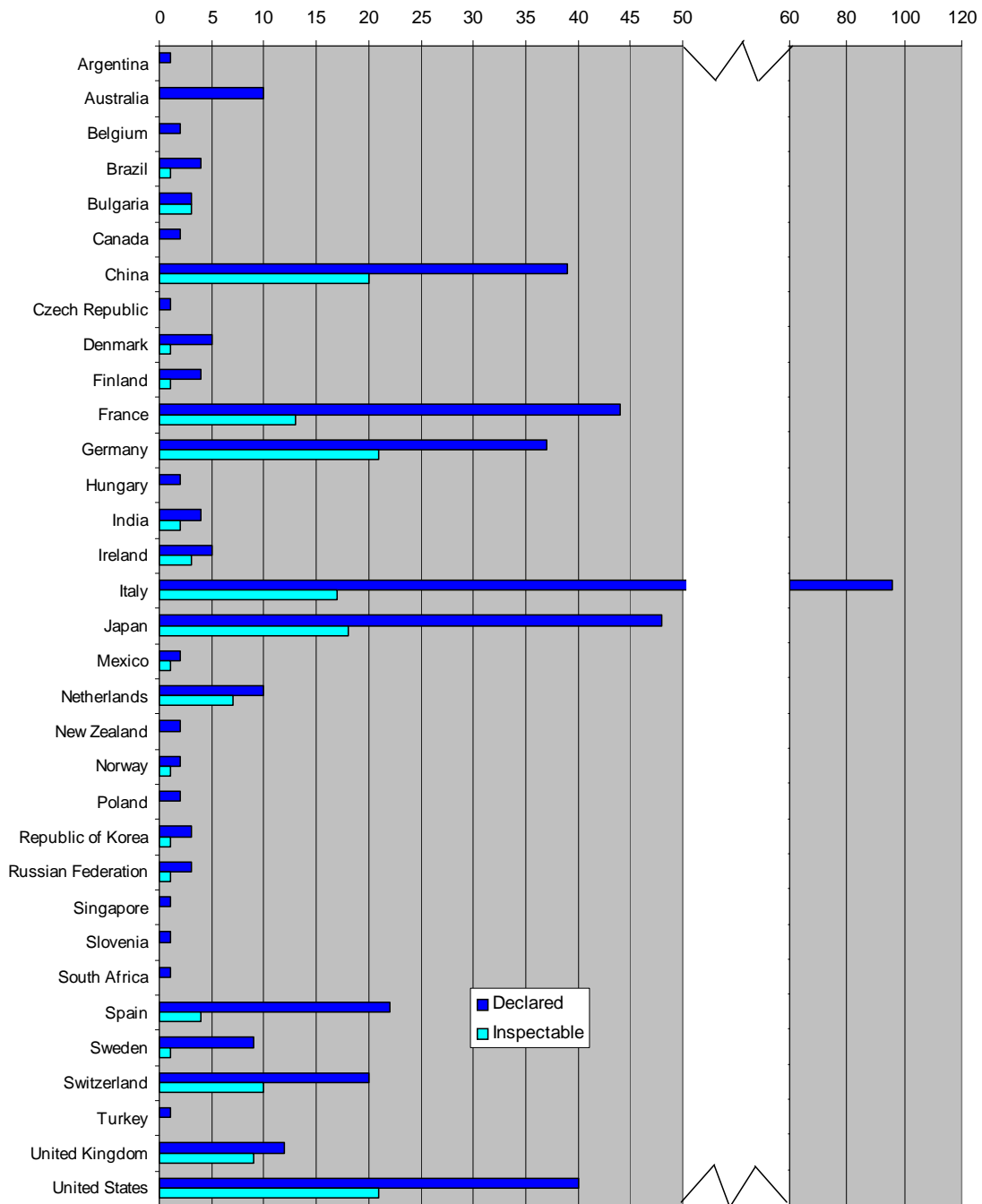
LIST OF CHEMICAL AGENTS DECLARED AND DESTROYED (as of 31 December 2002)

IUPAC Name of Chemical	COMMON NAME of Chemical	CONVENTION Schedule	Quantity Declared (MT)	Quantity Destroyed (MT)
Category 1				
O-isopropyl methylphosphonofluoridate	GB (sarin)	Sch.1: A (1)	15,048.127	5,078.600
O-pinacolyl methylphosphonofluoridate; (O-(1,2,2-trimethylpropyl)-methylphosphonofluoridate)	GD (soman)	Sch.1: A (1)	9,174.667	
O-ethyl N,N-dimethyl Phosphoramidocyanidate	GA (tabun)	Sch.1: A (2)	2.283	0.379
O-ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	VX	Sch.1: A (3)	4,032.136	323.677
O-isobutyl-S-[2-(diethylamino) ethyl] methylthiophosphonate	VX	Sch.1 : A (3)	15,557.937	
O-ethyl S-2-(dimethylamino)ethyl methylphosphonothiolate	EA 1699	Sch.1: A (3)	0.002	
bis(2-chloroethyl) sulfide	sulfur mustard, mustard gas, H, HD, mustard gas in oil product	Sch.1: A (4)	13,838.813	467.150
mixture of bis (2-chloroethyl) sulfide and 2-chlorovinylchloroarsine	mixture of mustard gas and lewisite	Sch.1: A (4) Sch.1: A (5)	273.259	
mixture of bis (2-chloroethyl) sulfide and 2-chlorovinylchloroarsine in 1,2-dichloroethane	mixture of mustard gas and lewisite in dichloroethane	Sch.1: A (4) Sch.1: A (5)	71.392	
2-chlorovinylchloroarsine	lewisite, L	Sch.1: A (5)	6,744.645	
methylphosphonyl difluoride	DF	Sch.1: B (9)	443.967	3.791
O-ethyl O-2-diisopropylaminoethyl methylphosphonite	QL	Sch.1: B (10)	46.227	0.477
mixture of 60% bis (2-chloroethyl) sulfide and 40% bis(2-chloroethylthioethyl) ether	HT	Sch.1: A (4)	3,535.536	
Mixture of 72% isopropyl alcohol and 28% isopropylamine	OPA	non-scheduled	730.545	460.859
unknown	unknown		4.641	0.001
	toxic waste (degraded sulfur mustard)		0.94	
Total Category 1			69,505.117	6,334.934
Category 2				
2-chloro-ethane -1-ol	2-chloroethanol	Non-scheduled	302	131.819
bis(2-hydroxyethyl) sulfide	thiodiglycol	Sch.2 : B (13)	51	51.000

IUPAC Name of Chemical	COMMON NAME of Chemical	CONVENTION Schedule	Quantity Declared (MT)	Quantity Destroyed (MT)
carbonyl dichloride	phosgene	Sch.3 : A (1)	10.616	0.966
Total Category 2			363.616	183.785

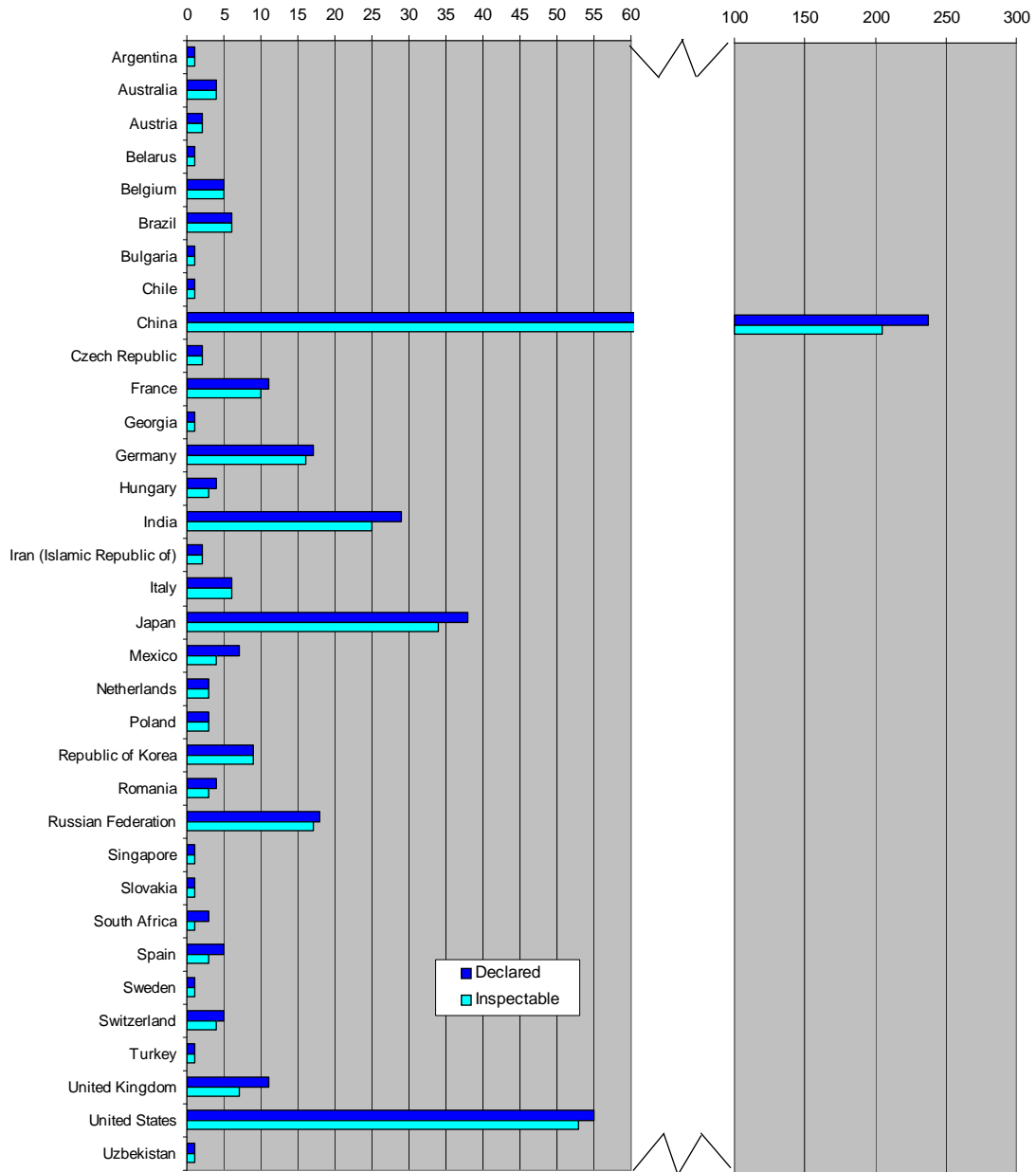
Annex 5

**DECLARABLE AND INSPECTABLE SCHEDULE 2 FACILITIES
 (as of 31 December 2002)**



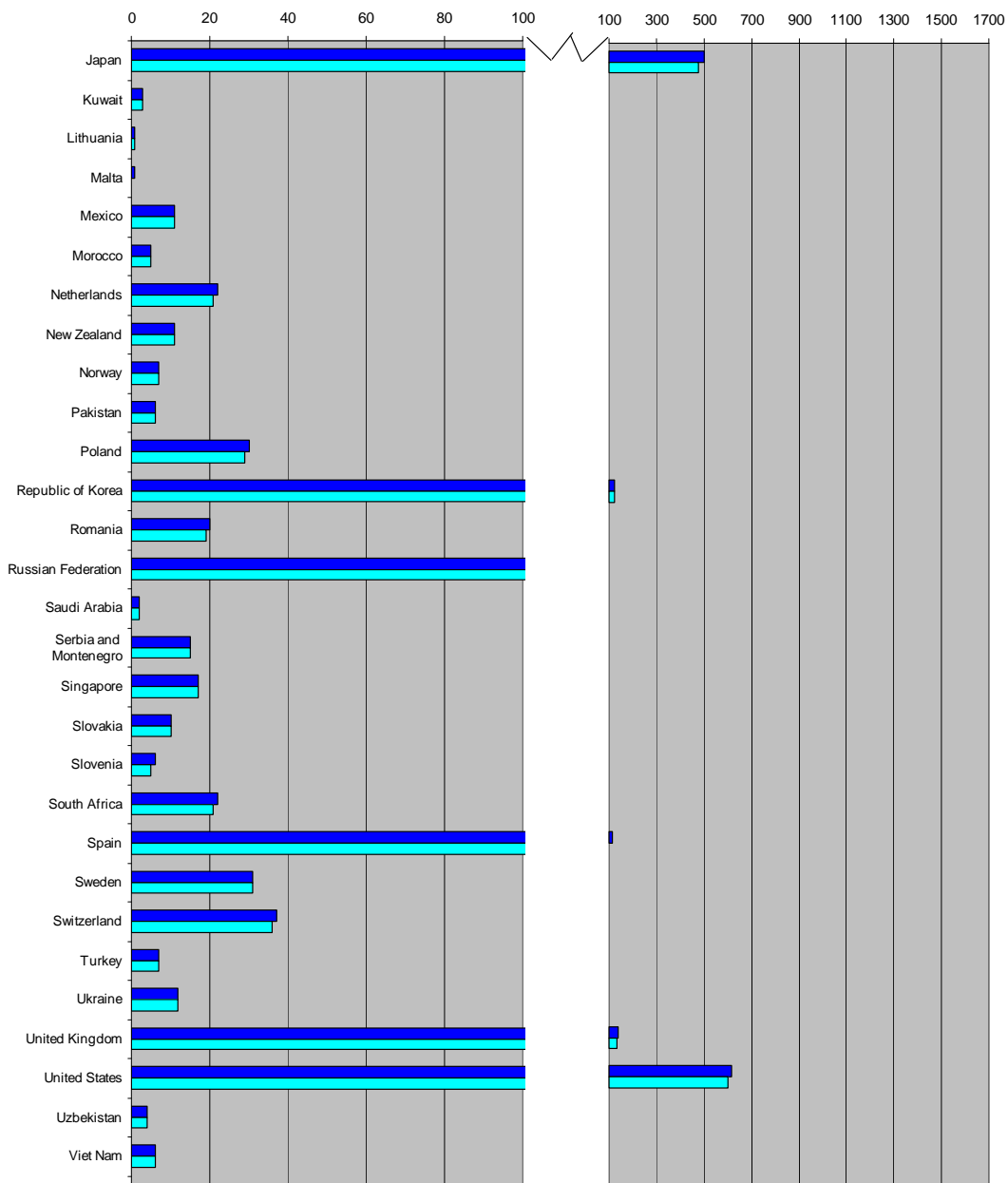
Annex 6

**DECLARABLE AND INSPECTABLE SCHEDULE 3 FACILITIES
 (as of 31 December 2002)**



Annex 7

DECLARABLE AND INSPECTABLE DOC/PSF FACILITIES
(as of 31 December 2002)



Annex 8

STATUS OF SUBMISSION BY STATES PARTIES OF INITIAL DECLARATIONS AND NOTIFICATIONS

Information as of 31 December 2002

No.	State Party	Entry Into Force	Convention Articles/Parts of the Verification Annex ¹	National Authority Details ²	National Implementing Legislation ³	Number of Points of Entry ⁴
1	Albania	29-Apr-97	III, VI	✓ ⁵		
2	Algeria	29-Apr-97	III, VI	✓		1
3	Argentina	29-Apr-97	III, VI	✓	✓	1
4	Armenia	29-Apr-97	III, VI	✓		1
5	Australia	29-Apr-97	III, VI	✓	✓	3
6	Austria	29-Apr-97	III, VI	✓	✓	1
7	Azerbaijan	30-Mar-00	III, VI		✓	
8	Bahrain	29-Apr-97	III, VI	✓		
9	Bangladesh	29-Apr-97	III, VI	✓		
10	Belarus	29-Apr-97	III, VI	✓	✓	1
11	Belgium	29-Apr-97	III, VI, VA-IV(B)	✓	✓	3
12	Benin	13-Jun-98	III, VI			
13	Bolivia	13-Sept-98	III, VI	✓		
14	Bosnia and Herzegovina	29-Apr-97	III, V, VI	✓		
15	Botswana	30-Sept-98	III, VI			
16	Brazil	29-Apr-97	III, VI	✓	✓	3
17	Brunei Darussalam	27-Aug-97	III, VI			2
18	Bulgaria	29-Apr-97	III, VI	✓	✓	1
19	Burkina Faso	07-Aug-97	III, VI	✓		2
20	Burundi	04-Oct-98	III	✓		
21	Cameroon	29-Apr-97	III, VI	✓		
22	Canada	29-Apr-97	III, VI, VA-IV(B)	✓	✓	6
23	Chile	29-Apr-97	III, VI	✓	✓	1
24	China	29-Apr-97	III, V, VI, VA-IV(B)	✓	✓	1

Information as of 31 December 2002

No.	State Party	Entry Into Force	Convention Articles/Parts of the Verification Annex ¹	National Authority Details ²	National Implementing Legislation ³	Number of Points of Entry ⁴
25	Colombia	05-May-00	III	✓		
26	Cook Islands	29-Apr-97	III, VI	✓		1
27	Costa Rica	29-Apr-97	III, VI	✓		
28	Côte d'Ivoire	29-Apr-97	III	✓		1
29	Croatia	29-Apr-97	III, VI	✓	✓	3
30	Cuba	29-May-97	III, VI	✓	✓	1
31	Cyprus	27-Sept-98	III, VI	✓		3
32	Czech Republic	29-Apr-97	III, VI	✓	✓	1
33	Denmark	29-Apr-97	III, VI	✓	✓	1
34	Dominica	14-Mar-01	III, VI	✓		
35	Ecuador	29-Apr-97	III, VI	✓		1
36	El Salvador	29-Apr-97	III, VI	✓		
37	Equatorial Guinea	29-Apr-97	III, VI			
38	Eritrea	15-Mar-00	III, VI			
39	Estonia	25-Jun-99	III, VI	✓	✓	1
40	Ethiopia	29-Apr-97	III, VI	✓		1
41	Fiji	29-Apr-97	III, VI	✓		
42	Finland	29-Apr-97	III, VI	✓	✓	1
43	France	29-Apr-97	III, V, VI, VA-IV(B)	✓	✓	17
44	Gabon	08-Oct-00	III, VI	✓		
45	Gambia	18-Jun-98	III, VI			
46	Georgia	29-Apr-97	III, VI	✓	✓	1
47	Germany	29-Apr-97	III, VI, VA-IV(B)	✓	✓	5
48	Ghana	08-Aug-97	III, VI	✓		
49	Greece	29-Apr-97	III, VI	✓		3
50	Guinea	09-Jul-97	III, VI			
51	Guyana	12-Oct-97	III, VI	✓		
52	Holy See	11-Jun-99	III, VI	✓		1

Information as of 31 December 2002

No.	State Party	Entry Into Force	Convention Articles/Parts of the Verification Annex ¹	National Authority Details ²	National Implementing Legislation ³	Number of Points of Entry ⁴
53	Hungary	29-Apr-97	III, VI	✓	✓	2
54	Iceland	29-Apr-97	III, VI	✓	✓	1
55	India	29-Apr-97	III, IV, V, VI	✓	✓	1
56	Indonesia	12-Dec-98	III, VI	✓		
57	Iran (Islamic Republic of)	03-Dec-97	III, V, VI	✓		1
58	Ireland	29-Apr-97	III, VI	✓	✓	2
59	Italy	29-Apr-97	III, VI, VA-IV(B)	✓	✓	6
60	Jamaica	08-Oct-00	III, VI	✓		4
61	Japan	29-Apr-97	III, V, VI, VA-IV(B)	✓	✓	5
62	Jordan	28-Nov-97	III, VI	✓		1
63	Kazakhstan	22-Apr-00	III, VI	✓		
64	Kenya	29-Apr-97	III, VI	✓		2
65	Kiribati	07-Oct-00	III			
66	Kuwait	28-Jun-97	III, VI	✓		
67	Lao People's Democratic Republic	29-Apr-97	III, VI			
68	Latvia	29-Apr-97	III, VI	✓	✓	1
69	Lesotho	29-Apr-97	III, VI	✓		
70	Liechtenstein	24-Dec-99	III, VI	✓		
71	Lithuania	15-May-98	III, VI	✓	✓	1
72	Luxembourg	29-Apr-97	III, VI	✓	✓	1
73	Malawi	11-Jul-98	III, VI			
74	Malaysia	20-May-00	III, VI			
75	Maldives	29-Apr-97	III, VI	✓		
76	Mali	29-Apr-97	III, VI	✓		
77	Malta	29-Apr-97	III, VI	✓	✓	4
78	Mauritania	11-Mar-98	III, VI			
79	Mauritius	29-Apr-97	III, VI	✓		1

Information as of 31 December 2002

No.	State Party	Entry Into Force	Convention Articles/Parts of the Verification Annex ¹	National Authority Details ²	National Implementing Legislation ³	Number of Points of Entry ⁴
80	Mexico	29-Apr-97	III, VI	✓	✓	1
81	Micronesia (Federated States of)	21-Jul-99	III, VI			
82	Monaco	29-Apr-97	III, VI	✓	✓	1
83	Mongolia	29-Apr-97	III, VI	✓		1
84	Morocco	29-Apr-97	III, VI	✓	✓	8
85	Mozambique	14-Sept-00				
86	Namibia	29-Apr-97	III, VI	✓		
87	Nauru	12-Dec-01				
88	Nepal	18-Dec-97	III	✓		
89	Netherlands	29-Apr-97	III, VI	✓	✓	6
90	New Zealand	29-Apr-97	III, VI	✓	✓	1
91	Nicaragua	05-Dec-99	III, VI			
92	Niger	29-Apr-97	III, VI	✓		
93	Nigeria	19-Jun-99	III	✓		2
94	Norway	29-Apr-97	III, VI	✓	✓	2
95	Oman	29-Apr-97	III, VI	✓	✓	1
96	Pakistan	27-Nov-97	III, VI	✓	✓	1
97	Panama	06-Nov-98	III, VI, VA-IV(B)	✓	✓	
98	Papua New Guinea	29-Apr-97	III, VI			
99	Paraguay	29-Apr-97	III, VI	✓		
100	Peru	29-Apr-97	III, VI	✓	✓	1
101	Philippines	29-Apr-97	III, VI	✓		2
102	Poland	29-Apr-97	III, VI	✓	✓	3
103	Portugal	29-Apr-97	III, VI	✓		3
104	Qatar	03-Oct-97	III, VI			
105	Republic of Korea	29-Apr-97	III, VI	✓	✓	1
106	Republic of Moldova	29-Apr-97	III, VI	✓		
107	Romania	29-Apr-97	III, VI	✓	✓	2

Information as of 31 December 2002

No.	State Party	Entry Into Force	Convention Articles/Parts of the Verification Annex ¹	National Authority Details ²	National Implementing Legislation ³	Number of Points of Entry ⁴
108	Russian Federation	05-Dec-97	III, IV, V, VI	✓	✓	1
109	Saint Lucia	29-Apr-97	III, VI			
110	San Marino	09-Jan-00	III, VI	✓	✓	
111	Saudi Arabia	29-Apr-97	III, VI	✓		
112	Senegal	19-Aug-98	VI			
113	Seychelles	29-Apr-97	III			
114	Singapore	20-Jun-97	III, VI	✓	✓	1
115	Slovakia	29-Apr-97	III, VI	✓	✓	2
116	Slovenia	11-Jul-97	III, VI, VA-IV(B)	✓	✓	1
117	South Africa	29-Apr-97	III, VI	✓	✓	1
118	Spain	29-Apr-97	III, VI	✓	✓	2
119	Sri Lanka	29-Apr-97	III, VI	✓		1
120	Sudan	23-Jun-99	III, VI	✓		
121	Suriname	29-Apr-97	III			
122	Swaziland	29-Apr-97	III, VI	✓		
123	Sweden	29-Apr-97	III, VI	✓	✓	2
124	Switzerland	29-Apr-97	III, VI	✓	✓	1
125	Tajikistan	29-Apr-97	III, VI			
126	The former Yugoslav Republic of Macedonia	20-Jul-97	III, VI			3
127	Togo	29-Apr-97	III, VI			
128	Trinidad and Tobago	24-Jul-97	III, VI			
129	Tunisia	29-Apr-97	III, VI	✓		1
130	Turkey	11-Jun-97	III, VI	✓	✓	2
131	Turkmenistan	29-Apr-97	III			
132	Uganda	30-Dec-01				
133	Ukraine	15-Nov-98	III, VI	✓	✓	1
134	United Arab Emirates	28-Dec-00	III, VI			

Information as of 31 December 2002

No.	State Party	Entry Into Force	Convention Articles/Parts of the Verification Annex ¹	National Authority Details ²	National Implementing Legislation ³	Number of Points of Entry ⁴
135	United Kingdom	29-Apr-97	III, V, VI, VA-IV(B)	✓	✓	6
136	United Republic of Tanzania	25-Jul-98	III			
137	United States	29-Apr-97	III, IV, V, VI, VA-IV(B)	✓	✓	2
138	Uruguay	29-Apr-97	III, VI	✓	✓	1
139	Uzbekistan	29-Apr-97	III, VI	✓	✓	1
140	Venezuela	02-Jan-98	III, VI			
141	Viet Nam	30-Oct-98	III, VI	✓		3
142	Yemen	01-Nov-00	III			
143	Yugoslavia	20-May-00	III, V, VI	✓		1
144	Zambia	11-Mar-01				
145	Zimbabwe	29-Apr-97	III, VI	✓	✓	1

¹ Articles of, and Parts of the Verification Annex (VA) to, the Convention, which are referenced in this column, denote the types of chemical activities declared by a State Party in its initial declaration, e.g. CW-related activity under Articles III, IV or V, or chemical industry activity under Article VI. An empty cell indicates that an initial declaration has yet to be submitted. Information in this column is provided in conformity with the requirements of the OPCW confidentiality regime.

² Ref.: Article VII, paragraph 4.

³ Ref.: Article VII, paragraph 5.

⁴ Ref.: Verification Annex, Part II, paragraph 16.

⁵ The mark “✓” in a cell denotes that the information required by the Convention has been provided by the State Party in question, while a blank cell indicates that such information has yet to be received.

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