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**COMPLIANCE WITH
THE CONVENTION ON THE
PROHIBITION OF THE DEVELOPMENT,
PRODUCTION, STOCKPILING AND USE
OF CHEMICAL WEAPONS AND ON
THEIR DESTRUCTION**

Condition (10)(C) Report



January 2013

Prepared by the U.S. Department of State

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CONDITION (10) (C) ANNUAL REPORT ON COMPLIANCE WITH THE CHEMICAL WEAPONS CONVENTION

This Report is submitted consistent with Condition (10)(C) of the Resolution of Advice and Consent to Ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC). The Convention was ratified by the United States on April 25, 1997, and entered into force (EIF) on April 29, 1997.

Condition (10)(C) provides as follows:

Annual reports on compliance: The President shall submit on January 1 of each year to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a full and complete classified and unclassified report setting forth—

- (i) a certification of those countries included in the Intelligence Community's (IC) Monitoring Strategy, as set forth by the Director of Central Intelligence's Arms Control Staff and the National Intelligence Council (or any successor document setting forth intelligence priorities in the field of the proliferation of weapons of mass destruction (WMD)) that are determined to be in compliance with the Convention, on a country-by-country basis;
- (ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to adherence of the country to its obligations under the Convention;
- (iii) the steps the United States has taken, either unilaterally or in conjunction with another State Party;
 - (I) to initiate challenge inspections of the noncompliant party with the objective of demonstrating to the international community the act of noncompliance;
 - (II) to call attention publicly to the activity in question; and
 - (III) to seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant party with the objective of bringing the noncompliant party into compliance;

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- (iv) a determination of the military significance and broader security risks arising from any compliance issue identified pursuant to clause (ii); and
- (v) a detailed assessment of the responses of the noncompliant party in question to action undertaken by the United States described in clause (iii).

For its part, both as a matter of national policy and as a guide to national policy, the United States undertakes its own independent review – based upon the best available information, including intelligence information – of the compliance of CWC States Parties with their obligations under the Convention. The United States believes that CWC States Parties should be held to their obligations under the CWC, and places a high premium upon their compliance both with specific detailed declaration and implementation provisions (*e.g.*, Articles III, IV, V, and VII) and with the “general obligations” of Article I.

Information and assessments in this report are current as of December 31, 2012. This report highlights new developments since the last Condition (10)(C) Report, and refrains from repeating the content. Albania was certified in compliance in the 2010 Condition (10)(C) Report. In September 2011, Albanian officials notified Embassy Tirana it had discovered a small quantity of Schedule 1 and other toxic chemicals, which the Organization for the Prohibition of Chemical Weapons (OPCW) determined did not need to be declared. The United States concurred in the OPCW’s assessment and, at the request of Albania, sent a team of U.S. destruction experts to destroy the chemicals in July 2012.

The OPCW Technical Secretariat (TS) reported, as of July 27, 2012, that there were:

- Two CWC States Parties that had yet to designate a National Authority: Cape Verde and Timor-Leste.
- Sixty-five CWC States Parties that have not taken administrative measures to control transfers of scheduled chemicals: Afghanistan, Antigua and Barbuda, The Bahamas, Barbados, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Cameroon, Cape Verde, Central African Republic, Chad, Democratic Republic of the Congo, Republic of Congo, Djibouti, Dominica, Dominican Republic, El Salvador, Equatorial Guinea, Eritrea, Gabon, The Gambia, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, Kenya, Kuwait, Kyrgyzstan,

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- Lebanon, Libya, Malawi, Maldives, Marshall Islands, Micronesia, Mozambique, Namibia, Nauru, Nepal, Nicaragua, Niger, Papua New Guinea, Paraguay, Philippines, Rwanda, San Marino, Sao Tome and Principe, Sierra Leone, Solomon Islands, Suriname, Swaziland, Tanzania, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Tuvalu, Vanuatu, Venezuela, and Yemen.
- Twenty other CWC States Parties have partially filled the requirements to control transfers of scheduled chemicals: Cambodia, Chile, Cote D'Ivoire, Ecuador, Georgia, Ghana, Guatemala, Iraq, Jamaica, Jordan, Lao People's Democratic Republic, Mali, Mongolia, Panama, Samoa, Seychelles, Tajikistan, Uganda, United Arab Emirates, and Zimbabwe.
 - The TS reported as at June 30, 2012, 11 CWC States Parties had not yet submitted their required initial declarations pursuant to the Convention. Eight CWC States Parties had not yet submitted any initial declarations either under Article III or Article VI: Cape Verde (December 9, 2003)¹, the Congo (February 2, 2008), Guinea-Bissau (July 19, 2008), Haiti (April 23, 2006), Timor-Leste (July 6, 2003), Tonga (July 28, 2003), Tuvalu (March 19, 2004), and Vanuatu (November 15, 2005). Two CWC States Parties—Kiribati and the Solomon Islands – had yet to submit their initial declarations under Article VI; and one, Saint Vincent and the Grenadines, had yet to submit its chemical weapons-related initial declaration pursuant to Article III. The Secretariat is unable to fulfill its verification tasks with regard to these States Parties.
 - During the reporting period, the Secretariat held bilateral meetings with three of these States Parties – Cape Verde (Technical Assistance Visit October 25-26, 2011), the Congo (Technical Assistance Visit, November 14-18, 2011) and Guinea Bissau (Tenth Regional Meeting of National Authorities in Africa held in Ethiopia, May 22-24, 2012). Representatives from Cape Verde found that the meetings raised awareness among the primary stakeholders, and the Congo representatives found that the visit allowed a number of issues on the outstanding items from the plan of action to be clarified. Guinea Bissau has still not begun its legislative process.

¹ The dates indicate the due date of the initial declaration for the State Party concerned (that is, 30 days after EIF of the Convention for the State Party).

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As of December 31, 2011, there were 188 States Parties to the Convention, the last being The Bahamas, which became a State Party on December 20, 2009. Eight other States have neither ratified nor acceded to the CWC (two signatory States, Israel and Myanmar, and six non-signatory States, Angola, Egypt, North Korea, Somalia, South Sudan and Syria).

This Report addresses additional U.S. compliance issues with four countries: Iran, Iraq, Libya, and the Russian Federation.

COUNTRY ASSESSMENTS

IRAN

FINDING

Based on available information, the United States cannot certify whether Iran has met its chemical weapons production facility (CWPF) declaration obligations, destroyed its specialized chemical weapons (CW) equipment, transferred CW, or retained an undeclared CW stockpile.

BACKGROUND

The Convention entered into force for Iran on December 3, 1997. Iran made its initial declaration in three separate submissions (June 1998, January 1999, and March 1999).

The United States does not have sufficient information to be certain that some Iranian facilities are involved in or intentionally retain the capability to produce CW agents, and likewise we possess insufficient information about the disposition of specialized CW equipment used in former CWPFs. The United States also has insufficient information about possible CW activity prior to EIF of the Convention. There are reports that Iran transferred CW munitions to Libya in the late 1980s.

Compliance Discussions

On the margins of OPCW Executive Council (EC) meetings in 2001 and 2004, the United States engaged the Iranian delegation about Iran's CWC compliance. The outcome of the discussions did not completely resolve any of the issues.

COMPLIANCE ANALYSIS

Due to a combination of irregularities in the Iranian declaration and insufficient clarification from Iran, the United States cannot certify:

- that Iran has met its CWPF declaration obligations because of possible CW-capable infrastructure, including the possibility of a clandestine offensive CW production capability dispersed among industrial chemical plants and at military-owned facilities;
- that it has exhaustively declared and destroyed its specialized CW equipment (Iran has probably failed to meet its CWC obligations by failing to declare and destroy some of its specialized CW production equipment);
- that it has not retained an undeclared CW stockpile: and
- that it complied with CWC obligations to declare any CW transfers it may have made to Libya.

The OPCW TS has reported that Iran has fully implemented legislation under Article VII of the CWC that includes measures to control transfers of scheduled chemicals and penal provisions. As part of its obligations under paragraph 4 of Article X of the CWC acknowledging that it had a national protection program, Iran has submitted declarations annually. Iran has also committed to support, by bilateral agreements, as well as through unilateral offers, assistance measures under paragraph 7, Article X.

IRAQ

FINDING

Iraq made its initial CW, CWPF, and industry declarations but has not yet produced a complete General Plan for Destruction.

BACKGROUND

The Convention entered into force for Iraq on February 12, 2009. Iraq made its initial CW and CWPF declarations based on available United Nations (UN) documentation. Due to the fact that the chemical weapon storage facilities (CWSF) bunkers containing declared CW are sealed and have only incomplete UN

documentation in relation to their contents, Iraq has had difficulty in formulating its General Plan for Destruction of its declared CW. The TS made helicopter over-flight inspections of some of the declared CWPFs and the CWSFs on May 4, 2011, which may help the TS make destruction planning recommendations, at least in relation to the General Plans for Destruction of some of Iraq's CWPFs and the CWSFs. The on-site TS visit necessary for assessing a requested CWPF conversion at the Al Rashad CWPF was made November 6-8, 2012. Although Iraq has committed funding for destruction, Iraq has not yet produced complete General Plans for Destruction of its CW and CWPFs as required by the CWC. Iraq has made some progress in preparation for the plan by conducting necessary surveys. In preparation for destruction activities, Iraq has removed sand from a CWSF bunker and cleared the area of conventional ordnance, and arranged for the training of destruction personnel. During the reporting period, Iraq continued to consult with the OPCW TS and States Parties on the issue.

Compliance Discussions

The United States has maintained a dialogue with Iraq in relation to preparation of its General Plan for Destruction of its CW and CWPFs.

COMPLIANCE ANALYSIS

Iraq indicated its intent to meet its declaration and CW destruction obligations by attempting to produce General Plans for Destruction based on the limited information available to it. Nonetheless, recommendations by Iraqi experts were made, and the Iraqi Council of Ministers approved guidance for the plans in late 2010 and in 2011 committed funding for destruction activities. Although the Iraqi Ambassador during EC-68 indicated that Iraq would submit a plan by year's end, as of December 31, 2012, there was no evidence that the plans were fully drafted.

The OPCW TS has reported that Iraq has partially fulfilled the requirement to implement legislation under Article VII of the CWC that includes measures to control transfers of scheduled chemicals and penal provisions. Iraq has not declared a national program for protection under paragraph 4 of Article X of the CWC.

LIBYA

FINDING

Although, the new Government of Libya declared two CW stockpiles previously undeclared by the Qadhafi regime, the declaration is not complete in that the origin of the CW has not been explained. Libya has not submitted its 2012 detailed plan for CW destruction, and it has not yet met its obligations under Article VII.

BACKGROUND

The Convention entered into force for Libya on February 5, 2004, and Libya made its initial declaration in March 2004. Tripoli declared a CW stockpile, CWPFs, and chemical industry facilities under Article VI of the Convention. The UN reported that the Libyan government which replaced the Qadhafi regime, found undeclared CW in September 2011. This was confirmed in late October by Government of Libya Prime Minister Jibril, who said that there were two undeclared CW sites. The CW munitions from both sites were declared to the OPCW in November 2011 and February 2012; however, the declaration of the stockpiles lacked information on the origin of this CW. Libya announced during EC-70 (September 2012) that it had sampled the agent in some of the munitions in response to the OPCW TS Director-General's inquiry addressing the origin question.

Libya requested and received approval in January 2005 to convert the CWPFs in Pharma 150 at Rabta to purposes not prohibited by the CWC. Libya began the conversion in January 2005, and completed it in 2009.

In February and March 2004, under the oversight of OPCW inspectors, Libya completed destruction, and activities related to destruction, of its declared Category 3 CW unfilled aerial bombs. In addition, it secured sensitive CW materials, agents, and equipment pending their elimination under the CWC.

Libya made significant progress in the elimination of its CW stockpile and facilities during the 2004-2005 timeframe. The progress included submitting to the OPCW its detailed plan for the destruction of the mobile units that were declared as CWPFs, as well as all spare and dismantled equipment from the Al Rabta CWPFs. Libya destroyed its solid Category 2 CW, i.e., precursor chemicals, in

2005 under the auspices of the OPCW TS. The TS also confirmed the destruction in March 2005 of Libya's mobile filling units, and of the specialized CW production equipment. By February 2011 when equipment malfunction caused cessation of destruction activities, Libya had destroyed 54 percent of its Category 1 sulfur mustard agent declared by the Qadhafi regime. Since this interruption and as of December 31, 2012, no further destruction has taken place, leaving undestroyed significant amounts of Category 1 and 2 CW declared by the Qadhafi regime and the newly declared Category 1 CW stockpiles.

Between March 2005 and May 2012, Libya requested and the Conference of the States Parties (CSP) approved several extensions for Libya's Category 1 deadline and amendments to its Category 2 deadline. Both extensions to April 29, 2012, were granted by CSP-16, held November 28-December 2, 2011. Libya had missed these final extended deadlines, and the Conference required Libya to submit to EC-68 a detailed plan for the destruction of its remaining CW. The Libyan plan specified destruction of Category 1 CW March-December 2013, Category 2 January 2015-December 2016, and Category 3 May 2013. Possessor States Parties are required to submit detailed plans for destruction of CW not later than 60 days before each annual destruction period. Libya last submitted a draft in January 2011 before the declaration of CW undeclared by the Qadhafi regime and did not submit a plan covering 2012.

Compliance Discussions

Between March and December 2003, the United States and the United Kingdom had numerous exchanges with and visits to Libya to discuss the modalities of WMD, including Libya's accession to the CWC. Additional information on the background of these earlier trilateral exchanges can be found in the 2011 and 2012 versions of the CWC Condition (10)(C) Report.

Regarding more recent discussions, particularly after cessation of the Libyan Category 1 CW destruction efforts in February 2011 and the subsequent hostilities, States Parties were concerned about the security of the CW stockpile at the Ruwagha CWSF and about when destruction activities would restart. The United States encouraged the OPCW TS Director-General to seek relief from the UN Security Council-imposed embargo freezing Libyan assets to get the heating coil repair parts for the Ruwagha Hydrolysis and Neutralization System-1 (RHNS-1) to Libya as soon as possible and was involved in EC efforts to convince Libya to seek extension of its destruction deadline. In October 2011, after discovery of the CW

that was undeclared by the Qadhafi regime, the United States initiated discussions with the Libyan government, and interested States Parties aimed at expediting a restart of CW destruction. Libya-United States bilateral consultations were held in Tunis, Tunisia, in January 2012 and in Aberdeen, Maryland, in May 2012. These meetings addressed security issues for the CW stored at Ruwagha and safety and security requirements for the return of OPCW inspectors to monitor destruction activities. The consultations resulted in the United States sponsoring a security assessment at Ruwagha that indicated areas where security enhancement at Ruwagha was needed.

COMPLIANCE ANALYSIS

The CW discovered by the Libyan government that were not declared by the Qadhafi regime revealed that the Qadhafi regime was in violation of the CWC. Although the Libyan government declared these two CW stockpiles, the declaration is not complete in that the origin of the CW has not been explained.

Libya has destroyed all of its Category 3 CW, all of its solid Category 2 CW, and some of its liquid Category 2 CW precursors. It successfully met its Category 1 CW one percent, 20 percent, and 45 percent deadlines. With the interruption of Category 1 mustard destruction activities in February 2011 and the subsequent hostilities, the new Libyan government missed meeting the final extended Category 1 and Category 2 CW destruction deadline of April 29, 2012. Libya complied with the Conference decision that it should submit to EC-68 (May 2012) a new detailed plan for destruction of its remaining CW, including the newly discovered CW munitions that were not declared by the Qadhafi regime; however it has not submitted its 2012 annual detailed plan for CW destruction as required by Article IV.² (The new Libyan government has taken steps to remediate the situation by declaring discovered CW munitions found at one site to the OPCW and requesting its assistance for declaration at another site.)

As part of its obligations under paragraph 4 of Article X of the CWC, Libya submitted a declaration in 2005 acknowledging that it had a national protection program. Libya has not submitted any subsequent Article X declarations.

² The detailed plan required by Article IV paragraph 7(a) involves engineering details and should not be confused with the plan required by C-16/DEC.11, which includes only amounts of CW, locations of destruction, and timelines for destruction.

RUSSIA

FINDING

Based on available information, the United States cannot certify that Russia has met its obligations for declaration of its CWPFs, CW development facilities, and CW stockpiles.

BACKGROUND

The Convention entered into force for Russia on December 5, 1997, and Russia made its initial declaration on time in March 1998. The Russian declaration included CWPFs, CWSFs, a chemical weapons development facility, and a stockpile of almost 40,000 metric tons of CW agent, in both bulk and weaponized form. Its Article VI declaration included Schedule 2, Schedule 3, and other chemical production facility (OCPF) plant sites.

Russia submitted plans and received OPCW approval for the destruction or conversion of its declared CWPFs. Under the CWC, all CWPFs were required to be destroyed no later than April 29, 2007. According to the OPCW TS, all CWPFs planned for destruction have been destroyed, although not by the 2007 deadline. As of October 2011, conversion of one CWPF had yet to be completed. Russia completed destruction of both its Category 2 and 3 CW within the Convention's timelines.

In July 2005, Russia's revised overall CW destruction plan received cabinet-level approval. Details of Russia's revised plan were later provided to the OPCW. Under this plan, Russia, with significant international assistance, was to have constructed seven CW destruction facilities: Kambarka, Maradykovsky, Leonidovka, Shchuch'ye, Pochep, Kizner, and Gorny. As of October 2008, Kambarka and Gorny had been constructed and had completed destruction operations. Maradykovsky, Shchuch'ye, and Leonidovka were operational as of October 1, 2010, with construction of a second train underway at Shchuch'ye. Pochep started up in the last quarter of 2010, and Kizner construction continued through 2011, with start-up of CW destruction scheduled for 2013.

Following two intermediate CW destruction deadline decisions in March 2006, the OPCW established December 31, 2009, as the deadline for Russia to destroy 45 percent of its CW stocks with the final deadline remaining April 29,

2012. Russia met the 45 percent deadline, and as of September 17, 2012, Russia had destroyed 67 percent of its Category 1 CW stockpile. In 2010, Russia announced it would not meet the April 29, 2012, deadline for 100 percent Category 1 destruction and that destruction activities would continue to 2015.

The Russian CW Stockpile. The United States assesses that Russia's CWC declaration is incomplete with respect to chemical agent and weapons stockpiles.

Undeclared CWPFs and CW-capable Facilities. The United States notes that there are additional facilities that Russia may have been required to declare as CWPFs. The United States continues to seek clarification of reports about mobilization capabilities at declared and non-declared facilities.

Russian CW Development Facilities. The United States does not share the Russian view that all development facilities, including CW testing facilities, should not be declared because of the Russian interpretation of the CWC "primarily for" criterion in Article III of the CWC.

Compliance Discussions

The United States has engaged in numerous exchanges with Russia regarding a number of compliance issues in 2002, 2003, and 2006, during which the United States discussed the accuracy of Russia's CWC declaration.

In 2006, the United States reiterated its proposal to hold expert-level consultations, but, as of July 2010, Russia had not yet agreed to renew such consultations. None were held in 2012.

COMPLIANCE ANALYSIS

Russia has completed destruction of its CWPFs scheduled for destruction, but has not met the CWPF conversion deadline. In the absence of additional information from Russia, the United States is unable to ascertain whether Russia has declared all of its CW stockpile, all CWPFs, and all of its CW development facilities.

The OPCW TS has reported that Russia has fully implemented legislation

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under Article VII of the CWC that includes measures to control transfers of scheduled chemicals and penal provisions. The text of the adopted measures has been provided to the OPCW. Russia also has acknowledged and declared that it has a national program for protection under paragraph 4 of Article X of the CWC. Russia made its first declaration under this article in 2005 and has continued to do so annually.

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