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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



April 2016

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

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- (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;

- (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, 2015. This Report highlights new developments since the last Condition (10)(C) Report, and refrains from repeating much older information found in previously submitted reports.

The Organization for the Prohibition of Chemical Weapons (OPCW) Technical Secretariat (TS) reported, as of July 31, 2015, the following regarding Article VII implementation:

1. Eighty-one CWC States Parties that had not yet notified the TS of the adoption of implementing legislation and/or regulations that cover all the initial measures (scheduled chemical transfers, prohibitions, penalties, extraterritorial obligations, legal basis of regulations, and establishment of national authority, other initial measures) included: Afghanistan, Angola, Antigua and Barbuda, Armenia, The Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burma,

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Cabo Verde, Cameroon, Chad, Chile, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Gabon, Georgia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Malawi, Maldives, Mali, Marshall Islands, Mexico, Mongolia, Mozambique, Namibia, Nauru, Nepal, Nicaragua, Nigeria, Papua New Guinea, Paraguay, Philippines, Rwanda, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Solomon Islands, Somalia, Spain, Suriname, Swaziland, Syria, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, and Zimbabwe.

2. Four States Parties had not yet submitted their required initial declarations pursuant to the Convention. Three of these States Parties had not yet submitted any initial declarations either under Article III or Article VI: Angola (November 15, 2015),¹ Somalia (June 28, 2013), and Tonga (July 28, 2003). One State Party, Kiribati, had yet to submit its initial declaration under Article VI. The TS is unable to fulfill its verification tasks with regard to these States Parties.
3. Somalia and Timor-Leste, which became States Parties in 2013 and 2003, respectively, had not yet designated a National Authority. No official reporting was available concerning the designations of the National Authorities of the new States Parties, Angola and Burma.

As of December 31, 2015, there were 192 CWC States Parties, the most recent to accede to the CWC was Angola, which became a State Party on October 16, 2015. Four other States have not joined the CWC (one signatory State, Israel, and three non-signatory States, Egypt, North Korea, and South Sudan).

This Report addresses the following four countries: Iran, Iraq, Russia, and Syria.

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

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COUNTRY ASSESSMENTS

ISLAMIC REPUBLIC OF IRAN (IRAN)

FINDING

Based on available information, the United States cannot certify Iran is in compliance with the CWC in three areas: (1) its chemical weapons production facility (CWPF) declaration obligations; (2) its transfer of CW; or (3) its retention of an undeclared CW stockpile.

CONDUCT GIVING RISE TO COMPLIANCE QUESTION

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 did not have sufficient information to ascertain whether some Iranian facilities are involved in or intentionally retain the capability to produce CW agents. There are reports that Iran transferred CW munitions to Libya in the late 1980s. The United States also had insufficient information about possible CW activity prior to EIF of the Convention for Iran. There was also insufficient information concerning activities relevant to its riot control agent (RCA) declaration, and activities involving highly-potent pharmaceutical compounds. There are reports that Iran transferred CW munitions to Libya in the late 1980s.

ANALYSIS OF COMPLIANCE QUESTION

Iran's Declaration of its CW Program

In accordance with CWC Article III, paragraph 1 Iran was obligated to fully declare its CW program and its riot control agents (RCAs). Due to a combination of irregularities in the Iranian declaration and insufficient clarification from Iran, the United States cannot certify that Iran:

1. had met its CWPF declaration obligations because of possible CW-capable infrastructure, including the possibility of a clandestine production-on-

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demand capability dispersed among industrial chemical plants and at military-owned facilities;

2. did not maintain a suspected undeclared CW stockpile;
3. had fully declared those chemicals it holds for riot-control purposes; and
4. had declared all CW transfers; of particular interest are any it may have made to Libya.

EFFORTS TO RESOLVE COMPLIANCE QUESTION

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 resolve any of the issues. Since 2004 through the end of the reporting period, there have been no compliance discussions between the United States and Iran.

REPUBLIC OF IRAQ (IRAQ)

FINDING

Iraq made its initial CW, CWPF, and industry declarations and had initiated, but not completed, efforts to draft a General Plan for Destruction in April 2014. Unfortunately, its efforts were interrupted by the loss of government control of the Al-Muthanna site between June and November 2014. Associated infrastructure was also damaged.

CONDUCT GIVING RISE TO COMPLIANCE QUESTION

The Convention entered into force for Iraq on February 12, 2009. Iraq made its initial CW and CWPF declarations based on available mid 1990's United Nations (UN) documentation. Due to the fact that the two Al-Muthanna storage bunkers containing declared CW were sealed and have only uncertain UN documentation in relation to their contents, Iraq has had difficulty in formulating its General Plan for Destruction of its declared CW. However, prior to the Al-Muthanna site being overrun and held by the Islamic State of Iraq and the Levant

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(ISIL), Iraq had made some progress toward this effort including submitting its detailed facility information for the Al Muthanna Destruction Project to the TS and committing \$55 million for destruction of its CW and CWPFs. According to Iraq, CW destruction project equipment was looted. Some progress was made in spite of the ISIL occupation. The interiors of bunkers 13 and 41 had been photomapped as of 2013 so Iraq felt that it had a good sense of their contents. The Iraqi Monitoring Directorate visited India to discuss how to treat polymerized mustard in bunker 41 containers and Germany delivered a mobile laboratory in support of the destruction project. In late November, Iraq reported that it retook control of Al-Muthanna the previous month, and at the end of the reporting period engineers were removing mines and explosive devices.

Al-Rashad, one of the five declared CWPFs, was certified as converted on December 4, 2013.

CW was alleged to have been used against Iraqi and Kurdish forces in 2015. Iraq investigated the allegations and welcomed a TS offer of technical assistance.

ANALYSIS OF COMPLIANCE QUESTION

General Plan for destruction

In accordance with CWC Article III Iraq was obligated to submit to the OPCW a General Plan for destruction 30 days after entry into force of the Convention for it. Iraq indicated its intent to meet its declaration and CW destruction obligations by attempting to produce a General Plan for Destruction based on the limited information available to it. Although Iraq had yet to submit a complete General Plan for Destruction of its CW and CWPFs as required by the CWC, it had taken positive steps in the preparation of such a plan before the sites were overrun by armed terrorist groups. Subsequently, the Iraqi Ambassador to the OPCW in The Hague, noted that Iraq had intentions of beginning destruction activities in 2014, but due to the terrorist occupation of Al-Muthanna, he asked States Parties to “understand the inability of Iraq to fulfill its obligations at present time.”

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EFFORTS TO RESOLVE COMPLIANCE QUESTION

The United States maintained a dialogue with Iraq in relation to preparation of its General Plan for Destruction of its CW and CWPFs including consultations during this reporting period.

RUSSIAN FEDERATION (RUSSIA)

FINDING

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

CONDUCT GIVING RISE TO COMPLIANCE QUESTION

The Convention entered into force for Russia on December 5, 1997, and Russia made its initial declaration in March 1998 in accordance with the CWC. The Russian declaration included CWPFs, chemical weapons storage facilities (CWSFs), a chemical weapons development facility, and a stockpile of almost 40,000 metric tons of CW agent, in both bulk and weaponized form. Details of Russian progress towards destruction of its Category 1 CW stockpile are available in previous versions of this Report. As of November 30, 2015, Russia had destroyed 92 percent of its declared Category 1 CW stockpile. Its Article VI declaration included Schedule 2, Schedule 3, and other chemical production facility (OCPF) plant sites. However, the United States believes the Russian CW declaration is not complete:

1. The United States believes that Russia's CWC declaration is incomplete with respect to its chemical agent and weapons stockpiles.
2. The United States notes that there are additional facilities that Russia may have been required to declare as CWPFs. The United States continued to seek clarification of reports about production-on-demand capabilities at declared and non-declared facilities.
3. The United States does not share the Russian view that all CW development facilities, including CW testing facilities, do not need to be declared because

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of the Russian narrow interpretation of the CWC “primarily for” the development of CW criterion in Article III.

ANALYSIS OF COMPLIANCE QUESTION

Russia’s Declaration of its CW Program

In accordance with CWC Article III, paragraph 1 Russia was obligated to fully declare its CW program. 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, or all of its CW development facilities.

EFFORTS TO RESOLVE COMPLIANCE QUESTION

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 Russia has not yet agreed to renew such consultations and none were held during the reporting period.

SYRIAN ARAB REPUBLIC (SYRIA)

FINDING

The United States cannot certify that the Syrian Arab Republic is in compliance with its obligations under the CWC. The United States assesses that Syria has used chlorine as a chemical weapon systematically and repeatedly against the Syrian people every year since acceding to the Convention, and therefore is in violation of its obligations under Article I of the CWC. In addition, the United States assesses that Syria did not declare all the elements of its chemical weapons program, required by Article III of the CWC and that Syria may retain chemical weapons as defined by the CWC. The process for verifying the accuracy and completeness of the Syrian declaration and the resolution of these matters are ongoing.

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CONDUCT GIVING RISE TO COMPLIANCE QUESTION

Following the threat of military force in response to the use of sarin both in multiple, small-scale attacks in opposition areas, and in a large scale attack using surface-to-surface rockets in the Damascus suburb of Ghouta in August, Syria deposited its instruments of accession to the CWC on September 14, 2013. That same day, Russian Foreign Minister (FM) Lavrov and U.S. Secretary of State Kerry negotiated the Framework for Elimination of the Syrian CW Program. This Framework led to the September 27 OPCW EC decision and United Nations Security Council Resolution (UNSCR) 2118, which taken together, established milestones for the full disclosure and elimination of Syria's CW program and stringent verification, including unfettered access for the OPCW to Syrian sites and individuals. Syrian conduct in relation to international norms against the use of CW did not materially change following accession to the CWC. Detailed background information may be found in previous reports for 2014 and 2015.

Continued Questions about Syria's CWC Declaration

Following a preliminary disclosure of its CW program, Syria submitted its treaty-mandated initial declaration in October 2013, followed by ten subsequent amendments. The sum of Syria's disclosures, declarations and amendments provided an incomplete declaration of Syria's CW program. Gaps, discrepancies and omissions in the declaration raised serious questions about whether Syria had declared its entire CW program. In April 2014, the OPCW Director-General (DG) established a Declaration Assessment Team (DAT) to attempt to clarify these questions. The DAT work continued through 2015.

In statements made at EC meetings, the United States and a number of other CWC States Parties assisted the DAT effort by identifying questions related to Syria's declaration and ensuring that the declaration issue remained an issue of importance to the OPCW EC. Similar to challenges faced in 2014, the DAT work was hampered by the lack of access to original documentation on Syria's CW program.

In recognition of the numerous remaining questions about the accuracy and completeness of the Syrian declaration, the October 2015 session of the EC adopted a consensus report that “**underscored** the substantial unresolved issues...**stressed** the importance of fully verifying that the declaration and related submissions by the Syrian Arab Republic are accurate and complete...**requested**

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the TS and the Syrian Arab Republic to expedite their efforts to resolve these gaps...and **further requested** that the DG provide a report to the Council...that details all unresolved issues, in particular specifying those for which no further progress has been possible” (emphasis in the original). Accordingly, work will continue in 2016 on Syria’s CWC declaration.

Continued Use of Toxic Chemicals as CW

Throughout the reporting period, toxic chemicals, including sulfur mustard and chlorine, were used as methods of warfare in Syria.

In response to the three Fact-Finding Mission (FFM) Reports issued in 2014, which confirmed “with a high degree of confidence, that chlorine had been used as a weapon in Syria...from April to August 2014,” a special meeting of the EC (EC-M-48) in February 2015 adopted a decision with a vote of 40-1 (with only Iran opposed) that expressed “serious concern regarding the findings of the Fact-Finding Mission,” condemned the use of chemical weapons by anyone under any circumstances and stating that those individuals responsible for the use of chemical weapons should be held accountable. This was followed by UNSCR 2209, adopted in March 2015, which similarly condemned the use and called for those responsible to be held accountable. It further decided that “in the event of future non-compliance with resolution 2118 to impose measures under Chapter VII of the United Nations Charter.”

Despite the February EC decision and UNSCR 2209, credible allegations of toxic chemical use in Syria continued in 2015. At the urging of the United States, other States Parties, and the UN, three FFM investigations were launched to determine the facts related to allegations of toxic chemical use in the Idlib Governate, Marea, and at the request of the Syrian government, the Damascus area. Syria attempted to exercise veto power over FFM activities, but was rebuffed by the DG of the OPCW and was not supported by other State Parties. On October 29, 2015, the FFM issued three reports.

- **Opposition Allegations.** The FFM confirmed the use of chlorine (or a similar chemical) as a weapon in Idlib province in opposition areas. The report states that “several incidents that occurred in the Idlib Governorate of the Syrian Arab Republic between 16 March 2015 and 20 May 2015 likely involved the use of one or more toxic chemicals—probably containing the element chlorine—as a weapon.”

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- **Reported CW Use in Marea.** The FFM confirmed mustard gas was used in Syria in opposition areas near the Turkish border. The report states “with the utmost confidence that at least two people were exposed to sulfur mustard...[and] that it is very likely that the effects of sulfur mustard resulted in the death of an infant” in Marea on August 21, 2015;
- **Asad Regimes Allegations.** The FFM concluded there was insufficient information to confirm claims that chemicals were used as a weapon against Syrian troops around Damascus, though follow-up may be needed. The FFM could not “confidently determine whether or not a chemical was used as a weapon” at Jobar against Syrian forces on August 29, 2014, as alleged by the Syrian regime.

On December 17, 2015, the FFM issued another report to address five additional Syrian regime allegations of use that were not addressed in the October report. The December report concluded that, including the one incident in Darayya on February 15, 2015, which required further investigation, the FFM had insufficient information to conclude definitively that CW was used in any of the alleged incidents, offering that “those affected in the alleged incidents may have, in some instances, been exposed to some type of non-persistent, irritating substance.” Regarding the Darayya incident, analysis of blood samples from four Syrian soldiers collected by medical personnel revealed sarin indicators. As such, the FFM concluded, with a “high degree of probability that some of those involved in the alleged incident in Darayya on February 15, 2015, were at some point exposed to Sarin or a Sarin-like substance.” The FFM planned to continue its investigation to clarify the preliminary findings with regard to Darayya and the circumstances of the probable sarin exposure.

The United States continued to assess, as did other States Parties, that the Syrian regime was responsible for CW attacks using chlorine. The Syrian regime remained the only party in the Syrian civil war that possessed helicopters, which the FFM reported were present in many of the chlorine uses in 2014 and 2015. On August 7, 2015, members of the UNSC coalesced around the common goal of identifying those involved in using CW in Syria, and adopted UNSCR 2235, which established the OPCW-UN Joint Investigative Mechanism (JIM). The JIM was charged “to identify to the greatest extent feasible individuals, entities, groups, or governments who were perpetrators, organizers, sponsors or otherwise involved” in incidents the OPCW FFM concluded involved or likely involved the use of

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chemicals as weapons in Syria. The JIM began its work on November 13, 2015, and its first report would be expected in February 2016.²

Delayed Destruction of Syria's Chemical Weapons Program

In addition to assessed CW use and maintenance of a residual CW capability, Syria failed to meet most of its milestone destruction dates. Destruction of Syria's declared CW program included both CW and CWPFs. As a result of the international effort to remove and destroy Syrian CW outside of Syria, precursor and binary CW component chemicals were transported to commercial facilities for destruction. Due to technical and safety problems, up to 16MT of hydrogen fluoride, a precursor for sarin, remained to be destroyed as of December 31, 2015, comprising about one percent of Syria's declared CW. This remainder was located at Veolia Environmental Services Technical Solutions L.L.C. in Port Arthur, Texas.³

Syria also had not completed the destruction of all of its 27 declared CWPFs. In particular the Syrian request to convert twelve CWPFs for purposes not prohibited by the CWC (comprised of five tunnel facilities and seven aircraft hangers), was denied by the EC in 2013, and the CWPFs were not destroyed by the destruction timelines submitted in March 2014. Of the 27 total, three facilities remained to be destroyed as of December 31, 2015. Security concerns and procurement difficulties were at least partially responsible for the delays.

ANALYSIS OF COMPLIANCE QUESTION

In accordance with CWC Article 1, paragraph 1(b) Syria was obligated never to use CW. The United States assessed that the Syrian regime used chlorine as a method of warfare, which placed Syria in violation of Article I of the CWC. Further, Syria violated UNSCR 2118 operative paragraph 5, which states that "the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain CW", and UNSCRs 2209 and 2235, which recalled the decision of the Council in UNSCR 2118. In spite of compelling evidence, which included CW barrel bombs being dropped from helicopters, a capability possessed only by Syria, Syria continued to deny regime use of CW.

² The first JIM report was issued on time.

³ On January 5, 2016, the OPCW Technical Secretariat reported that destruction of Hydrogen Fluoride (HF) was completed.

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In accordance with CWC Article III, paragraph 1, Syria was obligated to declare its entire CW program. The Syrian declaration contained obvious gaps, discrepancies and omissions, as detailed above, thus placing Syria in non-compliance with the CWC declaration requirements and the additional declaration requirements outlined in operative paragraph 1 of UNSCR 2118. Although the DAT effort led Syria to declare several additional sites in 2014, the overall gaps, discrepancies and omissions in the declaration led to serious questions about whether the Syrian regime may have retained a residual CW capability and may not have disclosed the full history of its CW-related activities.

In accordance with CWC Article V, paragraph 8 and Conference decision C-16/DEC.1 Syria was obligated to destroy its CWPFs with specified timelines. Although logistics and security contribute to the current delays, Syria's extensive delays in 2013 and 2014 to reach an agreement on the footprint of the CWPFs directly contributed to the fact that three CWPF had not been verified as destroyed by the end of the reporting period. Syria's foot-dragging on the front end of the destruction raised questions about the sincerity of Syrian efforts to meet its destruction obligations.

EFFORTS TO RESOLVE COMPLIANCE QUESTION

The United States took every available opportunity to include in its statements before EC sessions and meetings, and in its statement at the 20th Conference of the States Parties (CSP) to the OPCW, as well as during meetings with the Syrian representative to the OPCW hosted by the DG, our demands for Syria to: (1) cease employing CW as method of warfare and cooperate with the FFM; (2) cooperate fully with the DAT to resolve the gaps, discrepancies, and omissions in its CWC declaration; and (3) facilitate the completion of CWPF destruction. Syria denied all accusations of CW use, claimed that it had cooperated with the DAT and FFM efforts, and claimed delays throughout the CWPF destruction effort were not caused by the Syrian regime.

Further, the United States played an important role in the adoption of the February 4 and November 23, 2015, EC decisions expressing concern about the findings of the FFM in Syria, and helped draft both of these decisions. The United States played a similarly important role in the development and adoption of UNSCRs 2209 and 2235, the latter of which led to the establishment of the JIM that is mandated to make, to the greatest extent feasible, attribution determinations regarding confirmed CW uses in Syria. Finally, the United States worked to

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develop consensus report language for the October 2015 EC special session that called for expedited resolution of gaps, discrepancies and omissions in the Syrian declaration, and for the DG to provide a full report by March 2016 on the unresolved issues, particularly those for which no further progress has been possible. Throughout 2015, the United States remained vocal in its support of ongoing FFM and DAT activities.

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