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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**



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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 on April 29, 1997.

Condition (10)(C) provides that the President shall submit on January 1 annually 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;
- (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).

It is the view of the United States that, in most cases, efforts to resolve compliance concerns discovered through review of declarations or inspection results should first be attempted through

diplomatic means. This does not preclude or prevent the escalatory step of requesting challenge inspections, but diplomatic outreach is an initial mechanism to attempt to resolve compliance concerns before the need to resort to challenge inspection requests.

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 Party with their obligations under the Convention. The United States believes that CWC States Party should be held to their obligations under the CWC, and places a high premium upon their compliance with specific declaration and implementation provisions (e.g., Articles III, IV, V, VI, and VII) and the “general obligations” provision under Article I.

Information and assessments in this Report are current as of December 31, 2017. This Report highlights new developments since the most recent Condition (10)(C) Report, and refrains from repeating much older information found in previously submitted reports.

The Technical Secretariat (TS) of the Organization for the Prohibition of Chemical Weapons (OPCW) reported, as of July 31, 2017, the following regarding Article VII implementation:

1. Somalia and Timor-Leste, which became States Party in 2013 and 2003, respectively, have not yet designated a National Authority.
2. Seventy-one States Party 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, establishment of national authority, other initial measures). They were: Afghanistan, Angola, Antigua and Barbuda, Armenia, The Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Brunei, Darussalam, Burma, Chad, Chile, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Gabon, Georgia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, Jamaica, Kenya, Kuwait, Lao People’s Democratic Republic, Lebanon, Libya, Madagascar, Malawi, Mali, Marshall Islands, Mongolia, Mozambique, Namibia, Nauru, Nepal, Nicaragua, Nigeria, Papua New Guinea, Philippines, Rwanda, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Solomon Islands, Somalia, Suriname, Swaziland, Syria, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Vanuatu, Venezuela, and Zimbabwe.
3. One State Party, Tonga, had not yet submitted its required initial declarations (due July 28, 2003) pursuant to the Convention. The TS is unable to fulfill its verification tasks with regard to this State Party.

As of December 31, 2017, there were 192 CWC States Party. Four other States have neither ratified nor acceded to the CWC and, therefore, are not States Party to the Convention (one signatory State, Israel, and three non-signatory States, Egypt, North Korea, and South Sudan).

States Parties that have not been certified in compliance with the CWC as of December 31, 2017, include Iran, Russia, and Syria. Due to the March 4, 2018 use of a military-grade nerve agent in an attack on two individuals in the United Kingdom and ongoing Syrian use of chemical weapons, the United States certifies that the Russian Federation and the Syrian Arab Republic are in non-compliance with their obligations under the CWC. Additional information is available in the 2018 classified version of the Condition (10)(C) Report and its annex.

COUNTRY ASSESSMENTS

ISLAMIC REPUBLIC OF IRAN (IRAN)

FINDING

Based on available information, the United States cannot certify Iran has met its obligations under the Convention for declaration of its: (1) chemical weapons production facility (CWPF); (2) transfer of chemical weapons (CW); and (3) retention of an undeclared CW stockpile.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

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 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 has insufficient information about possible CW activity prior to entry into force (EIF) of the Convention for Iran. There also is insufficient information concerning activities relevant to its riot control agent (RCA) declaration, and activities involving highly-potent pharmaceutical compounds.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with Article I, each State Party “undertakes to never under any circumstances 1. develop, produce, otherwise acquire stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone” and 2. “to destroy chemical weapons it owns or possesses...;” and under Article III each State Party is required to declare all chemical weapons activities including possession of RCAs.

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

1. Has met its CWPF declaration obligations, given the existence of possible CW-capable infrastructure, including the possibility of a clandestine production-on-demand capability dispersed among industrial chemical plants and at military-owned facilities;
2. Does not maintain a suspected undeclared CW stockpile;

3. Has fully declared those chemicals it holds for riot-control purposes; and
4. Has declared all CW transfers, in particular, any from Iran to Libya.

Iran's Compliance with Articles VII and X Obligations

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

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

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 and through the end of the reporting period, there have been no CWC compliance discussions between the United States and Iran.

RUSSIAN FEDERATION (RUSSIA)

FINDING

Based on available information, the United States cannot certify that Russia has met its obligations under the Chemical Weapons Convention for declaration of its: (1) CWPFs; (2) CW development facilities; and (3) CW stockpiles. In fact, due to Russia's March 4, 2018, use of a military-grade nerve agent to attack two individuals in the United Kingdom, the United States certifies that the Russian Federation is in non-compliance with its obligations under the CWC.¹

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

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 declared Category 1 CW stockpile are available in previous versions of this Report. As of September 27, 2017, Russia had completed destruction of its declared Category 1 CW stockpile. Its Article VI declaration included Schedule 2, Schedule 3, and other chemical production facility (OCPF) plant sites. The United States agrees with the assessment of the United Kingdom that the Russian Federation is responsible for the March 4, 2018, attack on two individuals in the United Kingdom using a military-grade nerve agent – either through deliberate use or through its failure to declare and

¹ Though this attack occurred after the end of the reporting period (i.e., December 31, 2017), in light of the extraordinary nature of the attack, it warrants inclusion in this report.

secure its stocks of this nerve agent. The United States continues to believe 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. In 2006, the United States sought clarification of reports about production-on-demand capabilities at declared and non-declared facilities. These requests for information remain unanswered.
3. The United States does not share Russia's narrow interpretation of the CWC that the criterion in Article III is "primarily for" the development of CW and instead believes that all CW development facilities, including CW testing facilities, need to be declared.

ANALYSIS OF COMPLIANCE CONCERNS

CWC obligations include: Article I, paragraph 1.(a), each State Party undertakes never under any circumstances "to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone"; and Article I, paragraph 2., each "State Party undertakes to destroy chemical weapons it owns or possesses."

Based on existing information, the United States does not believe Russia has declared all of its CW stockpile, all CWPFs, and all of its CW development facilities.

Russian Compliance with Articles VII and X Obligations

The OPCW TS has reported that Russia has fully implemented legislation under Article VII of the CWC that includes measures to control transfers of scheduled chemicals and penal provisions. 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.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

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

In 2006, the United States reiterated its longstanding proposal to hold expert-level consultations, but no consultations have been held with Russia on this issue since 2006. In 2017, the United States consulted with select like-minded CWC States Parties on our shared concerns regarding Russia's compliance with the CWC.

SYRIAN ARAB REPUBLIC (SYRIA)

FINDING

The United States certifies that the Syrian Arab Republic is in non-compliance with its obligations under the CWC. The United States assesses that Syria has used chemical weapons 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. The United States also assesses that Syria was responsible for the use of sarin at Khan Shaykhun in April, which resulted in more than 70 killed and hundreds of injured. We have continued to identify other credible allegations of Syrian chemical weapons use during 2017. In addition, the United States assesses that Syria did not declare all the elements of its CW program, as required by Article III of the CWC, and that Syria retains 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.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

In 2013, following the threat of military force in response to the use of sarin 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 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 Executive Council decision and to 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. With the use of sarin in Khan Shaykhun, it is apparent that Syria continues to flaunt international norms against the use of CW and its obligations under the CWC. Detailed background information on CW use in previous years may be found in the 2014 – 2017 Reports.

Continued Concerns about Syria's CWC Declaration

After a preliminary disclosure of its CW program, Syria submitted to the OPCW its treaty-mandated initial declaration in October 2013, followed by numerous 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 concerns about whether Syria had declared its entire CW program. In April 2014, the OPCW Director-General established a Declaration Assessment Team (DAT) to attempt to clarify these concerns. The DAT will continue its work into 2018.

In 2017, the TS deployed to Syria on two missions to two Scientific Studies and Research Centre (SSRC) sites, in accordance with Executive Council decision EC-83/DEC.5. The TS conducted inspections of SSRC Barzah and SSRC Jamrayah in February/March and November, which included sampling and analysis. Similar to challenges faced in previous years, the TS's work in 2017 was hampered by lack of access to original documentation on Syria's CW program, as well as lack of access to and engagement with senior Syrian leadership within the CW program. Syria continued to claim that no historical documents existed. In 2017, TS efforts led to Syria's

further partial declaration of the SSRC facilities at Barzah and Jamrayah in relation to CW protection. The concessions obtained from Syria by way of declaration amendments in 2017 appear to be Syria's attempt to address DAT issues with minimal disclosure and by offering the most innocuous explanation possible.

The OPCW Director-General met with Syrian government representatives to seek to resolve declaration issues in 2016 and 2017. Following the consultations, which most recently were held from September 16–18, 2017, the Director-General reported that this latest of three direct engagements did not succeed in resolving any of the identified outstanding issues. Thus the numerous, serious concerns over the Syrian declaration will likely remain open for the foreseeable future.

Continued Use of Chemical Weapons

During the reporting period, sarin and the toxic industrial chemical chlorine were used as methods of warfare in Syria, by the Syrian regime.

In reports of the OPCW-UN Joint Investigative Mechanism (JIM), issued in August and October 2016, the JIM found “sufficient evidence” to attribute three cases from 2014 and 2015 of CW use involving a toxic chemical, likely chlorine, to elements of the Syrian Arab Armed Forces. The JIM also found “sufficient evidence” to attribute responsibility for a 2015 attack using sulfur mustard in Marea to ISIL. This led to the November 2016 Executive Council decision condemning CW use in Syria and specifying that the TS should inspect as feasible all CW sites reported by the JIM in its third and fourth reports and conduct additional inspections twice a year at the SSRC facilities in Barzah and Jamrayah. In a report issued in October 2017, the JIM concluded with confidence that the Syrian Arab Republic was responsible for the April 4, 2017, sarin attack in Khan Shaykhun, and that ISIS was responsible for the September 15-16, 2016, sulfur mustard attack in Umm Housh.

The JIM's mandate expired on November 16, 2017. Efforts to extend the JIM's mandate were unsuccessful because Russia vetoed three UN Security Council resolutions calling for the extension.

The fact finding mission (FFM) reported that sarin was more than likely used in an attack on al Lataminah on March 30, 2017. The FFM continues to investigate allegations of chemical use in Syria, with a reported backlog of 60 potential instances.

Delayed Destruction of Syria's Chemical Weapons Program

Syria had not completed the destruction of all of its 27 declared CW production facilities (CWPFs) by the destruction timelines submitted in March 2014. Syria's destruction of the last airport hangar CWPF was verified by the TS on June 6, 2017. Of the 27 total, two facilities remain to be destroyed as of December 31, 2017. Initial inspections occurred during November 2017.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with CWC Article I, paragraph 1(b) each State party is obligated never to use CW. The United States assesses that the Syrian regime used chlorine and sarin as a method of warfare from 2013 through 2017, in violation of Article I of the CWC. Further, Syria continues to violate UNSCR 2118 operative paragraph 4, which provides that “the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons.” In spite of compelling evidence, to include a finding of attribution by an independent international mechanism, Syria continues to deny it used CW.

In accordance with CWC Article III, paragraph 1 each State Party is obligated to declare its CW program. The Syrian declaration contained obvious gaps, discrepancies, and omissions, in violation of Article III of the CWC and the additional declaration requirements outlined in operative paragraph 6 of UNSCR 2118. Although the DAT effort compelled Syria to declare several additional sites and additional activities since it started its work in 2014, significant gaps, discrepancies, and omissions in the declaration remain. These, coupled with the assessed use of CW, indicate that the Syrian regime has retained a residual CW capability and has not disclosed the full history and scope of its CW-related activities.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

The United States took every available opportunity, among them its statements before Executive Council sessions and meetings, and its statement at the 22nd Session of the OPCW Conference of the States Parties, to underscore demands for Syria to (1) cease employing CW as a method of warfare and cooperate with the FFM and the JIM, (2) change its approach, as recommended by the Director-General, and cooperate fully with the DAT to resolve the gaps, discrepancies, and omissions in its declaration, and (3) facilitate the completion of CWPF destruction. As noted above, Syria continues to deny all accusations and attributions of CW use.

The United States played an instrumental role in the adoption of the March 23, 2016, Executive Council decision expressing concern about the TS’s inability to verify fully the accuracy and completeness of the Syrian declaration, and was the initial drafter of this decision. The decision requested the Director-General to engage directly in the verification process with the intention of addressing the unresolved issues and underscoring the importance of full verification of the declaration. Throughout 2017, the United States remained vocal in its support of on-going FFM, JIM, and DAT activities.

The United States played a key role in securing the adoption of the November 2016 Executive Council decision that condemned the use of CW by Syria and ISIS, as reported by the JIM. This Executive Council decision again expressed concern regarding identified gaps, inconsistencies, and discrepancies in Syria’s initial declaration to the OPCW and demanded that the Syrian regime fully comply with its obligations under the Convention. The decision imposed additional OPCW verification measures on Syria as set forth above. During this reporting period, the United States co-sponsored an Executive Council decision with Colombia, Estonia, and Saudi Arabia in response to the October 2017 JIM report attributing responsibility for the use of CW in Khan Shaykhun to the Assad regime and in Umm Housh to ISIS. Unfortunately, the United States was unable to secure enough Executive Council support to bring the decision to a vote

during the reporting period. The United States will continue to seek accountability at the OPCW in 2018.

The United States made several attempts at the UN Security Council to renew the mandate of the JIM. These efforts were unsuccessful due to repeated Russian vetoes. Consequently, the JIM ceased to exist on November 17, 2017.