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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**



**March 2017
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 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 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).

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 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, 2016. This report highlights new developments since the last Condition (10)(C) Report and refrains from repeating older information found in previously submitted reports.

Over the past few years, three states have joined the CWC. Angola and Somalia acceded to the CWC and became States Parties in 2015 and 2013 respectively, but have not submitted any relevant declarations. Burma ratified the CWC and became a State Party in 2015 and has submitted its initial declaration.

The Technical Secretariat (TS) of the Organisation for the Prohibition of Chemical Weapons (OPCW) reported, as of July 31, 2016, the following regarding Article VII implementation:

1. Angola, Somalia, and Timor-Leste, which became States Parties in 2015, 2013, and 2003, respectively, had not yet designated a National Authority.
2. Seventy-nine States Parties 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): Afghanistan, Angola, Antigua and Barbuda, Armenia, The Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burma, Cabo Verde, Cameroon, Chad, Chile, Cote d’Ivoire, 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, Lao People’s Democratic Republic, Lebanon, Libya, Madagascar, Malawi, Maldives, 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, Spain, Suriname, Swaziland, Syria, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tuvalu, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, and Zimbabwe.
3. Four States Parties (Angola, Kiribati, Somalia, and Tonga) had not yet submitted their required initial declarations pursuant to the Convention. Three of these States Parties had not yet submitted any initial declarations under either Article III or Article VI: Angola (November 15, 2015),¹ Somalia (June 28, 2013), and Tonga (July 28, 2003).

¹These dates indicate when the initial declarations must be submitted for the State Party concerned (that is, 30 days after Entry into Force of the Convention for the State Party).

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.

As of December 31, 2016, 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 neither ratified nor acceded to the CWC and, therefore, are not States Parties to the Convention (one signatory State, Israel, and three non-signatory States, Egypt, North Korea, and South Sudan).

This Report addresses the following three countries that have not been certified in compliance with the CWC at this time: Iran, Russia, and Syria. Additional information is available in the 2017 classified version of the Condition (10)(C) Report.

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: (1) its chemical weapons production facility (CWPF) declaration obligations; (2) its transfer of CW; and (3) its 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 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 entry into force 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.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with Article I, each State Party “undertakes to never under any circumstances 1.(a) to 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. Had met its CWPf declaration obligations because 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. 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; with particular interest involving any transfers from Iran to Libya.

Iran's Compliance with Articles VII and X Obligations

The OPCW TS reported that Iran had fully implemented legislation under Article VII of the CWC that included penal provisions and measures to control transfers of scheduled chemicals. As part of its obligations under paragraph 4 of Article X of the CWC acknowledging that it has a national protection program, Iran submitted declarations annually. Iran had also committed to support, by bilateral agreements, as well as through unilateral offers, assistance measures under paragraph 7, 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 Convention for declaration of: (1) its CWPf's; (2) its CW development facilities; and (3) its CW stockpiles.

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 CWPf's, 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 October 31, 2016, Russia had destroyed 95.9 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. The United States believes, however, that the Russian CW declaration is not complete in the following areas:

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 there are additional facilities Russia may have been required to declare as CWPFs. The United States continues 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 not all CW development facilities, including CW testing facilities, need to be declared because of the Russian narrow interpretation of the CWC "primarily for" the development of CW criterion in Article III.

ANALYSIS OF COMPLIANCE CONCERNS

In accordance with Article I, each State Party "undertakes to never under any circumstances 1.(a) to develop, produce, otherwise acquire stockpile or retain chemical weapons..." 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.

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.

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 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 CW 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 CW program, required by Article III of the CWC and that Syria may retain CWs 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, as well as in a large scale attack using surface-to-surface rockets in the Damascus suburb of Ghouta in August, Syria deposited its instrument 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 UNSC Resolution 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 did not materially change following its accession to the CWC; the Syrian government continued to use CW against its people. Detailed background information may be found in previous reports for 2014, 2015, and 2016.

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 10 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 established a Declaration Assessment Team (DAT) to attempt to clarify these questions.

In statements made at Executive Council 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 Executive Council. Similar to challenges faced in 2014 and 2015, the DAT work in 2016 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 Executive Council 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** the Secretariat and the Syrian Arab Republic to expedite their efforts to resolve these gaps...and **further requested** that the Director-General 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). The DAT work on Syria’s CWC declaration continued in 2016.

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 concluded “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 Executive Council (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 stated that those individuals responsible for the use of chemical weapons should be held accountable. This was followed by UNSC Resolution 2209, adopted in March 2015, which similarly condemned the use and called for those responsible to be held accountable. The UN Security Council 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 UNSC Resolution 2209, credible allegations of toxic chemical use in Syria continued in 2015. At the urging of the United States, other States Parties, and the United Nations, three FFMs were launched to determine facts related to allegations of toxic chemical use in the Idlib Governate, Marea, and at the request of the Syrian government in the Damascus area. Syria attempted to exercise veto power over FFM activities, but was rebuffed by the OPCW Director-General and was not supported by other State Parties. On October 29, 2015, the FFM issued three reports, which confirmed the following:

- **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 March 16, 2015, and May 20, 2015, likely involved the use of one or more toxic chemicals – probably containing the element chlorine – as a weapon.”
- **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 Jober 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 CW use that were not addressed in the previous reports. The December report indicated that, including the one incident in Darayya on February 15, 2015, which required further investigation, the FFM had insufficient information to conclude definitively that a 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 continued its investigation in 2016 to seek 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. It was for this reason that members of the UN Security Council coalesced around the common goal of identifying those involved in using CW in Syria and adopted UNSC Resolution 2235 on August 7, 2015, 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 that the OPCW FFM concluded involved or likely involved the use of chemicals as weapons in Syria. The JIM began its work on November 13, 2015, reviewing the FFM reports to determine which cases involving CW attacks warranted investigation for attribution. Nine instances were chosen for JIM investigation. In reports issued in August and October 2016, the JIM found “sufficient evidence” to attribute three cases of CW use to elements of the Syrian armed forces. The JIM also found “sufficient evidence” to attribute a 2015 attack involving mustard gas in Marea to ISIS². This led to the November 2016 EC 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 Syrian Scientific Studies and Research Center (SSRC).

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 destruction of both CW and CWPFs. Precursor and binary CW component chemicals were transported to commercial facilities for destruction as part of the international effort to remove and destroy Syrian CW outside of Syria. Due to technical and safety problems, up to 16MT of hydrogen fluoride, a precursor for sarin, remained to be destroyed through much of 2015, but was finally reported as destroyed in January 2016.

² The first JIM report was issued on time.

Syria also had not completed the destruction of all of its 27 declared CWPFs. In particular, the Syrian request to convert 12 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 CWPFs, three facilities remained to be destroyed as of December 31, 2016. Security concerns and procurement difficulties were at least partially responsible for the delays.

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 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 substantiated claims that CW barrel bombs in Syria were dropped from helicopters, a capability possessed only by the Syrian government, Syria continued to deny the regime’s CW use.

In accordance with CWC Article III, paragraph 1 each State Party is 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 CONCERNS

The United States took every available opportunity to include in its statements before EC sessions and meetings its statement at the 20th Conference of the States Parties to the OPCW, as well as during meetings with the Syrian representative to the OPCW hosted by the Director-General, 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 it had cooperated with the DAT and FFM efforts, and

indicated that delays throughout the CWPF destruction effort were not caused by the Syrian regime.

Further, the United States helped draft and played an important role in the adoption of the February 4 and November 23, 2015, EC decisions that expressed concern about the FFM findings. The United States played a similarly important role in the development and adoption of UNSC Resolutions 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 develop consensus report language for the October 2015 EC special meeting that called for expedited resolution of gaps, discrepancies, and omissions in the Syrian declaration and for the Director-General to provide a full report by March 2016 on the unresolved issues, particularly those for which no further progress has been possible. Throughout 2015 and 2016, the United States remained vocal in its support of ongoing FFM and DAT activities and a November 2016 EC decision that condemned CW use by Syria and ISIS as reported by the JIM. This EC decision again expressed concern about 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 also imposed additional OPCW verification measures on Syria.