

Tab P

QUESTIONS AND ANSWERS

This tab provides answers to commonly asked questions received during Flag-level briefings and field assistance visits.

1. What is the Chemical Weapons Convention (CWC) and what is its status?

The *Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction* is also known as the Chemical Weapons Convention (CWC).

The CWC bans the development, production, stockpiling, transfer, and use of CW. It obligates each member State Party to destroy, within 10 years, CW and CW production facilities it owns or possesses. Parties to the Convention also undertake not to use riot control agents as a method of warfare.

The CWC permits the use of chemicals on the CWC Schedules of Chemicals when such use is for purposes not prohibited by the CWC. Such uses include: (1) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes; (2) protective purposes, for example, defensive research; (3) military purposes not connected with chemical weapons and not dependent on the use of toxic properties as a method of warfare; and (4) law enforcement, including domestic riot control.

The CWC is a multilateral international treaty. Compliance with the CWC will be monitored by the Organization for the Prohibition of Chemical Weapons (OPCW), an independent multinational organization, and a verification regime that includes declarations by State Parties of their past CW activities, and intrusive on-site inspections. The CWC entered into force on 29 April 1997.

2. What is the definition of CW?

Chemical weapons (CW) are defined by the CWC text as:

- Toxic chemicals (covered by a listing known as the Schedules of Chemicals)

- Munitions and devices for employment of toxic chemicals
- Any equipment specifically designed for use directly in connection with the employment of such munitions or devices.

3. What types of toxic chemicals are monitored by the CWC?

The toxic chemicals that are monitored by the CWC are specified in three lists, referred to collectively as the "Schedules of Chemicals." Schedule 1 contains chemicals that have been developed, produced, stockpiled, or used as CW or chemicals that are precursors (any chemical reactant that takes part at any stage in the production of a toxic chemical regardless of method). Schedule 1 chemicals have no large-scale industrial purpose. Examples of Schedule 1 chemicals are sarin, tabun, and VX.

Schedule 2 contains chemicals that pose a significant risk to the objectives of the CWC or are CW precursors, and have no legitimate industrial use. Examples of Schedule 2 chemicals are PFIB, BZ, and thiodiglycol.

Schedule 3 contains "dual-use" chemicals—chemicals that have been developed, produced, stockpiled, or used as CW or are CW precursors, but are produced in large quantities for legitimate (non-CW) uses. Phosgene, hydrogen cyanide, and diethyl phosphite are examples of Schedule 3 chemicals.

4. What are the verification activities required by this agreement?

The agreement is verified by both declarations and inspections. CWC declarations provide data on chemicals monitored by the convention, as well as information on facilities handling those chemicals. CWC inspections entail on-site inspection by international inspection teams (IIT) and monitoring by instrumentation.

5. What types of facilities are declared under the CWC?

The CWC requires declaration of the following facilities:

- CW storage and CW destruction facilities;
- Any facility producing CW since 1 January 1946;

- Any facility designed, constructed, or used since 1 January 1946 primarily for the development of CW, including laboratories and test and evaluation sites;
- The single small-scale facility for the production of Schedule 1 chemicals for purposes not prohibited under the CWC (research, pharmaceutical, protective, or medical purposes), hereafter denoted as "the single small-scale facility";
- Other facilities producing greater than threshold quantities of Schedule 1 chemicals for purposes not prohibited under the CWC;
- Facilities producing, processing, or consuming greater than threshold quantities of Schedule 2 chemicals;
- Facilities producing any quantity of a Schedule 2 chemical for CW purposes since 1 January 1946;
- Facilities producing greater than threshold quantities of Schedule 3 chemicals;
- Facilities producing since 1 January 1946 any quantity of a Schedule 3 chemical for CW purposes; and
- "Other chemical production facilities" producing greater than threshold quantities of non-Schedule discrete organic chemicals.

If a facility was ever used for CW-related activities (including research, development, test and evaluation) since 1 January 1946, then it will remain on the declared list for historical reasons. However, other types of facilities may be removed from the declared list if they cease to produce, process, or consume greater than threshold quantities of chemicals specified by the CWC.

All facilities, including *all Department of the Navy facilities*, are eligible for *challenge* inspection, irrespective of the nature of the activities conducted there.

6. What types of facilities could be inspected under the CWC?

The following categories of facilities are eligible for inspection under the CWC:

- Any of the declared facilities listed in Question 5

- *Any Facility*, even a facility unrelated to chemicals or chemical weapons, will be eligible for challenge inspections.

7. What types of inspections will be conducted under the CWC?

Four types of inspections are envisioned under the CWC: initial; systematic; facility; and challenge.

- Initial inspection involves on-site inspection of declared facilities for the purpose of verifying declarations and planning future verification activities. Initial inspections will occur at CW production, storage, and destruction facilities; the single small-scale facility; and all declared Schedule 1 and Schedule 2 facilities.
- Systematic inspection will occur at CW production, storage, or destruction facilities; the single small-scale facility; and all declared Schedule 1 facilities. The purpose of systematic inspection is to verify the declarations submitted and confirm that no prohibited activities are occurring. Systematic inspection will involve either on-site instrument monitoring, verification by on-site inspectors, or a combination of both.
- Facility inspection will be conducted at the following declared facilities:
 - Facilities producing, processing, or consuming greater than specified quantities of Schedule 2 chemicals
 - Facilities producing greater than specified quantities of Schedule 3 chemicals
 - "Other chemical production facilities" producing greater than threshold quantities of non-Schedule discrete organic chemicals.

The purpose of facility inspection is to verify the submitted declarations and to confirm non-diversion of scheduled chemicals for activities prohibited by the CWC. Facility inspections will entail on-site inspection.

- Challenge inspections can occur at either declared or undeclared facilities; *any* facility is eligible for a challenge inspection. Challenge inspections involve short-notice, intrusive on-site inspection and may have the greatest impact on a facility.

8. Who is "in charge" of the inspection?

During a CWC inspection, the Director General of the OPCW assigns a Team Chief to lead an International Inspection Team (IIT). The Inspection Team Chief and Inspectors are diplomats in the United States for the purpose of collecting facts pursuant to the purpose of the inspection. In this regard the Inspection Team Chief is "in charge" of OPCW inspection activity.

The DoD CWC compliance and implementation process calls for the formation of a "US Host Team" for the purpose of negotiating with and accompanying the IIT. Joint Chiefs of Staff (JCS) assigns a Host Team Leader to be the principal spokesperson, "in charge," during negotiations. The Commanding Officer of an inspected Navy or Marine Corps facility is a member of the Host Team and is specifically designated as the principal advisor to the Host Team Leader during activities at the site.

The Commanding Officers of Navy and Marine Corps activities are "in charge" and responsible by *United States Navy Regulations* for the routine conduct of operations, control of access to their facilities, the safety of visitors, the protection of national security information, and compliance with international agreements. In addition, program managers are "in charge" and responsible for protecting national security and sensitive information regarding their programs through in-place Acquisition System Protection Plans or other appropriate means.

9. Is the CO relieved of certain responsibilities and authorities during an inspection?

No. The DoD CWC compliance and implementation process supports and is supported by the operational chain of command. Decision making within the Host Team is by consensus. If a situation arises that is contrary to, or outside the authority of, the Commanding Officer, then guidance will be provided by the operational chain of command.

10. What is the chain of command for CWC inspections?

The external and internal chain of command for the facility is not changed by a CWC inspection. The U.S. Host Team and the Naval Treaty Implementation Program work within existing command structures. Additionally, one responsibility of the Naval Treaty Implementation Program is to represent the Commanding Officer at the POE and to assist the command in interactions with the U.S. interagency National Authority and IIT negotiators.

11. What will be the size and composition of the IIT?

Inspection teams will be comprised of inspectors from CWC signatory countries (e.g., a sample inspection team could include Pakistani, Chinese, German, Canadian, Iranian, and Nigerian inspectors).

Neither the requesting State Party nor the inspected State Party will have inspectors on the inspection team (i.e., in the case of an Iranian challenge of an U.S. facility, the inspection team will not contain either Iranian or American inspectors). The requesting State Party is, however, permitted to send an observer to view the conduct of the inspection. The observer is not guaranteed the same rights as members of the IIT.

The size of the inspection teams is not fixed, although team sizes of between 10 and 30 inspectors have been discussed. The size of the team will probably vary depending on the size of the inspection site and the type of facility (e.g., production facility, or storage facility) under inspection.

12. In the case of challenge inspections, what are some time guidelines?

Under the challenge inspection regime, inspectors will arrive at the perimeter of the challenged site, which is defined by geographic coordinates or map description, no later than 48 hours after initial notification of the challenge.

The CWC provides for 84 hours of inspection activity during a challenge inspection. Inspectors can be physically on the site up to 72 hours prior to the actual inspection to negotiate the final perimeter and the amount of access within that perimeter, and an additional 24 hours after the inspection to prepare a preliminary inspection report for a total of 7½ days.

13. What are some general verification inspection activities that are within the purview of all CWC inspections at undeclared facilities?

General rights of inspectors include:

- Interview any facility personnel;
- Review facility records deemed relevant by the inspectors;
- Have photographs taken; and
- Have samples taken.

These activities are subject to negotiation between the inspection team and the inspected State Party.

14. During a CW inspection, how will facilities protect highly sensitive, non-CW operations while demonstrating treaty compliance?

The CWC contains provisions for "managed access," which allow the inspected State Party to exercise "alternative means" short of total, unimpeded access to demonstrate compliance. Examples of such alternative means could be the shrouding of sensitive areas, providing access to only a percentage of rooms in a building, or confirming the absence of requisite CW-related equipment (e.g., special air handling systems or protective suits).

The inspected State Party is, however, under treaty obligation to demonstrate compliance.

15. What is the difference between requested, alternative, and final perimeters?

All of the above terms refer to the external boundaries of a challenged site. The "requested perimeter" is the inspection boundary proposed by the IIT during a challenge inspection. If the inspected State Party does not agree to the requested perimeter, it proposes a different site boundary, referred to as the "alternative perimeter." The term "final perimeter" designates the external boundary of the site within which the inspection will occur. The final perimeter is either the perimeter that is agreed to in negotiations between the IIT and the inspected State Party or is the alternative perimeter in the case when no agreement can be reached.

16. Who decides what the final perimeter will be?

During a challenge inspection, the final perimeter may be determined by agreement between the IIT and the inspected State Party. However, in the case no agreement can be reached, the inspected State Party makes the ultimate determination of the final perimeter.

17. Who will escort the IIT during inspections?

The treaty permits the inspected State Party to provide "in-country escorts" to accompany the IIT throughout its stay. The United States Government will provide such assistance through the Defense Threat Reduction Agency (DTRA). However, a DON facility will be obligated to provide DON and/or base escorts to accompany the inspectors while at the facility.

18. What is the host facility expected to provide during a CWC inspection?

The host facility will be expected to arrange or provide for the standard amenities during a CWC inspection: transportation on site; working space; lodging; meals; medical care; administrative services (in the case of challenge inspection to assist inspectors in preliminary report preparations); and a dedicated phone line for inspectors to contact the Technical Secretariat or an embassy. The host facility will be required to provide a pre-inspection briefing that provides general information on the facility and activities carried out there, safety considerations, and administrative and logistical arrangements necessary for the inspection. The host facility should be prepared to provide facility maps and documentation in conjunction with the pre-inspection briefing. The map shall be drawn to scale, showing all structures and significant geographic features at the site. Facility personnel should be made available for interviews by the inspection team. The host facility should also be prepared to provide support for the USG Escort Teams with base escorts and inspection support personnel.

19. Can a CWC inspector be searched or detained?

The CWC dictates that CWC inspectors will be accorded many of the same privileges and immunities as diplomatic agents and thus can not be searched or detained. In addition, the following are considered inviolable: inspectors' equipment, papers and correspondence, living quarters, and office premises. The privileges and immunities accorded to CWC inspectors also dictate that if an inspector removes an item from a facility, the facility cannot forcibly retrieve it.