

# Chemical Industry Inspections: A Training Manual

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### Preface

This document is designed and written basically as an introductory training manual for escort officers for inspections under the CWC Act. It is not meant to be a substitute for the Convention and its provisions. The escort officers should separately become familiar with the Chemical Weapons Convention and the CWC Act, 2000.

The process of OPCW inspections is guided strictly by the relevant provisions of the Convention and the decisions of the Conference of State Parties (CSP) in this regard.

The key functions of the escort team are as follows:

- (i) to ensure the smooth and satisfactory conduct of the Article VI inspections (chemical industry inspections of Sch 2, 3 and OCPF facilities);
- (ii) to ensure that the administrative and logistical arrangements like reception, custom and immigration clearances, transport and stay and organization of the inspection at the facility for the inspection team;
- (iii) to ensure that the inspection is conducted in accordance with the inspection mandate and the provisions of the Convention;
- (iv) to ensure that the confidential information and interests of the facility are protected during the inspection.
- (v) to clarify and remove the doubts and ambiguities that may arise during the inspection.

The escort officers are encouraged to consult and become familiar with the Declarations Handbook and the Information Package brought out by the OPCW. These documents can be accessed using the OPCW Website, opcw.org. They are also available on a CD-ROM with the National Authority.

### Chemical Industry Inspections

#### 1. Introduction

- 1.1 The Chemical Weapons Convention prescribes an international regime of declarations and verification of certain chemical facilities or plant sites. The regime is described in Article VI of the CWC, the Annex on Chemicals and Parts I, II, III, VI, VII, VIII and IX of the Verification Annex.
- 1.2 For the purposes of declarations, the Convention lays down the three schedules of chemicals. These contain both specific and generic entries of chemicals. The fourth category is called "Other Chemical Production Facilities (OCPF)". This includes facilities producing unscheduled (that is, not in the schedule) discrete organic chemicals (DOC) and the DOC with an element of phosphorous, sulphur or flourine (PSF). The DOC/PSF chemicals do not include pure hydrocarbons, explosives, metal carbonates and oxides or sulphides of carbon. Thus, the DOC/PSF is a generic category. There are declaration thresholds for each of the four types of facilities.
- 1.3 The declarations are filed with the OPCW. For scheduled facilities annual declarations on both actual and projected activities are filed. While for OCPF's, the declarations are filed one time along with changes or updates, if any, on an annual basis. The forms on which declarations are filed are given in the Declarations Handbook.
- 1.4 Some of the declared facilities are subject to inspections and verification by the Inspectorate of the OPCW. For this purpose, inspection thresholds are laid down which are generally ten times the declaration thresholds.

#### 2. Inspections: General Provisions

- 2.1 The inspections are carried out by a team of OPCW Inspectors in accordance with the provisions and procedures laid down by the Convention and the decisions of the Conference of State Parties (CSP). Section 3 of the CWC Act of 2000 grants the force of law to the Convention in India. Section 19 provides for inspections and the powers of the OPCW inspectors. Section 19 (4) states that "an enforcement officer shall accompany the Inspector or Inspection Team to observe all verification activities carried out by the Inspector or Inspection Team and to provide the Inspector or Inspection Team, during the inspection, with such clarifications in connection with an ambiguity that may arise during an inspection as may be necessary to remove such ambiguity". Therefore, the enforcement officer means the "In-country Escort" or the Escort Officers as specified in Para 9 Part I of the Verification Annex.
- 2.2 There are several distinguishing aspects of inspections, viz: the aims of inspection; notice period; duration; initial, repeated or systematic inspection; intensity; how the plant sites are chosen for inspection and so on. These aspects vary with the category of facilities (see Annexure on CWC).
- 2.3 Once a plant site is chosen by the Technical Secretariat (TS) of the OPCW for inspection, the inspection process commences by the issue of Notification of Inspection in Form F 010. The notification contains information in the purpose of inspection, the type of inspection, point of entry (POE), the date and estimated time of arrival at the point of entry, the means of arrival at POE, the site/facility to be inspected, the names of Inspectors and Inspection Assistants and the list of approved equipment carried by the team or sent as cargo. The Point of Entry (POE) and Point of Exit is Delhi for all inspections and it is the responsibility of the Inspected State Party (ISP) to take the inspection team to the site within 12 hours of arrival at Delhi.
- 2.4 It is the responsibility of the State Party to provide administrative and logistical arrangements to organize and facilitate the inspection process. This is coordinated by the National Authority. Escort Officers are appointed to implement the various duties and functions. These include: reception and stay arrangement; customs clearance, in-country travel and transportation; escorting the team; coordination and observance of the inspection process; assistance and clarification; guidance to the facility personnel in the conduct of inspections; ensuring that the inspection is carried out strictly within the inspection mandate and as per the provisions of the Convention; ensuring the rights of the ISP in the conduct of the inspection etc.

#### **Inspection Mandate**

- 2.5 An Inspection Mandate is issued to the inspection team for the conduct of the inspection. It states the inspection aims, the list of inspection equipments and particular operating instructions. The inspection process is guided and limited by the mandate.
- 2.6 The Inspectors are accorded privileges and immunities available to diplomatic agents in terms of the Vienna Convention.

#### **Mutual Rights and Obligations**

- 2.7 The inspection Team is given Pre-inspection briefing upon arrival at the plant site before the commencement of the inspection. The time allocated for this purpose should not exceed three hours. The briefing covers the following aspects: overview of the plant site; major activities; health, safety and quality control measures; infrastructure and equipments; access restrictions and confidentiality rules.
- 2.8 Subject to the inspection mandate and the facility agreement (if any) and the procedures set forth in the Convention and the inspection manual (Para 42 Part II, Verification Annex), the Inspectors have the right to unimpeded access to the plant site. They can ask questions, inspect records and documents pertaining to the declared activities and can also request photographs to be taken.
- 2.9 The escort team is expected to ensure the smooth conduct of the inspection within the parameters of the mandate and the provisions of the Convention. They have the right to observe all the verification activities carried out by the inspection team and receive copies, upon request, of the information and data gathered about the facility by the Technical Secretariat.
- 2.10 The Inspection Team can request clarifications in connection with ambiguities that may arise during the inspection. The escort team, in consultation with the Facility personnel, should provide the necessary clarifications. Sometimes, ambiguities may relate to questions of access and confidentiality (business and process) policies of the facility. In such cases, the escort team should establish a formal process for removal of ambiguities. The guiding principles are the provisions of the Convention and the decisions of the CSP. The unresolved ambiguities are reflected in the inspection reports and they are separately taken up for resolution later.
- 2.11 The preliminary findings of the inspection team are reviewed by the inspection team with the facility representatives and the escort team. The Preliminary Inspection Report is then finalized by the inspection team in a standard format and countersigned by the escort officer. This process is completed within 24 hours of the completion of the inspection.

- 2.12 Within 10 days of the inspection, a Final Inspection Report is prepared and, then, submitted to the ISP for comments. In case of unresolved issues, ambiguities and uncertainties in the report, the issues are taken up by the TS with the National Authority for resolution and removal. Otherwise, the report is archived.

### 3. Inspections: Specific Provisions

#### Schedule 2 Facility Inspection

- 3.1 The general aim of inspections is to: (i) verify declaration data and activities (ii) verify absence of schedule 1 chemicals (iii) consistency of activities with the declaration data (iv) Non-diversion of chemicals for prohibited activities.
- 3.2 Facility agreements are drawn up and agreed. The facility agreement prescribes the boundaries of access and activities that are undertaken by the Inspection Team. It is based on a model agreement and, inter-alia, specifies the frequency and intensity of inspections as well as detailed inspection procedures.
- 3.3 The Areas to be inspected may include:
- (a) Areas where feed chemicals (reactants) are delivered or stored;
  - (b) Areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessels;
  - (c) Feed lines as appropriate from the areas referred to in sub-paragraph (a) or sub-paragraph (b) to the reaction vessels together with any associated valves, flow meters, etc;
  - (d) The external aspect of the reaction vessels and ancillary equipment;
  - (e) Lines from the reaction vessels leading to long or short-term storage or to equipment further processing the declared Schedule 2 chemicals;
  - (f) Control equipment associated with any of the items under sub-paragraph(s) (a) to (e);
  - (g) Equipment and areas for waste and effluent handling;
  - (h) Equipment and areas for disposition of chemicals not up to specification.
- 3.4 The notice of inspection is not less than 48 hours before the arrival of the team and the period of inspection should not last more than 96 hours.
- 3.5 Access to records, data and documents are provided which is consistent with the inspection aims and the Inspection Mandate as well as the provisions of the Convention. The focus of the inspection is the declared schedule 2 plants. Where there is no facility agreement and the inspection team requests access to other parts of the plant site beyond those stated in para 3.3, then the escort team should examine the request in terms of the model facility agreement and the rules of managed access as specified in Part X, para 46-50 of the Verification Annex. In the negotiation of managed access, particular attention should be paid to the measures to ensure protection of sensitive installations of the facility and confidential information and data not related to the CWC.

#### Schedule 3 Facility Inspection

- 3.6 The aims of inspection are (i) verify that activities are consistent with the declarations data and (ii) verify absence of schedule 1 chemicals.
- 3.7 The notice for inspection is 120 hours and its duration not more than 24 hours.
- 3.8 The areas to be inspected may include:
- (a) Areas where feed chemicals (reactants) are delivered or stored;
  - (b) Areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;
  - (c) Feed lines as appropriate from the areas referred to in sub-paragraph (a) or sub-paragraph (b) to the reaction vessel together with any associated valves, flow meters, etc.;
  - (d) The external aspect of the reaction vessels and ancillary equipment;
  - (e) Lines from the reaction vessels leading to long or short-term storage or to equipment further processing the declared Schedule 3 chemicals;
  - (f) Control equipment associated with any of the items under sub-paragraphs (a) to (e);
  - (g) Equipment and areas for waste and effluent handling;
  - (h) Equipment and areas for disposition of chemicals not up to specification.
- 3.9 The focus of the inspection is the declared schedule 3 plants. There are no facility agreements. The inspection team may have access to records in situations in which the ISP and the inspection team, both agree that it will assist in achieving the objectives of the Convention.
- 3.10 Requests for access to other parts of the plant for clarification of ambiguities are decided by mutual agreement. The confidentiality concerns of the facility should be kept in mind, while making such agreement.

#### OCPF Facilities

- 3.11 The inspection aim is to verify that activities are consistent with declarations and the absence of Schedule 1 chemicals. The notice for inspection is 120 hours and its duration not more than 24 hours. There are no facility agreements for these facilities.
- 3.12 The inspection is usually in the nature of a site tour. The focus of inspection is the plants, particularly the PSF plants. The extent of access to records and to other areas of the plant site, for clarification of ambiguities, is mutually agreed upon between the Inspection Team and the ISP. The escort team must take into account the concerns of the facility relating to protection of sensitive and confidential information and processes.

## Annexure A

## The Chemical Weapons Convention

1. The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter called the CWC or the Convention) is a universal, non-discriminatory and multilateral Treaty for the purposes of Chemical Weapons Disarmament.
2. The Convention opened for signatures on 13th January, 1993 and came into force on 29th April, 1997. As an original signatory, India signed the Convention on 14th January, 1993 and deposited the instrument of ratification on 3rd September, 1996. As of now, 180 countries are State Parties to the CWC. 6 other countries have signed the CWC but not ratified it. And there are 9 non-signatory nations. The major ones among the latter are Egypt, Iraq, Lebanon, Syria and North Korea. The former category includes Congo, Israel and Myanmar. For purposes of equitable geographical representation in the decision making organs of the Convention, regional groups are recognized.

TABLE - I

Regional Group	No. of State Parties	No. of Executive Council Members	
African Group	48	9	
Asian Group	48	9	plus one other member by rotation
East European Group	24	5	
Latin American and Caribbean Group	30	7	
Western European and Others Group (WEOG)	29	10	
Cyprus	01	-	

The Convention has four essential components:

- (a) Destruction and elimination of all Chemical Weapons (CW's) in a prescribed time frame (April, 2007).
  - (b) An international inspection and Verification Regime for certain chemicals and industries.
  - (c) Assistance and Protection Measures against CW's.
  - (d) Promotion and Facilitation of international cooperation and trade in chemicals and technology to enhance the economic and technological development of all State Parties.
4. The CWC consists of a Preamble, 24 Articles and three Annexes. A summary/brief of the various Articles is given below:

**Article I**

Prescribes General Obligations on all State Parties:

- Prohibition of production and use of chemical weapons.
- Destruction of existing CW's, including abandoned CW's and production facilities.
- Non-use of riot control agents as a method of warfare.

**Article II**

Defines various items, including chemical weapons, toxic chemicals, CW production facilities, old and abandoned CW's etc.

**Article III**

Prescribes initial declarations and their content for chemical weapons, old and abandoned CW's and CW production facilities.

**Article IV and V**

- Prescribe for destruction, verification and inspections of existing CW's and production facilities.
- Costs of destruction to be met by State Parties.
- All CW's to be destroyed by April 2007, subject to an additional period upto five years under extraordinary circumstances, if approved by the State Parties.

**Article VI**

- State Parties to ensure that toxic chemicals are produced or used only for non-prohibited purposes.
- An inspection and verification regime for schedule 1,2 and 3 chemicals and a defined category of Other Chemical Production Facilities (OCPF's) producing Discrete Organic Chemicals (DOC/PSF).
- Prescribes the declaration requirements for schedule 1/2/3 facilities and OCPF's.

#### Article VII

- Each State Party to adopt legislation, including penal measures, to implement its obligations under the CWC.
- Setting up of National Authority by every State Party.

#### Article VIII

- Establishes the Organization for the Prohibition of Chemical Weapons (OPCW) and other decision-making organs like the Conference of State Parties (CSP), the Executive Council (EC) and the Technical Secretariat (TS).

#### Article IX

- Provides for consultation and cooperation among State Parties on matters relating to CWC.
- Establishes procedures to request clarification on CWC implementation issues, including possible non-compliance.
- Establishes the procedures for challenge inspections that may be sought by State Parties, in any facility or location in another State Party for the sole purpose of clarifying or resolving any questions concerning possible non-compliance with the CWC provisions.

#### Article X

- Provides for annual information by State Parties on their protection programmes against CW attacks or disasters.
- A data bank on various means of protection against CW's.
- Provision of advice and assistance to State Parties for protection against the use or threat of use of CW's and related matters.
- Procedures for investigations into alleged use of CW's.

#### Article XI

- Promote and Facilitate trade in chemicals and international cooperation in science and technology for economic development.
- Removal of restrictions on trade and technology transfer in chemicals, which are inconsistent or incompatible with the objectives of the Convention.

#### Article XII

- Provides for measures to redress to ensure compliance with the CWC, including restrictions of rights and privileges of the State Party and collective measures in conformity with international law.

#### Other Articles: XIII to XXIV

- Provide for various formal procedures, including settlement of disputes and amendment (of Convention) procedures.

#### Annexes

- The Annex on Chemicals lists the three Schedules of Chemicals.
- The Verification Annex lays down the detailed rules and procedures for the verification and inspection activities of CW's and the scheduled chemicals facilities and the OCPF's.
- The Confidentiality Annex articulates the principles and procedures for the handling of confidential information.

#### The Organization (OPCW)

5. The OPCW is responsible for the implementation of the CWC and is based at The Hague, The Netherlands. Its decision making organs are as follows:

The **Conference of State Parties (CSP)** consists of all State Parties. It is the highest policy making and review organ of the OPCW. It meets once a year. There is a provision of a Review Conference every five years. The First Review Conference of the CWC was held on 28th April – 9th May, 2003.

The **Executive Council (EC)** consists of 41 members from the five regional groups as tabulated in para 2. The EC is the principal executive organ of the OPCW and has four regular sessions in a year.

The **Technical Secretariat (TS)** comprise staff and professionals (about 500 in number) which assists the EC and CSP. The subsidiary bodies of the OPCW include a Scientific Advisory Board (SAB), Advisory Body on Administrative and Financial Matters (ABAF) and the Confidentiality Commission.

### Chemical Industry Declarations and Inspections

6. The verification regime of the OPCW prescribes declarations and inspections of certain plant sites. Based on the notion of a hierarchy of risks, the Convention has devised three schedules and a category of unscheduled Discrete Organic Chemicals for this purpose. The requirements of declarations and inspection intensity vary with the categories and apply above specified thresholds. TABLE-II describes the details of the regime.

**TABLE - II**

Sl.No.	Category	Activities	Declaration threshold	Inspection threshold
1.	Schedule 1	Production, processing, consumption, acquisition, retention export and import.	100 gm/year except for protective purposes and single small scale facility. *No threshold for SSSF and protective purposes.	100 gm/year except for protective purposes and single small scale facility.
2.	Schedule 2	Production, processing, consumption, export or import.	2A* - 1 kg/year 2A - 100 kg/year 2B - 1 tonne/year	2A* - 10 kg/year 2A - 1 tonne/year 2B - 10 MT/year
3.	Schedule 3	Production, export or import.	30 MT/year	200 MT/year
4.	OCPF's (DOC/PSF plants)	Production	DOC: 200 MT/year PSF : 30 MT/year	200 MT/year

Mixtures of schedule 2 and 3 chemicals upto specified concentrations are exempted from declarations.

- Note (i) DOC: Discrete Organic Chemical.  
PSF: DOC with an element of phosphorous, Sulphur or Fluorine.
- (ii) Discrete Organic Chemicals are unscheduled organic chemicals except pure hydrocarbons, explosives, metal carbonates and oxides or sulphides of carbon.

7. There are restrictions and declaration requirements for exports and imports of scheduled chemicals. Table III gives the details:

**TABLE III**

Sl.No.	Activity	Schedule 1	Schedule 2	Schedule 3
1.	Quantity restrictions on exports/imports	Yes	No	No
2.	Transfers to non State Parties	No	No	End use/user certificate required.
3.	Retransfer to third State	No	-	No in case of transfers to non- State Parties.

8. Aggregate National Data is required to be filed for production, exports and imports in case of schedule 2 and 3 chemicals. The declaration requirements of individual plant-sites are detailed in Table IV.

**TABLE IV**

Sl.No.	Declarations	Schedule 1	Schedule 2	Schedule 3	OCPF's
1.	Initial declaration and changes	Yes	Yes	Yes	Yes
2.	Annual declaration of actual activities	Yes	Yes	Yes	No
3.	Annual declaration on projected activities	Yes	Yes	Yes	No
4.	Intimations about individual transfers	Yes	No	No	No

9. The inspection intensities and procedures for the various categories of plant sites are as follows:

**TABLE - V**

Sl.No.	Description	Schedule 1 facilities	Schedule 2 facilities	Schedule 3 facilities	OCPF facilities

1.	Inspection intensity basis	- Risk-assessment - quantities of chemicals. - Characteristics of the facility - Nature of activities	Same as schedule 1 and also toxicity of chemicals/end products, quantities and plant capacity.	Random selection using weighting factors: - equitable geographical distribution and - characteristics of plant sites.	Random selection using weighting factors: - equitable geographical distribution - characteristics of plant sites - proposals by States.
2.	Facility Agreements	Necessary	Necessary unless agreed as not necessary	No	No
3.	Nature of verification/ inspections	Systematic verification	Initial and subsequent inspections	Initial and subsequent inspections	Initial and subsequent inspections
4.	Aim of inspection	- Verify declarations - consistency of production with needs and actual use	Absence of Schedule 1 chemical consistency with declarations Non-diversion	Absence of Schedule 1 chemical consistency with declarations	Absence of Schedule 1 chemical consistency with declarations
5.	No. of inspections	-	Not more than two per facility per year	Combined number of schedule 3 and OCPF inspections shall not exceed 3 plus 5% of total plant sites or 20 inspections whichever is lower. No plant site can receive more than 2 inspections per year.	
6.	Period of Inspection	-	Not more than 48 hours.	Not more than 24 hours	Not more than 24 hours.
7.	Notice of Inspection	Not less than 24 hours.	Not less than 48 hours	120hours	Not less than 120 hours before arrival.

### Chemical Weapons Destruction and Inspections

10. Initial Declarations are required to be made for chemical weapons and Chemical Weapons Production Facilities (CWPF). General plans of destruction are also required to be filed for both. The Convention stipulates timelines for the order and completion of destruction. Table VI provides the details.

**TABLE VI**

Sl. No	Category	Description	Destruction timelines and targets (% of total).			
			Phase-I	Phase-II	Phase-III	Phase-IV
1.	CW-1	Sch 1 chemicals and their parts & components.	April, 2000 1%	April, 2002 20%	April, 2004 45%	April, 2007 100%
2.	CW-2	Other chemicals & their parts & components.	100% by April, 2002			
3.	CW-3	Unfilled munitions and devices and other equipments.	100% by April, 2002			
4.	CWPF		100% by April, 2007			

11. The destruction process and the facilities are subject to systematic inspections and on-site monitoring by equipments. Each destruction/production facility is required to file detailed annual plans for destruction as well as annual reports on destruction activities.

## Appendix B

### Receiving an Inspection

#### 1. Triggering the process

##### 1.1 Receipt and acknowledgement of the notification of an inspection



Within the prescribed timelines, if applicable, and before the planned arrival of the inspection team at the point of entry, the Director-General of the Organisation shall notify the State Party of the intention to carry out an inspection. This notification shall include the following information (CWC, VA, Part II, paragraph 31):

- (a) The type of inspection
- (b) The point of entry
- (c) The date and estimated time of arrival at the point of entry
- (d) The means of arrival at the point of entry
- (e) The site to be inspected
- (f) The names of inspectors and inspection assistants
- (g) If appropriate, aircraft clearance for special flights

The inspected State Party shall acknowledge the receipt of the notification provided by the Organization not later than one hour after its receipt (CWC, VA, Part II, paragraph 33). If the facility of the inspected State Party is located on the territory of another State Party, both States Parties shall be simultaneously notified (CWC, VA, Part II, paragraph 34).

## 1.2 Notify and liaise with the relevant authorities that will support the inspection

The National Authority should liaise with the government authorities and agencies that, in the light of the national legislation and regulations, are charged to undertake actions, discharge responsibilities or carry out tasks conducive to the support of the inspection and the inspection team. These tasks may be the following:

### 1.2.1 Organize the joint actions to be undertaken by the National Authority (escort team) in co-ordination with other national support teams

Supporting the inspection activities to be carried out by the inspection team while in the territory of the inspected State Party involves the co-ordination of the actions carried out by groups other than the escort team. In this capacity, the Escort Team has to take the lead and act as the contact point for all other groups providing support, such as customs, immigration, national police, security, medical, airlines, etc.

### 1.2.2 Identify and notify the facility receiving the inspection

The facility receiving the inspection shall have to be identified by the National Authority by means of the site name and/or code provided by the inspected State Party in the declarations provided to the Secretariat. Once this is accomplished, the National Authority shall inform the facility of the impending inspection.

Important requirements to be met by the site to fulfill the Convention must be reiterated by the National Authority at this time (if not previously conveyed). The latter may include the particular type of inspection, its duration, suggested type and extent of information (documents and/or records) to be provided to the inspection team and the extent of physical access to be granted. Furthermore, the National Authority shall mention the specific amenities, e.g. a working room, and other logistic arrangements that the inspected site may have to provide to the inspection team.

## 1.3 Logistics arrangements

### 1.3.1 Make arrangements related to the inspection time frame

The notification sent by the Secretariat contains relevant specific information; it allows the National Authority to arrange for the inspection time frame, depending on the inspection to be received. The list of inspectable industry facilities includes:

#### **Schedule 1 facilities**

The purpose of the initial inspection shall be to verify the information provided concerning the facility (CWC, VA, Part VI, paragraph 24). The duration of an inspection for a particular facility shall be based on the risk to the object and purpose of the Chemical Weapons Convention posed by the relevant chemicals and the characteristics of the facility (CWC, VA, Part VI, paragraph 23).

#### **Facilities related to Schedule 2 chemicals**

An inspection shall not last more than 96 hours, unless an extension is agreed between the inspection team and the inspected State Party (CWC, VA, Part VII, paragraph 29).

#### **Facilities related to Schedule 3 chemicals**

An inspection shall not last more than 24 hours; however, extensions may be agreed between the inspection team and the inspected State Party (CWC, VA, Part VIII, paragraph 24).

#### **Other chemical production facilities**

The period of the inspection shall not last more than 24 hours. However, extensions may be

agreed between the inspection team and the inspected State Party (CWC, VA, Part IX, paragraph 20).

### **1.3.2 Arrange for the activities at the point of entry**

The point of entry procedures include administrative activities and procedures related to the inspected State Party's inspection of the approved equipment carried by the inspection team (CWC, VA, Part II, paragraphs 27 and 29) (C-I/DEC.7).

During the inspection team's stay within the territory of the inspected State Party, and thus also at the point of entry, inspectors are granted privileges and immunities as specified in the Chemical Weapons Convention (CWC, VA, Part II, paragraphs 10-15).

It is desirable that the National Authority arrange, among others, for the following:

#### **1.3.2.1. Inform the customs and immigration authorities**

Inform the custom and immigration authorities of the arrival of the inspection team. It is advisable to arrange for the inspection team's preferential passage through customs and immigration.

#### **1.3.2.2. Procure a venue for point of entry proceedings**

An adequate venue should be available at the point of entry to carry out the pertinent activities such as Inspection Mandate remittance and inspection of the equipment brought by the inspection team by the designated personnel of the National Authority.

### **1.3.3 Arrange transportation of the inspection team to the inspection site**

The National Authority shall, as necessary, assist the inspection team in reaching the inspection site not later than 12 hours after the arrival at the point of entry. (CWC, VA, Part II, paragraph 36).

### **1.3.4 Arrange the necessary amenities for the inspection team.**

The inspected State Party shall provide or arrange for the amenities necessary for the inspection team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, transportation, working space, lodging, meals and medical care (CWC, VA, Part II, paragraph 26).

### **1.3.5 Arrange for the safety of the inspection team**

In carrying out their activities, inspectors and inspection assistants shall observe safety regulations established at the inspection site, including those for the protection of controlled environments within a facility and for personal safety (CWC, VA, Part II, paragraph 43).

To implement this provision of the Chemical Weapons Convention, the National Authority shall liaise with site personnel. Appropriate detailed procedures shall be provided to the inspection team upon arrival at the inspected site, in the context of the pre-inspection briefing (CWC, VA, Part II, paragraph 37).

## **2. Arrival of the inspection team at the point of entry**

### **2.1. Meet the inspection team at the point of entry**

It is advisable that the inspected State Party's escort team meet the inspection team immediately upon arrival at the point of entry.

### **2.2. Arrange for customs and immigration clearance**

Customs and immigration authorities should be made aware of the privileges and immunities enjoyed by the inspection team while carrying out inspection activities, as specified in the Chemical Weapons Convention (CWC, VA, Part II, paragraphs 10-15).

### **2.3. Activities at the point of entry**

The inspected State Party should confirm all relevant information concerning the members of the inspection team vis-à-vis the information provided in the notification of the inspection.

#### **2.3.1. Remittance of inspection mandate**

The inspection team leader shall remit the Inspection Mandate to the representative of the inspected State Party.

#### **2.3.2. Inspection of equipment brought by the inspection team**

The inspected State Party has the right to inspect, at the point of entry and in the presence of inspection team members, the approved inspection equipment brought by the inspection team. This right is to be exercised without prejudice to the inviolability of equipment (CWC, VA, Part II, sub-paragraph 11(d)).

At these proceedings, the National Authority should verify the integrity of the seals on each equipment container, and ensure that devices and equipment serial numbers match the information provided by the Secretariat (CWC, VA, Part II, paragraph 29). The inspected State Party may exclude equipment not meeting the description of approved equipment, or lacking authentication documents or devices attached by the Secretariat to authenticate its designation (CWC, VA, Part II, paragraph 29).

The inspected State Party's representatives who conduct inspection of equipment brought by the inspection team must follow the procedures adopted by the Conference of State Parties (C-I/DEC.7).

#### **2.3.3 Provision of secure storage for excluded inspection equipment**

Any equipment excluded by the inspected State Party at the point of entry shall be kept under its custody, under joint seal and lock, to be returned to the inspection team upon its departure from the inspected State Party, at the point of exit.

#### **2.3.4 Briefing the inspection team on logistic arrangements**

The inspected State Party should brief the inspection team about details of the programmed activities necessary to reach the inspection site. The briefing should include, as necessary, information related to other amenities such as means of communication, interpretation services, transportation, workspace, storage facilities, accommodation and meals, and medical care (CWC, VA, Part II, paragraph 26).

### **2.4. Transportation to the inspection site**

The inspected State Party shall, as necessary, assist the inspection team in reaching the inspection site not later than 12 hours after the arrival at the point of entry (CWC, VA, Part II, paragraph 36). To this effect the National Authority shall arrange for suitable and timely transport for the inspection team and its equipment.

## **3. Activities at the inspection site**

### **3.1. Pre-inspection activities**

#### **3.1.1. Providing the inspection team suitable working space at the facility.**

The inspected State Party shall arrange for the provision of the necessary amenities for the inspection team, including the working space used for the team's deliberations, preparation of reports and other activities relevant to the conduct of the inspection (CWC, VA, Part II, paragraph 26).

#### **3.1.2. Pre-inspection briefing**

Upon arrival at the inspection site and before the commencement of the inspection, facility representatives shall brief the inspection team. This shall be carried out with the aid of maps and other documentation on the facility, as appropriate, and shall address the activities carried out there, safety measures and administrative and logistic arrangements necessary for the inspection. The time spent for the briefing shall be limited to the minimum necessary and in any event not exceed three hours (CWC, VA, Part II, paragraph 37).

#### **3.1.3. Site tour**

Depending upon the size of the facility and /or the estimated complexity of operations, the inspection team may request, prior to the start of the inspection, a site tour. The inspected State Party may propose that the time for such a tour be included within the overall inspection duration.

#### **3.1.4. Provision of an inspection plan**

A preliminary inspection plan, prepared by the inspection team before arrival at the inspection site, may be adjusted in light of the information gained at the pre-inspection briefing and the tour of the premises provided by the site personnel. This adjusted plan is then provided to the inspected State Party to expedite and co-ordinate the National Authority's support of the inspection activities.

### **3.2. Inspection activities**

#### **3.2.1. Support the inspection team during the inspection**

Detailed procedures for the conduct of inspections, including for the support to be provided to

the inspection team during an inspection, are contained in Part II E of the Verification Annex to the Convention (CWC, VA, Part II, paragraphs 38-58).

### **3.2.2. Extension of inspection duration**

Periods of inspection may be extended by agreement with the representative of the inspected State Party (CWC, VA, Part II, paragraph 59).

## **3.3. Post-inspection activities**

### **3.3.1. Preliminary findings**

Upon completion of an inspection the inspection team shall meet with representatives of the inspected State Party and the personnel responsible for the inspection site to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide to the representatives of the inspected State Party its preliminary findings in written form according to a standardised format, together with a list of any samples and copies of written information and data gathered and other materials to be taken off site. The document shall be signed by the head of the inspection team. In order to indicate that he or she has taken notice of the contents of the document, the representative of the inspected State Party shall countersign the document. Any written comments, which the inspected State Party may make, shall be annexed. This meeting shall be completed not later than 24 hours after the completion of the inspection (CWC, VA, Part II, paragraph 60).

Not later than 10 days after the inspection, the inspectors shall prepare a factual, final report on the activities conducted by them on their findings, to be provided to the inspected State Party. It shall only contain facts relevant to compliance with the Chemical Weapons Convention, as provided for under the inspection mandate. The report shall also provide information as to the manner in which the State Party inspected co-operated with the inspection team. Differing observations made by inspectors may be attached to the report. The report shall be kept confidential, and the inspected State Party may make comments thereto (CWC, VA, Part II, paragraphs 62 and 63).

### **3.3.2. Draft Facility Agreement**

A Facility Agreement means an agreement or arrangement between a State Party and the Organisation relating to a specific facility subject to on-site verification pursuant to Articles IV, V and VI (CWC, VA, Part I, paragraph 7).

Each State Party shall conclude a facility agreement with the Organisation for each facility declared and subject to on-site inspection pursuant to Articles IV, V, and VI, paragraph 3 (CWC, VA, Part III, paragraph 3).

Facility agreements shall be based on models for such agreements and provide for detailed arrangements which shall govern inspections at each facility. The model agreements shall include provisions to take into account future technological developments and shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i) (CWC, VA, Part III, paragraph 8).

Depending on the type of inspection, the inspection team may be mandated to collect information and, with the co-operation of the inspected State Party, prepare a draft Facility Agreement for further discussion between the inspected State Party and the Secretariat.

## **4. Activities at the point of exit**

### **4.1. Transportation from the inspection site to the point of exit**

Upon completion of the post-inspection procedures, the inspection team shall leave, as soon as possible, the territory of the inspected State Party or the Host State (CWC, VA, Part II, paragraph 61).

In the light of the foregoing paragraph, the National Authority shall assist the inspection team to leave the territory of the inspected State Party or the Host State as soon as possible.

### **4.2. Activities at the point of exit**

#### **4.2.1. Inspection of the team's inspection equipment**

The inspected State Party shall have the right, without prejudice to the prescribed time-frames, to inspect the equipment in the presence of inspection team members at the point of exit, i.e., to check the identity of the equipment brought in or removed from the territory of the inspected State Party or the Host State (CWC, VA, Part II, paragraph 29). The inspected State Party's representatives who conduct these inspections must follow the procedures adopted by the Conference of State Parties (C-I/DEC.7).

#### **4.2.2. Return excluded inspection equipment to the inspection team**

Any equipment excluded by the inspected State Party at the point of entry shall be kept under its custody, under joint seal and lock and shall be returned to the inspection team upon completion of the inspection.

#### 4.3. Customs and immigration clearance

Customs and immigration authorities should be made aware of the privileges and immunities enjoyed by the inspection team while carrying out inspection activities, as specified in the Chemical Weapons Convention (CWC, VA, Part II, paragraphs 10-15).

### 5. Other topics

#### 5.1. Confidentiality

The Chemical Weapons Convention makes special provisions relating the safeguard of the confidential information provided by State Parties to the Organisation and by the Organisation to State Parties.

These considerations are embodied in the Convention's Annex on the Protection of Confidential Information, also known as Confidentiality Annex, in the OPCW Policy on Confidentiality (C-I/DEC.13), and – internally – in the Manual on Confidentiality Procedure.

In the context of inspections carried out by the Organisation the most important considerations related to confidentiality are:

The Organisation shall conduct its verification activities provided for under the Chemical Weapons Convention in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under the Chemical Weapons Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of the Chemical Weapons Convention and, in particular, shall abide by the provisions set forth in the Confidentiality Annex (CWC, Article VIII, paragraph 5).

States Parties may take such measures as they deem necessary to protect confidentiality, provided that they fulfil their obligations to demonstrate compliance in accordance with the Chemical Weapons Convention's relevant Articles and its Verification Annex. When receiving an inspection, the State Party may indicate to the inspection team the equipment, documentation or areas that it considers sensitive and not related to the purpose of the inspection (CWC, CA, paragraph 13).

Inspection teams shall be guided by the principle of conducting on-site inspections in the least intrusive manner possible consistent with the effective and timely accomplishment of their mission. They shall take into consideration proposals which may be made by the State Party receiving the inspection, at whatever stage of the inspection, to ensure that sensitive equipment or information, not related to chemical weapons, is protected (CWC, CA, paragraph 14).

Inspection teams shall strictly abide by the provisions set forth in the relevant Chemical Weapons Convention's Articles and Annexes governing the conduct of inspections. They shall fully respect the procedures designed to protect sensitive installations and to prevent the disclosure of confidential data (CWC, CA, paragraph 15).

In the elaboration of arrangements and facility agreements, due regard shall be paid to the requirement of protecting confidential information. Agreements on inspection procedures for individual facilities shall also include specific and detailed arrangements with regard to the determination of those areas of the facility to which inspectors are granted access, the storage of confidential information on-site, the scope of the inspection effort in agreed areas, the taking of samples and their analysis, the access to records and the use of instruments and continuous monitoring equipment (CWC, CA, paragraph 16).

The report to be prepared after each inspection shall only contain facts relevant to compliance with this Convention. The report shall be handled in accordance with the regulations established by the Organisation governing the handling of confidential information. If necessary, the information contained in the report shall be processed into less sensitive forms before it is transmitted outside the Secretariat and the inspected State Party (CWC, CA, paragraph 17).

#### 5.2. Media policy and inspection teams on-site

The Organisation's OPCW Media and Public Affairs Policy (C-I/DEC.55) prescribes the conduct to be observed by inspection teams while carrying out inspection activities, in the following manner:

The inspection team leader shall be responsible for ensuring strict adherence to the Media Policy by all members of the inspection team, including, when present, qualified experts designated by the Director-General under paragraph 7, Part XI of the Verification Annex. Members of the inspection team shall be fully conversant with the Media Policy and the relevant administrative directives of the Director-General.

Members of the inspection teams shall neither initiate contacts with, nor comment on, any aspect of a specific inspection activity in a State Party for the benefit of the news media or the

general public. If required, without prejudice to the provision of paragraph 2(c) (ii) of the Annex on Confidentiality and after prior authorisation by the Director-General, the inspection team leader may make statements to the news media or the general public. Any such statement should be in conformity with standard press guidelines on the general verification and inspection programme, which will be developed by the Organisation. The inspected State Party shall be consulted, prior to contact with the news media, on the advisability of establishing such contacts and of making such statements.

### 5.3. Health and safety related matters

The OPCW Health and Safety Policy (C-I/DEC.8) prescribes the role and the specific actions and information to be provided to inspection teams while in the territory of a State Party.

Inspected State Parties (or, where applicable, Host States) shall assign the highest priority to the health and safety of people and the protection of the environment. To this end, information on national safety and health standards, local health and safety requirements, disclosure of relevant known hazards, local health and safety requirements, disclosure of relevant known hazards, and the availability of on-site support shall, where reasonably practicable, be provided to the Secretariat in advance of inspections. Where this is not practicable the appropriate health and safety information shall be included in the initial inspection team briefing (CWC, VA, Part II, paragraph 37).

An inspected State Party shall be responsible for ensuring that the health and safety risks are minimised and shall facilitate the conduct of the inspection in a safe manner. When, despite a high level of safety measures, a risk remains, the inspected State Party shall inform the inspection team leader of the level of risk.

The Health and Safety Policy also addresses the right of an inspected State Party to ensure compliance by all inspection team personnel with its national health and safety policy and regulations and with local, or site-specific requirements and regulations giving consideration to the need to protect national or site confidentiality and in this regard (C-I/DEC.8, paragraph 3.3.3):

Whenever a national or site-specific requirement is more stringent than the OPCW provisions or conforms to them, the inspected State Party shall either provide the resources needed to meet its standards or waive their enforcement (C-I/DEC.8, paragraph 3.3.3 (a)).

Whenever an OPCW requirement is more stringent than the national or site-specific (Host State's) provisions, the inspection team leader shall have the right to require all OPCW inspection team members to conform to OPCW Policy and Regulations, as long as it does not infringe upon site-specific health, safety and confidentiality requirements. The team leader may also encourage all other personnel to comply with them as far as is reasonably practicable (C-I/DEC.8, paragraph 3.3.3 (b)).

Difference in interpretation of applicable health and safety policy and regulations that cannot be resolved on-site will be referred by the inspection team leader to the Director-General for resolution, taking due note of the requirement for confidentiality. In situations where the Director-General authorises the team leader to proceed, and the inspected State Party concurs, a clear division of responsibility shall be agreed, in respect to any incident or accident that might result. However, in order to ensure the control of the level of risk for the inspection team members and for the inspected site the inspection will not proceed unless the State Party has concurred. This is without prejudice to the obligations of a State Party to provide access to an inspected facility for the purpose of carrying out inspection activities, in accordance with the Chemical Weapons Convention (C-I/DEC.8, paragraph 3.3.3 (c))

### 5.4 Inspection costs

The inspected State Party shall provide or arrange for the amenities necessary for the inspection team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, transportation, working space, lodging, meals and medical care. In this regard, the inspected State Party shall be reimbursed by the Organisation for such costs incurred by the inspection team (CWC, VA, Part II, paragraph 26).

Each State Party shall meet the costs of destruction of chemical weapons it is obliged to destroy. It shall also meet the costs of verification of storage and destruction of these chemical weapons unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organisation pursuant to Chemical Weapons Convention's paragraph 13, the costs of complementary verification and monitoring by the Organisation shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7 (CWC, Article IV, paragraph 16).

Each State Party shall meet the costs of destruction of chemical weapons production facilities it is obliged to destroy. It shall also meet the costs of verification under this Article unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organisation pursuant to paragraph 16, the costs of complementary verification and monitoring by the Organisation shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7 (CWC, Article V, paragraph 19).

The procedures for the costs of the verification of chemical weapons related facilities are contained in C-I/DEC.74, Chapter 2, C-II/DEC.17, paragraph 2, C-III/DEC.8 and C-IV/DEC.5.

## Appendix C

## Fact Sheet 5

## Three Types of Inspection

The Chemical Weapons Convention (CWC) prohibits the development, production, stockpiling, acquisition and use of chemical weapons and requires States Parties to destroy, within specific time frames, any Chemical weapons and related production facilities they may possess. In order to ensure steps are taken towards meeting these ambitious objectives, the Convention provides for a complex verification regime. Featuring on-site inspections and data monitoring, the regime functions to verify that activities within States Parties are consistent with the objectives of the Convention and the contents of declarations submitted to the OPCW. Not to be confused with the whole verification regime, of which they constitute but one part, inspections are nonetheless critical to the implementation of the CWC. (See Fact Sheet 2 for an overview of the CWC.)

OPCW inspectors are responsible for conducting three distinct types of inspections: **routine inspections** of chemical weapons-related facilities (see Fact Sheet 6) and chemical industry facilities using certain “dual-use” chemicals (see Fact Sheet 7); short-notice **challenge inspections**, which can be conducted at any location in any State Party about which another State Party has concerns regarding possible non-compliance; and **investigations of alleged use** of chemical weapons. To conduct these inspections on a global basis the OPCW has an Inspectorate made up of over 200 inspectors recruited from approximately 60 States Parties. The inspectors, already experts in their respective fields, are specially selected and trained.

**ROUTINE INSPECTIONS**

Articles IV and V of the CWC require States Parties to provide OPCW inspectors access to any stocks of chemical weapons and CW production, storage and destruction facilities. While establishing the right of States Parties to develop, produce, otherwise acquire, retain and use scheduled toxic chemicals and precursors for purposes not prohibited (see Fact Sheet 7), Article VI also obliges States Parties to accept inspections at sites and facilities that produce or are in other ways related to such chemicals. Routine inspections are cooperative events—the inspection teams are concerned with verifying the contents of declarations and do not adopt an investigative approach.

**PRE-INSPECTION ACTIVITIES**

In accordance with the conditions of the Convention, a number of matters should be taken care of before inspections actually take place. States Parties are required to notify the Secretariat of designated points of entry (POE) at which inspectors may enter their territories, and standing diplomatic clearance numbers for nonscheduled aircraft transporting inspection teams. Only designated inspectors and inspection assistants are entitled to conduct verification activities. States Parties are to confirm designations not later than 30 days after receiving lists of the names of designated inspectors. A State Party may object to individual inspectors in writing at any time, unless the inspectors are to take part in a forthcoming inspection about which the State Party has been notified.

Designated inspectors are to be accorded by States Parties relevant diplomatic privileges and immunities. This principle extends to working and living premises, records, equipment and any samples inspectors might take. In accordance with the Convention, a list of approved inspection equipment was approved for use by inspectors by the Conference of the States Parties.

In addition to this general groundwork, the success of each inspection depends on preparations specific to it. Generally speaking, a common procedure is followed in the days and weeks before an inspection team leaves the OPCW headquarters. The particular facility to be inspected is selected from a confidential longterm inspection schedule and warning orders are issued to the inspectors chosen for the mission. The inspection team leader calls the team together and allocates areas of responsibility to individual inspectors. The team's equipment is tested and packed, visas are checked and airline tickets are obtained. The team receives technical briefings from the Verification Division and studies previous declarations and inspection reports, following which they draft a preliminary inspection plan. Final key tasks include the signature by the Director-General of the inspection mandate and notification of the inspected State Party (ISP) of the scheduled arrival of the inspection team. There are prescribed notification time frames for each type of inspection.

**IN-COUNTRY ACTIVITIES**

In most, but not all cases, the inspection team arrives at an international airport in the ISP. A team can only arrive at a POE designated in advance by the State Party. Upon arrival the team is met by personnel of the National Authority or other officials who facilitate the smooth entry of the team into the country. At the POE, the ISP receives the inspection mandate, inspects the team's equipment and checks it against the list of equipment approved by the Conference of the States Parties and a list included with the inspection mandate. The ISP is to ensure that the inspection team reaches the inspection site not later than 12 hours after arrival at the POE. Upon arrival at the inspection site the team is briefed by facility representatives. This pre-inspection briefing should not exceed three hours in length. It serves to inform the team about the facility, its activities and, as appropriate, measures related to safety, logistics, confidentiality, and administration, including any changes that have occurred since the last declarations were submitted. The inspection formally begins at the end of the briefing. The verification procedures and time frame of the actual inspection depend entirely on the nature of the inspected site.

Inspections of chemical weapons-related facilities are the most regular, conducted at fairly short notice. Inspectors are allowed unimpeded access to these facilities and can interview facility personnel in the presence of representatives of the ISP, request that samples and photographs be taken and conduct an inventory of chemical weapons, equipment, devices or munitions, attaching seals and tags for future identification and inventory control. The inspections are



intended to achieve a number of objectives. They are to confirm the accuracy of relevant declarations submitted by States Parties under Articles III, IV and V, and to verify that the production of chemical weapons has ceased. Further objectives include confirming that chemical weapons are not removed from their declared storage locations (except for destruction) and that equipment is not diverted from chemical weapons production facilities (CWPFs). Constant monitoring also confirms the destruction of CWPFs and of chemical weapons themselves.

The general provisions for verification activities at facilities having to do with Schedule 1 chemicals are spelled out in Part VI of the Convention's Verification Annex (see Fact Sheet 7). The means permitted for verification at such facilities are on-site inspection and monitoring with on-site instruments. There is no requirement, however, for continuous monitoring.

	Routine Inspections of Chemical Weapons Facilities			
	SCHEDULE 1 Facilities	SCHEDULE 2 Facilities	SCHEDULE 3 Facilities	OTHER CHEMICAL PRODUCTION FACILITIES
ANNUAL INSPECTION RATE	SINGLE SMALL SCALE FACILITY: twice per year on average: OTHER FACILITIES: on average once a year	Based on risk assessment after initial inspection and facility agreement: no more than two per year per site	Based on random selection, equitable geographical distribution and information available to the Secretariat: no more than two per year at any one site	Based on random selection, equitable geographical distribution and information available to the Secretariat and proposals by States Parties: no more than two per year at any one site
			Combined number of Schedule 3 and other chemical production facility inspections in any State Party per year not to exceed three plus 5% of total number of declared schedule 3 and other chemical production sites in the State Party, or 20, whichever is lower.	
NOTIFICATION PRIOR TO INSPECTION	At least 24 hours before inspection	At least 48 hours before inspection	At least 120 hours before inspection	At least 120 hours before inspection
DURATION OF INSPECTION	Determined by Secretariat	96 hours (extension possible)	24 hours (extension possible)	24 hours (extension possible)
INSPECTOR ACCESS	Unimpeded to the plant and unit but no access to the wider plant site	Unimpeded to plant and within plant site: access to other plant areas guided by clarification and facility agreement, managed access rules	Unimpeded to plant and within plant site: access to other plant areas guided by clarification rules	Unimpeded to plant and within plant site: ISP can apply managed access to protect confidential information; for other plant areas, request for access based on ambiguity rule or granted by ISP

The nature of inspections at chemical industry facilities (i.e. those dealing with Schedule 2 chemicals, Schedule 3 chemicals, unscheduled "discrete organic chemicals" or DOCs, as well as PSF chemicals—i.e. those DOCs containing phosphorus, sulphur or fluorine) depends on the chemicals being produced. As described in Fact Sheet 7, Article VI requires that States Parties submit declarations to the OPCW on the production of scheduled chemicals at industrial facilities and provides for inspections to confirm the accuracy of these declarations. Such inspections have the effect of furthering non-proliferation aims, ensuring that chemicals having proliferation potential and used for legitimate commercial purposes are not diverted to prohibited chemical weapons-related activities. The provisions for inspections are more stringent at plant sites producing, consuming or processing Schedule 2 chemicals and relatively less so at those producing Schedule 3 chemicals or DOCs/PSFs. In accordance with the contents of relevant facility agreements (see Fact Sheet 10), the inspection mandate and inspection manual procedures, inspectors may examine the operational areas of the plant site, request access to other supporting infrastructure, request that samples and photographs be taken and interview facility personnel. At Schedule 2 plant sites, inspections include quantitative checks of certain facility records. Inspections at Schedule 3 and DOC plant sites are intended to be more qualitative; the inspection time frame is restricted to 24 hours, and records can be verified upon agreement with the ISP.

Following the inspection, the team draws up its preliminary factual findings report. The findings are discussed with the facility management and the ISP National Authority at a debriefing which cannot last beyond 24 hours from the time the inspection has finished. The report is to be signed by the head of the inspection team and, to indicate that its contents have been duly noted, the representative of the ISP. The ISP can attach its comments to the findings. The inspection team is then transported to the point of exit as quickly as possible.

#### BACK IN THE HAGUE: POST-INSPECTION ACTIVITIES

Upon arriving back at OPCW headquarters, the inspection team debriefs the Inspectorate and Verification Division as to any issues that need to be addressed. Not later than ten days after the inspection, and under strict security, the team prepares the first draft of a final report on its activities and findings. The final inspection report is only to contain facts relevant to compliance with the Convention as provided for under the inspection mandate. It is also to provide information regarding the manner in which the ISP cooperated with the inspection team. The report is submitted to the ISP for comments, which are annexed to it. The final report is to be submitted with the ISP's comments to the Director-



General not later than 30 days after the inspection. If necessary, the Director-General can seek clarification from the ISP. If not, he issues a closure letter, officially ending the inspection process.

### CHALLENGE INSPECTIONS

Challenge inspections are designed to clarify and resolve any questions concerning possible non-compliance with the CWC and are one of its most innovative features. Under Article IX of the Convention any State Party can request the Secretariat to conduct an on-site challenge inspection anywhere in the territory (or under the jurisdiction or control) of any other State Party. States Parties are not granted the right to refuse a challenge inspection, regardless of the nature of the location at which it is to take place. Article IX encourages, but does not oblige, States Parties to try to clarify and resolve non-compliance concerns through consultations before requesting a challenge inspection. Challenge inspections are characterised by the "any time, any place" concept; they are to be launched at very short notice and can be directed at declared or undeclared facilities and locations. A challenge inspection request must be submitted to the Executive Council and the Director-General. The Council may choose to block the inspection within 12 hours of receiving the request, but can only do so with the support of a three quarters majority of Council members. An inspection can be stopped if the Council decides that the request is frivolous, abusive or beyond the scope of the CWC.

Part X of the Verification Annex contains extremely detailed guidelines for the conduct of challenge inspections. Only specifically designated inspectors can participate in challenge inspections. Nationals of the ISP and the requesting State Party (RSP) are excluded from the team.

In order for a challenge inspection to be effective, the quick dispatch and arrival of the inspection team and strict observance of specified time frames is crucial. The Convention provides that the inspection team is to arrive at the point of entry not later than 12 hours after the ISP has been notified. Mounting such a rapid response involves considerations of the nature of the challenged site, the concerns expressed in the request, availability of transport, the size of the inspection team and the type and amount of equipment needed. For its part, the ISP must transport the team from the POE to the inspection site within 36 hours of its arrival. Further time frames and inspection procedures may vary depending on whether the challenged site has been declared by the ISP under Articles IV, V and VI.

A number of issues are of crucial importance once the inspection team arrives in the ISP. The team and the ISP must first agree on a perimeter for the inspection site. Perimeter negotiations can continue for a maximum of 72 hours from the team's arrival at the POE. During a challenge inspection, the ISP can apply "managed access" measures in order to protect any information not relevant to the Convention's purposes. These may include shrouding displays, restricting sample analysis to simple determination of the presence or absence of scheduled chemicals, and requesting that inspectors randomly select from within the site a certain number of buildings for inspection. Regardless, the ISP is obliged to make a reasonable effort to demonstrate compliance. At declared sites, the inspection team has unimpeded access within the boundaries established by a facility agreement between the ISP and the Secretariat (see Fact Sheet 10), or in line with applicable general inspection guidelines if there is no facility agreement. Subject to the agreement of the ISP, an observer from the RSP may visit the inspection site and make recommendations to the inspection team; these are taken into account to the extent deemed appropriate. As in routine inspections, the team can take samples, which are either analysed on-site, or transferred off-site for analysis at an OPCW-designated laboratory. The inspection cannot exceed 84 hours, unless the ISP agrees to an extension. Following the inspection, the team draws up its preliminary findings. These are discussed with the ISP National Authority at a debriefing which cannot last beyond 24 hours from the time the inspection has finished.

	Routine Inspections of Chemical Weapons Facilities		
	Chemical Weapons Production Capacity	Chemical Weapons Storage Facility	Chemical Weapons Destruction Facility
ANNUAL INSPECTION RATE	Maximum 4 per year	Determined by Secretariat after initial inspection	Determined by Secretariat after initial inspection
NOTIFICATION PRIOR TO INSPECTION	At least 24 hours before inspection	At least 24 hours before inspection	At least 24 hours before inspection
DURATION OF INSPECTION	Determined by Secretariat	Determined by Secretariat	Determined by Secretariat
INSPECTOR ACCESS	Unimpeded	Unimpeded	Unimpeded

With the inspection over a preliminary inspection report must be submitted to the Director-General within 72 hours of the team arriving back in The Hague. This report is transmitted to the RSP, the ISP and the Executive Council. Within the next 20 days a draft final inspection report must be made available to the ISP, which has the right to propose changes to it. The Secretariat is to consider the suggested changes and, using its discretion, adopt them wherever possible. The final report is submitted to the Director-General within 30 days of the end of the inspection and is transmitted further to the ISP, RSP, Executive Council and all other States Parties. The Council reviews the report and the views of the ISP, RSP and any other States Parties, and reports its findings to the Conference. If the right to request a challenge inspection was judged to have been abused, the Council is to examine whether the RSP should bear any financial costs.

### INVESTIGATIONS OF ALLEGED USE OF CHEMICAL WEAPONS

Allegations of the use of chemical weapons have marked certain recent conflicts. During the late 1980s and early 1990s the United Nations established ad hoc teams to investigate such allegations in Iraq, Azerbaijan and Mozambique. The

OPCW is the only international organisation with a legal requirement to maintain a fully trained and equipped capability to investigate allegations of use of chemical weapons on standby.

Under the CWC, there are fundamentally two ways in which an investigation of alleged use (IAU) of chemical weapons can be triggered. Both involve requests from States Parties. The first is by submission of a request for a challenge inspection in a situation in which another State Party is alleged to have used chemical weapons. The second is by submission of a request for assistance in accordance with Article X to the Director-General in a situation in which chemical weapons are alleged to have been used against the requesting State Party, or riot control agents are alleged to have been used against it as a method of warfare. In the case of an Article X request of this sort, an IAU is conducted with two purposes: 1) to confirm facts related to the alleged use, and 2) to provide a basis upon which the Executive Council can take a decision with regard to whether or not to instruct the Secretariat to take further action to assist the requesting State Party. As described in Fact Sheet 8, an investigation can also be triggered by a request for assistance submitted because a State Party is threatened by actions or activities prohibited by the CWC. This type of investigation differs from an IAU, however, and is therefore not subject to the same procedural requirements.

In addition to situations in which a State Party is alleged to have used chemical weapons or is the victim of alleged use, the OPCW is to respond in cases of alleged use of chemical weapons either involving non-States Parties or taking place in territory not controlled by States Parties. Under such circumstances, the Organisation is to cooperate closely with the Secretary-General of the United Nations, making its resources available if so requested.

Inspectors for an investigation of alleged use are chosen from amongst those selected for challenge inspections. The CWC also requires the Director-General to maintain a list of qualified experts from States Parties who could be incorporated into an inspection team to provide expertise not available within the Organisation. Once an investigation has been triggered, the Director-General is to dispatch a team at the earliest opportunity (preferably within 24 hours) and inform the Executive Council and all other States Parties of this. Upon entering the ISP, the inspection team is to have the right to access any areas which could have been affected by chemical weapons and also to other areas, such as hospitals and refugee camps. Members of the team may take chemical, environmental and biomedical samples for analysis on-site or off-site at an OPCW-designated laboratory. Team members may also interview victims, eyewitnesses and medical personnel and participate in autopsies. Within 24 hours of arriving in the ISP, the inspection team is to send a situation report to the Director-General. A preliminary report is to be sent within 72 hours of the team's arrival back at The Hague, while a final report is to be submitted within 30 days. The Director-General is to transmit these reports to the Executive Council and all other States Parties. The Executive Council is to consider the reports and take appropriate decisions.

## Annexure D

### NOTIFICATION

**FORM NUMBER:** F010

**FROM:** ORGANISATION FOR THE PROHIBITION OF THE CHEMICAL WEAPONS

**TO:** CHEMICAL WEAPONS CONVENTION NATIONAL AUTHORITY OF REPUBLIC OF .....

**PRECEDENCE:** IMMEDIATE

**SUBJECT:** NOTIFICATION OF PLANNED ARRIVAL OF INSPECTION TEAM AT POINT OF ENTRY

1. CWC/OTS/11:30 GMT/2904/2003/0008/F010

2. **REFERENCE:**

3. **CONTENT:**

A. **PURPOSE OF INSPECTION OR VISIT:** INSPECTION

B. **TYPE OF INSPECTION: OTHER CHEMICAL PRODUCTION FACILITY:** ARTICLE VI, VERIFICATION ANNEX PART IX

C. **SITE OR FACILITY TO BE INSPECTED:** ADVANCED CHEMICALS LTD

D. **POINT OF ENTRY:** ANYTOWN

E. **DATE AND ESTIMATED TIME OF ARRIVAL AT POINT OF ENTRY:** 4 June 2003, 12:45 LT

F. **MEANS OF ARRIVAL AT POINT OF ENTRY:** AF 916

G. **LIST OF INSPECTORS:**

1.	ANTHONY LEONARD. ANYBODY, IITL	UNLP 523170
2.	BUSHIR MATU BUTSER	UNLP 645270
3.	CONNIE ALA COMMUNICATOR	UNLP 532260
4.	DORIAN FIXO DORMAN	UNLP 213520

H. **ESTIMATED VOLUME, WEIGHT AND ANY SPECIAL HANDLING REQUIREMENTS OF**

**EQUIPMENT ACCOMPANYING INSPECTORS:****TOTAL ESTIMATED VOLUME:** ABOUT 1 CUBIC METRE**TOTAL ESTIMATED WEIGHT:** ABOUT 150 KG

NO SPECIAL HANDLING REQUIREMENTS OF EQUIPMENT

- I. NUMBER OF INTERPRETERS REQUESTED AND LANGUAGE TO BE USED:**  
TWO TECHNICALLY QUALIFIED ENGLISH INTERPRETERS ARE REQUESTED TO SUPPORT ON-SITE INSPECTION ACTIVITIES, THE LANGUAGE TO BE USED IS ENGLISH

4. **REMARKS:** MR. ANYBODY (1) IS A VEGETARIAN
5. END OF CWC/OTS/11:35 GMT/2904/2003/0005/F010

**Annexure E****INSPECTION MANDATE****To:** Anthony Leonard Anybody; Inspection Team Leader**From:** Director-General of the Organisation for the Prohibition of Chemical Weapons**Subject:** Mandate for the Inspection, Reference Number: OCPF/153/03

In accordance with paragraph 6 of Article VI, I hereby mandate and instruct an inspection team under your leadership to conduct an initial inspection at the Other Chemical Production Plant Site specified below, with the following inspection aims:

- (a) Verify that activities are consistent with the information provided by the inspected State Party in declarations.
- (b) Verify of the absence of any Schedule I chemical, especially its production, except if in accordance with Part VI of the Verification Annex of the Convention.
1. State Party to be inspected: **SOMELAND**
2. Point of Entry to be used: **ANYTOWN**
3. Inspection Site:
- (a) Name: **ADVANCED CHEMICALS LTD**
- (b) Street Address: **LOST ALLEY 55, SOMEWHERE**
- (c) Site code: **SL-005**
- (d) Precise Location:
- i) Geographical co-ordinates: **NOT PROVIDED**
- ii) Other information: **NOT PROVIDED**
4. Names of the Inspectors and inspection assistants assigned to your inspection team:

Name	Title
BUSHER MATU BUTSER	ANALYTICAL CHEMIST
CONNIE ALA COMMUNICATOR	CHEMICAL PRODUCTION TECHNOLOGIST
DORIAN FIXO DORMAN	CHEMICAL PRODUCTION LOGISTICIAN

5. The inspection equipment from the list of approved equipment which the inspection team has been authorized to carry is attached (see Attachment)
6. The inspected State Party will be notified in accordance with paragraph 30 and 31, Part II of the Verification Annex.

7. Particular operational instructions:
  - 7.1 The focus of the inspection shall be the declared plant(s) producing the unscheduled discrete organic chemicals, in particular the PSF-plant(s), if any. The inspection team shall, if it deems it necessary, request access to other parts of the plant site for clarification of ambiguities, e.g. absence of any Schedule 1 chemical, especially its production.
  - 7.2 If the inspected State Party requests a Facility Agreement, the Inspection Team is authorized to prepare a Facility Agreement. In this case, the Inspection Team should negotiate an extension of the time on-site for the purpose of preparing and signing the agreement.
  - 7.3 Gather any further information to be provided in the declarations.

**Annexure F****Inspection Activities Checklist****A. Pre-inspection Activities**

1. Receipt of Inspection Notification.
2. Acknowledgement of Notification.
3.
  - (i) Appointment of Chief Escort Officer and the other escort officers consisting the escort team.
  - (ii) Intimation to the Facility.
  - (iii) Intimation to the Secretary (Industries)/Commissioner (Industries) of the State; Intimation to the District Magistrate; Request to appoint liaison officers and reception/transport at Airport and stay/logistical arrangements.
  - (iv) Intimation/certificate to custom authorities, Delhi for customs clearance/no duty payable under the relevant notification.
  - (v) Intimation to Security, Airport Authorities, Civil Aviation.
  - (vi) Arrangements for reception at Delhi Airport, immigration, clearances, passes, etc.
  - (vii) Arrangements for stay and within country travel bookings etc.
4. Activities at POE :
  - (i) Receiving the Inspection Mandate.
  - (ii) Inspection of approved equipment carried by the Inspection Team.
  - (iii) Arrangements for transfer of approved equipment to the site if Inspection.
5. Activities for facility to be inspected :
  - (i) Advance escort team to reach site one/two days before the beginning of inspection; familiarity with the site and confidentiality regulation of the facility.
  - (ii) Obtaining and study of previous declarations of the facility; inspection history and facility agreement, if any.

**B. Inspection Activities at the site of Inspection:**

6.
  - (i) Arrival at site.
  - (ii) Space/office accommodation to be provided to Inspection Team.
  - (iii) Inspection Team sets up inspection and communication equipment.
  - (iv) Pre-inspection Briefing of Facility Representations.
  - (v) Site tour.
7.
  - (i) Inspection Team provides the final inspection plan.
  - (ii) Inspection Team forms two sub-teams :
    - (a) To undertake field activities – to inspect plant site.
    - (b) To undertake office activities – records review and access to documentation.
8. Meeting and review to clarify points, if any.
9.
  - (i) The Inspection Team provides the preliminary findings report.
  - (ii) Debriefing.
10. Departure of Inspection Team from Inspected site for POEx.
11. At POEx
  - (i) Inspection of team's inspection equipment.
  - (ii) Customs & Immigration clearance, if any.

