



Three Types of Inspections

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. Inspections, while only one part of the whole verification regime, are nonetheless critical to the implementation of the CWC.

OPCW inspectors are responsible for conducting three distinct types of inspections: **routine inspections** of chemical weapons-related facilities and chemical industry facilities using certain 'dual-use' chemicals (i.e. chemicals that can be used for both peaceful and prohibited purposes); 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 around 100 inspectors recruited from dozens of 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 to any 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, Article VI also obliges States Parties to accept inspections at sites and facilities that produce or are in other ways related to such chemicals. From April 1997 to June 2014, the OPCW has conducted over 5,500 inspections on the territory of over 80 States Parties. Over 2,000 industrial sites have been inspected out of a total of more than 5,000 declared. 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 the CWC, 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. 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 inspectors proposed for designation. 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.

States Parties are to accord designated inspectors privileges and immunities, which extend to working and living premises, records, equipment and any samples inspectors might take. In accordance with the Convention, the Conference of the States Parties approves the list of inspection equipment for use by inspectors.



OPCW inspector with protective and detection equipment

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 long-term 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 travel documents 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 (see tables).

In-Country Activities

In most 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 on the nature of the inspected site.

Inspections at chemical weapons-related facilities are conducted at the most regular intervals and 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 chemical weapons.

The nature of inspections at chemical industry facilities depends on the chemicals those facilities produce, i.e. Schedule 2 chemicals, Schedule 3 chemicals or unscheduled 'discrete organic chemicals' (DOCs). 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 further non-proliferation aims by 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

	Routine Inspections of Chemical Production Facilities			
	Schedule I 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 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	Based on random selection, equitable geographical distribution, information available to the Secretariat and proposals by States Parties; no more than two per year at any one site
Notification Prior To Inspection	At least 24 hours	At least 48 hours	At least 120 hours	At least 120 hours
Duration of Inspection	Determined by Secretariat	96 hours (extension possible)	24 hours (extension possible)	24 hours (extension possible)
Inspector Access	Unimpeded to plant and unit but no access to wider plant site	Unimpeded to plant and within plant site; access to other plant areas guided by clarification and facility agreement rules or, if no 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

	Routine Inspections of Chemical Weapons Facilities		
	Production Facilities	Storage Facilities	Destruction Facilities
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	At least 24 hours	At least 24 hours
Duration of Inspection	Determined by Secretariat	Determined by Secretariat	Determined by Secretariat
Inspector Access	Unimpeded	Unimpeded	Unimpeded

sites producing, consuming or processing Schedule 2 chemicals and relatively less stringent at those producing Schedule 3 chemicals or DOCs. In accordance with the contents of relevant facility agreements, 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, which is discussed with the facility management and the National Authority at a debriefing which cannot last beyond 24 hours from the time the inspection has finished. The inspection team is then transported to the point of exit as quickly as possible.

Back in The Hague

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, the Director-General 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 clearly beyond the scope of the CWC. To date, no challenge inspections have been requested.

Part X of the Verification Annex contains 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 earlier 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 inspection 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. 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, 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.

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 on standby a fully trained and equipped capability to investigate allegations of use of chemical weapons.

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 establish 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. 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.

Once an IAU 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.

The OPCW is also 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. Such a situation occurred in 2013 when the organisation participated in UN investigations into the use of chemical weapons in the Syrian Arab Republic, which was not then a State Party to the Convention. Investigators interviewed survivors and other witnesses, identified munitions used, collected biomedical and environmental samples and sent the samples to OPCW-designated laboratories for analysis. The investigations concluded that chemical weapons had been used.

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