



CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

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J-5

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CHEMICAL WEAPONS CONVENTION COMPLIANCE POLICY GUIDANCE

References: See Enclosure H

1. Purpose. This instruction provides military guidance and establishes military policy for compliance with the Chemical Weapons Convention (CWC), reference a.

2. Cancellation. 2030.01B, 11 September 2007, is canceled.

3. Applicability. This instruction applies to the Military Departments/Services, the combatant commands, the Joint Staff, and the Defense Agencies.

4. Policy. Enclosure A outlines administrative and operational policy concerning compliance with the CWC. The Secretaries of the Military Departments and the combatant commanders (CCDRs) will use this policy guidance to promulgate their respective detailed policies.

a. The CWC is an international treaty that prohibits the development, production, acquisition, stockpiling, retention, transfer, and use of chemical weapons (CW). It also requires the destruction of all CW and CW Production Facilities (CWPF). The CWC also prohibits the use of riot control agents (RCAs) as a "method of warfare." Reference t and Enclosure C provides further guidance on U.S. policy regarding use of RCAs.

b. The CWC was ratified by the United States on 25 April 1997 and entered into force on 29 April 1997.

c. The guidance for the implementation of the CWC at the international level is based on reference a. The U.S. national guidance is contained in references b through g. Additionally, references h through l are regulations that apply to the U.S. implementation of the CWC. Reference l applies to all

facilities except those of the Department of Defense (DOD), Department of Energy (DOE), or other U.S. Government agencies that notify the U.S. National Authority of their decision to be excluded from these regulations. DOD guidance includes references m, o through t and this instruction.

d. An important feature of the CWC is its verification regime, which relies on data declarations, inspections of declared facilities (initial, systematic (also referred to as routine), and close out), continuous and non-continuous CW destruction monitoring, investigation of alleged CW use, and challenge inspections (CIs) (which may be conducted at any location worldwide). The Organization for the Prohibition of Chemical Weapons (OPCW) receives and reviews declaration updates, and its Technical Secretariat Inspection Teams (ITs) conduct inspections to gather facts as required by the Convention.

e. The CWC requires a national data declaration, which the United States has submitted and updates, as required. Schedule 1, CW storage and destruction facilities inside the United States and its territories (IN-U.S.) are subject to routine inspections or continuous monitoring to verify compliance.

f. U.S.-controlled facilities, including outside the United States (OUT-U.S.) facilities, and, in rare cases, public vessels and state aircraft, and geographically separated units (for example, ground force units participating in peacekeeping operations) could be subject to a CI on relatively short notice. All DOD components must be prepared to host a CWC CI. DOD CI planning assumptions that directly impact training requirements are outlined in reference s. (Note: A public vessel is a warship, as defined under customary international law as reflected in reference v, or other ships owned or operated by a state and used only for government noncommercial service. A state aircraft, normally referring to military aircraft, is defined in reference w.) Also, CIs may be initiated against any facility under the jurisdiction or control of a state party in countries that have not ratified the CWC. Specific procedures must be in place for each command to respond quickly if a CI occurs at a facility, aboard a public vessel or state aircraft, or at a geographically separated unit within its area of responsibility (AOR).

g. CI procedures for USG-owned facilities, and USG-operated and/or -leased facilities overseas are being established between the United States and host countries as outlined in some form of a host country agreement (HCA). The DOD, in consultation with the Department of State (DOS) and other appropriate agencies, will develop, negotiate, and conclude agreements or arrangements with foreign governments that host DOD or other relevant facilities or assets (by agreement with the United States) where these facilities could be subject to CWC inspections. The format of the agreement or arrangement will be country-specific based on diplomatic considerations. Negotiations will be coordinated with relevant combatant commands. The HCA will endeavor to clarify with the host country that the United States will

exercise its CWC rights whenever USG facilities, forces, operations, or activities are impacted by such inspections. In the absence of an HCA, the USG will negotiate on an ad hoc basis with the host country or inspected state party on inspection activities affecting U.S. assets. If a draft HCA is available, it should be used as a basis for commencing these negotiations.

h. Procedures and policies for conducting and responding to inspections of facilities, IN-U.S. and OUT-U.S., are provided in reference r. Each Military Department has established procedures to respond with an assistance team, knowledgeable in CWC rights, responsibilities, and inspection support, in the case of an inspection affecting any of its Service component commands located within a CCDR's AOR.

i. Military guidance necessary for the Military Departments/Services, the combatant commands, and the Joint Staff to train, prepare for, and support CWC inspections is provided in this instruction and its enclosures.

5. Definitions. See Part II of the Glossary.

6. Responsibilities. References m and r promulgate CWC-related responsibilities within the DOD. Enclosure B outlines the responsibilities of the Director for Strategic Plans and Policy, J-5; the Service Chiefs; the CCDRs and the Defense Threat Reduction Agency (DTRA) regarding CWC compliance requirements. Focused toward the joint coordination efforts required to respond to a CWC CI, these responsibilities constitute military guidance, and in accordance with reference n, are for use by the Military Departments, the combatant commands, and defense agencies in the preparation of their respective detailed plans. Enclosure C contains guidance on the employment of riot control agents. Enclosure D outlines requirements for the Military Departments/Services and combatant commands OUT-U.S. CW recoveries. Enclosure F provides the concept of operations for conducting a CWC CI, providing a synopsis of DOD component, agency, and combatant command activities required to execute the outlined phases. Enclosure G provides a visual overview of the CWC CI notification process. Enclosure H outlines USG and DOD requirements upon notification of CI. Enclosure H describes the DOD CI exercise planning process and oversight responsibilities. These enclosures provide military guidance to the Secretaries of the Military Departments and CCDRs, predominately for the operational execution of a CWC CI, and do not imply any manpower or funding tasking not already assigned to the Military Departments by references m and r.

7. Summary of Changes. Key changes are as follows:

a. Updated all enclosures to include administrative updates throughout and substantive changes to the challenge inspection guidance.

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b. Added Enclosure C outlining U.S. policy on employment of riot control agents.

c. Added Enclosure D to provide guidance on requirements for recovered chemical warfare material.

d. Added Enclosure G to outline host country agreement procedures.

8. Releasability. This instruction is approved for public release; distribution is unlimited. DOD components (to include the combatant commands), other Federal agencies, and the public may obtain copies of this instruction through the Internet from the CJCS Directives Home Page--
http://www.dtic.mil/cjcs_directives.

9. Effective Date. This instruction is effective upon receipt.



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Enclosures:

- A – Policy
- B – Responsibilities
- C – Employment of Riot of Control Agents
- D – Requirements for CW Recoveries OUT-U.S.
- E – Challenge Inspection Phases
- F – Challenge Inspection Initial Notification
- G – Host Country Agreement Challenge Inspection Notification Procedures
- H – References
- GL – Glossary

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ENCLOSURE A

POLICY

1. Administrative Policy

a. Discussion

(1) Overview

(a) Director for Strategic Plans and Policy, J-5, is responsible for coordinating combatant command and Military Department CWC policy issues with OUSD(P) and for coordinating implementation issues with the OUSD(AT&L); coordinating compliance issues with each Military Department/Service and combatant command; coordinating Military Department/Service and combatant command issues during OPCW proceedings; and coordinating with Military Department/Services and combatant commands on CWC data declarations.

(b) USD(P) develops, coordinates, and promulgates DOD CWC implementation and compliance (I&C) policy. Based on USD(P) CWC policy, the USD(AT&L) -- through the Chemical Weapons Implementation Working Group (CWIWG) -- processes, develops, coordinates, and promulgates DOD CWC I&C guidance.

(c) In accordance with references m and r, the Military Departments are responsible for developing CWC I&C plans. The CCDRs are responsible for developing AOR-specific CWC I&C plans. The CCDRs' I&C plans will integrate Military Department/Service and combatant command requirements with regard to CWC implementation and compliance resource planning, preparation activities, training, reporting requirements, and inspection support within the combatant command's AOR. The Services, under the supervision, discretion, and control of the Military Departments, will coordinate with their Service component commands to ensure their Military Departments' CWC I&C plans address CCDR AOR-specific requirements. CCDR's I&C plans should endeavor to incorporate the existing Military Departments' I&C plans, through the Service component command, maintaining consistency with modifications dictated by AOR and combatant command-unique requirements and capabilities.

(d) The CCDRs, through the Chairman of the Joint Chiefs of Staff, will coordinate with other USG departments and agencies to develop uniform CWC I&C plans and procedures.

(2) Issue resolution

(a) In accordance with reference m, the USD(AT&L) has established the Chemical Weapons Compliance Review Group (CWCRG) to monitor and coordinate guidance on issues arising from questions of the compliance of planned or ongoing CWC-related DOD activities. The USD(P) is required to address, in consultation with the CWCRG, as appropriate, issues that require resolution to foreclose or to respond to questions of DOD compliance raised by States Parties to the CWC.

(b) As specified in reference m, the Chairman of the Joint Chiefs of Staff provides a representative as a member of the CWCRG. This designee represents the Chairman on any issue that may potentially affect DOD treaty compliance. The other members and interactions of the CWCRG are as specified in reference m.

(c) The unique and intrusive nature of CWC inspections (especially CIs) and the requirement to maintain unity of command generated a host team (HT) concept as prescribed in reference r that ensures compliance with the CWC without usurping military command authority. The HT participants will be in accordance with reference r. For CIs, the host team leader (HTL) will be flag rank or equivalent, filled by Joint Staff or OSD. For CIs at military facilities, the HTL will normally be a CJCS representative of flag rank (or equivalent). For CIs, the Chairman, in coordination with OSD, may designate an alternate of flag rank (or equivalent) to serve as the HTL. In the event of a challenge inspection in another country or non-U.S. territory, the CCDR shall provide a combatant command representative (OUT-U.S.) of flag rank to serve as the HTL for the entire inspection period or until relieved by a deploying U.S.-based HTL. He or she will have reporting responsibility to the Director, J-5, who will provide CWC treaty knowledgeable staff support to the designated CJCS representative.

(d) In accordance with reference r, all HT decisions regarding the conduct of the inspection and the meeting of U.S. obligations will be made on a consensus basis. Reference r provides procedural guidance to be implemented at the lowest level for inspection-related activities and issues within the HT and between the HT and the inspection team (IT). Specific procedures for challenge inspections where U.S. assets are captured by another state party's challenge inspection may be provided in a bilateral agreement known as a host country agreement (HCA). In the event U.S. assets are captured in another state party's challenge inspection where an HCA has not been negotiated, the host team will utilize a HCA template to facilitate negotiations with both the host country and the IT. In accordance with reference m, DOD components will seek clearance from the USD(AT&L), through the CWCRG, before taking any action that reasonably raises an issue of DOD compliance with an arms control

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agreement. When there is doubt whether clearance is necessary, clearance will be sought.

(e) USD(P) and the Joint Staff are both members on the CWC Interagency Policy Committee (IPC). The IPC shall serve as the senior interagency forum for consideration of policy issues concerning the USG's obligations under the CWC. It shall coordinate CWC implementation issues that have diplomatic, economic, or national security implications, and shall monitor U.S. CWC implementation. The heads of the DOD components retain full responsibility for the compliance of their respective component with arms control agreements according to reference m and general procedures and, as appropriate, to coordinated military guidance provided by the Chairman of the Joint Chiefs of Staff. USD(P) and the Joint Staff are obligated to refer issues promptly to the IPC as they arise between the HT and the IT that the lead agency determines to be new and substantial and that cannot be resolved on-site during the inspection. However, the HT should strive to resolve these issues at the lowest level possible through the CWCRG before USD(P) and Joint Staff refer issues to the IPC per reference m.

b. Policy

(1) The Military Departments/Services and combatant commands within their respective AOR will implement and comply with the provisions of the CWC in accordance with responsibilities and guidance provided in references m and r and this instruction.

(2) All DOD public affairs (PA) policies, plans, and activities undertaken by DOD components related to the implementation of the CWC will be coordinated with and approved by the Office of the Assistant Secretary of Defense for Public Affairs (OASD(PA)). Specific guidance, including sample Q&As, are provided in reference r.

(a) OASD(PA) will coordinate PA materials within DOD and the Interagency.

(b) OASD(PA) and Joint Staff shall be notified of all CWC inspection related media requests.

(c) OASD(PA) and Joint Staff shall be responsible for coordinating necessary DOD and Department of State approvals for all PA matters.

(d) The HT shall be responsible for HT PA organization and coordination necessary for obtaining approvals from OUSD(PA).

(3) The Services will coordinate with their Military Departments and DTRA to provide inspection support and protection planning for susceptible

DOD facilities within CCDRs' AORs, as required by the individual CCDR. Consistent with the concept of economy of force, CCDR I&C plans should utilize individual Service or Military Department inspection assistance teams to the maximum extent.

(4) The Military Departments/Services and combatant commands, in accordance with reference m, will seek clearance from USD(AT&L), through their Military Department or J-5, as appropriate, before taking any action that reasonably may raise an issue of DOD compliance with the CWC.

(5) For CIs, the composition and interaction of the HT will be as specified in reference r. Upon notification of a CI, the CCDRs and Military Departments will determine equities that may be potentially captured within the area described by the CI notification or could be affected if a larger inspection perimeter were agreed. In the process of preparing for and conducting the inspection, issues may arise with tenant commands that require resolution. The 108-hour preparation and 84-hour inspection periods allow time to ensure that, if required, issues are resolved through the tenant's operational chain of command and the HT.

(6) Reporting and decision-making chain of command

(a) The responsible Service will establish procedures for notifying its respective Military Department when issues arise concerning U.S. compliance while conducting systematic inspections.

(b) For CIs, each DOD component that has reason to believe it has equity in the area of the CI will report any known details of the equity to the CWCRG. Additionally, any component affected by a CI will provide the CWCRG any relevant information (e.g. compliance data, safety and security information, and information on known tenants, including foreign countries). In addition to providing this information to the CWCRG, DOD components will need to provide this information to the Installation HT member for inspection preparation activities.

2. Operational Policy

a. Discussion

(1) The CWC establishes a rigorous system of routine inspections of declared facilities and CIs of sites that are alleged by another state party to be the location of possible instances of noncompliance with the CWC, including use of those facilities/locations for CW storage or production. The territorial scope of CIs is unlimited and may extend to "any facility or location in the territory or in any other place under the jurisdiction or control" of a state party requested by another state party (reference a, Article IX, paragraph 8). What is

inspected within the perimeter of a facility or location is determined through negotiations between the OPCW IT, the designated inspected state party, and the host country (if applicable and required). For OUT-U.S. CIs, HCAs (or an ad-hoc arrangement, if an HCA is unavailable) will endeavor to establish procedures to include USG and host country representatives in perimeter negotiations, regardless of the designated inspected state party. Inspections are conducted by the IT, which has the authority to conduct CWC inspections in areas under the jurisdiction or control of state parties to the convention. In a CI, the IT cannot include members from the state party that initiated the challenge or from the state party that is being challenged.

(2) One potential operational effect on the United States, as a state party to the CWC, is the potential for access to public vessels or state aircraft, or geographically separated units (either as direct objects of a CI or entities within the CI perimeter) by foreign inspectors for the very narrow purpose of conducting a CWC CI. Additionally, military facilities located outside the United States are subject to inspection. Since the CWC has application to any area under the jurisdiction or control of a state party, there may be circumstances in which commanders are required to submit to an inspection both inside and outside the United States. As a state party to the CWC, the USG has an obligation to demonstrate compliance with the provisions of the Convention. This demonstration may require that the United States provide access to a military facility, public vessel or state aircraft, or geographically separated unit subjected to a CI. Commanders, however, have the obligation to manage access to protect sensitive systems or prevent unauthorized disclosures of classified, sensitive, and proprietary information.

b. Policy

(1) Under no circumstances shall commanders permit an inspection without notifying their operational commander.

(2) Nothing in this guidance alters existing DOD command relationships or the operational chain of command. For inspections of DOD facilities, public vessels or state aircraft, or a geographically separated unit, the unit commander retains ultimate responsibility for the safety and security of his/her command.

(3) DOD components will seek clearance from USD(AT&L), through the CWCRG, before taking any action that reasonably raises an issue of DOD compliance with the CWC.

(4) Additional compliance guidance on the recovery of CW can be found in reference b and Enclosure D.

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(5) It is recognized that the obligation to demonstrate CWC compliance and a commander's responsibility for safety, security, and operations may, in some instances, impose what appear to be competing requirements. When necessary to resolve issues affecting compliance, the HT, which includes the installation commander, will coordinate with its chain of command. Resolution of the matter within the established operational chain of command, the CWCRG, or as coordinated by the Joint Staff and OUSD(P) with other USG agencies, will be transmitted via the respective chain of command to the HT and the CCDR's representative for execution.

(6) Upon approval and as directed by the operational chain of command, all facilities, public vessels, state aircraft, or geographically separated units located inside the CI perimeter in the United States and overseas will comply with the CWC inspection procedures as implemented by the USG. Public vessels or state aircraft, and geographically separated units will normally not be required to remain present in a foreign port/airfield/areas longer than a previously scheduled departure time. However, commanders of public vessels or state aircraft, and geographically separated units will coordinate any departure and any other movement with their operational controlling authority once they have been notified of a CI.

(7) For CIs, the right of "managed access" shall be employed when providing access to military facilities or public vessels and state aircraft, and geographically separated units. Although the circumstances of managed access will be negotiated between the IT and the HT (including the unit commander), a commander's authority and responsibility for safety and security remains inviolate. U.S. law, which includes both specific requirements for protection of national security information and restricted data and formerly restricted data under the Atomic Energy Act of 1954, as amended, is of paramount concern when determining the degree of access that may be afforded an IT during a CI. In no case will access be granted to restricted data or formerly restricted data. For example, access shall not be granted to naval nuclear propulsion spaces because the application of managed access tools, such as shrouding or covering, is inadequate to shield sensitive and classified information, and to grant access would preclude essential monitoring of the propulsion plant. The HT, in conjunction with the facility commanders, shall make every reasonable effort to demonstrate that any area, structure, or object to which the IT has not been granted access is not used for purposes related to the possible noncompliance concerns.

(8) Public vessels and state aircraft may be subject to CIs even though they may be in international waters or airspace at the time the CI is announced. Unless otherwise directed by their operational controlling authority, commanders will not permit a CI of their ship or aircraft while underway or airborne.

ENCLOSURE B

RESPONSIBILITIES

1. General Responsibilities. The Joint Staff, Military Departments, combatant commands, and defense agencies are responsible for complying with the CWC in accordance with reference c and reference m. Responsibilities include:

- a. Destroy CW in accordance with the Chemical Weapons Convention.
- b. Execute operations related to recovered CW munitions in accordance with references q and u.
- c. Collect, compile, and report data as may be required by the CWC.
- d. Host verification inspections conducted by the OPCW.
- e. Record all reimbursable inspection-related costs incurred during OPCW inspections and providing to the cost settlement agent.
- f. Plan for and use of managed access and other provisions of the CWC as appropriate to protect national security.
- g. Conduct Special Access Programs activities in accordance with references o and p.
- h. Support, as required, the drafting and review of CWC-related HCA.
- i. Notify units, installations, and activities of treaty requirements, verification activities and other responsibilities.
- j. Identify to Joint Staff, J-5, a CWC implementation and compliance review manager.
- k. Participate, as required, in DOD CWCRGs and Chemical Weapons Implementation Working Groups (CWIWG).
- l. Participate, as requested by the Joint Staff, in conferences, seminars, and working groups developing coordinated military planning guidance for CWC compliance.

2. Specific Responsibilities

a. Director for Strategic Plans and Policy, J-5

(1) Represent the Chairman, as required, in the USG decision-making process concerning the CWC, including in the IPC.

(2) Represent the Chairman, as required, in DOD decision-making and working group meetings, including the CRG and CWIWG.

(3) Coordinate the development of detailed procedures applicable within the combatant commands for implementation of the CWC.

(4) Develop, coordinate, and issue detailed military guidance for CWC compliance policy.

(5) Determine in coordination with the OUSD(P), the Military Departments/Services, the combatant commands, and DOS the countries with which the United States should establish HCAs.

(6) Coordinate with OUSD(P), the Military Departments/Services, and combatant commands, while in consultation with the DOS and other appropriate agencies, to negotiate and conclude HCAs. Disseminate negotiated HCAs to Military Departments and combatant commands to facilitate planning.

(7) Coordinate activities, including communications to and from the combatant commands, for DOD implementation of, and compliance with, the CWC.

(8) Participate in notification activities that inform the Military Departments/Services and combatant commands of any impending CWC inspection.

(9) Define annual procedures for DOD CI exercise, to include identifying annual training objectives and synchronizing HT, Service, combatant command, DTRA, and other agency CI exercise training objectives, as appropriate.

(10) Challenge inspection planning: Develop and maintain a Joint Plan for CI in accordance with reference r and s. Core elements of the plan may include, but not be limited to:

(a) Outlining an overarching plan for the conduct of Joint Staff, Military Department/Services, and combatant command host team operations;

(b) Identifying a flag-level (or equivalent) representative as HTL;

- (c) Outlining Joint Staff notification procedures; and
- (d) Describing OUT-U.S. point of entry (POE) procedures.

b. Geographic Combatant Commanders

- (1) Notify J-5 of any concerns with regard to CWC obligations and declarations.
- (2) Promulgate and update CCDR-specific implementation and compliance plans in accordance with reference m.
- (3) Support negotiations of HCAs.
- (4) Plan to host/support a CWC CI in respective AOR; synchronize plan with the Joint Staff, J-5 Joint Plan.
 - (a) Coordinate inspection implementation procedures with the host state and U.S. Embassy per reference r.
 - (b) Notify the NMCC/NJOIC immediately of any OPCW Technical Secretariat request for an inspection on the territory of a host country.
 - (c) Designate a flag officer or civilian equivalent to serve as the HTL, as required, for OUT-U.S. CIs.
 - (d) Conduct point of entry (POE) activities pending arrival of the U.S. HT in accordance with the Joint Plan.
 - (e) Provide a representative to serve as a HT member for the duration of any CWC inspection at U.S. Military facilities or installations that are within the affected CCDR's AOR.
 - (f) Coordinate with DTRA for inspection support, which includes POE support, escorting, technical equipment inspections (TEI), and on-site technical support.
 - (h) Coordinate transportation and logistics support and accommodations (at the POE and at the inspection site) for OUT-U.S. HT and U.S. escort team members, the Military Department/Service assistance team, and the Army Mobile Laboratory, as required.

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(i) Coordinate, in conjunction with the facility commander/manager, the necessary on-site administrative and logistic support.

c. Commander, U.S. Transportation Command. Provide or coordinate for special assignment airlift missions (SAAM) for movement of the HT, escort team, IT (as necessary), the Military Department/Service Assistance Team, and the Army Mobile Laboratory, in accordance with the appropriate priority and when requested by DTRA.

d. Service Chiefs

(1) Maintain Service implementation and compliance plans in accordance with reference m.

(2) Promulgate and update Service CI plans in support of Joint Staff, J5 Joint Plan.

(a) Provide Service assistance teams (SATs) capable of preparing Service installations, public vessels, State aircraft, and geographically separated units to receive CWC challenge inspections.

(b) Coordinate with the combatant commands on all aspects of any impending inspection for inspections at OUT-U.S. facilities.

(c) Provide representative(s) to the HT for the duration of a CWC inspection, if the Service has equity.

(d) When requested, provide an individual of flag rank (or equivalent) to be designated as the CJCS representative to the HT in accordance with the Joint Staff Plan.

(e) Develop and negotiate relevant memoranda of agreement with other DOD components, Military Departments, Services, and combatant commands to carry out CWC implementation procedures.

(3) DOD-wide challenge inspection exercise requirements:

(a) When exercising as the supported Service:

1. Designate a suitable installation to host the exercise (ICW with the COCOM, if at an OUT-U.S. installation)

2. Participate in challenge inspection exercise planning process to include scenario development.

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(b) Execute all tasks and supported Service responsibilities as assigned in the Joint Plan for receipt of a CWC CI, the DOD host team operations plan, and Service CWC implementation and compliance plans

(c) When exercising as a supporting Service, provide assets (HT Advisor, HT Support, SAT, Lab Support) as required by the exercise scenario and IAW the tasks and supporting [non-lead] Service responsibilities assigned in the Joint Plan for receipt of a CWC CI, DOD host team operations plan, and Service CWC implementation and compliance plans

(d) No Service shall be designated the supported Service for DOD-wide CWC CI exercises more frequently than once every three fiscal years.

e. Chief of Staff, Army. Provide a forensic laboratory to support implementation of the CWC. The laboratory will:

(1) Maintain certification as an OPCW-designated laboratory for CWC verification.

(2) Deploy personnel and equipment during a CWC CI.

(a) Provide technical advice to the HT, SAT, and inspected facility.

(b) Collect samples and conduct analysis, as directed.

f. Director, Defense Threat Reduction Agency

(1) Provide POE processing and logistical support for CWC inspections of DOD facilities

(2) Provide national escorts for CWC inspections of DOD facilities.

(3) Provide a representative to the HT. In the absence of a representative from OUSD(P) or the Joint Staff, the National Escort Team Leader will serve as the HTL for initial, routine, and close-out inspections at DOD declared facilities.

(4) Coordinate and perform U.S. certifications of OPCW equipment and TEI prior to and following inspection activities

(5) Challenge inspection planning:

(a) For OUT-U.S. facilities perform TEI in accordance with the HCA or, when one does not exist, as agreed to with the host country

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(b) Collect from the DOD components all reimbursable inspection-related costs incurred to support a CI. Report information to OSD, as required

(c) Arrange lodging and other logistical support for the HT, HT advisors, IT, and other support elements, as required

(6) CWC CI exercises:

(a) Lead planning of annual DOD-wide CI exercises; establish an appropriate planning cell as determined by the exercise scenario.

(b) Serve as proponent for DOD-wide CI training, programming, and budgeting. Fund the annual DOD-wide CI exercise hosted by the CCDR or Service.

(c) Publish CI exercise after-action reports and maintain CI lessons-learned files.

(7) Assist and support Service Chiefs, combatant commands, and DOD components in coordinated, standardized preparation for inspections.

(8) Provide notification of CWC inspections via e-mail to the Service Chiefs, the NMCC, and other DOD agencies. Follow-up via telecom with agencies that do not respond to receipt of the notification e-mail.

(9) Arrange SAAMs for movement of the HT; national escort team; IT; service assistance team; HT support; and the Army Mobile Laboratory; as necessary, in accordance with the appropriate priority.

(10) Conduct orientation, readiness, and treaty-related training for the CRG chair, CRG members, HTL, and HT, as requested.

ENCLOSURE C

EMPLOYMENT OF RIOT CONTROL AGENTS

1. Article I of the CWC states, "Each state party undertakes not to use riot control agents as a method of warfare." The United States, as a state party to the treaty, must function within this limitation. However, the treaty does not hinder the use of riot control agents (RCA) by military forces, when operating in defensive military modes to save lives.

2. Reference d renounced the first use of RCA in war, except in "defensive military modes to save lives." The executive order specifically identifies the following situations where RCAs may be used:

a. Situations in areas under direct and distinct U.S. Military control, to include controlling rioting prisoners of war.

b. Situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.

c. Rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.

d. Echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists and paramilitary organizations.

3. Reference b upheld and endorsed Executive Order 11850 and set forth three additional conditions under which the U.S. Military could be permitted to use RCA:

a. The conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict.

b. Consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI (Peacekeeping Operations) of the United Nations Charter.

c. Peacekeeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

4. In addition to these two documents the CCDR can expect to receive mission-specific guidance for the employment of RCA during crisis response from the Joint Staff as specific in reference t.

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ENCLOSURE D

REQUIREMENTS FOR OUT-U.S. CW RECOVERIES

1. This guidance covers two areas in which CW material may be encountered on OUT-U.S. territory: during counterterrorism operations or during civil-military operations in coordination with a host country.
2. Counterterrorism operations have caused the long-term introduction of U.S. forces into unstable regions of the world, where CW recovery is a possibility. The U.S. is a state party to the CWC and must report any CW recoveries to the OPCW either directly or in coordination with the host country if the country is a state party to the CWC.

3. Destruction of Recovered CW

a. The CWC, at Part IV(A)(12), defines “destruction of chemical weapons as a “process by which chemicals are converted in an essentially irreversible way to a form unsuitable for production of CW”. The CWC does not presuppose a specific destruction method. Part IV(A)(13) requires each state party to determine how it shall destroy CW; however, the CWC prohibits dumping in any body of water, land burial, or open-pit burning as a means of destruction.

b. The CWC specifically calls for state parties to maintain the highest safety and environmental standards. Furthermore, the CWC emphasizes that the handling and destruction of CW will be in accordance with the local national standards.

c. In the conduct of counterterrorism and civil-military operations, recovered CW munitions -- including empty munitions bodies that are specifically designed for CW use, designed to contain a liquid fill, or that contain any detectable concentration of toxic chemicals -- shall be considered reportable CW and must be destroyed. Additionally, non-munition containers suspected of containing CW agent will be assessed. If the suspect liquid is analyzed as containing toxic chemical concentrations greater than 1,000 parts per million [PPM] (0.1 percent by weight), the metric volume will be reported and destroyed accordingly. All recovered CW material will be destroyed to less than 1,000 PPM, which is the U.S. standard for agent neutralization. Non-munition containers not suspected of containing CW agent will be decontaminated by the appropriate means (e.g. through neutralization, incineration, or destruction).

d. The Joint Staff will provide further guidance specific to a U.S. Military operation.

4. Procedures for Recording Possible CW Recovery, Storage, and Disposal

a. A CCDR involved in the recovery of any CW shall make a detailed, For Official Use Only (FOUO), report to the DOD CW Treaty Manager as soon as possible, but not later than 30 days from the date of recovery. DTRA will package the data for DOS to report directly to the OPCW or the DOS will coordinate with the host country in order for its national authority to make the CWC report.

b. At a minimum, the following information shall be included in the CCDR report:

(1) Field Report/Incident Report/Serious Incident Report – Unit(s) responding to the recovery of a suspect chemical munition round or chemical agent shall complete a detailed report. This report may be classified, but a version redacted to FOUO is required for reporting to the OPCW. The report shall include information on the number of items, type and caliber, suspect fill, condition of the items, and a general location of recovery. It shall also include the steps taken to secure the items.

(2) Photographs – Supporting documentation shall include digital and/or Polaroid photographs; and/or video recordings of individual rounds, groups of items, recovery site, detonation site, and scrap metal after destruction. If possible, individual photographs of each item with an identifying placard are recommended. Photographs of items prepared for destruction (e.g. a round or groups of items layered with five blocks of C-4 is also recommended). Photographs will have placards that associate the item to the original discovery. For example, if you have a group of 10 items from a cache of 50 items, the placard could read “contains items 20-30.” The placard and photograph shall allow for the visual confirmation of the number of items.

(3) Non-Destructive Evaluation (NDE) – X-rays, when taken, shall include an identifier that refers the x-ray to the item. This should also apply to any other type of NDE that may be conducted on the item.

(4) Analytical Data – Any analytical data in the form of strip charts, hand written lab reports, etc., on the items prior to their destruction and any analysis of the site after detonation.

(5) Checklist for Destruction – Any checklists that were prepared for pre- and post-destruction operations.

(6) Operations Order – The tasking order authorizing the CW destruction operation.

(7) Limiting condition report (LCR) – If a condition was encountered that prevented destruction or required a reassessment prior to destruction.

(8) Memorandum for Record of Destruction Operation – Either a certificate of destruction or a memorandum documenting the destruction.

c. Upon recovering CW, the CCDR shall immediately request guidance from the Joint Staff regarding information sharing with the host country. The USG and host country shall consult to coordinate reporting requirements to the OPCW in a timely manner.

5. CW Recoveries by Another State

a. Development, construction, military operations, or other activities on the territory of another state may lead to the recovery of CW. In some cases, the recovered CW may be of U.S. origin. In other cases, the state may not have the technical capability to fully recover or destroy the CW. The USG must be prepared to respond to inquiries regarding the recovered CW or requests for assistance.

b. News articles, reports, or preliminary accounts of recovered CW on the territory of another state shall be coordinated through the DOD Treaty Manager and appropriate OSD and Joint Staff offices.

c. Based on OSD policy determination, the CW Treaty Manager will provide CWC guidance and reporting requirements, as necessary, to the Joint Staff for conveyance to affected combatant commands.

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ENCLOSURE E

CHALLENGE INSPECTION PHASES

The following information provides a synopsis of activities, integrating DOD component, agency, and combatant command activities that will occur during the phases of a CI. The challenged state party is referred to as the inspected state party. The host country is the state party on whose territory the facilities or areas of another state party subject to the inspection are located. For OUT-U.S. inspections that capture in whole or part USG facilities, public vessels or state aircraft the country on whose territory the inspection is being held will be the host country. The United States may or may not be the inspected state party. In some inspections, the inspected state party and host country may be the same country.

1. Phase I: Notification (Also see Enclosure G)

a. Initiation. The OPCW Director-General receives a challenge inspection request from a state party that wishes to challenge a U.S. facility. The Executive Council of the OPCW may, not later than 12 hours after receiving the inspection request, vote against carrying out the CI if a three-quarters majority of all its members consider the inspection request frivolous, abusive, or clearly beyond the scope of the Convention. Voting members may not include the requesting or the inspected state party, if they are a member of the Executive Council.

b. IN-U.S.

(1) The OPCW notifies the United States National Authority through the Nuclear Risk Reduction Center (NRRC) of a challenge inspection. The information provided will be as specified in paragraph 4 of Part X of the CWC Verification Annex and will include the IT time of arrival at the U.S.-designated POE (Dulles International Airport, Virginia), the location of the inspection site, and the nature of the non-compliance allegation(s).

(2) The NRRC notifies the DTRA Operations Center, which in turn immediately transmits an e-mail notification via NIPRNET to the Military Departments/Services, the NMCC/NJOIC, and other DOD agencies with cognizance over the facility to be inspected. DTRA Operations requires confirmation within 30 minutes. The NMCC/NJOIC will notify affected combatant commands, appropriate members of the Joint Staff (the Chairman, Vice Chairman, DJS, J-5, and J-2), and designated OUSD(P) offices via a conference call. The NMCC/NJOIC will not contact the Service Operations Centers unless previous arrangements are made with J-5.

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(3) In accordance with reference n, the designated HT members will be notified, assembled, and prepared to meet the IT at the POE and commence required negotiations. The IT will arrive at the POE no earlier than 12 hours following OPCW notification to the National Authority.

c. OUT-U.S.

(1) If the inspected state party is the host country, the OPCW notifies the host country that a CI has been initiated. If the United States is the inspected state party, the OPCW notifies the United States and the host country that a CI has been initiated against an OUT-U.S. facility. Information should include time of arrival of the IT at the designated POE and the location of the inspection site, as well as the nature of the noncompliance allegation(s). The NRRC notifies the DTRA Operations Center, which notifies in turn immediately transmits an e-mail notification via NIPRNET to the Military Departments/Services, the NMCC/NJOIC, and other DOD agencies with cognizance over the facility to be inspected. DTRA Operations Center requires confirmation within 30 minutes. The NMCC/NJOIC will notify affected combatant commands; appropriate members of the Joint Staff (the Chairman, Vice Chairman, DJS, J-5, and J-2); and designated OUSD(P) offices. In the case when the host country is the designated inspected state party, the HCA will also establish procedures for the host country to notify the United States via the NRRC and representative(s) in area; e.g., the embassy or the combatant command's operations center. In the case where the United States is the inspected state party, the HCA may establish procedures for the United States to notify the host country. In the event the combatant command receives notification from the host country prior to DTRA notification, the combatant command shall immediately notify the facility and the NMCC/NJOIC, who will notify DTRA.

(2) The U.S.-affected facility, public vessel, state aircraft, or geographically separated unit may not be specifically designated within the CI request. If the HCA has been finalized, it will establish the method and procedures for the host country to notify the United States in the event of any CI to the host country that may involve U.S. assets. Based on the information contained within the initial notification, the combatant command representatives will assess the potential impact on a DOD facility and notify NMCC/NJOIC, which will initiate notification procedures. Subject to the HCA, U.S. representatives are expected to observe perimeter negotiations to confirm or determine the possibility of a U.S. facility, public vessel and state aircraft, or geographically separated unit being captured within or near the perimeter (up to 50 meters outward from the perimeter) and will disseminate that information. In the absence of an HCA, the USG will negotiate with the host country or inspected state party on inspection activities affecting U.S. assets.

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If a draft HCA is available, it should be used as a basis for commencing these negotiations.

2. Phase II: Movement to POE, Washington-Dulles International Airport

a. IN-U.S.. The U.S. HT will assemble at the POE prior to the arrival of the IT. If the location of the challenged facility is already known, the Military Department/Service and DTRA Assistance Teams will deploy to the facility to begin inspection preparations.

b. OUT-U.S.. The HT will assemble at the U.S. POE, Dulles International Airport, for further transportation to the OUT-U.S. POE. When allowed by the host country, the Army Mobile Laboratory will be transported to the POE or a U.S. facility near the inspection site. Time and distance factors may require the aircraft carrying the HT to fly directly to or near the site, bypassing POE perimeter negotiations. As required by the CCDR, Military Department(s) and DTRA assistance teams will deploy to the inspection site by the quickest available means. The combatant command, applicable Service combatant command components, and DTRA contingents, if available, will deploy representatives to the designated POE to commence and participate in POE discussions per instructions in reference n. The CCDR representative will assume responsibility as HTL, when applicable, until arrival of IN-U.S. HT contingent. If the Chairman, through J-5, has designated the CCDR representative as HTL, this designation will be conveyed in a memorandum through the Joint Staff Action Processing system with all concerned DOD components copied for information. If J-5 or OSD provides the HTL, the CCDR representative will become a HT Member.

3. Phase III: POE Activities

a. IN-U.S.

(1) Upon arrival of the IT at the POE, the HT will review the mandate and the requested perimeter. The HTL shall request the inspection team leader provide clarifications as required.

(2) DTRA will meet, process, and provide logistic support for the IT at the POE. These arrangements will include meals and lodging for the inspectors while at the POE as well as conference and working spaces for the conduct of POE negotiations.

(3) DTRA will perform the TEI of all OPCW inspection equipment at the POE.

(4) The HT will review the status of preparation and site self-monitoring, which must commence, per reference r, no later than 11.5 hours

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after IT arrival at the POE, but may take the full 12 hours allowed by the CWC should it be necessary.

b. OUT-U.S.. Designated CCDR and Service combatant command component representatives, as well as DTRA representatives (if available), will meet at the designated POE and commence/participate in initial POE discussions. Upon greeting the IT, the indigenous HT should only proceed with negotiations per instructions in reference n and the CWCRG. If instructions have not been received from the Washington-based HT or CWCRG, the indigenous HT shall contact the Washington based HT prior to agreeing to any IT requests or finalization of the perimeter. Because the decision-making process is based on consensus, the HT members present at the POE will communicate the proposed final perimeter to the other HT members to gain consensus. The host country and DTRA, if available, will perform the TEI and arrange for meals and lodging for the IT while at the POE. If the HCA is not finalized or fails to achieve this presumed cooperation and DTRA representatives are not available, the combatant command will be required to fulfill this responsibility. Per reference n, DTRA will record inspection-related expenses and submit to the DOD Comptroller for reimbursement consideration. In the absence of the ability to conduct a POE TEI, DTRA will be prepared to inspect the equipment prior to its use in the inspection process. The HT will review the status of preparation and site self-monitoring, which must commence, per reference r, no later than 11.5 hours after IT arrival at the POE, but may take the full 12 hours allowed by the CWC should it be necessary.

4. Phase IV: Movement to Inspection Site

a. IN-U.S.. POE discussions will end at such time that will permit the IT and HT to arrive in the vicinity of the inspected site no later than 36 hours after the IT's arrival at the POE. DTRA, in coordination with the HT, will provide the appropriate transportation to the inspection site within the Convention's time requirements. DTRA will coordinate with the appropriate Military Department/Service to arrange necessary administrative and logistical support for the IT at the inspected site.

b. OUT-U.S.. The IT, accompanied by HT members who arrived at the designated POE, will depart the POE for the inspection site. The HCA, if in effect, will designate the transportation responsibilities of the host country during a CWC CI; however, in the absence of an HCA or other agreement between the United States and the host country, the combatant command should be prepared to support in-country transportation, as required. Per reference r, DTRA will record inspection-related expenses and submit to the DOD Comptroller for reimbursement consideration.

5. Phase V: Pre-inspection

a. IN-U.S.

(1) Access for inspection activities shall be granted within 72 hours of IT arrival within the vicinity of the inspection site. If a final perimeter has not yet been agreed to prior to IT arrival, then perimeter negotiations will continue until one is agreed upon by the HT and the IT. If one is not agreed upon within 72 hours from the IT's arrival at the site, then the inspected state party's proposed alternative perimeter shall be designated the final perimeter.

(2) The inspected facility will provide all necessary information to the HT to support pre-inspection negotiations, including alternative perimeter recommendations and information regarding areas that may be sensitive or not related to the CI mandate.

(3) Upon the IT's arrival in the vicinity of the inspection site and prior to granting access to the inspection site, the facility will present a pre-inspection briefing that addresses the compliance concern and includes a safety and logistical briefing to the IT. Applicable portions of this briefing, e.g., health, safety, transportation, meals, restrictions, shall be provided to the IT prior to their commencement of perimeter activities.

(4) In accordance with reference r, the Department of Defense will fully exercise its rights under the CWC and will therefore use, if required, the full 108 hours allowed by the CWC (from the IT's arrival at the POE until access within the final perimeter is granted) for facility safety, security, and operational considerations.

(5) If queried by the media, site public affairs (PA) officers will seek OASD(PA) guidance. Guidance will include a CI statement to be given to the press and specific questions and answers that may be used only in response to queries. Additional queries from both U.S. and foreign media will be referred to OASD(PA). Reference n contains additional PA guidance.

(6) Development of the initial inspection plan occurs during this phase. The HT should be proactive by recommending an inspection plan rather than wait for the IT to develop one.

b. OUT-U.S.

(1) The IT and the HT will arrive at the inspection perimeter. The HT, which includes the facility commander or his/her designee, will continue perimeter negotiations if not agreed to previously in accordance with subparagraph 3.b.

(2) Paragraphs 5.a(2) through (6) above apply.

6. Phase VI: Inspection: IN-U.S. and OUT-U.S.

a. There is an 84-hour period allotted for the inspection.

b. DTRA will escort inspectors for all DOD CWC CIs.

c. If an issue arises during the inspection and consensus cannot be reached among the HT, the issue shall be referred to the CWCRG, per reference r. If there is no consensus, the issue will be referred up the respective operational chains of command for resolution at the lowest level possible. The DOD CWCRG will be kept informed and accessible for inspection process decisions. Each command representative on the HT will ensure that it has effective communications with its respective chain of command. OUSD(P) and the Joint Staff will communicate those issues needing interagency consideration to the IPC.

7. Phase VII: Post-inspection and Movement of the IT Out of Country

a. IN-U.S.

(1) After completion of the inspection, DTRA National Escorts will transport the IT back to the POE for departure as soon as possible following the inspection.

(2) In accordance with Military Department/Service I&C plans, the HT will conduct a debrief at the facility and begin preparing an after-action report of the inspection.

(3) When a draft final inspection report is made available to the United States, the HTL will ensure that all members of the HT, the Executive Secretariat, and the CWCRG members receive a copy for review and comment.

b. OUT-U.S.

(1) The combatant command, in conjunction with DTRA and the host country, will ensure transport of the IT back to the POE for departure as soon as possible following the inspection.

(2) In accordance with Military Department/Service and CCDR I&C plans, the HT will conduct a debrief at the facility and begin preparing an after-action report of the inspection.

(3) If a draft final inspection report is made available to the United States, the HTL will ensure that all members of the HT, the Executive

Secretariat, and the CWCRG members will receive a copy for review and comment.

8. Phase VIII: Post-inspection Report: IN-U.S. and OUT-U.S.

a. Per the CWC, the IT will submit a preliminary inspection report to the Director General of the OPCW no later than 72 hours after the IT returns to its primary work location. The report will be transmitted promptly to the United States, the requesting state party, and the Executive Council of the OPCW. The affected Military Department/Service and combatant command will be provided with the report for review and comment. In the case of OUT-U.S. inspections, the CCDR and J-5 will coordinate efforts with OSD to release applicable information in accordance with the HCA to the host country for its comments on the report.

b. Per the CWC, the OPCW Director General shall make a draft final inspection report available to the United States no later than 20 days after the completion of the CI. The affected Military Department/Service and combatant command will review the report for accuracy and provide any comments to J-5 for inclusion in the USG comments to the draft final inspection report. In the case of OUT-U.S. inspections, the combatant command and J-5 will coordinate efforts with OSD to release applicable information in accordance with the HCA to the host country for its comments on the report. USG comments on the final draft of the inspection report will be submitted to the Technical Secretariat not later than 10 calendar days after receipt. The TS shall consider U.S. proposals for changes wherever possible for adoption. The final report will be submitted to the Director General, OPCW, not later than 30 days after completion of the CI for further distribution.

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ENCLOSURE F

CHALLENGE INSPECTION INITIAL NOTIFICATION

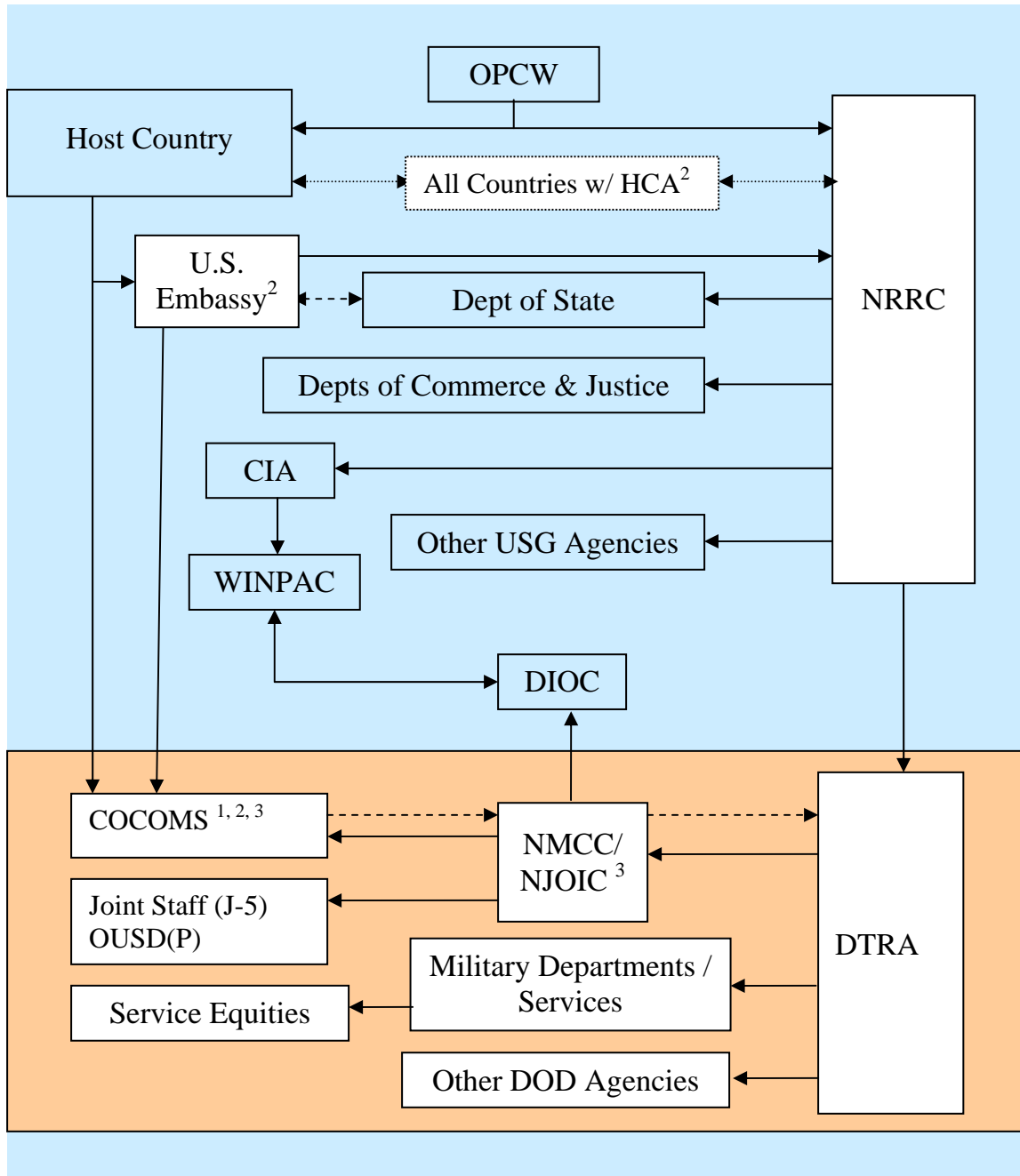


Figure 1. Challenge Inspection Initial Notification

- 1 -- USSTRATCOM and USSOCOM are not included.
- 2 -- Specific notification procedure may be uncertain without an HCA. Even with an HCA, some countries notify the NRRC, CCDR, and/or the embassy.
- 3 -- For OUT-U.S. notifications to the geographic COCOM from host country and/or U.S. embassy, the COCOM will notify the NMCC/NJOIC who in turn will notify DTRA, JS/J5, & OUSD(P)

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ENCLOSURE G

HOST COUNTRY AGREEMENT CHALLENGE INSPECTION NOTIFICATION
PROCEDURES

1. The DOD negotiates host country agreements (HCAs) with foreign governments with whom it maintains high-level cooperation or on whose territory it retains sensitive assets to ensure close cooperation in the event of a challenge inspection on the territory of either party. The Joint Staff negotiates these HCAs to ensure that they accomplish two important ends: –first, that they establish basic procedures for coordination during a challenge inspection, and second, that they are reciprocal in nature.¹
2. HCAs require two notifications. First, the United States shall notify a foreign government if it has reason to believe that the assets of its foreign partners may be captured by a challenge inspection. Second, most agreements require that parties share the notification within a specified period of time (2-4 hours) from receipt of notification from the OPCW.
3. The Joint Staff shall coordinate with the OUSD (P), OUSD(AT&L) and the State Department to ensure the initial notification requirement is supported to the fullest extent possible.
4. The Department of State shall notify all governments with a final HCA according to HCA requirements, as outlined by a Joint Staff memorandum of understanding with the Department of State.
5. Upon notification of a challenge inspection, the Services and combatant commands shall survey the challenged installation for foreign government equities and relay that information to the host team and Joint Staff/J-5.
6. The Joint Staff shall coordinate any issues involving other foreign government assets with USD(P) and the Department of State.

¹ Copies of official agreements are available on the Joint Staff secure Web site http://www.intelink.sgov.gov/wiki/Security_Cooperation_and_Partner_Activities.

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ENCLOSURE H

REFERENCES

- a. "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction," 13 January 1993
- b. Senate Resolution 75, 105th Congress, 1st Session, 24 April 1997, "U.S. Senate's Conditions to Ratification of the CWC"
- c. Public Law 105-277, Div I, 21 October 1998, "Chemical Weapons Convention Implementation Act of 1998"
- d. Executive Order 11850, 8 April 1975, "Renunciation of Certain Uses in War of Chemical Herbicides and Riot Control Agents"
- e. Executive Order 13128, 25 June 1999, "Implementation of the Chemical Weapons Convention and the Chemical Weapons Convention Implementation Act"
- f. Presidential Decision Directive 70, 17 December 1999, "National Implementation of the Chemical Weapons Convention"
- g. Supplemental to Executive Order 13128 and Presidential Decision Directive 70, 27 December 1999, "Chemical Weapons Convention Implementation Policy Guidance"
- h. 15 CFR Part 734.5, 1 January 2009, "Activities of U.S. and foreign persons subject to the Export Administration Regulations"
- i. 15 CFR Part 745, 1 January 2009, "Chemical Weapons Convention Requirements"
- j. 22 CFR Parts 120-130, 1 April 2009, "Consolidated International Traffic in Arms Regulations"
- k. 22 CFR Part 103, 1 April 2009, "Regulations for Implementation of the Chemical Weapons Convention and the Chemical Weapons Convention Implementation Act of 1998 on the Taking of Samples and on Enforcement of Requirements Concerning Record Keeping and Inspections"
- l. 15 CFR Parts 710-721, 1 April 2009, "Department of Commerce Chemical Weapons Convention Regulations"

- m. DOD Directive 2060.1, 9 January 2001, "Implementation of, and Compliance with Arms Control Agreements"
- n. DOD Directive 5100.1, 1 August 2002, "Functions of the Department of Defense and its Major Components"
- o. DOD Directive O-5205.7, 13 January 1997, "Special Access Program (SAP) Policy,"
- p. DOD Directive O-5205.11, 1 July 1998, "Management, Administration, and Oversight of DOD Special Access Programs (SAPs)"
- q. DOD Instruction 5210.65, 12 March 2007, "Minimum Security Standards for Safeguarding Chemical Agents,"
- r. Deputy Assistant to the Secretary of Defense for Treaties and Threat Reduction, 28 May 2009, "Department of Defense Planning Guidance for Implementation of the Chemical Weapons Convention (CWC),"
- s. Deputy Assistant to the Secretary of Defense for Treaties and Threat Reduction, 31 May 2006, "DOD Planning Assumptions for Chemical and Biological Treaties and Agreements FY 2012-2016" (review ongoing)
- t. CJCSI 3110.07 Series, "Guidance Concerning Chemical, Biological, Radiological and Nuclear Defense and Employment of Riot Control Agents and Herbicides"
- u. Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health, 20 September 2007, "Army Recovered Chemical Weapons Material (RCWM) Program Implementation Plan"
- v. United Nations Convention on the Law of the Sea, 10 December 1982, "Article 29: Definitions of Warships"
- w. Convention on International Civil Aviation of 1944

GLOSSARY

PART I -- ABBREVIATIONS AND ACRONYMS

AOR	area of responsibility
CAS	Chemical Abstract Service
CI	Challenge Inspection
CIA	Central Intelligence Agency
CCDRs	combatant commanders
CFR	Code of Federal Regulations
CRG	Compliance Review Group
CW	chemical weapons
CWC	Chemical Weapons Convention
CWCIA	CWC Implementation Act
CWCRG	CWC Compliance Review Group
CWIWG	Chemical Weapons Implementation Working Group
CWPF	Chemical Weapons Production Facility
DJS	Director, Joint Staff
DOD	Department of Defense
DOE	Department of Energy
DOS	Department of State
DTRA	Defense Threat Reduction Agency
EIF	entry into force
EO	Executive Order
HCA	host country agreement
HT	host team
HTL	host team leader
I&C	implementation and compliance
IN-U.S.	Inside the United States (to include Hawaii and Alaska and U.S. territories)
IPC	Interagency Policy Committee
IT	Inspection Team (OPCW Technical Secretariat)
ITAR	International Traffic in Arms Regulation
NDE	non-destructive evaluation
NJOIC	National Joint Operations and Intelligence Center
NMCC	National Military Command Center
NRRC	Nuclear Risk Reduction Center

OASD(PA)	Office of the Assistant Secretary of Defense for Public Affairs
OPCW	Organization for the Prohibition of Chemical Weapons
OSD	Office of the Secretary of Defense
OUSD(AT&L)	Office of the Under Secretary of Defense for Acquisition, Technology and Logistics
OUSD(P)	Office of the Under Secretary of Defense for Policy
OUT-U.S.	Outside the United States
PA	Public Affairs
PDD	Presidential Decision Directive
PPD	Presidential Policy Directive
POE	point of entry
RCA	riot control agent
RCWM	recovered chemical warfare material
SAAM	special assignment airlift mission
SAT	Service assistance team
TEI	Technical Equipment Inspection
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(P)	Under Secretary of Defense for Policy
USG	United States Government
USSTRATCOM	U.S. Strategic Command
USTRANSCOM	U.S. Transportation Command

PART II -- DEFINITIONS

alternative perimeter – The alternative perimeter is proposed by the host team, if the requested perimeter is not acceptable. Presentation of the alternative perimeter by the host team to the inspection team must occur no later than 24 hours after arrival of the OPCW inspection team at the POE. The alternative perimeter must contain the entire requested perimeter and meet at least two of the following conditions:

- a. Does not extend to an area significantly greater than that of the requested perimeter.
- b. Is a short, uniform distance from the requested perimeter.
- c. At least part of the requested perimeter is visible from the alternative perimeter.

It should, as a rule, bear a close relationship to the requested perimeter, taking into account natural terrain features and man-made boundaries. It should normally run close to the surrounding security barrier, if such a barrier exists

approved equipment. The devices and/or instruments necessary for the performance of the international inspection team's duties that have been certified for use in the United States.

assistance team. A team deployed by a Military Department or Service or DTRA to assist the installation in preparing for a CI. The team is to arrive at the site within 12 hours of the initial notification. At the inspection site, the assistance team will support the installation/site commander by clarifying any CWC compliance questions, advising on preparation and support procedures for the inspection, and augmenting the installation staff, as needed.

Challenge Inspection (CI). A short-notice inspection of a specific site of one state party requested by another state party, conducted by the Organization for the Prohibition of Chemical Weapons Inspection Team. States may be "challenged" by other states to resolve CWC compliance concerns. CI procedures are covered under Article IX of the CWC and Parts II and X of the CWC Verification Annex.

chemical weapons. Chemical weapons include the following, together or separately:

a. Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities involved are consistent with such purposes.

b. Munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph a that would be released as a result of the employment of such munitions and devices.

c. Any equipment specifically designed for use directly in connection with the employment of such munitions or devices specified in subparagraph b.

Note: The term “chemical weapon” does not apply to nonlethal chemicals that are used by a state party for domestic law enforcement or riot control purposes (e.g., riot control agents or specifically approved instances such as search and rescue where the use of riot control agents are used in prescribed circumstances and not as a method of warfare See Encl D-I-1).

Chemical Weapons Convention Interagency Policy Committee (IPC). The IPC serves as the senior interagency forum for consideration of policy issues concerning the USG’s obligations under the CWC. It coordinates CWC implementation issues that have diplomatic, economic, or national security implications, and monitors U.S. CWC implementation. The head of each department or agency is responsible to the President of the United States for ensuring that all of the activities of his or her respective department or agency are fully compliant with the legal obligations of the USG. The IPC includes a representative of the Departments of State, Treasury, Defense, Justice, Commerce, and Energy; the Intelligence Community; the National Security Council staff; the Chairman of the Joint Chiefs of Staff; and such other departments or agencies as needed and invited by the Chairman of the IPC.

Chemical Weapons Production Facility (CWPF). Any equipment or building housing such equipment that was designed, constructed, or used at any time since 1 January 1946 for: (1) the production flow of any Schedule 1 chemical or any other chemical that has no use for permitted purposes under the CWC above 1 metric ton per year; and (2) filling chemical weapons, including the filling of Schedule 1 chemicals into munitions, devices, or bulk containers.

compliance. Ensuring that existing and future DOD programs and activities legally and technically comply with the terms of the CWC. Compliance

includes executing the I&C plan; destroying the chemical weapons stockpile; changing doctrine, as required; reporting CWC-required data declarations; and making CWC-required notifications. Compliance also includes not conducting activities prohibited by the CWC, such as developing or stockpiling chemical weapons or training for the employment of chemical weapons.

Compliance Certification Official. The individual responsible for certifying that his or her respective combatant command is in compliance with the CWC. This individual is responsible for signing the command's C&I plan. It is recommended this individual be the combatant command's counterpart to the Director for Strategic Plans and Policy, the Joint Staff (JS/J-5). Certification officials for Military Departments are determined by the Military Department's policy.

Compliance Review Group (CWCRG). A DOD-wide working group, chaired by the DOD Chemical Weapons Treaty Manager, that conducts an executive-level review of CWC compliance issues. The CRG meets on an as-needed basis to address key issues. Membership is as specified in reference o.

consensus decision-making. The conduct of the inspection shall be accomplished by consensus among HT members. Consensus decision-making, of course, goes beyond a simple majority. All matters involving safety, operations, and security shall have the concurrence of all members of the HT, and if not, the issue shall be referred to the operational chain of command for resolution.

declared facility. A chemical weapons-related installation, factory, or plant that was declared by the United States in accordance with the requirements of the CWC. Declared facilities must comply with specific verification activities, such as systematic inspections, that may include on-site continuous instrument monitoring. Specific site requirements will be defined in a facility agreement (See FA). Facilities are declared based on a range of criteria, including production, storage, or a history of chemical weapons research, development, or testing.

entry into force (EIF). The specific date, 29 April 1997, when the provisions of the Convention entered into force for the United States. Entry into force for those countries whose instruments of ratification or accession were deposited subsequent to 29 April 1997, is on the 30th day following the date of deposit of their instrument of ratification or accession.

Executive Secretariat. CW Treaty Management personnel responsible for providing CWC treaty interpretation and administrative support to the

HT and maintaining the official inspection record for DOD during the conduct of a challenge inspection

exit monitoring. During a CI, the inspection team has the right to monitor the perimeter exits of the inspected site to ensure that prohibited materials are not being surreptitiously removed. This monitoring begins when the IT arrives at the alternative or final perimeter, as determined by negotiations prior to IT arrival, and may continue for the duration of the inspection.

facility agreement (FA). An agreement between a state party and the Organization for the Prohibition of Chemical Weapons relating to a specific declared facility subject to systematic inspection and on-site verification. The agreement will include detailed provisions governing inspection procedures at that facility.

final (inspection) perimeter. Site perimeter as agreed in CWC CI negotiations between the international inspection team and the inspected state party. If no agreement is reached, the alternative perimeter becomes the final perimeter. (See also requested perimeter, alternative perimeter.)

host country. The state on whose territory lie facilities or areas of another state party to the CWC, which are subject to inspection under the CWC.

host country agreement (HCA). A bilateral agreement or arrangement establishing mutually agreed procedures between the United States and a host country to be used during a CWC CI to address the issue of protecting USG facilities and assets abroad. The proposed agreement or arrangement covers issues from the arrival of the inspection team to the final inspection report. By its terms, the agreement or arrangement would operate within the framework of any Status of Forces Agreement or other arrangements already in place between the United States and the host country. U.S. commercial facilities are not covered by these agreements.

host team (HT). The group of DOD representatives responsible for negotiating with an IT and accompanying the IT throughout the inspection. The HT composition and operations are as specified in reference n.

host team members. Consist of the HTL and voting representatives from DOD components as specified in reference n.

host team support. Consists of all DOD personnel officially associated with the HT, which includes the HT Support Staff, the Executive Secretariat, and the DOD CWC Treaty Manager Liaison.

host team advisors. Consist of various representatives from other DOD components and agencies or the USG Interagency, as appropriate, who provide subject matter advice to the host team.

implementation. Includes all tasks and actions taken by the combatant commands and Military Departments/Services to prepare for and carry out obligations under the CWC. Implementation includes preparing facilities for inspection, receiving CWC inspections, and chemical weapons destruction.

implementation and compliance (I&C) planning. Process ensures that the Military Departments/Services and combatant commands are prepared to implement and comply with the CWC, to include programs, procurement, and operations. I&C planning includes all tasks and actions taken to refine resource allocation planning as CWC requirements are identified; to prepare I&C, destruction, notification, and education and training plans; and to alert inspectable command and contractor facilities.

Inspected state party (ISP). The state party on whose territory, or in any other place under its jurisdiction or control, an inspection pursuant to the CWC takes place.

inspection mandate. The authorization issued by the Director General to the inspection team that provides instructions for the conduct of a particular inspection. For a CI, the inspection mandate will also outline the compliance concern raised by the requesting state party.

inspector. An individual designated by the Technical Secretariat and representing the Organization for the Prohibition of Chemical Weapons who will carry out an inspection or visit in accordance with the CWC and its Verification Annexes and facility agreements between states parties and the Organization for the Prohibition of Chemical Weapons. Inspectors must be citizens of a state party to the Convention. Members of an inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961. Inspectors are designated on a list provided to and approved by each state party to the Convention. In the case of a CI, no inspector shall be from the requesting or inspected state party.

Inspection Team (IT). The purpose of the IT is to conduct inspections or visits in accordance with the CWC. The number of inspectors will be determined by the Technical Secretariat and will depend on the size of

the facility being inspected. For routine inspections, CIs, and investigations of alleged use, an IT may be composed of members approved by the United States from any of the state parties. For CIs, the team may be composed of inspectors approved by the United States from any of the state parties, except for the requesting and the inspected state parties.

IN-U.S. Inside the United States, including Hawaii and Alaska and U.S. territories. Definition assumes the United States is the Inspected state party.

lead agency. The U.S. executive department or agency responsible for updating of the CWC declaration and implementing inspection requirements for specified facilities. The Department of Defense is the lead agency for facilities owned by and/or leased to the Department, including facilities that are contractor-operated and overseas facilities used by the Department under agreement with foreign governments.

managed access. A method of protecting sensitive information while facilitating inspector access to an area of a facility that has overriding national security or proprietary concerns not related to chemical weapons. Such measures may include, but are not limited to, removal of sensitive papers from office spaces; shrouding of sensitive pieces of equipment, displays, or dials on such equipment; logging off computer systems and turning off data-indicating devices; providing access to a certain percentage of buildings or rooms within a building; or, in exceptional cases, providing access to only selected members of an international inspection team. The actual methods to be used for managed access will be determined on a case-by-case basis and, if necessary, negotiated between the IT and the HT.

Organization for the Prohibition of Chemical Weapons. The international organization established under the CWC to achieve the object and purpose of the CWC, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among state parties. It is located in The Hague, Netherlands.

OUT-U.S. Outside the continental United States, Alaska, Hawaii, and U.S. territories. Definition assumes there is a host state party involved in the challenge inspection whereby U.S. assets are captured within the inspected perimeter.

perimeter. In the case of a CI, the external boundary of the inspection site, defined by either geographic coordinates or a description on a map. In

the case of an inspection of a declared site, the external boundary of the facility declared as shown in the declaration or the negotiated facility agreement.

perimeter activities. Activities conducted by the IT at the perimeter of an inspected site. In the case of a CI, these activities occur upon the IT's arrival at the alternative or final perimeter, determined by negotiations prior to arrival, and may continue for the duration of the inspection. Perimeter activities explicitly permitted by the CWC text include using monitoring instruments and taking wipes, air, soil, or effluent samples. The IT may also conduct additional activities agreed to by the inspected state party. Perimeter activities at a non-declared site must take place within a band up to 50 meters in width, measured outward from the perimeter. Upon agreement with the inspected state party, the IT may have access to any building or structure within the 50-meter band. All directional monitoring at the perimeter must be directed inward. In the case of declared facilities, at the discretion of the inspected state party, the 50-meter perimeter band could run inside, outside, or on both sides of the declared perimeter. Perimeter activities include exit monitoring by the IT, which includes the identification of vehicular exits, the making of traffic logs, the taking of photographs, and the making of video recordings by the inspection team of exits and exiting traffic. The IT has the right to go, under escort, to any other part of the perimeter to check that there is no other exit activity. The IT has the right to inspect, on a managed access basis, vehicular traffic exiting the site with the exception of personnel and personal passenger vehicles leaving the site. Personnel and vehicles entering the site are not subject to inspection.

perimeter monitoring team. IT members designated to perform perimeter activities.

period of inspection. The time period from when the IT crosses the final perimeter until the completion of verification activities.

point of entry/exit. The location designated for the United States in-country arrival of ITs and for their departure after completion of each inspection mission. Washington Dulles International Airport is the United States designated point of entry for CI teams conducting inspections at IN-U.S. U.S. facilities wherein the United States is the inspected state party under the CWC. For OUT-U.S. facilities, the POE will most likely be those designated by the host country.

pre-inspection activities. Activities described in Part X, Section B of the CWC Verification Annex, including all necessary welcome, orientation, safety, medical, and informational briefings, office and lodging assignments, and

the provision of answers to general questions before the commencement of an inspection.

precursor. Any chemical reactant that takes part at any stage in the production, by whatever method, of a toxic chemical. This includes any key component of a binary or multi-component chemical system.

public vessel or state aircraft. A vessel or aircraft that is owned or chartered and operated by or for the USG and is not engaged in commercial service.

random selective access. A method of managed access that allows ITs to choose a percentage of buildings or containers within an area or a percentage of rooms in a building to be inspected.

requested perimeter. The inspection perimeter specified by the RSP and clarified, if required, by the IT upon its arrival at the point of entry to conduct a CI. The requested perimeter must conform to the following:

- a. Run at least 10 meters outside any buildings or other structures.
- b. Not cut through any existing security enclosures.
- c. Run at least 10 meters outside any existing security enclosures that the requesting state party intends to include within the requested perimeter.

If the initial requested perimeter does not conform to the above specifications, it shall be redrawn by the IT. The requested perimeter, as modified by the IT, is presented to the inspected state party at the point of entry. If the inspected state party does not agree to the requested perimeter, it may propose an alternative perimeter for consideration by the IT. If no agreement is reached on a perimeter within 24 hours after the IT arrives at the point of entry, then the IT will be transported to the alternative perimeter, arriving no later than 12 hours after departure from the point of entry.

requesting state party. A state party to the CWC that has requested a CI.

requesting state party observer (RSO). A representative of a requesting state party, or a third state party designated by the requesting state party, to observe a CWC CI.

riot control agent. Any chemical not listed in on the CWC Schedules, which can rapidly produce sensory irritation or disabling physical effects that disappear within a short time following termination of exposure.

routine inspections. Synonymous with the term systematic inspections, defined below.

Schedules of Chemicals. Collectively refers to the three lists of toxic chemicals and precursor chemicals that will be monitored under the CWC. The three lists are referred to individually as Schedule 1, Schedule 2, and Schedule 3.

self-monitoring. Refers to exit monitoring procedures undertaken by the inspected state party during a CI. These self-monitoring procedures must begin no later than 12 hours after the arrival of the IT at the point of entry and involve the collecting of factual information on all vehicular exit activity (land, water, and air) from the requested perimeter.

special assignment airlift mission. All domestic requirements and those requiring special pickup or delivery by Air Mobility Command at points other than those within the established Air Mobility Command route pattern, or requirements for movement within this pattern that require special consideration because of the number of passengers involved, the weight or size of the cargo, or other special factors.

specialized equipment. Equipment used for filling CW or any other equipment specially designed, built, or installed for the operation of the facility as a Chemical Weapons Production Facility. [CWC Verification Annex, Part I, subparagraph 5(a)]

state party. Any nation that has deposited its instrument of ratification prior to 29 April 1997 (CWC entry into force) or has deposited its instrument of ratification or accession with the United Nations Secretary General after 29 April 1997 and the required 30 days have passed.

systematic (“routine”) inspections. On-site inspections and monitoring with on-site instrumentation by the Organization for the Prohibition of Chemical Weapons to confirm that CWC declarations are accurate and that the country is meeting its obligations under the CWC.

Technical Equipment Inspection Program. A DTRA-managed, community-developed and supported program created to address safety, environmental, and technical countermeasure concerns of foreign arms control equipment.

Technical Secretariat. The organizational body of the Organization for the Prohibition of Chemical Weapons responsible for implementing CWC verification procedures. Among its many functions, the Technical Secretariat maintains lists of accredited inspectors, defines inspection procedures, schedules routine inspections, and conducts CIs.

toxic chemical. Any chemical that, through its chemical action on life processes, can cause death, temporary incapacitation, or permanent harm to humans and animals. This includes all such chemicals, regardless of their origin, method of production, or whether they are produced in facilities, munitions, or elsewhere.

U.S.-approved and certified CWC equipment. All foreign arms control equipment intended for use in U.S. facilities shall be subject to formal DTRA technical equipment inspection certification. This process ensures that safety, environmental, and technical countermeasure considerations for all the types of facilities at which such equipment is likely to be used are taken fully into account.

verification. The cumulative process of determining that a state party is complying with the provisions of the CWC. On-site inspections and visits will be used for verification. The purpose of these verification activities is to confirm that declarations are accurate, no undetected removal of chemical weapons from facilities takes place, the identity and quantity of the chemical weapons stocks and facilities to be destroyed are accurate, and they have been destroyed.