



OPCW

Conference of the States Parties

Second Review Conference
7 – 18 April 2008

RC-2/NAT.1
25 March 2008
ENGLISH
Original: CHINESE

THE PEOPLE'S REPUBLIC OF CHINA

**REPORT ON THE IMPLEMENTATION OF
THE CHEMICAL WEAPONS CONVENTION IN CHINA**

1. Introduction

The Chemical Weapons Convention (hereinafter “the Convention”) is the first international legal instrument that bans completely an entire category of weapons of mass destruction and requires their thorough destruction under a stringent verification regime. China has always upheld the object and purpose of the Convention, committed itself to the complete prohibition and thorough destruction of chemical weapons, and opposed the proliferation of such weapons.

China signed the Convention on 13 January 1993, and deposited the letter of ratification on 25 April 1997. Since the entry into force of the Convention on 29 April 1997, the Chinese Government has unwaveringly honoured the political commitments it made at the time of its ratification, and has fulfilled its obligations under the Convention in earnest. The following is a report to the Second Review Conference on the implementation of the Convention in China.

2. National Authority and legislation

In accordance with the provisions of the Convention and in light of its national circumstances, China has established implementation bodies at both national and local levels. The National Leading Group on the Implementation of the Chemical Weapons Convention, headed by a Vice Premier of the State Council, was established in March 1997, which has an executive office that takes charge of the coordination, supervision and monitoring of implementation nation-wide. In the provinces, autonomous regions, and municipalities directly under the Central Government, offices for the implementation of the Convention in their respective administrative regions have been set up; and in some areas with a thriving chemical industry, implementation offices at city/county level have been established. These offices at different levels have formed an implementation network that covers the whole country with clear division of work and effective management.

In accordance with the provisions of the Convention, China has put in place a comprehensive system of implementing legislations covering all obligations under the Convention. A series of laws and regulations have been promulgated and put into



effect, such as the Regulations of the People's Republic of China on the Administration of Controlled Chemicals (1995), the List of Controlled Chemicals by Category (1996), the Rules of Implementation for the Regulations of the People's Republic of China on the Administration of Controlled Chemicals (1997), the List of Items Newly Included in Category III of Controlled Chemicals (1998), and the Measures for Export Control of Relevant Chemicals and Related Equipment and Technologies and its Control List (2002). In the principle of "laws must be abided by and enforcement must be to the letter", the Chinese Government carries out stringent control and monitoring on the production, marketing, use, stockpiling, and import/export of the scheduled chemicals. Any violation will be prosecuted and punished according to law.

In order to prevent and prosecute acts that use substances like toxic chemicals to carry out terrorist activities, the Standing Committee of the National People's Congress of China passed, in December 2001, Amendment III to the Criminal Law of the People's Republic of China, which explicitly criminalises acts that illegally manufacture, transport, stockpile, or use toxic/poisonous substances to endanger public safety, and has specified corresponding penalties.

3. Submission of Declarations and Reception of Inspections

The Chinese Government has fully and faithfully observed its obligations under the Convention to submit declarations and receive inspections.

Over the ten years since the entry into force of the Convention, the Chinese Government has submitted to the Organisation for the Prohibition of Chemical Weapons (OPCW), in a timely and accurate manner, initial declarations and annual declarations on Schedule 1, 2, 3 and other chemical production facilities, as well as initial declarations and follow-up declarations on chemical weapons abandoned by Japan (Japanese ACWs) in China. The total numbers of declared and inspectable industrial facilities in China are 1,855 and 1,737 respectively, which account for approximately one third of the total numbers of declared/inspectable facilities of all States Parties. Since 2002, China has submitted to the OPCW information on national protection programme every year.

As of February 2008, China had successfully received 153 on-site inspections by the OPCW, of which 113 were Article VI inspections, and had provided active support and assistance to the inspection teams. The inspection findings have all demonstrated the strict observance by China of its obligations under the Convention.

Being a developing country in the period of economic transition, China is facing new challenges in the area of chemical industry declaration and verification. China's chemical industry is characterised by a low level of concentration, and its facilities are large in number, small in scale and frequent in transformation. There is also a lot to be desired in terms of their management. In view of this, China has focused its work on the following areas:

- (a) Provide training for the personnel of the implementation offices at various levels to enhance their awareness about the Convention and improve their competence in implementation. Involve industry associations in the process of

dissemination of information about the Convention and its implementation, and in the related research and business training;

- (b) Develop communication networks and data management systems whereby the declaration data on chemicals are reported and consolidated from the bottom up with each administrative region responsible for its own statistics, thus ensuring the timeliness and accuracy of the declarations;
- (c) Establish sound working procedures for the reception of inspections, and carry out mock inspections and exercises to help formalise, standardise, and systemise the relevant processes;
- (d) Actively communicate and cooperate with other States Parties in the field of implementation to draw on advanced experiences.

4. Non-proliferation

Attaching great importance to the non-proliferation of chemical weapons, the Chinese Government has made conscientious efforts to fulfil its obligations under the Convention regarding non-proliferation, and to ensure stringent observance of the United Nations Security Council Resolution 1540.

By enacting and enforcing legislations such as the Regulations of the People's Republic of China on the Administration of Controlled Chemicals, the Measures for Export Control of Relevant Chemicals and Related Equipment and Technologies, and their Control Lists, by introducing the licensing system and the end-user and end-use certificates, and by adopting the catch-all principle, the Chinese Government exercises strict control over the export of chemicals and related equipment and technologies. The above-mentioned regulatory Control Lists contain not only the scheduled chemicals of the Convention, but also chemicals and related equipment and technologies listed by other multilateral export control mechanisms. According to the above-mentioned legislations, only few trading companies designated by the government may engage in the import and export of scheduled chemicals. All these laws and regulations contain specific penalties for any illicit export.

China works continuously for capacity building in the area of non-proliferation and rigorously enforces the relevant legislations on export control. China strictly adheres to the provisions of the Convention on the transfer of scheduled chemicals to non-States Parties, constantly amends and improves the regulations in light of non-proliferation developments and China's situation, and closely scrutinises according to the law any import or export of chemicals. In addition, through publishing the relevant information on the internet and holding training courses and workshops, the implementation authority strives to raise industry awareness regarding non-proliferation development and legal requirements on export, and to provide guidance for industry on the establishment of an internal self-disciplinary mechanism. As a warning, the implementation authority has also published on the internet information on penalties vis-à-vis law-breaking exporters, whether firms or individuals.

5. Chemical Weapons abandoned by Japan in China

Japan used chemical weapons on many occasions in China during its war of aggression. On the eve of its defeat, Japan abandoned large quantities of chemical weapons on Chinese territory. By now, Japanese ACWs have been found at over 60 locations in 16 provinces/municipalities in China. By a preliminary estimate, there are over 330,000 pieces of Japanese ACWs buried at just one location alone – the largest burial site discovered so far at Haerbaling, Jilin Province. There have been repeated incidences of human casualties caused by Japanese ACWs, which have remained a grave and real threat to the life and property of the Chinese people and ecological safety.

In accordance with the Convention, Japan, as the Abandoning State Party, shall provide all necessary financial, technical, expert, facility as well as other resources to destroy the Japanese ACWs; while China shall provide appropriate cooperation. China has all along endeavoured, within the framework of the Convention, towards an early, total, and safe elimination of the danger and threat posed by Japanese ACWs, and has provided, to the best of its ability, substantial and positive assistance to Japan.

In recent years, some progress has been made towards the disposal of Japanese ACWs. In July 1999, China and Japan signed the Memorandum on the Destruction of the Chemical Weapons Abandoned by Japan in China. To assist Japan in its work, the Chinese Ministry of Foreign Affairs has set up an office to deal with the issue of Japanese ACWs in China. China has assisted Japan in 104 on-site excavation, identification and recovery operations (as of February 2008), with 44,509 items of chemical weapons confirmed and packed. The efforts in preliminary preparations for the Haerbaling excavation/recovery campaign and destruction facility are now intensifying. In April 2007, China and Japan reached an agreement on the establishment of the Japan-China Joint Organisation for the Destruction of Japanese ACWs in China, which serves as the main implementing body for the Haerbaling Japanese ACWs destruction project. The agreement was then confirmed by an exchange of notes. In the same year, China and Japan agreed to use mobile destruction facilities for the destruction of Japanese ACWs scattered in small quantities, and agreed to try to start mobile destruction operation in 2009.

In accordance with the Convention, China submitted its initial declaration on Japanese ACWs in May 1997, and has been submitting relevant subsequent declarations biannually. Until now, China has received a total of 38 OPCW on-site inspections of Japanese ACWs trust warehouses and of China-Japan bilateral operations.

Since 2005, China, Japan and the Technical Secretariat (hereinafter “Secretariat”) have held 6 rounds of trilateral consultations on such important issues as the Japanese ACWs declarations and the future verification mechanism for destruction facilities. These talks have contributed positively to enhancing coordination and cooperation among the three parties and to improving transparency in the process towards the disposal of Japanese ACWs.

In 2006, at Japan’s formal request, China and Japan submitted to the Executive Council a joint request for an extension of the deadline for completing the destruction,

and were granted an extension of the deadline to 2012. In accordance with the Convention and the relevant decision of the Executive Council, the Chinese Government has since submitted three reports on the status of Japanese ACWs in China.

While some progress has been made towards the disposal of Japanese ACWs, the actual destruction has yet to start. China urges Japan to increase its human and financial inputs and speed up its work, so as to launch and complete at an early date the substantive destruction process, as is required by the Convention. China will as always provide the necessary assistance. China actively supports the Secretariat's involvement and its continued positive role in the process towards the disposal of Japanese ACWs.

6. Application of the Convention to Hong Kong, Macao and Taiwan

The Chinese Government attaches great importance to the application of the Convention to the Hong Kong Special Administrative Region (HKSAR), the Macao Special Administrative Region (MSAR) and the Taiwan region.

In accordance with the principle of "One Country, Two Systems" and the Basic Law of the Hong Kong Special Administrative Region, the blueprint for the application of the Convention to Hong Kong was determined by the Central Government after all-round consultations with the HKSAR government. On 18 June 2004, the Chemical Weapons (Convention) Ordinance of the HKSAR went into effect. A compliance office of the HKSAR government was subsequently established. Since 2004, the HKSAR government has, through the Central Government, submitted each year in a timely manner all types of declarations to the OPCW.

The Central Government has held several rounds of consultations with the government of the MSAR on the application of the Convention to Macao. At present, the preparations for enacting implementation legislation are proceeding in an orderly way.

Since Taiwan is an inalienable part of China's territory, the implementation in Taiwan of the obligations under the Convention must proceed from the premise of One China. The Chinese Government has been trying actively and pragmatically to find a proper solution to the issue of the application of the Convention to the Taiwan region, and will continue to work towards this end.

7. International Cooperation, Assistance and Protection against Chemical Weapons

Setting great store by international cooperation, assistance and protection against chemical weapons, the Chinese Government has dedicated itself to the comprehensive and effective implementation of the relevant provisions of the Convention. It supports the efforts of States Parties for economic and technological development and for trade and cooperation for peaceful purposes in the field of chemistry; and maintains that international cooperation and assistance activities should be carried out with the necessary budgetary support.

In 1998 and 2000, the Chinese Government and the OPCW jointly held two regional seminars in Beijing on the implementation of the Convention, which were attended by over 100 officials responsible for implementation from nearly 30 States Parties. In 2004, the Second Regional Meeting of National Authorities of States Parties in Asia was held in Beijing, and over 130 representatives from 32 countries (including non-States Parties) attended the meeting. These activities served to promote the universality and the effective implementation of the Convention, and played a positive role in the implementation cooperation among States Parties. In 2003, China donated USD 20,000 to the OPCW for international cooperation programs. China has also undertaken to provide legal assistance to countries having difficulties in developing national implementing legislations.

In accordance with the Convention, the Chinese Government offered 2,728 items of protective equipment to the OPCW in 1999. In 2007, China donated USD 20,000 to the OPCW for capacity-building efforts in relation to assistance and protection. In May 2008, China and the OPCW will jointly conduct a training course in Beijing on assistance and protection.

8. Promotion of the Universality of the Convention and Cooperation with the OPCW

The Chinese Government attaches great importance to the universality of the Convention and has worked keenly to encourage and help bring non-States Parties to accede to the Convention at an early date. China has proactively invited non-States Parties to participate in the regional seminars held in China on the implementation of the Convention, and has supported the consultation mechanism on the universality of the Convention at the ambassadorial level among the five permanent members of the UN Security Council. In 2007, China donated to the OPCW USD 10,000 for universality-related activities.

The Chinese Government has paid close attention to and taken an active part in all aspects of the work of the OPCW. China has attended all the sessions of the Conference of the States Parties and the Executive Council, as well as the First Review Conference, and has sent experts to meetings of the Scientific Advisory Board, the Advisory Body on Administrative and Financial Matters, the Confidentiality Commission, the OPCW Central Analytical Database, the Network of Protection Experts, the Declaration Assistance Group, and other expert meetings, playing a positive and constructive role in the process. The Laboratory of Analytical Chemistry of China's Research Institute of Chemical Defence and the Laboratory of Toxicant Analysis of China's Academy of Military Medical Sciences have become OPCW designated laboratories.

The Chinese Government actively participated in the activities in commemoration of the tenth anniversary of the entry into force of the Convention, and donated USD 10,000 to the OPCW for this purpose. On that occasion, the Chinese National Authority prepared and distributed a commemorative booklet to give publicity to the implementation of the Convention.

The Chinese Government values and actively supports the work of the Director-General and the Secretariat. At China's invitation, the Director-General and other

senior officials have paid four respective working visits to China, which have helped them gain a comprehensive understanding of implementation in China. China has given active support to the Secretariat in sampling and analysis during Schedule 2 inspections, and has held consultations in China with the Secretariat on issues related to declarations in electronic form.

In the past 10 years and more, the Chinese Government has comprehensively and faithfully fulfilled its obligations under the Convention. In the face of new challenges in the field of international security, China is prepared to join other members of the international community in a continuous and unremitting effort, through consultation and cooperation, to further enhance the universality of the Convention, promote its comprehensive and effective implementation, and strive for the early realisation of its object and purpose.

- - - 0 - - -