



**REPORT BY H.E. AMBASSADOR MARÍA TERESA INFANTE
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OF THE OPEN-ENDED WORKING GROUP ON TERRORISM**

**SUMMARY OF INTERSESSIONAL WORK
(27 JUNE TO 25 SEPTEMBER 2017)**

INTRODUCTION¹

1. As Facilitator of the Sub-Working Group on Non-State Actors (SWG), I have summarised the progress made, and my views on the work done, since my previous report (EC-85/WP.1, dated 23 June 2017). As usual, I intend to table the current report at the 9 October 2017 meeting of the Open-Ended Working Group on Terrorism (OEWG-T).

GENERAL OPERATION

2. The SWG activities continued to be guided by the Provisional Programme of Work for the OEWG-T and SWG that was annexed to my previous intersessional report. In consultation with the OEWG-T Chairperson, Ambassador Dr Momar Diop, Permanent Representative of the Republic of Senegal to the OPCW, we have agreed to continue to centre the efforts of the OEWG-T and SWG on that Programme for a few more meetings before deciding whether to solicit again from States Parties their issues of priority. This will give us, and the Groups, an opportunity to determine the extent to which this practice has been useful to States Parties, and to the aims of the OEWG-T and SWG.
3. The activities summarised in this report relate primarily to the SWG meeting held on 5 September 2017, and my intersessional report will also serve as the meeting summary.

¹ For a detailed history and background of the Sub-Working Group on non-State actors and its relationship with the Executive Council's Open-Ended Working Group on Terrorism, see my earlier intersessional report (EC-81/WP.1, dated 22 February 2016).



PROGRESS AND STATUS OF WORK

Sub-Working Group Meeting (held 5 September 2017)

4. Ambassador Diop had kindly agreed to chair the 5 September SWG meeting in my temporary absence from The Hague, and has provided me with his summary of the meeting, its key issues, and discussion points, in paragraphs 5 to 12 below.

Background

5. The Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention (hereinafter “the Africa Programme”) has always been important as it focuses the Technical Secretariat's (hereinafter “the Secretariat”) assistance and capacity building efforts in the African region. Its fourth phase is currently underway, and has a number of programme elements that, through the full and effective implementation of the Chemical Weapons Convention (hereinafter “the Convention”), help address the threat of non-State actors committing acts of chemical terrorism. I also note that, during Ambassador Infante's informal consultation with States Parties on their issues of priority earlier in the year, a number of States Parties identified a few specific issues, such as potential partnership with the African Centre for the Study and Research on Terrorism (ACSRT), and the need to enhance laboratory capacity in Africa, etc. Therefore, it seemed like an appropriate time for the SWG to exchange its views on matters within a regional context.
6. I took note of the Deputy Director-General's opening remarks, as he encouraged States Parties to continue identifying their issues of priority, and for the Organisation to continually improve their assistance and capacity-building approaches in order to meet States Parties' needs.
7. A written record of the Deputy Director-General's opening remarks, and the presentation materials made by the guest speaker, Mr Larry Gbevlo-Lartey, Director of the ACSRT, and by the Secretariat, are available on the OPCW extranet.

Presentation by Mr Larry Gbevlo-Lartey, Director of the ACSRT

8. I noted from Mr Larry Gbevlo-Lartey's presentation, and from the SWG's interventions thereafter, a number of regional principles and practices that are important for the Organisation to consider when designing and delivering its assistance and capacity-building programme in Africa:
 - (a) High Level Obligations of African States Parties: African States Parties to the 2004 “Protocol to the OAU² Convention on the Prevention and Combating of Terrorism”, have a number of obligations that would support a close-working partnership with the OPCW. In particular, Mr Gbevlo-Lartey cited

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Organization for African Unity (OAU)

paragraph 1 and subparagraphs 1(f) and 1(g) of Article 3 of that Convention,³ and suggested that it would be helpful if the OPCW and the African Union worked toward supporting the design of counter-terrorism policy. In particular, that OPCW's assistance be “infused” into the counter-terrorism policy, rather than being something separate.

- (b) **Regional Economic Communities:** Mr Gbevlo-Lartey underscored the importance of the Organisation engaging the Regional Economic Communities (RECs) as they are the “blocks that actually get the job done.” He noted that while it may be said that decisions are taken at the level of the African Union, the actual strategies are articulated and evolve at the level of the RECs. The RECs develop the legal frameworks for what needs to be done, and from which the individual States Parties adopt for domestic implementation. In response to a State Party's intervention regarding donor support provided through a State Party or an organisation, Mr Gbevlo-Lartey noted the importance of, in either case, involving the RECs to help plan what needs to happen. He noted that donors have a key role in encouraging a human security approach with governments so that local communities are more involved in the decision making.
- (c) **Messaging and Awareness Raising:** Mr Gbevlo-Lartey noted that within African States Parties, there is a need to raise awareness of the relevance of international and regional treaties and conventions related to weapons of mass destruction (WMD) to the national context. Particularly, as some States Parties often perceive that those instruments apply only to States Parties that possess, or have the capacity to manufacture, such weapons. The messaging therefore needs to change from “WMD disarmament” into one of taking preventive measures to enhance national security and the stability of society.
- (d) **Threat Analysis is fundamental:** Mr Gbevlo-Lartey noted that having a very good understanding of the threat is fundamental to crafting the right legislation, creating the right national “architecture”, and to assigning the right roles and accountabilities. In his view, the CWC National Authority can have a useful coordination role. As Africa has a growing chemical industry, he noted that it is also important to anticipate regulatory measures now at the continental level and the level of the RECs, in addition to the national level. He also noted that of the chemical, biological, radiological, and nuclear (CBRN) materials, the misuse of chemicals is a realistic threat as it is easier to obtain than the other materials, and the knowledge of how to effectively misuse chemicals can easily be spread to terrorist groups.

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“1. States Parties commit themselves to implement fully the provisions of the Convention. They also undertake, among other things, to: ...

- f) strengthen national and regional measures in conformity with relevant continental and international Conventions and Treaties, to prevent the perpetrators of terrorist acts from acquiring weapons of mass destruction;
- g) cooperate with the international community in the implementation of continental and international instruments related to weapons of mass destruction;”

9. I also noted a number of specific suggestions that the Organisation could consider in designing its assistance and capacity building programmes.

- (a) Domestic Legislation under Article VII of the Convention: While the OPCW is helping African States Parties with its Internship Programme, Mr Gbevlo-Lartey suggested it would be useful if somehow more individuals could be involved, and reap the benefits from that programme. He also suggested that whenever possible, any assistance provided to help draft legislation should also include steps that would help the draft be adopted. Mr Gbevlo-Lartey agreed with a State Party's intervention about the need, not only for adoption of domestic legislation and regulations, but also for effective enforcement. In addition to having an effective customs regime, which was cited as an example of an enforcement measure by a State Party, Mr Gbevlo-Lartey also noted the importance of traceability and monitoring of specific chemicals as part of a State Party's national security regime.
- (b) Laboratory Enhancement: In response to a State Party's intervention regarding the importance of having capable laboratories in Africa, perhaps two designated laboratories in the longer term, given the threat posed by acts of chemical terrorism, Mr Gbevlo-Lartey noted that as a starting point each REC should have a least one very capable laboratory. This is so that each State Party can rely on at least one laboratory within its REC should an event occur.
- (c) Harmonising Regional and National emergency responses: Mr Gbevlo-Lartey noted that, as the RECs are establishing frameworks for a subregion, African States Parties would derive their national emergency responses from the subregional arrangements. Therefore, it might be more efficient if the subregional approaches are developed first.
- (d) Trends and Data: A State Party noted that it would be useful if either the OPCW or the ACSRT had data and trends on attempted or actual acts of chemical terrorism to give a factual picture of the threat in Africa, noting also that the United Nations Office of Drugs and Crime (UNODC) have data for the various materials and activities under their purview. Mr Gbevlo-Lartey noted that a database exists at the ACSRT since 2004, but only for acts of terrorism in general. He also noted that with a growing chemical industry in Africa, and the need for regulations to control inventories, imports, etc., being able to communicate this need in a factual way, with a national security undertone, is important to bring governments and society at large on board.
- (e) National Protection Programme: OPCW's partnerships with the counter-terrorism institutions, which are part of the ACSRT's network of focal points, could be useful in understanding the threats in each RECs.
- (f) The EU CBRN Centres of Excellence (COE) Initiative: Mr Gbevlo-Lartey noted possible synergies between the OPCW and the three EU CBRN COE in Africa as both organisations are looking at implementing prevention and response measures, and relying on the same local experts in chemical weapons and materials. He noted that there is a need for better coordination as the regional groupings of the EU COE Initiative are not consistent with the

membership of the RECs. For example, Ghana belongs to the Eastern and Central Africa regional grouping for the EU CBRN COE Initiative purposes, but would follow the policies and decisions set by the Economic Community of West African States (ECOWAS).

Presentation by the Secretariat on their approaches to the National Protection Programme and the Enhancement of Laboratory Capacity within the Fourth Phase of the Africa Programme

10. With regard to the Secretariat's presentation on the National Protection Programme, and the SWG discussions thereafter, I note the following key points:
 - (a) The National Protection Programme (NPP) is quite comprehensive, and represents the culmination of a number of improvements made over time in order to better respond to regional needs in Africa. One recent improvement, as mentioned previously by the Deputy Director-General in his opening remarks, is greater engagement with the ECOWAS and the Southern Africa Development Community (SADC) RECs, and has already led to positive feedback. In response to a State Party's query regarding the extent to which the NPP approach is tailored for the Africa Programme, the Secretariat confirmed that it had mainly focused on building capacity of first responders, but recognised that an overall framework for protection was needed. Therefore this approach, while designed specifically for the Africa Programme, can be exported to other regions or States Parties as needed in order to develop or strengthen their protection framework.
 - (b) In response to a State Party's question regarding funding, the Secretariat noted that the NPP is funded through a combination of the regular budget and voluntary contributions from States Parties.

11. With regard to the Secretariat's presentation on the approach to enhance laboratories in Africa, and the SWG discussions thereafter, I note the following key points:
 - (a) A State Party suggested that the Self-Assessment Questionnaire, which is to be used to identify laboratories that could be candidates supported through the Africa Programme, be passed through the RECs. The RECs might be able to better coordinate the identification of such laboratories, and could also oversee the process on behalf of its States Parties.
 - (b) In response to a State Party's intervention regarding the best way to refer to a laboratory in Africa, the Secretariat noted that it is useful to think of OPCW designated laboratories, and laboratories participating in proficiency testing, as “partner” laboratories. This is to more accurately reflect that a partnership exists in the true sense of the word. In addition to analysing samples, the partner laboratory would also feedback new developments in science and technology and share information with the OPCW and other partner laboratories.
 - (c) In response to a State Party's query, the Secretariat noted that the type of support provided to a laboratory would depend on its responses to the

Self-Assessment Questionnaire. The Secretariat noted that existing capacity-building modalities, such as training, could be used and new modalities may also need to be developed on a case-by-case basis. The Secretariat noted that as a prerequisite, a participating laboratory should have at least one functional Gas Chromatography-Mass Spectrometer (GC-MS). As a GC-MS is quite expensive (approx. EUR 80k to EUR100k), the Secretariat noted that its budget would not support procuring this for a State Party. However, States Parties may wish to consider donating a GC-MS through the Secretariat's equipment exchange programme.

12. With regard to any other business, in response to a State Party's intervention regarding whether the SWG would work on the draft Council decision on "Addressing the Threat Posed by the Use of Chemical Weapons by Non-State Actors," I noted that the main sponsors of that decision have not requested the SWG to undertake this work.

OUTCOMES

13. In conferring with Ambassador Diop, we noted the following outcomes:
 - (a) Having a regionally themed SWG meeting underscored the premise that differentiated approaches are important to the implementation of the Convention. In this regard, understanding how a region operates and functions is therefore critical in terms of developing effective and efficient assistance and capacity building programmes. This implies that the Organisation should be seeking to adapt and evolve its approaches to meet a regional or national context, and that States Parties and regions actively provide feedback on their issues and results.
 - (b) In terms of the Africa Programme itself, there are a number of items that the Organisation could consider in the development and delivery of its assistance and capacity building programmes. These are articulated throughout the summary of the 5 September SWG meeting.