



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

**SUMMARY OF INTERSESSIONAL WORK
(26 SEPTEMBER 2017 TO 22 JUNE 2018)**

INTRODUCTION ¹

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-86/WP.1, dated 2 October 2017). As per current practice, I intend to make a verbal report on this intersessional work at the 9 July 2018 meeting of the Open-Ended Working Group on Terrorism (OEWG-T).

GENERAL OPERATION

2. The activities summarised in this inter-sessional report relate to the SWG meeting held on 22 May 2018 of which this report serves as the meeting summary; and, my participation in OPCW's first Conference on Countering Chemical Terrorism, which was held at OPCW Headquarters on 7 and 8 June 2018. I would also like to say a few words about the landmark decision adopted by the Executive Council "Addressing the Threat Posed by the Use of Chemical Weapons by Non-State Actors," (EC-86/DEC.9, dated 13 October 2017).

PROGRESS AND STATUS OF WORK

Sub-Working Group Meeting (22 May 2018)

Overview

3. As part of the meeting agenda, delegates received an update from the Technical Secretariat on two issues; namely, on the arrangements for the OPCW Conference on Countering Chemical Terrorism held 7 and 8 June 2018; and, the status of the United Nations Counter-Terrorism Implementation Task Force (UNCTITF) project on "Interoperability of Agencies and Coordinated Communication in the Event of a

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).



Chemical and/or Biological Weapons Terrorist Attack (Implementation),” which is co-chaired by the OPCW with the International Atomic Energy Agency (IAEA).

4. Also, as planned in the agenda, delegates had the opportunity to exchange views on a discussion paper, entitled “The Implementation of Article VI as a Contribution to Countering Chemical Terrorism” (S/1622/2018, dated 8 May 2018). This paper was prepared by the Technical Secretariat, and circulated to delegates along with my invitation to, and provisional agenda for, the SWG meeting.
5. The documents of the meeting, such as the provisional meeting agenda, the Director-General's remarks, and the Secretariat's presentations regarding the aforementioned Conference and the UNCTITF project, are available on the OPCW extranet. A summary of the salient points made under the substantive agenda items related to the UNCTITF project and the Article VI discussion paper is provided below.

Agenda item 4: Update by the Technical Secretariat on the UNCTITF Project, “Interoperability of Agencies and Coordinated Communication in the Event of a Chemical and/or Biological Weapons Terrorist Attack (Implementation)”

6. I note that delegates have been periodically updated on the UNCTITF project since it began in 2015, mainly through updates provided at the OEWG-T and SWG meetings. The Secretariat recalled the background of the project, and sequence of the activities taken by the co-chairs to establish the next phase of the project (i.e. Phase III). The Secretariat noted that Phase III is focused on a number of relevant United Nation and international organisations (hereafter “agencies”) implementing the recommendations made during the inter-agency table top exercise held at OPCW Headquarters in January 2017. The Secretariat also highlighted that a workshop had recently taken place on 9 and 10 April 2018 with 12 agencies to help formulate the overall implementation plan, which will be comprised of agency's activities undertaken individually, and/or collectively with other agencies. It was also noted that the table-top exercise and the workshop were made possible with the funding from the Government of Canada.
7. The Secretariat also highlighted some of the key issues that need to be addressed during Phase III, which relate to information exchange and the value of having standing arrangements between agencies, the use of agency focal points, inter-agency training, and the need for heads of participating agencies to provide support to the activities in their agency's plan.

Agenda item 5: The Technical Secretariat discussion paper “The Implementation of Article VI as a Contribution to Countering Chemical Terrorism” (S/1622/2018, dated 8 May 2018)

8. The purpose of this agenda item was to provide an opportunity for States Parties to consider how a specific aspect of the Council's decision on non-State actors (EC-86/DEC.9) could be implemented and operationalised. In particular, paragraphs four, five, and eleven of the decision in relation to Article VI of the Convention.

9. Following the Secretariat's brief overview of its discussion paper a few delegations expressly welcomed the paper, and I noted the following points from the interventions:
- (i) There was recognition that national measures in a number of areas, such as safety, security, trade controls, transportation, environmental protection, codes of conduct, etc., can all contribute to meeting States Parties' obligations under Article VI, paragraph 2.
 - (ii) There is a need to avoid identifying a standard global list of non-scheduled chemicals that may merit additional controls, as any proposals for such controls would need to show how they address the threat of non-State actors and be tailored to a specific national or regional risk. Otherwise, such controls would only hinder legitimate trade and use.
 - (iii) A step-by-step approach to move forward on the issue of "necessary measures" would likely be the most productive. For example, starting with having a better understanding of the measures States Parties are already applying to non-scheduled chemicals, then to developing and sharing best practice guidance on how States Parties can meet the obligations while recognising the need to account for national circumstances.
 - (iv) The Secretariat was encouraged to further develop the ideas suggested in the discussion paper regarding the provision of assistance to States Parties on request to carry out a national threat and risk assessment. Such assistance would help the State Party determine the measures that could be implemented to meet their obligations under paragraph 2 of Article VI. This assistance was viewed as important, especially in regions where the assessment of such risk is highly complex.
 - (v) There is a need to have more clarity on how the Secretariat will work with external experts, and strengthen in-house expertise, including by building on relevant work already done with African countries.
 - (vi) Education and awareness raising was also encouraged with regard to dual use risks, using tools like codes of conduct, etc., as these could help promote responsibility of those in industry to take care with whom they share and trade dangerous chemicals, and associated information. In this regard, there was a suggestion that consideration be given as to whether the OPCW Advisory Board on Education and Outreach (ABEO) could advise on how further education and awareness activities could help States Parties implement their obligations.
 - (vii) There was support for looking at the use of existing OPCW "tools," such as the Secure Information Exchange network to share sensitive information on chemicals.
10. I note there were no interventions under the agenda item reserved for "any other business," and I closed the meeting by noting the next Open-Ended Working Group on Terrorism meeting is scheduled for Monday, 9 July 2018.

Outcomes

11. I note two pertinent outcomes of the meeting:
 - (i) As suggested in my opening remarks of the SWG meeting, given the Council decision on “Addressing the Threat Posed by the Use of Chemical Weapons by Non-State Actors,” future SWG meetings should be focused on aspects of that decision with implementation in mind. Specifically, in terms of what the Technical Secretariat could do operationally to help achieve the tasks assigned to them, and to States Parties, in the decision. After hearing the clear and concise views expressed at the meeting, this seems like a valid approach for the SWG to take on board.
 - (ii) With regard to what more the Secretariat could do in relation to the issues raised in the Article VI discussion paper, there was explicit support to move forward in a step-wise manner, and that the provision of assistance by the Secretariat in this area would be welcome. In this respect, I look forward to hearing from the Secretariat its next step.

OPCW’s Conference on Countering Chemical Terrorism (held 7 and 8 June 2018)

12. I would like to express my privilege and honour to have made the closing remarks at the first OPCW conference on a subject that delegates have worked very hard to move forward in the SWG since its establishment in 2015.
13. I note that the conference was extraordinarily rich in content, not only from the wide range of perspectives expressed by the panelists and moderators, but also from the interactions from the floor. I attribute this to the participants’ unwavering dedication to the matter at hand, and the variety of professional disciplines that were represented; namely, diplomats, lawyers, first responders, military personnel, academics and scientists, and representatives of NGOs and think tanks.
14. The Conference highlighted that significant progress has been made, and is being made. New partnerships are being forged, and the collective awareness of all stakeholders to the threat of chemical terrorism is growing. I also noted that there is still much to do.
15. As much of the key details made during the Conference will be captured in the Secretariat’s report, upon which we can build, I would like to focus only on a few points that we may want to keep in mind as the SWG continues its work.
 - (i) There is growing recognition and relevance of the Chemical Weapons Convention to contribute to countering the threat of terrorism and, as the global repository of expertise on chemical weapons, the OPCW is well placed to take on a central role in the international community’s response to the threat of chemical terrorism.
 - (ii) In fulfilling that role, and recognising that no single entity can address the threat of chemical terrorism alone, we should bear in mind the concepts of “collaboration”, “cooperation”, and “coordination”. I noted that these concepts appeared consistently throughout the conference and across the sessions on legal accountability, prevention and response. They offer significant opportunities for

closer partnerships among all professional fields, for more efficient and effective solutions, and for more coherent approaches to address the evolving threat of chemical terrorism.

Executive Council decision “Addressing the Threat Posed by the Use of Chemical Weapons by Non-State Actors,” (EC-86/DEC.9, 13 October 2017)

16. I would be remiss if the landmark decision adopted by the Council during the inter-sessional period was not acknowledged in this report as the decision is, to some extent, an indicator of progress made by the SWG. While the decision was an initiative wholly sponsored and led by States Parties, and not the SWG, the efforts made by delegates to exchange their views and concerns on various issues within the SWG in the areas of legal accountability, prevention and response, helped foster the conditions necessary for the decision to be drafted and adopted.
17. Also as mentioned earlier in this report, as an outcome of the 22 May 2018 SWG meeting, the focus of future SWG meetings will be appropriately placed on aspects of that decision with implementation in mind.

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