



**NOTE BY THE TECHNICAL SECRETARIAT**

**SUMMARY OF THE CONFERENCE ON COUNTERING CHEMICAL TERRORISM  
OPCW HEADQUARTERS, THE HAGUE, THE NETHERLANDS  
7 – 8 JUNE 2018**

**INTRODUCTION**

1. On 7 and 8 June 2018, the Organisation for the Prohibition of Chemical Weapons (OPCW) hosted the first Conference on Countering Chemical Terrorism at its Headquarters in The Hague, the Netherlands. The conference was attended by more than 250 participants representing 67 States Parties to the Chemical Weapons Convention (hereinafter “the Convention”), relevant international organisations, non-governmental organisations, and academia.
2. By bringing both counter-terrorism and chemical weapons experts to the OPCW, the conference aimed to stimulate new thinking and precipitate further action on one of the most pressing threats to the global norm against chemical weapons. Through panel discussions, the conference promoted an interactive dialogue among the participants that supported the development of shared understandings about how States, international organisations, and other stakeholders can counter the threat of chemical terrorism, building on existing frameworks and efforts.
3. The conference’s central objectives were to explore the threat of chemical terrorism, to discuss and share strategies for preventing and responding to acts of chemical terrorism, and to consider how to ensure the legal accountability of non-State actors.
4. The conference was opened on 7 June 2018 by Ambassador Ahmet Üzümcü, the Director-General of the OPCW Technical Secretariat (hereinafter “the Secretariat”), followed by a keynote address by Ms Catherine De Bolle, Executive Director of Europol—the European Union Agency for Law Enforcement Cooperation. In the ensuing sessions, the conference featured panel discussions focused on the following issues: understanding the threat of chemical terrorism; prevention; response; national experiences; and legal accountability. Discussions centred on the Convention’s contribution to countering chemical terrorism, the additional steps that the Secretariat can take to support States Parties in this area, and national approaches and best practices.



## CONFERENCE REPORT

### Opening session

5. The Director-General officially opened the conference, emphasising the global nature of the threat of terrorism, and warning that while the vast majority of terrorist attacks use conventional weapons, non-State actors have shown the desire and ability to obtain chemical weapons. He encouraged Conference participants to share their insights and experiences and to consider how the Convention could effectively contribute to countering terrorism. The Director-General noted the various efforts that the OPCW had undertaken to tackle the issue of terrorism, noting that the decision taken by the OPCW Executive Council (hereinafter “the Council”) in 2017 entitled “Addressing the Threat Posed by the Use of Chemical Weapons by Non-State Actors” (EC-86/DEC.9, dated 13 October 2017) provided useful guidance for future initiatives. The Director-General underlined the importance of national implementation of the Convention as the foundation for States Parties’ national approaches to chemicals of security concern. In this context, he noted that 70 States Parties had yet to enact comprehensive implementing legislation, and that this would remain a key focus of OPCW efforts. The Director-General stressed the collective responsibility to act in the face of the threat of chemical terrorism, and expressed his hope that the conference would open up new avenues for action.
6. Following the Director-General’s remarks, the Executive Director of Europol, Ms Catherine De Bolle, delivered the conference’s keynote address. Ms De Bolle highlighted that the topic of the Conference on Countering Chemical Terrorism was a key area of overlap in the interests of Europol and the OPCW. She outlined the task of Europol, working in concert with European law enforcement agencies, to monitor, disrupt, and apprehend criminals and terrorists who may seek to traffic or use chemical weapons. Ms De Bolle noted that investigating incidents of chemical terrorism requires high levels of expertise which are not available to many police forces, and that cooperation between different parts of government and across borders is necessary. Executive Director De Bolle also emphasised that there is a wider context to the threat of chemical terrorism in that new technologies, such as the Internet, and trends in globalisation were making it difficult to draw a line between criminality and terrorism. As such, it is more important than ever to work closely together. In this regard, Europol is increasing its information exchange and the coordination of operations between governments in Europe and abroad. Efforts to disrupt terrorist propaganda activities have increased and achieved successful results. Europol is also providing training in the field of chemical, biological, radiological, and nuclear (CBRN) security to experts across Europe.

### **Session One – Chemical terrorism: What are the risks and where are they coming from?**

7. This session explored how the chemical terrorism threat, and global vulnerabilities to that threat, are academically and practically understood. Considering the “who, what, and why” of violent non-State actors, the session explored the factors that drive non-State actors towards chemical weapons and what the technical pathways towards chemical weapon acquisition may look like. The session also considered the issue of chemical terrorism within the broader context of other forms of terrorism.

8. The session was moderated by Mr Steven Siqueira, Deputy Director of the United Nations Office of Counter-Terrorism. The panellists were Dr Gary Ackerman, Associate Professor at the College of Emergency Preparedness, Homeland Security and Cybersecurity at the University at Albany (State University of New York); Dr Cairtriona McLeish, Co-director of the Harvard Sussex Program; and Mr Larry Gbevlo-Lartey, African Union Special Representative for Counter-Terrorism Cooperation and Director of the African Centre for the Study and Research on Terrorism.
9. Dr Gary Ackerman discussed the incentives and disincentives relating to the use of chemical weapons by terrorist groups. He distinguished between different types of chemical terrorism, and presented data to show that terrorist groups sought both toxic industrial chemicals and classical chemical weapons agents. The types of groups who may employ chemical weapons were also discussed. Dr Ackerman noted that religiously motivated groups are the most common perpetrators of chemical terrorism, followed by apocalyptic millenarian cults and—to a lesser degree—right- and left-wing terrorist groups. It was noted that among CBRN weapons, chemical weapons have been the most frequently pursued and used by terrorists. The increasing interconnectedness between terrorist organisations and criminal networks was raised, given that increasingly sophisticated smuggling networks could benefit terrorist groups. Dr Ackerman concluded by emphasising the importance of an OPCW focus on chemical security, the “insider threat”, and keeping abreast of and comprehending emerging technology.
10. Dr Cairtriona McLeish focused on the role of narratives to make sense of the threat of chemical terrorism. The traditional narrative concerning chemical weapons has focused on States Parties as the primary set of actors who have come together to achieve the goal of ridding the world of chemical weapons. Yet, Dr McLeish argued, that path is growing in complexity as non-State actors emerge as disruptive and dangerous new characters. The context of the narrative is also shifting as the fundamental utility of chemical weapons is being renegotiated by these new actors. Dr McLeish identified the general purpose criterion (contained in Articles II and VI of the Convention) as the crucial, but often neglected, tool with which to address the threat posed by non-State actors. Key is the involvement of local-level actors and the construction of narratives for this purpose. Dr McLeish concluded that the OPCW must take ownership of the general purpose criterion and do more to operationalise it.
11. Mr Larry Gbevlo-Lartey characterised the threat of chemical terrorism in Africa as latent, while the vulnerabilities across the continent are real. While there is interest among terrorist groups in asymmetric warfare, Mr Gbevlo-Lartey assessed the current risk of chemical weapons use in Africa as low, as conventional means often were sufficient to achieve the ends that non-State actors generally sought to achieve. Additionally, selectivity in targeting is important for terrorist groups in order not to lose their following. For this reason, chemical weapons could be too indiscriminate in their effects. Yet, this lack of interest in chemical weapons could change as technology advances and foreign terrorist fighters return to their home countries. Taking into account that, from a terrorist perspective, the ends often justify any means, political decision makers cannot take any chances, especially in light of the availability of multipurpose chemicals and the connections that local terror groups have to larger groups such as Al-Qaida and/or ISIS (Da’esh).

12. Following the presentations, a number of points were raised during the interactive segment. Questions related to the quantitative analysis of chemical terrorism cases and to the difficulty of defining chemical terrorism, as well as to how academics ascribe potential chemical weapons capability to particular militant groups. It was noted that the OPCW should continue to consider what more it can do to counter chemical terrorism. In this connection, participants raised the importance of the universality of the Convention and of full and effective national implementation.

**Session Two – Preventing chemical terrorism: National, regional and international strategies**

13. This session explored how effective prevention measures could combine “harder” traditional forms of prevention with “softer” actor-centric approaches. Systematic approaches to identifying risks and threats were noted as being crucial in the design of effective preventative measures. Actors at the local, national, and international level need to be engaged, and the session demonstrated how linking existing international non-proliferation and counter-terrorism regimes, organisations, regional arrangements, and other global architecture can augment national prevention measures by eliminating gaps and focusing resources.
14. The session was moderated by Major-General Julie Bentz, Deputy Senior Director for WMD and Biodefense Policy, National Security Council, United States of America. The panellists were Dr Renate Becker-Arnold, Vice President and Head of Global Trade Controls, BASF; Mr O’Neil Hamilton, Regional Implementation Coordinator for United Nations Security Council resolution 1540, Caribbean Community (CARICOM); and Mr Alan Grimmer, Chemical and Explosive Terrorism Prevention Unit, INTERPOL.
15. Major-General Bentz opened the session by describing her experience in working to prevent the use of weapons of mass destruction by terrorists. She noted that in dealing with terrorism it was important to examine the points at which materials went from licit to illicit and at which people went from unwitting to witting. Finding those points was critical to prevention.
16. Dr Renate Becker-Arnold described how, in the chemical industry, a mix of regulatory and security measures are the basis of preventing chemical terrorism. Clear management processes and qualified personnel are necessary to combine physical security of sites, supply chains, and cybersecurity. These complex elements must be coordinated and harmonised globally.
17. Mr O’Neil Hamilton argued that the critical point of intervention for CARICOM came through examining the intersection between security, tourism, and terrorism. He discussed how working with partners has been an effective approach in the Caribbean to raise awareness about the importance of chemical security. He reported that the security culture in the Caribbean region has benefited and improved from continuous exchange of information with partners in the United Kingdom of Great Britain and Northern Ireland, the United States of America, Canada, and others. This approach could be successfully applied in other regions that would benefit from increased awareness about chemical security.

18. Mr Alan Grimmer explained how Global Shield, a joint initiative of the World Customs Organization, the United Nations Office on Drugs and Crime, and INTERPOL, tracks and flags the movement of chemical weapons precursors with the aim of identifying suspicious activity, and has proven effective in identifying companies and shipments that are involved in illicit trade. In this regard, Mr Grimmer highlighted that INTERPOL's strength is its information-gathering and analysis capabilities. The vast amount of information collected each day provides critical information about potential threats that are then shared with law enforcement around the world. This data collection is the foundation of INTERPOL's terrorism prevention programmes.
19. Mr Trevor Smith highlighted how the Global Partnership views cooperation and partnership building as essential to preventing, detecting, and responding to chemical weapons threats. The partnership is actively looking for new projects and partners. Mr Smith stressed the importance of concrete activities and outcomes, as well as sustainability of achieved results as key success factors. He argued that States seeking support should be as explicit as possible about what support they need and about the outcomes they seek through international assistance.
20. Following the presentations, a number of additional points were raised. Overall, cooperation, coordination, and information sharing were noted as being key to preventing chemical terrorism. This applies within a company or organisation and across sectors, including industry, government, law enforcement, and international and other organisations. The role of the Convention in prevention, including its system for reporting on the transfer of scheduled chemicals, was also raised.
21. The evolving nature of the global threat of terrorism was discussed, as well as the importance of managing public communication around that threat. Achieving success in this evolving threat landscape will require all stakeholders to continue to establish, sustain, and enrich collaborative approaches to countering chemical terrorism at the national, regional, and international level.

### **Session Three – National experiences: Building capability to counter chemical terrorism**

22. The third session of the conference was designed to allow conference participants to hear from three national experts about the different ways that States may plan for the eventuality of a terrorist attack using chemicals as weapons.
23. The session was moderated by Ms Renske van der Veer, Director of the International Centre for Counter-Terrorism. The panellists were Mr Matthias Freudenberg, Team Leader in the Federal Office of Civil Protection and Disaster Assistance, Hamburg Municipality, Germany; Professor Viktor Kholstov, Director of the Centre for Analytical Research on the Chemical and Biological Weapons Conventions, Ministry of Industry and Trade of the Russian Federation; and Colonel Chamon de Lamare, Adviser for Chemical, Biological, Radiological and Nuclear Defence, Ministry of Defence of Brazil.
24. Mr Matthias Freudenberg's presentation focused on the two-tiered CBRN protection system in Germany. The federal government is responsible for national defence and, as such, has military forces and resources that can be used to respond to a CBRN

incident. However, military forces can be activated only during a time of war. During peacetime, state governments, which have basic CBRN capabilities, are responsible for civil and disaster protection. In case of a CBRN incident, the federal government can provide state and municipal governments with personal protective equipment and vehicles to support response.

25. In addition, the federal government has eight analytical task forces (ATFs) in different areas of the country that can be deployed to respond to CBRN incidents involving a security threat. ATFs have protective gear, instruments for the detection and identification of hazards, decontamination equipment, and their own transportation and logistics support. They all operate on the basis of a single, national set of procedures, and each of them has specific capabilities tailored to the area of the country that they cover.
26. Professor Viktor Kholstov outlined the Russian Federation's overall conceptual framework for countering terrorism, which was approved by the President in 2009. With respect to chemical weapons, the framework focuses on measures to prevent their proliferation. Following approval of the framework, legislation and regulations were enacted to support its implementation.
27. The legislation and regulations provide for preventive measures as well as punitive measures for violations in areas such as trade, transportation, and access to sensitive information. In addition, a 2006 anti-terrorism law stipulates that the Russian Federation must endeavour to prevent terrorist acts beyond its borders and cooperate with the international community in this regard.
28. CBRN security and response is handled by the armed forces and federal executive bodies, with a number of government agencies and ministries involved. Strategic and operational training are provided to these forces and bodies in the detection and interdiction of terrorist activities, and the armed forces command and other staff are trained to monitor CBRN threats.
29. Prof. Kholstov noted the importance of national implementation of the Convention, underlining that States Parties must introduce laws that criminalise chemical weapons activities undertaken by non-State actors. He noted that the Russian Federation had proposed a new convention on the suppression of acts of chemical and biological terrorism to address what it perceived to be drawbacks in the conventions dealing with biological and chemical weapons when it comes to countering terrorism.
30. Colonel Chamon de Lamare spoke about Brazil's substantial accumulated experience in counter-terrorism efforts related to the hosting of major events, including the Football World Cup and the Olympic Games. Such events presented significant challenges from a counter-terrorism standpoint, and those concerns included chemical terrorism. Creating a safe and secure environment around major events requires cooperation among a number of government agencies and ministries, such as defence, intelligence, and police. These agencies and services need to be integrated to combine capabilities and resources to allow for effective coordination of activities, and to create an understanding of the roles and competencies of each one. Specific protocols need to be established for this purpose. Brazil would be happy to share its knowledge in this area with other States Parties so that they can benefit from its experience.

**Session Four – Responding to chemical terrorism: National capabilities, international assistance**

31. This session examined the current status of national and international response mechanisms. It also explored how international frameworks coordinate strategies for national and international entities. The topics included response planning, the OPCW's internal efforts to respond to the threat of non-State actors, and the role of national protection programmes in relation to chemical terrorism and their required technical capabilities. The main objective of the session was to highlight how the national and international response mechanisms strive to preserve lives and encourage a return to normalcy.
32. The session was moderated by H.E. Ms Jana Reinišová, Permanent Representative of the Czech Republic to the OPCW and Chairperson of the Council. The panellists were Mr Ricardo de la Cruz Musalem, Director-General of Civil Protection, Ministry of the Interior, Mexico; Dr Ruth Milton, Senior Medical Adviser, Emergency Response Department, Public Health England, United Kingdom of Great Britain and Northern Ireland; and Mr Shawn DeCaluwe, Head of the Assistance and Protection Branch, International Assistance and Cooperation Division, OPCW Technical Secretariat.
33. Mr Ricardo De la Cruz explored the Mexican experience and framework for responding to emergency situations. He detailed the systemic cooperation and coordination between Mexican Government agencies as well as their structures. Although Mexico had fortunately not had to deal with chemical terrorism, being prepared and having a strategic structure at many levels is important. Overall, Mr De la Cruz emphasised the need to evolve and to build on existing bridges in order to deal with more and different types of emergencies.
34. Dr Ruth Milton's presentation discussed the United Kingdom's framework for responding to an emergency CBRN incident. She stated that there are responsibilities and duties at the national and local level. Dr Milton mentioned that there is a duty of cooperation and of planning and preparedness. Across the government agencies, the process starts by identifying the threats and risks. Plans at the national and local level are interlinked in their function. Dr Milton explained that cooperation is key in the training process. For CBRN training, the medical response mechanism must be enabled and equipped to protect the necessary evidence. Dr Milton also outlined the public relations elements surrounding emergency response, and touched on the importance of considering the psychological impact of CBRN incidents on affected populations. The presentation concluded by underlining the importance of international cooperation in preparing national CBRN response capabilities.
35. Mr Shawn DeCaluwe described the OPCW's efforts in building response capacity and the role of OPCW and the Secretariat in supporting States Parties in their response, should they require such support. The focus was on two facets: first, the Organisation's mechanisms for responding to the use or threat of use of chemical weapons and, second, the Secretariat's capacity-building that supports States Parties in developing their own capability to respond to chemical incidents. Mr DeCaluwe detailed the OPCW's Rapid Response and Assistance Mission (RRAM) and explained that it had been established to provide States Parties with access to a deployable support capacity team from the Secretariat. The role of the RRAM is largely advisory

in nature, with the aim of enhancing the effectiveness of, rather than replacing, the response undertaken by the requesting State Party.

36. During the interactive segment, the topic of preparedness and building regional capacities was discussed, along with the need to understand current risks and threats when building response capabilities. The benefits of international and regional training were also raised, particularly with regard to learning from other experiences and sharing best national practices.

#### **Session Five: Ensuring the legal accountability of non-State actors**

37. This session discussed the role of national and international frameworks in order to defend and uphold the norm against the use of chemical weapons. An examination of national implementation measures, their relationship to counter-terrorism objectives, and sharing of best practices and information was a focus.
38. The session was moderated by Mr Trevor Rajah, Legal Adviser and Director of the Office of the Legal Adviser of the OPCW. The panellists were Professor Tatsuya Abe, Professor of International Law at Aoyama Gakuin University; Mr Thomas Wuchte, Executive Secretary of the International Institute for Justice and the Rule of Law; and Mr Ali Younes, Regional Adviser for Terrorism Prevention at the United Nations Office on Drugs and Crime.
39. Professor Tatsuya Abe underlined that the enactment and enforcement of national legislation are preconditions for legal accountability. He stated that jurisdiction must be exercised to punish those involved in the criminal activity. Professor Abe also argued that theory and practice do not always coincide, noting that some non-State actors that had been found to have used chemical weapons remained unpunished, despite a consensus view within the OPCW that they should be held accountable. He mentioned three factors that contribute to the effectiveness of Convention implementing legislation in countering chemical terrorism: specificity with regard to the use of chemicals, the criminalisation of a wide range of activities, and the need for all States Parties to have such legislation, so that there is no safe haven for terrorists. Professor Abe provided details regarding the application of the Convention within the broader counter-terrorism legal framework and commented on the importance of mutual legal assistance and information sharing on the disposition of Convention-related criminal matters.
40. Mr Thomas Wuchte described the background of the International Institute for Justice and the Rule of Law (IIJ) and its efforts to support international legal cooperation to counter terrorism, particularly in strengthening national central authorities. He described multiple regional and international challenges in this area, including inadequate legislation, limited resources, insufficient requests, and weak government coordination. The IIJ was seeking to address these challenges, but the Convention community could also consider working in this area as part of its support for Article VII of the Convention. Mr Wuchte concluded by discussing the challenges for central authorities and recommendations that would help them improve national implementation and legal accountability.
41. Mr Ali Younes explored how non-State actors are held accountable under international legal instruments, including counter-terrorism instruments and the



Convention. He mentioned the relevant United Nations Security Council resolutions under Chapter VII of the United Nations Charter that are applicable to all Member States, and their significance in preventing terrorism. Mr Younes discussed the role of non-State actors and their relationship with legal accountability, as well as the distinction between investigating a terrorist attack and investigating criminal acts generally, underlining that special investigation techniques and strong intelligence services were particularly important in cases of terrorism.

42. Following the presentations, participants questioned the panellists on best national practices, including in the field of specialist judicial capacity for dealing with terrorism cases. It was noted that while specialised judges or courts remain an option, for most countries it would be more important to ensure that all judges were able to deal with the issues surrounding terrorism cases, including extraterritorial aspects. The question of export controls was also raised as a key capacity issue for many States; in this context, United Nations Security Council resolution 1540 was noted as a relevant mechanism for stimulating national action and for receiving capacity-building support.

### **Closing session**

43. During the concluding session, the moderators of each of the preceding sessions presented a brief summary of the discussions that had taken place.
44. The Director-General also took the floor, expressing his thanks to all moderators, panellists, and participants for the part that they had played in the success of the conference. He noted that the OPCW had learned much from the discussions. Countering chemical terrorism was now unfortunately a regular topic of discussion at the OPCW, and the Council's decision on the issue in October 2017 ensured that the Organisation would strengthen its role as a platform for cooperation among its Member States. The Director-General stated that he had decided that this conference should be the first of its kind, and that subsequent conferences would be further opportunities to forge partnerships and to strengthen cooperation among those working to counter the threat of chemical terrorism.
45. H.E. María Teresa Infante Caffi, Permanent Representative of Chile to the OPCW and Chairperson of the Sub-Working Group on Non-State Actors, gave the conference's closing address. She thanked all participants for the rich discussions that had characterised the conference. The flow of the conference—from understanding the risks, to prevention, to response, to legal accountability—mirrored the process that States Parties to the Convention should follow in ensuring that they are equipped to counter the threat of chemical terrorism.
46. Ambassador Infante noted several key points that she had observed over the preceding two days. She recalled that while chemical terrorism has been rare until now, its consequences can be terrible, and the necessary ingredients—motivated individuals and groups, available toxic chemicals and materials, and technical know-how—are not confined to any one country or region. She noted that there is no one-size-fits-all approach to countering the threat of chemical terrorism, and that this has to be understood both among policymakers at the national level and among international assistance providers.

47. Ambassador Infante recalled that the international legal system and national jurisdictions have a critical role to play in ensuring legal accountability for those involved in terrorist acts, underlining the link between legal accountability and protection of the international norm against chemical weapons. She also spoke to the relevance of the Convention to countering chemical terrorism, and emphasised that the Convention mandated the Secretariat to assist States Parties in doing so, but cautioned that for the Convention to be truly effective in this area two key elements must continue to be the focus of efforts: universality and full and effective national implementation.
48. Looking to the future, Ambassador Infante noted that the OPCW is well placed to play a central global role in countering chemical terrorism, and that it will need to consider further how it goes about dealing with this new area of work, without neglecting any other elements of its mandate. In particular, she highlighted chemical security as a key area of future advisory and capacity-building work.
49. Ambassador Infante said that there should be more frequent exchanges on best practices at the national level, and that here the OPCW must continue to play a role in helping to analyse and disseminate best practices and in providing advice to States Parties on how they can assess the risks of chemical terrorism in their national context.

--- 0 ---