NOTE BY THE DIRECTOR-GENERAL

STATUS OF THE OPCW'S CONTRIBUTION TO GLOBAL ANTI-TERRORISM EFFORTS

INTRODUCTION

1. As decided by the Executive Council (hereinafter “the Council”) in paragraph 12.4 of the report of its Sixtieth Session (EC-60/3, dated 22 April 2010), and consistent with the Council’s request contained in paragraph 16 of its decision entitled “Addressing the Threat Posed by the Use of Chemical Weapons by Non-State Actors,” (EC-86/DEC.9, dated 13 October 2017), the Director-General hereby submits for the Council’s consideration at its Ninety-Third Session this annual Note to keep the Council informed about the OPCW’s contribution to global anti-terrorism efforts, as well as its efforts in implementing the aforementioned decisions.

2. The activities of the Technical Secretariat (hereinafter “the Secretariat”) summarised in this Note, covering the period from 24 February 2019 to 7 February 2020, have continued to be based on the approach outlined in the decision by the Council at its Twenty-Seventh Session entitled “The OPCW’s Contribution to Global Anti-Terrorist Efforts”, namely, that “the full and effective implementation of all provisions of the Convention is in itself a contribution to global anti-terrorist efforts” (paragraph 1 of EC-XXVII/DEC.5, dated 7 December 2001).

3. The outcome document of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, held in April 2013 (RC-3/3*, dated 19 April 2013), also continued to provide reference for, and guide, the activities of the Secretariat.

4. Furthermore, in paragraph 1 of decision EC-86/DEC.9, the Council underscored the “role of the Organisation within its mandate with respect to preventing and responding to the threat posed by the use of chemical weapons by non-State actors to the object and purpose of the Convention” and, in doing so, provided additional impetus to the Secretariat’s activities.

5. Decision EC-86/DEC.9 also recognised the important role of assistance and cooperation in support of capacity building to achieve full and effective national implementation, and in assisting States Parties in investigating and prosecuting non-State actors for crimes related to the Chemical Weapons Convention (hereinafter “the Convention”), or in countering terrorism as it relates to chemical weapons (paragraphs 9 and 11 of EC-86/DEC.9). The Secretariat will continue to examine and implement cooperation and assistance for States Parties in this regard.
6. The Open-Ended Working Group on Terrorism (OEWG-T) remains the primary platform for the States Parties to interact with international experts and to exchange their views on the challenges posed by chemical terrorism, as well as on ways the OPCW can further address this subject through the full and effective implementation of the Convention. In 2019, the Secretariat supported the convening of three OEWG-T meetings.

**THE OPCW’S SUPPORT FOR INTERNATIONAL COUNTER-TERRORISM COOPERATION**

7. In 2019, the OPCW continued its active participation in the United Nations Global Counter-Terrorism Coordination Compact, to which it became a signatory in 2018. Under the Compact’s auspices, the Organisation joined the newly established Working Group on Emerging Threats and Critical Infrastructure Protection. The OPCW was selected as a vice-chair of the Working Group alongside the United Nations Office of Disarmament Affairs (UNODA) and the United Nations Interregional Crime and Justice Research Institute (UNICRI), under the chairmanship of the International Criminal Police Organization (INTERPOL). In this framework, a proposal was jointly developed by the OPCW, along with the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), the World Health Organization (WHO), INTERPOL, UNICRI, and the Biological Weapons Convention Implementation Support Unit (BWC ISU), for the third phase of a project to enhance interagency interoperability and public communications in the event of a chemical or biological attack. The third phase will begin in 2020.


**ACTIVITIES CARRIED OUT BY THE TECHNICAL SECRETARIAT**

**Criminalisation of activities prohibited by the Chemical Weapons Convention**

9. The criminalisation of activities prohibited by the Convention, such as stockpiling, developing, and acquiring a chemical weapon, is a key element in preventing the use of a chemical weapon by a non-State actor. Given the transnational nature of the terrorism threat, penal legislation concerning such activities needs to be in place, and effective, in all States Parties.

10. The importance of States Parties’ adoption of effective national legislation to criminalise acts prohibited by the Convention, as required by Article VII, has been highlighted by the OEWG-T discussions, and also prominently reflected in paragraphs 5 and 6 of decision EC-86/DEC.9.

11. Currently, 119 of 193 States Parties have now reported having enacted legislation covering all initial measures. However, a sizeable global legal gap still remains, as

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1 See annual reports on the status of implementation of Article VII of the Convention in 2019 (EC-92/DG.7 C-24/DG.8; EC-92/DG.8 C-24/DG.9; and EC-92/DG.9 C-24/DG.10, all dated 26 August 2019).
41 States Parties have reported having legislation covering only some of the initial measures, while 33 States Parties have yet to report on the adoption of legislation.

Support to the policy-making process

12. The OEWG-T continued to focus attention on the topic of legal accountability in 2019. During the 13 March 2019 meeting of the Group, States Parties heard presentations by three national experts involved in the investigative, scientific, and judicial aspects of a case concerning an individual alleged to have produced ricin in Cologne, Germany. All three presenters emphasised the importance of effective and rapid interagency cooperation at local and federal levels in such a high-risk, time-sensitive scenario.

Support to States Parties

13. The OPCW continued in 2019 to provide counterterrorism capacity-building assistance to its Member States. In April 2019, the Secretariat held a second workshop on the role of Convention implementing legislation in addressing threats arising from non-State actors. The workshop was aimed at raising the awareness of relevant stakeholders in the Asia region on how national legislation implementing the Convention can contribute to addressing threats from non-State actors involving toxic chemicals, including chemical terrorism. Participants exchanged views on their respective roles in ensuring that national implementing legislation serves as an effective tool in addressing these threats, and discussed modalities for enhancing national, regional, and international cooperation in the implementation of the Convention from a security perspective. The event was attended by over 50 participants from 12 States Parties and a number of international and regional organisations.

14. The Secretariat also continued to support those States Parties that have yet to adopt national implementing legislation covering all initial measures. In 2019, the Secretariat hosted two sessions of the Internship Programme for Legal Drafters and National Authority representatives. The first session, from 4 to 8 March 2019, was attended by four participants from Maldives and the Marshall Islands. Six representatives from Solomon Islands, Tonga, and Tuvalu attended the second session, from 26 to 30 August 2019.

15. The Secretariat also held a National Legal Workshop for five delegates from the Syrian Arab Republic from 12 to 15 November. Such programmes support States Parties in drafting national implementing legislation, and support participants in developing action plans to guide post-programme implementation. The Secretariat also reviewed and provided comments on the draft implementing legislation of five States Parties at their request. In addition, the Secretariat continues to support States Parties at more advanced stages of legal implementation through the Influential Visitors Programme. The fifth edition of the Programme, which sensitises policymakers and officials on the need for comprehensive legal implementation of the Convention, was held from 27 to 29 May 2019 with a delegation from Togo.

16. Stakeholder forums continued to be an effective modality for States Parties that have already adopted legislation to share their experiences with those that have yet to do so. The Secretariat organised a subregional stakeholders’ forum on advancing national implementation of the Convention and regional cooperation in Latin America in
Buenos Aires, Argentina, from 17 to 19 September 2019. The forum discussed challenges in the national implementation of the Convention, issues affecting the chemical industry, and ways to enhance bilateral and regional cooperation. More than 40 participants representing seven States Parties in the region and a number of international and regional organisations attended the event.

17. Mentorship and partnership between National Authorities continued to be a useful way for a State Party that has successfully adopted legislation to share its practices and approaches with another State Party that has yet to do so. Visits within four programmes under the Mentorship/Partnership Programme for National Authorities took place in 2019: between the United Kingdom of Great Britain and Northern Ireland and the Gambia, Togo and Morocco, India and Afghanistan, and France and Côte d’Ivoire.

18. To raise awareness of the importance of adopting national legislation among National Authorities and relevant stakeholders, the Secretariat included this topic at regional meetings of the National Authorities in the Africa, Asia, Eastern Europe, and Latin America and Caribbean regions.

19. Noting that decision EC-86/DEC.9 encouraged States Parties “to examine their national laws to ensure that there are appropriate offences which could be used to prosecute indirect perpetrators of Convention-related crimes at the domestic level”, and also requested them “to consider whether additional mutual legal assistance arrangements would be useful in ensuring the accountability on non-State actors” (paragraphs 7 and 8), the Secretariat continued to stand ready to provide assistance or advice in this regard.

Measures to prevent the hostile use of toxic chemicals by non-State actors

20. The enhancement of global chemical security in all stages of the chemical life cycle, for instance, throughout the stages of research and development, manufacture, transport in the supply chain, storage, and disposal of toxic chemical waste, continued to serve as a useful framework for considering the OPCW’s further contribution to global efforts to prevent chemical terrorism.

21. Furthermore, decision EC-86/DEC.9, which underscored the “obligation of each State Party under paragraph 2 of Article VI of the Convention to ‘adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used’ for purposes not prohibited under the Convention’ (paragraph 4), is not limited to the physical aspects of security throughout the chemical life cycle, but includes the overall management of this life cycle. This management may exist in a national chemical security programme and may include measures such as regulations, policy, and national risk assessments, as deemed necessary by each State Party.

Support to the policy-making process

22. During the 11 July meeting of the OEWG-T, States Parties were briefed by Ms Eva-Maria Engdahl from the Terrorism and Radicalisation Unit of the European Commission’s Directorate-General for Migration and Home Affairs. Her presentation focused on the approach of the European Union (EU) to preventing the use of
chemicals of security concern. She explained the EU’s 2017 CBRN\(^2\) Action Plan, which emphasises stronger preparedness against CBRN risks. The EU has also developed a list of high-risk chemicals and response mechanisms to face credible threats. In addition, Ms Engdahl pointed out the challenges of enacting legislation on explosives precursors in all EU Member States.

Support to States Parties

23. The Secretariat continued its tailor-made capacity-building programmes conducted on a regional basis under the OPCW’s Chemical Safety and Security Management Programme. In 2019, 15 workshops and seminars were hosted by 13 States Parties, benefiting more than 400 participants.

24. Noting paragraph 10 of decision EC-86/DEC.9, which requested the Secretariat “to enhance its capacity-building programmes that facilitate the sharing of chemical safety and security best practices among States Parties”, the Secretariat in 2019 organised six events related to chemical safety and security management. Regional or subregional events were organised in Algiers, Algeria from 23 to 25 June 2019; in San José, Costa Rica from 15 to 18 July 2019; in Belgrade, Serbia from 21 to 23 October, 2019; in Seoul, the Republic of Korea from 29 to 31 October 2019; in Bogor, Indonesia, from 19 to 21 November 2019; and in Colombo, Sri Lanka from 3 to 5 December 2019.

25. The Secretariat also organised a forum on the peaceful uses of chemistry entitled “Bridging the Gap: Chemical Security Knowledge Transfer and Capacity Building for the Next Generation”, which was held in Casablanca, Morocco from 12 to 14 November 2019. In addition, a training seminar on the Chemical Weapons Convention and Ports and Maritime Chemical Safety and Security Management was held from 30 September to 2 October 2019 at the Doha Regional Centre for CBRN Training in Qatar.

26. The Secretariat organised two workshops on developing tools for chemical safety and security management at the OPCW Headquarters from 25 to 27 March 2019 and in Almaty, Kazakhstan from 2 to 6 December 2019. As an outcome of the workshops, indicative guidelines are being produced for chemical safety and security in small and medium-sized enterprises to foster the peaceful uses of chemistry.

27. In collaboration with the Doha Regional Centre, paired representatives of national chemical industries and National Authorities met in Doha, Qatar, from 15 to 17 October 2019. The meeting discussed efforts to continually improve the efficiency and effectiveness of the Article VI verification regime, particularly in the light of emerging threats and chemical terrorism.

28. In order to assist States Parties in monitoring chemical trade and to prevent illicit transfers, the Secretariat continued its partnership with the WCO by holding its train-the-trainer course on the technical aspects of the transfers regime with representatives of customs training institutions and National Authorities. The aim of the partnership is to enhance customs officials’ knowledge of the Convention’s transfers regime and the tools to identify scheduled chemicals. Two regional training

\(^2\) CBRN = chemical, biological, radiological, and nuclear.
courses were held in the Lao People’s Democratic Republic from 16 to 19 July 2019 (for the States Parties in Asia) and in Uruguay from 17 to 20 September 2019 (for the States Parties in Latin America and the Caribbean).

29. A Subregional Stakeholders Forum on Advancing Convention National Implementation and Subregional Cooperation in East Africa was organised from 21 to 23 May 2019, in Nairobi, Kenya. Thirty participants representing National Authorities and customs administrations discussed topics related to enforcing the Convention’s transfers regime for scheduled chemicals. Representatives from Burundi, Kenya, Uganda, and the United Republic of Tanzania, as well as from the Headquarters of the East Africa Community, UNICRI, and the EU delegation to Kenya attended the event.

30. Two training courses on declarations and inspections obligations under Article VI of the Convention were held in Panama from 25 to 29 March 2019 and at OPCW Headquarters from 2 to 6 September 2019. The courses assisted States Parties in the effective fulfilment of Article VI obligations and the management of contemporary security challenges in that context.

31. In response to the growing interest among States Parties to enhance their respective legal regimes to prevent an attack on a chemical facility or the unlawful release or theft of toxic chemicals, the Secretariat organised a technical workshop to share best practices in the development of a legislative and regulatory framework on chemical security, which was held at OPCW Headquarters on 24 and 25 July 2019. The programme covered existing international and national legal frameworks and highlighted methodologies for developing chemical security measures. Representatives from 12 States Parties and relevant international organisations and research institutions participated in the workshop.

**Ensuring an effective response to the hostile use of toxic chemicals**

32. Enhancing the global capacity to respond to the hostile use of a toxic chemical has continued to be a priority area for the OPCW. The Secretariat’s efforts were aimed at supporting national and regional response capacities, enhancing the OPCW’s own capacity to respond and provide assistance, and improving the collective response of the United Nations and other international organisations.

33. The OPCW’s ongoing efforts to gather facts surrounding the allegations of toxic chemical use in the Syrian Arab Republic underscored the OPCW’s important role in the area of response.

**Support to the policy-making process**

34. The 7 October 2019 meeting of the OEWG-T focused on issues related to responding to incidents of chemical terrorism. The meeting featured a presentation by a representative of INTERPOL on the support it provides to the law enforcement community and on the scope for potential cooperation with the OPCW in this regard. The meeting was also briefed on the Secretariat’s Chemical Incident Preparedness for Hospitals Project (HOSPREP), which aims to build chemical emergency management capabilities in States Parties. The overarching goal of HOSPREP is to expand the chemical emergency capacity of hospitals in OPCW Member States to receive, treat, and manage a sudden influx of contaminated patients.
Activities to enhance the Secretariat’s capacity and readiness to respond

35. In acknowledging decision EC-86/DEC.9, which noted in its final preambular paragraph “the need to continue to enhance the Secretariat’s capacity and readiness, in response to alleged incidents of chemical weapons use, to provide technical assistance, to deploy emergency measures of assistance under Article X of the Convention at the request of a State Party, and to enhance the Secretariat’s readiness to conduct investigations of alleged use under Article IX and Article X of the Convention and Part XI of the Verification Annex to the Convention”, the activities below are highlighted.

36. Since the establishment in 2016 of the OPCW Rapid Response and Assistance Mission (RRAM), the Secretariat has continued to improve its capacity and readiness to deploy the RRAM through field exercises, specialised training for RRAM personnel, and the Organisation’s lead role in the United Nations Global Counter-Terrorism Coordination Compact Working Group on Emerging Threats and Critical Infrastructure Protection.

37. OPCW inspectors continued to receive mandatory refresher courses in a number of areas, including courses focusing on technological and verification policy developments, the use of protective equipment, the OPCW confidentiality regime, and the latest practices in forensics and evidence preservation. Training courses were also conducted for newly promoted and rehired inspectors, including team leader induction courses with enhanced content to address the needs in relation to leading OPCW teams.

Support to States Parties

38. The Secretariat continued to refine its regional and subregional approaches to assisting States Parties in building capacity to respond to acts of chemical terrorism through the Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention. A workshop on the development of a national protection programme was held in Windhoek, Namibia, from 13 to 16 August 2019, to enhance national capabilities in responding to chemical emergencies. Côte d’Ivoire hosted a subregional table-top exercise for Member States of the Economic Community of West African States (ECOWAS) from 7 to 9 May 2019 in Abidjan, during which 21 ECOWAS representatives learned about national protection programmes and how to establish a chemical emergency response plan. Another event for ECOWAS members took place between 12 and 16 August 2019 in Accra, Ghana. Forty experts attended this basic course on assistance and protection, which fostered regional capacity to respond to chemical attacks. A course on scene management and sampling and analysis in contaminated environments was also held in Algiers, Algeria, from 6 to 9 October 2019. This event built African States Parties’ capabilities in sampling and analysis and developed effective first response capacities.

39. The Secretariat provided ongoing support to States Parties in the development of their national programmes for protective purposes, pursuant to paragraph 4 of Article X. Building on the efforts for Africa in this field, a pilot workshop focused on building national frameworks for response to chemical incidents was held from 9 to 13 September 2019 in Lima, Peru for States Parties in the Latin America and Caribbean region.
The Secretariat continued to assist States Parties and regions to build sustainable response capacities by using a train-the-trainer programme that focuses on developing the skills of instructors. In this regard, the Secretariat continued to expand its Instructor Development and Exchange Programme, which involves the international exchange of expertise and fostering of best practices that will enhance States Parties’ response capacity, both individually and regionally. Training courses for instructors were conducted in collaboration with Belarus, the Czech Republic, and Mexico.

The Secretariat continued to help build a global capacity for the medical treatment of victims of chemical weapons, and to ensure that this important knowledge is retained and shared. A course on medical aspects of assistance and protection was held in Xi’an, China from 14 to 18 October 2019, with the main aim to strengthen capacities of physicians and other qualified medical experts in preparedness and response to chemical incidents.

Support to medical personnel continued in the form of the HOSPREP programme, launched in 2018. The programme began delivering concrete results in 2019, with new decontamination and casualty management facilities inaugurated in Bangladesh, one of the programme’s initial participating States Parties. Other events were held in Malaysia and Kenya under this programme to promote hospital preparedness to deal with chemical emergencies.

The Secretariat continued to provide expert advice and assist States Parties in identifying suitable ways to develop and improve protective capability against chemical weapons. For instance, the Secretariat continued to provide tailored training for the first responders to incidents involving the use of chemical weapons or other releases of toxic chemicals. Annual cycles of basic and advanced courses, and confirmatory exercises, were conducted in the Asia and the Latin America and Caribbean regions.

The Secretariat also continued to provide courses that are open at the international level, including specialised training courses in the field of laboratory skills, pre-hospital medical care, medical treatment of chemical casualties, and sampling and analysis, as well as courses in additional languages such as Arabic, Russian, and Portuguese. Table-top exercises also continued to be an effective way to help States Parties test their organisational processes and consider the modalities of regional and international support in a scenario involving a major chemical incident. Such exercises were conducted in Indonesia and Côte d’Ivoire.

**Enhancing laboratory capacity at the OPCW and in States Parties**

The capability to safely analyse a wide range of chemicals and types of samples, both within the Secretariat itself and within each State Party, is of fundamental importance to the full and effective implementation of the Convention. Such capability can take a number of practical forms, ranging from the detection of chemicals in the field with handheld equipment, such as by customs agencies, to the analysis of samples in a laboratory to identify chemicals used in an attack or to determine the likely provenance of a chemical weapons agent. Forward-looking research and development is also key to making practical advancements, such as in medical countermeasures. Addressing the need to develop, nurture, and enhance this capability in a sustainable way has always been a priority for the Organisation, and continues to be important in the context of the non-State actor threat.
Support to States Parties

46. The Secretariat continued to support States Parties in the building of their laboratory capacity across a wide range of capacities (from “basic” up to and including the capacity to undertake proficiency testing with the aim of receiving OPCW designated laboratory status).

47. In 2019, four courses were held at the OPCW Laboratory’s multipurpose training facility in Rijswijk, including the third course on the development of analytical skills for qualified analytical chemists from laboratories supporting customs services (from 8 to 12 July 2019), the fourth edition of the basic analytical chemistry course for women chemists (from 25 to 28 June 2019), and the first advanced proficiency test training for participants from Nigeria and Uganda (from 11 to 15 November 2019). Additionally, training and capacity-building initiatives for States Parties included five other analytical chemistry courses held in four States Parties (Finland (twice), India, Spain, and South Africa), benefiting 55 participants from 10 States Parties.

48. The OPCW Laboratory Twinning Initiative is aimed at assisting laboratories in States Parties with economies that are either developing or in transition to improve their performance in the OPCW proficiency tests, which must be successfully completed in order to become an OPCW designated laboratory. Substantive progress was made in 2019 towards the establishment of a formal partnership between the national laboratories of the Netherlands and South Africa, which would be the first pairing under this Initiative.

49. Within the Fellowship Programme and the Programme for Support of Research Projects, the Secretariat supported in 2019, among others, 12 fellowships and 10 research projects focused on analytical chemistry methodologies of relevance to Convention-related chemicals. Moreover, among the new projects for which OPCW funding was approved in 2019, four projects will research analytical methods and verification techniques of relevance to the Convention.

50. As part of the OPCW Equipment Exchange Programme, the Secretariat facilitated the donation of a gas chromatography-mass spectrometer (GC-MS) from Germany to the United Republic of Tanzania, as well as fume hoods from the OPCW Laboratory to Ethiopia.

The role of the Scientific Advisory Board

51. Through its work in assessing and reporting on developments in scientific and technological fields that are relevant to the Convention, the OPCW’s Scientific Advisory Board (SAB) has an important role to play in ensuring that the Secretariat and States Parties are better placed to mitigate the threat posed by the use of chemical weapons by non-State actors.

52. In 2019, the SAB’s Temporary Working Group (TWG) on Investigative Science and Technology met for the third and fourth times. Against the background of the Secretariat’s ongoing contingency operations, the objective of the TWG is to review science and technology relevant to investigative work, especially for validating and determining the provenance (chronology of ownership, custody and/or location) of evidence, and the integration of multiple and diverse inputs to reconstruct a past event. The work of the TWG is intended to identify capabilities, skill sets, and
equipment that would augment and strengthen the Secretariat’s investigative capabilities, and has particular relevance for countering the terrorist use of chemical weapons.

The OPCW and the network of designated laboratories

53. Good progress was made in 2019 in the project to upgrade the OPCW Laboratory and Equipment Store to a Centre for Chemistry and Technology (ChemTech Centre). The design tender process was completed, as well as negotiations with the municipality of Pijnacker-Nootdorp for the purchase of the land upon which the ChemTech Centre will be built. In addition, recruitment processes for the Project Management Team were completed and the team became fully operational in October. These developments successfully concluded the project’s preparatory phase and enabled the design phase to begin. Furthermore, to help keep States Parties and other stakeholders informed, the Secretariat established a dedicated webpage for the project on the OPCW website which will be updated regularly. The project remains on schedule and on budget.

54. To date, EUR 29.25 million in funding from 35 States Parties, the EU and individuals has been received, with a further EUR 4.2 million required by July 2020 to reach full funding and to keep the project on schedule. Once completed, the ChemTech Centre will provide expanded and enhanced analytical, operational, and capacity-building capabilities that will help States Parties to better prepare for and respond to threats and uses of chemical weapons by non-State actors.

55. The OPCW network of partner laboratories that were available for off-site analysis of samples remained strong in 2019; 23 laboratories from 18 States Parties met the requisite criteria to become or to retain their status as OPCW designated laboratories for the analysis of environmental samples.

56. From February to July 2019, the Secretariat conducted the Fourth Biomedical Proficiency Test. The OPCW has a network of 17 laboratories from 12 States Parties available for the off-site analysis of biomedical samples.

57. In December 2019, the OPCW Laboratory began the fourth exercise on the analysis of biologically derived toxins. These exercises further enhance the OPCW partner laboratories’ capabilities in this area and help arrive at commonly accepted analysis and reporting criteria.

58. The OPCW Laboratory continued to monitor scientific progress and developments in the field of chemical forensics, and is actively pursuing the transfer of methods among the network of laboratories for in-depth evaluation. Such methods will enlarge the toolkit available to the OPCW Laboratory and the designated laboratories for the analysis of samples and the determination of chemical signatures.