

**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”) (paragraph 12.4 of EC-60/3, dated 22 April 2010), the Director-General hereby submits for the Council’s consideration at its Eighty-Fourth Session an annual Note to ensure that the Council remains informed about the OPCW’s contribution to global anti-terrorism efforts.
2. The activities of the Technical Secretariat (hereinafter “the Secretariat”) summarised in this report, covering the period from 10 February 2016 to the date of its issuance, continue 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-Terrorism 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. It is noted that the Council at its Eighty-Third Session, in decision EC-83/DEC.5 (dated 11 November 2016), recalled the words of the Ieper Declaration, issued on 21 April 2015, in which States Parties expressed, inter alia, their “strong conviction that those responsible for the use of chemical weapons should be held accountable”, and underscored “their commitment to ensuring that non-State actors do not obtain chemical weapons or their means of delivery”.
4. 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, has continued to provide reference for, and guide, the Secretariat’s activities outlined herein (RC-3/3*, dated 19 April 2013). For the sake of brevity, such guidance and reference are not repeated here.
5. The Secretariat stands ready to support the Council, its Open-Ended Working Group on Terrorism (OEWG), and the Sub-Working Group (SWG) on Non-State Actors, with their deliberations and efforts to achieve tangible results in the increasingly important area of countering chemical terrorism.



THE EXECUTIVE COUNCIL'S OPEN-ENDED WORKING GROUP ON TERRORISM

6. The Secretariat has continued to support the OEWG on Terrorism and its Chairperson, H.E. Dr Joe Tony Aidoo, Permanent Representative of Ghana to the OPCW, and the SWG on Non-State Actors, facilitated by H.E. María Teresa Infante, Permanent Representative of Chile to the OPCW. The SWG was established at the end of 2015 with the mandate to help the OEWG formulate concrete recommendations through technical discussions covering the topical areas of the legal accountability of non-State actors, measures to prevent the hostile use of toxic chemicals by non-State actors, and measures to ensure an effective response to such use. Throughout the reporting period, during which the OEWG met three times and the SWG six times, States Parties and their experts, the chemical industry, and international and regional organisations all remained actively engaged.

ACTIVITIES CARRIED OUT BY THE TECHNICAL SECRETARIAT

Criminalising the conduct of activities prohibited by the Chemical Weapons Convention

7. The OEWG and SWG, while focusing much of their attention in 2016 on the topic of the legal accountability of non-State actors under the purview of the Chemical Weapons Convention (hereinafter “the Convention”), underscored the importance of States Parties’ adopting effective national legislation as required by Article VII of the Convention. In particular, criminalisation of the conduct of activities prohibited by the Convention, such as stockpiling, developing, acquiring a chemical weapon, and so on, is an important element in preventing the use of a chemical weapon by a non-State actor in the first instance. Furthermore, it was highlighted that such legislation needs to be in place, and effective, in all 192 States Parties, as the terrorist threat is transnational in nature.
8. Currently,¹ with only 118 of 192 States Parties having legislation covering all of the initial measures, a global legal gap exists, as 74 States Parties have either only partially satisfied all measures required by the Convention (32 States Parties) or have not yet adopted any such legislation (42 States Parties).
9. To support States Parties’ efforts to develop, draft, and improve their national legislation, the Secretariat has continued to provide legislative assistance through a number of activities, such as:
 - (a) In 2016, the internship programme for legal drafters and National Authority representatives, established in 2012, assisted seven States Parties from the Africa, Asia, and GRULAC² regions in their efforts to draft laws covering the initial measures required under the Convention. Three sessions of this programme, held in August, October, and November in The Hague, resulted in the preparation of draft legislation by all seven States Parties, as well as indicative action plans for adoption.

¹ Annual reports on the status of implementation of Article VII of the Convention in 2016 (EC-83/DG.8 C-21/DG.9, EC-83/DG.9 C-21/DG.10, and EC-83/DG.11 C-21/DG.11, all dated 16 September 2016).

² GRULAC = Group of Latin American and Caribbean States.

- (b) As a pilot, a “stakeholders’ forum” was held for English-speaking States Parties in Africa to assist them in addressing the challenges of adopting national legislation. With funding from the European Union, the forum was hosted by the Government of the United Republic of Tanzania and took place in Dar es Salaam in November 2016. States Parties that have successfully adopted such legislation shared their experiences and best practices, while those still in the process of doing so presented their roadmaps for adoption. A number of international and regional organisations also participated, including a representative of the 1540 Committee Group of Experts.
 - (c) At the Twenty-First Session of the Conference of the States Parties (hereinafter “the Conference”), a side event was held on 29 November 2016 for States Parties on the adoption of national implementing legislation. It provided a forum to discuss the importance and urgency of implementing legislation, including the role that such legislation has in addressing the threat posed by non-State actors.
 - (d) A subregional workshop for legal drafters and National Authority representatives for Portuguese-speaking States Parties in Africa was held in Luanda, Angola, in December 2016. This workshop provided tailor-made assistance to the four participating States Parties in developing the initial draft of their implementing legislation, as well as indicative plans for adoption.
 - (e) Mentorships and partnerships were established between National Authorities as a means of transferring best practices and approaches from a State Party that has successfully adopted legislation to a State Party that has not. In 2016, the mentorships and partnerships were between Brazil and Angola, Peru and El Salvador, Switzerland and Namibia, and the United Kingdom of Great Britain and Northern Ireland and Malawi.
 - (f) The Secretariat has continued to review draft legislation as requested by States Parties, to ensure it meets the requirements of the Convention. The Secretariat’s Legislative Assistance Support Tool also remained available through the public website, to provide States Parties with reliable legislative and legal support.
10. In addition, the Secretariat has continued to work with delegations in The Hague to highlight the importance of national legislation in addressing the non-State actor threat. In this context, the following briefings were provided during the meetings of the OEWG and SWG:
- (a) In January 2016, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and Japan in June, shared their national experiences with delegations, in order to highlight the importance and utility of their national legislation in addressing the threat of non-State actors.
 - (b) Also in January, three professors of international law provided their perspectives on options for prosecuting non-State actors at the national and international levels. A representative of the European Union’s Judicial Cooperation Unit (Eurojust) highlighted legal cooperation among Eurojust members as an important tool in respect of accountability, highlighting its

relevance in situations that have a transnational element, such as the return of foreign terrorist fighters.

- (c) In June, with reference to its “National Legislation Implementation Kit for the Chemical Weapons Convention”, which has been available to States Parties for a number of years, the Secretariat highlighted the legal provisions in national legislation that have a more direct bearing on addressing the threat of non-State actors.
- (d) In July, the Secretariat provided an overview of the international legal counter-terrorism regime, comprised of many legal instruments with a wide range of ratification by States Parties, and its relationship with the Convention.

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

- 11. The OPCW mission that successfully removed Category 2 chemical weapons from Libya for destruction outside its territory was a major undertaking and an important contribution to global anti-terrorism efforts. The mission fully addressed the global concern that, given the security situation in Libya at the time, such weapons could fall into the hands of non-State actors and possibly be used for terrorist purposes.
- 12. The OEWG and its SWG considered the OPCW’s further contribution to enhancing global chemical security in all stages of the chemical life cycle, that is, research and development, manufacture, transport in the supply chain, storage, and disposal of toxic chemical waste. They noted that, without adequate security measures, toxic industrial chemicals are easier to acquire than “traditional” chemical warfare agents and that chemical facilities or carriage of chemicals in the supply chain could become a target for an attack designed to release toxic material to nearby populations. The following briefings were provided during the OEWG and SWG meetings:
 - (a) In January 2016, the national experiences of Spain and the United States of America were shared with delegations, as were the experiences of Japan and France in June. The experiences covered a wide range of issues related to chemical security and other means of prevention, such as enhanced information sharing at the national level. Notably, many of the national experiences also included their measures to ensure an effective response to the hostile use of toxic chemicals by non-State actors.
 - (b) Two “food for thought” papers³ were issued by the Secretariat to stimulate discussions regarding the OPCW’s role in chemical security, and the contribution of Article VI to States Parties’ efforts to counter terrorism.
 - (c) Key stakeholders, which included a representative of the International Council of Chemical Associations (ICCA) and the European Chemical Industry Council (Cefic), as well as a representative from the Dow Chemical Company, provided their views on chemical security and specific initiatives such as Responsible

³ “The OPCW’s Role in the Field of Chemical Security” (S/1395/2016, dated 13 June 2016) and “The Contribution of Article VI to States Parties’ Efforts to Counter Terrorism” (S/1387/2016, dated 19 May 2016).

Care®. The briefings were introductory in nature, and more detailed briefings from the industry on specific aspects of chemical security may be useful.

- (d) In November, the Co-Chairpersons of the Chemical Security Sub-Working Group of the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction highlighted their scope of work and identified a useful funding mechanism for projects aimed at countering chemical terrorism.
13. The Secretariat has continued to support States Parties' efforts to improve their domestic and/or regional chemical security programmes, as outlined below:
- (a) The Secretariat organised workshops and seminars under its chemical safety and security management programme, established in 2009. These were supported mainly through voluntary financial and in-kind contributions from States Parties, and were tailored to the specific experience and needs of the recipients. The events served as a platform for a large number of professionals to share information on the latest practices and to learn from each other. In 2016, 12 courses and workshops were held, hosted by 10 States Parties and benefiting nearly 400 participants.
 - (b) As an important element of the aforementioned programme, on 30 November the Secretariat issued the first set in a series of publications planned to identify needs and compile tools, guidance, and best practices in chemical safety and security management, as submitted voluntarily by States Parties. The aim is that these will be shared among States Parties to assist them in enhancing their integrated chemical risk management practices.
 - (c) To enhance States Parties' capacity to monitor chemical trade and to prevent illicit transfers, the Secretariat's "train the trainer" approach with customs institutions was aimed at improving customs officials' knowledge of the Convention's transfer regime, and of the tools to identify scheduled chemicals. The Secretariat's engagement with the World Customs Organization (WCO) was important in this regard, and cooperation is expected to deepen as a consequence of the OPCW's memorandum of understanding with the WCO (EC-82/DG.15, dated 14 June 2016), signed on 13 January 2017, after a decision on the matter was adopted by the Council at its Eighty-Third Session (EC-83/DEC.3, dated 13 October 2016).
14. Building on the long-standing cooperation between the OPCW and the United Nations 1540 Committee, the OPCW supported the Committee's 2016 comprehensive review of the implementation of United Nations Security Council resolution 1540 (2004). In particular, the Deputy-Director General addressed the Committee at its open consultations in June, and the Director-General addressed the United Nations Security Council in December 2016 at its meeting to discuss the implementation of resolution 1540 (2004). As the Convention and the resolution are mutually reinforcing with regard to national legislation, chemical security, and customs and border control, the Secretariat and the Committee's Group of Experts have continued to attend each other's events when appropriate, with a view to jointly strengthening States Parties' awareness of relevant obligations, and to offering practical assistance.

15. In April 2016, the OPCW-ICCA Joint Steering Committee agreed that the issue of transfer discrepancies should be addressed as a cooperative effort. In this regard, the Secretariat, the ICCA, and Cefic have begun to explore the scope of a project to look at data sets, methods, and tools used in industry to monitor the trade of chemicals.

Ensuring an effective response to the hostile use of toxic chemicals

16. Enhancing the ability 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 responses, enhancing the OPCW's own capacity to respond and provide assistance, and improving the collective response of the United Nations and other international organisations.
17. The OPCW's ongoing efforts to gather facts surrounding the allegations of toxic chemical use in the Syrian Arab Republic (including those attributed to non-State actors) and the OPCW's technical-assistance visits undertaken in Iraq, which confirmed the use of sulfur mustard by a non-State actor, not only directly supported States Parties, but underscored the OPCW's important role in the area of response.
18. The Secretariat has continued to support States Parties with various training and capacity-building activities under Article X.⁴ Such activities, which were aimed at enhancing assistance and protection capabilities against the use or threat of use of chemical weapons, including national and regional courses in emergency response, were as follows:
 - (a) The Secretariat's fifth international training course for instructors, held in August, provided advanced training to a new international team of 18 first responders. This type of course is integral to the Secretariat's continued efforts to expand the "train the trainer" approach to enhance the effectiveness of expert advice provided to States Parties.
 - (b) The 16th annual workshop to coordinate assistance and protection under Article X took place in Qatar in December 2016, with the participation of States Parties from all regions. The workshop focused on States Parties' experiences in relation to Article X implementation, and their views on new approaches and trends in this regard.
 - (c) The Secretariat completed annual training cycles for chemical incident first responders in the Asia and GRULAC regions, and internationally for Arabic- and Russian-speaking responders. Such cycles involve basic and advanced training, followed by a confirmatory exercise.
 - (d) The Secretariat supplemented its "train-the-trainer" courses, which develop instructors, with its Instructor Exchange and Development Programme, thus promoting a broad exchange of best practices. This programme has led to enhanced regional and subregional emergency response capabilities.

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Cooperation continued with organisations such as the European Union, the International Committee of the Red Cross, the Organization for Security and Co-operation in Europe, the United Nations Interregional Crime and Justice Research Institute, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), the WCO, and the World Health Organization (WHO).

- (e) The Secretariat's tailored approach to support Article X implementation in Africa had an increased focus on the development of national protection programmes in coordination with the various Regional Economic Communities and their constituent States Parties. In parallel, the Secretariat has continued to support the identification of regional training centres and to conduct practical training for first responders in order to enhance their ability to operate in a contaminated environment.
 - (f) Live agent training and other specialised courses in the areas of sampling and analysis, chemical response for police, laboratory skills, and medical training were also organised by the Secretariat.
19. With regard to the International Support Network for Victims of Chemical Weapons, an updated version of the Practical Guide for Medical Management of Chemical Weapons Casualties, which was presented at the Twentieth Session of the Conference, was published in April 2016.
 20. As part of the strengthening of the Secretariat's capacity to respond to a request for emergency measures of assistance under Article X of the Convention, and drawing from the experience in Iraq and the Syrian Arab Republic, the Secretariat established a Rapid Response and Assistance Mission (RRAM).⁵ The RRAM can deploy at short notice to assist States Parties affected by an incident of alleged use of toxic chemicals by a non-State actor, including terrorists.
 21. The Secretariat also participated in the TRIPLEX 2016 exercise, an international exercise organised by the International Humanitarian Partnership in September 2016.
 22. To improve the coordinated response of the United Nations and other international organisations, the OPCW has continued to co-chair, with the International Atomic Energy Agency as the chair, the United Nations Counter-Terrorism Implementation Task Force project related to enhancing interagency interoperability and coordinated communications in the event of an attack using a chemical or biological weapon. A table-top exercise involving the OPCW's RRAM and key agencies such as the WHO, the World Organisation for Animal Health, the Food and Agriculture Organization of the United Nations, UNOCHA, the United Nations Department of Safety and Security, INTERPOL, and the United Nations Department of Public Information etc., was held in The Hague in January 2017 with a financial contribution from Canada's Global Threat Reduction Program. The exercise presented a number of opportunities to enhance interagency cooperation and communications.

Further forms of cooperation with the United Nations and other international and regional organisations

23. The OPCW's cooperation with the United Nations and other international and regional organisations has continued to be important in countering the threat of chemical terrorism. In addition to the cooperation already mentioned in the preceding paragraphs, the following are noted:

⁵ "Establishment of a Rapid Response Assistance Team" (S/1381/2016, dated 10 May 2016) and "Guidelines for States Parties Requesting a Rapid Response and Assistance Mission" (S/1429/2016, dated 17 October 2016).

- (a) With the latest phase of the OPCW Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention drawing to a close at the end of 2016, the Secretariat issued a questionnaire to African States Parties to identify their needs and to help prioritise and tailor assistance at the national, subregional, and regional levels. The next phase will be carried out from 2017 to 2019.
- (b) At the request of the United Nations, the Secretariat provided an input to the report by the United Nations Secretary-General on the review of the implementation of the United Nations Global Counter-Terrorism Strategy and the annual report on the implementation of the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994.

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