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NOTE BY THE DIRECTOR-GENERAL

POSSIBLE RESPONSES TO GLOBAL TERRORIST THREATS

Introduction

1. In early December 2001, the United Nations Under-Secretary-General for Disarmament Affairs, Jayantha Dhanapala, in his capacity as head of a subgroup of a high-level policy working group of the United Nations Secretariat, wrote to the Director-General of the Organisation for the Prohibition of Chemical Weapons (OPCW), José Bustani, with regard to the subgroup's work on "weapons of mass destruction and other weapons as well as technologies". The purpose of the letter was to seek the Director-General's views within the context of a larger effort to consider possible United Nations responses to global terrorist threats, with the intention of identifying specific contributions which the United Nations can make in alleviating these threats.
2. The Director-General welcomed this initiative, and, given the importance of the questions posed by Mr Dhanapala, recognised the need for a response which was both substantive and prompt. It was also clear that the response would complement the deliberations of the OPCW Executive Council and of the working group which it had established "to examine further the OPCW's contribution to global anti-terrorist efforts, including specific measures, taking into account resource implications" (EC-XXVII/DEC.5, dated 7 December 2001). The Director-General's response was also a logical extension of the Note by the Director-General entitled "The OPCW and the Global Struggle Against Terrorism" (EC-XXVII/DG.3, dated 9 November 2001).
3. The Director-General's letter of response, which is annexed to this Note, was carefully structured to reflect the following specific issues raised by Mr Dhanapala:
 - How should the UN Secretary-General approach this difficult challenge?
 - How and at what stage can the United Nations best act to stem terrorist threats?
 - How can the UN system best mobilise international support to deal effectively with this problem?
 - Invitation to comment on other aspects that may be significant that are also relevant to the work of the OPCW.

4. The focus of the Director-General's response is, quite naturally, on the United Nations and the measures which it can take, from both a short-term and a medium-term perspective, in the struggle against the threat of global terrorism. The response recognises the unique position of the United Nations, in particular its capacity to focus the resolve and the resources of the international community on crucial problems. In emphasising that global threats require global solutions, the Director-General highlights the fact that the United Nations does not stand alone in this struggle: Member States of the United Nations have already come together to demonstrate their national and collective resolve, and individual international organisations with specific relevant expertise are also well along the way to assessing the contributions that they can make in accordance with their respective mandates and capabilities. The response places particular emphasis on the need for the central coordination, by the United Nations, of the contingency planning that must take place, including, for example, the establishment of a consultative mechanism which will ensure that skills and resources are identified and mobilised in a way that will minimise operational difficulties should various international and national agencies become involved in providing assistance in the event of a terrorist incident or crisis.
5. In responding to the question of how the Secretary-General should approach this difficult global challenge, the Director-General also provided, as one of the attachments to his letter, some initial thoughts with regard to those capabilities of the OPCW which are of particular relevance to the global struggle against terrorism. These initial thoughts are now being refined for circulation amongst all States Parties in the near future, and also for submission to the working group established by the Executive Council, as a basis for further considering the OPCW's contribution to global anti-terrorist efforts.

Annex:

Letter dated 11 January 2002 from Director-General José Bustani to United Nations Under-Secretary-General Jayantha Dhanapala on the subject of possible United Nations responses to global terrorist threats

ANNEX**LETTER DATED 11 JANUARY 2002 FROM DIRECTOR-GENERAL
JOSÉ BUSTANI TO UNITED NATIONS UNDER-SECRETARY-GENERAL
JAYANTHA DHANAPALA ON THE SUBJECT OF
POSSIBLE UNITED NATIONS RESPONSES TO GLOBAL TERRORIST THREATS**

The Hague, 11 January 2002

I am very pleased to provide you with my personal views about possible UN responses to global terrorist threats, in the context of your subgroup's particularly relevant examination of the possibility of terrorism involving weapons of mass destruction. As Director-General of the OPCW, I regard this subject as one of the most important of the contemporary international agenda. Terrorists have used chemical weapons in the recent past and, unfortunately, may well do so again. Few doubt that terrorists continue to seek access to chemical and other weapons of mass destruction and that, should such weapons fall into their hands, they would not hesitate to use them. Your letter identified certain specific questions which you wished me to address, but I would first like to outline the general context within which my views might best be considered.

You rightly place the issue of the UN response to terrorism in a broad political setting, and I propose to do the same. Threats to global security change over time, and the planning and responses of the international community will naturally be modified in accordance with the changing perception of such threats. Although history provides many examples of mindless violence, all of them disturbing, the horrendous crimes of 11 September 2001 stand out somewhat differently, amongst other things because millions of us actually saw them happening through the medium of modern communications. These events were then closely followed by anthrax attacks which, even though they may not have been planned or carried out by the perpetrators of the 11 September attacks, coincided with them in a manner which reinforces the view that a threshold has already been crossed.

In the face of the prospect of further terrorist attacks aiming to produce mass casualties, perhaps involving the use of weapons of mass destruction, few would disagree that such crimes require a swift and determined response within a broad and generally-accepted legal

framework. To stop there, however, and not to address the root causes of this evil would be like treating only the symptoms of a disease, while ignoring prophylaxis, prevention, diagnosis and cure. It seems clear to me that the UN, foremost among the various organisations addressing aspects of these matters, has both the authority and the scope to act effectively and concurrently on all of these fronts, drawing as necessary on its Member States as well as on other international organisations with relevant expertise. Global threats require truly global responses. We must bring all of our resources to bear. We must all become involved.

In contemplating the possible UN responses to global terrorist threats, it is manifestly not sufficient to say that the UN should continue to do what it has been trying to do for more than half a century, but more effectively. Yet, much of what the UN is already doing is relevant to this issue. Nonetheless, I agree that it must also look to other ways in which it can help to address a real, immediate, and longer-term problem: the recourse to violence – in this case, specifically, terrorism – in the pursuit of some form of gain, advantage or misplaced sense of “retribution”.

The peoples of the world, not only as we see ourselves today, but as we look to our past, have sought physical security in the creation of law- and rule-based national societies. These national societies, in turn, have sought a counterpart in the international arena which can now be found in the norms embodied in the Charter of the United Nations, as well as in the interlocking multilateral conventions and accepted tenets of international law. The UN and the authority which it wields in the struggle to achieve international security and peace is the greatest manifestation of the willingness of national societies to submit to the rule of law. This is the foundation upon which we must continue to build.

It is not a rationalisation of violence to say that the universal quest for human rights, human dignity, and opportunity for all will be seen as playing an important role in any solution to the broader issue of violence in national and international society. While it is clear that such matters are not amenable to short-term solutions, an appraisal of the contemporary world from this perspective shows two things: we are collectively doing some things right, although we can undoubtedly do much better; and, furthermore, we have already put into place some of the mechanisms which will help us to achieve our objective of a safer world offering opportunity to increasing numbers of people, although not yet to all. Any such appraisal also reveals that we are not necessarily just searching for something new to do, but also for the “renewal” – or reinforcement – of a communal commitment to address, together and by choice, threats and challenges that have no boundaries. In this we are not “starting from a blank page”. Certain mechanisms already exist which have made, and which are continuing to make, distinct contributions to our common security. This is certainly the way in which I see the UN which, over many decades, has promoted disarmament, non-proliferation and arms control agreements in pursuit of the ultimate goal of global peace. This is the way in which I view the contributions, whether direct or indirect, of such international organisations as the International Atomic Energy Agency and the World Health Organisation, as well as others. It is also the way I view the Organisation for the Prohibition of Chemical Weapons, with its Secretariat of dedicated international civil servants implementing the Convention’s unique and non-discriminatory verification regime. Also important, of course, is the Convention’s recognition of the importance of promoting peaceful uses of chemistry so essential to development and progress within a broader “human security” context. In other words, the international community is not navigating wholly uncharted waters. We have a

beacon in the United Nations, and other reference points in the form of multilateral agreements and institutions which we would ignore at our peril.

Faced with the kind of terror attack that has triggered this analysis, what might we see as an appropriate role for the UN to play? Inevitably, this suggests two time frames: the immediate, and the longer-term. In the first instance, the UN, both as a global forum and as a major actor on the international scene, can respond quickly and authoritatively on behalf of the international community, reflecting and projecting shared values. It can give legitimacy to whatever response is considered immediately required. It can also focus the resolve of its Member States, and can help translate that resolve into concerted and effective action. This has already been done in the past, not merely in the most recent months. In the longer term, the UN can provide a sense of perspective, continuity, and momentum; it can generate and sustain political will amongst large and small countries alike, thus ensuring continuing and shared commitment to a goal, irrespective of how elusive that goal may be. It can and should also provide the means to address the root causes of violence, and not only its symptoms, including the deadly illness called terrorism. Taken together, these actions can create an environment that is hostile to any such recourse to violence.

Fortunately, the UN does not face this struggle alone, far from it. It has a unique ability to draw on the resources and expertise found within the international community, some of which are offered by its Member States, and some by specialised international organisations with relevant mandates. With these general thoughts in mind, I would now like to turn to the specific questions contained in your letter.

You invited suggestions on how the Secretary-General should approach this difficult global challenge. My immediate response is that he should build upon the existing strengths of the United Nations. The UN enjoys broad international support, even when unanimity proves elusive. Through its Security Council, it can harness the resources of all of its Member States in efforts to prevent and respond to threats to international peace and security. Through its General Assembly it can keep all nations engaged by giving them all the right to contribute to and to determine the course of action to be adopted. Through its vast experience and expertise, the UN can identify gaps in those deliberative, preventive and responsive efforts, and can take action to remedy such deficiencies from within existing resources, or by other means. Central to all of this is the *coordinating* role over time that only the UN can play. In order to accomplish this, it must *assess* the challenge, *identify* the skills and resources needed to meet the challenge, *put in place* contingency plans to mobilise those resources which are required, and it must *coordinate* their delivery in a timely and effective way, should this be required. The specific contribution which the Organisation for the Prohibition of Chemical Weapons can make to this common effort is outlined in a paper which I have attached to this response, together with additional relevant information.

The CWC can be viewed, amongst other things, as an anti-terrorism convention, for the following quite straightforward reason: the CWC criminalises the involvement of all natural and legal persons of its States Parties in the development, production, acquisition, stockpiling, transfer and use of chemical weapons. This commitment to the creation of an international web of penal legislation is no small contribution, and one which must be reinforced through a determined drive towards universality of membership in the OPCW and through assistance to its Member States to put in place the national legislation which is necessary to give effect to their international commitment.

Furthermore, the CWC also requires States Parties possessing chemical weapons to ensure the security of these weapons while they are awaiting destruction, and also to ensure that each State Party remains informed of activities on its territory involving certain chemicals that could be diverted to chemical weapons purposes. The authority which the CWC carries in these areas is enormous, though it is perhaps still not as well recognised as it should be. The UN can play a major role in taking this message to all corners of the globe, in promoting this key dimension of the Convention and in keeping with the UN's identification of the CWC as one of its "core" treaties.

Without any doubt, we in the OPCW must still do much more to fulfil our commitment under the Convention to provide assistance to our States Parties in the event of the threat of the use, or the actual use, of chemical weapons, including their use by terrorists. This also includes helping our States Parties, should they request this, in the development of their national protective capabilities. All of this clearly points to preparedness. I am pleased to say that, when the OPCW Executive Council recently considered the contribution which the OPCW can make to the global struggle against terrorism, it concluded that this is one of the principal contributions which the OPCW can make. We are already exploring ways in which this may be accomplished, including with other members of the UN's extended family. Indeed, I see this as one particular area in which the complementary expertise and shared commitment of the OPCW community could thrive in the context of a larger common effort. Clearly, this is one area in which UN leadership could have considerable impact.

You asked how the UN can best act to stem terrorist threats. This is a particularly difficult question, from both an immediate and a longer-term point of view. We all recognise with regret that we will not witness the eradication of crime or, more generally, of violence in the foreseeable future. While we cannot simply ignore efforts in pursuit of this worthy goal, we also cannot place our faith in its attainment where our security is at stake.

So then the question becomes: can the threat of terrorism be "contained" in the present while we concurrently pursue the longer-term goal? In a world inclined to think in terms of absolutes, this response may once again be disappointing. However, the combination of containment and systematic countermeasures offers the only path holding out any prospect of success in the short term. In the longer term the UN can, and already does, contribute on multiple levels: through the projection of the human values of care-giving and service; through the promotion of economic development, thus raising standards of living and the quality of life, providing hope where there might once only have been despair; through educational and ethics projects involving young people and, directly or indirectly, involving the scientific community as well; through the rehabilitation of groups, for example child 'soldiers', once considered either on the fringe or beyond the reach of society; through assistance in the creation of the infrastructure of national and local governance, thus promoting respect for legitimate authority and for the rule of law; and through the creation and reinforcement of international legal institutions. However, these real and necessary contributions in the longer term are not sufficient in themselves.

A more "functional" assessment would suggest two factors directly related to the critical problems at hand: ready access to technical information about weapons of all types, including weapons of mass destruction; and ready access to materials and equipment that can be used in the production and use of such deadly weapons. Neither of these problems is amenable to

simple or fool-proof solutions. However, there are already real, albeit imperfect, examples upon which we can draw as we consider the way ahead. With regard to access to information, we have the example of efforts at the national and international levels to stem the dissemination of hate literature. With regard to access to materials for illegitimate purposes, we have international conventions (including the CWC) which criminalise, *inter alia*, certain trade and transfers. Common to both is the emphasis on the international rule of law: the creation of international standards and their incorporation into national law with the goal, *inter alia*, of ensuring that there are no sanctuaries for criminals.

The CWC, for example, provides for monitoring both the civil use of chemicals and trade in certain chemicals that may be diverted to chemical weapons purposes. The International Atomic Energy Agency and the World Customs Organisation both have, in their respective spheres of influence, broadly comparable mechanisms and experience. Other international organisations also have capabilities and expertise that are relevant to these matters. What appears most lacking is the central coordination, or at least facilitation, of the work of the various agencies, with a view to enhancing their effectiveness where their interests or responsibilities may overlap, or where efforts to strengthen national capacities need support. Also lacking is a reporting system to ensure that the results of their efforts may be accounted, accessed and assessed on a continuing basis. I believe that the UN is uniquely positioned to ensure that these gaps are filled. Only the UN has the ability to coordinate and sustain international efforts over lengthy periods of time, and to provide a broad political perspective. It has the capacity to ask difficult questions, or to act as an effective forum for multilateral dialogue, should the goals or the actions taken to achieve them require review or realignment. These will be essential characteristics of any long-term, cohesive and effective struggle against terrorism.

Also not to be forgotten is the role being played by disarmament, non-proliferation and arms control agreements as a means to harness and harmonise common resolve. Existing multilateral agreements can be reinforced, as we have seen happen, for example, in the evolution of the system of Safeguards under the aegis of the IAEA. Such agreements, like the CWC, can also be more effectively implemented, assuming a sufficient level of resources. They can also extend their jurisdiction through the pursuit of universality and the consequential enlargement of their respective areas of responsibility. The UN can provide a more focused forum allowing such matters to be considered and effective communal action to be promoted. The pursuit of new multilateral agreements should also be reinvigorated, with a view to meeting the needs of all.

You asked at what stage the UN can best act to stem terrorist threats. Perhaps a bold response might point, in the light of the new situation confronting international society, to efforts at prevention through the creation of a cell under the UN Security Council that would facilitate intelligence cooperation under stringent confidentiality guidelines – but I must leave any further consideration of that matter to others. In the meantime, an answer to this question might again need to focus on response in the short-term, leaving more ambitious systemic change to the longer term. Furthermore, it would seem that the UN should immediately become involved in addressing any perceived gaps in its “coverage”, be they short-term or longer-term. In my view, immediate efforts can most effectively be directed to coordination and contingency planning. However, if such efforts are to be effective, we must look beyond the mere preparation of registers of skills and resources. They must also include training and emergency response exercises aimed at the delivery of assistance, should this be

required. This presupposes both resources and infrastructure, and hence the political and financial support of Member States.

Perhaps the first stage should be to determine what the international community sees as an appropriate response. In this, as well, the UN will need to take the initiative, in order to propose a context within which such activities can take place. This proposal is based on the assumption that Member States and international organisations possess very specialised skills and capabilities which can be shared to the benefit and advantage of all, should the circumstances require this. This would in turn presuppose the establishment of mutually compatible procedures and, perhaps, training curricula – all with a view to more effective deployment when time is of the essence.

You asked how the UN system can best mobilise international support to deal effectively with the problem of terrorism. Many of my thoughts on this have already been expressed. Many of the possibilities now open to the UN fall well within the broad mandate provided by its Charter. Some of these possibilities are, presumably, already being considered and acted upon to a degree by the Counter-Terrorism Committee established pursuant to Security Council Resolution 1373 (2001). Others may require careful behind-the-scenes work in order to determine the degree of support for individual initiatives as part of a larger whole. More ambitious still might be an action-oriented international conference, perhaps elaborating on some of the themes which I have outlined above, all with a view to producing concrete results.

Finally, we come to the last question you asked in regard to **other aspects that may be significant that are also relevant to the work of the OPCW.** I shall confine my response to just a few matters of overriding importance. The existing stockpiles of weapons of mass destruction are very relevant to the terrorist threat involving such weapons. While one or even several such weapons may not be sufficient to fight a war, one or just a few could be more than enough to destroy hundreds of thousands of lives and to cause untold economic and social disruption. The degree of monitoring and control over these weapons in each country is unknown, but it is probably safe to say that it is not uniformly sufficient. Nuclear weapons are, of course, a source of concern. Biological materials, as we have recently seen, constitute yet another. While I will leave it to others to comment on these other categories of weapons of mass destruction, I can state that the chemical weapons declared to the OPCW under the CWC by the declared chemical weapons possessor States Parties are securely held, and that the States Parties concerned are adopting measures to further strengthen the security of their chemical weapons stockpiles. These weapons have been inventoried, and are being systematically verified by our inspectors. Their destruction is already underway, albeit neither as uniformly nor as quickly as the Convention had originally envisaged. More can probably be done to accelerate this destruction, but not without the allocation by the international community of increased financial resources to the elimination of the continuing threat posed by the very existence of these weapons.

A much more difficult challenge relates to the movement of chemicals with legitimate applications in modern life, but which could also be used to manufacture sophisticated chemical weapons or which could be used themselves as more rudimentary weapons of terror. Society has become accustomed to the production of large quantities of chemicals for legitimate industrial and other purposes, and to their transportation far and wide. Apart from occasional accidents, albeit sometimes with very serious consequences, we have come to see

such production, trade and transfer as an essential and commonplace part of everyday life. Yet this too may need re-examination in the light of recent events.

As we have already seen, terrorism, including chemical terrorism, does not need to be a “high tech” endeavour. The CWC makes some provision for the monitoring of chemicals and their transfer, but perhaps more needs to be done within the OPCW, and perhaps even in a wider forum, until the Convention itself achieves the desired goal of universality. In any case, however, it must continue to be impressed upon all states that the establishment and stringent enforcement of national controls are essential to effective work against chemical terrorism. Furthermore, at the international level, all could benefit from international cooperation in the form of awareness-raising, information sharing, and the adoption of best practices, as well as from training and other forms of national capacity building. The advantage of this to all would be that the measures themselves, the experience gained, would not be directly applicable solely to the specific problem of terrorism. These measures, by improving national controls generally, could also have a direct and beneficial impact on the well-being of countries and the safety of their citizens as they go about their daily business. These are also areas in which the OPCW would be pleased to share its experience and expertise with others in the pursuit of shared interests.

Before concluding, I must return to a point which I have already made with regard to the requirement under the CWC to be able to provide protection and assistance to requesting States Parties faced with the threat or the actual use of chemical weapons, including their use by terrorists. This is not a voluntary activity, but one which is mandated under the Convention. At the same time, we are well aware that such a contingency will probably also involve others in the international community in offering such assistance, including the UN, and perhaps other members of the UN family such as the WHO, in addition to states acting bilaterally, with NGOs following not far behind. All of this points to a coordination problem of considerable proportions.

I must share with you my deeply-held concern about the potential for confusion on a scale that could seriously exacerbate the severe disarray that will inevitably accompany a terrorist event involving the possible use of a weapon of mass destruction. In the real world, we will not necessarily have a clear picture of what was used in the attack, nor of what the best response might be. Many questions come to mind: who will be the first responder? Who will coordinate assistance on the ground, direct it to where it is most needed, and identify what more assistance is needed? Who will interact with the affected country, itself stretched to an incredible degree? How is all of this to be done under the threat of the possibility of repeat attacks? In an attempt to consider some of these questions, my staff have already been in contact with other organisations. One thing has become quite clear: although addressing these matters will take time, we cannot be certain that time is on our side. Once again, it seems that the only international organisation with the authority, the resources and the status to bring urgent attention to this matter, and some order, is the UN.

As a specialised organisation dealing with CW disarmament, non-proliferation and protection against chemical agents, the OPCW’s capabilities and expertise in the event of the use or the threat of the use of chemical weapons include, but are not necessarily limited to, the following: risk assessment, protection, detection, decontamination and medical countermeasures. These capabilities apply equally to threats or attacks involving chemical weapons as such, or attacks involving legitimate chemicals which nonetheless become

weapons in the hands of the terrorist. The OPCW's resources are, of course, limited; we do, however, also have access to assets and expertise offered by our States Parties. Our ability to mobilise these assets has recently been reviewed by the Executive Council, and we are working hard on improvements. Similarly, our ability to bring the competence of the OPCW to bear in the broader struggle against terrorism is currently being assessed by a working group established by the Executive Council. I hope to have the opportunity to bring you and others at the UN up to date on these developments in due course.

May I conclude by wishing you well in your work, in the consideration of recommendations to the Secretary-General on possible UN responses to global terrorist threats. A comprehensive counter-terrorist strategy will evolve over time in the process of consultation between Member States of the UN, the UN Secretariat and the various international organisations which, within their respective mandates, can and should make a meaningful contribution to this urgent and long-term cause. My most emphatic recommendation at this stage would be for the UN to establish such a consultative mechanism, ideally with standing working groups under the aegis of the Security Council. Indeed, perhaps the Counter-Terrorism Committee could become such a focal point, if given the resources and the appropriate support. Whatever form such consultation and cooperation might take, the OPCW, including through its relationship agreement with the UN, stands ready to participate actively and effectively in this work. In the meantime, should you wish to convene a brief meeting of respondents to review these matters, we would also be pleased to participate.

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