Global Partnership Against the Spread of Weapons and Materials of Mass Destruction

Washington D.C.
24-25 January 2012

OPCW efforts against WMD terrorism and non-proliferation
Cooperation with the international partners

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Introduction

1. The Chemical Weapons Convention does not specifically deal with the fight against terrorism and its provisions do not directly refer to terrorism. The full and effective implementation of all provisions of the Convention is in itself a contribution to global anti-terrorist efforts. OPCW is not an anti-terrorism agency, and it can operate only in strict accordance with its mandate as defined by the Convention and decisions by the Council and the Conference, and in compliance with the OPCW Policy on Confidentiality. An Open-Ended Working Group against Terrorism provides policy guidance on the OPCW’s participation in anti-terrorist efforts.

2. The OPCW makes its contribution to the global anti-terrorism efforts in such vital areas as: Prevention, Mitigation and Response, Technical Assistance, Information Exchange and International Cooperation, Safety and Security at Chemical Plants. The Secretariat develops programs and activities to support Members in their policies and practices in prevention, preparedness and response against Chemical Weapons and misuse of toxic chemicals.

3. Convention does not specifically deal with the term non-proliferation. Several articles of the Convention are however relevant to non-proliferation efforts, including the comprehensive definition of “chemical weapon” in Articles I and II, the assignment of responsibility to member states for implementing the General Purpose Criterion in Article VI, national implementation of the CWC under Article VII, assistance, under Article X and international cooperation under Article XI:
   a. Each State Party shall undertake never: develop, produce, acquire, stockpile, or transfer chemical weapons (Art. I.1(a); to assist, encourage or induce, in any way, anyone to engage in the activity prohibited to a State Party (Art. I.1(d);
   b. Each State Party shall adopt necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used within its territory or in any other place under its jurisdiction or control, for purposes not prohibited under this Convention;
   c. Convention shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this Convention (Art.XI.1).
Chemical Weapons Non-proliferation

4. Chemical weapons non-proliferation constitutes a second OPCW core objective: Non-proliferation of chemical weapons, through application of the verification and implementation measures provided for in the CWC also serve to build confidence between States Parties.

5. The backbone of the non-proliferation functions of the OPCW is the implementation of Article VI, on the activities non-prohibited under the Convention. It is a basis for the OPCW verification system in the chemical industry. OPCW verification ensures non-proliferation, maintains confidence that all States Parties comply with the Convention. It enhances security through transparency and enhances knowledge about global use and trade of dual-use chemicals.

6. The Convention confirms that achievements in the field of chemistry should be used exclusively for the benefit of mankind. The member states have a right to develop, produce, acquire, transfer and use toxic chemicals for purposes not prohibited. At the same time the Convention in Article VI imposes a duty to adopt the necessary measures to ensure that toxic chemicals are properly used and subject them and their use to international verification, by the OPCW. States Parties required to have a variety of import/export restrictions and related regulations in place, for Schedule 1 chemicals - no import/export with State not Party to CWC, for Schedule 2 chemicals - no import/export with State not Party to the CWC (Apr 2000), and for Schedule 3 chemicals – States parties have to require end-user certificate for export to State not Party to the CWC.

Cooperation with the United Nations and other international partners in global anti-terrorism efforts

7. OPCW ties with the United Nations are regulated by the Relationship Agreement signed in 2000, which formalises a close working relationship between the two organisations, whilst at the same time specifically recognising the independent status of the OPCW.

8. The Secretariat has established and maintained channels of communication with a number of regional, subregional, and international organisations and agencies in the field of counter-terrorism. The aim of these contacts has been to identify ways in which these organisations can assist one another, pursuant to relevant mandates, by exchanging information, knowledge, and expertise as needed, and by coordinating programme activities that relate to action against terrorism.

9. The role of the OPCW has been recognized in the UN Global Counter-Terrorism Strategy adopted on 8 September 2006, which “encourages the International Atomic Energy Agency and the OPCW to continue their efforts, within their respective mandates, to help States to build capacity to prevent terrorists from accessing nuclear, chemical, or radiological materials, to ensure security at related facilities, and to respond effectively in the event of an attack using such materials.”

implementation of all provisions of the Convention, including those on national implementation (Article VII) and assistance and protection against chemical weapons (Article X), constitutes an important contribution to the efforts of the United Nations in the global fight against terrorism in all its form and manifestations."

11. The OPCW has been a member of the United Nations Counter-Terrorism Implementation Task Force (CTITF) since its creation in 2005, and has played a role in the elaboration, development, and now implementation of the United Nations Global Counter-Terrorism Strategy as described in General Assembly resolution 60/288 (2006)).

Activities in the area of resolution 1540 (2004) and cooperation with 1540 Committee

12. As regards chemical weapons, the obligations of the Resolution 1540 (2004) are consistent with those enshrined in the Convention. These include, but are not limited to the national implementation measures that States Parties to the Convention have undertaken to implement their treaty obligations, in accordance with Article VII. The OPCW activities in this area are, on the other hand, fully consistent with the provisions of resolution 1540 (2004), particularly operative paragraph 7.

13. The importance of close cooperation between the 1540 Committee and relevant international organizations was underscored in the UNSC Resolution 1810 and confirmed in the Resolution 1977 (2011). The Resolutions acknowledged with appreciation the activities of international organizations with expertise in the field of non-proliferation of nuclear, chemical and biological weapons and their means of delivery covered by resolution 1540 (2004), in particular the IAEA and the OPCW, especially in providing assistance in the implementation of that resolution, without altering their mandates and responsibilities.

14. The OPCW maintains regular contacts and cooperation with the 540 Committee. The events and joint programme activities built synergies and cooperation between OPCW, 1540 Committee and Member States and relevant stakeholders from the private sector in improving Member States mechanisms to meet challenges of misuse of CBRN agents and materials.

OPCW programmes and activities against terrorism

The OPCW as a platform to enhance safety and security at chemical plants

15. Strengthening safety and security at chemical plant sites is an important task in preventing the hostile use of chemicals. With the rapid development of chemical industry production and bio-agents, as well as biochemistry, and their spread to new areas of the world, the enhancement of security in the area of legitimate production, transportation, and use of chemicals and bio-agents is assuming much greater importance.

16. The OPCW Conference on International Cooperation and Safety and Security conducted on 12-13 September 2011 was an important milestone in the promoting the OPCW as a platform of support for global cooperation in decreasing the chemical threat by promoting awareness of chemical security and safety, training, exchange of best practices and fostering cooperation between chemical professionals. This cooperation is developed in partnership with the ICCA, CEFIC, EU, national governments, and national chemical associations.
17. The participants confirmed the value of the OPCW steady and careful engagement to support national capacity-building against misuse of toxic chemical and the safety and security of facilities and transportation of chemicals. During the IYC conference, Kazakhstan proposed that they organise – jointly with the OPCW – a regional programme on chemical safety in 2012 in Astana, Kazakhstan. Poland informed delegates of preparations to establish an international centre on chemical safety and security in Tarnow, Poland.

The report by the United Nations Counter-Terrorism Implementation Task Force (UN CTITF): “Interagency Coordination in the Event of a Terrorist Attack Using Chemical or Biological Weapons and Materials”


19. The report is a unique. It carried out a comprehensive review of the role of the UN system in response to a chemical or biological terrorist attack. It highlighted in the recommendations the importance of building international support for the preparedness, prevention and response against the misuse of toxic chemicals and biological agents.

20. The report concluded that there is not one lead agency with overall responsibility for chemical and/or biological incidents. There are a large number of UN and other international agencies and organisations that have partial mandates and undertake certain activities in the area of prevention, preparedness and response regarding possible terrorist attacks with chemical or biological weapons or materials. UN and other international entities that provide legal and other implementation assistance to States should enhance their cooperation and more effectively share information to ensure that the support given is tailored to countries’ needs.

OPCW programme of table-top exercises on the preparedness of States Parties to prevent terrorist attacks involving chemicals

21. Following the successful conduct of the table-top exercise on the preparedness of States Parties to prevent terrorist attacks involving chemicals conducted in Warsaw, Poland, on 22 and 23 November 2010 in Poland, the OPCW has developed a programme to address the different stages of the prevention of and preparedness for a crisis linked to the malicious use of toxic chemicals. The table-top exercise programme will create a platform to review and improve the interaction between the different national agencies and authorities involved in the countering of terrorist threats involving toxic chemicals.

22. The table-top exercise programme, financed by the European Union, will be implemented through regional and sub-regional table-top exercises to assist in developing tools for States Parties to evaluate their existing systems of prevention, preparedness, and response, and to take remedial steps as necessary. Such exercises will help identify and remedy problems and deficiencies in national-response systems. They will have merit for advancing bilateral, regional, and international cooperation and they will create conditions
and arrangements that will facilitate the provision of assistance to victims of chemical attacks.

ChemShield Exercise 2011, 8 - 10 November 2011, The Hague

23. The Global table-top exercise on the prevention of terrorism involving the use of chemical agents (“ChemShield Exercise 2011”) was organized by the Dutch National Coordinator for Counterterrorism and Security (NCTb) and UNICIRI with the financial support of the European Commission, and in association with the OPCW, NFI and Interpol.

24. ChemShield Exercise 2011 was a globally oriented exercise with a strong focus on the ‘left-of-bang’ phase, i.e. on the prevention of (the threat of) chemical terrorism. The exercise was a table top exercise with a realistic scenario, involving several countries and organizations. The exercise focused on working together and on gathering and sharing information. Participants played their own authentic role in a high-tech and web-based environment. The exercise practised sharing of information and coordination between primarily law enforcement agencies, national entities responsible for combating terrorism, intelligence agencies and organisations with a coordination role such as INTERPOL and Europol.

Conclusions

25. States Parties have the obligation to ensure that prohibitions under the Chemical Weapons Convention are translated into domestic legislation that is applicable to any individual or entity operating under their jurisdiction or control.

26. While we are striving to ensure that the provisions in the Chemical Weapons Convention remain effective and respond to evolving circumstances, the safety net against the possible acquisition, development, and misuse of CBRN agents and materials needs to be strengthened.

27. The OPCW’s cooperation with the international partners promotes and supports the effective implementation of the Convention what contributes directly towards global efforts against terrorism and effective non-proliferation of chemical weapons.