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Executive Summary

The salience of terrorism with chemical weapons has significantly increased over the past three decades. When the Japanese millenarian sect Aum Shinrikyo spread the nerve agent sarin in the Tokyo subway system in March 1995, this was seen by many policy makers and scholars as a wake-up call, moving chemical terrorism from an abstract risk to a concrete threat. The Chemical Weapons Convention (CWC) entered into force in April 1997. The treaty's broad-based prohibitions in combination with the obligation for its states parties to internalize the norms against chemical weapons (CW) has led to a regular engagement with issues related to chemical terrorism and resulted in several contributions of the Organisation for the Prohibition of Chemical Weapons (OPCW) to the global fight against terrorism.

Against this background, this paper places chemical terrorism in the context of other OPCW priorities over time, such as the verified destruction of declared CW stockpiles and addresses the two-fold question how CWC states parties have perceived the threat of chemical terrorism and how they have collectively sought to utilize the norms against chemical weapons expressed in the CWC to counter this threat in the context of CWC implementation, in particular during the five Review Conferences held so far.

The analysis shows that chemical terrorism as an issue that is not explicitly referred to in the CWC always had to compete for attention with other implementation issues. During the first three Review Conferences in 2003, 2008, and 2013, respectively, the verified destruction of declared CW stockpiles was the most pertinent issue on the agenda. Delays in several CW possessor states destruction programs resulted in this extended attention to CW destruction issues. Beginning with the Third Review Conference, the issue of CW use in Syria and elsewhere gained in importance.

This notwithstanding, beginning with an Executive Council decision in late 2001, the OPCW established itself as a relevant actor in the global fight against terrorism. It identified different elements of CWC implementation as key building blocks in the OPCW's contribution to this global fight. Most of these elements, including universality, national implementation, assistance and protection, and international cooperation have subsequently been developed into the main planks of the OPCW's work in this area.

State party perceptions of the CW-terrorism threat, as expressed at successive CWC Review Conferences, did not change much over time. More often than not they were reiterating the key themes identified already in the 2001 Council decision. What did change over time was the number of references to chemical terrorism in review conference general debate statements. Here, the Fourth Review Conference marks the high point at the end of a very active phase of CW-terrorism related activities at the OPCW.

Much like state party threat perceptions, review conference responses to chemical terrorism have largely revolved around the elements identified in 2001. They have been linked most often to the international cooperation and assistance norms, and regularly noted the work of the Open-Ended Working Group on Terrorism. In addition, Review Conferences have made explicit reference to universality on three occasions, once to CWC Article VI and never to Articles IV and V, which refer to CW destruction and related facilities.

1 Introduction

Neither terrorism, nor the use of toxic chemicals as weapons, including by non-state actors, such as terrorists, is a new phenomenon.¹ However, the salience of terrorism with chemical weapons has significantly increased over the past three decades. When the Japanese millenarian sect Aum Shinrikyo in March 1995 spread sarin in the Tokyo subway system, this was seen by many policymakers and scholars as a wake-up call, moving chemical terrorism higher on the political agenda of many states.² The ascent of Al-Qaeda during the second half of the 1990s and its interest in acquiring a chemical weapons capability further heightened the awareness of potential chemical terrorist attacks.³

The Chemical Weapons Convention (CWC) was opened for signature in January 1993 and entered into force in April 1997.⁴ Although it does not contain any explicit reference to chemical terrorism, the CWC's broad-based prohibitions in Article I of the treaty, in combination with the obligation for its states parties, contained in CWC Articles VI and VII, to internalize the norms against chemical weapons (CW) into the domestic sphere has led to a systematic engagement with the issue and regular contributions of the Organisation for the Prohibition of Chemical Weapons (OPCW) to the global fight against terrorism. However, the OPCW's and its member states' attention to the dangers of chemical terrorism has consistently competed with different priorities. These have their origins either in the traditional inter-state focus of the treaty, which is the verified destruction of declared CW stockpiles in CWC states parties, or resulted – from 2013 onwards – from a number of CW use cases, most notably in Syria.

Against this background, this paper addresses the two-fold question how CWC states parties have perceived the threat of chemical terrorism and how they have collectively sought to utilize the mechanisms in support of the norms against chemical weapons, as expressed in the CWC, to address this threat in the context of the quinquennial CWC review conferences.

Terrorism with CW presents a unique challenge for CWC implementation by the OPCW and its member states as it involves sub-state actors intending to do harm. This is not only threatening state-based political orders, but in the case of chemical terrorism also multilaterally agreed-upon norms, understood here as “standards of behavior defined in terms of rights and obligations”⁵ against CW. Likewise, concrete measures to counter CW terrorism will ultimately have to be taken at the domestic level. This notwithstanding, coordination and assistance activities at the international regime level can have an important guidance and support function. It is this context in which the OPCW's activities have to be seen.

This also clearly points to the duality of regime norms in relation to CW terrorism. On the one hand, CW terrorism presents a challenge to certain norms of the CW prohibition regime. On the other hand, regime norms and their implementation provide a set of tools for addressing chemical terrorism. In the former category are the non-acquisition norm, the non-retention norm, the non-transfer norm, the non-assistance norm and last, but certainly not least, the non-use norm.

¹ Jonathan B. Tucker (ed.), *Toxic Terror: Assessing Terrorist Use of Chemical and Biological Weapons*, Cambridge, MA: MIT Press, 2000.

² Richard Danzig et.al., *Aum Shinrikyo. Insights Into How Terrorist Develop Biological and Chemical Weapons*, Washington, D.C.: Center for a New American Security, July 2011. ‘The Tokyo Attack’ in Dan Kaszeta, *Toxic: A history of Nerve Agents, From Nazi Germany to Putin's Russia*, London: Hurst & Co., 2020, pp. 185-200.

³ Jonathan B. Tucker, *War of Nerves: Chemical Warfare from World War I to Al-Qaeda*, New York: Pantheon Books, 2006, especially pp.362-8.

⁴ The treaty text is available at <https://www.opcw.org/chemical-weapons-convention>.

⁵ Stephen D. Krasner, “Structural Causes and Regime Consequences: Regimes as Intervening Variables”, *International Organization* 36(2), 1982, pp. 185-205, quote on p.186.

Several terrorism incidents violating the latter norm have occurred over the past 30 years. Among the more high profile ones have been the already mentioned 1995 Aum Shinrikyo sarin attack on the Tokyo subway, the use of sulfur mustard in Marea and Umm Hawsh in Syria in 2015 and 2016 by ISIL/Da'esh (as confirmed by the OPCW-UN Joint Investigative Mechanism), and at least 12 cases of CW use by ISIL/Da'esh in Iraq identified by UNITAD.⁶ The chemical weapons used in these attacks range from toxic industrial chemicals to known chemical warfare agents such as sulfur mustard and sarin.

Most relevant among the norm-based tools to address CBW terrorism are national implementation measures based on the internalization norm, as well as norm-guided assistance and protection measures. The core of the internalization norm is contained in Articles VI and VII of the Chemical Weapons Convention (CWC), who provide the normative basis for national implementation measures under the treaty. CWC Article X enables the provision of assistance in case of (threat of) CW use, regardless of whether the perpetrator is a state or non-state actor.

Responses to CBW terrorism are multi-level by necessity. The CWC-based regime norms on the international level provide both the standards for appropriate state behavior and, via the internalization norm, expect states to set corresponding standards of behavior on the national level. In addition, in the CW prohibition regime, the OPCW as a key actor in CWC implementation has an important function in supporting states parties to live up to their obligations under the internalization, assistance and protection and cooperation norms. State-level implementation of the norms of the CW prohibition regimes overlap to varying degrees with states' criminal and penal laws and standards. Ideally, these domains would be mutually reinforcing. In addition, countering CW terrorism benefits from sub-state level codes of ethics and practice, and academic or industry guidelines on *inter alia* dual-use research and development in chemistry and related converging scientific and engineering fields.

The focus of this paper is on the chemical terrorism threat perceptions and responses formulated at the international level, specifically during CWC Review Conferences (RevCons). RevCons serve the dual purpose of taking stock of the past five years of treaty implementation and providing guidance for the work of the OPCW for the period until the subsequent RevCon.⁷ Focusing on the quinquennial RevCons therefore provides an appropriate means to capture at regular intervals both the threat perceptions among CWC states parties and their responses to the threat posed by chemical terrorism. The paper argues that while the salience of chemical terrorism dramatically increased immediately after the September 11, 2001 attacks on *inter alia* the twin towers of the World Trade Center in New York, and the subsequent anthrax letters sent through the US mail system, at the first three CWC RevCons in 2003, 2008 and 2013, respectively, the issue of chemical terrorism was competing with and largely overshadowed by the focus on the verified destruction of declared CW stockpiles in possessor states. Although the end of CW destruction was delayed beyond the originally foreseen destruction deadlines of 2007 and 2012, the period between the Third and the Fourth RevCon in 2013 and 2018, respectively, saw a transition period, or critical juncture,⁸ during which the salience of chemical terrorism at OPCW and responses to it increased. However this period also saw the repeated violation of the non-use norm by state-level actors in Syria, and in the United Kingdom and Malaysia. As a result, debates at the Fourth and most recent RevCons in 2018 and 2023, respectively, were dominated by these issues.

⁶ On the latter see the UNITAD, Letter dated 24 May 2024 from the Acting Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant addressed to the President of the Security Council, document S/2024/408, New York: United Nations, p.14.

⁷ Alexander Ghionis, Alexander Kelle and María Garzón Maceda *Preparing for Success at the Fifth Review Conference of the Chemical Weapons Convention: A Guide to the Issues*, UNIDIR, Geneva, 2023 <https://doi.org/10.37559/WMD/23/CWC/01>.

⁸ Giovanni Cappoccia and R. Daniel Kelemen, 'The Study of Critical Junctures. Theory, Narrative and Counterfactuals in Historical Institutionalism,' *World Politics*, Vol. 59, No. 3 (April 2007), pp. 341–69.

The remainder of the paper is structured in four parts, the first of which analyzes the OPCW's engagement with issues related to chemical terrorism from CWC entry-into-force in 1997 up to the Third Review Conference in 2013. This is followed by a discussion of the transition period, or critical juncture, in the middle part of the 2010s when on the one hand the focus on the CW destruction gave way to an increased interest in the concept of preventing the re-emergence of CW, and the repeated use of CW in and by Syria started to dominate the discourse at the OPCW. The current period covering the Fourth and Fifth RevCons in 2018 and 2023, respectively, is characterized by a consistent interest of CWC states parties in the dangers of and means to counter chemical terrorism via CWC implementation. With the destruction of declared CW stockpiles completed in July 2023, the interest in CW terrorism issues can be expected to remain high. Each of the four parts of the paper will summarize external events of relevance to the debates and action on CW terrorism in the CWC context as well as intersessional activities of the OPCW between RevCons, before analyzing state party statements at and outcome documents of the review conferences themselves.⁹

2 The First Phase of OPCW Engagement with Chemical Terrorism: From Entry-Into-Force to the Early 2010s

2.1 From September 11, 2001 to the First CWC Review Conference: The OPCW establishes its role in the global fight against terrorism

Following the end of the Cold War the 1990s saw a series of terrorist incidents that culminated in the attacks in the USA on September 11, 2001. This cataclysmic event was preceded by *inter alia* the already mentioned Aum Shinrikyo attack on the Tokyo subway system in March 1995, terrorist attacks on the US embassies in Kenya and Tanzania in August 1998, and on the USS Cole in October 2000. The anthrax attacks that followed shortly after 9-11 added to the widespread perception that a new strategic threat in the form of international terrorism bent on causing mass casualties or destruction was emerging. In response to the attacks, NATO for the first time ever invoked the collective defense provision in Article 5 of the Washington Treaty and the U.S. administration declared the "Global War on Terrorism".¹⁰

In this context, the OPCW, not surprisingly, sought to engage in the global fight against terrorism in its area of competence, i.e. the prohibition of CW through CWC implementation. In early November 2001 the OPCW Director General published an analysis for consideration by the upcoming Executive Council session, discussing the provisions of the CWC "which apply to the danger of the terrorist use of chemical weapons, with a view to assisting in the development of an action plan for the OPCW's contribution to the global struggle against terrorism."¹¹ The paper argues that CWC universality, the full implementation of the CW destruction norm (CWC Articles IV and V), Article VI (on activities not prohibited), the internalization norm expressed in Article VII, the assistance and protection provisions under Article X, and the international cooperation norm in Article XI are contributing to global anti-terrorist efforts. The decision taken by the Executive Council during its December 2001 session on this issue followed the Director General's classification of CWC elements as most relevant in the fight against CW terrorism.

⁹ Consensual outcome documents in a strict sense are only available for the first three review conferences. Discussions at the Fourth Review Conference have been captured in a report by the Conference's chairperson. For the Fifth Review Conference, the deliberations of the working group to prepare the conference will serve as a point of reference.

¹⁰ "NATO's Response to Terrorism. Statement issued at the Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels on 6 December 2001", Press Release M-NAC-2(2001)159; U.S. Department of State Archive, "The Global War on Terrorism: The First 100 Days".

¹¹ OPCW, Note by the Director-General. The OPCW and the Global Struggle against Terrorism, The Hague: OPCW, document EC-XXVII/DG.3, 9 November 2001, p.1.

Although the Council did not follow the Director-General's proposal for an action plan, it "established an open-ended working group ... and decided that the full and effective implementation of all the provisions of the Convention was in itself a contribution to global anti-terrorist efforts."¹² With this the OPCW had established both the CWC as a relevant instrument and itself as a relevant actor in the global fight against terrorism, specifically with respect to terrorist incidents involving chemical weapons.

At the First CWC Review Conference (RevCon1), which took place from 28 April to 9 May 2003, 24 of the 35 states parties who gave a statement during the general debate referred to the threat of chemical terrorism. This threat perception was greatest among states from Asia group (39 per cent of those speaking during the general debate) and the Western European and Others Group (WEOG, 30 per cent). Statements *inter alia* included references to the global fight against terrorism more broadly, noted the need to internalize the CWC's provisions to counter CW terrorism, and highlighted the importance of universality, international cooperation and industry verification in this context. In its final document RevCon1 "noted with concern that [...] the international community faces a growing danger of the use of chemical weapons by terrorists."¹³ It also took note of UN Security Council Resolution 1456 (2003), which requests "that international organisations evaluate ways in which they can enhance the effectiveness of their action against terrorism, in particular those organisations whose activities relate to the control of the use of or of access to chemical and other deadly materials."¹⁴ In addition, the RevCon "reaffirmed in this context the decision of the Council on the OPCW's contribution to the global struggle against terrorism."¹⁵ The report of the RevCon also reiterated the relevance of CWC implementation in the context of universality of the treaty, national implementation of its provisions, concerns related to terrorist attacks on chemical facilities, and noted work ongoing in the Executive Council working group on terrorism. In sum, RevCon1 reconfirmed previous assessments on the OPCW's role in the global fight against terrorism and approved action taken by the Executive Council in late 2001. It did, however, not provide any strategic guidance on this issue, nor did it take any decisions related to adaptations in the OPCW work program.

2.2 The decade following the First CWC Review Conference: the primacy of CW destruction

While the First CWC Review Conference reconfirmed the relevance of CWC implementation for the global fight against terrorism, the ongoing and in several possessor states delayed destruction of declared CW stockpiles continued to dominate debates at OPCW. The final destruction deadline was supposed to be reached ten years after the CWC had entered into force on 29 April 1997. Yet, in April 2007 none of the declared CWC possessor states had accomplished this goal. Similarly, the extended destruction deadline of April 2012 was missed by the two biggest CW possessor states, Russia and USA, as well as Libya.¹⁶

Not surprisingly, delays in the verified destruction of CW continued to overshadow chemical terrorism concerns in both practical CWC implementation and the review of the treaty's operation at the Second and Third Review Conferences.

¹² OPCW, *Report of the Implementation of the Convention in the Year 2001*, document C-7/3, The Hague: OPCW, 10 October 2002, p.4.

¹³ OPCW, Report of the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, document RC-1/5, The Hague: OPCW, 9 May 2003, p.5.

¹⁴ Ibid.

¹⁵ Ibid., p.5f.

¹⁶ For an analysis of the delays in CW destruction up to 2012 and the way these were addressed by the OPCW, see Alexander Kelle, *Prohibiting Chemical and Biological Weapons: Multilateral Regimes and Their Evolution*, Boulder: CO, Lynne Rienner, 2014, pp.115-123.

32 of 51 states parties and groups of states that spoke during the general debate at RevCon2 made reference to chemical terrorism.¹⁷ As was the case during RevCon1, groups expressing the greatest concern were the Asia group (34 per cent) and WEOG (25 per cent). Likewise the topics addressed had not changed much. They included *inter alia* the growing threat of chemical terrorism, the relevance of UNSC Resolution 1540, as well as the importance of national implementation, assistance and protection under Article X of the CWC, and universality of its membership. The RevCon2 report “noted with concern that ... the international community also faces the increased danger of the use of chemical weapons by terrorists or other non-state actors. In this context, the Second Review Conference recalled the decision of the Council concerning the OPCW’s contribution to global anti-terrorist efforts (EC-XXVII/DEC.5, dated 7 December 2001) and affirmed its continuing relevance.”¹⁸ In addition, the report noted the relevance of national implementation, Article X implementation, and the work of the Open-Ended Working Group on Terrorism (OEWG-T). RevCon2 also “took cognizance of the resolutions of the United Nations on combatting terrorism” while at the same time reaffirming the “autonomous and independent status of the OPCW”.¹⁹ The way the reference to UN Security Council Resolution 1540 (2004) is worded leaves no doubt that some CWC states parties were still critical of the Resolution and sought to protect the OPCW from UN infringements.²⁰ As a result the Review Conference merely “invited States Parties to consult and cooperate both bilaterally and regionally on ways to prevent terrorist from acquiring and/or using chemical weapons.”²¹

The period between the RevCon2 and RevCon3 witnessed *inter alia* the so-called Arab Spring, a civilian uprising which began in early 2011 and also engulfed the Syrian Arab Republic, which was not a CWC state party at the time. The Syrian Ministry of Foreign Affairs confirmed in July 2012 that the country possessed CW.²² When reports surfaced in late 2012 and early 2013 that chemical weapons had been used in the ongoing civil war, the UN Secretary General was called upon separately by the Syrian regime and by the United Kingdom and France to investigate these allegations. In late March 2013 the Secretary General set up the mission to investigate the reported CW use cases. Members of the investigation team, the biggest part of which was contributed by the OPCW, gathered in The Hague in early April and subsequently deployed to Cyprus.

Thus, the Third CWC Review Conference, which took place in The Hague from 8 to 19 April 2013, occurred when preparations for the investigation of alleged use of CW in Syria were under way. It also followed the 2012 CSP at which the final deadline for CW destruction was extended once more. Unlike the 2007 destruction deadline, this time the CSP had to resort to a vote. In this context, it does not come as a surprise that the lowest number of states parties and groups of states mentioned CW terrorism during the general debate, only 33 of 75 who spoke, when compared to the other four RevCons.²³

¹⁷ Three state party statements, those of Belarus, Indonesia and Kyrgyzstan, are not available on the OPCW public website and could not be obtained by the author through other channels.

¹⁸ OPCW, Report of the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, document RC-2/4, The Hague: OPCW, 18 April 2008, p.7

¹⁹ Ibid., p.29.

²⁰ The nature of Resolution 1540 and its adoption under Chapter VII of the UN Charter was criticized by India, Pakistan, New Zealand and others. For a summary of early academic assessments and criticisms see Kelle, *Prohibiting Chemical and Biological Weapon*, 2014, pp.208ff.

²¹ OPCW, Report of the Second Special Session of the Conference of the States Parties, 2008, pp.29f.

²² John Hart, ‘Chemical and Biological Weapons Programmes’, in *SIPRI Yearbook 2013: Armaments, Disarmament and International Security*, Oxford: Oxford University Press, 2013, pp.376-80.

²³ The statements of two state parties, Belarus and Yemen, are not available on the OPCW public website and could not be obtained by the author through other channels. Together with missing statements from RevCon2 this amounts to a gap of five out of a total of 362 statements delivered by states parties and groups of states during the general debates of all five RevCons. Thus, the paper is based on the analysis of more than 98.5 per cent of relevant statements.

This represents 44 per cent of statements, whereas the other RevCons recorded over 60 per cent and in the case of RevCon4 (see below) even over 80 per cent. Those state party interventions during the general debate at RevCon3 mostly covered familiar topics, addressing both the threat from chemical terrorism to the convention as well as the tools available in the areas of national implementation, assistance and protection and international cooperation. Acknowledging that more still needed to be done in this respect, CWC states parties in the final document of RevCon3 “expressed their determination to increase their efforts to guard against the possible hostile use of toxic chemicals by non-State actors such as terrorists.”²⁴ Based on a review of the operation of the Convention, the RevCon “noted with concern that ... the international community also faces the danger of the production, acquisition and use of chemical weapons by non-State actors including terrorists.”²⁵ It reiterated previous references to the importance of national implementation and Article X of the CWC in the fight against terrorism. The Third RevCon also noted the work of the OEWG-T and the continued relevance of the 2001 Executive Council decision. While pointing out again that the OPCW is not an anti-terrorism organization, RevCon3 acknowledged the relevant UN resolutions in this area and “underscored the need to explore further cooperation on this issue.”²⁶

In sum, both RevCon2 and RevCon 3 took place in the phase of CWC implementation dominated by the verified destruction of declared CW stockpiles and related delays in this process. Not surprisingly, CWC states parties at both RevCons mostly reconfirmed the threat perception reflected in the 2001 Executive Council decision and reiterated the various aspects of CWC implementation as useful and relevant in the global fight against terrorism. In particular, the final documents of both RevCons reiterated the importance of states parties internalizing treaty obligations and Article X measures as key areas for reaping the double benefit of treaty implementation as such and a contribution in the global fight against terrorism. Even if limited to the level of generic statements, the repeated references to the work of the OEWG-T shows the value CWC states parties placed on this forum for consultation and sharing of best practices.

3 The Transition Period Leading Up to the 4th Review Conference

Although the delays in the verified CW destruction and the repeated use of CW in Syria persisted in the years following RevCon3, the salience of chemical terrorism increased in the inter-sessional period leading up to the Fourth CWC Review Conference (RevCon4) in late 2018. This resulted from a combination of the intention expressed at RevCon3 to increase efforts against chemical terrorism and the increasing awareness that beginning in 2015 ISIL/Da’esh had started using chemical weapons – in the form of sulfur mustard – in both Syria and Iraq. In this context Iraqi authorities in late 2015 requested a Technical Assistance Visit (TAV) from the OPCW Technical Secretariat. The TAV report confirmed the Iraqi findings of sulfur mustard use.²⁷ Similarly, the OPCW – United Nations Joint Investigative Mechanism (JIM) identified ISIL/Da’esh as the perpetrator behind a sulfur mustard attack in Umm Hawsh, Syria, on 15 and 16 September 2016.²⁸ The increased salience resulted in a number of activities to counter chemical terrorism both by the OPCW Technical Secretariat and Executive Council, ranging from discussion papers being produced in 2015 and

²⁴ OPCW, Report of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, document RC-3/3, The Hague: OPCW, 19 April 2013, p.7

²⁵ Ibid., p.8.

²⁶ Ibid., p.29.

²⁷ OPCW, Opening Statement by the Director-General to the Executive Council at its Eighty-First Session, document EC-81/DG.15, The Hague: OPCW, pp.2f; see also Iraq, National Paper on the Chemical Weapons Used in the Kurdistan Region of Iraq, document EC-81/NAT.5, The Hague: OPCW, 10 March 2016.

²⁸ United Nations, Letter dated 26 October 2017 from the Secretary-General to the President of the Security Council, document S/2017/904, New York: UN, 26 October 2017.

2016, to the Council establishing a sub-working group to the OEWG-T and adopting a seminal decision in October 2017, to the first ever international conference on countering chemical terrorism convened by the OPCW in June 2018. These activities and events will be discussed in the sections that follow.

3.1 Discussion papers and sub-working group

The discussion papers on chemical terrorism produced by the OPCW Technical Secretariat (TS) were intended to provide “a basis for discussion by the Open-Ended Working Group on Terrorism.”²⁹ The first of these papers addressed the “legal framework applicable to prohibited activities related to chemical weapons by non-State actors under the Chemical Weapons Convention.”³⁰ While focussing on treaty provisions pertaining to the legal accountability of non-state actors, in particular Article VII, and how these could be implemented by CWC states parties, the TS-paper also noted other sources of international law relevant in this context. With respect to UN Security Council Resolution 1540 (2004) it stated that “the resolution extended the obligation in Article VII of the Convention to all States with regard to the acts of non-State actors.”³¹

The discussion paper on the prevention of chemical terrorism distinguishes between four scenarios for CWC states parties to consider, ranging from the acquisition of a chemical weapon and their means of delivery to “conventional means to attack, or sabotage, assets such as chemical plants, toxic waste storage facilities, or strategic points in the supply chain.”³² Preventative measures identified in the TS-paper are equally diverse and, depending on the nature of the terrorist threat in a particular state or region, may target development, procurement, storage, and disposal activities or facilities related to a dual-use chemical.

The third TS-paper on responses to chemical terrorism presented a “framework for the OPCW to review its current efforts in ensuring an effective response to the hostile use of a toxic chemical”.³³ It provided an overview of the areas in which the OPCW can assist states parties in their prevention efforts and outlined a generic framework for ensuring an effective response to a terrorist incident with a chemical weapon.

From late 2015 onward the OEWG-T was complemented by a sub-working group on non-state actors in order “to discuss in more detail, and on the basis of three discussion papers issued by the Secretariat, ... practical recommendations on how the OPCW could further contribute to global anti-terrorism efforts.”³⁴ The three discussion papers were complemented by a fourth one on the utility of CWC Article VI in the context of states parties’ efforts to address chemical terrorism.³⁵ In sum, the TS-papers and their discussion further updated and expanded the 2001 note by the Director-General on the OPCW’s role in the global fight against terrorism. As such they enhanced the OPCW’s role in the classification and organization of meaning concerning how CWC states parties could best utilize the provisions of the treaty as well as the competencies built up by the OPCW in the global fight against chemical terrorism. Chemical terrorism related activities during this period culminated in the October

²⁹ OPCW, Note by the Technical Secretariat. The Chemical Weapons Convention and Accountability of Non-State Actors, document S/1254/2015, The Hague: OPCW, 9 March 2015, p.1.

³⁰ Ibid.

³¹ Ibid. p.5.

³² OPCW, Note by the Technical Secretariat. Measures to Prevent Hostile Use of Toxic Chemicals by Non-State Actors, document S/1291/2015, The Hague: OPCW, 26 June 2015, p.3.

³³ OPCW, Note by the Technical Secretariat. Ensuring an Effective Response to the Hostile Use of a Toxic Chemical, document S/1325/2015, The Hague: OPCW, 6 November 2015, p.1.

³⁴ OPCW, *Report of the Implementation of the Convention in 2015*, document C-21/4, The Hague: OPCW, 30 November 2016, p.30.

³⁵ OPCW, Note by the Technical Secretariat. The Contribution of Article VI to States Parties’ Efforts to Counter Terrorism, document S/1387/2016, The Hague: OPCW, 19 May 2016.

2017 Executive Council Decision and the first ever conference on countering chemical terrorism held by the OPCW in June 2018, which brought together representatives from states parties, relevant international and non-governmental organizations, and academia.

3.2 The Executive Council Decision of October 2017

After a lengthy gestation period, the Executive Council adopted a seminal decision in October 2017 on addressing the threat posed by chemical weapons use by non-state actors. The decision emphasized that any violation of any of the general obligations contained in CWC Article I by anyone, including non-state actors, would pose “a fundamental threat to the object and purpose of the Convention and to the achievement of a world free of chemical weapons”.³⁶

Among other elements, the decision includes a number of findings and calls to action for both CWC states parties and the Technical Secretariat. The decision reaffirms the role of the OPCW in preventing and responding to chemical terrorism and emphasizes that those responsible for CW use must be held accountable. It emphasizes states parties’ obligations under Article VI paragraph 2 to adopt the necessary measures to prevent the misuse of toxic chemicals and urges them to implement comprehensive penal legislation as required under Article VII. The decision encourages states parties to make use of mutual legal assistance arrangements and notes in this context the importance of assistance and capacity building in support of national implementation more broadly. The Council decision also reaffirms that the right of states parties to request assistance also extends to the threat of use or use of CW by non-state actors.

With a view to the OPCW’s operational arm, the decision requests an enhancement of the Technical Secretariat’s “capacity-building programmes that facilitate the sharing of chemical safety and security best practices among States Parties, on a voluntary basis.”³⁷ It also tasks the Secretariat to explore ways in which it could assist states parties in investigating and prosecuting non-state actors and countering chemical terrorism more broadly.

Thus, the October 2017 Council decision reinforced the framing of counter-terrorist measures under the CWC prevailing since its December 2001 decision, reflected positively on both conceptual and programmatic work undertaken over the years by the Secretariat and states parties, but also sought to identify areas for further improvement.

3.3 The OPCW Conference on Countering Chemical Terrorism of June 2018

The OPCW Conference on Countering Chemical Terrorism that took place in The Hague in June 2018 “aimed to stimulate new thinking and precipitate further action on one of the most pressing threats to the global norm against chemical weapons.”³⁸ The structure of the conference followed its aims of analysing the threat from chemical terrorism and discussing and sharing strategies “for preventing and responding to acts of chemical terrorism, and to consider how to ensure the legal accountability of non-State actors.”³⁹ This in large part mirrored the sub-division into relevant themes already visible in the topics of the TS discussion papers produced during the years 2015 and 2016. Following the discussion of these papers in the Executive Council sub-working group on non-state actors and the EC-decision of 2017, the counter-terrorism conference represented the next logical step of exploring the approach developed at the OPCW with a wider circle of stakeholders active in the global fight against terrorism. In this sense, the conference not only solidified the OPCW’s role as the leading

³⁶ OPCW, Decision. Addressing the Threat Posed by the Use of Chemical Weapons by Non-State Actors, document EC-86/DEC.9, The Hague: OPCW, 13 October 2017, p.1.

³⁷ Ibid, p.3.

³⁸ OPCW, *Note by the Technical Secretariat. Summary of the Conference on Countering Chemical Terrorism*. OPCW Headquarters, The Hague, The Netherlands, 7-8 June 2018, document S/1652/2018, 16 July 2018, p.1.

³⁹ Ibid.

international competence centre for responding to chemical weapons threats, including those stemming from terrorists.

It also served as a response to the call issued by RevCon3 to explore further cooperative measures in this area. In addition, the chairperson of the sub-working group in her closing remarks at the conference also noted that the “flow of the conference—from understanding the risks, to prevention, to response, to legal accountability—mirrored the process that States Parties to the Convention should follow in ensuring that they are equipped to counter the threat of chemical terrorism.”⁴⁰

3.4 Chemical terrorism at the Fourth CWC Review Conference in 2018

The Fourth CWC Review Conference (RevCon4) took place in November 2018. Russia had completed the verified destruction of its declared CW stockpile, leaving only the US to fulfil this obligation. While a small number of states parties made reference to the US delays, the most salient issue at RevCon4, and the one also mainly responsible for the Conference not agreeing on a final document, was related to the continued Syrian treaty violations. Despite the successes in the demilitarization of the declared Syrian CW program and several successful investigations of CW use in that country, the lack of a complete and accurate Syrian declaration and the country’s continuous refusal to fully cooperate with the OPCW did take up a lot of time and attention at RevCon4.

This notwithstanding, 89 of the 110 statements made by states parties or groups of states during the general debate of RevCon4 contained a reference to chemical terrorism. Both in absolute numbers and in relative terms (over 80 per cent of statements delivered), this is the largest number of such references among all review conferences. Not surprisingly, many statements made reference to the OPCW activities of the preceding years, in particular the Executive Council decision of October 2017. Also noteworthy was a Russian national paper on chemical terrorism submitted to RevCon4, which sought to detract from the CWC’s relevance in the global fight against terrorism and instead argued for a stand-alone international legal instrument to be negotiated.⁴¹ This paper, like a working paper distributed by Iran on the OPCW and chemical terrorism,⁴² did not get much traction among states parties attending RevCon4. Instead, the conference focused more on recent cases of CW terrorism, condemning the use of CW by ISIL/Da’esh in Iraq and Syria.⁴³ As such, terrorism-related issues did feature more prominently than during past RevCons, but were not controversial enough to negatively affect the RevCon4 outcome, i.e. preventing the adoption of a consensual outcome document.⁴⁴

Rather, as the report of the proceedings of RevCon4 by its chairperson demonstrates, the conference deliberations followed those of its predecessors in affirming the importance of a decision taken by the Executive Council, only that in 2018 the EC-decision from the previous October had become the new reference point (instead of the 2001 EC-decision referenced by earlier RevCons). Correspondingly, RevCon4 “underscored the importance to explore further cooperation, build on existing work or exchange experiences, as appropriate, with relevant international and regional organisations and bodies that deal with the potential threats of chemical terrorism.”⁴⁵ The conference also tasked the Technical Secretariat to continue working on CWC Article VI as a tool for states parties in their efforts to counter chemical terrorism, welcomed measures taken by the Secretariat to provide assistance in case of a CW-terrorist attack, pointed to chemical safety and

⁴⁰ Ibid., p.9.

⁴¹ Russian Federation, *On Measures to Prevent Chemical Terrorism*, document RC-4/NAT.75, The Hague: OPCW, 30 November 2018.

⁴² Islamic Republic of Iran, *The OPCW and Chemical Terrorism*, document RC-4/WP.6, The Hague: OPCW, 12 November 2018.

⁴³ See para 9.16 in OPCW, *Chairperson’s Report of the Proceedings of the Fourth Review Conference*, document RC-4/3/Rev.1, The Hague: OPCW, 30 November 2018, p.8.

⁴⁴ Author’s participant observation at RevCon4.

⁴⁵ OPCW, *Chairperson’s Report of the Proceedings of the Fourth Review Conference*, p.9.

security measures for the prevention of chemical terrorism, and encouraged the continuation of the work of the OEWG-T and its sub-working group, especially with a view to its contribution to the OPCW's capacity building activities, including the evaluation of such work by the OPCW policy-making organs.

In sum, RevCon4 marked the end of a very active period of OPCW engagement with issues related to chemical terrorism and the global fight against it. The years leading up to the RevCon saw the Technical Secretariat issuing discussion papers on different aspects of the OPCW's work in the global fight against terrorism in 2015 and 2016, the Executive Council take a second seminal decision on the role of OPCW in this context in 2017 and the organization convening the first international conference on countering terrorism in the summer of 2018. Although the RevCon could not agree on a consensual outcome document, none of the issues preventing consensus were terrorism-related. As reflected in the RevCon chairperson's summary report, the conference reinforced the importance of CWC implementation and OPCW support of states parties in the global fight against terrorism. It also issued several tasks for follow-up activities by both Secretariat and policy-making organs.

4 The Current Phase: Between CW Use, Capacity Building and Interagency Collaboration

4.1 The use of chemical weapons in Syria and elsewhere

The period after RevCon4 continued to be dominated by concerns related to the accountability for CW use, mostly in Syria. This continued up until the Fifth CWC Review Conference (RevCon5) in May 2023 and beyond. As the Director-General noted in his 130th monthly report on progress in eliminating Syria's CW program in July 2024, there remain 19 unresolved issues related to the Syrian CW declarations.⁴⁶ Meanwhile, work of the Investigation and Identification Team (IIT) is continuing, resulting *inter alia* in a report that confirms terrorist CW use by ISIL/Da'esh in Marea, Syria in 2015.⁴⁷

Since the beginning of the full-scale Russian war of aggression against Ukraine in early 2022 numerous accusations of CW use on the battlefield have been put forward by both sides.⁴⁸ Although the alleged use of CW in Ukraine has been condemned by states parties individually and collectively, and clarification has been sought from Russia in particular on the accusations concerning battlefield use of riot control agents, no formal request for a challenge inspection or investigation of alleged use under the terms of the Convention has been made. In this context, the OPCW has noted that the "information provided to the Organisation so far by both sides, together with the information available to the Secretariat, is insufficiently substantiated."⁴⁹

Rather detailed investigations, in contrast, have been undertaken by the OPCW in relation to the reported terrorist use of CW in Syria. Several requests to that effect were submitted by the Syrian government to the OPCW Technical Secretariat. Concerning one of these allegations, the "information obtained and analysed as a whole ... was not sufficient to provide reasonable grounds for the FFM to determine that toxic chemicals were used as a weapon in the reported incident that occurred in Al-Yarmouk, in the Syrian Arab Republic, on 22 October 2017."⁵⁰

⁴⁶ OPCW, Report by the Director-General. Progress in the Elimination of the Syrian Chemical Weapons Programme, document EC-107/DG.5, The Hague: OPCW, 24 July 2024, p.3.

⁴⁷ OPCW, Note by the Technical Secretariat: Fourth Report by the OPCW Investigation and Identification Team Pursuant to Paragraph 10 of Decision C-SS-4/DEC.3 "Addressing the Threat from Chemical Weapons Use", Marea (Syrian Arab Republic) – 1 September 2015, document S/2255/2024, The Hague: OPCW, 22 February 2024.

⁴⁸ See the 'Compendium of correspondence shared by States Parties on Ukraine', which contains the official allegations received by the OPCW at <https://www.opcw.org/media-centre/featured-topics/ukraine>, last accessed 23. August 2024.

⁴⁹ OPCW, 'Statement on Ukraine from the OPCW Spokesperson', available at <https://www.opcw.org/media-centre/news/2024/05/statement-ukraine-opcw-spokesperson>, last accessed 20 August 2024.

⁵⁰ OPCW, Note by the Technical Secretariat: Report of the OPCW Fact-Finding Mission Regarding an Alleged Use of Toxic Chemicals as a Weapon in Al-Yarmouk, Syrian Arab Republic on 22 October 2017, document S/2254/2024, 22 February 2024, p.3.

The similarly detailed analysis of another two suspected incidents led to the same conclusion, i.e. that the OPCW could not confirm the reported terrorist CW use.⁵¹ In sum, there has not been any officially confirmed CW use by terrorists since before the Fourth CWC Review Conference in 2018.

4.2 OPCW capacity building activities: reaping the “double benefit” of improved treaty implementation

Since the first engagement of the OPCW with the prevention and response to the potential CW use by terrorists, capacity building activities, including assistance and protection measures, under CWC Articles VII, X and XI have featured prominently. Under international treaty law, the implementation of these treaty provisions is an obligation states parties have undertaken, regardless of any terrorist threat. As such, stepping up capacity building and assistance and protection efforts has over time allowed the OPCW and its member states to reap the “double benefit” of improved treaty implementation. Since the early days of CWC implementation, the OPCW Technical Secretariat has maintained an ‘International Cooperation and Assistance Programme’ as part of its regular activities that has undertaken literally dozens of capacity building activities each year. While these are too numerous to discuss in detail, the annual reports of the Director-General on the OPCW’s contribution to global anti-terrorism efforts provide a useful overview of those capacity building and assistance and protection activities with a clear “double benefit” related to both the generic requirements of treaty implementation and preventing or responding to chemical terrorism.⁵²

The OPCW is thus involved in different ways in the implementation of the assistance norm, alongside states parties, who under Article X are both entitled to request such assistance and obliged to provide it. Numerous assistance activities have taken place over the years most of which have targeted specific groups of stakeholders in CWC states parties. In addition to the numerous targeted capacity building and assistance and protection activities for first responders, medical personnel, customs officers, and other stakeholders in CWC states parties, the OPCW also occasionally undertakes more complex and sophisticated exercises, which have been added to the portfolio of Article X activities. Recent events in this category include the CHEMEX Africa exercise in Algeria in September/October 2023, or the Table Top Exercise in November 2023 on the premises of the new ChemTech Center near The Hague.⁵³

4.3 OPCW collaboration with the UN in the global fight against chemical terrorism

The OPCW’s collaboration with the UN is based on three key documents, the first of which is the relationship agreement that the two organizations have concluded in 2000. In this agreement, the UN “recognises the OPCW as the organisation ... responsible for activities to achieve the *comprehensive* prohibition of chemical weapons”⁵⁴ (emphasis added). Specific areas of cooperation elaborated in the agreement are related to (1) the OPCW informing the UN General Assembly and Security Council about particularly grave CWC violations, (2) the OPCW collaborating with the UN Secretary General in case of CW use by a state not party to the CWC, (3) cooperating in assisting a CWC state party that has been exposed to the threat or actual use of CW and (4) to foster international cooperation for peaceful purposes in the field of chemistry.

⁵¹ See ‘OPCW Fact-Finding Mission concludes investigation on reported allegations in Qalib al-Thawr and al-Balil, Syria’, available at <https://www.opcw.org/media-centre/news/2024/06/opcw-fact-finding-mission-concludes-investigation-reported-allegations>, last accessed 20 August 2024.

⁵² For the latest report see OPCW, Note by the Director-General: Status of the OPCW’s Contribution to Global Anti-Terrorism Efforts, document EC-105/DG.10, The Hague: OCPW, 16 February 2024.

⁵³ OPCW, Report by H.E. Ambassador Vusimuzi Philemon Madonsela, Chairperson of the Open-ended Working Group on Terrorism to the Executive Council at its 105th Session, document EC-105/WP.1, The Hague: OPCW, 6 March 2024.

⁵⁴ OPCW Office of the Legal Adviser, *OPCW: The Legal Texts*, 3rd Edition, The Hague: Asser Press, 2014, pp.721-726, quote on p.721.

Second, Resolution 1540 (2004), adopted by the UN Security Council on 28 April 2004, strengthens several of the core norms of the CW prohibition regime, such as the ones on non-acquisition, non-transfer and non-use of CW, with a focus on non-state actors, such as terrorist groups. To implement the resolution, the Security Council set up a Committee and established a group of experts. Over the past two decades the mandate of the Committee and the group of experts has been extended several times, most recently in November 2022 for a period of ten years.⁵⁵ Lastly, the UN Counter Terrorism Strategy, adopted by the General Assembly in Resolution 60/288 on 8 September 2006, called on the OPCW to continue its capacity building measures for CWC states parties to prevent terrorists from accessing chemical materials, to improve chemical security at relevant facilities and to respond effectively to chemical attacks by terrorists.⁵⁶ With this, the UN General Assembly strengthened the investigation, and international cooperation and assistance norms expressed in the CWC.

Given overlapping responsibilities among international organizations in the global fight against terrorism, one of the key tasks remains interagency coordination.⁵⁷ This has been and continues to be complemented by a multitude of regular and ad hoc activities in the areas of legal and policy assistance, preventing the use of toxic chemicals by terrorist, and ensuring an effective response to the terrorist use or threat of use of CW. A detailed analysis of the large number and diversity of collaborative activities is beyond the scope of this paper. Suffice it to note that these have become a regular feature of the OPCW's work in support of the global fight against terrorism.⁵⁸

4.4 Chemical terrorism at the Fifth CWC Review Conference

The Fifth CWC Review Conference (RevCon5) took place in The Hague in May 2023. RevCon5 was not able to achieve a consensual outcome document, as was the case with RevCon4 in 2018. Strongly diverging views on the Syrian CW program and claims of Russian CW use in its war of aggression against Ukraine were the underlying causes for the disagreements between the large majority of CWC states parties and a small group including Russia, Syria and a few others.

Regardless of the absence of a consensual outcome of RevCon5, the review process leading up to it saw an increased visibility of the OPCW's role in the global fight against terrorism, being reflected both in the context of reviewing CWC implementation and planning ahead. Most notably, chemical terrorism was treated as a topic in its own right during the work of the Open-Ended Working Group to prepare RevCon5. Reviewing the operation of the treaty in relation to global anti-terrorism efforts, CWC states parties stressed that universality and the full and effective national implementation according to CWC Article VII play a key role in countering chemical terrorism, as well as the relevance of chemical safety and security to prevent the misuse of toxic chemicals by non-state actors. In addition the importance of the cooperation and assistance norms and the right to protection against chemical terrorism under CWC Article X were recognized, as were the capacity building activities undertaken by the Technical Secretariat and the role of the United Nations, including the obligations stemming from UN Security Council resolution 1540 in this context.⁵⁹

⁵⁵ United Nations Security Council, *Resolution 2663 (2022) Adopted by the Security Council at its 9205th meeting*, document S/RES/2663 (2022), New York, 30 November 2022.

⁵⁶ United Nations. Resolution adopted by the General Assembly on 8 September 2006. 60/288. The United Nations Global Counter-Terrorism Strategy, document A/RES/60/288, New York: United Nations, 20 September 2006.

⁵⁷ A mapping of mandates of international organizations in the UN system or associated with it was undertaken in 2011, see United Nations Counter-Terrorism Implementation Task Force, *Report of the Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks: Interagency Coordination in the Event of a Terrorist Attack Using Chemical or Biological Weapons or Materials*, New York: United Nations, 2011, available at https://www.opcw.org/sites/default/files/documents/PDF/CIITF_2011_Report.pdf

⁵⁸ For a more detailed overview see Alexander Kelle and Yasmin Cürük, 'The Chemical Weapons Convention as a Tool in the Global Fight Against Terrorism,' in B. Friedrich, U. Schmidt and P. Walker (eds.), *Thirty Years of Chemical Weapons Convention (CWC): Histories, Achievements, Challenges*, Springer Nature, forthcoming; relevant activities are presented in the annual reports by the Director-General, note 52 above.

⁵⁹ Personal communication from participant in the OEWG to prepare the Fifth CWC Review Conference.

Of the 97 statements that were delivered by CWC states parties (or groups of states) during the RevCon5 general debate 60 (or 67 per cent of those that spoke) contained references to chemical terrorism. The majority of references ranged from general comments, expressing concern about chemical terrorism and condemning it, to supporting the OPCW's role in countering chemical terrorism. A very small number of references to terrorism with chemical weapons reflected regional security issues in the form of accusations of CW terrorism. The regional distribution saw again the highest percentage of statements from the WEOG, followed by the Asia group.

Based on the review process that culminated in RevCon5, the new OPCW Medium-Term Plan (MTP) for 2024-2028 notes that knowledge about toxic chemicals, including chemical weapons, becomes ever more widely accessible. Therefore, "the Organisation will need to continue strengthening its capabilities to deal with non-State actors, especially terrorist groups, organised criminal groups, and individuals."⁶⁰ Related to reducing risks of incidents with toxic chemicals, the MTP reiterates the Technical Secretariat's role in the global fight against terrorism and the utility in this context of "the development, more broadly, of a chemical security culture"⁶¹ among states parties and the wider stakeholder community. The MTP also highlights the OPCW's collaboration with other international organisations in the global fight against terrorism. In this regard, it expects the organisation to expand its role in this area "by deepening its existing cooperative activities with partners, while at the same time examining potential partnerships with other organisations."⁶²

5 Summary and Conclusions: The Evolution of Chemical Terrorism Threat Perceptions and Responses at CWC Review Conferences

This paper set out to place the OPCW's contribution to the global fight against terrorism in the context of CWC implementation more broadly. It does so by focusing on the evolution of CWC states parties' chemical terrorism threat perceptions and CWC RevCon responses, as well as OPCW capacity building and networking activities.⁶³ Despite the CWC not explicitly mentioning terrorism, all five RevCons have addressed the issue by reviewing related treaty implementation and providing forward-looking guidance to varying degrees. As one element of its review activities, all but the most recent RevCons have made reference to relevant OPCW Executive Council decisions. Initially with reference to the December 2001 decision which declared, "the full and effective implementation of all provisions of the Convention is in itself a contribution to global anti-terrorist efforts" and thereby put the OPCW on the map of the global fight against terrorism. RevCon4 in 2018 referenced the more up to date EC decision taken in October 2017. This clearly reflects the general functions of RevCons, which are not isolated events, but embedded in a larger review process taking stock of the achievements in CWC implementation over the preceding five year period and, ideally, providing guidance for the next five years.

The 2001 Council Decision identified CWC universality and compliance with and full implementation of CWC Articles IV, V, VI, VII, XI and XI, as particularly relevant in the OPCW's contribution in the global fight against terrorism. Subsequent CWC review conferences largely reconfirmed this classification of normative guidelines as applicable and useful for guiding the organization's activities against chemical terrorism. Responses to CBW terrorism at RevCons have been linked most often to the international cooperation and assistance norms, have most of the time referenced relevant EC

⁶⁰ OPCW, *Note by the Technical Secretariat. Medium-Term Plan for the Organisation for the Prohibition of Chemical Weapons 2024-2028*, document EC-104/S/1* C-28/S/1, The Hague: OPCW, 14 August 2023, p.2.

⁶¹ Ibid, p.8.

⁶² Ibid, p.12.

⁶³ It focusses less on existing and still expanding scientific and technical competencies and capacities in the OPCW Technical Secretariat and the associated facilities of the States Parties such as Designated Laboratories, and their availability to other partners (not just States Parties). This function of the OPCW as a center of excellence is equally, if not more important in terms of practical measures, but not the focus of this paper.

decisions, and regularly noted the work of the Open-Ended Working Group on Terrorism. In addition, RevCons have made explicit reference to universality on three occasions, once to CWC Article VI and never to Articles IV and V. The latter absence from Review Conference outcome documents points to the changing threat perception concerning the proliferation dangers stemming from declared CW stockpiles and CW related facilities when compared to the initial Executive Council decision. Clearly, in late 2001 potential delays in CW destruction and hence a potentially extended period during which terrorists could gain access to still-existing CW, as well as the question of whether these stockpiles were in fact properly secured from unauthorized access, given the internal situation in Russia after the collapse of the Soviet Union, were of concern to Executive Council members. However, these concerns did not find their way into the consensual RevCon outcome documents in 2003 or after. The following table provides an overview of relevant aspects of CWC implementation related to the global fight against chemical terrorism over time.

Table 1: Elements of CWC implementation referenced in Review Conference outcome documents as useful in the global fight against terrorism

	RevCon1	RevCon2	RevCon3	(RevCon4)	[RevCon5]
Universality	✓		✓		✓
Art. IV & V					
Art. VI				✓	
Art. VII	✓	✓			✓
Art. X		✓	✓	✓	✓
Art. XI	✓	✓	✓	✓	✓
EC decisions	EC-XXVII/DEC.5	EC-XXVII/DEC.5	EC-XXVII/DEC.5	EC-86/DEC.9	
OEWG-T	✓	✓	✓	✓	✓

The fact that CWC states parties' threat perceptions of CW terrorism have evolved over time is also reflected in the number of national statements given during the general debates of CWC RevCons that have referenced this issue. According to this yardstick, states parties' concerns peaked during RevCon4 in 2018 with over 80 per cent of those speaking during the general debate mentioning chemical terrorism. The following table provides an overview.

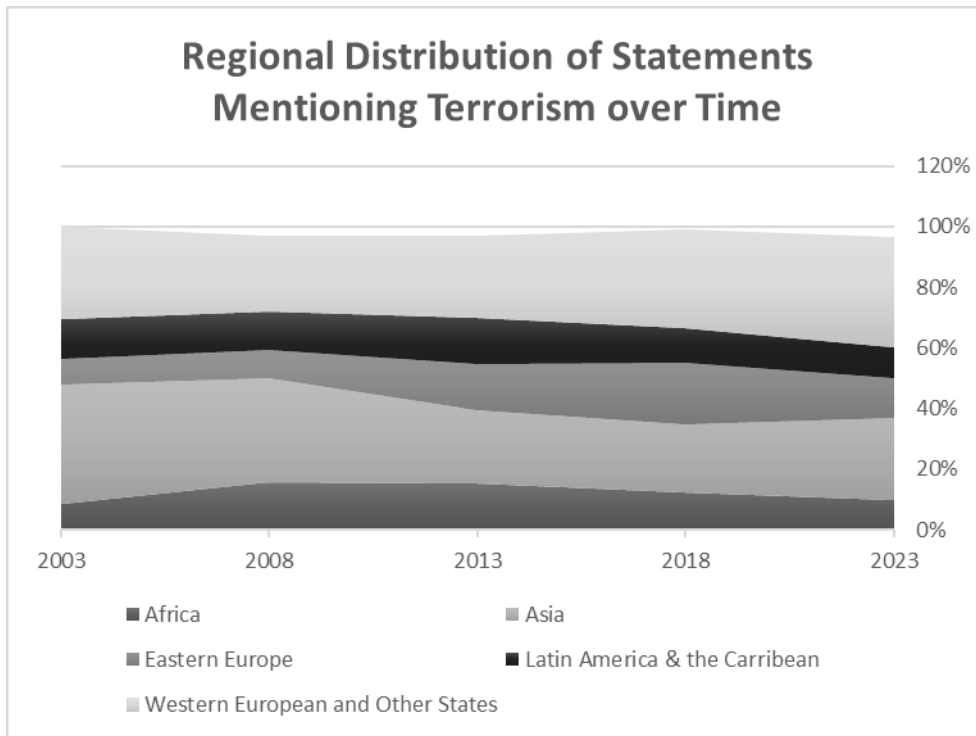
Table 2: Overview of national and group statements at Review Conferences mentioning CW terrorism

	RevCon1	RevCon2	RevCon3	(RevCon4)	[RevCon5]
CWC state parties (SP)	151	183	187	193	193
Number of SP* speaking at general debate	35	51	75	110	97
Number of those SP* mentioning terrorism	23	32	33	89	60
Percentage of SP* mentioning terrorism	66	63	44	81	67

* Numbers include individual state party and group statements during the RevCon general debates; see also footnote 23 above.

More than 30 per cent of statements mentioning CW terrorism across all five RevCons were delivered by states of the Western European and Others Group, slightly more than one quarter by the Asia group (27 per cent), and the remainder by the Eastern European Group (15%), the Latin America and Caribbean group and the Africa group (both around 12 per cent each). The following figure shows the regional distribution over time.

Figure 1: Regional distribution of review conference general debate statements mentioning terrorism⁶⁴



⁶⁴ The gap to 100 per cent for some RevCons is caused by group statements that do not fit the regional groups foreseen in the CWC, such as the European Union, the Non-Aligned Movement or the Global Partnership Against the Spread of WMD. These statements have been included in the analysis, but are not captured in the figure.

The CBW network for the comprehensive strengthening of norms against chemical and biological weapons (CBWNet)

The research project CBWNet is carried out jointly by the Berlin office of the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), the Chair for Public Law and International Law at the University of Gießen, the Peace Research Institute Frankfurt (PRIF) and the Carl Friedrich Weizsäcker-Centre for Science and Peace Research (ZNF) at the University of Hamburg. The joint project aims to identify options to comprehensively strengthen the norms against chemical and biological weapons (CBW).

These norms have increasingly been challenged in recent years, *inter alia* by the repeated use of chemical weapons in Syria. The project scrutinizes the forms and consequences of norm contestations within the CBW prohibition regimes from an interdisciplinary perspective. This includes a comprehensive analysis of the normative order of the regimes as well as an investigation of the possible consequences which technological developments, international security dynamics or terrorist threats might yield for the CBW prohibition regimes. Wherever research results point to challenges for or a weakening of CBW norms, the project partners will develop options and proposals to uphold or strengthen these norms and to enhance their resilience.

The joint research project is being funded by the Federal Ministry of Education and Research for four years (April 2022 until March 2026).

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