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Chemical Weapons.

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EXECUTIVE OFFICE
OF THE SECRETARY GENERAL

Note to Mr. Riza

LETTER TO THE DIRECTOR GENERAL OF THE OPCW

Attached please find for the signature of the Secretary-General a letter addressed to the Director General of the Organization for the Prohibition of Chemical Weapons (OPCW).

(ref: # 21-18755)

Jayantha Dhanapala

Jayantha Dhanapala
5 October 2001

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THE SECRETARY-GENERAL

8 October 2001

Dear Mr. Bustani,

I wish to thank you for your letter dated 2 October 2001 in which you shared with me your concerns about the global threat of terrorism and outlined the contribution which the Organisation for the Prohibition of Chemical Weapons (OPCW) can make, in particular as regards effectively addressing the challenge of chemical terrorism.

I have also noted the statement made by the Chairman of the Executive Council of the OPCW on the issue of terrorism and the importance of participation of the OPCW in global efforts to counter the threat of terrorism related to chemical weapons.

The contribution which your organization can make in the efforts of the international community to further strengthen the existing international norms against the use or threat of use of weapons of mass destruction, in particular chemical weapons, is indeed of utmost significance. I look forward to our collaboration towards this goal and would like to assure you that the United Nations remains committed to promoting all efforts aimed at achieving universality of the Chemical Weapons Convention and its full implementation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Annan', written in a cursive style.

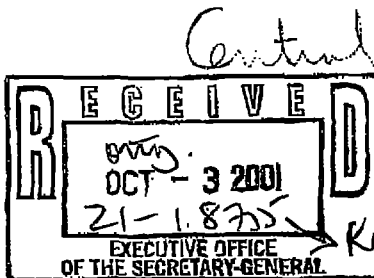
Kofi A. Annan

Mr. José M. Bustani
Director-General
Organisation for the Prohibition of Chemical Weapons
The Hague

ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

Director-General

The Hague, 2 October 2001
L/ODG/51898/2001



REC'D OUSG
5 OCT 2001

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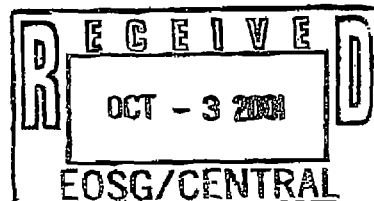
Excellency,

Your Excellency's dramatic speech of yesterday has been a source of inspiration for me and for the OPCW Secretariat. Indeed, the international community's resolve to counter the global terrorist threat calls for coordinated involvement of those international organisations which have the resources to make a meaningful contribution to the emerging global anti-terrorism strategy. In this regard, the UN Security Council's decision to establish a committee to monitor implementation of Resolution 1373 (2001) rightly puts the United Nations at the heart of this urgent task.

There are several ways in which the Chemical Weapons Convention and the OPCW can make a practical contribution to this challenge as regards chemical terrorism. The Security Council's resolution decided that all States shall "deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens". The Chemical Weapons Convention establishes the legal basis for prosecution on the territory of its 143 States Parties of violators of the Convention - individuals or groups involved in developing, producing, otherwise acquiring, stockpiling, transferring, or using chemical weapons. Achieving the Convention's universality is, thus, critically important in order to deny safe havens for terrorists contemplating the use of chemical weapons everywhere.

The Security Council's resolution also "notes with concern the close connection between international terrorism and ... illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard, emphasises the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security". Prevention of diversion of dual use chemicals lies at the core of the verification regime established under the CWC. This regime needs to be maintained and strengthened.

H.E. Mr Kofi A. Annan
Secretary-General of the United Nations
United Nations Headquarters
New York
N.Y. 10017
USA



Under the CWC, the OPCW must be in a position to provide assistance to those Member States which are threatened by chemical weapons or against which chemical weapons were used. The OPCW has received offers of such assistance from 31 States Parties. Yet, more needs to be done for the OPCW to provide adequate assistance in a timely manner.


Much of the world's expertise in the field of chemical weapons is concentrated in the OPCW. The Organisation has uniquely qualified staff to handle toxic chemicals and to investigate instances of use of chemical weapons. The closure of the UNSCOM's laboratory in Baghdad at your request was one example of such expertise put to good use.

And, finally, stringent security of existing chemical weapons arsenals and their expedient elimination would undeniably contribute significantly to the reduction of the threat of their use by terrorists.

The OPCW Executive Council at its session last week discussed on my initiative the matter of chemical terrorism and the role which the OPCW can and should play in assisting global efforts to counter this threat. The relevant parts of my statement to the Council are attached to this letter. The sense of the Council's deliberations is reflected in the statement of its Chairman which is also attached to this letter. Further discussion of this topic is expected to take place at the next session of the Council in December.

In conclusion, Excellency, let me assure you that the OPCW is ready and willing to contribute, within its mandate, to global fight against chemical terrorism.

Please accept, Excellency, the assurances of my highest consideration.



José M. Bustani
Director-General

Attachments



**OPENING STATEMENT BY THE DIRECTOR-GENERAL
TO THE EXECUTIVE COUNCIL AT ITS TWENTY-SIXTH SESSION
The Hague, 25 September 2001**

Mr Chairman,
Distinguished delegates.

1. Exactly two weeks ago the world came face to face with the new kind of clear and present danger. Many had seen it coming for some time now. Others have already had their share of similar gruesome experiences, albeit on a smaller scale. Yet most of us were nevertheless instinctively unwilling to contemplate such ruthless premeditated mass killing of innocent civilians as a real possibility. Then, on 11 September, it just happened.
2. This was not just an attack on the United States of America. It was an attack on the world. There is a new enemy with whom one can not reason. An enemy without defined borders. An enemy from within our own environments. The viciousness and savagery of the horrific events in New York and Washington brought home to all of us this new reality which is already forcing policymakers everywhere to question and to rethink the very foundations of both national and international security in the face of these new threats and challenges.
3. Chemical terrorism is a looming real threat. It is that threat which makes it our duty to review the way in which the OPCW has been going about implementing its mandate under the Chemical Weapons Convention. In fact it is not just a requirement, it is our moral obligation to demonstrate that we really are, in the words of the Convention, "determined for the sake of mankind, to exclude completely the possibility of the use of chemical weapons" by anyone. Our resolve and vision must be just as extraordinary as the threat which now confronts us all, to an equal extent.
4. What might have seemed appropriate and sufficient only a few months ago is simply inadequate in this new reality. The word "terrorism" is not explicitly included in the CWC. Yet it is the Convention which, in a legally binding manner, prohibits the nationals of States Parties from engaging in acts – including chemical terrorism – which violate its obligations. Thus, the CWC does provide an international legal foundation for the fight against chemical terrorism. Moreover, the Organisation's mandate, in fact, its very *raison d'être* – the worldwide elimination of chemical weapons – is directly relevant to the solution of this urgent task. The sooner the Convention achieves universality; the sooner all chemical weapons are destroyed; the sooner we establish a truly credible chemical weapons non-proliferation regime; the sooner all States Parties establish an effective legal regime, including penal legislation, to prevent the illegal use of chemicals and

chemical technologies; the sooner will the threat of chemical terrorism become a thing of the past. From now on we must once and for all use the potential offered by the Convention to the maximum. It would be short-sighted and irresponsible to be content with anything less than that.

5. The OPCW is in a position to make a meaningful contribution to this global struggle because its potential and resources to do so are unique. In addition to the national expertise which exists in very few countries, almost all of the world's expertise in the field of chemical weapons is concentrated within the confines of this Organisation. This expertise can and must be used to the benefit of the international community. In other words, where chemical terrorism is concerned, the international community is not starting with a tabula rasa.
6. Later in this statement I will share with you some of my thoughts on the subject of chemical terrorism. However, I invite all of you and your capitals to give serious and urgent consideration to the ways in which the OPCW can most effectively contribute to the emergent global anti-terrorist strategy. I also propose to have an in-depth discussion of this matter at the next session of the Executive Council.
55. ...The OPCW has a mandate to develop and maintain a state of readiness to provide timely and efficient assistance to any State Party facing the use or threat of use of chemical weapons. It is now high time for States Parties to join together in devoting adequate resources to the effective implementation of Article X. The danger inherent in not doing so is very real, and we have to take responsibility in this regard.
77. ... In conclusion, let me return to the subject that I touched upon at the beginning of my statement – chemical terrorism. There is plenty of work to be done in this field by both national agencies and international institutions. The action plan must be comprehensive and multifaceted, and must benefit from all those resources which can be placed at the disposal of the international community. And the OPCW does have a very definite contribution to make to this cause. While the Council should, and, I am sure, will, consider how the Chemical Weapons Convention's regime could be strengthened to deal with this major threat to world peace and security, urgent tasks arising directly from our current mandate must also be dealt with expeditiously.
78. The most critical of these issues is universality. One look at the map of the world is enough to explain its urgency. Would it be easier to deal with the threat of chemical terrorism today if those countries that are now not States Parties to the Chemical Weapons Convention had joined the CWC regime? Is there a risk that terrorist organisations may obtain either chemical weapons or their immediate precursors from some of the States not party to the CWC? The answers to these questions are, I hope, self-evident. I wish to renew my call for all States Parties to join the Secretariat in a coordinated programme of action to bring about universality as soon as possible. We cannot, of course, do it alone. We can, however, through an active and well-financed programme, ensure that all those who do not have anything to hide will join the CWC, thereby isolating and placing additional political pressure on any others who may have opted to stay out of the OPCW. I cannot, with the best will in the world, find any excuses which, since 11 September of this year, will

convincingly provide a rationale for non-membership of the OPCW acceptable in the light of tragic events and nightmarish tendencies in the world today, for countries to be outside our fold.

79. We must act energetically to achieve our most immediate goal of completely destroying existing chemical weapons arsenals, and we must ensure that all chemical munitions and all chemical agents are destroyed under stringent verification. We must ensure that scheduled chemicals, and not just chemical weapons, never, under any circumstances, fall into the wrong hands. We should set up a system of OPCW monitoring of compliance with the obligation not to transfer certain scheduled chemicals to States not party. We must launch an intensive programme to ensure that all States Parties have effective legislation in place to prosecute violators of the CWC who are nationals of States Parties to the Convention, thus offering a meaningful deterrent against such attempts. A draft Council decision on the OPCW's role in the fight against chemical terrorism will be circulated by the Secretariat during this session.
80. All of this will have its impact on the budget. Yet we have to finally understand that the time for waiting is over. The time has come to act. Everything which the OPCW does aims towards nothing less than the accomplishment of our ultimate vision – the global elimination of chemical weapons. Whether we organise a seminar, or enhance a non-proliferation culture through the Associate Programme, or buy computers to enhance our ability to analyse information – we are always guided by this shared vision. We cannot waste any more time arguing about nickels and dimes. There is a lot of work which needs to be done, and done very urgently. Let's get on with it.



OPCW

Executive Council

Twenty-Sixth Session
25 – 28 September 2001

EC-XXVI/3
28 September 2001
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**STATEMENT BY THE CHAIRMAN OF THE OPCW EXECUTIVE COUNCIL
CONSEQUENCES OF TERRORIST ATTACKS
ON 11 SEPTEMBER 2001**

The Executive Council considered the consequences of the terrorist attacks which took place on 11 September 2001 in the United States of America within the context of the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. The following statement expresses the sense of the Council on this matter.

The Council fully associates itself with United Nations General Assembly Resolution 56/1 (2001) and United Nations Security Council Resolution 1368 (2001), in relation to the above-mentioned terrorist attacks.

The Council expresses its heartfelt condolences to the victims of those attacks and to their families, as well as to the people and Government of the United States of America.

The Council further expresses its concern about the risks of chemical terrorism.

The Council recalls that the Chemical Weapons Convention emphasises the determination of States Parties to the Convention, for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of the Convention.

The members of the Council are convinced that the effective and comprehensive implementation of the Convention would contribute to the reduction of the threat of chemical terrorism, thus assisting global efforts to combat all forms of terrorism.

The Executive Council unequivocally condemns the terrorist attacks which took place on 11 September 2001 in the United States of America.

The Council appeals to all States Parties to redouble their efforts to ensure the universality of the Convention, and to comply fully with their obligations under the Convention, including by the destruction of chemical weapons, the prevention of the diversion and illegal use of chemicals and chemical technologies, and the taking of all necessary measures in accordance with Article VII of the Convention.

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The Council expresses its appreciation for, and encourages further development of, activities in the areas of assistance and protection against the use or threat of use of chemical weapons, and measures to implement the Convention at the national level, and appeals to States Parties to further expand and detail their undertakings to provide assistance through the Organisation in accordance with Article X of the Convention.

The Council urges the development of further means and measures to provide legislative support and assistance to States Parties for the enactment at the national level of enforceable legal provisions for the effective implementation of the Convention.

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