



OPCW

Conference of the States Parties

First Special Session

C-SS-1/NAT.1

21 April 2002

Original: ENGLISH

UNITED STATES OF AMERICA

**STATEMENT FOR SPECIAL CONFERENCE OF STATES PARTIES TO THE
ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS
BY AMBASSADOR DONALD A. MAHLEY, UNITED STATES REPRESENTATIVE
TO THE OPCW
APRIL 21, 2002**

Mr. Chairman, colleagues:

This Special Conference of the States Parties to the Chemical Weapons Convention has been convened at the request of the United States. Let me begin by thanking each country represented here for your evident concern about the health of the Convention manifested by your attending this extraordinary meeting on such short notice.

Be assured my country would not have requested this session unless we were very certain that the circumstances required immediate action. We also know that a significant number of other countries share our deep concerns. Let me explain the rationale for our decision to call for this Conference.

The United States firmly believes the crisis now facing the OPCW is acute. It is acute because the Organization can bear no longer the destructive and destabilizing effects of its current leadership, and the mission and health of the Organization are at great risk. It is acute because the reaction time for correction is short. The serious inadequacies and failings of the current leadership are known. Unfortunately the danger signs have been present for years. The Executive Council of the OPCW has met twenty-eight times. At almost every Executive Council meeting, one of the principal topics of discussion -- among delegates and with the Director-General and his staff -- has been problems with the management of the Technical Secretariat. So when the Director-General claims he had no hint before February of this year that there is dissatisfaction with his leadership, he is saying he was not listening.

Some, including the Director-General, have claimed that the purpose of proposing removal of the Director-General is to destroy yet one more multilateral arms control agreement. Nothing could be further from the truth. In fact, the Director-General's mismanagement and negligence have already undercut the OPCW. The purpose of all of us assembled here today must be to preserve the Chemical Weapons Convention and restore the viability of its implementing body, to allow it to continue to pursue its legitimate and important goals.

Every representative in this room recognizes the simple truth that the management of any international organization must have the support of its membership to survive and thrive. The Director-General, by his own actions and inactions, has lost exactly that support.

If we wished the Convention to falter, it would have been easier to simply stand back and allow the current Director-General to complete the destruction of staff morale, Technical Secretariat capabilities, and the financial foundations of the OPCW. We are taking the more painful approach because it is the only way open to us to preserve the Convention.

Many of the countries represented here today have served on the Executive Council. Certainly, in every regional group there are numerous colleagues who can provide ready examples of the Director-General's disdain for the Executive Council, his polarizing conduct, and his unwillingness to consult with States Parties to take into account their concerns. They can also tell you of unsuccessful efforts to obtain from the Director-General budget proposals that fell within the realm of political possibility, or arbitrary and capricious personnel practices, and of the Director-General's failure to match expenditure to income in a responsible way.

They can also share with you the great difficulty the Council encountered last year in getting the clear, accurate information it needed to assess and deal with the Organization's financial crisis. This Organization carries out vital activities, and its financial situation has led to a grave curtailing of inspection activity both last year and this year. These financial difficulties are not solely of the Director-General's making -- but deficit spending in 2000 and poor financial management since seriously compounded them, and this lack of reliable information made it nearly impossible for the Council to respond constructively.

The Chemical Weapons Convention is a very sophisticated document. Its drafters established a Technical Secretariat to implement the day-to-day activities called for by the Convention. The Technical Secretariat operates under the direction and guidance of the States Parties, organized as either the Conference of the States Parties or their direct representatives, the Executive Council. Mr. Bustani argues that this gives him 145 bosses. He does not seem to consider himself accountable to member states, either as a group or individually.

But I do not intend to go into great detail about particular instances of how the Director-General has betrayed the trust and confidence we as States Parties placed in him. The issue is not simply a matter of bookkeeping entries or management style. The problem is more fundamental. It is abdication of transparency, of responsibility, and of judgement. But Mr. Bustani has portrayed the consequence of his stewardship - the call for his resignation or removal - as a unilateral attempt to dismantle, control, or "bully" the Organization, and of threatening the independence of the head of an international organization. Let me illustrate, in the clearest way possible, the façade of this argument. I would like to quote from two documents dated earlier this month. The first is the missive circulated by the Director-General on April 5, 2002, to the Foreign Ministers of all 145 States Parties, including the United States. I quote from paragraphs 60 and 61 of that document:

"Attempts to oust the Director-General of the OPCW seek to establish a dangerous international precedent where any Director-General of any international organization... will always be conscious of the fact that his future... depends in its entirety on the attitude, whims, and perceptions of one, or a few, major contributors... The Director-General does his job in the interest of each and every member of the Organization. He cannot and will not provide special treatment to those Member States which together contribute more than 50% of the budget..."

That is noble rhetoric. But consider it for yourselves in the context of the second document. This, which I quote from, is a document handed only to the United States, coincidentally on the very same day, April 5, 2002.

"The Director-General [Bustani] believes that it would be worth exploring with the government of the United States...ways to...make unnecessary to convene [sic] a Conference of the Parties of the Convention... In this context, Ambassador Bustani believes...he would be prepared... to designate an American official, freely chosen by the United States, to replace the Deputy Director (from Australia) of OPCW, whose mandate will soon terminate..."

The United States flatly rejected the offer. It is, in our view and in the current circumstances, wholly inappropriate. It misunderstands the point of our objections to Mr. Bustani, and misses the point that our efforts have all been initiated because of our concern with the survival of the organization - an organization in danger precisely because of such irregular, impetuous types of actions.

But I would ask delegates here to compare this attempt by the Director-General to ensure his continuance in office to the rhetoric he has been so free to dispense.

It is a closed document, privately transmitted, wherein an offer to arbitrarily depose a senior member of the Technical Secretariat, the Deputy Director-General, is guaranteed, without any justification other than freeing up the position for an American.

It is an offer for a senior position that violates the very language and spirit of the Convention. The Director-General is ready to appoint an American official, "...freely chosen by the United States...." I would ask delegates to compare this proposed "deal" to paragraph 44 of Article VIII of the Convention, that my government solemnly signed and ratified, which specifies that "The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff... The paramount consideration in the employment of the staff... shall be the necessity of securing the highest standards of efficiency, competence, and integrity." (emphasis added.) Not only are these kinds of offers made without regard to consultation with either the Executive Council or the Conference of the States Parties, but the issue of competence is completely ignored.

Finally, the United States finds it impossible to reconcile such offers with the Director-General's rhetoric about protecting the independence of the head of an international organization from influence by one or a few State Parties. This kind of proposal is unacceptable to us because it is counter to the abiding principle so often quoted by the Director-General that there should be no national influence on the overall operation of the Technical Secretariat, or because it would waste a precious senior staff slot on a person who will be marginalized and ignored in the operation of the Technical Secretariat.

Such proposals defeat the need for transparency in the operation of the OPCW and violate the spirit of consultation with the Executive Council or Conference of the States Parties as envisioned in Article VIII of the Convention. It is simply a desperate effort by the current Director-General to create, through private deals, exactly the kind of situation he disclaims in his public posturing. It is indicative of the mismanagement and negligence suffered for too long by this Organization. It is only one, but a clear, example of why for the health of the CWC, we must take decisive action by adopting the draft decision proposed by the United States and numerous cosponsors.

This is not a routine circumstance. Let me underscore that the United States does not seek by this action to create a precedent or a new way of functioning for international organizations. This is the only redress at this point to permit the Technical Secretariat to receive the kind of leadership and direction boost needed to carry forward the important work of the Convention.

Mr. Chairman, colleagues,

The United States would have preferred that this Conference not be faced with the task before us. We would, at the outset, have preferred that the Director-General prove up to the challenging task he has faced. To understate it, we have been disappointed.

We would have preferred to have resolved the crisis less publicly and with less damage to the Organization. We made repeated efforts to do so, only to be rebuffed or circumvented.

This Organization is, therefore, faced with the necessity of taking those actions that will permit the survival of the Convention. That requires, as the draft decision we have circulated indicates, the immediate removal of the current Director-General. While even that will not immediately correct the debilitating and grossly negligent actions the Director-General has directed or allowed to continue under his stewardship, it is the only action which will permit the Organization and the Convention to start on the painful road to recovery.

We would therefore urge all States Parties represented here to support the draft decision, and to do so promptly.

Thank you, Mr. Chairman.

--- 0 ---