



OPCW

Executive Council

Sixty-Fifth Session
12 – 15 July 2011

EC-65/NAT.8
12 July 2011
ENGLISH only

UNITED STATES OF AMERICA

**STATEMENT BY AMBASSADOR ROBERT P. MIKULAK
UNITED STATES DELEGATION TO THE OPCW
AT THE SIXTY-FIFTH SESSION OF THE EXECUTIVE COUNCIL**

Mr Chairman,

As we begin the Sixty-Fifth Session of the Executive Council, I would like to welcome you, Ambassador Goosen, to your first session as Chairman. We have already been impressed with your energy and commitment in seeking consensus on issues related to meeting the extended date for destruction of chemical weapons. You can count on the full support of my delegation in the coming year as you ably lead us through what will surely be a transformative period.

Mr Chairman, Mr Director-General, distinguished delegates,

Finding consensus on the 2012 destruction deadline issue will consume much time and energy between now and the meeting of the Executive Council in early October. The Council Chairman's timeline to find a resolution by the Sixty-Sixth Session of the Council is exactly right. Furthermore, the draft decision text that he has prepared is a good basis for developing a consensus recommendation to the Conference of the States Parties. From our standpoint several problems do remain in the text. We will make more specific comments under the appropriate agenda item. I want to assure the Council that my delegation will continue to be collegial and practical in its approach. We hope our colleagues will do the same so that this body can avoid any sense of crisis leading up to April of next year. In fact, the record of OPCW delegations in reaching agreement on complex and highly political issues speaks to the skill and commitment of all delegations in finding consensus solutions. I have full faith and confidence in this Council's ability to do so again on the issue of complete chemical weapons destruction.

Let me reassure you that the United States' commitment to complete destruction is unwavering, and we will continue our destruction programme in full transparency.

The United States is continuing to meet its obligation under the Convention to destroy 100% of its chemical weapons stockpile, as rapidly as practicable and in a manner that is safe and environmentally sound. In 2006, when the United States requested an extension of its deadline for destruction, it projected that it would destroy approximately 66% of its chemical weapons stockpile by 29 April 2012. As we reported during this week's destruction informal consultation, the United States has completed the destruction of more than 88% of its



chemical weapons stockpile. We are on target to complete approximately 90% destruction before April 2012.

Despite the enormous national destruction effort—\$22 billion expended to date—the United States does not expect to complete destruction by 29 April 2012. We expect, however, to have destroyed approximately 90% of our chemical weapons stockpile by that date. I assure you that the United States is fully committed to achieving 100% destruction of chemical weapons as soon as practicable, consistent with the Convention's imperatives of public safety and environmental protection, and of international transparency and oversight. In this regard, I would like to refer to a recent letter from then-U.S. Secretary of Defense Robert Gates to the Director-General. In it he pledged the U.S. Department of Defense's continued commitment to open and transparent engagement with the OPCW on our schedules, budgets, and challenges until the destruction programme is completed. Secretary Gates' letter will be made available to all members of the Executive Council.

We will continue to provide reports that track our progress in 90-day intervals. And we will continue to provide candid presentations at every informal meeting of the Executive Council on chemical weapons destruction, containing even more detailed information on our destruction efforts. We have briefed delegates at the Conference of the States Parties for the past two years. We will also continue that practice, along with inviting Executive Council representatives to visit our facilities every other year to observe first-hand the scale and complexity of our programme and the seriousness of our efforts.

The United States looks forward to the report of the Advisory Panel on the future of the OPCW and a discussion among Member States on how best to enhance the relevance of the OPCW in the coming years. The United States continues to believe that the main purpose of the OPCW must continue to be strengthening international security against the misuse of chemicals for hostile purposes. We acknowledge that the OPCW will remain a disarmament organisation, dedicated to eliminating existing stockpiles, until all States with chemical weapons have joined the Convention and destroyed their stockpiles and former chemical weapons production facilities. In addition, the OPCW is charged with ensuring that the threat of chemical weapons does not reappear. Thus, the non-production of chemical weapons and the non-proliferation of these weapons or dangerous precursors must also remain a high priority for the OPCW and its Member States.

Disarmament and non-proliferation are not mutually exclusive objectives; indeed, they must take place simultaneously. My delegation will participate in the full implementation of all articles of the Convention.

As the Technical Secretariat engages in less destruction verification over the coming years, it raises the question of how the Technical Secretariat will allocate its personnel and financial resources among the other aspects of the Convention. As a non-proliferation measure, Article VI inspections should incrementally grow. But further emphasis will also be needed on Articles VII, X, and XI, requiring not only a re-balancing of tasks, but also adjustment of the staffing pattern to accomplish those tasks. It will be up to the States Parties to help define the priorities among competing tasks in order for the Technical Secretariat to adjust its personnel accordingly. The United States welcomes the Director-General's 2012 Programme and Budget as a fiscally responsible way to begin the transition process. Given the international economic climate and the declining inspection workload at destruction sites, some reduction in the budget seems prudent and, if applied correctly, it should not affect the

operations of the OPCW negatively. My delegation looks forward to the upcoming negotiations on the budget to find an appropriate balance among all aspects of the Convention.

The United States believes that Articles VII, X, and XI all make critical contributions to enhancing international security, now and into the future. The November 2010 workshop that explored new initiatives under Article XI produced many useful ideas for further attention. The United States, as one of the owners of Article XI, is carefully considering and prioritising each idea with a view to identifying initiatives that can be done now without substantial additional resources. Although at times there is a tendency to equate better implementation of Articles X and XI with increases in the budget, this approach is oversimplified and cannot be sustained. Certainly, the funding of the International Cooperation and Assistance section of the OPCW budget merits strong support. But in the future, any increases are likely to be modest at best, given the financial constraints on many States Parties.

At the same time, it is important to recognise that a great deal of separately funded bilateral cooperation related to Articles VII, X and XI takes place each year among States Parties. The level of this cooperation directly among Member States dwarfs the activities of the OPCW. In one area—chemical safety and security—over the last three years experts from more than 20 countries have participated in workshops and courses funded by the United States. A number of these were held jointly with other States Parties. The annual budget for this programme exceeds seven million dollars. In addition, my delegation is still cataloguing the efforts my Government and other U.S. institutions regularly undertake, for example, to help strengthen National Authorities, provide legislative assistance, train customs officials, provide Article X-related medical assistance, and donate chemistry equipment. We would like to see the OPCW take a much more active role in helping States take advantage of cooperation programmes sponsored by States Parties.

Given that the requirement for national implementation measures, including legislation addressing the key obligations listed under Article VII of the Convention, has been met by only 46% of States Parties, the question arises: How can we all help each other? The U.S. National Authority remains ready, and would be pleased to help any other State Party that is in need of national implementation assistance. We know that the OPCW and other States Parties are willing to do the same, and we only wait to be asked.

The United States looks forward to the OPCW-hosted conference on chemical safety and security to be held this September as part of the International Year of Chemistry. The U.S. Government has made a voluntary contribution to support this conference and we encourage others to do so as well. We believe the sharing of best practices and lessons learned regarding the safe and secure use of chemicals will aid in keeping populations safe while furthering the development of chemical industry. The International Year of Chemistry presents an opportunity to promote the OPCW's efforts to ensure that toxic chemicals are used only to help people and not to hurt them.

The Council recently supported the extension of Libya's deadline for the destruction of its stocks. The United States looks forward to the day when Libya can complete the destruction of its Category 1 and 2 chemical weapons stockpiles under Technical Secretariat verification, as required by the Convention. Until that time, Libya must continue to guarantee the security of those stockpiles. We support the steps taken by the Director-General and the Council thus

far with regard to Libya's chemical weapons destruction programme. Further, we request that the Director-General keep the States Parties informed, and alert the Executive Council if its action is needed.

Indeed, Mr Chairman, I would like to acknowledge your determined efforts as Vice-Chair for industry issues to invigorate the industry cluster and refresh the list of industry-related issues before the Council. In the same vein, I would like to pledge our full support for the new industry Vice-Chair, Ambassador Gregor Koebel of Germany, and his efforts to maintain the vitality of the cluster. My delegation stresses the importance of an active industry cluster that can take action on timely issues that are relevant to industry implementation. These issues include improving the effectiveness and efficiency of industry inspections and reducing the chronic problem of transfer discrepancies. My delegation was pleased to contribute to the work of the industry cluster by providing a facilitator for the long-standing industry issue of salts of scheduled chemicals. We encourage other delegations to step forward and take on issues awaiting Council action.

The intersessional period featured extensive consultations on issues relating to industry implementation. Although Ambassador Wagner is not present with us this week, we greatly appreciate his efforts to find consensus on guidelines for the annual number and frequency of Article VI inspections. It is deeply disappointing that unresolved issues remain. We urge that an effort be made this week to reach consensus so that the Council can adopt a decision. We acknowledge that there are now areas of broad agreement among States Parties. For example, delegations agreed on the need to maintain sufficient geographic distribution of inspections, and the Technical Secretariat offered suggestions on steps that could be taken to achieve this goal.

Establishment of guidelines to determine the number and frequency of inspection is a critical objective, but there is more to the story than only discussing how many inspections the Technical Secretariat should conduct. We also must ensure that inspections are focused on the most relevant facilities. In this regard, the United States also appreciates the efforts of Ambassadors Lohman and Taib to improve the current selection methodology for other chemical production facility (OCPF) sites, and we fully support the co-facilitators' paper submitted to this Council. We look forward to these proposals being implemented as soon as possible and having a direct impact on OCPF distribution in 2012. However, there are additional tools available to States Parties to ensure inspections are best allocated. For example, the third site-selection factor for OCPF inspections, proposals by States Parties, is currently not being implemented. The United States looks forward to participating in discussions on this issue in future industry consultations.

Another long-standing issue that requires timely resolution is continued verification measures for chemical weapons production facilities (CWPFs) 10 years after their conversion to peaceful purposes. Again, we thank Ambassador Pieter de Savornin Lohman for his patience in facilitating this issue, which has been deferred by the Council nine times. The Convention requires the Executive Council to determine a verification regime for these converted facilities, and the time has come to reach a consensus. Given that these facilities were designed to produce chemical weapons, and considering the special category assigned to them by the Convention, all converted facilities should continue to be subject to the possibility of inspection for an extended period. In practice, however, the number of such inspections each year could be a small fraction of the total, and be based upon a facility risk assessment that takes into account facility features and activity. If such an approach can be

agreed upon, we could agree that such verification would be funded from the OPCW budget. Continued verification along these lines is, in the view of the United States, more than reasonable, in exchange for accommodating the “compelling economic need” that justified their exceptional conversion. We hope that other States Parties who have a particular interest in this issue will show similar flexibility so that the Executive Council can at last reach a consensus decision at the next session.

Before concluding my statement, I would like to express the appreciation of the United States for the outstanding service that has been given to the Organisation by two senior members of the Technical Secretariat who are leaving soon—Director of Verification Dr Reeps, and the Director of External Relations Mr Liu. We have benefitted greatly from their experience, commitment, professionalism, and hard work. The U.S. delegation wishes them all the best in their future professional and personal lives.

I had planned to complete my statement at this point. But in view of statements made to the Council this morning by the Iranian delegation, it is necessary for me to set the record straight.

Iran has alleged that the United States was not in compliance with the Convention in the manner in which it recovered and destroyed pre-1991-era chemical weapons in Iraq. As I said at the Fifteenth Session of the Conference of the States Parties, I would like to reiterate that our immediate destruction of these weapons did not violate the Convention and indeed was necessary to support the object and purpose of the Convention. It was also necessary to protect our forces, the local populace, the environment, and the stability of Iraq. Our actions were fully consistent with our Article I obligations to “never under any circumstances develop, produce, otherwise acquire, stockpile or retain chemical weapons.” The United States rejects as totally unfounded any allegation that it violated the Chemical Weapons Convention in these unusual and unforeseen circumstances.

Indeed, the detailed procedures in the Verification Annex of the Chemical Weapons Convention regarding reporting, destruction planning, destruction and verification were not suited for the circumstances that prevailed in Iraq during this time period. As a practical matter and as a security matter, such procedures could not have been applied under such circumstances. As confirmed by subsequent events, it would not have been possible for the Technical Secretariat to fulfil the role assigned to it by these procedures.

The United States has responded fully to two extensive and repetitive sets of questions raised by Iran. Our first set of responses was circulated to all Member States last December. We will request that the second set of responses also be circulated for all States Parties.

Iran has also alleged that the United States will deliberately not comply with the 29 April 2012 destruction deadline, and in fact plans to retain a chemical weapons stockpile. This is unfortunate and unnecessary rhetoric given that the United States has transparently described our chemical weapons destruction challenges and difficulties since 2006. As I noted above, the U.S. destruction programme is well ahead of where we thought it would be five years ago—we are projected to only have approximately 10% of our stockpile remaining on 29 April 2012. No other delegation appears to doubt the United States’ full commitment and dedication to completely destroy our stockpile completely.

There is a world of difference between not being able to destroy one's stockpile on time, even though we are destroying it as rapidly as we can, and the deliberate attempt to illicitly acquire chemical weapons. Our chemical weapons stockpile, which remains under full OPCW verification, does not pose a security threat to anyone, while illicit acquisition efforts pose a threat to us all. With this in mind, we trust that the other members of the Executive Council will continue to understand that the unrelenting and transparent chemical weapons destruction effort of the United States will continue in this manner.

It is clear that we have considerable work ahead of us in this defining year for the Organisation. In closing, I would like to request that this statement be circulated as an official document of the Sixty-Fifth Session of the Council.

Thank you, Mr Chairman.

--- 0 ---