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UNITED STATES OF AMERICA

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

Mr Chairman,

As we begin the Sixty-Sixth Session of the Executive Council, I would like to thank you, Ambassador Goosen, for your continued leadership of the Council. We remain impressed with your energy and commitment in seeking consensus on a range of issues, particularly regarding the extended date for destruction of chemical weapons. You can continue to count on the full support of my delegation in your efforts to lead the Council toward the major decisions that need to be taken at this session.

Before getting into specific issues on our agenda, I'd also like to express the thanks of the U.S. delegation to those in the Technical Secretariat for whom this is the last Executive Council session. We greatly appreciate their service to the OPCW and the many ways in which they've helped each of us. We want to wish them well.

Mr Chairman, Mr Director-General, distinguished delegates,

Finding consensus on the 2012 destruction deadline issue is the most important task for this session. We also need to reach agreement on the 2012 budget and an extension of the Director-General's ability to maintain the technical capabilities of the OPCW. Article XI is another issue that merits serious consideration.

The Council Chairman's decision text, which represents the results of two years' of diligent work, is the only realistic basis on which consensus could be built. But, in our judgment it has many flaws that should be fixed. No doubt others with different perspectives have similar views. But the basic approach is sound and the debate makes clear that the text represents a precarious balance that further changes are very unlikely to improve. The real question for us is whether overall it already goes too far. We are still looking very carefully at it. I cannot tell you today what the final judgment will be.

Let me reassure you that the United States' commitment to complete destruction is unwavering, as was demonstrated by yesterday's press statement by U.S. Secretary of State Hillary Rodham Clinton, which we have distributed to each of you. Secretary Clinton stated:



“The United States is committed to the complete elimination of chemical weapons stockpiles in the United States and around the world. To date, we have already destroyed 89 percent of our original chemical weapons stockpile. We reaffirm our commitment to finish the job as quickly as possible in accordance with national and treaty requirements that ensure the safety of people and the protection of the environment.”

We will continue our destruction programme with full transparency. We are on target to complete approximately 90% destruction before April 2012. I am proud to announce that the Anniston Chemical Agent Destruction Facility completed its work on 22 September, having destroyed its entire stockpile of 661,529 munitions. In addition, the two facilities that remain active are also due to complete their destruction activities well before the deadline.

The United States welcomes the Director-General’s revised proposal for the 2012 Programme and Budget as a fiscally responsible way to ensure that the key tasks of the OPCW are fulfilled. Given the international economic climate and the declining inspection workload at destruction sites, a reduction in the budget is prudent and should not negatively affect the operations of the OPCW.

The most controversial aspects of the proposed budget are the significant increases in the number of Article VI inspections and in the funding for international cooperation and assistance. In our view, both areas merit some increase, but we are not persuaded in either case that size of the increase has been adequately justified. Rather than engage in extended haggling, we urge the Council to adopt a decision that ensures any increases are balanced.

We also have questions about a number of other specific aspects of the proposed budget. For example, we believe that the authorised staffing level should be reduced to reflect the reduction in the number of inspectors. But we believe that once the two issues that I have mentioned are resolved, the rest will fall into place quickly. We call on the Council to complete its work on the budget this week.

The third issue on which the Council should focus this week is extension of the Director-General’s exceptional authority to extend contracts of essential professional staff members. Failure to do so would jeopardise his ability to retain the technical expertise necessary to do the work we expect him to do. This includes verifying destruction of chemical weapons, monitoring the chemical industry, and being ready to investigate alleged use of chemical weapons. The U.S. delegation is deeply concerned that discussion on this issue has become bogged down. We urge delegations to concentrate this week on approving a simple text that deals with the most urgent aspects of this issue. In considering the extension of the Director-General’s flexibility to maintain crucial expertise on his staff, I must caution against linkages between this issue and others. Such tactics run counter to the effective operation of this Organisation, and we all must consider the greater good of the Convention over our other interests.

In addition to the three areas for decision this week, I would like to highlight several topics that the United States believes are particularly important for the OPCW’s future.

The United States strongly supports the Director-General’s initiative to stimulate discussion about the future direction of the OPCW. We welcome the comprehensive and balanced report of the Advisory Panel on future priorities, as well as the Director-General’s very

thoughtful comments on it. We agree that the OPCW must adapt to the changing environment in order to preserve and enhance its contribution to global security. The informal discussion among ambassadors on 22 September was illuminating and helpful in steering us toward a common view of the OPCW's future. We look forward to further discussions over the next months and particularly next year as part of the preparations for the Third Review Conference.

The United States believes that the recent workshop on international cooperation on chemical safety and security is an excellent example of how the OPCW is successfully adapting to new challenges. We listened to numerous speakers from industry, government, and academia drawn from many countries, who warned of the danger of the misuse of toxic chemicals by terrorists. But we also learned of international benchmarks for the safety and security of chemicals, such as the Responsible Care initiative that promotes safety and security standards for the chemical industry on a global level. In addition, we became aware of other programmes of international cooperation. The United States highly values such cooperative work. Recently, we contributed USD 500,000 to help strengthen the OPCW's international cooperation and assistance efforts related to chemical safety and security.

In the interest of brevity, I will not dwell on other aspects of the Council's work that also are lagging behind. I will touch on them only briefly.

The United States believes that Articles VII, X, and XI all make critical contributions to enhancing international security, now and into the future. It is of serious concern 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 47% of States Parties—only 88 out of 188 have comprehensive legislation. The Expert Panel's report recommended: "A contribution that the OPCW can make to economic development ... is to help States Parties create and maintain regulatory frameworks that fully implement the Convention, thereby furthering conditions for economic development and international exchanges." Indeed, each State that has the necessary laws and regulations in place makes itself more attractive for international investment. We have to ask ourselves what more we can do on a national basis and through the OPCW to foster greater national implementation of the Convention.

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 it also requires careful consideration. Proposed increases should be justified by clearly articulated goals. Any increases are likely to be very modest, given the financial constraints on many States Parties. In this environment, as Director-General Üzümcü said in his comments on the Expert Panel's report, "A challenge for the future will be identifying activities that will bring economic and technological benefits to States Parties at the same time as providing added value to the implementation of the Convention, while avoiding duplication with existing bilateral and multilateral activities in this area."

Regarding industry issues, I am pleased to recall the progress of the Sixty-Fifth Session of the Executive Council in agreeing upon a set of improvements to the site-selection methodology for other chemical production facilities, or OCPF's. Many of us share the view that industry inspections should be better directed to sites that are of high relevance to the Convention.

The two improvements the Council approved in July are specifically aimed at achieving this objective. These measures also demonstrated the Council's commitment to improving the OCPF regime without requiring additional declaration information to be submitted by States Parties. My delegation again expresses its deep appreciation to Ambassador Pieter de Savornin Lohman and Ambassador Fauziah Mohamad Taib for their dedicated and diligent efforts on this issue over the past year.

Despite the progress, site selection still needs much improvement. Currently, declarations are the only information used in the site-selection process. The Technical Secretariat should also be able to use more information it already has at its disposal in the site-selection process. This could be done in a manner that would not compel new declaration requirements for States Parties.

On a related industry issue, we are one of the many delegations that are disappointed and concerned by proposals to reopen the compromise text for guidelines on the number and frequency of Article VI inspections. This text, which represented diligent and skilful work by Ambassador Wagner of Peru, was literally one word away from consensus. We urge that future efforts be focused on that single issue.

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 Lohman for his patience in facilitating resolution of this issue, which has been deferred by the Council ten 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.

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. We urge that OPCW inspectors return to Libya very soon. Further, we request that the Director-General keep the States Parties informed, and alert the Executive Council if its action is needed.

I regret that at this point it is necessary to respond to a standpoint made by a previous speaker. One delegation has alleged that the United States was not in compliance with the Chemical Weapons Convention in the manner in which it recovered and destroyed pre-1991-era chemical weapons in Iraq. It is disappointing that this delegation continues to make baseless accusations. As I said at the Fifteenth Session of the Conference, and repeatedly at Council sessions since then, I would like to reiterate that our immediate destruction of these munitions in Iraq 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.

I will now return to my prepared remarks.

In this defining year for the Organisation, we still have considerable work ahead of us at this Council session to be prepared for next month's session of the Conference of the States Parties. I remain confident that with close cooperation, we will rise to the task in front of us. In closing, I would like to request that this statement be circulated as an official document of the Sixty-Sixth Session of the Council.

Thank you, Mr Chairman.

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