



OPCW

Conference of the States Parties

First Special Session

C-SS-1/NAT.2

21 April 2002

Original: ENGLISH

BRAZIL

**STATEMENT BY AMBASSADOR LUIZ AUGUSTO DE ARAUJO CASTRO,
UNDER-SECRETARY FOR MULTILATERAL POLITICAL AFFAIRS
HEAD OF THE DELEGATION OF BRAZIL TO THE SPECIAL CONFERENCE OF
THE STATES PARTIES TO THE CHEMICAL WEAPONS CONVENTION
THE HAGUE, 21 - 22 APRIL 2002**

Mr. Chairman, fellow Representatives,

We are gathered here under extraordinary circumstances.

We are gathered here today to decide upon an unprecedented proposal to remove from office the Director-General of an intergovernmental organization, three years before the conclusion of the term of office to which he was duly and unanimously elected by the member States. You are being asked to do so not because the Director-General is accused of having committed a crime - or even a misdemeanor - but because he is alleged to have a bad management style and because he has taken administrative and financial decisions, strictly within the rules and regulations he is obliged to obey, with which some member States do not agree.

Five years ago, the representatives of 87 States gathered here to create an international organization that would be responsible for implementing a model agreement in the field of disarmament and non-proliferation: the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

Together with many other States, Brazil had actively participated in the complex and difficult negotiations which finally led to the adoption of the Chemical Weapons Convention (CWC). We all worked very hard to develop a set of agreed rules which we hoped would contribute to the promotion of international peace and security. The text of the Convention, which was opened for signature in 1993 and entered into force four years later, contained elements that we had longed for: disarmament without exceptions, non-proliferation through verification, cooperation as a tool to promote the peaceful uses of sensitive technologies, assistance for the victims of these horrendous weapons. Asymmetrical rights and obligations contained in other international instruments were carefully avoided in the CWC.

Having worked for many years on matters related to disarmament and arms control, and having been elected - in 1993 - Chairman of the United Nations Disarmament Commission, I recall how the Chemical Weapons Convention was hailed as the first balanced and non-discriminatory binding multilateral agreement that would effectively promote and

reliably verify disarmament and non-proliferation in the crucial field of weapons of mass destruction.

The independence of the Organization created to ensure the implementation of the Chemical Weapons Convention constituted one of the foremost qualities of the Convention.

The real value of our negotiations was to be proven by our capacity to implement the provisions of the Convention in strict accordance with these principles. In order to contribute to the effective, full and balanced implementation of the Convention, at the First Conference of States Parties held in 1997, the Brazilian Government proposed the name of Ambassador José Maurício Bustani, a career diplomat with longstanding experience in questions pertaining to international organizations and disarmament, to serve as the head of the Secretariat of the newly founded Organization for the Prohibition of Chemical Weapons (OPCW). Ambassador Bustani was unanimously elected as Director-General of the Organization, and he was later unanimously re-elected for a second term.

Under his leadership the Organization has achieved very significant results in its first five years of existence. We have witnessed an impressive increase in the membership of the OPCW, which has quickly grown from the 87 founding members of 1997 to the present total of 145 member States.

The Secretariat has conducted more than 1100 inspections in more than 55 States Parties. Under Director-General Bustani, the OPCW has certified the irreversible destruction of more than 15% of declared chemical weapons stockpiles in the world. He has been especially intent on promoting and strengthening international cooperation programs for the peaceful use of chemical technology. This is a fundamental pillar of the CWC, to which developing countries attach great importance. The efforts to set up an international network of aid and assistance in case of chemical weapons attacks contribute to strengthening the humanitarian role of the OPCW.

Mr. Bustani's performance in the five years he has been in office has been marked by his dedication to the objectives of the Convention and of the Organization and to the principles of independence and non-discrimination. As Director-General of the OPCW, he has always displayed high standards of personal integrity and professional commitment.

From the beginning, the Brazilian government made it clear that it would not instruct the Director-General to resign from his post and that any decision related to what he should or should not do was a decision to be taken by him on the basis of his own judgement of the situation. As it is known, Mr. Bustani is on temporary leave of absence from the Brazilian Foreign Service to exercise a mandate as the head of an international organization. He does not and cannot respond to the authorities of the Brazilian or of any other government; he is responsible to the membership of the OPCW as a whole, in accordance with the Convention. That is why we have always considered this to be a multilateral issue.

As provided for in the Chemical Weapons Convention, the Director-General must not seek or receive instructions from any Government or from any other source external to the Organization; likewise, each State Party must respect the exclusively international character of the responsibilities of the Director-General and must not seek to influence him in the discharge of his responsibilities. This principle of the independence of the officials of intergovernmental organizations is an element of vital importance for the credibility of the multilateral system we are all committed to promote and strengthen.

Mr. Chairman,

Unfortunately the possibilities of dialogue and understanding between member States and the Director-General were not fully explored and the Executive Council of the OPCW was called upon to vote on the "motion of no-confidence" which was presented at the session it held from March 19 to 22. The Brazilian delegation voted against the motion, which fell short of the number of positive votes required for its approval. We voted against the motion - as we will once again today - for the reasons that were expressed in the statement made to the Council on March 19 by Ambassador Affonso Massot, the Brazilian Permanent Representative to the OPCW.

We consider that the holding of this Special Conference of States Parties to the Convention on the Prohibition of Chemical Weapons, which has been convened for the purpose of taking a decision on a proposal to remove from office the Director-General of our Organization, is an issue related to the credibility of the OPCW and of multilateral efforts in the field of disarmament and non-proliferation.

This whole question has been very closely followed by the press and public opinion in Brazil and has become a political issue intensely discussed in the Brazilian National Congress. Both the Federal Senate and the Chamber of Deputies adopted very forceful statements of solidarity and support for Ambassador José Maurício Bustani as the Director-General of the Organization for the Prohibition of Chemical Weapons.

The position of the Brazilian government in this matter reflects the great importance we have always attached to the objectives of ensuring the effective and reliable functioning of international organizations and of preserving the multilateral system as a fundamental instrument for ensuring respect for the rule of law in international relations. In this context, we cannot fail to call attention to the precedent that would be established if the mandate of the Director-General of the OPCW were to be abruptly terminated under the present circumstances.

As I have mentioned, we are considering this issue strictly within its multilateral dimensions; our position of principle does not in any way affect the quality of the relationship between Brazil and other members of this Organization.

Ever since it became clear that the required support was being sought and gathered for this meeting to be held today, the Brazilian government instructed its Embassies around the world to confirm to the governments of all the States parties to the Convention that we do not share the view that the tenure of Director-General Bustani has been affected by a poor management performance, nor the view that he is to be held responsible for the Organization's current financial problems. We believe that with reference to the specific objections raised concerning his performance, he gave a proper response, in the exercise of his own responsibilities as Director-General, at the March 19 session of the OPCW Executive Council, as well as in the letters he addressed to the Foreign Ministers of the member States on March 11 and again on April 2.

We informed all States parties that the Brazilian government would not support the proposal to convene this Special Conference and that, if the Conference were to be held, Brazil would vote against any motion or draft decision aimed at removing Ambassador Bustani from his position as the Director-General of the OPCW and we asked them to take our views into account when evaluating these issues.

We are aware that, in accordance with the applicable rules, approval of any substantive decision, including a motion for the removal of the Director-General, will require the affirmative votes of at least two-thirds of the delegates who are present and voting. Votes cast either for or against the motion are the only ones that will be deemed valid at the Conference; abstentions will not be counted and for all practical purposes may be considered as votes in support of the draft decision.

Removing the Director-General of the OPCW - whose performance has strictly abided by the provisions of the Chemical Weapons Convention - would send out a wrong signal on how States Parties intend to interpret the basic principles of the Convention. It might also affect the prospects for urgently needed progress in the field of disarmament and the non-proliferation of chemical weapons and other weapons of mass destruction.

Mr. Chairman,

In order to safeguard the principles which are the basis for the support that the Organization for the Prohibition of Chemical Weapons has achieved, Brazil will vote against any proposal aimed at removing Ambassador José Maurício Bustani from the office of Director-General - and hopes to count on the support of the members of the OPCW.

Thank you.

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