



OPCW

Executive Council

Seventy-Sixth Session
8 – 11 July 2014

EC-76/NAT.13
10 July 2014
ENGLISH only

UNITED STATES OF AMERICA

**STATEMENT BY RAFAEL P. FOLEY
DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA
TO THE OPCW AT THE SEVENTY-SIXTH SESSION OF THE EXECUTIVE COUNCIL
REGARDING ARTICLE VII (AGENDA ITEM 6 (H))**

Mr Chairman,

My delegation welcomes the opportunity to contribute to this focused discussion on Article VII of the Chemical Weapons Convention. We consider this Article, National Implementation Measures, to be a critical bond that links the lofty mission of this Organisation with the practical measures required to ensure that its goals become a sustainable reality.

My delegation, like many others, is very concerned that this bond is missing or is very weak in so many States Parties. This regrettable fact represents an obstacle to the achievement of the goals of the Convention. Specifically, we are concerned that, seventeen years after it entered into force, 40% of States Parties to the Convention do not have all needed national implementation legislation. The time for quantifiable and effective progress in national implementation is now. My delegation believes that this kind of progress is achievable. We commend the efforts and initiatives promoted by Dr Zlatko Dimitrov as facilitator for the implementation of Article VII.

Let me underline three obvious advantages, to both the international community and to specific States Parties, of having national implementation legislation:

First, national implementation legislation makes countries more secure against possible chemical weapons threats through export and import controls of chemicals that could be used to produce weapons. Also, by enacting laws penalising activities prohibited under the Convention, national implementation legislation helps to prevent terrorists and criminals from exploiting gaps in the States Parties' legal and law enforcement frameworks. National implementation legislation gives domestic law enforcement authorities important tools to combat terrorism and crime. It also helps States Parties to meet other international obligations, like those set out under the United Nations Security Council resolution 1540 (2004).

Second, national implementation legislation makes investment in chemical industry more attractive, because it provides a clear framework for the development of the peaceful uses of chemistry and trade in chemicals.



Third, national implementation legislation makes it easier for countries to facilitate and enjoy the provision of assistance and protection against chemical weapons. Having a proper regulatory framework can have a very positive and lasting impact in the implementation of the provisions set out in Article X, such as the coordination and delivery to States Parties of protection against chemical weapons; the exchange of equipment, material and scientific and technological information; and the development of national programmes related to protective purposes. When these provisions are implemented within a proper institutional framework rooted in domestic legislation, the likely outcome is for beneficiary states to take ownership of the assistance offered. Bilateral partnerships between donors and beneficiaries are sustainable where institutional frameworks can mainstream assistance and protection against chemical weapons.

It is thus evident that the Convention is greater than the sum of its parts. With respect to the sustainable, consistent and effective implementation of the Convention, Article VII stands as a *primus inter pares*. It is the conduit for the permanent and definite elimination of chemical weapons around the world, and for the promotion of the peaceful purposes of chemistry.

We believe that some States Parties do not give national implementation legislation the importance that it deserves. We ask states with weak national implementation measures to take immediate corrective action. In doing so, they can and should take full advantage of the advice and assistance of the Technical Secretariat, whose efforts to promote national implementation we commend.

Perhaps, States Parties lacking national implementation measures believe that the likelihood of a security incident in their countries is too low to give the enactment of appropriate legislation the priority it deserves. This is a risky proposition that should not be entertained. States Parties to the Convention are responsible for all activities relating to the Convention that take place within their territories, not just those they directly engaged in, or abstained from, pursuing. Non-state actors pose a proliferation threat which does not stop at any one State's border.

Mr Chairman,

The level of media attention that the Convention and the OPCW have received in recent months, for both good and sad reasons, presents us with an opportunity to advance national implementation in a quantifiable and meaningful way. Parliaments and the public in general are arguably more attentive and more sensitive to the horrors of chemical weapons today than they have been in more than a decade. Let us seize this opportunity and recommit ourselves to the other universality challenge of the OPCW: making a reality, universally, the enactment of effective national implementation legislation.

I ask that this statement be considered an official document of this Executive Council session and placed on the OPCW website and external server.