



## Statement to the 12th Conference of States Parties of the Organization for the Prohibition of Chemical Weapons (OPCW)

**Paula A. DeSutter, Assistant Secretary for Verification, Compliance, and Implementation**

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*(As Delivered)*

### Status of the Implementation of the Convention

Mr. Chairman, Mr. Director-General, Distinguished Delegates:

It is a great pleasure once again to join Ambassador Javits and the U.S. Delegation in underscoring U.S. verification, compliance and implementation interests in this notable body. I want to thank you, Mr. Chairman, and the other officers of the Conference, for another opportunity to do so, and for taking on the responsibility for guiding this distinguished body of delegates through the important work that is before the Conference of the States Parties this week.

Three years ago, at the Ninth Conference of the States Parties, I had the honor to share with you the United States' process and views on verification, compliance and compliance enforcement. I explained the rigorous effort undertaken by the United States to formulate compliance judgments and urged States Parties to take seriously their role in this effort by understanding that each and every Party not only has the right, but the responsibility, to assess and draw its own conclusions about the compliance of its treaty partners. We all must continue to be diligent in this area in order to ensure the success of this Organization and the common goal to exclude completely the possible use of chemical weapons. The concerns I outlined then - including the collective responsibility to follow through on compliance concerns - have been reinforced by unfolding events over the past three years, particularly, the Nuclear Nonproliferation Treaty with Iran and North Korea. These events serve to demonstrate in concrete terms why all of us should care about compliance.

Mr. Chairman, this Organization has many reasons to be proud. This year alone is noteworthy as we celebrated the Tenth Anniversary of the Chemical Weapons Convention, took note of the historic achievement by Albania in becoming the first possessor State Party to eliminate its entire chemical weapons stockpile, watched the membership of the OPCW grow to 182 States Parties encompassing 98% of the global population, welcomed an increased number of States Parties moving ahead with the completion of their national implementation requirements under Article VII. Though more must be done, a collegial effort is underway to prepare for what we all anticipate will be a successful Review Conference in April 2008. The OPCW has accomplished a great deal over the last decade and continues to set the standard for effective multilateralism through cooperation and steady progress. We remain optimistic that such progress will continue under the leadership of the Director-General, with the hard work and effort of the Technical Secretariat and strong support and commitment by Member States.

Mr. Chairman, I've come here today to congratulate this Organization, but also to urge that we do not become complacent in achievements. Challenges lie ahead.

Some of these challenges are already at our door step, such as the ongoing scientific developments in the area of chemical technology and the potential that such technology can be diverted to a chemical weapons program. If this Organization is to continue to fulfill its promise into the future, it must keep in mind that the CWC's "viability" is contingent upon its effective "verifiability." Let me be clear. This does not, and should not be taken to mean that there is, or ever can be, certainty that a violation will always be detected. However, effective verification should provide reasonable confidence that, under the circumstances, detection of noncompliance will occur in sufficient time for appropriate remedial responses to be undertaken, in order to reduce the threat presented by the violation, as well as to deny the violator the benefits of his wrongdoing. The United States strongly believes that verification facilitates both deterrence and detection of noncompliance, and is an essential component of the Convention, and part of what we consider the compliance process, which includes compliance assessments and compliance enforcement.

Mr. Chairman, it is vital that the Organization keep abreast of scientific and technological developments in the way chemicals are developed, produced and used, advances in monitoring technology, continued reorganization and diffusion of chemical industry operations and operational management. We cannot afford to fall behind the advancement and evolution of the chemical industry if this treaty is to stand the test of time. We have to make sound recommendations that will ensure that verification keeps pace with changes in both the industry and the chemical weapons threat.

In light of such developments, I urge member States to renew their awareness of their obligation to fully implement and comply with the provisions of Article I, often referred to as the General Purpose Criterion. The fundamental objective of the Chemical Weapons Convention is to eliminate the threat posed by chemical weapons. The General Obligations for States Parties in Article I identify the core measures to attain this objective. These core measures include the commitment by States to never under any circumstances use, develop, produce, otherwise acquire, stockpile or retain chemical weapons. These measures also include the obligation never to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the Convention. Let me also emphasize that States Parties must recognize that the chemical weapons' threat goes beyond the chemicals noted in the Schedules of Chemicals. Additionally, the risk or the threat of use of toxic chemicals by non-state actors is also a reality, and should strengthen our resolve to fully implement our obligations in this area and work together to completely diminish any possibility of use by state or non-state actors. Here I would only note the important linkage to U.N. Security Council Resolution 1540.

Mr. Chairman, though the destruction of CW production facilities usually receives less attention than the destruction of CW stockpiles, it is an important aspect of the OPCW's work, since it focuses on eliminating the declared capacity of States Parties to produce additional chemical weapons. While welcoming the near elimination of the world's declared CW production capacity, it is also important for this body not to dismiss the possibility that some States Parties may have made preparations for possible future production of chemical agents, including retaining a CW production "mobilization" capability. This could take the form of designating existing industrial facilities for potential CW production, or, in the most alarming situation, deliberately establishing dual use facilities, under military or government control, that nominally are for purposes not prohibited by the Convention, but can be quickly converted to CW-related production if directed. Any preparations for such activity would be a violation of the Convention; this Organization should be alert to such possibilities. It is important in this context to recall the options available to States Parties under Article IX to pursue concerns. One significant change the Organization can pursue to make Article IX consultations and visits more productive is to ensure that reports, particularly the Verification and Implementation Report, better known as the "VIR," include information that is not proprietary.

Mr. Chairman, I'm under no illusion that the only challenges facing this Organization are the ones only beginning to emerge. We all know there are a number of existing challenges facing this distinguished body, such as selection methodology and the inspection rate of "other chemical production facilities," better known as OCPFs. As we continue to work toward an acceptable methodology for selecting such facilities for inspection, it is important to develop an approach that will give States Parties confidence that such sites are not being used for purposes prohibited by the Convention. The proportion of OCPFs inspected is still very low and doesn't give much confidence of detecting, or even deterring possible violations. I'm aware of some of the concerns by States Parties regarding frequency, and understand the issue of equitable distribution, but our objective should be to ensure that these sites do not pose a risk to the object and purpose of the Convention. The Director-General has worked hard and provided member states a constructive interim approach, but I would encourage this body to accelerate its efforts to work out an acceptable resolution.

Mr. Chairman, as you know one of the core obligations of the Convention is the complete destruction of chemical weapons stocks by Possessor States. This has always been of great interest and concern for many in this Organization -- as it should be. As Ambassador Javits noted in his opening statement, significant progress has been made on CW destruction, but there is more left to be done. The United States will continue to do its part by completely destroying its CW stockpile in a manner that is safe and environmentally sound and will do so as soon as possible. I urge the other Possessor States to completely destroy their chemical weapons in a manner that is safe, secure and in accordance with the CWC. CW stocks should be destroyed in such a way that the chemical agents are converted in an essentially irreversible manner to a form unsuitable for production of CW, that renders munitions and other devices completely unusable, and finally, that ensure that this process is subject to full verification by the Technical Secretariat. Anything less does not constitute "destruction" pursuant to the Convention.

Mr. Chairman, I also would like to commend this Organization for its work in recognizing the need to strengthen its ability to respond rapidly and effectively to a request for an investigation of alleged use. The development and maintenance of a strong capability to conduct thorough, expert investigations into allegations of CW use continues to be an important function and a vital verification tool, particularly in the area of bio-medical sampling and analysis. This continues to be of great interest to me and my Government as we welcome the progress that has been made to date. I urge this organization to continue to support efforts that will ensure TS readiness in this area.

Mr. Chairman, I want to encourage those States Parties that have not moved forward with their implementing legislation and establishment of National Authorities as required under Article VII to do so, and to keep their colleagues and the Technical Secretariat apprised of their progress. There are approximately 20 States Parties with organic chemical manufacturing and trading activities that have not enacted comprehensive legislation, in accordance with their national implementation requirements. The United States encourages these States Parties to quickly enact legislation, and we encourage the Technical Secretariat and all States Parties to urgently assist these member States in coming into compliance. These provisions are required by all States Parties and compliance with these obligations strengthen global efforts to make it more difficult for state and non-state actors that seek to violate laws and the provisions set forth in the Convention. There must be continuity from the domestic level to the international level. Not doing so risks weakening a key provision of this treaty and our fight against global terrorism. There must not be a break in the link. There are also States Parties that have never made an initial declaration to the OPCW. Submission of declarations is a fundamental treaty requirement; States Parties that have not made initial declarations should work with the OPCW Technical Secretariat to move quickly to do so.

Mr. Chairman, Mr. Director-General, Distinguished Delegates, as we move closer to the Second Review Conference, the Organization brings with it a long list of achievements, concrete progress, and a strong commitment to put the Organization and its objectives -- first laying aside any obstruction and pessimism that would hinder progress. This has been the kind of collaborative spirit, and mutual effort that has served this Organization well. Let us continue to remain vigilant -- knowing that the Convention and its implementation contribute to enhancing international peace and security, and emphasizes that its full, universal and effective implementation and strict compliance will contribute further to that purpose by excluding completely, for the sake of all humankind, the possibility of the use of chemical weapons. We have much to be pleased about, but a great deal more remains to be done. The United States will continue to do its part, and stands ever willing to assist others in doing the same.

Thank you, Mr. Chairman.

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 [BACK TO TOP](#)

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