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Subject: Informal report of Monday's meeting

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Summary of Meeting Between Ambassador Don Mahley and  
U.S. Staff Members of the OPCW\*

\*Informal report, not for attribution

(The words in parentheses are asides from the author.)

On Monday, 18 March 2002 at 16:00, Ambassador Don Mahley, U.S. Permanent Representative to the OPCW, held a candid meeting with U.S. nationals on the OPCW staff to address concerns about the recent U.S. moves to force the resignation of the Director-General, José M. Bustani.

Ambassador Mahley began by emphasizing the fact that this decision was not taken lightly by the United States, nor was it meant to be a public affair. The USG is convinced that the Director-General is taking both the OPCW and the CWC in a "fatal" direction. This U.S. action is designed to "salvage" the OPCW and see the CWC "flourish". The USG first attempted to accomplish the task by going through diplomatic channels and appealing to the Brazilian government. This would have enabled the resignation to take place in a dignified and civilized manner.

The USG does not have any alternative/replacement candidate in mind or waiting in the wings. There would be no objection to a candidate from GRULAC or even from Brazil, and it is almost certain that any alternative would come from the developing world. (Rumors have indicated that the Argentinean Ambassador is in the running.) In the course of his talk, Ambassador Mahley said explicitly that in the gap between the Director-General's resignation and the appointment of a new Director-General at the Conference in October, John Gee would be the Acting Director-General. He further expressed anger at the stripping of John Gee of functional responsibilities and the attempts to make him the "scapegoat" for the problems with the Provident Fund.

Among the reasons cited by Ambassador Mahley for the ongoing U.S. action, which for the most part reiterated the non-paper of 6 March, he deplored the promotion of a Russian national as the only alternative to the Director-General from within the Secretariat, at John Gee's expense (both branches now overseen by Mr. Batsanov were formerly John Gee's responsibilities). This was done with the full knowledge that the USG would not allow a Russian to hold the post of Director-General. The other

reasons behind the U.S. decision to pursue the Director-General's resignation by force include both personnel-related and fiscal mismanagement, self-aggrandizement, seeking a role of the OPCW outside of its mandate, a failure to concentrate on the essential goals of destruction, verification, and non-proliferation, and anti-Americanism.

In response to what Ambassador Mahley termed the Director-General's "disinformation campaign" to undermine the U.S. effort, he stated that the much-touted letter from Colin Powell to the Director-General a year ago was very careful to praise the Organization, but not the Director-General. The quotations from this letter employed widely by the Director-General in speeches over the last year have been taken out of context and misinterpreted. It was further stated that since the USG was responsible for the Director-General's reappointment in 2000, it was their responsibility to remove him, thereby rectifying a grievous error of the previous administration.

The Director-General's decision to publicize the matter (extensive news coverage has apparently been accorded to this subject in the Brazilian press), has led the USG to bring the subject to the Executive Council, and the topic will feature prominently in the Council session beginning tomorrow morning. The USG hopes to attain a vote of no confidence at the close of the session, which would then give the Director-General almost no choice other than to resign. The EU has indeed taken the position that given the intransigence of the United States, the Director-General must resign for the good of the Organization. When the EU relayed this message to the Director-General (early Monday morning), he said that he would not resign. It is not certain that the USG has enough support for the vote of no confidence. The Council does not, however, have the power to dismiss the Director-General, and if he still does not resign by the end of this week, the USG is fully prepared to request the convening of a special session of the Conference of the States Parties within 30 days. (The USG needs the support of 48 states parties to do this, and it does appear to have that support.)

Ambassador Mahley made it absolutely crystal clear that there would be no further financial support from the USG for the OPCW -- including Article IV and V, voluntary supplemental contributions, the second half of its 2002 contribution, and the 2003 assessment -- if the Director-General does not resign. Congress will vote in May on supplemental anti-terrorism legislation, which includes a significant voluntary supplemental contribution to the OPCW, and if the Director-General does not resign, the funding will not be approved by Congress. A similar contingency has been placed on the 2003 assessment, which is set to be appropriated by Congress in July or August due to the midterm elections in November. These monies are not recoverable. Other states parties, which contribute the majority of the OPCW budget, were prepared to take a similar stance.

Ambassador Mahley stated that the USG was prepared to "bring the Organization down", because, under the current management, it is not serving the purpose for which it was designed. He further emphasized that the CWC still stands as international law, and he explicitly stated that the USG would not pull out of the Convention. The role of the Technical Secretariat, under the CWC, is solely to implement the Verification Annex and is not essential. The USG is not, as has been intimated, seeking to evade its obligations under the treaty. The lack of an Organization, according to Ambassador Mahley, does not impact on any state's

obligations and responsibilities under the CWC.

Ambassador Mahley was asked about the prospect of bilateral verification activities between the United States and Russia, and he ruled out the possibility. He also joked that he does not foresee Russian destruction of Category 1 chemical weapons in the short term.

It was acknowledged that the U.S. staff members are indeed caught in the middle and were likely to be the first dismissed if extreme austerity measures were enacted in the absence of the Director-General's resignation. Further, if the Organization is closed down, the USG would try to provide a soft landing for U.S. staff members (no mention was made of staff members of other nationalities who will be similarly effected by such events). However, in the case that the Director-General does resign, he implored all U.S. staff members to stay. Ideally, the USG seeks representation in the Secretariat at 18-19 per cent.

(What we are left with here is a worst-case scenario in which neither the USG or the Director-General backdown -- the Director-General shows no signs of giving in to U.S. pressure -- and the OPCW runs out of funds in May/June, at which time major austerity measures are imposed, including staff cutbacks and a near freeze in inspection activity. In this game of chicken, it is not clear who will blink first, and I am afraid that both parties involved will end up going over the cliff. In my opinion, the best outcome that can be expected at this point, for all involved, but most importantly for the long-term viability of the OPCW/CWC is for the Director-General to resign at the end of this week. Although, the long-term repercussions of such an occurrence will irreparably damage international disarmament regimes.)