

# Purging the International Community

*A Dossier*

*The Case of José Bustani*

*José Bustani was elected the first Director-General of the Organisation for the Prohibition of Chemical Weapons by acclamation on 13 May 1997, and was re-appointed for a second four-year term of office commencing in May 2001 by an unprecedented unanimous decision of the Conference of the States Parties in May 2000.*

*José Bustani, the distinguished Director-General of the Organisation for the Prohibition of Chemical Weapons, was dismissed from his post on 23 April 2002. This followed a sustained campaign for his removal by the United States government. Mr Bustani explains the worrying implications of his removal for the proper conduct of international organisations in this, his statement to the Conference of the States Parties to the Chemical Weapons Convention which met in The Hague.*

*The Organisation for the Prohibition of Chemical Weapons came into existence on 29 April 1997. Its deed of foundation—the Chemical Weapons Convention—aims to achieve four principal objectives: the elimination of chemical weapons and of the capacity to develop them, the verification of non-proliferation, international assistance and protection in the event of the use or threat of use of chemical weapons, and international co-operation and assistance in the peaceful use of chemistry.*

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Back in 1997, when I decided to accept the request of the Brazilian Government to submit my candidature for the position of Director-General of the Organisation for the Prohibition of Chemical Weapons, I considered it, and I still consider it, an honour to be granted the unique opportunity to contribute to the first *ever truly* global attempt to abolish an entire category of weapons of mass destruction. But more than anything, I decided to run for the post of Director-General because the Chemical Weapons Convention represents the international community's biggest ever achievement in the area of disarmament and non-proliferation. It is the first – and only – truly non-discriminatory multilateral disarmament treaty in existence – it is a treaty which places equal responsibilities on, and gives equal rights to, all States Parties.

Countries possessing chemical weapons that embraced the Chemical Weapons Convention

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have been divesting themselves of those travesties of history because they are assured that stockpiles of those weapons existing elsewhere are also being destroyed, under a stringent verification regime. The Convention establishes no special treatment for countries with a large chemical industry. Developing countries, when they declare themselves ready to enhance international security by joining the Organisation, have, in their vast majority, little understanding of chemical weapons; yet, they immediately see the benefit in participating, through the greater access to technology and technical assistance to which they become entitled. Indeed, the Convention declares<sup>0</sup>Wtheir .imedF to be in favour of the broadest possible co-operation among States Parties in respect of peaceful uses of

clearest evidence of the respect for the Organisation for the Prohibition of Chemical Weapons amongst its States Parties, as well as amongst the ever-dwindling number of States not party. I am proud that we have established a sound and impartial verification regime, and that we are fortunate to have inspectors who have placed impartiality, decency, and ethics above everything. Their loyalty is to the Organisation, and not to individual Member States. I am proud of the more than 1,100 inspections we have conducted in more than 50 Member States; and of the non-discriminatory and unbiased way in which we conducted them. I am proud of the proposal which is now before the Executive Council for the provision of effective and timely assistance to victims of chemical weapons attacks, including attacks by terrorists. And I am proud of the modest, yet extremely significant, effort we put into our international co-operation programmes, which, I firmly believe, are critical to the struggle against the proliferation of chemical weapons. I have faith that the Organisation will ultimately succeed in its mission to completely destroy the world's chemical weapons arsenals. As I have stated before, once its disarmament mission has been accomplished, the Organisation for the Prohibition of Chemical Weapons should become an 'organisation for the promotion of chemistry for peaceful purposes', in full accordance with the spirit of the Convention.

Against the backdrop of these achievements, I can only see the attack launched against me as an attack on the Organisation itself, and, in particular, on those key principles which have been guiding my work, and which have become the hallmark of my 'management style'. Indeed, the unprecedented effort that has been put into ensuring my dismissal suggests the intention to change much more at the Organisation for the Prohibition of Chemical Weapons than the personality of its Director-General, or his 'management style'. And this would explain why my appeals for dialogue and co-operation have been repeatedly rejected. Contrary to the path of stonewalling and hostility which my critics have chosen, I still believe that dialogue and co-operation offer the best way out of any crisis, including the current one, for the benefit of the Convention and all States Parties. Let me repeat again that, even at this very late stage, and in spite of the many slanderous remarks that have been made about me in the course of the last few months, I still stand ready and willing to follow the path of dialogue and co-operation.

No one can disregard the fact that the Organisation for the Prevention of Chemical Weapons works, and works well. And it has the respect and support of the vast majority of its 145 States Parties. The Organisation has become too strong to be destroyed from the outside. This may explain the current attempt to implode it from within, together with its underlying principles of fairness and non-discrimination. The culture of non-discrimination and equal treatment that I have fought hard to establish in the Secretariat is now under attack. That culture is being challenged by one of silent and unquestioning obedience to one or a few 'major contributors'. If this 'new culture' is to prevail, then those members of staff who act with integrity and are committed to fairness will have to be the

first to go – starting with the Director-General.

Those of you who have been closely following the work of the Organisation certainly realise what it is about my management style that appears to be causing discomfort in some quarters. I could have been just a figurehead, as some Member States wanted. Instead I have chosen, as the Convention requires, to take my responsibilities seriously, amongst other things by being actively involved in the everyday work of the Organisation. I refused to defer to those individuals who some Member States want to be in charge.

Ironically enough, because I have stood in the way of decisions that would have established a double standard in the Organisation, I am now accused of being biased. What is bias for some, is in reality my commitment to ‘equal treatment for all’. I insist that the scope of access for our inspectors should be the same in all countries. I also insist that States Parties cannot pick and choose those areas which inspectors may or may not verify. I insist that the verification effort, in full accordance with the Convention, should be aimed at inspectable facilities, rather than at certain countries. I insist on measures that will ensure that Organisation inspectors verify those weapons and equipment which the Organisation must verify, rather than merely those which might be volunteered by a State Party for verification. In other words, *I trust, but I also verify, everywhere*, in full accordance with the Convention. I do criticise attempts to water down the verification regime. I do criticise the continuing attempts of a small number of States Parties to stonewall long-awaited solutions to critical issues out of perceived national preferences. And I am now facing this current ongoing ordeal because I should not, perhaps, have drawn the attention of other Member States to these matters, as the Convention requires.

What else about my management style is not liked that might require changing? Let us examine the list of my ‘ill-conceived initiatives’.

I am blamed for seeking Iraq’s membership of the Chemical Weapons Convention, even though this effort is in full accordance with the decisions of the United Nations Security Council, and with the mandate issued to me by all of you, to ensure the Convention’s universality *without exception*. Does dissatisfaction with my actions mean that the universality of the Convention should include some countries, but not others, not Iraq, for example?

I am blamed for seeking to establish, in full accordance with Article X of the Convention, a credible system to protect States Parties from an attack, including a terrorist attack, with chemical weapons. Should as many as two-thirds of Member States remain defenceless against such a threat, while the ability of a small number of other States to protect themselves and their allies remains robust?

I am blamed for holding out the Organisation’s hand to the international community in its fight against terrorism, simply because the Organisation has unique expertise in chemical weapons to offer in this regard. Is that a crime? Or is it a compassionate and rational offer, on the basis of my assessment of the very real contribution which the Organisation for the Prohibition of Chemical

Weapons, in close consultation with other international organisations, will have to make in the post September 11<sup>th</sup> context?

I am now reproached for fully funding in 2001 one single international co-operation programme which amounted to just 0.4 percent of the Organisation budget for that year, yet which meant a great deal to the many developing countries. This programme represents the vital link between disarmament and development that has been recognised and endorsed by the United Nations. Do Member States seek to further reduce the international co-operation and assistance programmes at the Organisation for the Prohibition of Chemical Weapons, which at present account for a meagre 6% of its budget?

Finally, I am blamed for wishing to keep all States Parties informed of progress in the destruction of Russia's chemical weapons, and for suggesting that Russia's utilisation of international assistance be scrutinised by the international community. If those are my ill-conceived initiatives, then I plead guilty as charged.

I believe that any abandonment of such sound policies will have extremely serious consequences for the Organisation and for you, the Member States. This is why I insisted that my fate should be decided by all of you, the States Parties, and not by one, or a few 'major contributors', which, in supporting the United States draft decision, appear to share the United States perception of my 'errors of judgement'.

I will be frank – a major blow is being struck against the Organisation for the Prohibition of Chemical Weapons. And the perpetrators would have preferred it to take place behind closed doors. They were absolutely confident that they could move any piece on the global chessboard *ad libitum*, without consultation or explanation to the rest of the world and, in particular, to the rest of the Organisation's membership. This is why, in flagrant violation of the letter, not to mention the spirit, of the Chemical Weapons Convention, the Brazilian Government was unilaterally approached with the demand that I resign and be 'reassigned'. Much later, I was approached unilaterally with ultimatums to step down. And the campaign did not stop, even when a clear majority of the 41 members of the Executive Council declined to support the United States 'no-confidence motion' requesting me to stand down.

As I wrote to your Foreign Ministers, there is a more important and fundamental point to consider. Much more than the person of the Director-General – and, please, forget Jose Bustani now – or even the Organisation for the Prohibition of Chemical Weapons itself, is at stake here. No Director-General, of any international organisation in history, has ever been dismissed during his or her term of office. Moreover, no Director-General should be dismissed without due process, without any evidence of malfeasance being produced by the accuser, and without, at the very least, an open discussion and an independent investigation of the allegations. Those of you who have been following developments at the Organisation for the Prohibition of Chemical Weapons know that I have committed no crime. You know that the so-called allegations against

me are trumped up charges. You know that there is no mismanagement of the Organisation's budget, and that every cent has been spent on activities that were properly budgeted for. The latest report by the External Auditor – on the 2001 financial year – is the clearest possible indication of this. It will be formally issued in the next few days, but has already given us a perfectly clean bill of health, once again, for 2001. You know that my offer of a full and independent inquiry into my performance as the Director-General was rejected because such an inquiry would simply expose the allegations as absolutely unfounded, and confirm that there has never been any wrongdoing. The United States draft decision, in fact, establishes a precedent whereby the Director-General or Secretary-General of any international organisation can be removed from office at any time during his or her tenure, simply because one Member State, with or without other 'major contributors', doesn't like his or her 'management style', or has 'lost confidence' in him or her, whatever this might mean. And to establish such a precedent within an organisation such as the Organisation for the Prohibition of Chemical Weapons, which is not in the public eye of the international community as are some of its cousins, is easy. This is what this Conference is about. These are the choices you face.

Now let me say a few words to those who are concerned about the Organisation for the Prohibition of Chemical Weapon's survival, should one very important Member State not pay its budgetary contribution to the Organisation. I fundamentally disagree with those who may think that it is better to surrender the Organisation to that Member State, than to maintain a truly multilateral Organisation at minimal additional cost. I will never agree that the façade of multilateralism is more important than its substance. This would not be a compromise – it would be capitulation. Why? I will explain. This Member State's contribution to this year's budget is 12 million euros, six million of which have already been paid. Is six million euros too high a price to pay for ensuring the independence and effectiveness of the Organisation? Is six million euros (or even 10 or 12 million euros, should other like-minded Member States also refuse to pay their dues) too high a price to pay to avoid ousting the sitting head of an international organisation, something never yet attempted in international law? Is the Organisation for the Prohibition of Chemical Weapon's independence this cheap?

Now, let me say a few words about the immediate future. Those who believe that, if I leave, the Organisation will be flooded with money, are sadly mistaken. The Organisation has already suffered three years of under-budgeting. As a result, in 2003, just to keep up with the significant increase in the verification workload determined by yourselves, we will have to recruit 47 staff. To pay for this, the 2003 budget will have to be increased by more than 20 percent. This increase is simply non-negotiable. In full knowledge of this, major contributors have already made it clear that they will not agree to more than a 10 percent increase in 2003, which is not enough even to pay the salaries of existing staff. As a consequence, next year, regardless of the identity of the Director-

General, you will see a shrinking, not an expanding, Organisation for the Prohibition of Chemical Weapons, and an unavoidable reduction in its staff. And this will be the next step towards the Organisation's demise, because funding is being determined by political agendas, and, in a few capitals at least, the Organisation seems to be a very low priority.

Yes, there is too much at stake here – for the Organisation for the Prohibition of Chemical Weapons, for other international organisations, and for the international community. It is time to rise to the challenge. It is time to set priorities as they are perceived by all of you, and not just by a few so-called 'major players'. This is why I refused to resign under pressure from a small handful of Member States. I did so in order to give you all the opportunity to make your choice – to determine what future, if any, multilateral organisations have in this increasingly dangerous, complex, and unstable world.

You may be surprised to hear that, had I resigned and agreed to walk away, then my executioners would have granted me a 'dignified' departure, and that my accomplishments over five years of stewardship would even have been applauded. However, let me tell you: I do not need a hero's departure. But if I do go – something that is now in the hands of all of you – it will be with honour. I will have been faithful to the principles of integrity by which I have tried to live my professional and personal lives – principles which are shared by my family, my foreign service and my country's foreign policy. Please understand that, in refusing to resign, I chose the most arduous of the two paths. One that brought threats, risks, stress, and insecurity, but which I chose to follow. First of all, because that is the call of my conscience. Secondly, because the bulk of my 36 years in the Foreign Service have been devoted to the elaboration and strengthening of multilateral instruments, without which, I firmly believe, peace and harmony among nations will not be achieved. I therefore refuse to resign, *not* because I want to cling to my position; but because, in not resigning, I will be preserving the right of each one of you – of even the smallest Member State amongst you – to publicly state your position on this very serious issue and to conscientiously take responsibility for your decision. I consider it my duty to give you all, and not only the most powerful amongst you, the right to oust me.

Although this unprecedented, ruthless and arbitrary procedure is taking place away from the public limelight, beneath the low skies of the subdued city of The Hague, the decisions to be taken here over the next few days will leave an indelible mark on the history of international relations. I hope that all of you, the Member States, will confront this historic challenge in full awareness of the implications of your decision. The choices that you make during this session of the Conference will determine whether genuine multilateralism will survive, or whether it will be replaced by unilateralism in a multilateral disguise. The responsibility for this decision rests with you.

### **‘Skirmish on Iraq Inspections’**

*Hans Blix is the Swedish diplomat who chairs the new United Nations team to inspect Iraq’s weapons programmes. This report from the Washington Post (April 15, 2002) indicates that the purge of the international community may continue.*

In an unusual move, Deputy Defence Secretary Paul D. Wolfowitz earlier this year asked the CIA to investigate the performance of Swedish diplomat Hans Blix, chairman of the new United Nations team that was formed to carry out inspections of Iraq’s weapons programs. Wolfowitz’s request, involving Blix’s leadership of the International Atomic Energy Agency, illuminates the behind-the-scenes skirmishing in the Bush administration over the prospect of renewed United Nations weapons inspections in Iraq.

The government of Iraqi President Saddam Hussein is negotiating with UN Secretary General Kofi Annan on the return of arms inspectors, although Iraq asked Friday for a postponement of talks scheduled for next week. Iraq’s UN ambassador said Baghdad did not want to divert attention from the Israeli-Palestinian crisis. Hussein has given no indication about whether he will agree to new inspections. But senior Pentagon civilians such as Wolfowitz and their allies elsewhere in the administration fear that a go-ahead by the Iraqi leader could delay and possibly fatally undermine their overall goal to launch a military campaign against Iraq.

The inspection issue has become ‘a surrogate for a debate about whether we go after Saddam,’ said Richard N. Perle, an adviser to Defense Secretary Donald H. Rumsfeld as chairman of the Defense Policy Board. Officials gave contradictory accounts of Wolfowitz’s reaction to the CIA report, which the agency returned in late January with the conclusion that Blix had conducted inspections of Iraq’s declared nuclear power plants ‘fully within the parameters he could operate’ as chief of the Vienna-based agency between 1981 and 1997.

A former State Department official familiar with the report said Wolfowitz ‘hit the ceiling’ because it failed to provide sufficient ammunition to undermine Blix and, by association, the new UN weapons inspection program. But an administration official said Wolfowitz ‘did not angrily respond’ when he read the report because he ultimately concluded that the CIA had given only a ‘lukewarm assessment.’ The official said the CIA played down US criticism of Blix in 1997 for closing the energy agency’s books on Iraq after an earlier UN inspection program discovered Baghdad had an ongoing weapons development program.

Whatever the outcome, the request for a CIA investigation underscored the degree of concern by Wolfowitz and his civilian colleagues in the Pentagon that new inspections – or protracted negotiations over them – could torpedo their plans for military action to remove Hussein from power. ‘The hawks’ nightmare is that inspectors will be admitted, will not be terribly vigorous and not find anything,’ said a former US official. ‘Economic sanctions would be eased, and the US will be unable to act.’

A former member of the previous UN inspection team said the Wolfowitz

group is 'afraid Saddam will draw us in to a diplomatic minuet.' 'While we will have disputes, they will be solved at the last minute and the closer it comes to the 2004 elections the more difficult it will be to take the military route,' the former official said.

Secretary of State Colin L. Powell and his associates at the State Department, who have been more cautious about a military campaign against Iraq, take a different view. They 'see the inspection issue as a play that buys time to enlarge a coalition for an eventual move against Saddam,' according to a former White House foreign policy specialist. State Department officials also argue that Hussein will inevitably create conditions for the failure of the UN inspections, by setting down unacceptable terms or thwarting the inspectors inside Iraq so they have to withdraw.

Blix's inspection organization – the UN Monitoring, Verification and Inspection Commission – has inherited the mandate from the UN Special Commission on Iraq, or UNSCOM. UNSCOM was established after the 1991 Persian Gulf War to eradicate all of Iraq's proscribed weapons before UN sanctions against Baghdad could be lifted. It was disbanded eight years later after the inspectors were withdrawn. In the event Iraq agrees to allow inspectors back, Blix and his associates have been establishing the framework for a new inspections program. In its resolution establishing the new commission, the UN Security Council offered to suspend sanctions on Iraq if it cooperates with the inspectors. 'The expression of full compliance is not used in the resolution,' noted Rolf Ekeus, the former executive chairman of UNSCOM. 'It states there shall be cooperation in all respects.'

Determining the level of cooperation required will be done by Blix based on a list of 'key remaining disarmament tasks,' according to the resolution. Among those tasks will be seeking to determine whether Iraq is continuing to develop the VX nerve agent, whether it has continued its medium- and long-range missile program, and searching for documents that could provide insight into Iraq's efforts to develop chemical and biological warheads.

Even if cooperation by Iraq led to suspending some sanctions, Baghdad would still be subject to UN monitoring of its weapons programs. Sanctions would not be formally lifted until it persuaded the Security Council, where the United States has veto power, that it had fully complied with its obligation to abandon its prohibited weapons programs.

In interviews, Blix said he will not use any of the most controversial methods, including eavesdropping, that UNSCOM employed to thwart Iraqi efforts to hide its weapons. His inspectors have all received 'cultural sensitivity' courses to avoid offending people, he said, but he insisted that he will give Iraq no 'discounts.' 'We do not see as our mandate to humiliate, harass or provoke,' Blix said.

The Bush administration is seeking to persuade Blix to scrap arrangements established by UNSCOM to govern inspections of sensitive sites. Ekeus, and his successor, Richard Butler, agreed to a set of procedures to govern inspection of sensitive sites that Iraq maintained were essential to its national security. A senior

U.S. official said he does not believe Blix intends to allow himself to 'be jerked around' by the Iraqis but that his inspection procedures are not yet 'ready for prime time.' 'Our basic position it that we will follow the practices of UNSCOM where we think they are purposeful and do not have negative consequences,' Blix said. 'We feel free to modify them if we do not think they are useful or are problematic.'

But Blix said he is obliged to honour a 1998 agreement between Annan and Iraq. It envisions a series of time-consuming procedures that would likely delay UN arms inspectors for about a week before they could gain access to more than 1,000 buildings contained in eight presidential sites. The procedures require that the inspectors provide Iraq with prior notification of an inspection, fly in a team of inspectors and senior diplomats and then hold a meeting with the foreign ministry. Blix said that if Iraq cooperates, he is confident that he could issue a report that would trigger a suspension of sanctions within a year after arriving in Baghdad.

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