

CERTIFICATION CONCERNING THE
PROHIBITION OF CHEMICAL WEAPONS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT IN ACCORDANCE WITH THE RESOLUTION OF ADVICE
AND CONSENT TO RATIFICATION OF THE CONVENTION ON THE
PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCK-
PILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DE-
STRUCTION, ADOPTED BY THE SENATE OF THE UNITED STATES
ON APRIL 24, 1997



FEBRUARY 3, 1998.—Referred to the Committee on International Relations
and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

THE WHITE HOUSE,
Washington, December 19, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify that:

In connection with Condition (3), Establishment of an Internal Oversight Office, the internal audit office of the Preparatory Commission was expanded into the Office of Internal Oversight of the Organization for the Prohibition of Chemical Weapons upon the establishment of the Organization.

Sincerely,

WILLIAM J. CLINTON.

Statement of Justification

An Office of Internal Oversight, based on the then-existing internal audit function but with greatly expanded scope and authority, was established in the inaugural Organization for the Prohibition of Chemical Weapons (OPCW) program and budget (CI/DEC/74) adopted by the first Conference of the States Parties on May 23, 1997. The program and budget provide for a Director of Internal Oversight, who reports directly to the Director-General, and a staff responsible for financial and management audits, audits of the confidentiality regime, and quality assurance (including monitoring the Organization's laboratory, designated laboratories, and sampling/chain of custody issues). The Director was appointed in May. The staff is in the process of being hired and are expected to be in place in early 1998.

The independent internal oversight office is obligated to protect confidential information pursuant to the obligations of the Chemical Weapons Convention (CWC) Confidentiality Annex. The independent internal oversight office has the authority (i) to make investigations and reports relating to all programs of the Organization; (ii) to undertake both management and financial audits, including - (A) an annual assessment verifying that classified and confidential information is stored and handled securely pursuant to the general obligations set forth in Article VIII and in accordance with all provisions of the Confidentiality Annex; and (B) an annual assessment of laboratories established pursuant to paragraph 55 of Part II of the Verification Annex of the CWC to ensure that the Director General of the Technical Secretariat is carrying out his functions pursuant to paragraph 56 of Part II of the Verification Annex; (iii) to undertake performance evaluations annually to ensure the Organization has complied to the extent practicable with the recommendations of the independent internal oversight office; (iv) to have access to all records relating to the programs and operations of the Organization; (v) to have direct and prompt access to any official of the Organization; and (vi) to protect the identity of, and prevent reprisals against, all complainants.

The Organization is obligated to ensure, to the extent practicable, compliance with recommendations of the independent internal oversight office and must ensure that annual and other relevant reports by the independent internal oversight office are made available to all member states pursuant to the requirements established in the Confidentiality Annex.

Condition 3(E) of the resolution of ratification defines "internal oversight office" to mean "an independent office (or other independent entity) established by the Organization to conduct and supervise objective audits, inspection, and investigations relating to the programs and operations of the Organization." The Organization's Office of Internal Oversight fully conforms to this definition.

