

Is It Feasible to Negotiate Chemical and Biological Weapons Control?

Kenneth M. Jensen and David Wurmser
Editors



UNITED STATES
INSTITUTE OF PEACE

Washington, D.C.

The views expressed in this monograph are those of the authors alone. They do not necessarily reflect views of the United States Institute of Peace.

The United States Institute of Peace
1550 M Street, NW
Washington, D.C. 20005

Printed in the United States of America

First printing 1990

Library of Congress Cataloging-in-Publication Data

Is it feasible to negotiate chemical and biological weapons control? /

Kenneth M. Jensen and David Wurmser, editors.

p. cm.

Includes bibliographical references.

ISBN 1-878379-06-2 (paperback)

1. Chemical warfare (International law) 2. Biological warfare (International law)

I. Jensen, Kenneth M. (Kenneth Martin), 1944 - . II. Wurmser, David.

JX5133.C5179 1990

341.7'55—dc20

90-41048

CIP

The United States Institute of Peace

The United States Institute of Peace is an independent, nonpartisan, federal institution created and wholly funded by Congress to strengthen the nation's capacity to promote the peaceful resolution of international conflict. Established in 1984, the Institute has its origins in the tradition of American statesmanship, which seeks to limit international violence and to achieve a just peace based on freedom and human dignity. The Institute meets its congressional mandate to expand available knowledge about ways to achieve a more peaceful world through an array of programs including grantmaking, a three-tiered fellowship program, research and studies projects, development of library resources, and a variety of citizen education activities. The Institute is governed by a bipartisan, fifteen-member Board of Directors, including four ex officio members from the executive branch of the federal government and eleven individuals appointed from outside federal service by the President of the United States and confirmed by the Senate.

Recently published:

A Discussion of the Origins of Thinking on Arms Control: "The Sarajevo Fallacy"
The Meaning of Munich Fifty Years Later
A Look at "The End of History?"

Forthcoming publications:

Approaches to Peace: An Intellectual Map
Guides to Library of Congress Subject Headings and Classification on Peace and International Conflict Resolution

Board of Directors

Chairman John Norton Moore, Walter L. Brown Professor of Law and Director of the Graduate Program at the University of Virginia.

Vice Chairman Elspeth Davies Rostow, Stiles Professor of American Studies and Professor of Public Affairs and Government at the Lyndon B. Johnson School of Public Affairs, University of Texas at Austin.

Members

Dr. Dennis L. Bark, Senior Fellow of the Hoover Institution on War, Revolution, and Peace, Stanford University.

Ambassador William R. Kintner, Professor Emeritus of Political Science, at the University of Pennsylvania.

Dr. Evron M. Kirkpatrick, President of the Helen Dwight Reid Education Foundation, Washington, D.C.

Morris I. Leibman, Esq., law partner of Sidley and Austin, Chicago, Ill.

Reverend Sidney Lovett, retired Congregational minister.

Pastor Richard John Neuhaus, Director of the Institute on Religion and Public Life, New York, N.Y.

Dr. W. Scott Thompson, Professor of International Politics at the Fletcher School of Law and Diplomacy, Tufts University.

Professor Allen Weinstein, University Professor and Professor of History at Boston University and President of the Center for Democracy, Washington, D.C.

Ex Officio Members

Ambassador Richard Schifter, Assistant Secretary of State for Human Rights and Humanitarian Affairs.

Stephen J. Hadley, Assistant Secretary of Defense for International Security Policy.

Ronald F. Lehman, II, Director of the United States Arms Control and Disarmament Agency.

Vice Admiral J. A. Baldwin, President of the National Defense University.

Ex Officio Member (nonvoting)

Ambassador Samuel W. Lewis, President of the United States Institute of Peace.

Contents

Preface	vii
<i>Samuel W. Lewis</i>	
Enforcing Chemical-Weapons Limits: An International Chemical Weapons Authority	1
<i>Robin Ranger and Raymond Cohen</i>	
The Problem	13
<i>Robin Ranger</i>	
The Proposed Solution	19
<i>Raymond Cohen</i>	
Flaws in the Proposed ICWA	27
<i>Elisa Harris</i>	
Three Obstacles to Effective Implementation of Chemical- Weapons Control	33
<i>Douglas Feith</i>	
Elements of Enforcing Compliance	41
<i>Itshak Lederman</i>	
The Outpacing of Negotiations by Circumstance	45
<i>Brad Roberts</i>	
International Opinion, the Merits of ICWA, and the Use of Economic Pressures	51
<i>Gary Crocker</i>	
Controlling Chemical-Weapons Proliferation	59
<i>A Discussion</i>	
Participants in the Public Workshop	69

Preface

The spectre of chemical warfare—savage, deadly, and at times referred to as “the poor man’s nuclear bomb”—has been growing more rapidly than the diplomats’ ability to control it. In the absence of an international authority, some governments might try in the near future to reduce the menace by attacking suspected chemical-weapons plants in Third World countries. However, by applying some hard thought to the problem, and by a willingness to design new international instruments of control, concerned nations may still have a chance to curb the spread of such weapons and deter their use.

These three statements, presented in a public workshop held at the United States Institute of Peace in January 1989, sum up recent expert opinion about one of the least known and most insidious threats to civilized world order. The workshop participants—mostly scholars and officials who were invited to comment on a controversial proposal for a chemical-weapons watchdog agency—by and large accepted the expert speculations as valid. Their hopes for the future, however, were tempered by bitter lessons of the past. As several speakers pointed out, the (then) sixty-three-year-old ban on the use of chemical weapons embodied in the Geneva Protocol not only has been ignored: in recent years, chemical weapons have undergone their greatest resurgence since World War I.

Apparent advantages of chemical weapons—low cost, ease of delivery, psychological effectiveness—have spurred the renewed interest of unscrupulous potential users. And use of chemical agents is so difficult to detect that of hundreds of alleged violations of the Geneva Protocol, only five major incidents have reached public consciousness. At the same time, the participants agreed, the use of chemical agents can be devastating. As the latest evidence, one workshop speaker cited the reversal of the advance of the Iranian Army in the Persian Gulf War toward the end of the 1980s, just as it seemed poised to defeat the Iraqi forces. By dropping poison gas on both Iranian troops and its own rebellious Kurdish population, the Iraqi army managed to fight the Iranians to a standstill and to reverse the course of the war.

Washington Quarterly executive editor Brad Roberts, an expert on chemical warfare and a workshop participant, also noted the recent technological improvements that make the surreptitious production of poison gases much more feasible today than five years ago. According to Roberts, when in 1980 there were only three to five chemically armed states, the world moves into the 1990s “with upward of two dozen [such] states, many of which act as renegades.” In Roberts’ grim prediction, the hidden chemical-weapons arsenals of Libya, Syria, Iraq, and North Korea will grow “larger and larger,” and “terrorists will gain access to these weapons.”

A major obstacle in controlling chemical warfare, according to Gary Crocker, who has worked on problems of chemical weapons for more than fifteen years, has been the obsessive secrecy in which nations of the world veil the subject. Crocker, the State Department’s representative at the 149-nation talks on chemical weapons held in Paris in January 1989, described the frustrations he has felt at such conferences in the past. The real problem, said Crocker, is that “until recently, only one nation in the negotiations admitted to possessing chemical weapons, and that was the United States.... I used to sit at the negotiating table... and look around a [multi-nation] group and think, ‘this is crazy.’ In my experience with [several arms-control treaties], at least all the participants

admitted to possessing the weapons that we were discussing during those negotiations. Here, we are dealing with faceless states...."

One result of this secrecy is what Douglas Feith, a former senior aide at the Department of Defense, called the "triple whammy" which confounds attempts to control chemical weapons. In the first place, Feith told the workshop participants, violations of the Geneva Protocol are so hard to discover that there is not an intelligence officer in the United States "who would claim that we have anything approaching a reasonable chance of detecting violations of a chemical-weapons ban in any one of a number of countries that concern us."

The second problem, Feith continued, is the extreme difficulty of proving those violations that are detected. According to him, the State Department had Libya "cold" on the use of its "fertilizer" plant to produce poison gases. Yet, when the United States aired these charges in 1988, even Great Britain and Germany—"our closest allies with which we share intelligence," Feith noted—were critical of U.S. actions. Finally, he charged, "when we can prove a violation," as in the case of Iraq, "we cannot persuade anyone to do anything about it.... The international community has not yet figured out a way to give potency to international law...."

The impotence of the world community, according to Robin Ranger, a historian and former defense consultant, has in the past enabled Moscow to ignore charges that Soviet chemical and biological weapons have been used in Vietnam, Laos, Cambodia, and Afghanistan. Ranger, a former Peace Fellow at the Institute, predicted that the lack of collective response to the chemical menace will "sharply" escalate pressure for individual actions against potential chemical-weapons users. Thus, in his opinion, it is "quite possible" that within the next few years, "the United States or Israel—and/or other regional governments—will take physical action against the Libyan plant," Ranger forecast.

Trying to address these problems, Ranger's colleague, Raymond Cohen, another former Institute Peace Fellow and

lecturer on international relations at the Hebrew University in Jerusalem, presented the seminar with a proposal for a new international agency. As described by Ranger and Cohen, an International Chemical Weapons Authority (ICWA) would act as an anti-chemical-weapons sleuth, judge, and enforcer. At first, ICWA would expand activities of the so-called Australian Group of nineteen major Western countries, which now meets twice a year to exchange chemical-weapons intelligence and to harmonize export controls on chemicals.

In the second stage, the ICWA—which, the authors said, should at a minimum include the “principal industrial states, both West and East”—would create an inspectorate of experts, organize medical teams, and pool detection equipment that could be flown out at short notice in response to reported use of poison gases. Finally, after establishing its credibility and effectiveness, the ICWA would move into the “more innovative and adventurous” stage of devising a comprehensive “insurance policy” for nonchemical-weapons states against potential chemical-weapons users.

Under the Ranger-Cohen proposal, the scheme would guarantee that participating states—if attacked by chemical weapons—would be provided by the ICWA with “all the defensive means that modern technology could provide” as well as medical aid for the victims and financial compensation for material damage. If necessary, the agency would supply the victim with military aid—possibly even with chemical weapons for a retaliatory strike. If properly implemented, Ranger and Cohen told the workshop participants, their plan would not only deny the chemical-weapons user any advantage of breaking the Geneva ban; it would make the use of chemical weapons “counter-productive.”

The proposal ran into a host of objections. Elisa Harris, a Brookings Institution expert on chemical weapons and MacArthur Foundation Fellow, warned against overreaction against illegal acts by a “very limited number of countries.” The ICWA offer to provide chemical weapons for retaliatory strikes, Harris charged, was “really a proposal for proliferation.... [It] would lead to the spread of chemical weapons all over the world.”

Douglas Feith found nothing objectionable in chemically arming such "responsible states" as Great Britain. But, in his view, the proposal was unduly optimistic about international readiness to crack down on chemical weapons. Given the "ineffective, pusillanimous" response of the international community to violations thus far, "What makes anybody think that the international community will suddenly become a tiger through the creation of another United Nations-type body?" Feith asked.

Surprisingly, the world's potential response found a defender in Crocker, who witnessed some encouraging signs at the Paris Conference. Although several Arab countries insisted that the chemical-weapons option was their only realistic response to the suspected nuclear capability of Israel, Crocker detected several promising straws in the wind. For the first time ever, he said, most speakers at the conference demanded expansion of the already existing powers of the United Nations' secretary general to investigate alleged violations of the chemical-weapons ban. "That is good," Crocker observed. "I think we are getting somewhere."

The negotiating atmosphere in Geneva has also "significantly improved," Crocker said. The Soviets have joined the United States in admitting the manufacture and possession of chemical weapons, and their attitude toward arms control has dramatically changed. "Both sides wanted to cooperate to make the [arms control] agreement work," he said. Moreover, Crocker emphasized, recent experience suggested that international condemnation of chemical warfare works, even if it is not accompanied by formal sanctions.

The accused governments, according to Crocker, want to show they are legitimate and responsible states; they want to be part of the international commercial world. In Crocker's experienced view, the Ranger-Cohen proposal was "on the right track." He concluded optimistically that "with a lot of hard work, we can find a solution to the chemical-weapons problem."

Since the public workshop was held in January 1989, much of the world scenery has changed. While the dramatic events in Europe have considerably eased international tensions and although the United States and the Soviet Union are moving toward

reducing their chemical-weapons stockpiles, events elsewhere in the world have sharpened, rather than alleviated, concerns about chemical weapons. While tension has remained high over the two most infamous cases of chemical-weapons production—in Libya and Iraq—there are other worrisome cases that may be equally dangerous, such as Syria, Iran, and North Korea. At the same time, Iraq has become the first nation not only to threaten the use of chemical weapons—explicitly and publicly—but to threaten to use them in response to a conventional military attack, rather than to a chemical or nuclear strike.

It is clear that the chemical-weapons issue, therefore, can no longer be relegated to debate on the periphery. It is, in fact, becoming one of the central features of regional conflict. The more real this problem becomes, the more frequently we will encounter proposals for dealing with it in the future. The Ranger-Cohen proposal will stand as one of the first efforts to address not only the effects of chemical weapons when used or built but the tactical and strategic incentives that drive nations to use them.

The United States Institute of Peace will continue to follow this debate and will sponsor further exploration of these issues. The following pages will take the reader back to a more fundamental debate sparked by the Ranger-Cohen proposal, involving not only proposals for coping with the proliferation of chemical weapons but a useful account of the various schools of thought underlying proposals for dealing with proliferation of weapons, in general. The Institute believes that the discussion at this public workshop merits a wide readership, having brought together the various conceptions regarding not only the proposals to control the scourge of chemical weapons but the proper policy framework within which to place them.

Samuel W. Lewis
President
United States Institute of Peace