

# The Heritage Foundation **Backgrounder**

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**UPDATE**

## THE CHEMICAL WEAPONS TREATY: AN ILLUSORY SEARCH FOR A PANACEA

(Updating *Backgrounder* No. 844, "Four Principles for Curtailing the Proliferation of Biological and Chemical Arms," August 19, 1991.)

The United Nations Conference on Disarmament, meeting in Geneva on September 3, concluded 23 years of negotiations and reached agreement on a treaty that promises to ban the development, production, and stockpiling of chemical weapons. This treaty represents a high water mark for the art of self-deception in the pursuit of arms control. While proponents will tout it as a means of eliminating the threat of chemical warfare, the treaty will do no such thing. Nothing compels countries to sign the treaty and the countries that fail to do so are sure to be the ones most likely to resort to chemical warfare. Even those countries that sign the treaty face few penalties if they violate it. There are vague promises of sanctions against violators, including the suspension of a violator's treaty rights and other undefined "collective measures" by the international community. But if a country decides to violate the treaty, nothing short of the threat of force by the U.S. and its allies—which would be highly unlikely—would deter a country from illegally stockpiling chemical weapons. Meanwhile, the U.S. would already have disarmed itself by destroying its own chemical weapons.

Although the treaty is flawed, the Bush Administration has supported it vigorously and is all but certain to sign it next year if the President is reelected. There is little doubt that a Clinton Administration also would sign it. This being the case, it will be up to the Senate to protect U.S. interests by refusing to consent to the treaty's ratification.

**A Long and Tortured History.** This is not the first time that the world's nations have tried to control chemical weapons. After chemical weapons had killed some 100,000 people in World War I, the victorious allies established the Geneva Protocol of 1925, which banned the use, but not the development, production, or stockpiling, of biological and chemical weapons. Now acceded to by 140 countries, the protocol was not ratified by the U.S. until 1975. This effort to outlaw chemical attacks proved to be ineffective soon after it was adopted. Italy, for example, signed the Protocol in 1928, but it used poison gas against the Ethiopians in the 1930s.

The next attempt to limit chemical weapons occurred in November 1969 when Richard Nixon announced that the U.S. would not resort to the use of chemical weapons unless attacked with them first. Nixon also renounced the use of biological weapons (those that infect people with diseases like anthrax) under any circumstances. The Nixon declaration led to negotiations at the U.N. Conference on Disarmament that produced yet another international agreement: the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. This document not only prohibited the use of biological weapons in war, but prohibited their possession.



Meanwhile, the United Nations continued its work to ban chemical weapons. In 1969, it formed the U.N. Conference on Disarmament, which has involved all nations in negotiations to ban chemical weapons.

The Bush Administration has shown a strong interest in concluding the chemical weapons negotiations. Bush promised in his 1988 presidential campaign to ban chemical weapons. Later, on May 13, 1991, the President declared that the U.S. would destroy all of its chemical weapons unilaterally and forswear their use under any circumstances.

**Flawed Approach.** While Bush's desire to rid the world of chemical weapons is laudable, it is unrealistic. When the U.S. tried this approach with biological weapons, the result was an agreement that the Soviet Union signed, but subsequently violated with impunity. For example, the Soviet government maintained a biological weapons research facility in the city of Sverdlovsk in the Urals, which accidentally released anthrax spores in 1979. The Bush Administration's most recent report on Soviet compliance with arms control treaties, released in March, asserts flatly that the Soviet government up to the time it collapsed was in violation of the 1972 convention.

While the Russian government has in general terms acknowledged the violations perpetrated by its Soviet predecessor, it is unclear whether even Boris Yeltsin's reformist government has halted all the biological warfare research and development programs it inherited. The U.S. and British governments, for example, are not yet completely satisfied that the Russian government has given them the full list of inherited Soviet biological weapons facilities located on its territory. Other countries such as India, Iran, Iraq, and Pakistan also are thought to be developing biological weapons.

It is true that the chemical weapons ban will have stronger verification measures than the biological weapons convention had. For example, the chemical weapons treaty will allow inspectors to conduct on-site inspections. But it will be impossible for inspectors to catch violators if they are serious about concealing their activities. For example, many of the lethal chemicals used in weapons also have peaceful applications in the production of fertilizers and pesticides. Those chemicals will not be banned no matter how vigilant the inspectors are. The Bush Administration itself admitted last year that an earlier U.S. proposal to allow international inspectors to go anywhere, at any time to verify compliance by signatory countries was unrealistic.

Further, as with the biological weapons convention, it will remain legal for countries that have not acceded to the chemical weapons treaty to continue to develop, produce, and stockpile chemical weapons. Even if 65 other countries sign the new chemical weapons treaty, which is necessary to bring it into force, many countries, such as China, Iran, and several radical Arab states, may not agree to it. These countries are all but certain to continue their chemical weapons programs.

In short, the new chemical weapons treaty, like the biological weapons convention before it, will strip the U.S. of its chemical weapons capability, but it will not entirely eliminate the chemical threat to U.S. troops. Only the threat of chemical retaliation and protective clothing and gas masks can do that.

**Unintended Consequences.** The chemical weapons ban is likely to have other dangerous consequences. During the Persian Gulf War, U.S. armed forces were vulnerable to attacks by biological weapons. For example, the Pentagon's interim report on the conduct of the Persian Gulf War, released in July 1991, stated that an Iraqi biological attack could have resulted in enormous allied casualties and even have overwhelmed the military's medical care system. One reason for this was the biological weapons convention that created political pressure to limit research, development, and deployment of defenses against biological weapons. Such research was seen by arms control advocates as bordering on a violation of the biological weapons convention, even though such defensive programs are permitted under the convention. Some advocates even recommend banning such defensive programs outright. The chemical weapons treaty puts no restrictions on defensive measures, but the same pressure to curtail chemical defense programs is sure to arise. The result will be a dangerous situation in which the U.S. will be stripped of its chemical deterrent, while its defenses against chemical attacks progressively atrophy.



**A Better Approach.** The Bush Administration made a mistake in using the biological weapons convention as a precedent for the new chemical weapons agreement. The Nuclear Non-Proliferation Treaty of 1968 serves as a better model. Instead of banning nuclear weapons altogether, the Nuclear Non-Proliferation Treaty banned the spread of nuclear weapons beyond the five states that possessed them at the time the treaty was signed: the United States, China, France, Great Britain, and the Soviet Union. Under this kind of agreement, the U.S. could retain a small stockpile of chemical weapons to serve as a deterrent against chemical attack and not feel political pressure to limit its program to improve defenses against chemical attack.

No doubt there will be enthusiastic rhetoric from the Administration and other proponents of the new chemical weapons convention proclaiming that the scourge of chemical weapons has been eliminated. There also will be an attempt to downplay the dangers inherent in the agreement. Given the wishful thinking which has marred this issue, only the Senate can stop U.S. participation in this ill-considered and dangerous experiment in disarmament.

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