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THE CHEMICAL WEAPONS CONVENTION: UNVERIFIABLE, UNENFORCEABLE, AND A BURDEN TO BUSINESS

Later this week, the United States Senate will vote on ratification of the Chemical Weapons Convention (CWC). The CWC is a multilateral treaty that would bar the production and stockpiling of chemical weapons by the countries that ratify it. Given its sweeping provisions, the ratification of the CWC carries important implications for U.S. policies on arms control, non-proliferation, defense, regulation, and above all, national security. As a result, Senators need to consider the CWC carefully and not assume that it deserves support merely because it professes to outlaw chemical weapons. In fact, the CWC will fail to achieve its stated goal of a global ban on chemical weapons. Moreover, the CWC will make America more vulnerable to chemical weapon attack in the future while imposing an unwarranted and costly burden on American business.

If ratified, the Chemical Weapons Convention would:

- X **Increase the risk of chemical weapons being used.** By undermining the U.S. chemical deterrent, the CWC may increase the likelihood that chemical weapons would be used. The experience of World War II shows that an aggressor possessing chemical weapons will hesitate to use them to attack a country that also possesses such weapons. If the U.S. bans all of its chemical weapons, as required by the CWC, outlaw states that retain them will have a military advantage over the U.S. and other countries that have banned them. This military advantage increases the likelihood that chemical weapons could be used against the U.S.
- X **Be unverifiable.** Despite elaborate and burdensome verification provisions, compliance with the CWC cannot be adequately verified. At a hearing of the Senate Foreign Relations Committee, then-Director of Central Intelligence James Woolsey warned that "the chemical weapons problem is so difficult from an intelligence perspective that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale."
- X **Be unenforceable.** Violations of the CWC are likely to go unpunished. If a violation were to occur, the United Nations Security Council would have to impose penalties severe enough to change the behavior of an outlaw state. But the five permanent members of the Security Council can veto any enforcement resolution lodged against them or their friends. China and Russia, for example, can simply veto resolutions imposing sanctions on them if they disagree with other Security Council members.
- X **Impose a heavy regulatory burden on U.S. businesses.** There are over 7,700 production facilities in the U.S. that may be subject to CWC-related reporting and inspection requirements. The direct cost to business could be as high as \$200 million annually, while indirect costs could run into billions of dollars a year.
- X **Increase the risk of proliferation of chemical weapons.** Article XI of the CWC requires cooperation among nations in the peaceful uses of chemicals. In many respects, this provision resembles the 1950s At-

oms for Peace arrangement to foster the peaceful uses of nuclear power. This is the approach to arms control and trade that has been used to justify Russia's sale of nuclear reactors to Iran. The last thing the world needs is a "Poison for Peace" program that helps spread chemical weapons around the world, as the Atoms for Peace did for nuclear reactors to Iran and North Korea.

The chief lobbying group for the chemical industry, the Chemical Manufacturers Association (CMA), supports ratification of the CWC, and the prospect for increased sales of dangerous chemicals to countries like Iran may be the reason why. CMA member companies that produce and export chemicals would be subject to stricter limits on exports if the U.S. does not ratify the CWC. It would be sad indeed if the CMA were putting its own economic interest ahead of the nation's security in supporting ratification.

- X **Not enhance U.S. security.** By making arms control an end in itself, the CWC will not protect U.S. national security. Arms control is only one of several means for achieving the goal of national security. America needs the additional tools of deterrence, defenses, and even offensive military operations. It makes no sense for America to give up its chemical weapons if other nations still possess them.
- X **Be inconsistent with America's global responsibilities.** The CWC, by treating all nations alike, fails to acknowledge America's special role in global security. Superpower status imposes important global responsibilities which the U.S. can fulfill only by maintaining armed forces capable of projecting overwhelming force around the globe. Because America has these special responsibilities, it is treated as an exceptional case under the Nuclear Non-Proliferation Treaty regarding the possession of nuclear weapons. The same principle should apply to America's chemical weapons arsenal.

CONCLUSION

Advising and consenting to the ratification of treaties is one of the Senate's most solemn constitutional responsibilities. This is particularly so when the treaty under consideration has profound implications for the security of the nation. Given all that is stake with the CWC, Senators should scrutinize carefully all the provisions and implications of the treaty before they vote. This will lead to an inescapable conclusion: Ratifying the CWC would leave America less secure and would pose unreasonable costs on American businesses.

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