

THE HENRY L. STIMSON CENTER

**The U.S. Senate and the
Chemical Weapons Convention:
The Price of Inaction**

**Senator John Glenn
H. Martin Lancaster
Michael Moodie
Sheila R. Buckley
Amy E. Smithson
Michael Krepon**

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Pragmatic steps toward ideal objectives



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Statements on the Chemical Weapons Convention

Lawrence S. Eagleburger:

The Chemical Weapons Convention is an important part of an international structure that would increase U.S. and global security in the next century. If we do not lead this effort to curb the proliferation of chemical weapons and initiate their global elimination, we increase the chances that we will encounter disasters in the 21st century reminiscent of those that occurred in the first fifty years of the 20th century.

Lawrence S. Eagleburger, Secretary of State during the Bush administration, statement given to the Henry L. Stimson Center, 17 October 1995

General Brent Scowcroft:

Success in rolling back the threat of chemical weapons proliferation requires well-equipped U.S. military forces and chemical defense preparedness. However, the clear international norms against chemical weapons, the legal framework, and the challenge inspections embodied in the Chemical Weapons Convention are also needed. The time has come for the Senate to uphold U.S. leadership in combatting the proliferation of weapons of mass destruction by providing its advice and consent to the Convention.

General Brent Scowcroft (USA, ret.), National Security Adviser during the Bush administration, statement given to the Henry L. Stimson Center, 16 October 1995

Senator Joseph R. Biden:

The single greatest threat facing the United States today is the proliferation of weapons of mass destruction. We need to use every means at our disposal to reduce the chances of a chemical attack in our country. The Chemical Weapons Convention is an irreplaceable tool to achieve that goal.

Further delay by the U.S. Senate in considering the CWC would be a dereliction of our duty to serve those we represent. It would bring comfort only to those rogue states and terrorists who are trying feverishly to acquire chemical weapons.

Senator Joseph R. Biden, statement given to the Henry L. Stimson Center, 30 October 1995

Senator Nancy L. Kassebaum:

The Chemical Weapons Convention will not prevent all future chemical attacks, particularly by terrorists. But it nevertheless is an important and constructive international mechanism to check and reverse the proliferation of chemical weapons. In particular, it will be crucial to help ensure that the enormous chemical stockpiles of the former Soviet Union are destroyed before they fall into dangerous hands. The United States cannot stop the proliferation of these weapons alone, and that is why our participation with other nations in ratifying and implementing the Convention is so crucial. The Senate has to do its part, and I believe our leadership is important for the uncertain times that lie ahead.

Senator Nancy L. Kassebaum, statement given to the Henry L. Stimson Center, 25 October 1995

Senator John F. Kerry:

Chemical weapons are potentially one of the most serious threats to America's armed forces on future battlefields, and their proliferation is a cause for great anxiety. Recent events in Tokyo highlight the possibility of chemical terrorism around the world, which could easily manifest itself in the United States. Our nation's highest military and intelligence officials repeatedly have stated that while the Chemical Weapons Convention is no panacea for these threats, our nation will be safer and we will have greater ability to reduce chemical weapons proliferation, and to identify and remove chemical weapons threats, if the United States and a majority of the world's nations ratify this treaty. The United States should be leading this effort, and it is both absurd and inimical to our self-interest that the Senate has yet to consider and vote on the CWC. I urge my colleagues in the Senate—and all concerned Americans—to join me in insisting that Chairman Helms of the Foreign Relations Committee quickly permit the Committee to act on it, and that soon thereafter Senate Majority Leader Dole schedule Senate floor action.

Senator John F. Kerry, statement given to the Henry L. Stimson Center, 23 October 1995

Frederick L. Webber:

The U.S. chemical industry worked hard to help government negotiators craft a CWC that provides strong protections against future uses of chemical weapons, at a minimum burden and intrusion on commercial chemical facilities. With the negotiations on the Convention complete, it is critical that the United States provide leadership in implementing this global agreement. The protections our industry achieved in the CWC can only be realized if the Senate acts quickly to ratify the Convention.

Frederick L. Webber, president of the Chemical Manufacturers Association, statement given to the Henry L. Stimson Center, 30 October 1995

Ronald F. Lehman, II:

With the CWC in force, we can more effectively reduce the dangers faced by our troops when they are deployed within range of the weapons of outlaw regimes. With the CWC ratified, we can more easily marshal the international and domestic support necessary for the strong countermeasures we must take when we are threatened by weapons of mass destruction. Indeed, our efforts to counter the proliferation of nuclear and biological arms may falter if we cannot even codify the ban on chemical weapons that, under the personal leadership of two Republican presidents, the United States sought and achieved.

Ronald F. Lehman, II, director of the Arms Control and Disarmament Agency during the Bush administration, statement given to the Henry L. Stimson Center, 25 October 1995

General John M. Shalikashvili:

From a military perspective, the Chemical Weapons Convention is clearly in our national interest. The Convention's advantages outweigh its shortcomings. The United States and all other CW-capable state parties incur the same obligation to destroy their chemical weapons stockpiles...if we do not join and [we] walk away from the CWC an awful lot of people will probably walk away from it as well, and our influence on the rogue states will only decrease.

General John M. Shalikashvili, Chairman of the Joint Chiefs of Staff, testimony before the Senate Foreign Relations Committee, 23 June 1994

James Woolsey:

In sum, what the Chemical Weapons Convention provides the intelligence community is a new tool to add to our collection tool kit. It is an instrument with broad applicability, which can help resolve a wide variety of problems. Moreover, it is a universal tool which can be used by diplomats and politicians, as well as intelligence specialists, to further a common goal: elimination of the threat of chemical weapons.

James Woolsey, former Director of Central Intelligence, testimony before the Senate Foreign Relations Committee, 23 June 1994

Ambassador Stephen Ledogar:

Now the United States still has both the responsibility and the ability to bring this endeavor to full maturity. The CWC's entry into force and implementation at the earliest possible date lies in our hands as the international community is looking to us to lead the way toward ratification.

Ambassador Stephen Ledogar, Chief U.S. Negotiator for the Chemical Weapons Convention, testimony before the Senate Foreign Relations Committee, 13 April 1994

Cord Meyer:

The Chemical Weapons Convention...[is] being held hostage to Mr. Helms' demand that ACDA be integrated into the State Department. ...the delay in acting on the Chemical Weapons Convention increases the danger of proliferation. ...Arms control is too important to be left half done.

Cord Meyer, contributing writer to The Washington Times, from "Unfinished arms control business," 13 October 1995

Introduction

Michael Krepon

The passage of time is the enemy of U.S. treaty ratification. As the Chemical Weapons Convention (CWC) now approaches the third anniversary of its signing ceremony without Senate action, the specter of the 1925 Geneva Protocol has begun to haunt the Senate chamber. The Geneva Protocol effectively barred only the first use of chemical weapons. A highly popular treaty prompted by the horrors of chemical weapons use during World War I, it nonetheless was not acted upon by the Senate for fifty long years.

The CWC goes well beyond the Geneva Protocol, banning the development, production, acquisition, stockpiling, and transfer of chemical weapons, as well as use. It is a highly valued treaty at home and abroad. Many of its provisions, including its intrusive inspection procedures, bear the stamp of the United States. The need for the CWC's controls and inspections has become more evident with the passage of time, as chemicals have been used on third world battlefields and modern subway systems.

When will the Senate act? Will the CWC suffer the same fate as the Geneva Protocol? As the essays that follow make abundantly clear, much will be lost if the Senate continues to shirk its constitutional responsibilities. A Senate debate is urgently needed to discuss the pros and cons of the CWC. The American public and the international community deserve a vote on this treaty.

The essays that follow conclude that the CWC deserves to be ratified by the United States, and that much harm can come from the U.S. Senate's failure to consent to ratification.

In the opening essay, Senator John Glenn expresses his conviction that the CWC is a treaty benefiting not only the United States, but also the international arms control effort. He notes that the treaty has overwhelming bipartisan support in the Senate and that issues of concern have been aired fully in hearings. "As a veteran of two of this country's most violent wars," Glenn states, "I believe that all Americans should walk the extra mile to ensure that future generations will not have to endure the kinds of warfare that the last two generations had to endure." Delaying the CWC's consideration because of lack of progress on other legislative agendas is "a very risky business when treaties are at stake that affect vital national security interests," he concludes.

Michael Moodie's essay discusses the CWC's verification provisions and the threats that are likely to fester if the CWC is not implemented. Moodie points out that "the CWC provides such useful tools in addressing suspicions or allegations of developing or using chemical weapons that not availing ourselves of them would be short-sighted, indeed foolish, and ultimately, dangerous." Russia, for example, "can be held accountable under legally binding obligations, including the complete destruction of its chemical stockpile and the acceptance of challenge inspections" under the CWC.

Sheila R. Buckley addresses the international consequences of continued Senate inaction. She believes that Russia, and perhaps China, would emulate the United States. Still other

countries would begin to re-evaluate their security calculations regarding the CWC and whether they should possibly pursue chemical weapons in the absence of a strong international regime to contain them. She concludes that "the un-making of the CWC could have consequences well beyond the chemical arms control arena," noting that efforts to strengthen the Biological and Toxin Weapons Convention are also likely to falter.

Amy E. Smithson's essay details the likely consequences of the Senate's inaction on the CWC's nascent implementing organization, the Technical Secretariat. She describes two scenarios likely to unfold if the Senate's consent to ratification is not soon forthcoming. In the first scenario, the CWC never enters into force because the U.S. and Russian legislatures remain dormant. In the second scenario, the CWC is activated without the United States. "Either way," she notes, "the United States ends up on the sidelines, poorly positioned to address the problem of chemical weapons proliferation." In the process, the Technical Secretariat could be permanently crippled.

H. Martin Lancaster, President Clinton's Special Adviser on the CWC, observes that the threat from chemical weapons is quite severe because "they are relatively cheap to produce and do not demand the elaborate technical infrastructure needed to make nuclear weapons. It is therefore all the more vital to establish an international bulwark against the acquisition as well as the use of these weapons."

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Why the Senate Should Ratify the Chemical Weapons Convention

Senator John Glenn

The actions of the United States Senate will have a lot to do in determining whether 1995 will prove to be a glorious year for arms control and nonproliferation, or a missed opportunity. Though the few months remaining in this legislative session will present enticing opportunities for partisan bickering on all sorts of issues, I remain hopeful that Congress can still make progress in these particular areas. Coming in the wake of the recent permanent extension of the Treaty on the Non-Proliferation of Nuclear Weapons, prompt Senate ratification of the Chemical Weapons Convention (CWC) would provide a much-needed boost to international arms control and disarmament efforts. We stand today on the verge of eliminating one of the deadliest weapons from the face of the Earth.

As a veteran of two of this country's most violent wars, I believe that all Americans should walk the extra mile to ensure that future generations will not have to endure the kinds of warfare that the last two generations had to endure. Although war or the threat of war will likely remain permanent risks in the world of nation states, there are some signs of hope that certain forms of warfare might someday be brought under control or abolished outright.

The Twentieth Century has witnessed the development and use of all forms of what we now call "weapons of mass destruction." A hallmark of World War I and the Iran-Iraq War of the 1980s was the use of chemical weapons. World War II involved the use of both biological and nuclear weapons. Since that war, novel techniques have been devised to make such weapons lighter, more lethal, and capable of reliable and accurate delivery over long distances. These are weapons that cannot distinguish between civilian and military targets. These are weapons that are deadly enough in the hands of leaders of nation states and that give rise to new nightmares in the hands of subnational groups, as best illustrated by the poison gas attacks this year in downtown Tokyo.

Such risks have motivated efforts of the United States and other countries to seek a ban on both biological and chemical weapons and to pursue new efforts to limit the vertical and horizontal proliferation of nuclear weapons. To achieve such objectives requires an extraordinary amount of international cooperation. It requires binding obligations. It requires an effective means of verification. It requires a system of sanctions to impose costs on those who violate their obligations. It requires new institutions to coordinate the implementation of new international norms. It requires significant adjustments of national policies. And given that multilateralism has to begin somewhere, it requires significant U.S. leadership.

America's support for a treaty outlawing chemical weapons is perhaps as strong now as it has ever been. This support is bipartisan. It was a Republican President who signed the Chemical Weapons Convention and it is a Democratic President who is now seeking to get it ratified this year. The treaty has strong support from the chemical industry. The Joint Chiefs of Staff support the treaty. The American people support the treaty.

Indeed, hardly anybody these days sincerely argues for the United States to retain an arsenal of chemical weapons, for plenty of good reasons:

- As the events in Tokyo demonstrate, chemical weapons are more likely than nuclear weapons to be used in war or in terrorist attacks, although they clearly are not as potentially lethal as either biological or nuclear weapons.
- They are readily concealable, lightweight, and transportable.
- Many of these weapons can be fabricated with readily-available materials and equipment.
- They are cheap to produce.
- They require comparatively little technical expertise to develop or produce.
- They can be manufactured in small facilities that are extremely difficult to detect.
- There exists no perfect defense against all chemical weapon threats, especially against attacks without warning against civilian populations.
- History has shown time and again that the possession of chemical weapons offers little value as a deterrent—from Ypres to Halabja, all too often the side possessing such weapons has become the victim of chemical attacks.

Therefore, a virtual consensus on the nature of the threat exists, as does a diverse base of support for the CWC. Nonetheless, the Senate has still not acted to ratify the CWC. And in the face of Senate inaction, 40 countries have ratified the treaty. Many of the more than 155 signatories of this treaty are delaying their ratification decisions until the United States Senate ratifies the treaty.

Several factors account for the failure of the Senate to act, including the effects of some active lobbying by a handful of vocal individuals and groups that are opposed to the treaty. Some critics outside the government—citing many of the characteristics of chemical weapons described above—argue that the CWC is simply not verifiable. Others fear the high costs of implementing verification arrangements. Some complain that the verification system will jeopardize the confidentiality of commercial proprietary data. Others cite various legal and constitutional problems. Finally, some appear to believe that chemical weapon nonproliferation policies should simply be targeted at four or five so-called “rogue nations” rather than framed as a global problem.

Each of these arguments has been extensively debated in Congress, both at the committee level and on the floor of each house. Each of these arguments has to my satisfaction been successfully rebutted.

Yes, the treaty does raise tough problems of verification—but are we better off with an international system of managed-access inspections, or with no inspections at all? Many of these problems, moreover, can be addressed by prudent investments in maintaining America's

intelligence capabilities (in both collection and analysis) and ensuring the readiness of our military to address such threats should they arise.

Yes, the treaty will cost some money to implement—but surely such costs must pale in comparison to the costs that we and other nations would have to pay to survive in a world where chemical weapons remain legitimate instruments of warfare.

Yes, the treaty may open up some new risks to proprietary data, yet if this risk is as great as the critics claim, why does the industry that has the most at stake remain in full support of the treaty?

Yes, the treaty will require some additional domestic legislation, but existing procedural and legal guarantees are adequate to protect constitutional rights.

Evidence indicates that more countries are seeking to obtain or retain a chemical weapons capability than to acquire nuclear or biological weapons. Therefore, a truly effective approach to prevent them from succeeding must be global in scope—and the less discriminatory the regime, the broader will be its base of legitimacy in the world community.

Even if the case for the treaty is strong on substance, however, there are other factors at work to slow its ratification. Over the history of the Senate, one delaying tactic has been to link progress in ratifying a treaty with other legislative agendas. Though this so-called “log-rolling” approach is fairly common in domestic legislation, it is a very risky business when treaties are at stake that affect vital national security interests. Ultimately, the practitioners of such approaches will have to answer to the voters for their actions.

The basic question comes down to: “Are we better off with the treaty or without it?” The overwhelming majority of members of Congress would agree that we are better off with this treaty. It serves our national interest. The American people support it. These are, in sum, the reasons why I believe that the Senate should ratify the CWC.

Verification, Compliance, and the CWC

Michael Moodie

The success of any arms control agreement is based on confidence that parties to that agreement are in compliance with their obligations, that those who are not in compliance run a reasonably high risk of being caught, and that, if they are caught, the international community will do something about it. Concluding an agreement is only the first step in the arms control process. Success is not inherent in an agreement's specific provisions, however well crafted and elegant they may be. No arms are controlled, no proliferation stemmed, until agreements are properly implemented.

The core of implementing an arms control agreement is its verification procedures. A treaty must be verifiable insofar as a significant violation, should it occur, will be detected in time to provide an adequate response. Ideally, the verification mechanisms of a multilateral arms control agreement will deter violations by convincing potential cheaters that they will be caught and that the costs of cheating are higher than the costs of compliance. The basic purposes of verification, then, are deterrence, detection, and building confidence in compliance.

Arms control agreements do not stand in isolation, either in time or in substance. The international community has drawn lessons—both positive and negative—from other arms control agreements and has applied these lessons to subsequent agreements. Each new agreement contributes to a global arms control architecture in which the components of the system (i.e., the specific agreements) are intended to be mutually reinforcing.

Thus, non-ratification of the Chemical Weapons Convention (CWC) by the U.S. Senate will have serious consequences—mostly negative—for the verification and compliance dimensions of the arms control agenda. Non-ratification will make it more difficult to control chemical weapons specifically. Moreover, failure of the Senate to act will set back the broader efforts of the international community to respond to the challenges posed by other instruments of violence—including other weapons of mass destruction—and constrain the global actors who would use them.

The 159 states that have signed the CWC as of October 1995 reflect a broad international consensus that not only should the first use of chemical weapons be prohibited, but also their development, production, storage, and transfer. The CWC represents a stricter norm regarding the behavior of states than the 1925 Geneva Protocol's ban on the use of chemical weapons. Unless such a standard is embodied in an international legal instrument, however, efforts to deal with chemical weapons programs of other countries will founder. No grounds will exist, for example, to raise objections to activities—such as production and storage of chemical weapons—that fall short of chemical weapons use but which, nevertheless, represent a significant threat to other nations and to regional, and possibly global, stability.

The CWC provides both the standards of behavior by which states should be judged and the tools to determine whether a particular state is meeting those standards. Non-ratification of the CWC by the Senate would leave the United States without either.

The CWC will not, on its own, ensure the complete elimination of chemical weapons. Nor is its verification system airtight and certain to discover irrefutable proof of noncompliance in all cases where it occurs. The CWC's verification provisions, however, represent a major step forward in that critical function of the arms control process. The CWC provides such useful tools in addressing suspicions or allegations of developing or using chemical weapons that not availing ourselves of them would be short-sighted, indeed foolish, and ultimately, dangerous.

Addressing Concerns About Chemical Weapons Activities in Russia

Senate inaction on the CWC has notable consequences for verification and compliance concerns about a chemical weapons program of Soviet origin. Throughout the Cold War, the United States entertained scenarios involving chemical weapons use in a Warsaw Pact attack—a contingency deeply disturbing to the military and political leaders of the North Atlantic Treaty Organization. Moscow ultimately joined Washington as one of two capitals to declare publicly that it held a chemical weapons stockpile of about 40,000 tons, an amount that exceeds U.S. holdings by 10,000 tons. The United States, however, had relatively little information about the Soviet stockpile. U.S. concerns were elevated in 1991 when scientists from within the Soviet chemical weapons complex made allegations about the development of new chemical agents, despite Moscow's 1987 assertion that it had ceased chemical weapons production. Despite the importance of U.S. questions about the "novichok" chemical weapons program, the United States had no firm mechanism for generating answers.

Nonetheless, the United States began pushing for answers through previously established bilateral channels. The 1989 Wyoming Memorandum of Understanding provided for a *voluntary* exchange of data between the United States and the then Soviet Union about the chemical weapons stockpiles of each side. The agreement also called for a series of reciprocal practice inspections. Data exchanges were made in 1989 and 1994. Both times, Washington registered several concerns with Moscow regarding what it felt were incomplete or anomalous data. Moscow did the same. More exchanges were held to clarify the data and resolve anomalies, but both sides continue to seek additional information to clarify questions and concerns.

A second agreement—the Bilateral Destruction Agreement—was concluded in June 1990. This agreement called for each side to destroy its chemical stocks, at least to a level of 5,000 tons. Inspectors from the other side would monitor the destruction process. Like the Wyoming memorandum, the Bilateral Destruction Agreement was designed to facilitate the multilateral CWC negotiations in Geneva by providing a general approach to assist in overcoming the verification and destruction hurdles bedeviling the negotiators. The provisions of the bilateral agreement represented a complementary effort that helped to break some logjams in the CWC talks.

After five years, however, implementation of the Bilateral Destruction Agreement has not occurred and there are few signs that it will soon be activated. The reasons for lack of progress are many, including a shortage of Russian financial resources to initiate a chemical weapons destruction program. Another serious obstacle has been an ongoing dispute between the two sides over how to handle former chemical weapons production facilities. The CWC requires the destruction of these facilities, especially the specialized equipment within them that could be used to manufacture chemical weapons. Russia has converted some of its former chemical weapons

production facilities into commercial enterprises, and it has no desire to lose the investment this conversion represents. Washington and other states worry that these facilities, at least theoretically, could be reconverted for military purposes, and they insist that Russia agree to provisions that would make reconversion at those sites impossible. No way has been found out of this impasse.

Clearly, these bilateral agreements have not resolved all the concerns about the Russian chemical weapons program. Unlike the bilateral agreements, once Russia ratifies the CWC, Moscow can be held accountable under legally binding obligations, including the complete destruction of its chemical stockpile and the acceptance of challenge inspections. If states felt that Russia provided inaccurate or misleading information in its declarations on a wide variety of chemical-related activities, challenge inspections could be requested and promptly executed.

The United States is not the only country that would welcome a chance to clarify concerns about chemical activities in Russia. The United States need not stand alone in pressuring Moscow to comply fully with its obligations. As H. Martin Lancaster, the President's Special Adviser for the CWC, has pointed out, "The CWC will place Russian activities under intense international scrutiny and empower the world community to respond to any concerns about noncompliance with intrusive verification measures, political pressures, and possible sanctions."

Unless Russia becomes a party to the CWC, this discussion is moot. At least some members of the Russian leadership do not appear interested in ratifying the CWC. Elements of the Russian military are reportedly unconvinced that eliminating the chemical stockpile is in their nation's strategic interest, although it is not clear that this is a majority, or even significant minority, view. Some members of the Russian Duma have endorsed the CWC and the destruction of the Russian stockpile, but have been reluctant to act because the costs of mounting a destruction program are prohibitive for a financially strapped nation. Some Duma members argue that they should not ratify the CWC until further monetary assistance is assured.

Nonetheless, Senate delay in ratifying the CWC imposes costs with respect to Russia. Postponement of U.S. ratification undermines the reformers in Russia who support the treaty and gives a free ride to the hardliners who wish to continue a chemical weapons program. With no U.S. example, those hardliners will feel no pressure and be free to postpone action indefinitely. Such an Alphonse-Gaston political act would doom the CWC's entry into force to a state of perpetual suspension.

Russian leaders are cognizant of the practical consequences of not being part of the CWC when it begins to operate. Russia will lose its role in the new international monitoring agency and its vote in establishing the CWC's operational regulations for data declarations, inspections, and administration. In short, if Russia doesn't ratify, Russia doesn't play. If Russia remains outside the regime for too long, the CWC mandates that its trade in chemicals governed by the CWC be cut off or restricted. As for the political costs of not coming aboard, Russia would be forced into a splendid isolation from a global consensus, which is not a position the current Russian leadership finds comfortable. Moscow would feel the reproach of the international community by its reluctance to join a global norm.

U.S. ratification and the subsequent entry into force of the CWC generate probably the greatest political pressure on Moscow to join the agreement. Congress also has other levers that it can apply. For example, the Nunn-Lugar Cooperative Threat Reduction program has provided

U.S. financial assistance to Russia and other states to help secure and expedite the dismantlement of former Soviet nuclear weapons. Providing assistance for Russia's chemical weapons program is a significant carrot to help Moscow make wise choices about eliminating its chemical stockpile. In contrast, cutting Nunn-Lugar assistance for Russia's chemical weapons destruction program reduces America's leverage to ensure that Moscow provides a full accounting of its chemical weapons program and begins to get rid of its stockpile.

Beyond Russia

Obviously, Russia is not the only country of concern as a potential chemical weapons possessor or proliferator. The U.S. government notes that more than two dozen countries are suspected of having chemical weapons or the capability to produce them. Among the states usually listed as suspected proliferators are North Korea, Syria, Libya, and Iran. Israel, Vietnam, Myanmar, and Taiwan are also identified by some analysts.

China's chemical weapons capabilities merit special concern. A Chinese offensive chemical weapons program has been widely alleged, although Chinese officials consistently reject those charges and unclassified confirmation of a Chinese chemical arsenal remains unavailable. China has a significant chemical and pharmaceutical industry, so it would not be beyond the realm of possibility that China has clandestinely produced or stockpiled chemical weapons. Moreover, the Arms Control and Disarmament Agency's 1995 noncompliance report found that "China maintained an offensive [biological weapons] program throughout most of the 1980s....and there are strong indications that China probably maintains its offensive program." If the pattern of past proliferators holds—that weapons of mass destruction programs are pursued not sequentially but simultaneously—then China could well be involved in a chemical weapons program. In light of expectations that China will continue to emerge as a regional power in Asia and perhaps beyond, the prospect of Beijing maintaining such an arsenal is distinctly unwelcome.

If lack of U.S. leadership translates into the CWC's failure to enter into force or its debilitated entry into force, the United States will have no instruments beyond national intelligence means for exploring these concerns. National intelligence efforts have been only moderately successful in detecting incidents of chemical weapons proliferation, and the intelligence community is being asked to assume a greater responsibility in the nonproliferation arena at a time when its resources are being cut. On some occasions, the reluctance to use sensitive intelligence information has hampered the U.S. government's ability to make a convincing public case that proliferation has occurred, making it difficult to rally the necessary domestic and international support to act decisively in response.

Even the CWC's most ardent supporters recognize that the treaty's verification provisions are not certain to uncover the "smoking gun" that provides incontrovertible evidence of noncompliance. Verification, however, is not some mechanistic, cut-and-dried process that produces unambiguous evidence. Judgments on noncompliance are formed from a mosaic of evidence created over time using multiple-source information, including treaty-embedded practices and other national resources. The essence of verification is generating data and making judgments about that information. The CWC's verification regime provides critical opportunities for forming such a mosaic and noting quickly when particular pieces do not seem to fit, prompting yet further scrutiny.

The CWC creates unprecedented monitoring opportunities through the range of verification measures it incorporates and the scope of activities it addresses. Development of a militarily significant chemical weapons program entails many stages—research, development, production, agent storage (either in bulk or weaponized), munitions filling, incorporation into military doctrine, training, and so on. Some of these activities are more detectable than others. By banning all of them—except limited research for defensive purposes, which will be closely monitored—the CWC can be used to identify a variety of irregularities in a state's behavior. If one piece of the mosaic does not seem to fit, then other pieces can be examined more closely for an explanation of the anomaly.

The treaty's ability to sustain attention on a country of concern is one of its unappreciated assets. The key lesson of the experience of the United Nations Special Commission in Iraq was that its greatest successes did not result from discovering smoking guns. Rather, the Special Commission's successes were based on painstaking efforts over time to analyze a wide range of information, evaluate patterns that emerged from that analysis, identify gaps in those patterns, and push continually for additional information to fill those gaps. The workings of the CWC are not dissimilar; it provides the mechanisms to build those same kinds of patterns, discover anomalies, and exert constant pressure to obtain missing information.

In his 1994 testimony in support of the CWC's ratification, then CIA Director James Woolsey admitted that the intelligence community did not have high confidence that it could detect small-scale noncompliance with the CWC. He went on to say, in comments often overlooked by the treaty's critics, that the CWC would nevertheless deter some potential proliferators and strengthen the intelligence community's ability to assess proliferation problems. With or without the CWC, the intelligence community is charged with ascertaining which states are developing and producing chemical weapons.

Woolsey's comments underline the difficulty of detecting smaller chemical weapons programs of the kind that might be pursued by terrorists or other non-state actors. The CWC was not primarily designed for this task. Indeed, terrorism with weapons of mass destruction is a complex challenge for which no single policy instrument is the silver bullet. Responding successfully to the challenge of terrorism, even when it involves weapons of mass destruction, remains first and foremost a function of good law enforcement and intelligence.

Given the dual-use nature of many chemicals and the relative accessibility of the science involved in making chemical weapons to a reasonably trained organic chemist, it is impossible to guarantee a nation's invulnerability to the terrorist use of chemical weapons. The CWC, however, requires states to pass domestic legislation criminalizing the involvement of any citizen or enterprise in the abetment or pursuit of chemical weapons. This legislation also enables improved tracking of chemicals that could be used to make chemical weapons and could serve as the springboard for tougher measures to monitor domestic activities with dual-use chemicals. Together with other key policy instruments available in the fight against terrorism, the CWC can contribute to the web of deterrence against the terrorist use of chemical weapons and raise the costs of such activities.

The Consequences of Inaction

The CWC has been hailed justifiably as a landmark arms control and nonproliferation agreement in part because of its extensive verification provisions. Those provisions are unmatched in their scope, theoretically making any location in every state party susceptible to a challenge inspection. For the first time in history, the CWC's provisions extend arms control obligations deeply into the commercial sector. They also specify a number of innovative verification procedures—such as the concept of "managed access" in the conduct of an inspection—that represent important precedents for future agreements.

If the CWC does not enter into force, the benefits of these groundbreaking developments are likely to be lost, not only for meeting the chemical weapons challenge, but more broadly. Without practical experience in implementation, the international community is unlikely to incorporate verification provisions that were contentious in the CWC in other arms control and nonproliferation efforts.

The example set by the CWC's approach to verification is evident in current efforts to bolster confidence in compliance with the Biological and Toxin Weapons Convention (BWC). An Ad Hoc Group of states parties to the BWC has been given a mandate to negotiate a legally binding protocol that includes measures to allow states parties to probe further into questions of compliance. In this exercise, states are focusing on an approach that closely resembles the one defined in the CWC, particularly its basic framework of declarations and on-site activities to validate the information. Negotiators have drawn directly from their experience in creating the CWC's verification regime.

If the CWC does not enter into force in the near future, these efforts to strengthen the BWC are not likely to be successful, at least not in terms of including this declaration/inspection framework as the basis for bolstering confidence in compliance with the BWC. Without the operational experience that the CWC would provide, doubts of the BWC's members that the framework is a viable one will only increase, particularly since the issue of whether the BWC is verifiable continues to be hotly disputed. As a result, something less satisfactory is certain to emerge from the BWC negotiating process.

No sensible person would argue that the CWC ends the chemical weapons threat. The CWC is a tool, not an objective. It establishes a global norm against chemical weapons proliferation by which the behavior of states can be judged; it provides tools to examine troubling behavior; and it establishes a legal regime that can be used as a lever to mobilize the international community in the face of state behavior deemed unacceptable. As a product of hard-fought negotiations, the CWC is not perfect, nor are its verification provisions foolproof.

However, if the CWC continues to languish in the Senate, the United States will have lost a great opportunity to ensure that the verification and compliance functions of the arms control process are maintained in a manner capable of dealing with the challenges to global security and stability at the turn of the century. More importantly, the United States will have shown that it has not come to grips with the dynamics of the post-Cold War world, and that it is not ready to shape that world. If the Senate does not act on the CWC, it will show that it does not yet understand.

The International Repercussions of Senate Inaction

Sheila R. Buckley

The Senate has an opportunity to enhance measurably U.S. security and to affirm the judgment of both U.S. political parties that chemical weapons should be outlawed and can be safely outlawed now. More than twenty years were required to produce a treaty that the negotiating governments concluded would best enable the international community to cope during the coming critical years with chemical weapons proliferation. Without the Chemical Weapons Convention (CWC), a retrospective on the next decade would almost certainly reveal chemical weapons use and proliferation, much of which could have been headed off by a robust CWC. Prompt Senate consent to ratification of the CWC cannot ensure that its purposes will be fulfilled, but anything less incurs high risk that they will not.

While the Senate appears broadly supportive of the CWC's objectives and provisions, it has not pressed forward with its consideration of the treaty. Profoundly negative implications for the near- and long-term viability of the CWC would ensue should the Senate not give its advice and consent to the CWC soon. The CWC stands as the only available instrument for putting in place new law and procedures to minimize the prospects for further proliferation and use of chemical weapons. A singularly important factor influencing the CWC's success or failure is U.S. participation in this effort.

The United States played a prominent role in creating the CWC. The 1984 draft text presented by Vice President George Bush contained unprecedented verification provisions, including intrusive challenge inspections, which became the focal point of the negotiations and the hallmark of the eventual treaty. Along the way, nations participating in and observing the negotiations came to recognize the immutability of the U.S. commitment to chemical weapons disarmament. This legacy has resulted in expectations of continued, vigorous U.S. leadership and commitment. The Senate's hesitation on the CWC, however, calls that legacy into question.

Any perception that America is in retreat from chemical weapons disarmament would begin to invalidate the widely shared political vision that led the CWC, and would risk triggering a general disintegration of the process that has brought the international community to this crossroads. The longer the hiatus between U.S. signature and ratification, the greater the prospect that such a perception will develop. In that event, nations might well develop corresponding doubts about the validity of their own security and political calculations in support of the CWC.

The international community, led by the United States, must continue down the road to chemical weapons disarmament and enhanced security, lest the entire effort splinter and the threat of chemical weapons proliferation go largely unattended. Additional delay in the Senate's ratification of the CWC, or outright failure to do so, would initiate an unraveling process that could eventually become impossible to reverse. It might one day be possible to identify a turning point at which the chemical weapons disarmament process became unsalvageable.

Some Near-Term Implications

The CWC exists because most nations believe chemical weapons proliferation is a serious threat and that the treaty provides tools to grapple effectively with that threat. Nations have rightly rejected the contention that the CWC will have only a marginal impact, or that they cannot risk accepting its prohibitions. Over 155 states have concluded that the CWC's monitoring provisions, particularly challenge inspections, offer a significantly greater prospect of successfully addressing the chemical weapons problem than would continuing to rely only on current means. They also agree that confidence that their neighbors are not harboring chemical arsenals or capabilities will only be enhanced as more nations join the treaty. Holdouts will suffer not only the CWC's automatic economic penalties, but also the political stigma attendant to rejecting the behavioral norm embodied by the CWC.

The most important impact of the CWC lies in its ability to restrain the proliferation of chemical weapons. With the treaty in force, governments will be able to project regional security relationships wherein the threat of chemical weapons use is reduced or practically eliminated, thus providing them the confidence to forgo such weapons themselves. Decisions about military requirements and resource investments are largely based on threat projections and are understood to involve the highest possible stakes. Absent the CWC, shifts in the security landscape are apt to draw reactions that could further unsettle regional security balances. The CWC will enable states to counter the threat of chemical weapons at much lower costs than would be involved in maintaining military capabilities to do the same job.

As the U.S. ratification decision is pushed further into the future, nations are increasingly likely to read Senate inaction as indicative of fundamental U.S. concerns about the CWC itself. Many would, of necessity, begin to review their own conclusions about relying upon the CWC to curb proliferation and initiate chemical weapons disarmament. Some of these governments would eventually be forced toward worst case assumptions about their neighbors' intentions, about the deterioration of their regional security environments, and about the apparent gap between U.S. rhetoric and U.S. resolve with respect to chemical weapons disarmament. Speculation may emerge about whether the United States has begun to question the adequacy of its own conventional capabilities to cope with the chemical weapons threat, giving pause to states that rely on U.S. willingness to help enforce the CWC, to resist chemical weapons use, or to help victims of a chemical attack.

In such real or imagined circumstances, many governments would draw back from the CWC, each believing it could not afford to be the last to do so. Some, particularly governments involved in intractable regional hostilities where adversaries' nuclear or biological capabilities could also be present, would also begin to review the utility of chemical weapons possession in their security calculations.

States that have quietly developed a chemical weapons capability and perhaps amassed chemical arsenals would welcome the relaxation of international political and economic pressures that would come with the emerging uncertainties about the viability of the CWC. These chemical weapons proliferators could anticipate avoiding indefinitely the outlaw or at least pariah status that entry into force of the CWC would confer. Moreover, their trade in dual-use chemicals would

continue relatively unfettered, enabling them to enlarge or improve their chemical stockpiles. Such states might be emboldened to cross other, undesirable thresholds.

Finally and perversely with respect to proliferation, the fact that the effort to control chemical arms has reached its present stage increases the proliferation dangers associated with any unraveling scenario. The treaty-building process, particularly over the last five years, has required that knowledge about chemical weapons manufacture, storage, transport, delivery systems, protection, battlefield defense, and monitoring be shared with negotiators, their national experts, and prospective inspectors. Countries that may choose to revive or to initiate development of a chemical weapons capability may be in a better position to do so.

The CWC could, of course, limp into force without the United States, but the absence of U.S. expertise, political leadership, and financial support during the early months or years would be dramatically felt. The United States would be setting adrift the new monitoring agency in the Hague that will conduct the CWC's inspections. At some point in the future, the United States may join the CWC and turn to this very agency to conduct challenge inspections in a country the U.S. government believes has violated the CWC's obligations. The failure of the United States to participate from the outset may presage this agency's lackluster performance down the line.

Furthermore, participating states may perceive the Senate's delay as an indefinite rejection of the CWC, in which case governments that want to weaken the CWC's verification protocol would almost certainly launch an all-out attack on it as the Preparatory Commission settles the final operational decisions about declarations, inspections, and the monitoring agency's administration. If the CWC's verification protocol, which contains the strongest provisions ever negotiated in an arms control or disarmament treaty, is gutted by weak operational procedures, the international community's confidence in the nascent CWC will rightly be shaken.

There will be other near-term effects if the Senate's consent to ratification is not soon forthcoming. Other CWC signatories are alert to the reception that the U.S. chemical industry has given to the treaty. Even though other governments know that U.S. industry has contributed to the development of U.S. negotiating positions and hosted trial inspections to test inspection procedures, the perception persists that industry is not enthused about its vulnerability to certain costs and disruptions attendant to the CWC's implementation. In fact, as its long track record of support to the CWC negotiations and its testimony before Congress confirm, the U.S. chemical industry is willing to incur these costs. Nevertheless, foreign governments and the chemical industries to which they must respond could conclude that the Senate's inaction reflects some measure of U.S. industry rebellion against the overall manageability of the CWC's implementation.

The decisions of many governments and chemical companies to bear the burdens of the CWC are based in part upon the widespread participation of major commercial competitors. Should it appear that those competitors, particularly in the United States, might escape the CWC's burdens, foreign industry's willingness to support their government's participation in the CWC would erode. The U.S. chemical industry has invested a significant amount of time and energy in helping to design a treaty that can achieve the objectives of chemical weapons disarmament while protecting the interests of industry. These valuable contributions should be validated by the Senate's expeditious consent to ratification of the CWC.

Some Longer-Term Consequences

Understanding and addressing the dangers posed by the existence of nuclear, biological, and chemical weapons in the former Soviet Union is high on the U.S. national security agenda. Paralyzing domestic political dynamics and economic weaknesses appear to be the sources of Russia's failure to move forward on a variety of chemical weapons arms control undertakings. With respect to chemical weapons, Russia still holds at least its declared 40,000 ton stockpile and, for a variety of more and less credible reasons, has not begun to destroy it. There are reports that the Russians may still be developing or producing chemical weapons. All of these problems will be more profitably dealt with through Russian participation in the CWC.

Contrary to the assertion that the United States should not act absent a virtual guarantee of Russian CWC participation, U.S. ratification is a critical step to getting Moscow on board. The provision of U.S. financial assistance and technical advice to Russia's chemical weapons destruction program is also vitally important in affecting Russian behavior. Entry into force of a CWC bolstered by the full weight of U.S. power and prestige would immediately and publicly test the authenticity of Russian civilian and military assurances that Moscow's commitment to chemical weapons disarmament remains unchanged. Russian leaders would face a stark choice: Ratify the CWC and play an appropriate great power role, or renege and accept the international opprobrium, diminished political voice in chemical disarmament matters, and loss of access to the trade in CWC-controlled chemicals.

Not only will U.S. ratification exert strong, possibly determining pressure in support of Russian ratification, without it, Russian ratification is improbable. If the CWC entered into force without the world's two largest chemical weapons possessors, it would be a hollow treaty. Absent U.S. and Russian participation, other nations, such as China, may balk. While eventually such reluctant nations may join the CWC, the damage to the CWC's long-term viability could already have been done. In capitols around the globe, doubts would begin anew about how much value the United States and Russia place on the CWC and, correspondingly, how well might it serve the security interests of others.

An evolution in U.S. chemical weapons policy coincided with the final years of the CWC negotiations. Under a 1985 congressional mandate, the long process of destroying the U.S. chemical weapons stockpile began in earnest in 1990. The U.S. government concluded that maintenance of a chemical arsenal is unnecessary, even while chemical weapons are still held by others. Deterrence of chemical attack can be as or more effectively obtained through other means, such as the restrictions imposed by arms control on the capabilities of potential adversaries and the maintenance of conventional military capabilities responsive to a range of contingencies. To many governments, the U.S. unilateral renunciation of chemical weapons made a powerful statement, influencing their assessments of military requirements and hence their support for the CWC. In significant if unmeasurable ways, this act gave common sense credibility to the moral arguments against chemical warfare.

A CWC without the United States would not immediately collapse, particularly if the circumstances of non-ratification could be credibly attributed to temporary factors such as partisan politics, the particular role of key personalities, or linkages with unrelated other Senate issues.

However, as the effect of U.S. immobility on the CWC facilitated similar behavior by other countries, the CWC would become significantly less able to constrain chemical weapons proliferation.

Other efforts to restrain weapons of mass destruction might falter as well. For example, biological weapons are considerably tougher to control and monitor than chemical weapons. Though quite different in many respects, the two kinds of weapons are popularly compared, and it is predictable that the current effort to strengthen the Biological and Toxin Weapons Convention would be set back by Senate inaction on the CWC.

Also, in a world where weapons of mass destruction are more widely proliferated and regional security balances consequently more tenuous, the United States would eventually have to reassess the adequacy of its own defense and response capabilities. In short, the un-making of the CWC could have consequences well beyond the chemical arms control arena.

Conclusions

The path to a CWC has been arduous because the security stakes are high. The consequences of not addressing the problem of chemical weapons proliferation spurred two Republican administrations, with broad support from Congress, to introduce the policy breakthroughs and conduct the quiet but essential off-line diplomacy necessary to obtain the CWC. The Reagan and Bush administrations marshalled the resources of the U.S. diplomatic, military, chemical industry, and academic communities so that the United States could play a positive, determining role in crafting a treaty to enhance the security of future U.S. generations. Presidents Reagan and Bush asserted a commitment of active U.S. leadership from which it seemed clear there would be no retreat. The irony of such a retreat now would be inescapable.

No single event or country will shatter the CWC or guarantee its durability. But the timing and outcome of the Senate's ratification debate will significantly influence the treaty's prospects for success. Whatever its level of engagement in world affairs, America's pursuit of security, prosperity, and an international environment congenial to U.S. values will be rendered significantly more manageable by the early entry into force of the CWC and continued, committed U.S. leadership in all aspects of its implementation.

The Ramifications of Senate Inaction in the Hague

Amy E. Smithson

A new international agency is being created in the Hague from the ground up to analyze the data declarations, conduct routine and challenge inspections, oversee the safe destruction of chemical arsenals, and otherwise administer the Chemical Weapons Convention (CWC). This agency, which will be christened the Technical Secretariat once the CWC enters into force, is the organization to which the treaty members will turn in the years and decades ahead to investigate concerns about treaty compliance. Non-ratification and non-participation by the United States in the Technical Secretariat would badly impair this start-up monitoring agency, making recovery extremely difficult.

For better or for worse, the CWC's Technical Secretariat is often compared with the only other international arms control monitoring agency in existence, the International Atomic Energy Agency (IAEA). The IAEA was founded in 1957 to assist nations in developing peaceful uses of the atom. In 1970, when the Nuclear Non-Proliferation Treaty (NPT) entered into force, the IAEA was tasked with conducting the NPT's safeguards inspections. Unlike the IAEA, the Technical Secretariat will not be providing technical assistance to developing countries. The CWC requires an open commercial chemical marketplace among member states, but nations are not to receive technical assistance in exchange for forgoing chemical weapons. In the event a treaty party is threatened with or suffers a chemical weapons attack, the Technical Secretariat will offer defensive and medical assistance.

Another important difference between the Technical Secretariat and the IAEA involves the treaty provisions under which they operate. NPT members agree to safeguards inspections at *declared* nuclear research and power facilities but do not assume a specific commitment to host special inspections to clarify anomalies that arise from declared information, safeguards inspections, or other sources of information. The IAEA may request a special inspection, but the NPT member may deny permission for it. In contrast, members of the CWC undertake the explicit obligation to accept challenge inspections, which can be conducted at *any* site and at *any* time. A treaty member can request a challenge inspection based upon its own intelligence information or questions ensuing from routine inspections or data declarations. Refusal of a challenge inspection would constitute a violation of the CWC. Thus, the automaticity and strict time lines incorporated into the CWC's challenge inspections put the CWC's inspectors in a stronger position than their IAEA counterparts.

The Technical Secretariat is to be built in two phases, the first of which began early in 1993. Since then, the Technical Secretariat in its provisional form has been assisting a technical and policy decisionmaking body known as the Preparatory Commission (PrepCom). The PrepCom, which takes its decisions by consensus, was charged with translating the treaty's text into the policies and procedures that will make the CWC a living, operational treaty. At present, the Technical Secretariat consists of some 120 specialists and administrators who support the work of the PrepCom and help signatories prepare for the CWC's entry into force. Both the PrepCom and the budding Technical Secretariat are located in the Hague, the Netherlands.

While the CWC is a remarkably detailed treaty, its text still requires further elaboration of the procedures and equipment that are needed for the conduct of inspections. Thus, the PrepCom has been making decisions about the format and processes for data declarations; procedures to be used during routine inspections of declared sites (e.g., former chemical weapons production facilities, industrial facilities using dual-use chemicals, and chemical weapons storage sites) and challenge inspections of suspect sites; the Technical Secretariat's structure, regulations, and staff qualifications; procedures to maintain the confidentiality of information; design and purchase of the computer database; planning and quality control of inspector training programs; and selection and procurement of required inspection, laboratory, and headquarters equipment. The importance of this work cannot be overstated. The PrepCom's decisions have implications for the treaty-related activities—declarations and inspections—that will occur at hundreds of military and government facilities and thousands of commercial chemical plants worldwide.

All of the CWC's signatories can participate in the PrepCom, but once 65 ratifications have been deposited to initiate the treaty's entry into force, signatories that have not ratified will lose much of their influence in the crucial decisions to be made in the final six months before the CWC's activation. As often happens during negotiations, some of the most vexing yet important issues have been left for resolution in the final stage of the PrepCom process. The only way a government can maintain its leverage in decisionmaking and the eligibility of its citizens for employment at the Technical Secretariat is to ratify the CWC.

The deposit of the 65th instrument of ratification kicks off the second phase of the Technical Secretariat's creation. Within six months, the Provisional Technical Secretariat must hire and train the inspection corps and additional support staff. The reason for this breakneck pace is that 180 days after the 65th ratification, the CWC enters into force. Participating states are to begin submitting their data declarations for all chemical weapons activities and industry facilities using treaty-controlled chemicals. Over the next 30 days, the Technical Secretariat must digest and analyze this mountain of information in order to begin conducting its first inspections at chemical weapons storage and production sites, as well as at some industrial facilities, on the 31st day after the CWC's entry into force. From that point on, the Technical Secretariat must also be prepared to execute a challenge inspection immediately upon the request of a member state.

This set of circumstances gives rise to two basic scenarios for what is likely to occur in the Hague if the U.S. Senate continues to postpone consent to ratification. The first scenario, which hinges on the assumption that the international community will not move forward in this effort without the United States, forecasts that the CWC and the Technical Secretariat will languish indefinitely, to the detriment of both. In the second scenario, the CWC enters into force without the United States, and Washington will be shut out of the Technical Secretariat for the near term. Either way, the United States ends up on the sidelines, poorly positioned to address the problem of chemical weapons proliferation.

Scenario 1: CWC On Hold

The establishment of any new institution is a difficult task. In the Technical Secretariat's case, the exercise is even more complicated because the agency's staff will be recruited from all of the CWC's participating states. Although the Technical Secretariat's personnel must meet fairly exacting qualification standards, the overall staff must nonetheless be geographically balanced. Because this agency will be conducting inspections of a depth and scope never before attempted internationally, the Technical Secretariat is also being put together with more than a normal amount of second-guessing and criticism. Another factor that has placed this endeavor under scrutiny is that even though it has only a short track record of its own, the Technical Secretariat is saddled with the reputation that other international organizations have gained for waste, fraud, and abuse. To head off similar criticism, the PrepCom has levied severe limitations on the Technical Secretariat's staffing and budgeting. The Provisional Technical Secretariat has been put together on a shoestring budget, and although the number of prospective sites and the workload merit a bigger inspection corps, the PrepCom has refused to authorize additional personnel. Thus, to begin with, the Technical Secretariat will hire an inadequate number of inspectors.

If events had unfolded as many had predicted when the CWC opened for signature in mid-January 1993, 65 ratifications would have quickly accumulated, and the CWC would have entered into force early in 1995. This outcome was predicated on the assumption that the United States would continue its strong leadership role in the arena of chemical weapons arms control and nonproliferation. After all, Washington led the international community to this take-off point by proposing a revolutionary draft text in 1984 and alternately cajoling and pushing other countries over the next eight years to conclude the CWC. America's participation was viewed as especially important because the United States possessed a huge chemical arsenal as well as an immense chemical industry. After the Soviet Union's collapse, the United States was also the only remaining superpower. Therefore, many nations looked for U.S. ratification of the CWC as their cue to initiate their own ratification processes.

Had this prediction come true, the Technical Secretariat would have entered into phase two of its establishment in mid-1994. The lengthy U.S. delay in ratification has meant, however, that the pace with which other states have ratified has been much slower than expected. Many governments have apparently concluded that the CWC loses much of its meaning if the United States and Russia, which have the world's two largest chemical weapons stockpiles, do not lead the way. Consequently, the deliberations in the PrepCom and the Provisional Technical Secretariat's preparations to grow into a full-fledged inspectorate have gone into a state of suspended animation. In other words, phase one activities have lasted a year longer than was initially planned.

While the Provisional Technical Secretariat's staff has taken full advantage of this extension to refine its plans and preparations, continued delay will be damaging. For example, the screening of applications and interviewing of candidates for the 170 inspector positions and additional support staff began in the spring of 1995. Current plans called for hiring to begin by the end of 1995. The best applicants have been identified, but this short list of choice candidates is perishable. The success of an organization rests primarily on the talents of its staff. If the U.S. Senate does not soon give its consent to ratify the CWC, the Technical Secretariat will lose its

opportunity to hire the most qualified inspectors and staff. Most candidates will choose to do something else with their lives instead of waiting indefinitely for a telephone call from the Hague.

Similarly, the training programs for the inspectors are scheduled to begin in early 1996. To provide thorough and realistic training for the inspection corps, several signatory governments have set aside facilities, including, with the continued cooperation of chemical industry, commercial plant sites. Additional delays will cause some governments to cancel their offers of training programs, again because neither a government nor its private sector can have people and facilities on hold for several months. The sum of these delay-related consequences is that the recruiting and training processes would have to be re-initiated later at additional cost.

At a certain point, the continuation of the Provisional Technical Secretariat itself becomes doubtful. The core of this would-be agency is its Verification Division. Particular care has been taken with the selection of the staff for this part of the Provisional Technical Secretariat. Many are veterans of the United Nations Special Commission in Iraq or have other equally unique qualifications and experiences. If this state of suspended animation drags on for too long, the skeletal staff of the Verification Division, which at this point constitutes the Provisional Technical Secretariat's biggest asset, may also begin to fall apart.

During this long hiatus, the PrepCom has continued to plod along. Given more time and few actual tasks, governments that were dissatisfied with the CWC's verification provisions will find more opportunity to water them down via the PrepCom process. For example, some states have advanced proposals to limit the intrusiveness of inspections by defining the parameters of the sampling and detection equipment as narrowly as possible, thereby restraining the range of anomalies that inspectors could identify. Some delegations in the Hague will also try to handicap the Technical Secretariat by imposing on it a level of detail in rules and regulations that are impractical for field operations. In short, a PrepCom with too much time on its hands could render the eventual Technical Secretariat impotent.

Whether PrepCom participants would, at some point in the future, support starting the whole recruitment, hiring, and training process over again is uncertain. In all likelihood, the PrepCom participants, pushed by economic constraints and unsure of when the CWC would come into force, would cut the Provisional Technical Secretariat's budget further. At the very least, the current Provisional Technical Secretariat would be whittled down considerably.

Scenario 2: Entry into Force Without the United States

Another possible result of continued Senate procrastination is becoming increasingly plausible. In this scenario, a sufficient number of ratifications are deposited to enable the CWC's entry into force, absent the United States and Russia.

Many U.S. policymakers are confident, perhaps unwisely so, that the CWC cannot take off without Washington. A quick glance at the list of countries that have already ratified the CWC—40 as of late October 1995—may shake the complacency of U.S. decisionmakers. Germany, Japan, Australia, Austria, Switzerland, Finland, Norway, France, Spain, and Canada are among the countries that have ratified the CWC. With these and other fiscally strong governments already committed, the Technical Secretariat has viability even though the United States would

not be around to pay its assessed 25 percent of the inspectorate's budget. (In 1996, the U.S. assessment will be about \$18 million. The United States spends four times that amount annually—\$75 million—in operations and maintenance costs to store the U.S. chemical weapons stockpile. Other comparative defense expenditures include the \$45 million price tag of an FA-18 aircraft and the \$3.25 billion that United States invested in 1995 for theater and national ballistic missile defenses.) Without the extremely heavy burden of having to oversee both U.S. and Russian destruction chemical weapons programs, the Technical Secretariat could certainly begin inspections. Even if Russia were to confound conventional wisdom and ratify the CWC before the United States, the Technical Secretariat would still only have to hire an additional 25 or so inspectors.

The gradual swell in international momentum toward the CWC's entry into force is also evident by the ratifications of South Africa, Mexico, Argentina, Peru, Paraguay, Poland, Romania, Uruguay, Turkmenistan, Tajikistan, Bulgaria, Armenia, and Mongolia. Among another thirty countries that have indicated they will soon complete the ratification process are Belarus, Italy, Saudi Arabia, India, and the United Kingdom. Chemical weapons are so abhorred and the need to outlaw them so pressing that numerous governments are evidently not willing to continue waiting on the United States. In other words, there is a distinct possibility that the train will leave the station without Washington.

This scenario would indeed be the cruellest of ironies, for the United States would be shut out, at least temporarily, of the very entity that it sought to inaugurate. While the United States would retain its vote in the PrepCom, it would be held at arms length as the states that have ratified make quietly cut deals on the final crucial decisions about how the Technical Secretariat will execute the CWC's inspections. Actual votes on these issues are likely to be postponed until the first Conference of States Parties is held after the CWC enters into force. The United States will not have a vote in this decisionmaking body until it ratifies. Nor will the United States be eligible for a seat on the Executive Council, which will govern the CWC's implementation on a day-to-day basis. Depending upon which countries jump aboard at the last moment, the balance of votes could easily swing toward weakening the CWC's verification protocol. Furthermore, a majority of the CWC's signatories favor having this new organization adopt *carte blanche* the general financial and operational rules of the United Nations. These rules have contributed to the inefficiency of some international organizations, and the United States has played a key role in preventing their wholesale adoption. However, such views could carry the day if the United States were not involved in the decisionmaking process. Once in place, these decisions will be difficult to reverse.

In addition, U.S. nationals currently working in the Provisional Technical Secretariat would be told to pack their bags when the CWC enters into force. Furthermore, no U.S. citizens could be hired as inspectors until the United States ratifies, and all of the key jobs will be taken by the time the CWC enters into force. Between them, the United States and Russia have probably the largest pool of experts in chemical munitions production, storage, and destruction. Therefore, the Technical Secretariat would be forging ahead without some of the most qualified and experienced inspectors and chemical weapons specialists in the world. The individuals who are hired as inspectors or support staff will receive contracts for at least three years. Even if the U.S. Senate ratifies shortly after the CWC enters into force, there will be few, if any, positions left at the Technical Secretariat for Americans for a period of years.

Finally, until the United States deposits its instrument of ratification, the U.S. government would be denied formal access to the data gained through declarations and inspections. The CWC's entry into force was designed as a pay-to-play process, and Washington must ante up before it can review this information, which the intelligence community has testified would enhance its ability to assess the status of chemical weapons proliferation worldwide.

Conclusions

The Senate's torpid consideration of the CWC has already had a ripple effect in the Hague and around the globe, considerably slowing the rate of preparations and ratifications. Whichever scenario one finds more plausible, both have significant negative implications for the ability of the United States to act constructively to impede the proliferation of chemical weapons.

If global expectations of U.S. leadership are not fulfilled quickly, the christening planned for the Technical Secretariat could turn into its cortege. Many countries, whether rightly or not, have interpreted the Senate's lack of action since 1994 as puzzling, given Washington's declared concern about chemical weapons proliferation. Some governments may even construe the Senate's reluctance to ratify as a signal that the CWC has little relevance to world security; others may reconsider their decisions to forego chemical weapons. At the very least, the prolonged absence of U.S. leadership will decrease the global effectiveness of the CWC and the Technical Secretariat. In fact, perpetuation of the current circumstances could asphyxiate both the treaty and its inspection agency.

Or, the United States could be barred from the very control system that five U.S. administrations have worked so diligently to establish. In this manner, the United States could be deprived of useful avenues to influence how the CWC is implemented and the Technical Secretariat functions. Thus, the entry into force of the CWC without the United States has palpable consequences.

Clearly, U.S. interests will be better served by the Senate's timely move to reclaim America's role as a leader in international efforts to constrain chemical weapons proliferation and institute global chemical weapons disarmament. A skilled, well-equipped, well-trained, and respected Technical Secretariat is critical for the viability of the CWC. The Senate's prompt consent to ratification of the CWC and long-term support for a robust international inspectorate is in order.

Why We Need the Chemical Weapons Convention

H. Martin Lancaster

Chemical weapons have long been considered a particularly cruel and inhumane form of warfare. They are insidious and indiscriminate, striking down soldiers and innocent civilians alike. Indeed, this year's chemical attacks in Japan have underlined the grim fact that chemical weapons have increasing appeal for those who would attack and kill civilians.

Successive U.S. administrations have made the fight against chemical weapons proliferation a high priority. Beginning with President Richard Nixon, the United States has pioneered negotiations to ban chemical weapons internationally while moving unilaterally to eliminate the U.S. chemical weapons stockpile. With bipartisan support in Congress and active participation by U.S. chemical industry, five presidents worked to produce the most effective and comprehensive ban on chemical weapons that could be negotiated, the Chemical Weapons Convention (CWC). In November 1993, President William Clinton submitted the Convention to the U.S. Senate with a strong recommendation for its advice and consent to ratification. Two years later, the Convention is still awaiting final consideration in the Senate.

Early this year, President Clinton selected me to serve as his administration's point man on ratification of the CWC and to help shepherd the treaty through the ratification process. During my eight years as a Congressman from North Carolina, I became deeply interested in the efforts of the international community to ban these abhorrent weapons. Consequently, I welcomed the opportunity to make the case for this vital accord.

The Need For A Ban

The need for a global ban on chemical weapons is even greater now than a few years ago when I was monitoring the CWC negotiations in Geneva. Iraq's threat during the Persian Gulf War to launch chemical attacks against Saudi Arabian and Israeli cities and the recent incidents of chemical terrorism in Japan show that chemical weapons are proliferating and pose a real danger to world security.

Today, we suspect more than 25 countries of having chemical weapons or the capability to produce them. These weapons are attractive to countries or individuals seeking a mass-destruction capability because they are relatively cheap to produce and do not demand the elaborate technical infrastructure needed to make nuclear weapons. It is therefore all the more vital to establish an international bulwark against the acquisition as well as the use of these weapons. Equally important, we must do all that we can to prevent the acquisition and use of these terrible weapons within our own borders. As required by the CWC, domestic legislation and law enforcement will be an integral part of the effective implementation of the CWC by each member state.

The CWC enjoys broad international support. As of October 1995, the CWC has been signed by 159 of the 185 members of the United Nations. The signatories include nearly three quarters of the countries we suspect of possessing or seeking to acquire chemical weapons.

Before the treaty can enter into force, however, 65 signatory-states must ratify it. So far, 40 countries have done so. Many more are waiting for the United States to ratify, with the intention of following our lead. I believe that once the Senate approves the treaty, the number of ratifications needed for entry into force could be reached in a matter of months, if not weeks.

Unique Scope

The CWC is the most ambitious treaty in the history of arms control. It bans the full spectrum of activities associated with the offensive use of chemical weapons, including the development, production, acquisition, stockpiling, transfer of chemical weapons, as well as assistance to anyone engaging in these activities.

Whereas most arms control treaties have only limited weapons, the CWC requires their outright elimination. Parties to the CWC must destroy any and all chemical weapons and chemical weapons production facilities. In the United States and Russia alone, the CWC will require the destruction of between 60,000 and 70,000 tons of deadly chemical agents.

In addition, chemical industry sites that produce "dual-use" chemicals that have both military and commercial applications will be monitored by an international inspectorate to ensure that chemical weapons are never again produced or acquired.

The CWC breaks new ground with the sweeping nature of its prohibitions and in the scope and effectiveness of its verification provisions, which include data declarations and routine and challenge inspections. This regime reflects a carefully crafted balance between the intrusiveness needed to verify treaty compliance, on the one hand, and the measures needed to protect confidential business information and national security information, on the other.

The CWC is also the first treaty that penalizes countries that do not join while rewarding those that do. Entry into force of the CWC will isolate the small number of non-participating states as international pariahs and inhibit their access to certain treaty-controlled chemicals. Since many of these chemicals are not only required to make chemical weapons but have important uses in commercial industry, the hold-outs will have economic as well as political incentives to join the treaty regime.

Countries that ratify the CWC and comply fully with its provisions will not face these restrictions. They will also be eligible for humanitarian aid and protective assistance if they are victimized by the use or threatened use of chemical weapons. These built-in carrots and sticks will help promote universal adherence and compliance.

Industry Involvement

The CWC is the first arms control treaty to have an impact on a significant portion of the private sector. Although U.S. industry does not manufacture chemical weapons, it does produce, process, and consume a number of chemicals that can be used to make chemical weapons. For example, a solvent used in ballpoint-pen ink can be easily converted into mustard gas, while a chemical involved in production of fire retardants and pesticides can be used to make nerve

agents. Thus, any treaty to ban chemical weapons must monitor commercial facilities that work with dual-use chemicals to ensure they are not diverted for prohibited purposes.

The CWC's provisions covering commercial chemical facilities were developed with the active participation of industry representatives. During my visits to Geneva, I became aware of the extensive involvement in the negotiations of U.S. industry, in particular, the Chemical Manufacturers Association (CMA). CMA representatives met regularly with the U.S. delegation to convey industry's views—particularly on the protection of proprietary information—and to offer constructive suggestions.

Acting in enlightened self-interest, together with other chemical trade associations from Europe, Australia, and Japan, the CMA helped to craft an effective yet industry-friendly verification regime. This regime is intrusive enough to build confidence that member states are complying with the treaty, yet it respects industry's legitimate interests in safeguarding proprietary information, avoiding disruption of production, and ensuring a level playing field for global competition.

As President Clinton said in May 1995:

In industry meetings, public forums, and congressional hearings, the Chemical Manufacturer's Association was an early and consistently strong supporter of the Chemical Weapons Convention. Any one of [CMA's] activities would be deserving of praise; together they represent an extraordinary sustained commitment to eliminating the threat of chemical weapons, a goal that is central both to our nonproliferation policy and to broader world security.

Overall, the successful government-industry partnership that emerged during the Geneva negotiations provides a model for future cooperation. As the entry into force of the CWC approaches, industry's role has not diminished but has become all the more crucial. Industry's efforts to help rid the world of chemical weapons are an outstanding demonstration of corporate responsibility and good citizenship—one that will strengthen U.S. national security and enhance the public image of American business.

The Need for Prompt Ratification: The Costs of Delay

The urgent need for entry into force of the CWC warrants prompt action by the U.S. Senate in giving its advice and consent to ratification. The arguments for U.S. ratification are compelling. Let me highlight some of the major ones:

First, with or without the CWC, the United States has decided to get out of the chemical weapons business. Congress has already passed a law requiring destruction of the entire U.S. chemical weapons stockpile by the end of the year 2004. The CWC would require all other parties that possess chemical weapons to do the same. If we fail to ratify and the CWC does not enter into force, we would deny ourselves the benefit of having other countries legally obligated to eliminate weapons that we ourselves have unilaterally decided to renounce and destroy.

Second, the CWC will put into place a legally binding international norm outlawing the acquisition and possession, as well as use, of chemical weapons. Although universal adherence and the complete abolition of chemical weapons will not be achieved immediately, the CWC will slow and even reverse chemical weapons proliferation. The CWC will isolate the small number of states headed by rogue leaders that refuse to join the regime, limit their access to precursor chemicals, and bring international pressure to bear if such states continue their chemical weapons programs.

In this regard, the CWC is both a disarmament and a nonproliferation treaty. It not only requires states parties to destroy their chemical weapons arsenals but prohibits them from transferring chemical weapons to other countries or assisting anyone in activities prohibited under the CWC. Combined with restrictions on chemical trade in CWC-controlled chemicals with non-parties, these provisions will increase the cost and difficulty of acquiring chemical weapons for states that choose not to participate.

Further delay in U.S. ratification and entry into force puts off the day when current trends in the acquisition and use of chemical weapons will be met with broad international opposition; the chemical weapons proliferation threat will persist unabated. And, although it is unlikely the CWC would enter into force without the U.S. and Russia, there is at least a small risk that if the U.S. continues to delay ratification, we may find ourselves on the receiving end of the CWC's trade restrictions after entry into force.

Third, although no treaty is 100 percent verifiable, the CWC's extensive verification measures will significantly increase the chances that a violation will be detected, raising the political cost of illicit chemical weapons activities and helping to deter them. Challenge inspections require access on short notice to address concerns about compliance. Additionally, as former Director of Central Intelligence James Woolsey told the Senate last year, the CWC will provide valuable information not otherwise available about chemical weapons-related activities around the world, complementing unilateral U.S. monitoring efforts. Continued delay in U.S. ratification and entry into force of the CWC will deny the United States access to facilities that have raised concerns. Delays also deprive the United States of needed information not otherwise available, that would help facilitate monitoring and detection of chemical weapons-related activities.

Fourth, the CWC has won the endorsement of the nation's senior military leaders. Gen. John Shalikashvili, the Chairman of the Joint Chiefs of Staff, has testified that the CWC is "clearly in the national interest." He has argued that once the treaty is in force, U.S. troops will be less likely to face chemical weapons in future wars. Even if they do, the Gulf War demonstrated that the United States does not need the option of retaliation in kind to deter or defend against chemical weapons use by others. Instead, the ability to apply superior military force in any situation, combined with robust chemical defenses, is sufficient for this purpose. Delayed U.S. ratification and entry into force of the CWC means that chemical weapons will remain an undiminished threat to U.S. soldiers on the battlefield.

Fifth, the CWC will help combat efforts by terrorists to acquire and use chemical weapons. The CWC denies terrorists access to a ready supply of chemical weapons by requiring parties to eliminate their national stockpiles and by restricting trade in treaty-relevant chemicals. The CWC also requires member-states to enact domestic legislation making the treaty provisions

binding on individuals and businesses, including their nationals living abroad, and imposing civil and/or criminal penalties for violations.

This opportunity to enhance U.S. law enforcement tools and judicial capabilities for dealing with chemical terrorism should not be lost. The CWC's implementing legislation establishes specific criminal offenses and penalties for activities associated with chemical weapons, including their acquisition, production, possession, and transfer. The codification of more precise legal definitions would improve our current investigative ability to detect illegal preparations for a chemical terrorist attack—and by implication to avert such an attack—and to prosecute these activities, including conspiracy in a chemical terrorist plot. In this manner, prompt ratification of the CWC and approval of its implementing legislation will materially strengthen the ability of U.S. law enforcement agencies to detect and prevent activities associated with chemical terrorism.

In addition, the CWC provides for enhanced international cooperation in information sharing and law enforcement in the fight against chemical terrorism. The sincerity of U.S. purpose, the depth of our commitment to stop chemical weapons proliferation and ongoing efforts by the United States to generate cooperative counterterrorist programs with foreign nations would be dramatically reinforced by U.S. ratification of the CWC.

Finally, it has been argued that concerns about Russia's chemical weapons capabilities and its failure to develop an effective plan for destroying its vast chemical stockpile are reasons for the U.S. Senate to reject the CWC. I would argue just the opposite: The best way to resolve our concerns over the status of Russia's chemical weapons capabilities is for the U.S. to ratify the Convention promptly. As Russian whistleblower Dr. Vil Mirzayanov recently argued:

... the CWC provides the means to bring the Russian chemical weapons complex under international monitoring. ...The key to confronting all these [chemical weapons] problems lies in the CWC; there is no time to waste in ratifying and implementing this important treaty.

The CWC will place Russian chemical activities under intense international scrutiny and empower the world community to respond to any concerns about noncompliance with intrusive verification measures, political pressure, and possible sanctions. U.S. ratification of the CWC and its subsequent entry into force will present Russia with a clear choice between joining a legally binding regime that bans chemical weapons or isolating itself from a global consensus.

Conclusions

Clearly, the Chemical Weapons Convention is a treaty whose time has come. It is in our security interest for the CWC to enter into force promptly and be implemented successfully. The CWC is designed to bring about the destruction of chemical weapons stockpiles around the world and impose strict verification measures to ensure that they are not replenished. It will increase the cost and difficulty of acquiring chemical weapons, even by countries that do not join the regime, thus helping to slow or reverse chemical proliferation. It will generate useful information about chemical weapons-related activities, past and present, complementing and enhancing our current knowledge of these activities. And, it will help in the fight against chemical terrorism.

The CWC has broad bipartisan support within the United States and growing international support, as evidenced by the 40 ratifications already in hand. The world is waiting for the United States to ratify, in the expectation that U.S. ratification will quickly lead to entry into force and implementation of its tough requirements.

I urge the Senate to consider carefully the costs to our national security of further delay, indeed, to the safety of our citizens and our troops, and to move swiftly to provide consent to this important treaty. The United States has led the fight against these terrible weapons for too long to allow the world's proliferators the upper hand. We must complete the work begun by President Nixon more than 25 years ago and eliminate the threat to world security from these terrible weapons.

About the Authors

Sheila R. Buckley retired from the senior executive service in 1994 as principal director for the Deputy Assistant Secretary of Defense for Counterproliferation Policy. From 1978 to 1993, she served as Director for Multilateral Negotiations in the Office of the Secretary of Defense/Policy, where she worked in U.S. policy development and negotiation of chemical weapons treaties. Buckley is a graduate of Pomona College, The Johns Hopkins School of Advanced International Studies, and the National War College, where she was also an instructor.

John Glenn is currently serving his fourth term as the Democratic senator from Ohio. For twenty-three years Senator Glenn served in the United States Marine Corps, including tours in both World War Two and the Korean War. After several years as a test pilot, in 1959 he was selected as one of the original seven astronauts in the U.S. space program. In 1962, he was the first American to orbit the earth. After retiring from military service, Senator Glenn was an executive with Royal Crown International, before being elected to his first term as senator in 1974.

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About the Project

The Chemical Weapons Convention (CWC) is a multilateral treaty of unprecedented scope and complexity that is designed to prohibit the development, production, acquisition, stockpiling, retention, and use of chemical weapons. In conjunction with the January 1993 signing ceremonies in Paris, the Henry L. Stimson Center launched a new project to serve as an information clearinghouse and to monitor domestic and international preparations to implement the treaty.

The project publishes a periodic newsletter, *The CWC Chronicle*, to help government, industry, the diplomatic community, and interested observers keep abreast of important developments in the CWC Preparatory Commission.

The Center assembled a group of experts from the International Atomic Energy Agency (IAEA), an oft-cited model for the CWC's new international monitoring agency, to consider how best to build such a monitoring agency from scratch. Their recommendations were published in an occasional paper, *Administering the Chemical Weapons Convention: Lessons from the IAEA* (April 1993).

Given the CWC's significant reporting and inspection requirements for commercial chemical industry, the Stimson Center gathered a group of industry experts to solicit their thoughts about these requirements. Their recommendations are contained in the January 1994 report, *Implementing the Chemical Weapons Convention: Counsel from Industry*.

A report entitled *The U.S. Chemical Weapons Destruction Program: Views, Analysis, and Recommendations* (October 1994) explores the controversies associated with the U.S. Army's incineration program, turns a critical eye to the charges made by the opponents to this program, and provides recommendations to facilitate citizen participation in the decision making process and improve oversight of the Army's program.

Another publication, *The Chemical Weapons Convention Handbook*, describes the basic components of the treaty and provides other introductory information.

The project's most recent report, *Chemical Weapons Disarmament in Russia: Problems and Prospects* (October 1995), included the first, public in-depth discussion of security shortcomings at Russia's chemical weapons storage facilities and the most detailed account ever published of the controversial chemical weapons development program of Soviet origin by the individual who blew the whistle on it, Dr. Vil Mirzayanov. In addition, the report provided discussion and analysis of the tools available to address these problems, including the CWC and the Cooperative Threat Reduction program.

The Carnegie Corporation of New York funds this project, which is directed by Amy E. Smithson.