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The Washington Times

May 9, 1995, Tuesday, Final Edition

Blowing smoke about making deadly gas

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SECTION: Part A; COMMENTARY; Pg. A15

LENGTH: 756 words

With the Chemical Weapons Convention (CWC) awaiting action by the U.S. Senate, the treaty's supporters are asserting that the Tokyo subway poison gas attack demonstrates the need for U.S. ratification.

In a recent statement, Fred Webber, president of the Chemical Manufacturers Association, asserts we can protect the United States against such attacks by becoming a CWC party. It is easy to understand why Mr. Webber's organization wants to position itself in the public mind on the side of the arms control angels, but can anyone really suppose the treaty's ratification would prevent a group like that crazed Japanese cult from making or using poison gas?

Admitting, with strained understatement, that "[t]here is no iron-clad guarantee that the CWC will prevent future poison gas attacks by terrorists," Mr. Webber terms the treaty "the next best defense we have." He explains that "destroying all existing government stockpiles of chemical weapons agents will mean that those supplies cannot be sold or stolen." But the Japanese cultists did not steal or buy their poison gas from the government. They manufactured it. And so can terrorists around the world, if they choose to, whether or not the CWC comes into force.

Making chemical weapons agents may not be quite as easy as making a pipe bomb, but it is not too much harder. The spread of weapons of mass destruction is a serious and actual problem and vigilance is important. Therefore, it is not responsible to pretend that the treaty will appreciably impede the production of chemical weapons by terrorist groups or by dishonest government regimes, even if those regimes choose cynically to endorse the ban.

The CWC is billed as a comprehensive, global and verifiable prohibition against possession of chemical weapons. But it is not comprehensive, global or verifiable. Given the importance of all kinds of chemicals to industry around the world and the ease with which virtually any fertilizer, pharmaceutical or plastics manufacturing plant can be used, when required, to make a batch of weapons agent, no ban on production can solve or even substantially mitigate the chemical weapons problem.

The CWC's elaborate and intrusive reporting and verification provisions will impose major burdens on law-abiding nations like the United States. They will not, however, constrain any party whose legal scruples are less powerful than its desire for chemical weapons. Most of the treaty's verification measures relate only to facilities that each party voluntarily declares to be eligible for inspection. To think that such measures will deter violations is to believe that our authorities can stop bank robbery simply by demanding that robbers state their profession and tally their loot on their income tax returns.

The treaty's challenge inspection provisions are full of holes and, in any event, one cannot use challenge

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inspections to spot-check a country the size of Iraq, let alone Russia. The fact is, our intelligence agencies cannot certify confidently that they would detect a militarily significant violation in a secretive state like Iraq, Libya, the People's Republic of China or North Korea. All they can say is that the treaty would allow them to know more about relevant chemical activity than we now know. But "more" does not mean enough to be confident that we would catch another party cheating. The treaty is not verifiable even by the weakest definition of verifiability.

The CWC creates an illusion of safety about a problem that should be recognized as increasingly worrisome. The treaty irresponsibly diverts attention from the real problem: the failure of the international community to enforce the already existing international law in this area.

The Geneva Convention banning the use of chemical weapons by states has been on the books since 1925 and has been violated repeatedly, most notably of late by Iraq during the Iran-Iraq war. U.S. officials should be working on ways to penalize - financially or otherwise - states that violate the Geneva Convention. This would be far more constructive than championing the CWC, a costly, highly bureaucratic mess of a treaty that, by its patent ineffectiveness, makes a mockery of arms control and international law.

Douglas J. Feith served as deputy assistant secretary of defense in the Reagan administration and had responsibility for chemical weapons arms control.

LOAD-DATE: May 9, 1995

LANGUAGE: ENGLISH

GRAPHIC: Cartoon, MY ATTACKS ARE SWIFT, DEADLY AND UNFOCUSED... AND TAKE A DEEP BREATH!, By Carlson/Milwaukee Sentinel (Universal Press Syndicate, 1995)

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