

33 of 36 DOCUMENTS

The New Republic

MARCH 24, 1997

CHEMICAL REACTION

BYLINE: Douglas J. Feith

SECTION: Pg. 12

LENGTH: 911 words

HIGHLIGHT: A bad treaty on chemical weapons.

It would seem an indisputable good: a treaty to eliminate poison gas from Beijing to Buenos Aires. Yet the new Chemical Weapons Convention is having trouble in the Senate. And the more the treaty is debated, the deeper the trouble. In congressional hearings and public forums, even the treaty's champions have been forced to concede our severely limited ability to monitor compliance and enforce the ban.

As a result, the chief pro-treaty argument is no longer that the CWC, as the treaty is acronymically known, will abolish chemical weapons--for it obviously will not--but that the CWC is better than nothing. Administration officials, in their standard pitch to skeptical senators, now stress that the treaty is on balance worthwhile, if flawed, and rebuke critics for measuring the treaty against an unrealistic standard of "perfection." "The limits imposed by the CWC surely are imperfect," former National Security Adviser Brent Scowcroft and former CIA Director John Deutch contended in a recent Washington Post op-ed, "but ... it is hard to see how its imperfect constraints are worse than no constraints at all."

The it's-better-than-nothing argument has some potency. After all, no decent person wants poison gas to proliferate. Conservatives and liberals alike want to continue to destroy the entire U.S. chemical arsenal regardless of what happens to the CWC. So even a small step in the direction of global abolition would be valuable. But the treaty is not such a step. It is not better than nothing. Indeed, it would eliminate export controls that now impede rogue states from developing their chemical warfare capabilities. And, as many senators have discovered after examining the treaty's 186-page text, it would exacerbate the problem of poison gas proliferation around the world.

Article XI, for instance, states that parties to the treaty shall:

Not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes.

What this means is that the United States must not restrict chemical trade with any other CWC party--even Iran and Cuba, both of which are CWC signatories. Similarly, CWC Article X obliges countries to share with other parties technology relating to chemical weapons defense. "Each State Party," the article says, "undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons."

Once Iran and Cuba ratify the treaty, our current export controls against them will surely be attacked as impermissible. Furthermore, those countries, upon joining the CWC, will claim entitlement to the advanced countries' "scientific and technological information" on how to protect their armed forces against chemical weapons. A crucial element of an offensive chemical weapons capability is the means to protect one's own forces from the weapons' effects.

Even if the U.S. government decides to maintain export controls against Iran and Cuba, Articles X and XI will invite other countries to transfer dangerous technology to them. Germany can be expected to invoke the treaty against any U.S. official who protests a planned sale of a chemical factory to, say, Iran. Indeed, Bonn could not only argue that its firms are allowed to sell chemical technology to Iran, but that they are actually obliged to do so, for Iran will have renounced chemical weapons by joining the CWC.

Articles X and XI are modeled on similar provisions in the Nuclear Non-Proliferation Treaty, called "atoms for peace," which even admirers acknowledge have spread the very nuclear technology the treaty was intended to contain. When Iran, Iraq and North Korea became signatories, they quickly gained access to this sensitive technology, ostensibly "for peaceful purposes." Yet it helped these outlaw states to develop their nuclear weapons programs. The CWC encourages the same abuse. Even Scowcroft and Deutch acknowledge "we must ensure that the CWC is not exploited to facilitate the diffusion of CWC specific technology ... even to signatory states." Alas, the perverse product of the CWC will be "poisons for peace."

Without the treaty, any country that wants to destroy its chemical weapons can do so, as is the United States. But, for the sake of declaring an unenforceable ban on chemical weapons possession, the CWC will undermine existing export controls that are, in fact, doing some good. It is a stunning, though not unprecedented, example of arms control diplomacy resulting in the opposite of its intended effect. The treaty brings to mind Santayana's definition of a "fanatic" as someone who redoubles his effort upon losing sight of his goal. As this absurdity impresses itself upon the Senate, that body appears intent on rejecting the agreement, thereby sending the administration and the world a beneficial message: arms control treaties should make us more secure, not less.

Douglas J. Feith oversaw chemical weapons arms control as Deputy Assistant Secretary of Defense for Negotiations Policy in the Reagan administration.

LOAD-DATE: March 20, 1997

LANGUAGE: English