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EDITORIAL: NO GAS

No one would doubt that the clearest rule against chemical warfare is simply "no gas." Nevertheless, there is a present risk that 'non-lethal' chemical warfare will be exempted from the Chemical Weapons Convention. The idea, found in bracketed language in Article II, is to redefine chemical weapons so as to exclude chemicals with lethality below a specified level, currently set in the draft treaty at 10 mg/kg.

Examples of chemicals falling below this lethality threshold that have been stockpiled for battlefield use are the psychochemical BZ and the irritant CS. Incapacitants lacking the militarily undesirable attributes of these agents are actively being sought in military laboratories. Not highly lethal, such chemicals are nevertheless exceedingly toxic, that is harmful in small doses.

Non-lethal chemical warfare is a myth. Tear gas, when used in war, has been employed almost exclusively to enhance mobility and firepower, potentiating the lethal effects of high explosives and other conventional weapons. This was so in World War I, in Ethiopia and Manchuria during the 1930s, in the Yemen and Vietnam during the 1960s, and in the Iraq-Iran War during the 1980s. The myth was propagated during the Vietnam war that CS was used for purposes resembling riot control, as when civilians are intermingled with combatants. Such use almost never occurred. Instead, more than 8,000 tons of CS were delivered by helicopters before B-52 bombing strikes, fired in artillery projectiles and employed in other modes not even remotely resembling riot control.

A second myth, created by the Vietnam war, is that the combat use of chemical irritants such as tear gas is permitted by international law. In fact, at the League of Nations and then at the United Nations, most governments expressing themselves on the question stated the opposite

view. The United States, whose recent administrations have argued otherwise, held before the Vietnam war that tear gases were chemical weapons and supported their prohibition in war. Facing Senate opposition to its revised view, the Executive Branch accepted severe limitations on the military use of irritants, set out in a 1975 Executive Order, as an explicit condition for Senate approval of the Geneva Protocol.

Toxic chemicals such as CS have a legitimate use for purposes of domestic law enforcement and riot control. This has long been recognized and accepted. Such use is protected in Article II of the draft Chemical Weapons Convention by the general purpose criterion, which exempts chemicals intended for "industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes, domestic law enforcement and riot control purposes", "as long as the types and quantities involved are consistent with such purposes".

But allowing 'non-lethal' disabling chemicals as means of warfare will fuel work on the weaponization of toxic chemicals, build up institutions dependent on a role for chemical weapons, accustom the military to offensive chemical operations, and create a cover for those seeking to violate the remaining prohibitions on toxic warfare. Over time, a treaty legitimizing such activities could do more harm than good.

<i>Guest Article: by Nicholas Sims</i>	2-5
<i>News Chronology: August-November 1991</i>	5-18
<i>Declaration of Mendoza</i>	19
<i>Checklist of Contributions to the CWC Negotiations</i>	20-22
<i>Recent Publications</i>	23-24
<i>Forthcoming Events</i>	24