Senate Should Reject the Chemical Weapons Convention

August 1, 1996 by Phyllis Schlafly

The U.S. Senate should reject ratification of the Chemical Weapons Convention (CWC), a treaty that purports to ban chemical weapons and forbid their production, stockpiling, and use. Contrary to its announced purpose, this foolish treaty would increase, not eliminate, the risk of chemical weapons use, and would seriously damage U.S. national security interests.

Bad guys are deterred by force, the threat of force, or by their cold calculation that the costs of evil behavior are not worth the risk. Many dangerous countries, such as Libya, Syria, Iraq and North Korea, have not signed the CWC and would not be deterred by pieces of paper.

China and Iran, which have significant chemical weapons programs, are unlikely to comply. Of particular concern is Russia, which has the largest arsenal of chemical weapons; the actions and statements of its military leaders confirm that Russia would not comply at all.

Even though the CWC would not rid the world of chemical weapons, it would impose a terrible regulatory and reporting burden on every U.S. company that produces, processes, or consumes a scheduled chemical. The CWC would affect U.S. firms that make dyes and pigments, insecticides, pharmaceuticals, ceramics, nylon, paint and varnish, electronics, textiles, and soap and detergent.

The Arms Control and Disarmament Agency estimates that 2,175 U.S. companies would be saddled with reporting requirements and data declarations; others estimate that the burden will fall on 10,000 U.S. production facilities. This time-consuming reporting could, in turn, produce additional government oversight and regulation by agencies such as OSHA, EPA, and IRS.

No previous treaty has ever subjected U.S. private industry to international inspection. CWC is the New World Order closing in on American business.

The process of allowing teams of foreigners to investigate, inspect and challenge all facets of private U.S. businesses could open them up to industrial espionage and the theft of their proprietary information. Forcing them to spend unnecessary funds to hire more people to fill out more government forms, and submit to routine inspections, would reduce their ability to compete in world markets.

In addition to the costs to be borne by private industry, the treaty would require the United States to pick up the tab for 25 percent of the costs of implementation and verification at an estimated cost of $200 million a year. Other countries would probably demand that the United States pay their costs of implementation, too.

Of course, the CWC would give birth to a new international bureaucracy. The Organization for the Prohibition of Chemical Weapons is already headquartered in The Hague with a Conference of State Parties, an Executive Council, and a Technical Secretariat whose verification responsibilities extend over a hundred pages.

Every time we hear trendy slogans such as "global village," "world economy," or "international cooperation," Americans should remember that other nations have no familiarity with or understanding of our Bill of Rights or our federal structure of government with separate state laws. Treaties are customarily written as though all power to make and fulfill international commitments resides in the head of state who signs the document.

If the CWC goes into effect, what happens to our Fourth Amendment rights? The CWC's Technical Secretariat, without a warrant, would be empowered to inspect virtually everything within the premises, including records, files, papers, processes, controls, structures and vehicles, and to interrogate on-site personnel.

Under CWC, what happens to our First Amendment rights? Freedom of Information requests will not be permitted under the proposed CWC implementing legislation, so Americans would have fewer rights under this treaty than if a U.S. agency, such as the FBI, investigated them.

As implemented by the Clinton Administration, the CWC would have a meddling effect in U.S. affairs. It would forbid U.S. commanders to use tear gas and other riot-control substances to protect our soldiers and minimize civilian casualties.

The CWC is unverifiable and unenforceable. Former CIA Director James Woolsey testified on June 23, 1994 that "the chemical weapons problem is so difficult from an intelligence perspective, that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale."

In closed societies, factories making fertilizer, pharmaceuticals, or plastics can easily cover up their production of chemical weapons. After receiving notification of a challenge, a facility has six days to hide the evidence before inspectors are admitted.

Small amounts of concealed chemical weapons can be militarily very significant. Used against critical military targets, chemical weapons can have dramatic consequences.

To paraphrase a popular bumper strip, when chemical weapons are outlawed, only outlaw governments will have chemical weapons. Our World War II experience shows that the best way for civilized countries to prevent the use of chemical weapons is for the good guys to have their own deterrent arsenals of chemical weapons.

In any event, the Senate must not make matters worse by ratifying the unenforceable, costly, and probably unconstitutional CWC.