

Majority Leader Emerges As Key To Fate of CWC in Senate

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By Erik J. Leklem

With the April 29 deadline for the Chemical Weapons Convention's (CWC's) entry into force approaching, prospects for Senate approval remain uncertain. Senate Majority Leader Trent Lott (R MS) has emerged as the key to the fate of the CWC. His decisions over the next three weeks will determine whether the treaty reaches the floor for a vote, and his positioning on the treaty will determine whether the resolution of advice and consent receives the necessary two thirds vote of approval.

As of early April, negotiations continued not only between Lott and Minority Leader Tom Daschle (D SD) on scheduling a vote for the treaty, but also between National Security Advisor Samuel Berger and Lott with a task force of nine Republican senators, and between Senate Foreign Relations Committee Chairman Jesse Helms (R NC) and Senator Joseph Biden (D DE), ranking minority member on the Foreign Relations Committee, over understandings on implementation of the treaty. These understandings are contained in a set of over 30 conditions that would accompany a resolution of advice and consent to ratification. However, several of these are "killer" conditions that could prevent the United States from depositing its instruments of ratification.

Daschle revealed that one such condition requires the ratification of the CWC by China, Iran, Iraq, Libya, North Korea, Syria and by all state sponsors of international terrorism, before the president deposits the U.S. instruments of ratification. The administration opposes this, as it would give these countries "veto power" over U.S. participation in the treaty. Another would require the president to certify "that the intelligence community has a high degree of confidence in its ability to detect militarily significant violations of the treaty," where "militarily significant" is defined as one ton of agent. Administration witnesses have emphasized the extent to which the convention would enhance verification capabilities, but have avoided more quantitative assessments at low levels. A third condition requires amending Articles X and XI of the treaty which opponents charge would require transfer of chemical weapons (CW) defense technologies to "rogue" states. The administration, cognizant of the fact the treaty cannot be amended under the current time line, has rejected this as "completely unrealistic," and sees sharing of chemical defense technologies as an option under the treaty, and not an obligation.

The role of Lott is conditioned on whether Helms exercises his senatorial power to block consideration of the CWC. If Helms allows the treaty to be reported out of or released from his committee, however, Lott's influence with undecided Republicans will be pivotal in the final vote.

President Bill Clinton sought to set the tone for the month's debate on the CWC at an April 4 White House South Lawn event. Clinton was joined by a bipartisan cast of speakers in favor of the treaty, including Vice President Al Gore, Secretary of State Madeleine Albright, Secretary of Defense William Cohen, former Secretary of State James Baker, former Senator Nancy Kassebaum Baker (R KS) and former Senator David Boren (D OK). Clinton urged the Senate to "rise to the challenge" of ratifying the CWC. Baker rebuffed opponents of the treaty, saying, "Frankly, the suggestion that George Bush and Ronald Reagan would negotiate a treaty detrimental to this nation's security is outrageous."

In response, Helms scheduled three hearings during the week of April 7-10 on the CWC. The first

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hearing, on April 8, starred four former secretaries of defense: Caspar Weinberger, James Schlesinger, Donald Rumsfeld and, by prepared statement, Richard Cheney. "The Senate is being asked to ratify the CWC even though it is likely to be ineffective, unverifiable, and unenforceable," Cheney wrote. Schlesinger emphasized specific problems by saying, "the U.S. is obliged to share (CW) technologies with Iran, Cuba and other such nations." Weinberger dismissed the importance of "norms" that would outlaw the development, stockpiling and use of CW. "I don't think for a moment that it would make the slightest difference to Saddam Hussein whether it was legal or illegal for him to use poison gas," he said.

Albright, who testified alone in support of the treaty the same day, since Helms limited the number of proponent witnesses, stressed "the imperative of American leadership" on the CWC, and that there would be "real costs" to not becoming an original party. She went on to refute assertions on the sharing of CW technology made by the former secretaries of defense, saying, "the CWC prohibits members from providing any assistance that would contribute to chemical weapons proliferation." In countering Weinberger, Albright stressed the importance of international norms and said, "the lowest common denominator is not enough. Those who abide by the law, not those who break it, must establish the rules by which all should be judged."

An additional hearing on April 9 underscored Helms' determination to have more critics of the treaty appear before his committee than proponents. Speaking against the treaty were Jeane Kirkpatrick, former U.S. Ambassador to the United Nations; Fred Ikle, former ACDA director; Richard Perle, former assistant secretary of defense; and Douglas Feith, former assistant secretary of defense. A panel of treaty supporters followed including retired General Brent Scowcroft, retired Admiral Elmo Zumwalt and retired Lieutenant General and former Ambassador Ed Rowley.

With less than three weeks before entry into force of the CWC, there will be little time to handle the treaty even if it leaves the committee for the Senate floor. Additional hearings, as promised by Helms, will only prolong the process. The prospects for timely consideration have been muddied further by the introduction of S.495, sponsored by Senator Jon Kyl (R AZ), an opponent of the treaty. Intended as an alternative to the CWC, the bill mandates sanctions on countries that use chemical or biological weapons. It is unilateral, domestic legislation outlawing chemical and biological weapons in the United States, but lacks the international scope of the convention. Daschle has rejected the bill outright and suggested it would receive a presidential veto, but the bill could provide enough political cover for undecided Republican senators wanting to avoid being labeled "pro poison gas" if they oppose the CWC.

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