Viewpoint

The Case for an Enforceable Consensus against NBC First Use

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efining nonproliferation priorities today is an inherently judgmental task. There also are a variety of possible approaches that could help define priorities. On a region-by-region basis, for instance, it is possible to identify today's toughest nonproliferation problem countries—from Iraq and Iran in the Gulf to North Korea in East Asia. Another approach would highlight challenges to the overall set of nonproliferation institutions, organizations, and treaties, and propose possible responses. The danger of a gradual erosion of the three nonproliferation treaties—if not a rapid collapse-due to continuing problems of non-compliance from within stands out in this regard. Taking still another approach, priority might be placed on responding to unexpected developments that have dramatically changed the nonproliferation landscape, typified by the possibility that access to nuclear, biological, and chemical (NBC) weapons expertise, technology, and not least materials from the former Soviet Union would allow a country or subnational group to leapfrog the usual steps to weaponry. Or what may be termed a "pet rock" approach can be taken—in effect, pressing for a long-preferred

initiative or course of action based on its potential nonproliferation payoffs. To some Europeans, the Bush administration's emphasis on regime change in Iraq as a means to prevent Saddam Hussein from retaining chemical and biological weapons and from acquiring nuclear weapons appears to have this character.

There is one additional approach to defining today's nonproliferation priorities, one in many dimensions fully compatible with any and all of the above approaches. This further approach begins by asking what is the gravest threat to global security from the proliferation of NBC weapons, before then seeking to define a response-not only for today but equally important for the long term. This additional approach, which is advocated in this viewpoint, maintains: First, the gravest current proliferation threat is the use of NBC weaponry, whether by a state or a terrorist group; second, it is necessary to go beyond individual national efforts aimed at dealing with this threat to establish and implement an enforceable international consensus that the first use of NBC weaponry by a state or subnational group, or the aiding or abetting of any such use, cannot and will not be tolerated.

For reasons discussed in detail below, primarily related to the reluctance of nuclear weapon states to foreclose the option of nuclear first use, achieving such a consensus may be very difficult, if not impossible, in the near term—absent, that is, some type of dramatic international shock. But prior to such a shock, it is important to consider the elements and potential payoffs of such an enforceable consensus as well as any possible interim steps toward it. The following discussion will examine the what, the what not, the why, the how plausible, the what if, and the what next of creating such an enforceable international consensus.

AN ENFORCEABLE INTERNATIONAL CONSENSUS AGAINST NBC FIRST USE: THE WHAT

The international community, led by the "great powers," should go on record that any first use of NBC weapons by a state or a subnational group will be considered a crime against humanity to be met with a decisive international response. In addition, the international community should make clear its position that the leaders of any country that aided or abetted such use—whether by direct support, indirect involvement, or benign neglect would be considered to be culpable, as well, of a crime against humanity. Aimed particularly at the terrorist threat, this latter dimension would make clear the judgment of the civilized world that assisting a terrorist group to acquire NBC weaponry-whether by directly providing materials or even weaponry, allowing such a group seeking NBC weaponry to operate from its territory, or failing to cooperate in actions against such a group-is intolerable. It also would put all countries on notice of the need to cooperate to prevent such acquisition.²

The nature of the international response to the first use of NBC weapons—whether against the user or the abettor—need not be specified in advance. Depending on the circumstances, it could include, for instance: apprehending a national leadership and bringing its members to justice as international criminals; hunting down and capturing or killing terrorist leadership; using military, economic, and other instruments of power to punish a regime; taking concerted actions to bring about the downfall of a leader or a regime; and effectively isolating a country from all contacts and dealings with the outside world as an international pariah. Regardless of the specifics of implementation, the basic principle would be constant: All civilized hands would be against those that had used NBC weapons first or aided or abetted that use.

Preferably, this type of international consensus against use could be reflected and codified in a United Nations Security Council resolution. Such a resolution would build on other Security Council resolutions dealing with NBC weapons as well as with the terrorist threat. Seeking a Security Council resolution also would be consistent not only with that body's norm-building role, but also its responsibility under the United Nations Charter to deal with threats to international peace. By contrast, pursuit of a more formal international agreement banning NBC first use would be considerably more cumbersome and even more difficult. Conversely, efforts to seek an equivalent ruling to this effect from the International Court of Justice would lack the political weight of a UN Security Council resolution supported by all five of the permanent members (China, France, Great Britain, Russia, and the United States, referred to as the P-5).

ТНЕ ШНАТ НОТ

Quite clearly, the proposed pursuit of an enforceable international consensus against the first use of NBC (joined to a consensus against aiding and abetting such use) stops short of a ban on any use of NBC weapons. From one perspective, this could be seen as a step backward. A more complete proscription is implicit in the Biological and Toxin Weapons Convention's (BWC's) ban on possession and explicitly provided for in the Chemical Weapons Convention (CWC). From another perspective, however, it would entail a significant shift in nuclear doctrine in both the United States and Russia. More broadly, there are a number of reasons for taking a more limited approach to creating an enforceable consensus to help counter the threat of future NBC use.

In particular, there is virtually no prospect for the foreseeable future of reaching a consensus among the nuclear powers—both those recognized by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as well as India, Pakistan, and Israel—on banning any use of nuclear weapons under any conditions. There is also very little chance of a consensus emerging on this issue between the nuclear powers and the non-nuclear powers. Indeed, as discussed below, one of the difficulties with the proposed ban on first use of NBC is that, in the absence of some dramatic international shock, even this limited step would likely prove "too much" for many of the nuclear powers to accept. At the same time, there are situations today—and more such situations are conceivable in the future—in which national nuclear deterrence still is both a legitimate and necessary element of self-defense, absent a credible alternative. Perhaps most controversial: in extremis, limited, proportional use of one or more nuclear weapons in response to a prior biological and/or nuclear attack could become the last resort option to prevent further large-scale loss of civilian life and to bring a conflict with an aggressive new proliferator to a rapid close.

Conversely, the proposed pursuit of an international consensus against any first use of NBC weaponry goes considerably beyond a narrower agreement that civilized nations will consider any use of biological weaponry a crime against humanity and respond accordingly.³ A more limited focus on biological weapons alone would be a significant step forward, would likely be more acceptable to the nuclear weapon states, and would target what may be the most dangerous proliferation threat of the coming century. Nonetheless, both the legitimacy of international action and prospects for creating a truly international consensus would be strengthened by focusing on the first use of all three so-called weapons of mass destruction. Further, today's concern about state action aiding or abetting terrorist groups encompasses not just biological weapons, but also chemical and nuclear weapons. Here, too, however, it may be easier to gain legitimacy and support for decisive action against any such state supporter if that action is part of a broader international approach to enforce a norm of no first use of NBC weaponry.

Тне Шну

The argument that a top nonproliferation priority should be to pursue an international consensus against NBC first use (and the aiding and abetting of such use) rests partly on the judgment that preventing use is the top challenge today. This judgment reflects an assessment that the likelihood of NBC use is appreciably greater today than during the Cold War. There are a number of reasons for that greater likelihood of use, all tied to the nature of today's confrontations, in which the stakes often are higher, the adversaries sometimes more prone to risk taking, the inherent bureaucratic constraints weaker, and the available information more limited or subject to manipulation.

Faced with such a greater risk of NBC use, a number of different responses can and should be pursued. These responses range from more robust prevention and disruption efforts to buttressed national defenses and population protection activities. As part of such an overall response, the case for seriously exploring pursuit of an enforceable international consensus against NBC first use (or aiding or abetting such use) is rooted in several additional judgments. These concern, respectively, the limits of successful proliferation prevention; the potential contribution of such a consensus to deterring use (whether by a nation or at least some of today's terrorist organizations); the existence of a unique opportunity now to shape perceptions, particularly of the risks of biological weapons use; and finally the benefits of an explicit international consensus against aiding or abetting in whatever manner the pursuit, acquisition, and use of NBC weaponry by a terrorist organization. Finally, over the decades ahead, such an enforceable consensus also would have significant nonproliferation payoffs. Each of these latter judgments calls for brief elaboration.

Turning first to the limits of proliferation prevention, many decades' experience strongly suggests that traditional nonproliferation measures-treaties, technical constraints and export controls, diplomatic and political initiatives, regional security building, and even alliance commitments—are likely to prove unable to prevent, dissuade, or convince a strongly motivated leadership from eventually acquiring NBC weapons. Technical measures may prove more successful in constraining access to such weapons by subnational groups. But there is cause for concern about the ability of some terrorist groups—if they find themselves in a supportive political, technical, and operational environment-to produce at least some types of chemical, biological, and radiological weapons (and an improvised nuclear device, assuming access to fissile material.)

Efforts to buttress the existing nonproliferation framework, following some of the approaches identified earlier as well as others, clearly are warranted. Nonetheless, there is every reason to expect that at least the technical impediments to proliferation will continue to erode in the future, especially in the area of biological weaponry. For this reason, a complementary approach would place a high priority today on the problem of use, responding in this case by seeking to create an enforceable consensus against NBC first use.

Were it achievable, such an international consensus against NBC first use would also help buttress the effec-

tiveness and credibility of other, ongoing national deterrence postures in several ways. By stating that first use would be treated as a crime against humanity, it would enhance the legitimacy of national responses consistent with established international law. Possible political opposition to response abroad but also at home would be lessened. With nations on record supporting an enforceable consensus, it also likely would be more difficult for other countries—in the region or beyond—not to provide some measure of support for national action to enforce the international consensus.

What about deterrence of terrorist organizations themselves? With the exception of al Qaeda (and Aum Shinrikyo in the 1990s), the available evidence suggests that today's terrorist groups have concluded, at least for now, that other means of violence are preferable to pursue their ends. These groups range from Hezbollah and Hamas in the Middle East to the Revolutionary Armed Forces of Columbia (FARC). In at least certain cases, however, the leadership of these terrorist organizations could begin to weigh the attractiveness of escalating to NBC use. Many considerations would undoubtedly influence that calculation, from perceptions of technical complexity through possible concern about "blow back" killing their innocent supporters to broader judgments about the utility of NBC violence as a means to the group's ends. A clearly stated commitment by the international community that the perpetrators of any such NBC terrorist violence would be hunted down as war criminals-and that all countries would be expected to provide "no safe haven" in the aftermath of such usecould contribute to a decision by wavering leaders to stop short of such escalation.⁴

An enforceable international consensus against NBC first use could be particularly timely in the area of biological weaponry. As already suggested, there are many reasons for concern that the coming century will witness the use of advancing biological science, not only for good but for ill. A good number of countries have biological weapons programs, the technological barriers to traditional and next-generation biological weapons will continue to erode over time, and still other countries are sitting on the sidelines—watching. The type of international consensus suggested here could have an important impact on shaping the perceptions of potential biological weapons proliferators about the risks of using such weapons. Indeed, should it prove necessary, a decisive international response that did bring to justice as war criminals the leaders of the first country in the 21st century to use such weapons would send a strong signal to all countries' leaders. This opportunity, however, will only come one time. On the other hand, a failure by the international community to respond decisively after the first national use of biological weaponry in the years ahead would only encourage proliferators and enhance proliferation pressures. Such a pattern followed the failure of the great powers and others to respond to Iraq's use of chemical weapons in the Iran-Iraq war of the mid-1980s.

With regard to impacting state support for NBC terrorism, part and parcel of this type of enforceable international consensus against NBC first use would be an explicit enunciation of the principle that aiding or abetting terrorist acquisition or use of NBC weaponry is equally unacceptable to the world's nations. In effect, this would be intended to help legitimize and establish a "zero tolerance" global posture. Aiding and abetting would be defined broadly to include, for instance: transfer of NBC weaponry; transfer or support in the acquisition of technology, materials, or know-how; financial, logistics, or other direct non-NBC-related support for a terrorist group that commits an NBC outrage; tolerance for the presence of a terrorist organization planning use of NBC weapons; and after-the-fact failure to provide full cooperation in tracking down and dealing with the perpetrators.

As a result, today's state supporters of terrorist organizations would be put on notice that they, too, would be held accountable were their "favored freedom fighters" or simply preferred terrorist organizations to cross this NBC threshold-either with direct support or on their own. Direct provision of NBC weaponry clearly would be covered. As a result, deterrence of such support-including national deterrence actions-would be enhanced. Or should deterrence fail, decisive international action to punish any violation of this injunction would be one way to demonstrate that the costs to the leadership of aiding or abetting NBC terrorism far outweigh any potential benefits.⁵ Further, this international consensus would increase the pressures on states to take all practicable, good-faith steps to lessen the risk that a terrorist group could gain access to NBC-related technology, materials, or know-how on their territories.⁶ Somewhat similarly, pressures would grow to inquire into otherwise questionable organizations rather than to tolerate their activities, as long as they did not comprise a direct threat to the host nation itself. Such trends have already taken hold in many western countries following the September 11, 2001, terrorist attacks.

Finally, an enforceable consensus against NBC first use (or its aiding and abetting) also would have nonproliferation benefits. By reducing national fears of being victimized by use of NBC weapons-or from an aggressor's perspective, lessening the attractiveness of the threat or use of these weapons as means of aggression-the international consensus would reduce, in turn, nations' incentives to seek these weapons. This nonproliferation benefit could be most significant in helping to check future biological weapons proliferation—with the greater ease of acquisition of these weapons, their potential utility, and the heightened uncertainties about the effectiveness of other measures in preventing proliferation of biological weapons. But the nonproliferation payoff from so devaluing use would apply as well for chemical and nuclear weaponry.

THE HOW PLAUSIBLE

Creation of such an international consensus against the first use of NBC weapons is inconceivable without the support, not only of the P-5 generally, but of the United States specifically. Today, absent a dramatic NBC-related shock, such U.S. support appears unlikely.

More specifically, in U.S. deliberations, the potential benefits of strengthened deterrence, as well as of toughened constraints on the "aiding and abetting" of potential NBC terrorist organizations, would likely be outweighed by a deeply engrained reluctance to renounce an "unqualified" option to use nuclear weapons first.⁷ For some U.S. defense planners, moreover, such first use of nuclear weapons—even without prior adversary use of NBC weapons—could be viewed as the least bad means to deal with an imminent threat of NBC use by a regional aggressor. Such a stance would be consistent with the principle enunciated in the October 2002 U.S. National Security Strategy regarding the legitimacy of preemptive action in extreme circumstances.

At the same time, this desire to retain the nuclear first use option (even in the absence of prior use of biological or chemical weapons) stands in stark contrast to the results of nearly five decades of war gaming. That gaming experience has repeatedly shown how extremely difficult it would be to convince the senior political and military leadership in the United States as well as any U.S. president to use nuclear weapons except in extremis.⁸ Moreover, although the January 2002 Nuclear Posture Review (NPR) places a premium on retaining U.S. nuclear flexibility of many sorts, the NPR even more importantly emphasizes that nuclear weapons are only one part of an overall U.S. deterrence and defense posture, which includes far greater stress on advanced conventional weaponry, defenses, and information operations. From that perspective, the possibility should not be dismissed of a serious debate within the Bush administration about the costs and benefits of a no first use of NBC posture.

Comparable reluctance to pursue an enforceable international consensus of the sort being proposed here can be expected from the other P-5 countries. In London and Paris, the potential utility of such a consensus in preventing NBC use and in shutting down state support for certain terrorist organizations is likely to be of interest. But there also is likely to be opposition in both France and Great Britain to renouncing the unqualified option of first nuclear use—even though, just as in the United States, it is very difficult to envisage either country deciding to use nuclear weapons in the absence of prior NBC use by an adversary. In Moscow, since the mid-1990s, military and economic weakness has led to a heightened emphasis in Russian military writings and doctrine on the first use of low-yield, selectively employed nuclear weapons as a substitute for conventional military capabilities and as a means of escalation control.9 Once again, though questions can be raised about the plausibility of any such Russian nuclear first use scenarios. the outcome today would likely be reluctance in Moscow to agree to a no NBC first use consensus.¹⁰ For their part, Chinese leaders may be most concerned about the "interventionist" aspects of any internationally mandated response—in particular, what to use as evidence of state aiding and abetting of NBC use by terrorist organizations and how any judgments about aiding and abetting are to be made prior to international action being taken.¹¹

Reaction to this proposal is likely to be mixed in many other countries. For example, attraction among nonnuclear weapon states to the idea of an enforceable international consensus against first use of NBC weapons is likely to be counter-balanced by reluctance to "legitimize" nuclear weapons and deterrence. In addition, possible understanding on the part of key Arab Middle East states, as well as Iran, that such a consensus could provide an important security buttress against NBC use by regional opponents is likely to be counter-balanced by concern about the impact of a proscription on "aiding and abetting" favored terrorist organizations that might go down the path to NBC violence. Elsewhere in the region, for Israel, the potential security benefits of buttressed deterrence and more rigorous anti-terrorist activities would need to be balanced against acceding to the principle of no NBC first use. $^{\mbox{\tiny 12}}$

For varying reasons, Iraq, North Korea, and Pakistan would be the three biggest national "losers" were an enforceable international consensus against NBC first use to be put in place. For Iraq, this consensus would not only legitimize and buttress anti-Iraqi national deterrence postures, but it would put Saddam Hussein very sharply on notice about the personal costs of NBC use-directly or via affiliated terrorist groups. For North Korea, the potential costs of any attempt to "throw the dice" and use its NBC capabilities against South Korea would be significantly increased. Pakistani defense doctrine, which relies on a "real" as opposed to an abstract threat to use nuclear weapons first if India crosses certain undefined red lines, could be significantly eroded. (Pakistani leaders still might believe that India's leaders would be deterred from crossing those red lines. They could calculate that Indian leaders would believe that, faced with the choice of short-term loss of national survival via Indian military action and longer-term punishment for violating the international consensus on no NBC first use, Pakistani leaders would still opt for nuclear first use.)

THE WHAT IF

If the preceding assessment is correct, the prospects today for creating an enforceable international consensus against NBC first use are modest at best. But this situation could well change after a future dramatic NBC-related shock. Any one of the following developments could force a search for new, nonincremental, and more far-reaching initiatives to deal with the threat of NBC use: a terrorist use of NBC weapons anywhere, with or without major loss of life; dramatic revelations about state support for terrorist pursuit of NBC weaponry; use of nuclear weapons in an escalating conflict between India and Pakistan; use of nuclear or biological weapons by a regional adversary against U.S. or U.S. and coalition forces in a regional theater of operations; use of biological weapons against the American homeland as well as the homelands of other countries in a future regional conflict; and use of one or more nuclear weapons by the United States in a regional clash with a proliferator, quite possibly resulting in an international outcry and U.S. political isolation.

How likely are these shocks? That is a judgment on which individual assessments will undoubtedly differ. Nevertheless, it is reasonable to assert that some such NBC shock is increasingly plausible in the years—or conceivably even months—ahead. If this judgment is correct, the idea of an enforceable international consensus against NBC first use (or its aiding and abetting) could suddenly appear in many countries to be a least bad alternative.

WHAT NEXT?

An enforceable international consensus against NBC first use (and its aiding or abetting) most probably is an idea whose time has not yet come. In the interim, however, there are at least three more limited steps that warrant consideration and whose time may well have come.

First, an institutionalized dialogue could be created among the P-5 on how to prevent the use of NBC weapons-whether by a nation state or a terrorist group—and, in the event of such use, on how to respond. The issue of use already is on the international agenda because of three developments: continuing concerns about a nuclear conflict between India and Pakistan; revelations about al Qaeda's chemical weapons capability and reports of its pursuit of biological and radiological weapons; and the Bush administration's focus on the threat posed by Saddam Hussein. In this context, for each of the P-5, there are both pluses and minuses of seeking or accepting such an institutionalized dialogue. Nonetheless, both as the permanent members of the Security Council and as the five recognized NPT nuclear weapon states, the United States, Russia, the Great Britain, France, and China bear a unique responsibility to confront the threat of NBC use. Equally important, without cooperation among these countries, any individual national response risks being less legitimate, less effective, more costly, and possibly less consistent with its own longer-term security interests than would otherwise be the case.

Second, consideration should be given to the more limited step of pursuing an enforceable international consensus only against any use of biological weapons. For reasons set out above, such a consensus to treat any use of biological weapons as a crime against humanity and to bring the users to justice could contribute significantly to shaping perceptions about the risks of using these weapons. Again, there also will be a unique opportunity to shape such perceptions once biological weapons are first used in this century. With the nuclear dimension separated out, moreover, this initiative could well be somewhat more attractive in Washington and the capitals of the other nuclear weapon states. A greater barrier to its successful adoption may be the temptation of the non-nuclear countries to reopen the issue of a parallel ban on nuclear first use.

Third, to return to another idea noted above, interim efforts could be pursued to have both the UN Security Council and General Assembly explicitly declare that no political, economic, social, or other cause justifies recourse to nuclear, chemical, or biological weapons as a means intentionally to take the lives of innocent civilians. A zero-tolerance posture toward efforts by subnational organizations to acquire NBC or radiological weaponry could be made part of such declarations. This posture could be expressed by underlining the obligation of all countries to take all feasible actions to prevent such terrorist use or, in the event of use, to cooperate in hunting down the leaders of the organization responsible. In effect, this step would be intended to signal both those terrorist organizations still susceptible to influence—as well as potential countries that might intentionally or not aid and abet such NBC violence-that the civilized world would not tolerate such behavior.

CONCLUSION

For the first time, the threat posed by the proliferation of nuclear, chemical, and biological weapons dominates the political-security agenda in the United States and many other countries. Different approaches stand out for defining the most critical aspects of that threat and for responding to them, as the debate over how to deal with Saddam Hussein's Iraq has clearly demonstrated. This viewpoint has urged that a top priority should be to lessen the risk of NBC use, whether by a state or by a terrorist group. To achieve this goal, traditional nonproliferation measures as well as traditional national defense responses will be essential elements. Nevertheless, it will also be important to work this problem at the global level, seeking to shape the normative landscape within which decisions about NBC use and support for such use will be made by countries and sub-national organizations. One important step toward this objective would be to create an international consensus that the first use of NBC weapons (or the aiding or abetting of such use) will not be tolerated. But absent a dramatic NBC-related shock, that step quite probably exceeds what the market will bear today. Even so, other interim actions can be pursued and would be valuable stepping stones to that more far-reaching international consensus when the time is ripe—as it quite probably will be someday, perhaps sooner than expected.

³ See, for instance, Michael Quinlan and Lewis Dunn, "The Next Big Threat Will Be Biological: We Must Find a Way To Prevent Any Use of These Fearsome Weapons," *The Guardian* (London), July 3, 2002.

⁴ This element—creating an international consensus against support of any sort for terrorist NBC violence and a parallel obligation to assist in responding to it—also could be pursued independently. See, Lewis A Dunn, "Combating WMD Terrorism—What Roles for the United Nations?" unpublished working paper, Center for the Study of International Organizations, Columbia University, New York, New York, April 5, 2002

⁵ The issue, of course, arises of whether there would be sufficient, convincing, and releasable evidence to link a terrorist NBC incident to a particular state supporter. However, this problem arises, as well, in the case of national responses. It is inherent in the threat and not unique to the proposed pursuit of a international consensus. Indeed, with a international consensus, it could be easier for national level action to be taken based on whatever evidence was available—since the international community would have at least acknowledged the principle that state-support of any sort for NBC terrorism is intolerable.

⁶ Another issue concerns how to define "practicable, good-faith steps." At what point, would a mix of bureaucratic weakness, inattention, and non-feasance become "abetting a terrorist organization's pursuit of NBC weap-onry?

⁷ The Negative Security Assurances provided by the United States (and for that matter the other NPT nuclear powers) are already a partial qualification of the first use option. But those assurances have their own qualifications and caveats.

⁸In addition, highly capable U.S. advanced conventional military capabilities are increasingly being looked to as means to execute many once "nuclear missions."

⁹ For a recent discussion of Russian nuclear doctrine, see Nikolai Sokov, "Why Do States Rely on Nuclear Weapons? The Case of Russia and Beyond," *Nonproliferation Review* 9 (Summer 2002), pp. 101-111.

¹⁰ Russia's leadership also could be made uneasy by the proposed consensus' inclusion of "aiding and abetting" terrorist NBC violence—not because of direct or even indirect support but because of concerns about the effectiveness of ongoing efforts to prevent the illegal diversion of NBC technology or material from Russia.)

¹¹ China already has announced a no first use of nuclear weapons posture. ¹² How much of an actual "loss" acceding to the principle of no NBC first use would be for Israel is open to question. Given its conventional military capabilities as well as political realities, it is difficult for this author to envisage a credible first use scenario.

¹ The views herein are the author's own, not necessarily those of SAIC or any of its sponsoring agencies.

² The 1925 Geneva Convention already bans the use of chemical or bacteriological weapons. The 1972 Biological and Toxin Weapons Convention bans the possession of biological weapons, while the 1992 Chemical Weapons Convention bans the possession of chemical weapons. But Iraq's use of chemical weapons in the Iran-Iraq war in the 1980s (and the lack of international response) as well as instances of non-compliance with both the BWC and the CWC have eroded all three of these international agreements. There is no comparable treaty constraint on use of nuclear weapons.