

Reducing the role of military force

Frank Blackaby

Frank Blackaby died in May this year. The peace movement is much the poorer for his passing. For many years, he directed the Stockholm International Peace Research Institute. In this, his last article, he brought his characteristic clarity to the debate about the proliferation of weapons of mass destruction. This article was written for Abolition 2000, the network to achieve a convention on nuclear weapons abolition, of which he was President. His earlier pamphlet, Europe and Nato Expansion, is also available from Spokesman.

I. Counter-proliferation and non-proliferation

‘Counter-proliferation’ and ‘Non-proliferation’ are used here to describe alternative – and mutually exclusive – approaches to the problem of curbing the spread of weapons of mass destruction. Counter-proliferation, put baldly, is the policy of blowing up, or threatening to blow up, suspect sites. Non-proliferation is a policy of support for non-proliferation regimes – a policy of supporting and strengthening the three treaties concerned with the spread of weapons of mass destruction – the Non-Proliferation Treaty, the Biological Weapons Convention and the Chemical Weapons Convention.

The proponents of counter-proliferation are mainly in the United States. Only the United States has the world-wide power projection capabilities which would make a world-scale counter-proliferation policy possible. These are the arguments put forward for counter-proliferation. The three treaties – particularly the Biological Weapons Convention – are weak. The Biological Weapons Convention has as yet no verification provisions of significance, and the parties, after five years of negotiations, have still not agreed on strengthening protocols. Any processes of enforcement under the Chemical Weapons Convention or Non-Proliferation Treaty are laborious, long-winded and uncertain. A number of important states in the Middle East have not ratified the Chemical Weapons Convention. Some states – Iraq is the prime example – clearly had no intention of observing the provisions of the treaties which they had signed. Intelligence reports suggest that a number of other states party to the treaties are developing, or have developed, biological or chemical weapon capabilities. It would be irresponsible to rely on the three Weapons of Mass Destruction treaties for security against attack. It is better to take pre-emptive action than to wait until weapons of mass destruction are actually used.

Three examples

Counter-proliferation has been tried. In 1981 it was tried by Israel on Iraq. On 7 June Israeli fighter-bombers attacked and effectively destroyed a nuclear reactor which was being constructed in Baghdad. Israel claimed that it could be used to make weapon-grade fissile material. There were somewhat muted international protests against the Israeli action. In particular, the International Atomic Energy Authority said that it was fully capable of ensuring that the reactor was not diverted to the production of fissile material for military use.

Iraq went on to develop a military nuclear programme. It did not use, for this purpose, any of the facilities which were then open to International Atomic Energy Authority inspection.

The second example, this time of threatened counter-proliferation, concerned Libya. In April 1996 US Secretary of Defense William Perry stated that Libya was constructing an underground chemical weapons production facility at Tarhunah, some 65km south-east of Tripoli. Perry said that the United States would take the steps necessary to prevent the facility from becoming operational. A Pentagon spokesman at the time suggested that this might be an occasion for using the earth-penetrating nuclear warhead which had recently been developed. This suggestion was rather hastily withdrawn, with assurances that conventional weapons could do the job.

The Libyan leader Qadhafi said that Tarhunah was part of the Great Man-Made River Project, diverting water from the south of the country to the Mediterranean coast. He agreed with Egyptian President Hosni Mubarak that investigators should visit Tarhunah. The team reported seeing tunnels but no equipment. The French President Jacques Chirac was also quoted as saying that he could not confirm the US allegations.

The Pentagon now says that the construction work on a chemical weapons facility at Tarhunah has stopped. It is not clear, however, whether any such construction had ever been begun.

The third example is that of US counter-proliferation: the strike against an alleged chemical weapons factory in Sudan. On 20 August 1998, as part of an operation appropriately called Infinite Reach, 12 US Tomahawk cruise missiles demolished the al-Shifa Pharmaceutical Industries factory in Sudan. The plant, located in Khartoum North, was said to be part of the Sudanese military complex to which Osama bin Ladin had been making contributions. The US initially alleged that the plant was not producing any commercial products, but rather a penultimate precursor to the manufacturing of the V agent nerve gas VX. This was O-ethyl methylphosphonothioic acid (EMPTA), a chemical on Schedule 2B of the Chemical Weapons Convention.

The US assertions about the nature of the plant came under question. British, Jordanian and US consultants and engineers involved in the construction or maintenance of the plant said that it was engaged in the production of normal medical supplies and that they had never seen any evidence of chemical weapons production. An alternative justification for the attack was put forward: that the

plant had been used by Iraq in the 1980s to develop its stockpiles of chemical weapons agents. The traces of the precursor chemical were said to have been found in a soil sample taken outside the factory. There was a later story that US agents had penetrated the plant and taken the sample from a discharge pipe. The United States, however, would not agree to an independent United Nations investigative team being sent to examine the al-Shifa plant.

Critique of counter-proliferation

Counter-proliferation involves an individual state deciding that some weapons programme of another state is unacceptable, and taking steps, or threatening to take steps, to eliminate that programme. The analogy implied by the use of the term 'a surgical strike' is misleading. In civilised countries, patients have to agree to surgery.

One state is acting as prosecutor, judge and executioner. Such behaviour cannot be part of any acceptable international security system. In the three examples given there was in fact very little criticism of US or Israeli action in Western states. This was in spite of the fact that at the time of the attacks none of the three states was in violation of any international treaty. Libya and Sudan were not parties to the Chemical Weapons Convention, and so were not bound by its provisions. At the time of the Israeli attack, the Baghdad reactor was subject to International Atomic Energy Authority inspection; Iraq's clandestine nuclear weapon programme did not use fissile material from this Baghdad reactor. The general assumption appeared to be that these three states were 'pariah' states, and therefore had no rights in international law.

If counter-proliferation activity of this kind were accepted as the norm, then it would be open to any state to judge that some neighbour's weapons programme was a threat to international security, and so should be eliminated. China could use that justification for an attack on Taiwan. Japan could use it for an attack on North Korea. The Security Council is admittedly an imperfect instrument for the validation of the use of military force. However, it is a huge step backwards to leave decisions about the use of military force to the judgement of an individual state.

In the short run, counter-proliferation may delay a weapons programme. The long-run reaction may be perverse – to make the state concerned more rather than less determined to go ahead. Further, on the evidence from Libya and the Sudan, it is a mistake to rely on the intelligence information from a single state. Intelligence agents get no kudos from nil reports. They have a strong bias towards reports that something is happening, and will treat rumours as facts. Was Libya constructing a chemical weapons plant in the tunnels at Tarhunah? Was the al-Shifa plant in the Sudan producing a precursor chemical for VX? On the evidence available, the answer to each question is 'Probably not'.

Support of non-proliferation regimes

The alternative policy to counter-proliferation is a policy of supporting the three treaty-based non-proliferation regimes. The policies of counter-proliferation and

non-proliferation are mutually exclusive. The strengthening of non-proliferation regimes is a co-operative negotiating process. Bombing threats are not part of that process. The agreed objectives of the parties to the Chemical and Biological Weapons Conventions are the world-wide abolition of those weapons. The Non-Proliferation Treaty on nuclear weapons unfortunately permits five nuclear weapon states to retain their nuclear weapons – but the intention was clearly that they would get rid of them within a finite time.

In the long term, the strengthening of these three regimes is the only effective route to arrest the spread of these weapons. Treaties are not weak instruments of policy. The number of pariah states – states which sign treaties with the intention of violating them – is small.

This is the state of play:

The Chemical Weapons Convention has come into force, and the inspection process is well under way. By the end of 1998 inspectors employed by the Organisation for the Prohibition of Chemical Weapons had conducted 384 inspections in 28 countries. The main problem now is to persuade more states to accede to the Convention. Most of the Arab states are unwilling to accede so long as Israel has nuclear weapons.

The process of strengthening the Biological Weapons Convention may at last have some success this year. Negotiations on provisions for inspection have gone on now for five years. A number of states have expressed their determination to bring the negotiations to a conclusion, with protocols which will provide for systems of inspection and verification. Once strengthened in this way, the Convention can become a powerful instrument of non-proliferation.

The dominant Treaty concerning weapons of mass destruction is of course the Non-Proliferation Treaty. This has been, up to now, a remarkably successful Treaty. There are only three significant states which are not parties to it – India, Pakistan and Israel. The first two are of course now overt nuclear weapon states; Israel remains a covert nuclear weapon state. However, the Treaty is now in a shaky state, because the nuclear weapon states are failing to meet their obligations. Most recently, when the Treaty was extended indefinitely in 1995, the nuclear weapon powers undertook as a *quid pro quo* to negotiate a Comprehensive Test Ban Treaty – which they did complete in 1996. However, after three years delay, the US Senate has now rejected the Treaty. Russia and China, together with India and Pakistan, are most unlikely to ratify the Treaty until the USA does so; so it will not come into force. Yet it is only by strengthening the Treaty that, in the long term, the further spread of nuclear weapons can be constrained. Strengthening the Treaty requires the nuclear weapon states to make some substantial and serious moves towards nuclear disarmament.

There are some other ways in which the Treaties can be strengthened. For instance, with nuclear weapons, the International Atomic Energy Authority has its programme labelled '93 plus 2' which extends its inspection rights; it has learnt the lesson of Iraq. More generally, Governments in general have been most

reluctant to use the capabilities of 'civil society' for warnings of treaty infractions. Yet the spread of the Internet provides all kinds of possibilities which did not previously exist. We do now have an example of what has been called 'societal verification'. It concerns the 1997 Land Mines Treaty. A group of the organisations engaged in the campaign to obtain this Treaty have set up a monitoring organisation, which has produced a 1,000-page Landmine Monitor Report 1999, gathering from a huge array of 'civil society' correspondents a description of the extent of compliance. The Report is described as 'an effort by civil society to hold governments accountable to the obligations they have taken on with regard to antipersonnel mines'. So, in this matter of societal verification, a Rubicon has been crossed.

In the long run there is only one effective way of combating the spread of weapons of mass destruction. It is by strengthening the treaties which form the international law on this matter. It is not a matter of the use, or threat of use, of military force by the major world military powers.

II. War without body-bags

The war with Serbia was an extraordinary war. Serbia was required to surrender *de facto* sovereignty over a province which had always been accepted as part of Yugoslavia – which was no light matter. The attack on Serbia was entirely airborne. A great many military experts said that this would not work. They were wrong. After 78 days Serbia surrendered – more, probably, because of the attacks on bridges, power stations and so on than from attacks on military sites. There were two new facts here. Serbia's surrender was brought about without the loss of a single NATO soldier or airman to enemy action. The use of Tomahawk missiles and laser-guided bombs served to reduce the number of Serbian civilians who died.

Any successful use of military force, particularly with few casualties on the attacking side, puts military force higher on the agenda of possible ways of dealing with international disputes. The United States Government is chary of military intervention which brings casualties to American servicemen in countries of which most Americans have never heard. Together with other countries, it is also nervous about being pilloried, internationally, for causing civilian deaths. In the war against Serbia, both these traps were avoided: no casualties from enemy action, and a method of attack which kept the total of civilian deaths low. There has always been a tension in the USA between those who think that the US should be ready, quite often, to use its power projection capability, and those who prefer the idea of 'Fortress America'.

Some of the politicians who endorsed the war are anxious to stress that it should be seen as that rare phenomenon – the humanitarian war, where the concerns were not national interest, but stopping gross violations of human rights. However, the law of unintended consequences applies. Many of the states which look for the lessons of Kosovo will be less concerned with the humanitarian objectives and more interested in the military techniques. The

moral which they may draw is that big states can force small states to surrender without themselves incurring heavy casualties by bombing the infrastructure. Russia already seems to be noting this in its second war in Chechnya. China may consider this as a way of inducing Taiwan's surrender without the need of an actual invasion.

The war patterns will be copied. The missile technology will spread. The main Western missile-producing states – with somewhat luke-warm co-operation from Russia and China – have been trying to arrest the spread of missile technology through the Missile Technology Control Regime. All such a regime can do is to slow down the spread of this branch of military technology. The United States is of course far in advance of any other state in the guidance system for its cruise missiles. However there is little doubt that within 30 years a number of other states will develop guided missiles – probably less accurate than the Tomahawk, but accurate enough for their purposes. The only way, in the long run, of stopping the proliferation of any particular weapon system is a world-wide verifiable and enforceable ban.

Was the development of these new weapons, with their new possibilities for different types of warfare, a good thing or a bad thing? Until recently, the only question asked by any state considering a new weapon system was this: would it help to win wars – defensive or offensive? Quite often the second obvious question was not asked – what will happen when other states develop these weapons as well?

A step forward was taken for a time during the Carter Administration in the United States. It was suggested that, for any new weapon system, an Arms Control Impact Statement should be prepared. Unfortunately, the preparation of such a statement was left to the military themselves, who found little difficulty in thinking up ways in which the new weapon would be good for arms control.

There is a further step forward which should be taken now – a further question which should be asked about the introduction of any new weapon system, and about the changes in the use of military force which might accompany it. Will the introduction of this new weapon system help towards the improvement of the world's security structure? This is on the assumption that the new technology spreads, as it is bound to do. This raises the need for an answer to a prefatory question: what is the main objective of improvements in the world security structure? It is surely to reduce the role of military force in attempts to deal with either inter-state or intra-state disputes.

Do these weapons contribute to that objective? Quite the opposite. They make it more likely that military force will be used. They reduce casualties in the military forces of an attacking state, and can reduce civilian casualties in the state being attacked. That makes the use of military force more attractive as a policy option.

What is the alternative? Oddly enough, we already have an attenuated and limited form of alternative. It is the Intermediate Nuclear Forces Treaty. The United States and Russia have agreed not to build or deploy any ground-based

missiles with ranges from 500 to 5500km. The alternative to missile proliferation is a world-wide ban on all missiles with ranges above 100km, land-, sea-, or air-based. This would be a much easier treaty to verify than either the Chemical Weapons Convention or the Biological Weapons Convention.

Fanciful? Ten years ago at the time of the Treaty of Paris of 1990, an idea of this kind might have been seriously considered. Unfortunately, the developments of the past decade, the general retrogression of disarmament policy, have pushed such ideas back into the distant dream category.