

Negotiations on the treaty began under President Reagan; the accord was seen then as a verifiable, global ban on chemical weapons. As time passed, the purposes changed. Arms control experts concluded that constitutional rights clashed with the need to verify. There would have to be a compromise. The balance that was struck, according to Kyl, adversely affects the United States: While the convention doesn't catch and punish many countries that have secret chemical weapons programs, it ends up imposing heavy costs and constitutional burdens on the United States.

[From the Washington Post, Sept. 12, 1996]

PEACE THROUGH PAPER
(By Charles Krauthammer)

The Senate is about to vote on ratification of the Chemical Weapons Convention. Senate Democrats maneuvered—by threatening to filibuster the defense authorization bill—to have the vote just before the election. The timing fits the political strategy. And the strategy is emotional black-mail: Who is going to vote against a treaty whose lofty goal is to eradicate chemical weapons from the face of the earth?

Who? Every senator should. The goal is indeed lofty, but the treaty that purports to bring it about is a fraud.

The fatal problem with the chemical weapons treaty is that it is unverifiable. Sure, it has elaborate inspection procedures. And an even more elaborate U.N. bureaucracy to oversee them. No treaty is complete without that nowadays. As a result, the treaty will be perfectly able to detect the development of chemical weapons by free, open governments (like ours) that have never used and have no intention of using chemical weapons. (Indeed, the United States now is actively destroying its Cold War stockpile.)

And the treaty will be perfectly useless at preventing development of chemical weapons by closed societies such as Iran, Iraq (which in 1988 blatantly violated the current treaty banning the use of chemical weapons), Libya, Syria and North Korea. These are precisely the places where chemical weapons are being made today for potential use against the United States or its allies.

How can anyone seriously defend this treaty as verifiable when, even as the Senate votes, Iraq—subject to a far more intrusive inspection regime than anything contemplated under the CWC—nonetheless is going ahead with its chemical (and nuclear and biological) weapons programs right under our noses? When North Korea, signatory and subject to all the fancy inspection provisions of the Nuclear Nonproliferation Treaty, went blithely ahead and with impunity made nuclear bombs?

And these are violations by countries that had submitted to intrusive international inspection. Yet we already know that Libya, North Korea and Syria have not agreed to sign the CWC and thus will be subject to no chemical weapons inspection at all! Not to worry. The treaty will definitively banish the threat of chemical attack by Australia.

All arms control treaties have problems with verification. But with chemical weapons, the problem is inherently insoluble. Consider the (nuclear) START treaties with Russia: hard to verify, but at least they involve fixed numbers of large objects—missiles—with no other use and not that hard to find. Chemical weapons, on the other hand, involve small quantities of everyday stuff that is impossible to find.

How small? The sarin nerve gas use for the Tokyo subway attack was manufactured by the Aum Supreme Truth cult in a single room.

How everyday? As Jeane Kirkpatrick and Dick Cheney and many others pointed out in

a letter to the Senate majority leader opposing the CWC, the treaty does not even prohibit the two chemical agents that were employed to such catastrophic effect in World War I and that are the backbone of Iran's current chemical arsenal—phosgene and hydrogen cyanide. Why? Because they are too widely used for commercial purposes.

All right, you say (and many senators up for reelection are privately thinking): So the CWC is useless. What harm can it do? The harm it—like all panaceas—does is induce a false sense of security.

Treaties are not feel-good devices. They are not expressions of hope. They are means of advancing peace by putting real constraints on the countries that pose threats.

Syria has put chemical weapons on the tips of its Scud missiles. Iraq is rebuilding its arsenal. Libya is constructing the largest underground chemical weapons plant on the planet. And what are we doing? Passing a treaty that will allow international agents to inspect up to 8,000 American businesses, searching and seizing without warrant.

The logic is more than comical. It is dangerous. The chemical weapons treaty is part of a larger administration scheme to build a new post-Cold War structure of peace through the proliferation of paper. Yesterday, a test ban treaty. Today, chemical weapons. Tomorrow, a biological weapons convention and strengthening the ban on anti-ballistic missiles.

The conceit of this administration is that it is following in the footsteps of Truman and Marshall in the 1940s, building a structure of peace after victory in a great war. In fact, they are following in the footsteps of Harding and Coolidge, who spent the 1920s squandering the gains of World War I on the false assurances of naval disarmament treaties and such exercises in high-mindedness as the Kellogg-Briand Pact.

The Clinton administration calls the chemical weapons treaty "the most ambitious arms control regime ever negotiated." Its ambition is matched only by that of the Kellogg-Briand Pact, also an American brainchild, also promulgated to great international applause. (Frank Kellogg, Coolidge's secretary of state, won the Nobel Peace Prize for it.) All parties to that piece of paper pledged the renunciation of war forever. The year was 1928. Germany and Japan were signatories. ●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104-36

Mr. DOMENICI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on International Maritime Organization, Treaty Document No. 104-36, transmitted to the Senate by the President on October 1, 1996; and I ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to accept, amendments to the Convention on the International Maritime Organization,

signed at Geneva, March 6, 1948 (the IMO Convention). The amendments were adopted on November 7, 1991, and November 4, 1993, by the Assembly of the International Maritime Organization (IMO) at its seventeenth and eighteenth sessions. I also transmit, for the information of the Senate, the report of the Department of State describing the amendments, their purpose and effect.

The United States is the world's largest user of international shipping. These amendments strengthen the International Maritime Organization's capability to facilitate international maritime traffic to carry out its activities in developing strong maritime safety and environmental protection standards and regulations. The IMO's policies and maritime standards largely reflect our own. The United States pays less than 5 percent of the assessed contributions to the IMO.

The 1991 amendments institutionalize the Facilitation Committee as one of the IMO's standing committees. The Facilitation Committee was created to streamline the procedures for the arrival, stay and departure of ships, cargo and persons in international ports. This committee effectively contributes to greater efficiencies and profits for the U.S. maritime sector, while assisting U.S. law enforcement agencies' efforts to combat narcotics trafficking and the threat of maritime terrorism.

The 1993 amendments increase the size of the IMO governing Council from 32 to 40 members. The United States has always been a member of the IMO governing Council. Increasing the Council from 32 to 40 Member States will ensure a more adequate representation of the interests of the more than 150 Member States in vital IMO maritime safety and environment protection efforts worldwide.

The 1991 amendments institutionalize the Facilitation Committee as one of the IMO's main committees. The 1993 amendments increase the size of the Council from 32 to 40 members, thereby affording a broader representation of the increased membership in the IMO's continuing administrative body.

Support for these amendments will contribute to the demonstrated interest of the United States in facilitating cooperation among maritime nations. To that end, I urge that the Senate give early and favorable consideration to these amendments and give its advice and consent to their acceptance.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 1, 1996.

ORDERS FOR WEDNESDAY, OCTOBER 2, 1996

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Wednesday, October 2; further, immediately following the prayer, the Journal of proceedings be

deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 2 p.m., during which Senators may speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, following morning business, I ask unanimous consent that the Senate resume consideration of the conference report to accompany H.R. 3539, the FAA authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Mr. President, under a previous order, there will be 3 hours

of debate equally divided on the FAA authorization bill conference report tomorrow. The Senate may also turn to consideration of any other items cleared for action, including the possibility of considering the Presidio parks bill conference report. Therefore, there is a possibility of votes during tomorrow's session. Senators are also reminded that under the previous order, there will be a cloture vote on the FAA authorization conference report at 10 a.m. on Thursday. All Senators are urged to be in attendance for that important vote Thursday morning.

ADJOURNMENT UNTIL 12 NOON TOMORROW

The PRESIDING OFFICER. Mr. President, if there is no further business to come before the Senate, I ask

unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 6:01 p.m., adjourned until Wednesday, October 2, 1996, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 1, 1996:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

JUDITH M. ESPINOSA, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM OF 4 YEARS. (NEW POSITION)