

STATEMENT OF

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BEFORE THE

SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS

OF THE

COMMITTEE ON FOREIGN AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

ON

H. RES. 451, CONCERNING ALLEGATIONS

OF THE USE OF

CHEMICAL WARFARE IN SOUTHEAST ASIA

DECEMBER 12, 1979

Mr. Chairman:

I appreciate the opportunity to appear before this subcommittee today.

The Arms Control and Disarmament Agency has taken a particular interest in the reports from Laos and Kampuchea that chemical agents have been used against them by Vietnamese/Lao forces. We have been working closely with the Department of State and the Department of Defense in trying to obtain more definitive information. We have encouraged and supported the diplomatic steps outlined by Deputy Assistant Secretary of State Colbert.

The reports are of concern not only from a humanitarian standpoint, but also from a security standpoint. It is a well-established principle that chemical weapons must not be used in war. This principle is embodied in the Geneva Protocol of 1925 which, in effect, bans the first use of chemical and biological weapons in war. The United States and some 114 other countries are Parties to this agreement, which enhances US security. We are naturally concerned by any actions which might tend to undermine the Geneva Protocol.

Unfortunately, the countries involved in the reports -- Laos, Vietnam and Kampuchea -- are not Parties to the Geneva Protocol. However, the United States has taken the position -- which is widely shared -- that the prohibition on the use of chemical weapons stated in the Protocol has been

adopted so broadly as the practice of States that it has become part of customary international law. As such it is binding even on non-Parties involved in international armed conflict.

It should be noted that in the resolution on chemical and biological weapons adopted in December 1978 by the UN General Assembly, "the necessity of strict observance by all States of the principles and objectives of the Geneva Protocol of 1925" was reaffirmed. We expect a similar statement to be included in this year's General Assembly resolution on chemical and biological weapons.

The Geneva Protocol represents an important first step toward the objective of ensuring that chemical weapons are not used. But a number of Parties have reserved the right to retaliate in kind if attacked with chemicals; consequently, stockpiles of chemical weapons continue to exist in a number of countries. Elimination of these stockpiles as part of a comprehensive prohibition would give all countries a much greater degree of security against the outbreak of chemical warfare.

The Carter Administration has intensified US efforts to achieve a complete, effective and verifiable prohibition of chemical weapons, including the elimination of existing stockpiles and production facilities. This is now the principal US objective in the chemical weapons field.

Exploratory US-Soviet discussions on prohibiting chemical weapons were begun in August 1976. In March 1977, during Secretary Vance's visit to Moscow, the US and USSR agreed to establish a bilateral working group to facilitate these discussions.

In June 1977, for the first time, a detailed US negotiating position was established. President Carter directed that the US objective in the bilateral discussions should be a joint US-Soviet proposal for a comprehensive prohibition. The joint proposal would be submitted to the 40-nation Committee on Disarmament in Geneva as a basis for negotiation of a multilateral convention. This Committee is recognized internationally as the appropriate multilateral negotiating forum for international conventions on arms control and disarmament.

Both sides now have agreed on the objective of a general, complete, and verifiable prohibition. Agreement in principle has emerged on most, although not all, points related to the scope of the prohibition. In addition, the two sides have agreed that provisions for verification should be based on a combination of national and international arrangements. As anticipated, however, specific verification provisions have proven to be the most difficult issues. The United States approach attaches great importance to systematic international verification measures, while the Soviet

approach is based on national arrangements.

At the June 1979 Vienna Summit, President Carter and President Brezhnev affirmed the importance of a general, complete and verifiable prohibition. They agreed that the two countries should intensify their efforts to prepare an agreed joint proposal for presentation to the Committee on Disarmament. This commitment was reflected in the work during Round Ten of the bilateral negotiations, which ended August 31.

The next round of bilateral negotiations will begin early in 1980. The US is hopeful that intensive work will continue.

Concurrently with the bilateral negotiations, multi-lateral discussions of a chemical weapons prohibition are under way. The principal forum for these discussions which began in the late 1960's is also the Committee on Disarmament. The US is participating actively in these discussions.

At this point I would like to comment briefly on several aspects of the resolution before this subcommittee, H. Res. 451. We believe that it would be helpful for the Congress to put on record its concern about the reports that poison gas is being used.

With regard to subparagraph (c) of the resolution, which suggests that the US raise the issue in the Committee on Disarmament in Geneva, we would have no difficulty with pointing to the reports of use of gas in Southeast Asia as

providing more evidence of the need to prohibit chemical weapons. However, we do not believe it would be productive to bring a formal complaint in this negotiating body. Raising the issue in that way would tend to divert the Committee from its objective of negotiating of a convention to prohibit chemical weapons.

However, we can agree with subparagraphs (d) and (e). We would welcome Congressional support for intensification of the bilateral chemical weapons negotiations and would be happy to report to you in six months the steps that have been taken.

In concluding, I want to emphasize the concern of the Arms Control and Disarmament Agency about the reports of the use of poison gas in Southeast Asia. We strongly support the efforts underway to obtain more definitive information and to communicate US concerns to other governments. At the same time we are working hard to negotiate a convention which would ban chemical weapons completely. In our view such a prohibition would be the most effective way to ensure that chemical warfare does not recur.