

## **SUMMARY POINTS FOR BWC PRESENTATION “Origins of the BWC & Why It’s Stood the Test of Time”**

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### Introduction

I want to thank the organizers of this conference for giving me the opportunity to look back, relive, and talk about what was an immensely challenging and highly rewarding experience at the very outset of my long government career. The views expressed herein are my personal views.

I joined Henry Kissinger’s National Security staff in March 1969. Shortly thereafter one of my responsibilities was to be the NSC “point man” for President Nixon’s major policy review pertaining to chemical and biological weapons.

That review resulted in several significant decisions. They included (1) reaffirmation of “no first use” of chemical weapons (to include so-called incapacitating agents), (2) U.S. adherence (achieved a few years later) to the 1925 Geneva Protocol banning the use in war of chemical and bacteriological weapons, (3) destruction of U.S. biological weapons and constriction of the U.S. program to strictly defined research and development for defensive purposes, and (4) support for the United Kingdom’s draft biological weapons convention aka “BWC” in the then Eighteen Nation Disarmament Conference in Geneva.

The decisions were announced publicly and detailed in National Decision Memorandum 35 dated 25 November 1969. The NSDM, along with many other papers associated with the interagency review and Presidential decision, are declassified today and available on line.

### BWC Origins

A handful of factors, in my view, account for why the effort to achieve a BWC both proved successful and did so in a remarkably short period of a few years. All were important.

**First Factor: The culture in Washington in those days was pro problem-solving.** In the arms control field, the BWC was preceded by such agreements as the Outer Space Treaty, U.S. Adherence to the Protocol to the Latin American Nuclear Free Zone, and the “grand daddy” of multilateral agreements — the Nuclear Non-Proliferation Treaty or NPT. In addition to the BWC, agreements during the Nixon Administration included those on the seabeds, nuclear accidents measures, incidents at sea, the hot line and the better known Strategic Arms Limitation Treaty (SALT), the Anti-Ballistic Missile Treaty (ABM), and the Threshold Nuclear Test Ban Treaty (TTBT).

History shows that the problem-solving culture in Washington was in those days alive in domestic policy areas as well as arms control and security affairs.

**Second Factor: Issues associated with chemical and biological weapons had become politically and publicly controversial.** This included media and outside pressure group attention to issues arising from storage and transport of chemical weapons in the United States and elsewhere, questions concerning the purposes of a biological weapons program, and — perhaps foremost — the U.S. use of herbicides and riot control agents in the Vietnam war.

Interestingly, Defense Secretary Laird’s April 1969 letter to Kissinger recommending an interagency review was short and to the point, expressing concern about the programs, policy, and public posture with respect to chemical and biological weapons and noting they were a political hot potato (particularly vis-a-vis Congress).

**Third Factor: Differences of view about chemical and biological weapons programs, policies, and practices existed not just with Congress but emerged within the Executive Branch in the latter part of the Johnson Administration and carried over.** Differences existed between State and Defense and the Arms Control and Disarmament Agency. The Nixon Administration’s review explored these and other issues, which were resolved by President Nixon’s 1969 landmark decisions.

**Fourth Factor: The interagency review process and analytical rigor instituted under the Nixon-Kissinger NSC played a major role in producing a comprehensive and clear set of decisions (as it also did a few months later with respect to putting all toxins in the same boat as biological weapons).** That rigor entailed countless hours of interagency work and meetings. The aim was **not** to

find any consensus, but rather to objectively analyze each issue with its pros and cons as a basis for consideration by principals and decision by the President.

A fairly recent study by Ivo Daalder and I. M. Destler of national security advisers, their process, and mode of operation – *In the Shadow of the Oval Office* – noted that the analytical capabilities and achievements of the Nixon-Kissinger NSC process excelled over previous and later administrations. (The nearly sixty page review and related papers are also available on line.)

From a very personal perspective, I got about four and a half hours sleep total in five days leading up to the issuance and announcement of the President's decisions.

**Fifth Factor: While the above factors encompassed both chemical and biological weapons programs, the British introduction of a draft biological weapons convention in the soon-to-be-expanded Eighteen Nation Disarmament Conference played a significant role in the U.S. review.** It provided not just a vehicle for the President's endorsement and active U.S. support, but also offered reference points or parameters that gave greater clarity to options and consideration in the U.S. review.

### BWC's Endurance over Time

I believe that the BWC has stood the test of time for largely for the same reasons that it was possible to accomplish it in the first place and, as noted, in only a couple of years. These reasons include the following:

**First: The BWC was simple, short, and focused on basic principles and obligations without getting bogged down in excessive detail.** It is only four and a half pages long — particularly incredible when compared to later agreements such as that on chemical weapons.

**Second: In a similar vein, the negotiations focused on a complaint procedure regarding suspected violations, but avoided the pitfall of trying to devise a verification regime as such.** With a goal of establishing a firm international norm against the use, production, or development of biological weapons, it was recognized within the government, from the outset, that any attempt to try to construct (much less negotiate) a workable and effective verification regime would take decades and could well prove impossible.

**Third: The military utility of biological and toxin weapons was called sharply into question.** While this was perhaps particularly true for countries with nuclear weapon capabilities, reviews showed unpredictability, uncertainty, unreliability, and thus of questionable military utility for any country. A study conducted under the President's Office of Science and Technology helped convince Defense Secretary Laird and others in the administration that the U.S. program should be strictly limited to R&D for defensive purposes only.

**Finally: By stigmatizing biological weapons, the BWC managed to create a clear international norm, the violation of which (if discovered) would be condemned.** It has withstood some difficult tests, including those associated with Soviet violations later discovered at Sverdlovsk.

The results so far, however, are no reason to rest on laurels. Quite the contrary, advancements in biological sciences and genetic engineering should make us alert to the possibility of reinforcing or strengthening the BWC, particularly if some of the earlier factors like military utility could change.

Thank you.