

Ambivalent Multilateralism

The United States and the Biological Weapons Convention Protocol



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Cover photo: United States Marines in biological warfare suits during an exercise at the Capitol in Washington, DC. Photograph: Kenneth Lambert/AP.

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List of Acronyms

BW	biological weapon(s)
BWC	Biological Weapons Convention — formally, the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their destruction (1972)
CBM	confidence-building measure
CBW	chemical and biological weapons
CT	Composite Text of a Protocol to the BWC
CW	chemical weapon(s)
CWC	Chemical Weapons Convention — formally, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1993)
FDR	Franklin Delano Roosevelt
G8	The Group of Eight
ICC	International Criminal Court
IGO	intergovernmental organization
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organization
NGO	non-governmental organization
NPT	Non-Proliferation Treaty — formally, The Treaty on the Non-Proliferation of Nuclear Weapons
NSC	United States National Security Council
NSDD	National Security Decision Directive
OAS	Organization of American States
OPCW	Organization for the Prohibition of Chemical Weapons
PhRMA	Pharmaceutical Research and Manufacturers of America

PSAC	President's Science Advisory Committee
UN	United Nations
UNSCOM	United Nations Special Commission
US	United States
VEREX	Ad Hoc Group of Governmental Experts to Identify and Examine Verification Measures from a Scientific and Technical Standpoint
WMD	weapon(s) of mass destruction
WRS	War Research Service
WTO	World Trade Organization

Introduction

“Today, we know that the scourge of biological weapons has not been eradicated. Instead, the threat is growing. Since September 11, America and others have been confronted by the evils these weapons can inflict. This threat is real and extremely dangerous. Rogue states and terrorists possess these weapons and are willing to use them”

- **George W. Bush**, President's Statement on Biological Weapons,
November 2001

The Biological Weapons Convention (BWC), established in 1972, was the first multilateral disarmament treaty banning the production of an entire category of weapons. Biological weapons, together with chemical and nuclear weapons, are classified as weapons of mass destruction. Using pathogens — viruses, bacteria, and other disease-causing biological agents — or toxins, biological weapons are designed to cause death and suffering on a large scale. The BWC is a multilateral agreement that restricts all members to “develop, produce, stockpile or otherwise acquire or retain: (1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; and (2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.”

Despite the fact that 165 countries are now States-Parties to the BWC, gross violations of the convention have occurred. Notable examples are the biological weapons program of signatory state Iraq, which was discovered by the UN Special Commission on Iraq after the 1990 invasion of Kuwait; or the extensive offensive biological weapons program maintained by the Soviet-Union after it became a State-Party. The reason that these violations could – and can still – occur is that the BWC lacks formal compliance measures. Contrary to the Chemical Weapons Convention, which is administered by the Organization for the Prohibition of Chemical Weapons

(OPCW), verifying adherence to the convention, the BWC lacks such an organization. Several BWC review conferences have been held since 1980 in order to strengthen the convention, but the United States has proven reluctant to supplement the BWC with legally binding compliance measures. From 1997, with the support of the United States, an ad hoc group started to negotiate a draft protocol that would allow the BWC some investigation procedures. However, on July 25, 2001, US Ambassador Donald Mahley announced that the new administration of President George W. Bush would reject the draft protocol, the key objection being that the BWC was not verifiable by international means.²

Complete rejection of institutionalized verification measures for the BWC by the United States does seem paradoxical, considering that nation's strong emphasis on national security. President Bush frequently expressed his concerns about biological weapons, which were – and still are - seen as a serious threat to the United States. One of the principal arguments behind the invasion of Iraq was the supposed belief that Saddam Hussein possessed weapons of mass destruction. Furthermore, America experienced first handedly the terror of biological weapons with the 2001 anthrax attacks, which killed five people and infected seventeen others. Finally, the United States has taken the initiative on many issues of non-proliferation. It was president Nixon, who in 1969 ordered the United States to unilaterally end its offensive bio-weapons program, and the Americans have taken a leading role in the establishment of the BWC itself. In 1995, the Clinton Administration even supported the negotiation of a legally binding protocol to the BWC to promote compliance with the convention. Most strikingly, the United States did sign and ratify the Chemical Weapons Convention including its OPCW inspection regime. How then, can we explain the Bush Administration pulling out of the BWC verification protocol negotiations?

Bush's "unilateral turn"

Many scholars and commentators imply that the ideology of the George W. Bush Administration significantly contributed to the failure of the BWC Protocol.³ During his first year in office Bush rejected a series of important international treaties and agreements, including the Kyoto Protocol on Climate Change, the Rome Statute of the International Criminal Court, the Anti-Ballistic Missile Treaty, the International

Landmine Ban Treaty, and a pact to combat the illicit trade in small arms. After the BWC protocol was turned down as well, Barbara Rosenberg, chair of the Federation of American Scientists' Working Group on Biological Weapons, stated that the main reason for the rejection was an ideological one. As she said: "It is obvious the Bush administration doesn't like treaties of any kind and has been junking them or refusing to participate in them left and right."⁴

Jezz Littlewood, an observer of the negotiations, offers a similar explanation. He argues that the Bush administration's official rationales for rejecting the protocol - the need to protect export controls and the unacceptable risk that on-site visits would pose to proprietary or national security information - have proved farfetched and unconvincing. Instead, he states, the real reason for the administration to reject the draft protocol was a major political shift in American foreign policy: "Bush administration policymakers refused to accept the basic premise of multilateral diplomacy—that all states-parties must be treated equally—and shifted the political goalposts to return to the paradigm of the early 1990s: imperfect verification was worse than none."⁵ Contrasting Bush's approach to the BWC with that of his predecessor Clinton, former White House staffer Elisa Harris emphasizes the Clinton Administration would have "embraced" the Protocol.⁶ The Bush Administration, she argues on the other hand, made an early decision that the treaty "doesn't conform to their larger view," which meant this administration wanted to "avoid being encumbered by multilateral, legally binding arms control treaties."⁷

As the above suggests, there exists a widespread idea that the Bush administration's foreign policy marked a sharp break with the supposed longstanding multilateral tradition that dominated American foreign policy since the end of World War II.⁸ Stewart Patrick argues that "from the moment it assumed office the Bush administration signaled its desire to escape these historical constraints, portending a departure from fifty-five years of US diplomacy dating from World War II."⁹ According to Thomas Weiss the Bush Administration forms "an anomalous contrast to the image and actions of the Clinton administration's 'assertive multilateralism'."¹⁰ Ivo Daalder and James Lindsay even speak of a "revolution in American foreign policy," and argue that, in his first 30 months in office, president George W. Bush "discarded or redefined many of the key principles governing the way the United

States should act overseas.”¹¹ The “Bush revolution” was characterized by a strong turn towards unilateralism, where the United States relied on its immense power to shape the world, rather than on multilateral frameworks and international law. For arms control this meant that he “downplayed America’s traditional support for treaty-based non-proliferation regimes,” and instead preferred to counter the proliferation of weapons of mass destruction with more forceful means, such as missile defense and preemptive strikes.¹² This all would suggest that the rejection of the BWC Protocol is just typical for the Bush Administration and would not have occurred under a more “traditional” presidency.

While it is certainly true that the Bush Administration preferred to act unilaterally, I believe it is an oversimplification to blame the failure of the BWC protocol negotiations on the supposed “unilateral turn” of the Bush Administration. In my view, the widely accepted explanation outlined above is problematic in two respects. First, it assumes that the foreign policy of George W. Bush, especially regarding multilateral institutions, marked a radical break with the attitudes and practices of previous administrations. And second, it overlooks the long-standing substantial concerns the United States has had regarding BWC verification.

Rather, the American rejection of the BWC verification Protocol should be understood as an issue that lies at the intersection between domestic cultural notions and the realities of the international world order. As this thesis will demonstrate, the relationship between the United States and the BWC has been complex and paradoxical long before George W. Bush assumed office. Therefore, in order to make sense of the Bush Administration’s decision to discontinue the negotiation process, one must also look beyond Bush, to the structural cultural and political forces that have driven American attitudes and policies towards multilateral organizations and supranational instruments of justice and government since World War II. How multilateralist has the United States really been during the past decades?

Perspectives on the “Multilateralist Tradition” in American Foreign Policy

American ambivalence towards international law and multilateral organizations has played a prominent role in US foreign and security policy. Many scholars have sought to describe and explain the roots of this ambivalence. Rosemary Foot, S. Neil MacFarlane, and Michael Mastanduno, editors of *US Hegemony and International Organizations*, point out that the debate about US attitudes towards multilateral organizations has intensified in the 1990s. This decade began with US officials promoting a more prominent role for multilateral institutions – perceiving them as essential tools in the post-cold war landscape - such as the United Nations, and ended with the US Congress refusing to ratify the Comprehensive Test Ban Treaty and increasing criticism on US commitment to multilateral initiatives. Some writers emphasize that the United States has become increasingly unilateralist since the end of the Cold War, which left it as the only remaining superpower. As David Skidmore argues the removal of the Soviet threat resulted in greater freedom for American presidents “to act independently of international opinion abroad”, whilst at the same time they faced an increased influence of “anti-multilateral interest groups at home.”¹³ Similarly, Steven Holloway contends that “great powers do not make multilateralists,” and as the dominant power it is logical the United States would not want to be constrained by multilateralism.¹⁴ Although the historic shifts at the end of the Cold War heavily influenced American foreign policy, US ambivalence towards multilateralism is not just the product of geopolitical circumstances. It is also inextricably bound up with deeply engrained cultural notions Americans have of their nation’s role in the world.

When looking at the US ambivalence towards multilateral organizations from a more cultural perspective, many scholars identify the longstanding belief in American exceptionalism as one of its prime causes. With the term “American exceptionalism” I am referring to the idea that the United States is exceptional compared to other nations, because of “its unique mission in the world, idealism, high aspirations and sense of destiny.”¹⁵ In *Manifest Destiny: American Expansionism and the Empire of Right*, Anders Stephenson uses the term manifest destiny to explain the sense of the divine duty the United States felt to spread their newfound

society, thereby leading the world to the light. This “assumption that its national values and practices are universally valid and its policy positions are moral and proper, not just expedient,” Edward Luck argues, is a prominent characteristic of American exceptionalism, which still shapes many of the US foreign policy decisions.¹⁶

In *American Exceptionalism and Human Rights* Michael Ignatieff seeks to explain the paradox of why the United States has both been guilty of international human rights violations and simultaneously been a driving force behind the enforcement of global human rights. He distinguishes four types of explanations behind American exceptionalism in regard to human rights treaties, that I believe are also applicable to the general US behavior towards multilateral organizations: “a *realist* one based in America’s exceptional power; a *cultural* one, related to an American sense of Providential destiny; an *institutional* one, based in America’s specific institutional organization; and finally a *political* one, related to the supposedly distinctive conservatism and individualism of American political culture”. This thesis will explore to what extent these different explanations could also be applied to the US withdrawal of the BWC protocol.

Research Question and Thesis Outline

The research guiding this thesis revolves around the question of whether the US rejection of the BWC verification protocol should be attributed primarily to the “unilateral turn” of the Bush Administration or if this decision should be interpreted as a continuation of a longer-term tradition of American ambivalence towards multilateral instruments. By approaching the complex case of the BWC Protocol not only from a technical and political, but also from a cultural and historical perspective this thesis hopes to add a new dimension to the current academic discussion. By placing the actions and attitudes of the Bush Administration towards the BWC in context with the American foreign policy tradition since World War II this thesis aims to shed light on the way deep-rooted cultural notions continuously shape the position of the United States in multilateral forums.

The first chapter looks at the American attitudes and practices towards multilateral organizations since World War II and explores the paradox of American multilateralism: why has the United States, the initiator of many important postwar multilateral institutions, simultaneously been strikingly reluctant to commit to multilateralism. This chapter will demonstrate that, contrary to common perceptions, there has been relative continuity in US foreign policy and that the George W. Bush presidency does not form a real aberration. The United States has never pursued a truly “selfless” multilateralism, meaning that it only engaged in multilateralism when it would further US national interests and preserve American hegemony. After World War II international organizations formed an attractive tool for the United States to exercise power and control the behavior of other states, which were often subjected to stricter rules than the United States. When, towards the end of the Cold War, the international community began to challenge the exceptional US position by pressing for more equality in multilateral forums, it became increasingly difficult for the US to pursue its national goals through multilateral means, which therefore became a less attractive option. In addition, this chapter will show how strong cultural notions of the exceptional moral role of the United States in the world have influenced not only the foreign policy of George W. Bush, but also that of all of his predecessors.

The second chapter focuses on President Nixon’s decision to unilaterally abandon the US biological weapons program in 1969 and the American initiative to establish a multilateral Biological Weapons Convention in 1972. Nixon’s decision was remarkable because it came at a time when the American program was still expanding rapidly. The chapter explores how American perceptions of the military utility of biological weapons have changed over time. By the end of the 1960s the United States concluded that the specific characteristics of biological weapons made them unsuitable for deterrence and that their military value could not weigh up against the proliferation risk they posed. Especially for poor states, biological weapons posed an attractive alternative to nuclear weapons, which could seriously alter the balance of power and threaten US national security. The case of the BWC clearly illustrates that also before Bush, the United States only committed to multilateralism when it served the national interest. This chapter also provides the reader with context on

biological weapons and the creation of the BWC, which is essential in order to understand the position of the United States during the years that followed.

The third and last chapter will analyze the long negotiation process that led to the creation of a draft verification Protocol for the BWC, which was subsequently rejected by the Bush Administration in 2001. This chapter will challenge the notion that the rejection of the protocol by the Bush Administration marked a radical break with the BWC policies pursued by previous administrations. The United States always had substantial concerns about the creation of a legally binding verification mechanism, and consistently tried to block far-reaching reform of the BWC. Especially from the Reagan era onwards, the United States maintained that verification for the BWC was impossible to attain. In addition the United States believed that several aspects of the Protocol would harm US economic and defense interests. Moreover, deep-rooted cultural notions of American exceptionalism also influenced the American position towards the BWC Protocol. These longstanding concerns and domestic opposition formed the most important reasons for the Bush Administration to reject the Protocol. Looking at the actions of the Clinton Administration, it would be highly unlikely that the Clinton Administration would have accepted the Protocol. The main difference between these two presidencies is rhetorical, and the way in which the Protocol was rejected indeed demonstrated the Bush Administration's bold unilateral style. Nevertheless, the rejection itself, and the rationale behind this rejection, does not mark a radical break with previous presidencies. The failure of the BWC protocol therefore cannot be blamed on the Bush Administration alone, but should rather be seen as a decision that was in line with American approaches to foreign policy since World War II.

Scope, Methodology and a Personal Perspective

This thesis will not attempt to assess the degree of threat that biological weapons actually pose nor — unfortunately — will it offer a solution to the biological weapons dilemma. The actions and statements of the Bush Administration made clear that it regarded biological weapons as a very serious national security threat that needs combating. However, the way the United States deals with this threat is very telling of the way the United States perceives itself and the world. For reasons of

scope and clarity the analysis of American foreign policy towards multilateral organizations are limited to the period spanning from the end of World War II, when the United States took the initiative in the creation of a wide range of multilateral organizations, until the first year of the Bush Administration, when it rejected the BWC Protocol along with a series of other major international treaties.

The research for this thesis was based on a wide variety of secondary literature and primary sources in the form of negotiation texts, statements, and policy documents. In addition, many of the ideas in this thesis were formed after a series of interviews I held with a range of officials and scholars that were involved in the BWC Protocol negotiation process. I would like to thank Ambassador Donald Mahley, Ambassador Ivo Daalder, Ambassador Robert Mikulak, Ambassador Frank Majoor, Ambassador Paul van den Ijssel, Karin Mossenlechner, Rio Praaning Prawira Adiningrat, Bob Lagerwaard, Alexander Kelle, Daniel Feakes, and Norbert Schmelzer for their valuable insights and contributions to this thesis.

Finally, let me end this introduction on a personal note. When I started doing research for this project I had expected to find different conclusions than the ones presented in this work. As a young European girl growing up in a time when the policies of the Bush Administration severely strained transatlantic relations, I, like many of my classmates, thought George W. Bush was a “fanatic neoconservative” whose “insane policies” formed a short-term aberration from the America we knew and loved.¹⁷ Naturally, as I grew older I gained a slightly more nuanced perspective, but I do think it is fair to say that many of us Europeans tend to be negatively biased when it comes to the presidency of George W. Bush. This thesis will in no way justify the actions of the Bush Administration at the BWC, nor will it repudiate them. However, I do hope that this work will contribute to a better understanding of the driving forces behind American foreign policy, and offer an alternative perspective than simply to blame Bush for those things we, Europeans, do not like about America.

1

The United States and Multilateral Institutions Since World War II

“Somewhere in the Atlantic you did make some history, and like all truly historic events, it was not what was said or done that defined the scope of the achievement. It is the forces, the impalpable, the spiritual forces, the hopes, the expressions, and the dreams, and the endeavors that are release. That’s what matters... We live by symbols, and we cannot too often recall them.”

- Felix Frankfurter, Supreme Court Justice
August 18, 1941

On 14 August 1941, months before the United States would enter the raging World War, a remarkable declaration was issued by President Franklin D. Roosevelt and his British counterpart, Prime Minister Winston Churchill. This short eight-point statement, which soon became known as the “Atlantic Charter,” articulated the Allied vision of a post-war world in which there would be lower trade-barriers, a “wider and permanent system of security,” global economic cooperation, advancement of social welfare, arms control, and a post-war order that will assure “that all the men in all the lands may live out their lives in freedom from fear and want.”² As historian Elisabeth Borgwardt has pointed out, the use of language that refers explicitly to individuals, rather than states, was revolutionary at that time: “the phrase hinted that an ordinary citizen might possibly have some kind of direct relationship with international law, unmediated by the intervening layer of a sovereign state.”³ Therefore, she argues, the Atlantic Charter can be seen as the beginning of the modern conception of international human rights and a “transformative moment in America’s national

identity as a global power.”⁴ The charter formed the blueprint for the multilateral institutions established after the war, and was therefore instrumental in the shaping of a new world order based on its principles. For the United States, it marked the beginning of a historic turn away from isolationism and greater involvement with international multilateralism.

This chapter seeks to explain why the United States initiated the establishment of a large variety of multilateral organizations after World War II, and how the American attitude towards multilateral institutions has developed since that moment. I will follow John Gerard Ruggie’s definition of multilateralism as “an institutional form that coordinates relations among three or more states on the basis of generalized principles of conduct.”⁵ Can we discern patterns of continuity in the US attitude towards multilateral institutions from the end of World War II until the Bush administration or did major changes in US foreign policy take place?

As this chapter will show, the United States position towards multilateral organizations has always been paradoxical. On the one hand the United States has been a major contributor to the development of a multilateral world order and initiated many of today’s most important multilateral organizations and treaties. On the other hand, that same nation has often been strikingly reluctant to commit to multilateralism and has even actively opposed treaties that its friends and allies celebrated. In other words, the “world’s leading champion of multilateral cooperation” has always been tempted by unilateralism.⁶ In order to understand whether or not the Bush Administration’s negative stands towards multilateralism marks a significant break with the policies and attitudes that have marked American foreign policy since the Second World War, one needs to carefully examine patterns of change and continuity in the United States’ engagement with the international order. As I will argue, the ambivalence towards — and even mistrust of — multilateralism has been a continuous force in American foreign policy, and therefore the Bush Administration’s hostility towards multilateral organizations cannot be regarded as a fundamental break with previous policies and attitudes.

The Atlantic Charter: Rhetoric and Reality

Before delving into America's post-war multilateralism, let us first briefly return to World War II. The history of the Atlantic Charter is an interesting one because it shows that during the War the United States and Great Britain were maybe not as convinced of their own internationalist and idealist statements as the language of the charter might suggest. This emphatic prelude to the first US multilateral endeavors already covers a more cautious attitude towards international entanglement. At the time of the drafting, Churchill and Roosevelt (FDR) did not wholeheartedly embrace all of the proclamations in the charter. Especially arch-imperialist Churchill had not particularly intended to promote self-determination for the British colonies, as proclaimed in point three, nor did he wish to let go of the imperial preference system established at the Ottawa convention, which would go directly against the equal trade clause in point four. Churchill rightfully feared President Roosevelt and Secretary of State Cordell Hull's attempts to knock down the British trade barriers.⁷

One could also argue that FDR's talk of human rights and self-determination — especially when focusing on domestic issues — had, above all, become a popular figure of speech in the early 1940s, used to garner public support for the war effort. Earlier in 1941, during his famous Annual Message to Congress, FDR had already promoted the establishment of four essential human freedoms “everywhere in the world.”⁸ For FDR statements like these were not only a means to articulate “our alternative to Hitler's new order,” but also an essential instrument in winning the domestic battle against US isolationist sentiments, for they suggested that “the best way to look out for the country's national interests would be for the United States to take the lead in a better world to come.”⁹

FDR was most concerned about the establishment of a postwar “permanent system of general security”, as suggested in point eight of the charter. During the drafting process of the charter FDR had even insisted to remove any reference to an international organization or some other multilateral mechanism to ensure collective security. As Steward Patrick points out, “FDR shied from such Wilsonian language, leery of outpacing congressional and popular sentiment and (as he told Churchill) of creating domestic “suspicions and oppositions.”¹⁰ American isolationists still had a considerable influence on society, so support for an international multilateral

organization would not easily be obtained. Initially, Roosevelt also felt more for a kind of “international police force” by the United States and Great Britain, rather than a world body.¹¹ During early wartime meetings with British and Russian officials, FDR repeatedly suggested that after the war “four policeman” — the United States, Great Britain, the Soviet Union, and China — would be responsible for keeping order in their respective “neighborhoods.”¹² However, during the 1944 Tehran convention FDR finally let go of this approach because it clashed with secretary Hull’s “determination to have an open, international system.”¹³ Finally, it was agreed that a United Nations organization for collective security would be established after the war.

The period around the end of World War II is generally recognized as America’s “multilateralist moment,” for it marked the beginning of the negotiation of a series of multilateral organizations that still play a major role in today’s world.¹⁴ However, the “rocky road” towards the establishment of the United Nations showed that for the United States multilateral commitment was not self-evident. Already from the outset of the United States multilateralist endeavours, a division becomes apparent between America’s idealist world visions as expressed towards the international community and domestic mistrust of international entanglement. Considering this context the interpretation of the Atlantic Charter and the establishment of the United Nations as a sign of America’s selfless and idealist multilateralism may well have constituted the first step to the creation of the international community’s inflated expectations of the United States.

Shaping a new World Order

After the war, the United States emerged as the new hegemon, as it took over Britain’s place as “the strategic, financial, and cultural center of the Western World.” In line with ideals proclaimed in the Atlantic Charter and FDR’s Four Freedoms speech, three major charters were negotiated that would set the foundations of the post-war world: Bretton Woods (1944), designed to institutionalize and stabilize a free trade global economy through the International Monetary Fund and the World Bank; the United Nations (1945), which would promote collective security; and the Nuremberg charter (1945), which advanced ideas about international justice and for

the first time held individuals directly accountable to the international community for committing “crimes against humanity.”¹⁵ Thus, as World War II drew to a close, American diplomats largely reached for “multilateral solutions” to build a new world order. However, one cannot help but wonder why would the United States, as a newly risen hegemon, ever bind itself to multilateral organizations that would impose constraints on the future projection of American power? As Borgwardt points out, this approach seemed especially paradoxical, considering the US “traditional response to perceived threats, which had historically been to seek enlargement of the zone where the United States exercised freedom of action.”¹⁶

Let us first approach this question from a geopolitical perspective. John Ikenberry, theorist of international relations and United States foreign policy, developed an interesting model of analysis to explain why, and under what circumstances, the United States has agreed to establish binding multilateral ties with other states.¹⁷ As he points out, it was particularly at the great post-war turning points that the United States has pursued ambitious multilateral projects to shape the international order. After World War I it initiated the League of Nations, after World War II it took the lead in the establishment of an unprecedented number of multi- and bilateral organizations, and after the end of the Cold War the United States again turned to multilateralism, for example by expanding NATO and launching the WTO. However, at the same time the United States has proven reluctant to let go of its sovereign authority or policy autonomy.¹⁸ This ambiguous attitude towards binding itself to international organizations is exemplified by the failure to gain Congressional support for the League of Nations in 1919, the non ratification of the International Trade Organization in 1948, and of course the rejection of a number of multilateral treaties — among which the Rome Treaty of the International Criminal Court and the additional protocol for the Biological Weapons Convention — under the Bush Administration.

In order to understand this paradox one must first go back to the question of why the United States, as a newly risen hegemon, committed itself to the creation of a multilateral world order after the Second World War. When looking this dilemma from a geopolitical perspective one could argue there is a logic behind the “institutional bargain” that has informed American pathways to multilateralism. For

the United States commitment to multilateral institutions could result in several power advantages. As Ikenberry's model suggests, a leading state surrounded by a world of weaker states could still benefit from the establishment of multilateral institutions, because "institutional agreements can lock other states into a relatively congenial and stable order."¹⁹ Entering into an institutionalized relationship with weaker states gives a powerful state a relatively low-cost means to coerce other states' policy behavior. Moreover, "if the institutional agreement has some degree of stickiness — that is, if it has some independent ordering capacity — the institution may continue to provide favorable outcomes for the leading state even after its power capacities have declined in relative terms. As political scientist Terry Moe has argued, political institutions are "the structural means by which political winners pursue their own interests, often at the expense of political losers."²⁰ Multilateral institutions thus play an important role in the preservation of power.

However, in order to convince weaker states to join the same organization, the leading state also has to give something in return, mostly in the form of limits and constraints on its own behavior. Therefore, as Ikenberry nicely puts it, the central question that American policy makers have confronted in regard to binding the United States to multilateral institutions is "how much policy lock-in of such states – ensured by the institutionalization of various commitments and obligations – is worth how much reduction in American policy autonomy and restraints on its power?"²¹

I would argue that after the Second World War, American policymakers maintained that the longer-term benefits of entrenching US interests through multilateral channels would be worth the accompanying constraints. Having just suffered a decade of economic depression, they were desperately looking to establish an international system of political and economic security. As FDR's economic expert Henry Grady stated: "the capitalistic system is essentially an international system. If it cannot function internationally, it will break down completely."²² The World Bank and IMF, dominated by Washington officials and US financial power, would thus highly benefit United States hegemonic position in that it ensured an open, capitalist postwar world. ²³ In negotiating the United Nations charter, the US had made sure that the real power of this organization was to be in a twelve-member security council

authorized to enforce international peace and security, with the five permanent members — the United States, the Soviet Union, Great Britain, France, and China — having a veto. Similarly, a weighted voting system that allocated disproportioned influence to the US in the Bretton Woods institutions. As Borwardt argues, American leaders recognized that “these mechanisms constrained the behavior of member states, including the United States, while at the same time clearing a new path for the projection of US influence.”²⁴ And indeed, multilateral organizations proved to be very useful mechanisms to promote American viewpoints, principles and norms.

Margaret Karns and Karen Mingst note that, through multilateral organizations “the United States has sought to create regimes, legitimate its policies, avail itself of information, settle disputes, enforce rules, and undertake problem-solving activities.”²⁵ At the height of US power, multilateral organizations therefore provided an attractive tool to shape the world according to American values, making it easier to pursue American political and economic interests.

In addition, the heavy use of human rights and collective security rhetoric during the war did have its consequences, both domestically and internationally. Discussing the unforeseen worldwide impact of the Atlantic Charter, FDR speechwriter Robert Sherwood noted that “sometimes, when you state a moral principle, you are stuck with it, no matter how many fingers you have kept crossed at the moment.”²⁶ As international legal scholar Harold Hongju Koh has pointed out, not participating in such multilateral organizations closely connected to those values the United States had itself promoted would greatly diminish US “power to persuade through principle.” As he argues, during the war US leaders had positioned their country as human rights leader: “FDR did not simply call America to war. Instead he painted a positive vision of the world we were trying to make,” thereby giving the United States “a claim to lead globally through moral authority” in the post-war world.²⁷

As all this suggests, after World War II the United States had good reasons to create and commit itself to multilateral institutions. Creating a multilateral world order had important strategic advantages for the United States, as institutional frameworks offered a way to control the behavior of other states and prolong American hegemonic power. Moreover, through multilateral organizations the United States tried to project American values upon the rest of the world, which would increase

American influence and make it easier to pursue national interests. Finally, the United States used its victor's power to structure postwar multilateral organizations in such a way that they reflected America's exceptional position of power. United States postwar multilateralism therefore was not merely an expression of idealism, but also a pragmatic and effective means to pursue national interests and secure American influence in the world.

The Ideological Roots of US Multilateral Ambivalence

After World War II isolationism faded and interventionism has become the dominant strategy in United States foreign policy. As the most powerful state in the world, the United States even more actively assumed moral leadership and, as Michael Ignatieff nicely puts it, "across the political spectrum since 1945, American presidents have articulated a strongly messianic vision of the American role in promoting rights abroad."²⁸ Similarly, John Bacevich argued that the ultimate objective of US foreign policy is, and has been, "the creation of an open and integrated international order based on the principles of democratic capitalism, with the United States as the ultimate guarantor of order and enforcer of norms."²⁹ As I have argued, the United States willingness to participate in multilateral organizations was very much in line with this strategy, and by turning American ideological priorities into universal principles and values, the United States secured its hegemonic position in the world. However, multilateralism is but one way to spread American values and interests, and although the United States has been the greatest initiator in the creation of multilateral organizations it has simultaneously been very reluctant to commit to multilateral engagements. There has always been a "unilateralist temptation."³⁰

In order to understand the ambiguity that has characterized American attitudes and practices towards multilateralism, one must look at the domestic cultural notions that have long shaped American foreign policy. Looking at the history of American foreign relations there are two characteristics that stand out: the emphasis Americans have placed on their "exceptional role" in the world and a deep-rooted belief in American moral superiority. Both the notions of American exceptionalism and moral righteousness have played a defining role in the shaping of American culture, and the ensuing foreign policies, since the founding of the Republic.³¹ The founding

fathers believed that the United States — with its dedication to such Enlightenment principles as liberty, individualism, the rule of law, laissez-faire economics and representative government — was to be an example for the rest of the world. And indeed, Steward Patrick says, “the validity of the country’s liberal principles derives from their presumed universality.”³² As Anders Stephanson points out, from its founding days on American’s have believed in *Manifest Destiny*, the sense of the divine duty the United States felt to spread their morally superior society, thereby leading the world to the light.³³ I agree with both scholars that this vision was instrumental for the way Americans have understood — and continue to understand — their position in the world, and that these beliefs formed the basis of two different foreign policies. On the one hand America would serve as an exemplary state that other nations would eventually imitate, without American interference in that corrupt outside world. On the other hand America was actively intervening in the world, pushing it to take over their great society.³⁴

Michael Ignatieff, in his book *American Exceptionalism and Human Rights*, has researched what he calls the paradox of American human rights policy – the fact that the United States has been guilty of serious human rights violations and reluctant to sign on to human rights treaties, while simultaneously it has been a major force behind the promotion and enforcement of global human rights.³⁵ Although Ignatieff focuses only on human rights related issues, many of his observations could also be applied to United States exceptionalist attitudes towards multilateral treaties in general. Ignatieff distinguishes three elements of American exceptionalism: exemptionalism, double standards, and legal isolationism. I believe all these three elements have been characteristic of the American attitude towards multilateralism ever since World War II.

Exemptionalism has been a consistent element in the US pattern of behavior when it comes to multilateral cooperation. The term describes the tendency of the United States to sign on to multilateral treaties and conventions and subsequently exempt itself from their provisions “by explicit reservation, nonratification, or noncompliance.”³⁶ A good example is the Rome Statute of the International Criminal Court, which the United States signed but did not ratify. The US delegation actively and constructively participated in the drafting process of the Rome Treaty. It can even be argued that the United States was responsible for some of the major

initiatives that improved the ICC's ability to address impunity. Moreover, it should be noted that no other delegation succeeded in integrating so many of its proposals into that Statute as the US delegation.³⁷ As Theodor Meron, current judge of the ICTY and US delegate to the Rome Conference, stated: "the US imprint is, in fact, all over the statute..."³⁸ A similar contrast between strong US impact on the negotiations of treaties and its opposition to the eventual outcome can be found in the Convention of the Law of the Sea III (1982), the Comprehensive Nuclear-Test-Ban Treaty (1996), and the Kyoto Protocol (1997). Moreover, even when the United States did ratify multilateral treaties, this was often the case long after that instrument's entry into force and with the addition of numerous reservations. Exemplary of this type of policy are the International Covenant on Civil and Political Rights (1966), which was ratified twenty-six years after its entry into force with five reservations –among which a refusal to ban the death penalty on juveniles-, five understandings, and three declarations, and the International Convention on the Elimination of All Forms of Racial Discrimination, which was ratified twenty-five years after its entry into force with three reservations, one understanding, and one declaration. As Krisch rightfully puts it, "this evidence points towards a substantial disjunction between US influence over the development of international law (and thus the obligations of other states) and US unwillingness to accept obligations flowing from it."³⁹

Exemptionalism can also be found in the reasons why the United States oppose certain treaties. In the case of the ICC for example, the main reason the US voted against the final draft of the Rome Statute: the possibility for the ICC to assert jurisdiction over US citizens. ⁴⁰ Here again the United States pointed at its "exceptional role" in the world. As Ambassador David Scheffer, leader of the US delegation during the negotiations, said "the United States has special responsibilities and special exposure to political controversy over our actions." ⁴¹ Without guarantees from the ICC that it cannot prosecute US nationals, he argued, there would be serious limitations to "those lawful, but highly controversial and inherently risky, interventions that the advocates of human rights and world peace so desperately seek from the United States and other military powers".⁴² This attitude is very much in line with what the United States have consistently tried to accomplish at multilateral treaty negotiations – not only at the ICC but ever since it engaged in multilateralism since World War II –, which is to get an exceptional status within these organizations

so they are either more powerful than other nations or do not have to abide by the same rules other states do.

In this way the United States also uses double standards, the second feature of American exceptionalism Ignatieff identified. It consistently judges itself by standards different from those it uses for its enemies. Exemplary of this attitude is ambassador Scheffer's statement that in the post-Cold War era, "... the requirements of those few countries that are still in a position to actually do something ... simply have to be accommodated. And you can't approach this on the model of equality of all states. You have to think in terms of the inequality of some states".⁴³ Nevertheless, to the disadvantage of the United States, the international regime has kept changing since 1945 and an ever-greater focus was put on the equality of all states rather than dominance by a few. As Karns and Mingst point out " the dramatic transformation of the international system through the process of decolonization and resulting changes in the size, composition, and orientation of many IGO memberships could not help but alter the organizations themselves."⁴⁴ As observed at the beginning of this chapter, the major international organizations established after World War II are structured in ways that *do* somehow place the United States in a special position of power: as one of the five only countries to have a veto in the United Nations, and by means of a weighed voting system that gives disproportioned influence to the US in the Bretton Woods institutions. However, as multilateral organizations increasingly support the principle of sovereign equality of States, meaning that all States Parties have an equal vote, the United States fears it will not be able to influence outcomes anymore, making multilateral organizations increasingly less attractive instruments of US foreign policy.

Finally, the third element of American exceptionalism is what Ignatieff calls legal isolationism, which characterizes the attitude of Americans towards "the rights jurisprudence of other liberal democratic countries."⁴⁵ According to Ignatieff the United States denies jurisdiction to international law within its own domestic law, "insisting on the self-contained authority of its own domestic rights tradition."⁴⁶ As touched upon earlier in this chapter, the fear that international law will take precedent over national law is another common theme expressed in US objections to multilateral instruments. Some scholars attribute this fear to the political culture in

the United States, in which the Constitution, with its emphasis on direct political accountability, is so firmly embedded. As David Malone argues, many Americans see “foreign” organizations such as the International Criminal Court dangerous and remote, because they seem unaccountable for the American people.⁴⁷ As Jason Ralph poses: “America’s commitment to global democracy is quite clearly limited by its commitment to statehood”.⁴⁸ More importantly, Meißner argues, many Americans seem to distrust the principle of “global democracy” because they believe that there is not a “single and legitimate community on the international level, which could hold the Court accountable”.⁴⁹ As Georg Nolte says: “it may indeed be hard for the United States to swallow the possibility ... that an Iranian judge might pass judgment over US service personnel”.⁵⁰ This again reflects the exceptionalist belief many Americans share that they alone have the moral authority to pass judgments.

The skepticism towards international law has existed since the founding of the Republic and finds its expression in the Constitution, which requires a two-thirds majority for treaty ratifications in the Senate.⁵¹ In the formative years of the United States the newly found Republic — still a very weak player on the world stage — shunned away from the major powers in Europe, which were seen as corrupt and dangerous. As a result the founders of the United States were often very hesitant to enter into new treaty obligations.⁵² This skeptic attitude towards international entanglement is exemplified in president George Washington’s farewell address, in which he urged Americans to “steer clear of permanent alliances with any part of the foreign world.”⁵³ Nineteenth-century foreign policy continued to follow a largely unilateral course. It saw, for example, a tendency to restrict the domestic impact of international law by the increased application of “*leges posteriores priores contrarias abrogant*,” meaning that when two statutes conflict, the one enacted last prevails. As a result previously concluded international treaties could more easily be deprived of their force, thereby giving the United States greater freedom to pursue their own interests regardless of international law.⁵⁴ However, the ambivalent attitude of the United States towards international law has grown significantly since that nation became a hegemon.⁵⁵

In conclusion, US ambiguity towards multilateral organizations can be explained when looking at the way Americans have perceived their own role in the world. The

roots of American ambivalence towards multilateral organizations lay with the strong belief in American exceptionalism and moral righteousness. Americans historically believe the United States is an example for the world, and it a moral duty to export American values abroad. This sense of mission encourages a desire to “recast international security in the United States’ domestic image” by taking on a leading role in multilateral institutions.⁵⁶ However, at the same time the belief in exceptionalism brings about the urge to defend America from the corrupt outside world and to limit international entanglement in supranational bodies. Exceptionalism has formed a consistent element in the US pattern of behavior towards international treaties since the end of World War II — and even before that. This often resulted in ambivalent US behavior in multilateral organizations. First, the US tries to exempt itself from treaty provisions that do apply to other states. Second, it uses double standards in order to secure a more powerful position in international bodies than other states. And third, it tries to avoid jurisdiction of international law over its domestic laws.

Changes in the International Order

The concern that the US is losing influence in multilateral organizations has existed for a few decades. As I have discussed, in post-war and early Cold War years the United States was able to use multilateral organizations as a “collective legitimation” of its actions. They did so, for example during the Cuban Missile Crisis, when they turned to the Organization of American States (OAS), in which they had a very dominant position. The OAS then recommended that “members take all the necessary action to prevent the installation of Soviet missiles.”⁵⁷ Even though in practice the US military operated on its own, these actions seemed more legitimate because of the approval of a multilateral body. However, as Karns and Mingst point out, since the 1960s it has become increasingly difficult to obtain the necessary majorities in organizations such as the UN.⁵⁸ Moreover, the writers state, during the 1970s the relative decline of the US military and economic position in the world also affected its position towards multilateral institutions. As they argue, “this decline in relative resources has affected the ability of the United States to influence outcomes generally and altered the patterns of instrumentality and influence in IGOs.”⁵⁹ For example, with the rise of the Organization of Petroleum-Exproting Countries

(OPEC) and the Group of 77, a loose coalition of developing countries in the United Nations that sought to restructure the economic order, the United States saw itself increasingly being challenged in many multilateral organizations. Growing pressure of other states that are insisting on the principle of sovereign equality of all states — and therefore demand that the United States follow the same international rules as the rest of the world — form an ever-increasing challenge to United States hegemony. When it is increasingly difficult for the US to control outcomes via multilateral means, the initial appeal to use these organizations as tools in the pursuit of American interests diminishes. As a result, the willingness of the United States to commit to multilateralism has started to wane not long after those post-war years, in which it could still unrestrictedly project its power through these instruments. Therefore, I would argue, United States support of multilateral instruments has always been highly conditional and the ideological foundations for US ambivalence towards multilateral organizations have much deeper roots than the Bush Administration's denouncement of multilateralism.

Bush's Turn to Unilateralism: A Neoconservative Coup?

Many scholars and commentators argue that George W. Bush's approach to multilateralism was fundamentally different from its predecessor Bill Clinton — and the current president Obama. They point at Bush's rejection of some major multilateral agreements — including the protocol of the Biological Weapons Convention, the International Criminal Court, the Kyoto Protocol on Climate Change, the Anti-Ballistic Missile Treaty, and the Comprehensive Nuclear Test Ban Treaty — together with the launching of the Iraq War without an explicit mandate from the U.N. Security Council as a “dramatic manifestation of American unilateralism.”⁶⁰ Scholars such as Ivo Daalder and James Lindsay, Lisa Martin and John Ikenberry see the so-called “unilateralist turn” of the Bush Administration as a sharp break with the foreign policy practiced since World War II.⁶¹

In this part of the chapter I will analyze the foreign policy ideas that prevailed during the Bush Administration's first year in office. Particular attention will be paid to neoconservative ideology, as this strain of thought is often held responsible for the unilateral turn of the Bush Administration.⁶² As I will argue, it is an exaggeration to

characterize Bush's first year in office, when he rejected major multilateral agreements, as a revolution in American foreign policy or as the result of a neoconservative coup. Rather, the beliefs that formed the basis of American foreign policy under the Bush Administration were very much in line with those of previous administrations.

A wide range of officials in the Bush Administration was associated with neo-conservatism. Prominent examples include undersecretary of defense Paul Wolfowitz, vice-president's chief of staff Lewis "Scooter" Libby, and undersecretary of state for arms Control and international security John Bolton. Neo-conservatism is a highly contested term, to which different meanings have been attributed over time. However, as Sebastiaan Reyn argues, modern neo-conservatives are generally characterized by their "unapologetic attitude towards American global preeminence" coupled with a strong belief that this preeminence gives the United States the responsibility to shape the world in accordance with American values and interests.⁶³ As Robert Kagan and William Kristol, two leading neoconservative intellectuals, put it:

In a world in which peace and American security depend on American power and the will to use it, the main threat the United States faces now and in the future is its own weakness. American hegemony is the only reliable defense against a breakdown of peace and international order. The appropriate goal of American foreign policy, therefore, is to preserve that hegemony as far into the future as possible.⁶⁴

The neo-conservatives within the George W. Bush Administration strongly believed that United States hegemony is benevolent and would serve as a global source of good. This ideology is firmly rooted in the belief in American exceptionalism and manifest destiny. However, rather than morally enlightening the world by "sitting atop a hill," as the sole remaining superpower it was the United States duty to safeguard the international order and actively "destroy the world's monsters abroad".⁶⁵ Neoconservatives for example supported the active use of United States power for nation building and the spreading of American values abroad.⁶⁶

Neoconservatives have traditionally been suspicious of multilateral organizations and arms control. Fearing the decline of American power at the hand of the Soviet Union during the détente years of the 1970s, neoconservatives actively opposed the Soviet-American arms control agreements that were negotiated by the Nixon and Carter administrations. Even during the presidency of Ronald Reagan, who in many ways incorporated neoconservative thought in his policies, neoconservatives criticized Reagan's attempts to conclude arms control agreements with the Soviet Union. Many neoconservatives believed the Soviet Union would never keep its obligations under such agreements, no matter what verification measures would be included.⁶⁷ As one prominent neoconservative expressed his disappointment in Reagan: "he has let slip a precious chance to begin challenging the single greatest lie of our time: the idea that arms control is the road to peace and safety."⁶⁸ After the demise of the Soviet Union, during the 1990s a new generation of neoconservatives emerged that believed the United States had become the "single pole of world power", meaning it had unprecedented freedom of action.⁶⁹ As Maria Ryan argues, from that moment onwards neoconservatives have pursued an offensive global strategy for the United States in order to preserve America's position as the world's single superpower.⁷⁰ Therefore, neoconservatives often saw multilateral organizations as a threat to US freedom of action and the United States should be careful not to limit its power for the sake of multilateralism. As Daalder and Lindsay put it: "America should be unbound."⁷¹

In this context, the foreign policies of the George H.W. Bush and Clinton administrations during the 1990s were a disappointment for neoconservatives, who expected more forceful leadership from the United States after the Cold War had ended. The United States should use its power to shape the world according to American values and interests, rather than leaving this in hands of international organizations like the United Nations: "the United States should be postured to act when collective action cannot be orchestrated."⁷² Clinton was heavily criticized for letting the United States appear weak by relying too much on "paralyzing multilateralism", rather than pursuing United States national interests.⁷³

Many critics thought neo-conservatives were so prominent in the George W. Bush administration that they spoke of a "neo-conservative moment" or even a "coup" at

the White House, claiming neoconservatives dictated American foreign policy.⁷⁴ Senator Joe Biden even warned that neoconservative officials had “captured the heart and mind of the President, and they’re controlling the foreign policy agenda.”⁷⁵ However, the dominance of neo-conservative hardliners is often overstated. Especially during the first year of the Bush Administration, George W. Bush was heavily influenced by more traditional conservatives such as Condoleezza Rice, who served as Bush’s foreign policy mentor during the 2000 presidential elections and went on to become his national security advisor. Rice did not like to think in terms of hegemony nor was she principally opposed to working with multilateral organizations, as long as these advanced American interests.⁷⁶ As Rice wrote in an article expressing her foreign policy visions during the 2000 presidential campaign:

“foreign policy in a Republican administration will most certainly be internationalist. [...] but it will also proceed from the firm ground of the national interest, not from the interests of an illusory international community.”⁷⁷

Rice stressed the importance of using of American power to pursue American interests, which automatically “will create conditions that promote freedom, markets, and peace” that serve the global good. So in short, if multilateral instruments form an obstacle to the pursuit of United States interests, they should be avoided. As I have suggested earlier in this chapter, both the pragmatic approach to multilateral organizations as means to pursue American interests, as well as the morally righteous attitude that “what is good for the United States, will eventually be good for the world,” have been consistent and very prominent elements in American foreign policy since World War II. Therefore, certainly during the first year of the Bush Administration, one cannot speak of a foreign policy revolution.

Initially many neoconservatives even had low expectations from Bush Jr., who, during the presidential debate on foreign policy, had described the United States as “a humble nation” and was “not so sure the role of the United States is to go around the world and say this is the way it's got to be.”⁷⁸ So even though Bush had appointed quite a few neoconservatives to important subcabinet positions, it wasn’t until after 9/11 that neoconservative thought gained real momentum in the Administration. In

my view, it would therefore be shortsighted to see the rejection of international treaties such as the BWC Protocol, the Rome Statute, and Kyoto Protocol — all of which were rejected by the Bush Administration before 9/11 — as the result of a neoconservative coup.

What characterized the first term of the Bush Administration's foreign policy were a strong focus on American military power; the belief that the United States was a force for good in the world; the tendency to be extraordinarily optimistic about America's capabilities; and a general reluctance to enter into agreements with other countries that would constrain US freedom of action.⁷⁹ As I would suggest, a consequence of this set of shared ideas was that the Bush Administration was more comfortable with the idea of acting unilaterally, at least compared with the Clinton Administration. However, the question is whether this also meant that the Bush administration *acted* fundamentally different than previous administrations when it rejected a series of multilateral treaties.

Looking at the US record of subscribing to international treaties, it can be argued that the Bush Administration's rejection of the BWC verification protocol and other multilateral treaties was not a departure from previous US positions towards such instruments. In 2003, Nico Krisch analyzed the US attitude towards treaties established after 1945 that had been widely accepted amongst other countries. Upon examination of those treaties deposited with the UN secretary general to which more than half of the states of the world are Parties, he found that the United States proved exceptionally reluctant to ratify treaties. Whereas the US was only Party to twenty-four out of thirty-eight of these treaties, other powerful countries had a much higher ratification record. Looking at other members of the Group of Eight (G8), Canada and even China — although officially not a G8 member — have both ratified thirty-two of the treaties under consideration; France, Russia, and Japan thirty-five each; the United Kingdom thirty-six; and Germany and Italy both thirty-seven. Together these states have ratified an average of 93 percent of the treaties, compared to which the “meager” 64 percent of the United States seems indeed significantly low.⁸⁰ Therefore, the fact that the Bush Administration rejected a series of treaties they believed were not in the American interest fits well within the pattern that has existed since the end of World War II.

Bush vs. Clinton

As I have argued, the ambivalent attitude towards multilateral organization has been an important characteristic of American foreign policy long before the George W. Bush got into office. Still, many scholars maintain that at least there existed strong contrasts between the foreign policies of George W. Bush and his predecessor Bill Clinton, especially in regards to multilateral engagement. Many prominent officials in the Bush Administration shared this idea. Condoleezza Rice, for example, maintained that the previous administration believed that the only legitimate use of power was through multilateral institutions, and only when it served “the international community” as a whole. As a result, she writes, the Clinton Administration had been “so anxious to find multilateral solutions to problems that it has signed agreements that are not in America's interest.”⁸¹ How different were the policies of the Clinton Administration from those of Bush?

I would argue that there is more continuity than discontinuity when it comes to Clinton and Bush's policies on multilateralism. There certainly existed a stark contrast between the rhetoric of both leaders. Where Bush's words sounded almost aggressively unilateral, Clinton praised assertive multilateral cooperation. Nevertheless, I agree with David Skidmore in that “the appropriate contrast is not between a multilateralist Clinton and a unilateralist Bush, but between two unilateralism's —one a product of converging international and domestic constraints (Clinton) and the other of default preference (Bush).”⁸² Even though Clinton personally might have liked to see an increased American commitment to multilateral organizations, the actual policies of his administration did not reflect his preferences. Rather, both Clinton and Bush displayed ambiguous attitudes towards multilateral instruments when these did not advance American interests. As Clinton's National Security Advisor Anthony Lake expressed:

“... only one overriding factor can determine whether the United States should act multilaterally or unilaterally, and that is American interests. We should act multilaterally where doing so advances our interests, and we should act unilaterally when that will serve our purpose. The simple question in each case is this: what works best?”

Looking at John Ruggie's summary of the United States record of international rulemaking during the Clinton years, one could conclude that US behavior was already very unilateralist:

“From 1993 to 2000 ... the President transmitted to the Senate a total of 184 treaties on all subjects combined. Of those, 40 were global. As of the end of 2002, the Senate has approved 31 of them, rejecting nearly one-fourth outright. Furthermore, the Senate attached conditions to 24 of the 31 that is approved, ratifying a mere 7 without conditions. The US is party to only 12 of 27 treaties the U.N. Secretary-General has identified as ‘most central to the spirit and goals of the Charter,’ every one of them subject to conditions.”⁸³

Moreover, the treaties that Bush turned away from were not necessarily supported by the Clinton administration. To return to the example of the International Criminal Court, one could argue that, although certainly different in their ways of dealing with this institute, both administrations shared the same objections to the Rome Statute. As Philipp Meißner argues, Clinton's decision to sign the Rome Statute must be interpreted as a strategic step to be able to remain involved and influence the negotiation process. Clinton himself also declared: “we are not abandoning our concerns about significant flaws in the Treaty ... given these concerns, I will not and do not recommend that my successor, submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied”.⁸⁴ As we shall see in the third chapter, it is likely that under the Clinton Administration, the United States would also have voted against the protocol to the Biological Weapons Convention.

Finally, an indication that the Clinton administration already heavily engaged in unilateralism can be found in America's “growing isolation” at the United Nations.⁸⁵ In 1993 the United States voted against a majority on resolutions presented to the United Nations General Assembly 57.5 percent of the time. The following two years, Steven Holloway indicated, the United States “voted with the minority close to twice as often as the next ranked NATO member.”⁸⁶ In addition, of all the international treaties that have been ratified by at least half of the world's states, the United States, in the post-Cold War period, only became party to 38 percent of these treaties.⁸⁷

As all this suggests, the contrasts between Clinton and Bush are mainly rhetorical. An analysis of US treaty and voting behavior under Clinton reveals that the Clinton Administration was not as “anxious” to sign multilateral treaties as it seemed to be, especially when they did not advance American interests. Although there existed ideological differences in the way Clinton and Bush perceived multilateral institutions, the ultimate impact of these contrasting ideals on US behavior in international organizations was very limited. Also compared to Clinton, Bush’s unilateral disposition did not mark a radical change in foreign policy.

Conclusion

In this chapter I have tried to see whether we can discern patterns of continuity in the US attitude towards multilateral institutions from the end of World War II until the Bush administration or if that administration’s unilateralist approach marked a fundamental break with previous foreign policy. As I have argued the ambivalence towards — and even mistrust of — multilateralism has been a continuous force in American foreign policy, and therefore the Bush Administration’s hostility towards multilateral organizations cannot be seen as a fundamental break with previous policies and attitudes. When the United States became a hegemonic power at the end of the Second World War, multilateral organizations were seen an attractive means to shape the world according to American values which would make it easier to pursue American political and economic interests. However, this commitment to multilateralism was highly conditional, and as the international order shifted towards an equality-of-states principle, the United States found it increasingly hard control the outcomes of multilateral agreements, which resulted in a return to its ambivalent attitude towards multilateral instruments.

Furthermore, I have argued that aside from political reasons, the United States ambivalence towards multilateralism also has deeper-lying cultural roots. These are based on the view that the United States is an exceptional nation and an example for the rest of the world. From its founding days the United States has seen itself as a moral leader, and after its rise to power during World War II it has actively positioned itself as such. Exceptionalism has also been a consistent element in the US

pattern of behavior when it comes to multilateral cooperation. The three elements of American exceptionalism — exemptionalism, double standards, and legal isolationism — all point towards the fear of the United States that other states or a supranational body will take over US moral leadership.

Finally, contrary to popular belief, even the Clinton and Bush administrations were not so different when it came to multilateral cooperation. Although different in rhetoric, Clinton's policies were already largely unilateral. The United States ambivalence towards multilateral organizations should therefore be regarded as a continuous attitude. In this regard, the rejection of the series of international agreements during Bush's first year in office did not form a radical break with previous foreign policies.

2

Biological Weapons and the Negotiation of the Biological Weapons Convention

Mankind already carries in its own hands too many of the seeds of its own destruction. By the examples that we set today, we hope to contribute to an atmosphere of peace and understanding between all nations”

- **President Richard Nixon**
25 November 1969

In 1969 president Nixon announced that the United States would “renounce the use of any form of deadly biological weapons that either kill or incapacitate” and dismantle all its offensive bio-warfare programs.² It was the first time in history that a powerful state unilaterally abandoned an entire category of weapons. Nixon’s renunciation of bio-warfare was a crucial step in the development of a biological weapons non-proliferation regime. Most importantly, it paved the way for the negotiations of the 1972 Biological and Toxic Weapons Convention, a multilateral treaty that would outlaw the development, production, stockpiling, and transfer of any weapons designed to use microbial and other biological agents or toxins “for hostile purposes or in armed conflict.”³

Humans have used biological agents as weapons throughout history. Already in Antiquity and the Middle Ages, people recognized the incapacitating impact infectious diseases could have on adversaries, which resulted in the use of dead bodies, filth, and animal carcasses as weapons during wars.⁴ Early use of fomites against humans, for example, occurred during the siege of Caffa — in today’s

Ukraine — in 1346, when attacking Tartar forces catapulted plague-infected cadavers into the city to cause an epidemic. Other early examples include the deliberate use of smallpox against Native Americans during the French and Indian War (1754-67) and the use of animal carcasses to contaminate water supplies during the American Civil War (1861-1865).⁵ However, scientific and technological developments in the field of microbiology have led to the creation of ever more destructive generations of biological weapons. By the end of the Second World War the major powers had developed the capability to mass-produce microorganisms and effectively disperse them. The United States secretly started a large-scale offensive biological weapons program in 1943 on orders from President Roosevelt. Its *B. anthracis* production and munitions facility, located in Indiana, was by far the largest biological weapons facility in the world at that time.⁶ Throughout the Cold War the United States continued the program, researching and developing ever more effective weaponization of biological agents. In the years before Nixon's declaration, the program was still growing rapidly.⁷ Why then, would the United States "suddenly" give up its advanced biological weapons program in 1969 and support the establishment of a multilateral Biological Weapons Convention?

This chapter will explore the American rationale for dismantling the US national biological weapons program in 1969 and America's subsequent support for the Biological and Toxic Weapons Convention in 1972. I will follow Gregory Koblentz's definition of biological warfare as "the use of microorganisms, toxins derived from living organisms, or bioregulators to deliberately cause death or illness of humans, plants, or animals." Like nuclear and chemical weapons, biological weapons are considered weapons of mass destruction, but what makes them unique compared to other weapons is the fact that they are composed of, or derived from, living organisms.⁸ This chapter will start off with a closer look at the attitudes and practices of Americans towards biological weapons before 1969 and explore why the United States started —and expanded — a large-scale national BW program. As biological and chemical weapons programs are generally executed in extreme secrecy, the focus will be on those scientists and government officials that were involved in these matters. I will continue to argue that in order to understand the Nixon Administration's policy change in 1969, one must take into account both scientific developments, political considerations, military strategy, perceived security threats,

and cultural notions of the American position in the world. All of these factors will be discussed in the second part of this chapter. Finally I will focus on the United States position during the BWC negotiations during the early 1970s. What national objectives drove the United States to commit to a multilateral arms control treaty, and did this treaty have the desired outcome?

The Early Development of Biological Weapons

Humans have long had a particularly negative attitude towards the use of disease-causing microorganisms as weapons. The use of any form of biological or chemical warfare is generally considered a taboo. As Leonard Cole argues, “antipathy to poison weapons is deep-seated, and most nations have embraced the norm that deems these weapons morally repugnant.”⁹ The Romans already condemned the use of poison, which could be considered both a chemical and biological weapon, as a violation of *jus gentium* — the law of nations. This taboo remained prevalent throughout the ensuing centuries as reflected in the relatively low frequency of biological attacks.¹⁰

Nevertheless, despite this historical reluctance to use biological weapons, humans have practiced biological warfare since ancient times, and developments in science and technology have made these weapons ever more destructive. Gregory Koblenz roughly distinguishes four different eras in the history of biological warfare that correspond to scientific and technological developments: (1) pre-germ theory, (2) applied microbiology, (3) industrial microbiology and aerobiology, and (4) molecular biotechnology.¹¹ As I shall argue throughout this chapter, the increased potency of biological weapons that came with each era has greatly influenced the attitudes of Americans — and the rest of the world — towards their proliferation. In this part of the chapter we will look at the early use of biological weapons, and their general development until World War II.

As noted before, humans have used diseases as weapons well before the discovery of microbiology. As William McNeill states, throughout the first era, illnesses often heavily influenced military conflicts as “naturally occurring diseases commonly killed more soldiers than the enemy.”¹² Therefore, despite the strong taboos that existed in most societies, the use of diseases as weapons was very tempting. Even with

limited knowledge of biology, armies were able to infect their enemies and contaminate water supplies by using dead bodies or toxic plants. Other tactics relied on the use of vectors — living organisms that transmit diseases. This was the case, for example, during the American Revolution, when the British deliberately sent smallpox-infected individuals behind the front lines trying to cause an epidemic among Continental soldiers.¹³

The development of germ theory in the late nineteenth century marked the beginning of the second era in biological warfare. During this era, scientists discovered that microorganisms were the causative agents of diseases and developed skills to isolate and produce stocks of pathogens.¹⁴ At this time, the pathogens used as weapons were almost exclusively bacteria, as these were the only germs people knew how to isolate and grow artificially in laboratories.¹⁵ The “golden age” of bacteriology also saw important improvements in disease defense. With newly acquired knowledge on microbiology, vaccines were developed to prevent a number of frequently occurring diseases. Moreover, the discovery of penicillin marked a major breakthrough in disease treatment, as it was the first drug to cure a range of bacterial diseases that had led to high death tolls in the past.¹⁶ These newly developed defenses against diseases had a deep impact on the way people evaluated the usefulness of biological weapons.

The evolution of applied microbiology led to an increased interest in chemical and biological weapons, as these became ever more powerful tools of destruction. At the same time the taboo against poison weapons was institutionalized in the form of international treaties that condemned such means of warfare. The Brussels Declaration of 1874 especially forbids “employment of poison or poisoned weapons” as means of injuring the enemy.¹⁷ Laws of war were expanded further during the two The Hague Conventions of 1899 and 1907, which included a general prohibition on the use of projectiles diffusing “asphyxiating or deleterious gases”.¹⁸ Nevertheless, the horrifying chemical attacks during World War I proved that cultural norms and international legal restrictions apparently did not carry enough weight against the perceived military advantages of poison weapons. A lesser-known fact is that various nations — most notably Germany — also engaged in ambitious biological warfare programs during the war. Germany carried out covert sabotaging campaigns in

neutral Allied trading partners to infect livestock and contaminate animal feed to be shipped to Allied forces.¹⁹ For example, Germans infected Romanian sheep that were to be exported to Russia with *Bacillus anthracis* and *Pseudomonas mallei*, which cause the highly contagious anthrax and glanders. Evidence also suggests that similar attacks were carried out in the United States, where Germany tried to infect cavalry and draft animals intended for export.²⁰ German-American physician Anton Dilger, for example, effectively sabotaged the supply of American horses to the Allies by secretly applying “homegrown” anthrax and glanders agents on the animals’ noses.²¹

In response to the horrifying experiences of chemical warfare during the First World War a new treaty was drafted in 1925 to strengthen the taboo on such weapons. This treaty — the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare (Geneva Protocol) — prohibits the use of chemical and bacteriological agents in war. This reflected the widespread fear that chemical and biological weapons would have an even more devastating effect in future wars. Although the Geneva Protocol was an important first step towards biological weapons control, it still left enough wiggle room for states to continue BW programs, as it did not outlaw the development of chemical and biological weapons. Moreover, most states signed the protocol with the reservation that when attacked first, they would have the right to retaliate with similar weapons, which greatly limited the effectiveness of the Geneva Protocol. Finally, the treaty did not proscribe inspection. As a result, many States Parties violated the treaty and began research programs to develop biological weapons, including the Soviet Union, Great Britain, France, Canada, Poland, Italy, Belgium, and the Netherlands.²² The United States signed the Geneva Convention. However, despite a favorable report of the Senate Foreign Relations Committee in 1926 the Senate never voted on the protocol, which was in part the result of an active lobbying campaign by the Army Chemical Warfare Service and the American Chemical Society, who argued that ratification of the Geneva Protocol would mean a serious decline in American “military readiness.”²³

At the beginning of the Second World War most of the great powers possessed offensive biological weapons. The largest BW program by far was maintained by

Japan. Starting in 1931, under the leadership of microbiologist and lieutenant general Shirō Ishii, Japan developed an aggressive biological weapons arsenal. Throughout the war Ishii and his team conducted an extensive BW campaign in China, involving gruesome experiments on thousands of Chinese farmers and prisoners. The Japanese research center in Manchuria featured “150 buildings, five satellite camps, and a staff of over 3000 scientists and technicians.”²⁴ Japan also conducted several biological attacks against Chinese cities and military forces, using *Bacillus anthracis* (anthrax), *Burkholderia mallei* (glanders), *Vibrio cholerae* (cholera), *Salmonella Typhi* (typhoid), and *Yersinia Pestis* (plague) to contaminate water supplies and infect people by spraying these cultures from aircrafts.²⁵ In addition, some attacks on cities included the release of up to 15 million “plague fleas” — laboratory-bred fleas that had been fed with plague-infected rats — to initiate an epidemic.²⁶ Nevertheless, scholars argue that Japan failed to develop effective munitions to disseminate these BW agents. Despite the fact that these attacks did cause widespread epidemics, “the techniques proved unreliable, caused Japanese casualties as well, and did not provide Japan with a significant advantage over Chinese opposition forces.”²⁷

Strikingly enough, during World War II the Allied nations were primarily concerned with German BW capabilities and did not discover the extent of the Japanese program until the end of the war. After Hitler’s rise to power, rumors of large-scale German biological weapons research became widespread. Hitler, however, had prohibited biological weapons development in Nazi-Germany. Scholars are still puzzled why Hitler was against biological warfare, but evidence suggests that a large majority of Nazi military leaders and scientists supported his decision.²⁸ So ironically, even though Germany did not have an offensive BW program of any significance, other states strongly believed it did, and this misperception was a driving force behind the research and development of offensive biological weapons in many Allied countries, such as Great Britain and France. However, as will be discussed in the next section, the only BW program that would come close to that of Japan in scale and ambition was that of the United States.²⁹

Overall it can be concluded that although there existed a strong historical taboo on the use of biological weapons, people across the world have been tempted to use diseases as methods of warfare. The late nineteenth-century development of germ

theory generated greater interest in these weapons, because, for the first time, it became possible to isolate disease-causing bacteria and grow stocks of them in laboratories. This greatly increased the perceived military value of biological weapons and weakened taboos to use them. As a result, biological and poison weapons were used by states on a large scale during the First and Second World Wars, and existing treaties banning the use of CBW were largely ignored.

The United States Biological Weapons Program

In the United States a deep-rooted taboo on chemical and biological weapons prevailed for a long time. When in 1862 a teacher suggested the use of poison gas as a method of warfare to the US Secretary of War, this was dismissed and followed by a War Department General Order stating that poison should be "wholly excluded from modern warfare."³⁰ Nevertheless, we know that by 1969, the United States had developed one of the largest biological weapons programs in the world. What drove the United States to develop a national BW program during World War II, how did it develop, and why did it get expanded later on?

At the beginning of World War II the United States did not seem to take interest in pursuing a national BW program. The US army argued pathogens and vectors remained unpractical and that they could never be used as weapons.³¹ As Major Leon A. Fox scornfully wrote in an article for *The Military Surgeon*: "bacterial warfare is one of the recent scare-heads that we are being served by the pseudo-scientists who contribute to the flaming pages of the Sunday annexes syndicated over the Nation's press."³² In this the US followed a similar League of Nations report, which concluded that: "[Biological] warfare would have little effect on the actual issue of a war because of protective methods available; that filtering and chlorinating drinking water, vaccination, inoculation, and other methods known to preventive medicine, would so circumscribe its effect as to make it practically ineffective."³³

However, the US attitude changed when intelligence reports suggested that Germany was experimenting with *Botulinum toxin* and Japan was carrying out biological attacks in China.³⁴ This perceived BW threat led Secretary of War Harry Stimson to order the establishment of the Biological Warfare Committee in 1941,

which was to research and develop retaliatory biological weapons.³⁵ The American response to Pearl Harbor, later that year, is an important indication that the United States had really come to fear a biological attack. Hawaiian officials took far-going security measures to prevent biological sabotage. These included a ban on fresh milk, the permanent guarding of food production plants and water supplies, and a prohibition on the sale of poison to civilians.³⁶ As concerns about the possibility of biological warfare took firmer root in the United States, Secretary Stimson and President Roosevelt — who believed the United States was still too vulnerable to biological attacks — decided to establish the War Research Service (WRS) in 1942, a civilian agency that was to develop an offensive biological weapons program.³⁷

Gradually, the US attitude towards biological weapons had shifted from the belief that BW were essentially useless to the active pursuit of a national BW program. Nevertheless, like most other nations, the United States still deemed these unconventional weapons morally wrong. As Stimson wrote to FDR on 29 April 1942: “Biological warfare is, of course, ‘dirty business’ but ... we must be prepared. And the matter must be handled with great discretion and ... great secrecy as well as great vigor.”³⁸ As we have seen throughout history, the more biological weapons were considered powerful tools and the more desperate people were in winning a war, the more willing they were to disregard the “immoral” nature of such weapons.

The War Research Service’s primary task was the development of “defensive measures” against a possible biological attack.³⁹ It set up a research and development program to broaden knowledge on biological weapons. However, the United States was also looking into offensive capabilities. As Stimson had said: “to be sure, a knowledge of offensive possibilities will necessarily be developed because no proper defense can be prepared without a thorough study of means of offense ... and reprisals by us are perhaps not beyond the bounds of possibilities...” By the end of 1942 the WRS – under increased responsibility of the Chemical Warfare Service – had requested to scale up the program. The Army designated Camp Detrick in Frederick, Maryland, as a site for the construction of a large BW facility, including laboratories and pilot plants. By the end of 1943, the perceived threat of a biological attack on the United States increased again when an influential intelligence report suggested the Axis powers might be planning to use biological weapons. As a result, the program

was stepped up. From 1943 until the end of the war, the US biological weapons program was ever increasing. Camp Detrick ended up with four different pilot plants, producing Botulinum, — the most acutely toxic substance known to mankind — Anthrax simulants and actual Anthrax spores, plant pathogens, and bacteria that cause Rock Fever and Parrot Fever.⁴⁰ The program also included testing sites in Mississippi and Utah, and a production facility in Indiana, where biological agents would be weaponized. This last facility had the largest BW capacity in the world, and was finalized and “ready to produce biological agents” by mid-1945. Luckily, no weapons were actually produced because of the end of the war.⁴¹

The vigor with which the United States pursued their biological weapons program — and arguably the reconsideration of certain ethical questions resulting from it — becomes clear when looking at one particular post-war decision. After the war, the United States learned the full extent of the large-scale Japanese bio-weapons campaign in China, including the horrendous experiments on thousands of Chinese prisoners. Shockingly, while sentencing Nazi doctors to death for similar crimes, the United States — under the leadership of Supreme Commander Douglas MacArthur — granted Ishii and his staff immunity from prosecution for war crimes in exchange for their human data. There were several reasons for this decision. First of all, Sheldon Harris argued in *Factories of Death: Japan's Biological Warfare, 1932-45 and the American Cover-up*, the United States “hungered after forbidden fruit.” As he states, American scientists working on the BW program “were prohibited by law and a code of ethics that denied researchers access to involuntary human experimentation ... Japanese scientists didn't operate under similar constraints.”⁴² Because of the deal with Ishii, the United States was the only country that obtained the Japanese data on the human experiments. This was of importance to the United States because, by now, the Cold War had unfolded, and Americans feared that the Soviet Union would gain access to the research. Ironically enough, in the end the data proved to be useless, and it was the Soviet Union who put some of the Japanese BW scientists on trial — which was dismissed as communist propaganda in the United States.⁴³ Nevertheless, the puzzling deal raises questions on how far the United States was — and perhaps is — willing to push its ethical boundaries in the pursuit of national security interests.

The Second World War had brought about major developments in the capability of biological weapons, and the major powers entered a new era of biological warfare. Koblenz distinguishes this era by “the industrial-scale production of microorganisms and the maturation of aerobiology.”⁴⁴ The scientific advancement of aerobiology was key in development of useful BW dissemination methods, as it was discovered that large populations are most effectively infected via the respiratory tract.⁴⁵ One could argue that, for the first time, biological weapons had truly become weapons of mass destruction. For a while they were even considered potential rivals of nuclear weapons. However, as Koblenz points out, the destructive power of nuclear weapons steadily increased, gaining popularity amongst political and military leaders. As a result, some nuclear powers, such as France and the United Kingdom, lost interest in the biological option. Nevertheless, the United States understood the great potential power of germ weapons and devoted substantial resources to BW research and development during the Cold War.⁴⁶ Fearing the Soviet Union was developing a BW capacity; the United States believed they had to be prepared for any kind of biological scenario. The further development of a strong BW program was also supported by the belief in deterrence — a theory in foreign affairs that gained prominence during the Cold War that posits that having a BW capacity, with which a state could retaliate, will scare-off first use by another BW power.⁴⁷

The American program was greatly expanded at the time of the Korean War (1950-1953), when a new production facility was constructed at Pine Bluff, Arkansas.⁴⁸ Tests were conducted on animals, but also on humans: Seventh-Day Adventists, because of their beliefs, volunteered to inhale germs during large-scale field tests instead of serving in Vietnam.⁴⁹ Moreover, cities such as San Francisco and New York for were covertly used to tests dispersal methods by releasing large clouds of simulants.⁵⁰ By the end of the 1960s the United States had secretly developed an expansive biological arsenal, including a large variety of deadly and incapacitating pathogens that could be directed against plants, animals or humans. Until President Nixon surprised America and the world in November 1969.

As can be concluded from this section the United States started relatively late with the development of a biological warfare program compared to other states. In the US the military value of bioweapons was not worth breaking the strong taboo on poison

weapons. This changed when the US learned of the supposed BW capabilities of enemy states during World War II and began to fear a BW attack on American soil. For defense purposes FDR ordered the establishment of a biological weapons program. However, as we have seen, the US program rapidly expanded and also began to focus on offensive capabilities. The vigorous pursuit of ever more destructive biological weapons during Cold War was reinforced by the idea that the Soviet Union had to be deterred from executing a biological attack. In the end, the increased military utility of BW combined with an ever-greater fear of a biological attack in the United States prevailed over ethical objections against BW.

Nixon's Renouncement of Biological Weapons

Just a few months after Nixon's inauguration in 1969, Secretary of Defense Melvin Laird expressed his concerns about the US chemical and biological weapons program to Henry Kissinger, the White House's National Security Advisor. As he urged in his memorandum, national policies relating to CBW should be reviewed immediately and sent for consideration by the National Security Council.⁵¹ Nixon and Kissinger approved, and following NSC review the United States faced four options:

1. Retain a Full Capability Including Both Lethal and Incapacitating Biological Weapons.
2. Retain a Capability for Incapacitating Weapons Only.
3. Research and Development Program Only, but for both Offensive and Defensive Purposes.
4. Research and Development Program for Defensive Purposes Only and to Protect against Technological surprise.⁵²

As we know now, Nixon's Administration finally picked the last option and confined "its biological research to defensive measures such as immunization and safety measures."⁵³ However, at the time the decision was controversial amongst many government and military officials. The United States had just successfully tested new biological weapons in the Pacific, and scientists in the BW program had high hopes for the future.⁵⁴ What factors, then, shaped the United States decision to give up their biological capability?

Military Strategy

The perceived strategic military value of biological weapons and the threat they posed to international security were two of the key factors that shaped Nixon's decision to abandon biological weapons. This section will show that, from a US military and security standpoint, there were important disadvantages to biological weapons. Four problematic BW characteristics have been distinguished by Koblenz: (1) BW strongly favor the attacker; (2) they have utility as force multipliers for conventional military operations; (3) their deterrence value is limited; and (4) the constraints on developing and using these weapons may be eroding.⁵⁵ In what way have these military characteristics shaped the decision to abandon BW in the United States?

As discussed before, it was initially believed that biological weapons would be well suited for strategic deterrence. This idea originally revolved around nuclear weapons. It was believed that a state would refrain from a nuclear attack on another state if both possessed nuclear weapons, for these weapons were so massively destructive a state would never risk retaliation. During the Cold War this was referred to as Mutual Assured Destruction. Because biological weapons are also classified as weapons of mass destruction, it was thought they might work as instruments of deterrence. However, many American scientists and military staff questioned this. There are some major differences between nuclear and biological weapons that illuminate the weaknesses of biological weapons. First of all, as Koblenz puts it, "the prerequisite for strategic deterrence is the capability of the target to reliably inflict unacceptable damage in retaliation against its attacker."⁵⁶ With a nuclear weapon, the destruction is absolute. The problem with biological weapons, however, is that they cannot offer an assured unacceptable damage. There always exists a relatively high level of uncertainty when using bio-weapons, because their effects — diseases — are usually delayed and vary per individual. Furthermore, unlike nuclear weapons, biological weapons always leave open the possibility of defense: vaccines could protect target groups; those infected could be treated with antibiotics or other medicines; or victims could be placed in quarantine to prevent a virus or bacterial agent from spreading. Moreover, biological agents are very susceptible to wind and weather conditions,

which often greatly decrease their effectiveness. Finally, the extreme secrecy with which BW programs are carried out also limits the value of biological weapons as strategic deterrents. When a state's biological weapons are kept secret, it becomes very difficult to make credible threats. On the other hand, when a state openly admits it has an offensive BW program, it compromises the element of surprise, giving other nations the time to take appropriate defense measures. As Koblentz writes, "to make a deterrent threat credible a state would not only have to admit that it was violating international norms and laws but it would also have to reveal details about its offensive BW capabilities such as the types of agents it has developed and their means of delivery."⁵⁷

The difficulty of using biological weapons as effective means of deterrence played an important role in the decision by the United States to renounce germ warfare. At the time that Nixon publicly abandoned the BW program, there was no realistic prospect that the levels of uncertainty surrounding biological weapons would be stabilized in the near future. As he said in his speech: "biological weapons have massive, unpredictable and potentially uncontrollable consequences."⁵⁸ The President's Science Advisory Committee (PSAC), directed by Kissinger to prepare a report on the scientific aspects of biological warfare, pointed out all of the above-mentioned hazards to biological weapons and strongly recommended that the United States "renounce all offensive BW, stop completely the procurement of material for all offensive BW, [and] destroy existing stockpiles of BW agents."⁵⁹ Kissinger and Nixon highly valued the PSAC report, which strengthened the already existing reservations of the State Department about the offensive BW program.⁶⁰ According to Dorothy Miller, the official historian of the Air Force biological program, Nixon personally disliked biological warfare and dismissed it as useless.⁶¹ During a press briefing Kissinger also stressed the strategic weaknesses of retaliatory biological weapons, saying that "when we considered the long-term effect of bacteriological warfare, what would be involved in using it, we concluded that ... bacteriological weapons were really primarily useful for first use; that the effect in retaliation would belong delayed, the consequences would be too uncontrollable."⁶² This all suggests that the military utility of biological weapons was seriously questioned by those presiding over their future, and therefore one could conclude that the strategic weakness of these weapons as mechanisms of deterrence was an important reason to

discontinue the US bio-weapons program.

Biological Weapons as a Threat to International Security

Another important political-military reason for Nixon's decision was the fear of BW proliferation. If the US would keep its biological weapons program it would pose a greater risk that BW knowledge would be leaked to other states, which would pose a great potential threat to international security. Professors Neil Livingstone and Joseph Douglas have rightfully labeled biological weapons "the poor man's atomic bomb."⁶³ Not only are these weapons highly destructive — a 1970 study by the World Health Organization estimated that an anthrax attack could cause 48,000 deaths — but they are also relatively accessible.⁶⁴ Of the weapons of mass destruction, biological weapons are by far the cheapest to produce. The Office of Technology Assessment has estimated that a fermentation plant for the production of biological agents would cost ten million dollars. In contrast, a chemical plant for the production of nerve agents would cost tens of millions, and a nuclear plant that can produce highly enriched uranium or plutonium would cost hundreds of million of dollars.⁶⁵ Moreover, a 1969 study by the United Nations suggested that the amount of money it would take to kill one civilian per square kilometer would be about 2000 with conventional weapons, \$800 with nuclear weapons, \$600 with chemical weapons, and a mere \$1 with biological weapons.⁶⁶ Furthermore, whereas offensive biological weapons are highly cost-efficient, the development of an effective bio-defense program is much more expensive. For example, the FBI estimated that the 2001 anthrax letter attacks in the United States had cost the perpetrator only \$2500, whereas the response costs were roughly \$6 billion.⁶⁷ Biological warfare indeed strongly favors the attacker.⁶⁸

The United States reached similar conclusions before it decided to ban BW, realizing that the low production costs and relatively easy accessibility of biological weapons posed a new dimension of strategic threat to the United States. It was difficult for hostile, and often poor, countries, groups, or individuals to acquire nuclear or chemical weapons. Moreover, nuclear technology was very difficult to acquire, and a nuclear non-proliferation treaty was adopted in 1968, in which "the NPT non-nuclear-weapon states agree never to acquire nuclear weapons."⁶⁹ The United States

recognized that for these states, biological weapons offered a cheap and relatively easy alternative to other weapons of mass destruction – posing a great danger to US security. As ACDA consultant Matthew Meselson said:

It was realized that our biological weapons program was pioneering a technology that, although by no means easy to create, could be duplicated with relative ease, making it possible for a large number of states to acquire the ability to threaten or carry out destruction on a level that would otherwise be matched by only a few major powers...⁷⁰

Given its supreme nuclear capability, the United States did not believe it needed BW as a deterrent or as a WMD, and therefore a universal ban on biological weapons would be of great national advantage.⁷¹ As I shall discuss further on, international initiatives during the 1960s to establish a multilateral arms control treaty for biological weapons made the possibility of such a universal ban increasingly real. Moreover, the successful recent negotiations of multilateral arms control treaties such as the 1963 Partial Test Ban Treaty and the 1968 Non-Proliferation Treaty had already demonstrated the ability of the United States to pursue their interest through such instruments.⁷² Taking all this into account, one could conclude that United States feared the proliferation risk their own biological weapons program posed. Because the US saw little military value in biological weapons compared to nuclear weapons, it would be a relatively small military sacrifice to give up biological weapons, especially when this could pave the way for an international regime that would outlaw biological weapons for all states.

Moral Objections and International and Domestic Pressures

Throughout this chapter I have argued that there has always been a tension between the potential military value of biological weapons, and the longstanding taboo on any kind of poison weapons. These moral considerations have always plagued US leaders. Already in 1943, President Roosevelt declared that biological weapons were “outlawed by the general opinion of the civilized world.”⁷³ Therefore, I would argue that the decision to outlaw biological weapons was shaped not only by military and security considerations, but also by the perceived immorality of biological weapons.

First, it is important to note that many political leaders were uncomfortable with the US biological weapons program, and before Nixon came into office there had already been several attempts to ban BW. However, generally speaking, there existed a discrepancy between the army — who defended the interests of the Chemical Corps and wanted to keep all military options open — and many non-uniformed leaders.

What was problematic about the US BW program was the fact that it was carried out in such extreme secrecy that many high level politicians were not in on the details. As Jeanne Guillemin explains, the post-war US chemical and biological constituted a relatively small part within the America's expansive Defense Department, and, as a result, "escaped attention from high civilian officers."⁷⁴ For example, when President Eisenhower was asked during a press conference whether a policy change towards the first use of CB weapons had occurred, he answered that "no such official suggestion has been made to me", adding that "so far as my own instinct is concerned it is to not start such a thing as that first."⁷⁵ However, from a military perspective, this change *had* occurred.⁷⁶ The United States originally followed the line set by the Geneva Protocol, supporting biological weapons for retaliation only. However, the army long felt that biological weapons would only be effective when they were used for a first attack. As declared in 1954 "a major objection to the BW progress was the reluctance of the military to invest time and resources in a weapons system that might never be used."⁷⁷ In 1956 high-level security advisors decided on a policy change for both biological and chemical weapons, switching from retaliation-only to the preparedness to use CBW in a general war "to enhance military effectiveness."⁷⁸ Moreover, the army changed reference to CBW "retaliation only" in its official manual, *The Law of Land Warfare*, to "The United States is not a party to any treaty, now in force, that prohibits or restricts the use in warfare of toxic or non-toxic gasses, or smoke or incendiary materials or of bacteriological warfare."⁷⁹ The fact that the head of state was not aware of these changes shows that little unity existed in the United States on the subject of biological warfare, and that many politicians felt personally uncomfortable with the idea of using biological weapons. However, because many politicians were largely uninformed about the US BW program and policies, open discussion of this subject did not occur.

This changed during the 1960s. The US chemical and biological warfare programs enjoyed a large degree of anonymity during the 1950s. However, several highly publicized events in the 1960s drew increasingly more negative attention to the program, which profoundly affected CBW policies.⁸⁰ Three events in particular catalyzed public outrage over the American use of poison weapons and put considerable pressure on the Nixon Administration to end the US program: the war in Vietnam, the “Skull Valley” accident, and Project CHASE. As I will show, these events lead to significant domestic and international pressure on the United States to end their BW program. Nixon was convinced that the public perception of biological weapons was “very important.”⁸¹ Therefore, these changes in public opinion were key for the eventual abandonment of biological weapons.

Vietnam was by far the most crucial catalyst for public discontent. During that war the United States engaged in CB warfare, using teargas and herbicides against its enemies. The infamous defoliants Agent Orange and Agent Blue were sprayed from planes in order to deprive the Vietcong of jungle cover and kill food crops - causing famines amongst Vietnamese peasants. In addition, teargas was used to drive enemy fighters out of their underground passages and bunkers so they could easily be shot.⁸² From early 1965 onwards reports on the use of these agents circulated the media, raising serious public concerns. The United States army maintains that it only engaged in chemical warfare, not biological. However, as Malcolm Dando suggests, “the material used was a synthetic analogue of a plant hormone. It would be categorized as a mid-spectrum agent today and would therefore fall under the prohibition of the BTWC.”⁸³

On the basis of the US actions in Vietnam, the Soviet Union accused the United States in 1964 of violating the Geneva Protocol, which bans the use of such instruments in war. Although the United States had not ratified the treaty, it generally accepted the view that the first-use of chemical weapons was banned under customary international law.⁸⁴ Nevertheless, the US denied that the Protocol specifically prohibited the use of non-lethal tear gases, which were also used for domestic riot control.⁸⁵ CBW remained a topic of international discussion as Hungary introduced a United Nations General Assembly resolution in 1966, proposing to criminalize any use of chemical or biological agents during combat, including tear gas.⁸⁶ Hungary publically argued the American use of CBW in Vietnam “verged upon

genocide” and stated that “the hollow pretexts given for using riot-control gases in Vietnam had been rejected by world public opinion and by the international scientific community, including scholars in the United States itself.”⁸⁷ Criticisms on US CBW policies in Vietnam were widespread amongst the international community. Statements such as these reflected the growing international pressure faced by the United States.

The United States did not only face severe international opprobrium for its offensive use of chemical and biological weapons in Vietnam, but also a growing domestic opposition. Notable American scientists, academics, and diplomats had been criticizing the United States for its BW program for years and openly urged the US to ratify the Geneva Protocol.⁸⁸ Before 1968 these negative discourses primarily took place within the academic realm. However, as David Goldman puts it, “an unusual confluence of events in that year catapulted the issue out of the scholarly journals and into the headlines.”⁸⁹ On March 13th, during an open-air field test of aerial nerve agents at the Utah Dugway Proving Ground, a spray tank of one of the planes allegedly malfunctioned, accidentally releasing some of the agents at an “unsafe attitude.” Initially army officials believed the poisonous cloud would “dissipate harmlessly” over the facility, but unfortunately a change of weather pushed it over neighboring farmlands. Over the course of the next two weeks, 6249 sheep died.⁹⁰ The army tried to cover up the accident, which was soon exposed by Utah Senator Frank E. Moss.⁹¹ This generated a public backlash, widespread negative press coverage, and ultimately a variety of Congressional investigations.

An even greater outcry of domestic public opinion occurred when it was revealed during the spring and summer of 1969 that the army had secretly been disposing leaking chemical weapons. This happened by sealing the rockets “in concrete vaults in the hulls of ships that were then sunk in ocean-disposal sites.” The program, known as Operation CHASE (Cut Holes and Sink ‘Em), provoked great controversy. Congress was deeply concerned that the transportation of the chemical weapons by train to the loading decks would be extremely hazardous to public health should an accident occur.⁹² Moreover, the recent growth “public consciousness over environmental matters” fueled public protest against sea dumping, which put pressure on politicians to take a stance against such operations.⁹³ Therefore, from the very beginning, the Nixon Administration was urged by Congress to review US CBW

policies.⁹⁴

Nixon was deeply influenced by the heavy domestic and international protests against the US chemical and biological weapons programs. As Jonathan Tucker has point out, “the president wanted to be seen as a ‘man of peace’ at a time when the Vietnam War was provoking strong opposition at home and abroad, while reassuring his supporters that he was safeguarding the Nation’s security.⁹⁵ During a National Security Council meeting he explicitly said: “I want a positive public statement. It should emphasize that this is an example of the right leadership, but which has the national security in mind.”⁹⁶ Finally, the President and his advisors decided the best course of action was to publically renounce biological weapons, abandon the US offensive BW program, destroy its BW stocks, and finally submit the 1925 Geneva Protocol to the US Senate for ratification. In conclusion, taking both public opinion and military, security, political, and moral considerations into account, Nixon’s decision to renounce the American biological warfare program was a pragmatic step that was definitely in the US national interest.

The Negotiation of the 1972 Biological Weapons Convention

As discussed earlier, one of the main reasons the United States rejected their national BW program was because this step would pave the way for an international agreement to control the proliferation of biological weapons. In this last part of the chapter will look at the negotiation process of the Biological Weapons Convention. What position did the United States take during these negotiations and why did the final text of the BWC not include a verification provision?

The BWC process was set in motion a year before the United States unilaterally renounced biological weapons. In 1968 the United Kingdom had submitted a draft proposal to the UN Disarmament Committee for a Biological Weapons Convention that would put a universal ban on biological and toxic weapons, as the Geneva Protocol was widely viewed as outdated and inadequate.⁹⁷ Reasoning that it would be considerably easier to negotiate a ban on biological weapons, which had no deterrence value, than on chemical weapons, Britain proposed to “separate chemical and biological weapons in international disarmament negotiations and focus

international efforts on banning biological weapons.”⁹⁸ Previously, disarmament efforts had always sought to ban chemical and biological weapons together. Moreover, the public generally perceived the two categories of weapons as the same. Why did the United States go along with this rather “artificial” separation of chemical and biological weapons?

To Nixon and his advisors, the proposal offered an excellent chance to appease international and domestic protests, whilst sacrificing as little as possible in terms of security. As Secretary of Defense Melvin Laird said, “CW and BW should not be put together. People who are against biological warfare also go against chemical warfare. But the latter is necessary for deterrence.”⁹⁹ As noted, the Administration had already determined that biological weapons were of relatively small military value to the United States, and posed dangerous proliferation threat. Publically renouncing biological weapons would restore America’s image as a bringer of morality in the world, while taking attention away from the ongoing use of teargas and herbicides in Vietnam, which the US persistently classified as chemical weapons. Moreover, Undersecretary of State Elliot Richardson argued, there was “no significant international pressure for getting rid of CW stockpile.”¹⁰⁰ Therefore, the United States gladly negotiated on the basis of a “bio-weapons only” proposal, which would both strengthen the American military and moral position.

The United States initially supported the UK draft convention, which banned all use, development, and production of biological weapons, and introduced procedures to investigate states’ adherence to these principles.¹⁰¹ However, the Soviet Union and its allies strongly objected to the separation of chemical and biological weapons, realizing that with such an agreement the United States could freely continue its chemical campaign in Vietnam. After long-term opposition the Soviet Union unexpectedly submitted its own draft convention on 30 March 1971, dropping its objections against the separation of CW from BW.¹⁰² The Soviet proposal differed from that of the UK in three important respects: it did not mention that States Parties are prohibited under all circumstances to use biological weapons; it did not outlaw research aimed at offensive production; and it commanded that all complaints of a state’s alleged breach of obligations should go to the security council.¹⁰³ Especially the last change was a point of controversy. As the United Kingdom maintained the

Soviet method of “consultation and cooperation” to solve issues of compliance was “not a realistic proposal to deter would-be violators.”¹⁰⁴ Moreover, since all the superpowers had a veto in the Security Council this would greatly limit investigations into a state’s compliance. In short, the Soviet proposal lacked strong verification provisions.

The Soviet Union did not want an effective system of verification. As Macolm Dando argues: “they objected generally to any idea of inspection of their territory, in *any* arms control agreement.”¹⁰⁵ No coincidence, years later Russian defectors revealed that the Soviet Union had continued its offensive BW program after signing the convention. Several countries, including the United States’ closest allies, severely criticized the Soviet draft, insisting on more effective verification provisions. France, for example, was very unhappy with the weakened convention. As the spokesman of the French delegation stated:

International control as a principle is the indispensable corollary to any disarmament measure of a contractual nature, albeit partial. If this element is ignored, the draft convention on the prohibition of the manufacture of biological weapons is an extremely dangerous precedent... A state cannot merely have faith in the goodwill of other Powers in a field where its security is at stake.¹⁰⁶

One would expect the United States to share similar objections, especially given its “traditional demand for tough verification measures.”¹⁰⁷ The implementation of control mechanisms had previously formed an important obstacle for the strategic arms control initiatives between the Soviet Union and the United States.¹⁰⁸ However, strikingly, the US decided to negotiate on the basis of the Soviet draft convention, instead of that of the United Kingdom, giving up a possible regime of inspections. Why did the United States not insist on a stronger verification regime?

There are several explanations for this decision. First of all, the United States long believed that effective verification was not possible. As an American study on arms control of CB weapons suggested in 1961: “To apply a control measure to an existing BW production facility, it would be essential to find and determine the nature of *each*

laboratory or industrial unit that would be capable of BW production.”¹⁰⁹ According to the United States, this was unattainable.

Second, it has been suggested that the United States thought it was in their interest to have a weakened verification regime. As the famous Swedish delegate Alva Myrdal wrote about the Soviet-American relationship: “Behind their outwardly often fierce disagreements, however, there has always been a secret and undeclared collusion between the superpowers. Neither of them has wanted to be restrained by effective disarmament measures...”¹¹⁰ This assumption is reflected in the National Security memorandum prepared for Nixon on the convention. The memorandum specifically mentions the advantages of the lack of “on-site verification measures” to the United States:

Because on-site verification could not possibly be effective without also being extraordinarily intrusive, to us as well as to the USSR, and since biological weapons have questionable utility, all agencies consider the compliant procedures the only attainable system and hence adequate for these particular weapons.¹¹¹

For the United States, an intrusive verification regime was not desirable, for on-site inspections in the United States might reveal sensitive military information or commercial secrets. Moreover, on 28 April 1971, when Nixon had already approved of negotiating on the basis of the Soviet text, the State Department noted that despite the fact that the British proposal to refer complaints of noncompliance to the Security Council *or* the Secretary-General “could be useful in determining the facts in dispute, we are prepared to join in tabling a new draft without it because it is not essential to our security interests.”¹¹² After all, the United States had a veto in the Security Council.

Third, the primary US objective in the BWC negotiations was to secure “a ban on production or possession of biological weapons and toxins” in order to “bind other countries to the position we [the United States] have already adopted unilaterally.”¹¹³ The United States was very keen on achieving this goal and feared that the Soviet Union would block the BWC — as they had so vehemently objected against the

separation of chemical and biological weapons. Therefore, the 1971 Soviet draft convention was considered a great breakthrough, bringing the US closer to achieving their primary objective. As Kissinger stated in the memorandum: “Since the Soviets have moved so far in our direction, our response is designed to be forthcoming — to encourage achievement of our basic objective, negotiation of a ban on production or possession of biological weapons and toxins.”¹¹⁴ Moreover, Nixon and his staff were worried that a negative stance towards the Soviet Union at the BWC negotiations would have a negative impact on other arms control initiatives with that country. As Tucker and Mahan argue: “the Strategic Arms Limitation Talks with the Soviet Union were Nixon’s primary arms control concern. In that realm, he faced fractious inter- agency squabbles, and he wished to avoid the same internal battles over the BW decision.”¹¹⁵ Supporting the Soviet draft convention — with an exception towards view that the 1925 Geneva Protocol prohibits the use of tear gas and herbicides in war — was therefore in the United States interest.

On 5 August 1971, the United States and the Soviet Union together tabled a joint draft text to the on-going negotiations at the Conference of the Committee on Disarmament in Geneva. Despite fierce criticism on this “superpower deal” from several states, condemning the absence of meaningful verification provisions, the Biological Weapons Convention was signed on 10 April 1972.¹¹⁶ Three years later the treaty came into force when 22 states, including the United States, the United Kingdom, and the Soviet Union, deposited their instruments of Ratification.

With the entry into force of the BWC the United States achieved what had been their primary objective when it abandoned its own BW program: an international ban on biological weapons. However, during the negotiations it had also become clear that the United States was focusing more on what was in US national interests — a lack of intrusive inspections and maintaining “good” relations with the Soviet Union — rather than taking a leadership role in the creation of a strong and effective BWC *with* a verification regime. The result was a very weak Biological Weapons Convention without any legally binding verification provisions.

Conclusion

In this chapter I have tried to explain the rationale behind President Nixon's 1969 decision to dismantling the US national biological weapons program and his subsequent support for the Biological and Toxic Weapons Convention in 1972. This decision was especially controversial since, at that time, the United States had an advanced national biological weapons program. As I have argued, in order to understand the Nixon Administration's policy change in 1969, one must take into account both scientific developments, political considerations, military strategy, perceived security threats, and moral dilemmas.

Looking at the attitudes and practices of Americans towards biological weapons before 1969, there have been two key factors that shaped these attitudes: the perceived utility of biological weapons and their perceived immorality. These have always been at odds with each other. Before the Second World War the United States generally condemned biological warfare. Moreover, the army believed that biological weapons were relatively useless from a military standpoint in comparison with conventional weapons. This attitude changed during the Second World War. Fearing that Japan and Nazi-Germany would plan a biological attack against the United States, Roosevelt and his advisors decided to establish an American BW program. During the Cold War the program expanded and America's biological weapons became ever more advanced.

During the 1960s the United States found its chemical and biological policies increasingly criticized. The key catalyst for this criticism was the use of chemical herbicides and teargas in Vietnam. A series of highly publicized incidents with chemical weapons further outraged the general public. By the time Nixon came into office there was significant domestic and international pressure to change US CBW policy. In addition many politicians felt they had lost grip on the highly secretive biological warfare program. Secretary Kissinger ordered an extensive review of American BW policies. From these reviews the Nixon Administration concluded that the military usefulness of biological weapons was severely limited. Therefore it was a relatively small sacrifice to sacrifice the BW program, which would have several great advantages: a positive public statement renouncing BW would put the United States on the map as a moral leader again, take away attention from the chemical

campaign in Vietnam, and pave the way for an international agreement banning BW, which would take away the threat of future proliferation.

The United States successfully participated in the negotiations of the 1972 Biological Weapons Convention. To other states' surprise, during the negotiations they supported the Soviet draft convention that lacked effective verification measures. The US did this to harness Soviet goodwill towards arms control initiatives. Moreover, there existed a general skeptical attitude in the US towards the effectiveness of CBW arms control. In addition, the United States thought it was advantageous that they would not have to be subjected to on-site inspections. Finally, one could state that the United States succeeded in achieving their principal objectives at the BWC negotiations: an international ban on production or possession of biological weapons and toxins. However, the BWC — with its lack of verification measures the US had helped set in place — would prove too weak to stop States Parties from acquiring offensive biological weapons over the next decades. ¹¹⁷

3

United States Rejection of the BWC Verification Protocol

"We, the parties to the Biological Weapons Convention [...] must overcome years of talking past each other, and address the real issues. Will we be courageous, unflinching, and timely in our actions to develop effective tools to deal with the threat as it exists today, or will we merely defer to slow-moving multilateral mechanisms that are oblivious to what is happening in the real world ..."

- **John Bolton**, Undersecretary of State for Arms Control and International Security
19 November 2001

In April 1979 an unusual epidemic of anthrax in the Soviet city of Sverdlovsk caused the death of over a hundred citizens.¹ Despite Soviet efforts to cover up the incident — officials argued the outbreak was caused by consumption of contaminated meat — the Western press soon learned about the incident, which stirred up great controversy. Satellite photos obtained by United States intelligence indicated that the source was a military complex in Sverdlovsk, which the United States suspected housed a biological weapons facility. The United States accused the Soviet Union and its allies of noncompliance with the Biological Weapons Convention and attributed the epidemic to the accidental inhalation of spores that had escaped from an illegal offensive BW facility.² Unsurprisingly, the Soviet Union vehemently denied these allegations, dismissing them as Cold War propaganda.³ It was not until 23 years later — when former First Deputy Director of Biopreparat Kanatzhan Alibekov defected to

the United States — that the existence of the large-scale Russian biological weapons programs could be confirmed.

As became clear in the decades following the establishment of the Biological Weapons Convention, its lack of verification provisions had tempted several states parties to pursue clandestine BW programs, thereby seriously violating the BWC. From Alibekov's account of Biopreparat it can be concluded that the Soviet Union began expanding its BW program no less than a year after signing the BWC, and that it ran by far the largest offensive biological weapons program of the twentieth century until 1993, when Boris Yeltsin acknowledged its existence.⁴ Other countries that violated BWC compliance included Iraq, which initiated an extensive BW program under Saddam Hussein, and South Africa, where the Apartheid government carried out a clandestine BW campaign against regime opponents.⁵ By the 1990s many countries, including the United States, agreed that the Biological Weapons Convention needed to be strengthened in order to avoid future noncompliance. Through a series of negotiations, spanning almost a decade, a specially appointed Ad Hoc Group was to equip the BWC with a legally binding verification regime and an organization that would monitor compliance. However, when the final draft of the protocol was presented in 2001, the United States suddenly announced that it would not support this instrument. Without US support the negotiations collapsed, and until today the BWC is still without a verification regime.

This chapter will explore the decision of the George W. Bush administration to “pull the plug” on the BWC protocol negotiations in 2001. The aim of this chapter is twofold: (1) to explain the US rationale behind this decision, and (2) to put this decision in the context of the American foreign policy tradition regarding multilateralism and biological disarmament. Did the Bush Administration take a significant foreign policy turn from previous US policies and attitudes by “withdrawing” American support for the BWC protocol; or was the Bush Administration's position towards the BWC in line with those of his predecessors? I will argue that the US rejection of the draft protocol under George W. Bush was shaped not only by technical, but also by political and ideological considerations that long preceded his presidency. Certainly, Bush and his foreign policy advisors believed in a more unilateralist approach to foreign policy than many of his predecessors.

However, as I shall argue, the decision to withdraw American support for the BWC protocol does not mark a sharp break with previous administrations, but should rather be understood as a continuation of a long-term US concerns towards BWC verification.

The first part of this chapter will be devoted to the negotiations of the BWC protocol leading up to the Fifth Review Conference in 2002. It seeks to explain why a large group of states wanted to supply the BWC with a verification regime; what the main stumbling blocks were during the negotiations; how the American position has evolved over the course of these negotiations; and why the United States finally decided not to support the draft protocol. The meaning that will be ascribed to “verification” comes from United States Congressional Hearings on the negotiations of the BWC Protocol in July 2001, where verification was defined as “the process of determining whether the behavior of other parties is consistent with the arms control treaty.”⁶ The second part of this chapter will focus on the early Bush Administration’s specific views on multilateralism and arms-control and explore how these views might have influenced the American position during the protocol negotiations. Finally, in the last part of this chapter, I will put the actions and attitudes of the Bush administration towards multilateralism and biological weapons control in context with US foreign policy on these matters since World War II.

Technical difficulties: the challenges of detecting biological weapons

Before delving into the history of the negotiations that led to the BWC draft verification protocol it is important to understand why biological weapons pose a particular challenge for verification, as these technical difficulties formed an important factor in the shaping of the American position towards BWC verification. Compared to nuclear or chemical weapons, biological weapons programs are incredibly difficult to uncover. This section will briefly outline the main obstacles to detect a state’s noncompliance with the BWC, as distinguished by biological weapons expert Gregory Koblentz.

First, the multiuse nature of biotechnology makes it very difficult to distinguish a legitimate facility, where biotechnology is applied to civilian endeavors such as the

development of vaccines, from an illegitimate biological weapons facility. For example, the highly poisonous Botulinum could make an extremely deadly biological weapon, but, under its better-known name, Botox, is also used for various medical and cosmetic treatments. Therefore states engaged in secret biological weapon programs have often hid these illicit activities in civilian institutes, as was the case with the Soviet Union, Iraq, and South Africa.⁷

Second, the ability to reliably distinguish between legitimate and prohibited activities under the BWC is further complicated by the overlap between offensive and defensive activities. Especially at the research-and-development stage, research for defensive and for offensive purposes both make use of the exact same materials, equipment, and technologies. As a matter of fact, in order to develop effective defense against a biological attack one must, to a certain extent, engage in offensive research in order to determine what defensive measures are required.⁸ This overlap, again, makes it easier for states violating the BWC to mask offensive BW programs.⁹

Third, the fact that facilities engaged in national defense or civilian activities have needs for a certain degree of secrecy makes it even more difficult for outsiders to determine if a state is really just engaging in legitimate activities. However, in developing defenses against BW it is useful to keep sensitive information, such as “specific vulnerabilities” or “the range of medical countermeasures available,” classified, in order to prevent the exploitation of weaknesses in defensive preparations by those intending to carry out a BW attack.¹⁰ As most verification regimes include visits to facilities, they could potentially put national security at risk by exposing classified defense information.

Finally, the lack of unique signatures associated with offensive BW programs makes them challenging to detect. Most of the physical characteristics of BW activities are not uncommon to those of, for example, pharmaceutical companies. Moreover, unlike chemical weapons, the production of biological weapons does not require large facilities, nor does one need large stockpiles of agents to have a significant military capability. Most organisms causing disease, after all, reproduce themselves.¹¹ Therefore, verification visits to facilities would most likely include visits to

commercial pharmaceutical companies. This again has the risk of harming such companies' protection of propriety information.

Now, the above-mentioned technical challenges to the verifiability of biological weapons are of concern to all states parties. Nevertheless, most countries, including almost all Western Group countries, were in favor of equipping the BWC with a verification regime despite these difficulties. Why then, did the United States oppose a verification regime for the BWC?

History of the BWC Protocol Negotiations

In order to understand how the negotiations of a protocol to supply the BWC with a verification regime came into being, one must first look at the levels of satisfaction achieved by different parties at the original negotiations. As I will show, since the BWC's inception its lack of verification measures was a topic of fierce discussion amongst states parties. This part of the chapter will trace the series of developments after 1972 that paved the way for the protocol's negotiations in the 1990s, and examine how position the position of United States towards BWC verification has evolved during this process. This part of the chapter will trace the series of developments after 1972 that paved the way for the protocol's negotiations in the 1990s, and examine how the position of United States towards BWC verification has evolved during this process. In so doing, we will glean insight in what patterns of continuity and discontinuity existed in the position of the United States, and subsequently shed light on whether or not the Bush Administration took a significant departure from previous policies when it rejected the BWC protocol in 2001.

Unfinished Business: Post 1972 Tensions Between Reformist and Minimalist States

The 1972 Biological Weapons Convention that had been the outcome of a US - USSR "superpower deal" had left many parties dissatisfied with the lack of meaningful verification provisions. Several elements in the text severely weakened the convention. First, the BWC did not include any systematic and legally binding verification measures, such as overview by an international organization, regular

inspections, export control, or mandatory declarations of biological sites and activities. Second, although Article I of the convention prohibits the development, producing, stockpiling, or otherwise acquiring or retaining biological weapons, this prohibition does not apply to the use and research of biological weapons. Whereas the 1925 Geneva Protocol, which is referred to by Article VIII in the BWC, had already outlawed “use”, the document never mentions “research.”¹² Third, the convention did not explicitly cover the use of BW against animals and plants.¹³ Fourth, complaints of noncompliance with the BWC could only be lodged with the Security Council, where the United States, Soviet Union, United Kingdom, France, and China could all veto an investigation.¹⁴ Moreover, it was agreed there would be no independent investigatory role for the UN Secretary-General, making it even more difficult to initiate an investigation to verify compliance.¹⁵

As noted in the previous chapter many states thought the BWC could not function properly without a verification mechanism. For example, France stated that verification “was a fundamental condition for our adherence” and therefore refused to join the BWC.¹⁶ Also the Swedish delegation was highly critical of the final text. As Alva Myrdal noted, because “no control measures were prescribed, there is in essence no assurance that it can be implemented.”¹⁷ Several other states were also unhappy with some of the convention’s provisions and hoped they could remold the BWC in the future. Therefore, as Jezz Littlewood puts it, it’s important to note that from the beginning the BWC has not been “a treaty where all is well with its States Parties and there has never been a period when that was the case.”¹⁸

So from the beginning there were tensions between those states that wanted a stronger compliance regime for the BWC, and those states that did not want to alter the original treaty. Littlewood, who was present at the negotiations of the BWC protocol from 1998 to 2002, devised a conceptual framework through which one could identify patterns or underlying trends to the complex process that lead to the protocol negotiations. Littlewood roughly distinguishes two approaches amongst States Parties based on how they acted within the BWC: the *reformist* and the *minimalist*. In his definition, reformists are those who wished to strengthen the enforcement of the BWC via the development of additional mechanisms, whereas minimalists favored the status quo and tended to reject additional measures.¹⁹

Although minimalists agreed that the BWC is far from perfect, they believed its flaws could not be rectified, either because they believed changes would weaken, rather than strengthen the convention or because they feared a stronger BWC would lead to a loss of national sovereignty.²⁰ Reformists had a less state-centric and more multilateral approach, as they believed that the problem of biological weapons could not be resolved on state level only.²¹

Whether a State Party is considered reformist or minimalist varies per specific issue at particular moments in time. In the case of the United States, Littlewood argues generally the US “has shifted through minimalism, reform, and back to minimalism.”²² However, it is important to note that from the beginning of the discussions about introducing stronger verification measures into the BWC, the United States “took a very reluctant stance.”²³ As the history of the BWC Review Conferences shows, the United States has never been truly reform-minded about the BWC and consistently found itself at odds with its Western European allies.

First Review Conference: 1980

As article XII of the BWC mandated a conference of States Parties was to be held five years after the convention’s entry into force in order to review the operation of the convention.²⁴ These review conferences would provide an important opportunity for reformist states to press for additional verification measures. The First Review Conference took place from 3 to 21 March 1980. As expected the main topic of dispute among the States Parties was the standard of the verification provisions and the efficacy of the BWC.²⁵ Most states that were in favor of reform generally tended to agree with a statement put forward by Nigeria that implementation of the BWC was “on the whole satisfactory... [but] that did not mean that there was no need for the examination of strengthening procedures by closing loopholes and removing ambiguities.”²⁶ Many countries in the Western Group were unhappy with articles V and VI, which gave the Security Council exclusive authority on dealing with complaints about non-compliance. At the time of the conference concerns about Soviet noncompliance were widespread as a result of the recent incident at Sverdlovsk. However, the Russian veto in the Security Council would make it impossible to start an investigation. This highlighted the need for an independent body to deal with allegations of noncompliance.

Remarkably, the United States formed an exception within the Western Group, as it did not pressure for added verification measures.²⁷ The United States had unilaterally destroyed its own biological weapons stockpile between 1971 and 1973, which left other governments open to United States suspicion.²⁸ However, the Carter Administration seemed to prefer to take a unilateral approach to deal with concerns of noncompliance and openly accused the Soviet Union for violating the BWC. The United States did not believe in the reliability of the multilateral procedures offered by the BWC because they were too weak and could easily be blocked by the Soviet Union's veto in the Security Council.²⁹

In order to strengthen the BWC compliance mechanism reformist states proposed to add a "Consultative Committee" to Article V, which would conduct fact-finding through on-site inspections. The addition of such a committee would separate the initial fact-finding element from the politically biased Security Council.³⁰ The proposal met considerable opposition. Especially the Soviet Union was against the addition of a consultative committee, arguing, "there was no need to worry about problems which did not exist."³¹ Finally, a compromise was reached through the inclusion of clarifying provisions concerning Article V in the Final Declaration. The newly introduced procedures would make it easier for states to address complaints of noncompliance. They included for example: "the right of any State Party subsequently to request that a consultative meeting open to all States Parties to be convened at expert level."³² According to Littlewood this all suggested significant progress because it pointed towards an accepted procedure to be followed in the event of non-compliance concerns being raised formally.³³ Nevertheless, the Carter — and later also Reagan — Administration refused to use this procedure and continued to question Soviet compliance on their own. In its closing remarks the United States pointed at the Sverdlovsk incident and expressed its concern that the Soviet Union might have violated the convention. Reflecting on this issue, Julian Perry Robinson commented:

The Sverdlovsk allegation very much affected the content of the Final Declaration on the thorny issue of the Consultative Committee. On the one hand it illustrated most graphically the need for some form of inter-

national verification procedure. On the other hand it suggested that the USSR would be the subject of the first complaint to be brought before the committee, and few states were happy to contemplate the political furor that would ensue, and the attendant threat to the BWC's continuation . . .³⁴

As this all suggests, during the BWC's first decade the United States did not feel the need to push for a stronger verification regime. This set the United States apart from most of its allies in the Western Group that were striving for serious reform of the BWC. Even though the United States had strong concerns about the possible noncompliance of the Soviet Union, it believed these concerns could not be solved by "weak" multilateral means. Instead the Carter Administration unilaterally accused the Soviet Union with United States findings that the convention was breached.

Second Review Conference: 1986

During the First Review Conference the States Parties had decided that a second review conference should take place five years later. This conference took place from 8 to 25 September 1986, a time when allegations of noncompliance had raised tensions — especially between the United States and the Soviet Union. The Reagan Administration was convinced the Soviet Union had a clandestine BW program and, from 1981 onwards, repeatedly accused the Soviet Union of violating the BWC.³⁵ Senior political officials in the administration believed not only that the Sverdlovsk outbreak of anthrax was caused by an offensive BW facility, but also that the Soviets had been using mycotoxins in Afghanistan and Indochina, which became known as the "Yellow Rain" controversy.³⁶ The National Security Decision Directive (NSDD) of 1982 suggested that the United States would — amongst others — look to the next BWC conference for possible measures against Soviet noncompliance. The NSDD stated that the United States would try to strengthen the verification and compliance mechanisms of the BWC in order to maintain international pressure on the Soviet Union to give up its biological weapons. Moreover, as an ultimate remedy, the government was to consider taking the issue of Soviet noncompliance to the Security Council or even withdrawing from the Biological Weapons Convention.³⁷ As the

tensions rose, many states had anticipated that the United States would use the Second Review Conference to accuse the Soviet Union of strongly violating the BWC.

However, in 1986 the United States took a very different approach from the one outlined in the 1982 NSDD. As Barend ter Haar observed during the conference, the United States “considered that the unwillingness of the socialist bloc to disprove the evidence that pointed towards violations, and the US difficulty in convincing other governments that its accusations were well-founded, proved that the Convention was basically flawed and beyond repair.”³⁸ The United States considered it very frustrating to be confronted with the fact that states might still maintain offensive biological programs because the BWC could not enforce compliance.³⁹ In the eyes of the United States, its lack of adequate verification mechanisms made the BWC essentially useless. Neither did they have faith that effective verification was something that could be achieved for the BWC⁴⁰. As one US spokesman declared: “The United States and other countries are left with very grave concerns about compliance and no way to resolve them. One consequence is that confidence in the effectiveness of the Convention has been seriously eroded.”⁴¹ The Reagan administration’s decision to handle the issue with the Soviet Union through the bilateral rather than the multilateral channel reflects these sentiments.⁴² According to one government official the Reagan administration even thought “the treaty is irrelevant.”⁴³

Unsurprisingly, during the Second Review Conference there was a widespread feeling that the BWC was suffering “an alarming erosion of confidence.”⁴⁴ According to Littlewood, during the convention States Parties could take three different approaches: (1) do nothing and hope the taboo against biological weapons would be strong enough to survive; (2) do nothing and accept that developments in biotechnology coupled with the current weak BWC would increase biological weapons deterrence capabilities; or (3) address the deficiencies of the BWC and take measures to strengthen the convention. Although the United States was committed to strengthening the norm against BW established by the convention, its skepticism towards the feasibility of verification led them to oppose a verification regime.⁴⁵ It therefore adopted a fairly minimalist approach.

Most of the United States allies were in favor of reform and therefore went with the third option. Although most states agreed that the existing political climate would not permit an amendment, reformists proposed alternative ways to strengthen the convention. Sweden and the Netherlands for example proposed short-time improvements to the BWC by adopting confidence-building measures (CBM's) that would require states to annually exchange information on, for example, biological research centers and the unusual outbreak of diseases.⁴⁶ The purpose of CBM's was to reduce doubts and suspicions about state's biological activities and to promote international cooperation in the field of peaceful biological activities. Reformist states hoped that in the long-term a more formal compliance regime could flow from these measures.^{47, 48} The CBM's were adopted in the final text as voluntary, politically binding, but not legally binding measures. In addition states agreed on a procedure for resolving doubts about compliance, called the Formal Consultative Process.⁴⁹ However, without United States support for substantial BWC reform, the Second Review Conference did not achieve more than a few small improvements to the BWC.

Third Review Conference (1991)

A Third Review Conference took place between 9 and 27 September 1991. As Littlewood argues this conference was shaped by significant changes in the international environment, such as the end of the Cold War and scientific developments relevant to the BWC.⁵⁰ Moreover, many parties agreed that the time was ripe for a legally binding verification protocol for the BWC.⁵¹

A number of factors contributed to this growth in momentum. First, since the original convention had been negotiated in the early 1970s, there had been dramatic scientific and technical advances. The birth of genetic engineering and the biotechnology revolution marked the beginning of a new era in biological warfare. With genetic engineering existing viruses could be made ever more destructive. In addition the development of biotechnology greatly improved the effectiveness of biological weapons.⁵² As the technical difficulties that previously complicated the production of reliable biological weapons disappeared, states felt increasingly compelled to strengthen the BWC.⁵³

Second, the successful recent negotiations of various arms control agreements, such as the Nuclear Forces Treaty and the Final Declaration of the Paris Conference on chemical weapons, reinforced confidence that complex arms control issues could be brought to an acceptable conclusion.⁵⁴ Especially the progress made towards completing the Chemical Weapons Convention demonstrated that states were willing to accept very intrusive verification procedures to control these weapons. It seemed therefore that a similar verification regime for biological weapons would also be politically feasible.⁵⁵

Finally, by 1991 suspicions of Russian noncompliance had been confirmed with the first defection of Soviet bioweaponer Vladimir Pasechnik to the United Kingdom. Moreover, the conference took place against the backdrop of the first UNSCOM inspections of Iraq's supposed biological weapons facilities after the Gulf War.⁵⁶ If the inspections would be successful, they would set an important example.

Noncompliance of the Soviet Union remained a strong stumbling block for the United States, which maintained that strengthening the convention would be useless if violations were ignored. Assistant Secretary of State Richard Clarke insisted: "that the Soviets satisfy our serious concerns about their own compliance with the BWC before we proceed to discuss strengthening the Convention."⁵⁷ In short: there would be no reform without compliance. The US attitude towards verification clashed with its reform-minded allies in the Western Group, particularly France, who wanted to propose the addition of a verification protocol to the BWC.⁵⁸ Contrary to these states, the George H.W. Bush administration did not desire far-reaching reform of the BWC. As one ACDA member indicated, establishing a mandate at the review conference for a group to negotiate a verification protocol "is not appropriate from our point of view because we have not identified an effective way to verify the treaty."⁵⁹ As this suggests, the United States had a different view of verification than most of its Western Allies.

United States Ideas on Verification

From the Reagan era onwards the US had held the position that compliance with the BWC could not be verified. As Marie Isabelle Chevrier explains, “this position meant that the US did not think that any process, any means to gather information regarding a country’s compliance, would be sufficient to make a judgment if a country was in compliance with the BWC in the face of suspicions of noncompliance.”⁶⁰ As discussed at the beginning of this chapter, from a technical point of view, verification of the BWC is extremely difficult because of the special characteristics of biological weapons. This, however, was a fact recognized by all States Parties, and still there were many countries that pushed for a verification protocol despite the technical difficulties. Therefore, I would argue, the United States minimalist position towards BWC verification derived for a large part from US political expectations towards arms control.

Some scholars have argued that the position of the United States towards BWC verification focused exclusively on detection and not on the deterrence of noncompliance, which is an important component in many arms control treaties.⁶¹ Verification can be established in various ways. According to Chevrier there are three common standards of verification that connote different levels of confidence in detection: “absolute”, “effective,” and “adequate” verification.⁶² Absolute verification implies that all violations will be detected, which the US recognizes is an impossible standard to meet. One could speak of adequate verification when a state or body of states can determine compliance adequately to safeguard its security; or as Secretary of Defense Harold Brown described it: “whether we can identify attempted evasion if it occurs on a large enough scale to pose a significant risk, and whether we can do so in time to mount a sufficient response.”⁶³ During the 1970s adequate verification was the US requirement for arms control treaties, meaning that the US was willing to accept some level of uncertainty in regard to compliance.

This changed from the Reagan administration onwards. US officials started to believe that any instance of noncompliance would undermine the entire treaty. They therefore insisted on tougher verification measures, “effective verification,” which should detect not only acts of military noncompliance that seriously threatened US

security, but also the intent of a state to violate the treaty.⁶⁴ In order to reduce the likelihood of noncompliance the US therefore insisted on the need for rigorous on-site inspections. As noted before, the particular difficulties that come with BW inspections made the United States conclude at the Third Review Conference that effective verification was impossible and that creating a BWC verification protocol would only provide states with a false and dangerous sense of security.⁶⁵ Unlike the United States, the majority of States Parties at the Third Review Conference argued in favor of added verification measures. The position of the United States again clashed with its allies in the Western Group, who maintained that even imperfect monitoring measures would severely strengthen BWC compliance because of the deterrent effect they would have on potential proliferators.

Remarkably, the United States position towards verification was much more lenient during negotiations of the Chemical Weapons Conference, which is equipped with a relatively intrusive verification regime, than during the review conferences of the Biological Weapons Convention. Whereas under the BWC the US maintained that “bad verification was worse than none” — thereby adhering to the “effective verification” criterion — under the CWC it accepted that “some verification was better than none.”⁶⁶ Although technical differences in monitoring chemical and biological weapons certainly shaped the US position, the Office of Technology Assessment noted that the main issue for the Bush Administration was a “political debate over whether the burden of proof associated with BWC verification would hamper more severely the verifier or the violator.”⁶⁷ This meant the Bush Administration did not want the verification regime to have too much of an impact on United States pharmaceutical industry and its defensive biological weapons program and therefore decided in advance that on-site verification could not work for biological weapons.⁶⁸

As we have seen, the position of the United States towards the possible addition of verification measures to the BWC remained fairly constant in the period from 1972 until 1991. From Nixon until George H. Bush American administrations held the position that the BWC was not verifiable using multilateral means, and that the downsides of equipping the BWC with a legally binding verification mechanism — possible exposure of American defense and proprietary information — did not weigh

up to the deterrence effect of additional verification measures. Whereas the reform-minded Western allies of the United States accepted that verification would not guarantee absolute compliance, the United States preferred the status quo. At the Third Review Conference the issue of whether or not a verification protocol should be added to the BWC was brought to a close by a compromise between the United States and its reform-minded Allies. The States Parties agreed on the establishment of an Ad Hoc Group of Governmental Experts, who were “to identify and examine potential verification measures from a scientific and technical standpoint” — also called the VEREX process. This marked the beginning of a decade of serious work towards a verification protocol. It is important to note that the decision of the United States to support the establishment of an Ad Hoc Group of Governmental Experts was very much a compromise decision and did not mean that the United States was looking to seriously reform the BWC. This instrumental view was articulated by one prominent ACDA member:

I don't think that the United States feels it would be appropriate for the review conference to establish a mandate for a group to negotiate a verification Protocol. That is not appropriate from our point of view because we have not identified an effective way to verify the treaty.⁶⁹

Even though the United States had agreed to identify possible verification measures, it had not changed its position. Under both Reagan and Bush senior the United States had been very skeptical about the possibilities of effective BWC verification. A Protocol would give a false idea of confidence in the BWC, and the United States was convinced that other states would be violating the treaty nevertheless.

The VEREX Process (1991-2001)

The mandate for the VEREX group issued by the Third Review Conference stated that the group should identify measures which could determine: “whether a State party is developing, producing, stockpiling, acquiring or retaining microbial or other biological agents or toxins, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes” and “whether a state party is developing, producing, stockpiling, acquiring or retaining weapons, equipment or

means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.”⁷⁰ The VEREX rapporteurs identified 21 possible measures for verification, which were presented at a special conference for states parties in September 1994. These measures ranged from multilateral information sharing to on-site inspections.⁷¹ Although most of these measures should be taken together with one or more of the others, the VEREX group considered “from the scientific and technical standpoint, that some of the potential verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention.”⁷²

The states parties endorsed VEREX’s considerations and mandated the establishment of an Ad Hoc Group, open to all states parties and chaired by the Hungarian ambassador Tibor Tóth, to “consider appropriate measures, including possible verification measures, and draft proposals to strengthen the convention, to be included, as appropriate, in a legally binding instrument, to be submitted for the consideration of the states parties.”⁷³ Among the issues to be considered by the Ad Hoc Group were: a system of measures to promote compliance; enhanced confidence-building and transparency measures; and the protection of sensitive commercial propriety information and legitimate security needs.⁷⁴ The group started its work in January 1995 and spent five sessions discussing the Protocol’s primary issues. However, they did not reach any shared conclusions or agree on draft texts before the Fourth Review Conference, which took place from 25 November to 6 December 1996.⁷⁵ At the review conference the Ad Hoc Group was urged “to intensify its work with a view to completing it as soon as possible before the commencement of the Fifth Review Conference” and to “move to a negotiating format in order to fulfill its mandate.”⁷⁶ Considering the CWC took 20 years to negotiate, the group was under significant time pressure to reach an agreement before the Fifth Review Conference.⁷⁷ Therefore chairman Tibor Tóth was asked to present a “rolling text” at the seventh session of the Ad Hoc Group, reflecting the progress that was made until then. As Bruggen and ter Haar point out, the rolling text marked the beginning of a new, intensified, phase in the negotiation process, as was reflected by the increased frequency of meetings over the next few years.⁷⁸ Still, the opposing views of many states made it very difficult to reach consensus on most articles covered in the Protocol.

BWC Policy under the Clinton Administration

During the first years of the VEREX process the United States opposition of a possible verification protocol remained unchanged. In 1993, with the election of the Clinton Administration, many states anticipated the United States to take a new direction. Months after the new Administration had taken office the United States still “did not seem to be any more positively disposed towards BWC verification than it had been previously.”⁷⁹ However, in September 1993 the Clinton Administration finished conducting a review of American non-proliferation policy, which it then presented to the United Nations General Assembly. The United States position on the role of verification in the BWC formed part of the review, and the Clinton Administration decided to take a new policy direction on this matter. It seemed the United States had now taken on a much more favorable position towards BWC verification than before. As Undersecretary of State Lynn Davis stated: “we are parting company with the previous Administration and promoting new measures designed to increase transparency of activities and facilities that could have biological weapons applications, thereby increasing confidence in compliance with the convention.”⁸⁰ Whereas the Bush Administration had vehemently opposed site visits and supported only confidence-building measures and investigations of serious allegations and outbreaks of disease, the Clinton administration now also supported clarification visits and facility investigations.⁸¹

According to Littlewood the Clinton Administration’s changed position on BWC verification meant that the “balance of power in the BWC was tipped decisively in favor of the reformists.” As he argues, the Clinton Administration abandoned the “singular obsession” with effective verification the United States used to have, and therefore allowed negotiations for a legally binding protocol to commence. Did this mean that under Clinton the United States took a radically different approach to the BWC negotiations? As I will argue, the shift in policy overseen by president Clinton was nominal and did not lead to a radically different attitude of the United States during the negotiations. As I will show, there were several reasons for the relative continuity of the American attitude towards the BWC under the Clinton Administration, even though that Administration had expressed support for the negotiation of a legally binding Protocol.

First, one of the most important reasons the United States did not take a sharp turn in policy towards the BWC Protocol was the substantial opposition to the Protocol at the bureaucratic level of the Clinton Administration, by people who had already worked on BWC issues under previous administrations. Even though president Clinton and his principal foreign policy officials had decided to pursue a different course towards BWC reform, they never saw to it that their policy preferences were actually implemented by the officials working on the issue. As several scholars have noted, when it came to the BWC — and multilateral policy in general — the Clinton Administration did not provide the leadership that was needed to counter the deeply rooted domestic opposition to the Protocol.⁸² As could be expected from a president elected for its emphasis on domestic problems, the president's attention to the issue of the BWC was minimal. Moreover, as Leitenberg argues, the subject did not have any priority for both of Clinton's Secretaries of State, Warren Christopher and Madeline Albright, nor for either of his National Security Advisers, Anthony Lake or Sandy Berger.⁸³ As a result, a large part of the Clinton Administration continued to actively oppose the protocol. For example, the chief negotiator of the United States delegation in Geneva, Donald Mahley, and Assistant Secretary of State, Edward Lacey, had served in BW-related positions under the Reagan and Bush Administrations and basically opposed the Protocol. From mid-1999 onwards Mahley told allied states that he was striving for a complete change in the negotiation's mandate. This went directly against the official policy of the Clinton Administration at that time.⁸⁴

In addition, the lack of leadership from the highest level of government led to internal divisions in the Clinton Administration. As Oliver Thränert pointed out, remarkably, during the first negotiating meetings of the Ad Hoc Group in 1995 and 1996, the United States did not give an indication on its position on inspections.⁸⁵ The US delegation in Geneva had not received clear instructions from Washington on this point, because of an internal division between the Department of Commerce and the Department of Defense on the one side, and the State Department and the White House on the other.⁸⁶ The latter two emphasized the importance of creating an effective instrument against the threat of BW proliferation. The Pentagon, however, was against international inspections because it felt that the US biological weapons

defense program, which is the largest and most expensive in the world, should not risk exposure to possible foreign espionage. As discussed before, this could severely weaken defenses against a biological attack. In addition, the Department of Commerce represented the concerns of civilian companies, who wanted to protect propriety and commercial information. Especially the member companies of the Pharmaceutical Research and Manufacturers of America (PhRMA) were lobbying strongly to prevent an inspection regime. The US pharmaceutical industry is the absolute world leader in biopharmaceutical research, conducting 80 percent of the world's research and development in biotechnology.⁸⁷ As a result they hold the intellectual property rights to most new medicines, generating major incomes. Because of its dependence on patents, the US pharmaceutical industry works in a highly secretive environment and fear that BWC-mandated transparency would result in major losses for the industry.⁸⁸

In the end, strong pressure of PhRMA on Washington has seriously influenced the United States negotiating position on the Protocol's articles concerning declarations and inspections, as the United States delegation pressed for "a remarkable dilution of the original goal of transparency for these activities."⁸⁹ Whereas most of the US' Western allies were in favor of a system of verification whereby annual declarations of military and civilian facilities that would be capable of producing BW would be checked through routine on-site inspections, the United States opposed such inspections. The fact that PhRMA influenced this position becomes clear from a letter from Secretary of Commerce William Daly to Secretary of State Madeleine Albright, in which he reminded, "we have repeatedly assured US industry that we oppose random and routine on-site activities."⁹⁰ The United States government also had other concerns about visits. Considering the United States had by far the largest number of sites and facilities that would have to be declared under the draft protocol, routine visits would mainly take place on US territory. As Thränert argued, "since the United States would need to cover some 20 percent of the budget of a future BWC organization, it was not willing to support inspections that would focus on its own territory."⁹¹

The United States approach to challenge investigations, which could occur after there is evidence of a state's noncompliance, also differed from that of most parties in

the Western Group. Most states were in favor of the “red light” approach that was also used in the Chemical Weapons Convention. Under this procedure, a three-quarters majority is required to *stop* a challenge investigation. However, the United States proposed to adopt a so-called “green light” approach, which required a majority vote to *approve* an investigation. In order to concede to the US concern that the United States would be subjected to “frivolous” investigation requests, the Composite Text had adopted the weaker green light approach for those requests involving the territory of another state party.⁹² This made it highly unlikely for challenge inspections to occur.

As all this suggests, the Clinton Administration did not push hard for a strong verification protocol, despite the fact that their official policy was one that “fully supported the preparation of a regime to strengthen the BWC.”⁹³ Even though the president himself might have been more positively disposed towards the protocol than previous administrations, key players in various executive departments were still suspicious of the BWC protocol and many continued to oppose it. Furthermore, under the Clinton Administration the United States never completely changed its outlook on verification, as it was still not convinced that the BWC could be effectively verified.⁹⁴ It is significant that from the beginning of the negotiations the United States insisted that the legally-binding protocol would “strengthen the convention” rather than “verify compliance.” The United States consistently tried to water down the protocol by pushing for weaker provisions for visits and declarations. The positions of the United States often clashed with those of its allies, most of whom wanted stronger measures to verify compliance. Compared to the European Union, the priority the United States allocated to the protection of confidential information was especially exceptional. As different departments of the United States government were seriously divided about the protocol, the strong PhRMA lobby against the protocol could gain serious influence. By contrast, the member states of the European Union, most of which also have important pharmaceutical industries, did support declaration triggers that would cover more facilities.⁹⁵

George W. Bush and the Rejection of the Protocol

As the Fifth Review Conference was drawing nearer, the pressure mounted to reach a final agreement on time. The rolling text that formed the basis for the negotiations was still heavily bracketed — indicating the concerns of different parties, including the United States, towards elements of the text. In order to resolve some of the conflicting interests during the 22nd session in February 2001, Tóth conducted a series of bilateral consultations with delegates of states parties, focusing on those issues on which strong conceptual differences in views existed, such as the level of intrusiveness of possible inspections or the scope of required declarations. This resulted in a drafting by the chairman of a “Composite Text of a Protocol,” which was presented during the 23rd session. The Composite Text was based on the Rolling Text, but Tóth had made decisions in all the ongoing discussions and forged compromises between the different states’ wishes. Although reformists had liked to see stronger measures in the text, many states, scholars, and NGO’s thought it would be a major improvement to the existing BWC.⁹⁶ Amongst the measures proposed by the Composite Text to strengthen the convention were: the establishment of a permanent organization to oversee implementation of the BWC (the Organization for the Prohibition of Biological Weapons); the provision of triggers for initial and annual declarations of facilities and activities; the conduction of randomly selected transparency visits to declared facilities; and the possibility investigate possible violations of the convention.⁹⁷ Although no state got its way entirely, there apparently was enough optimism for the Ad Hoc Group to decide to “continue its work at the next session so as to submit its report.”⁹⁸ However, the United States had remained silent about its position on the BWC Protocol, and the new Bush Administration conducted a Protocol policy review. Various press reports even suggested that the United States might reject the Protocol.⁹⁹

The 24th session of the Ad Hoc Group would be its very last, as the endeavors to develop a verification protocol for the BWC came to a dramatic end during that session. After the majority of States Parties present — including all the major players — had expressed in their plenary statements on the first two days that the “Composite Text should form the basis for political decisions to adopt the protocol before the Fifth Review Conference,” the United States, on the third day, shocked

delegates by declaring that it was “unable to support the current text, even with changes, as an appropriate outcome of the Ad Hoc Group.”^{100, 101} From ambassador Donald Mahley’s statement at the 24th session one can discern two principal arguments for the United States withdrawal of support for the BWC draft Protocol. First, the United States did not believe the draft Protocol would improve the ability to verify BWC compliance nor enhance US confidence in compliance. Second, the United States believes the draft Protocol would put national security and confidential business information at risk.¹⁰² Although the United States had repeatedly expressed these concerns during the negotiating process, most delegations did not really expect the US to “be prepared to pull the carpet from under everyone’s feet.”¹⁰³ Especially since the protocol had been considerably weakened to accommodate US demands.¹⁰⁴ Without support from the United States, many other states did not want to continue the debates and the Protocol talks collapsed.¹⁰⁵

This part of the chapter will take a closer look at the decision of the Bush Administration to pull out of the BWC Protocol negotiations in 2001. First, I will briefly explain why the administration of George W. Bush is often held accountable for the demise of protocol. As I will show, it was particularly the rhetoric and crude diplomatic style of the Bush Administration that contrasted with that of the Clinton Administration. I will continue to argue that also in the case of the BWC protocol the actions of the Bush Administration did not form a sharp break with the policies of previous administrations.

Many scholars and commentators connect the failure of the BWC protocol to the apparent “unilateralist turn” of the George W. Bush.¹⁰⁶ Especially European diplomats and observers of the Ad Hoc process, who saw years of international efforts being destroyed by one of their closest allies, see the decision of the United States to oppose the protocol as one that could be traced back primarily to the Bush Administration’s malcontent with multilateralism. This sentiment is not incomprehensible. The rejection of the BWC protocol formed one in a rather impressive series of treaty rejections taking place during the Bush Administration’s first months in office. It refused to sign the Kyoto Protocol for climate change, aggressively opposed the establishment of the International Criminal Court, broke the Comprehensive Test Ban Treaty, opposed treaty proposals to control the illegal

trade in small arms, and made clear it intended to withdraw from the Anti Ballistic Missile Treaty. These actions reflected the administration's view that the United States should only commit to multilateral agreements and organizations if they directly served American interests. Moreover, it quickly became clear that antipathy towards arms control and multilateralism was a dominant sentiment amongst high-level foreign policy officials in the Bush Administration.¹⁰⁷ This is most prominently reflected in the appointment of John Bolton as undersecretary of state for international security and arms control. A fervent critic of Clinton's apparent dependence on multilateralism, Bolton was known for spurning international law.¹⁰⁸ As Bolton wrote in an article on global governance in 2000:

It is a big mistake for us to grant any validity to international law even when it may seem in our short-term interest to do so because, over the long term the goal of those who think that international law really means something are those who want to constrict the United States.¹⁰⁹

The fact that George W. Bush and his foreign policy principles selected John Bolton, an outspoken anti-multilateralist, for one of the most multilateral oriented jobs in the State Department serves as an indication of this administration's disposition. Indeed, during his four years as arms control undersecretary, John Bolton became notorious for his obstructive attitude in many arms control bodies, which added to the already unilateralist reputation of the Bush Administration. Bolton's diplomatic style could be called "blunt" at best. For example, allies and enemies alike were shocked when Bolton traveled to the Organization for the Prohibition of Chemical Weapons in The Hague to demand the resignation of Jose Bustani, who was unanimously elected as director-general of the organization.¹¹⁰ Similarly, Bolton described the controversial unsigned of the ICC Rome Statute by the Bush Administration as "the happiest moment of my government service."¹¹¹ However, nowhere did John Bolton and the Bush Administration stir up as much antipathy from international colleagues as they did during the fifth review conference of the BWC.

After the debacle of the 24th session of the Ad Hoc Group many states parties still had hopes that the Ad Hoc process to strengthen the BWC would continue during the Fifth Review Conference in December 2001. The 9/11 terrorist attacks on the United

States and the anthrax attacks that took place that same month highlighted the need for a stronger biological weapons control regime. Therefore, many expected that, despite their rejection of the composite text earlier that year, the United States would again reach for multilateral measures to counter the threat of bioterrorism.¹¹² One month before the convention President Bush sent a hopeful signal to the arms control community when he stated "the United States is committed to strengthening the Biological Weapons Convention as part of a comprehensive strategy for combating the complex threats of weapons of mass destruction and terrorism."¹¹³ However, the United States stirred up great controversy when John Bolton, in a surprise speech at the eleventh hour of the Review Conference, demanded the termination of the Ad Hoc Group's mandate to negotiate a verification protocol. According to the United States the time for flawed "better than nothing" protocols and "slow-moving multilateral mechanisms that are oblivious to what is happening in the real world" was over, and states parties should look for alternative ways to address the threat of biological weapons. In addition Bolton openly accused Iraq, North Korea, Iran, Libya, Syria, and Sudan of violating the BWC and stressed that the United States would not "enter into agreements that allow rogue states or others to develop and deploy biological weapons."¹¹⁴ Bolton's speech led to outrage amongst the other states parties and the Review Conference had to be adjourned and suspended for a year. One Geneva official described the prevailing sentiment after Bolton's statement:

"Many people were very, very angry at what the U.S. did. Even diplomats who had, in the past, supported the U.S. could no longer support them at all. [The U.S. proposal] just killed any chance at agreement on a final declaration."¹¹⁵

The actions of the United States — and specifically those of John Bolton — at the Fifth Review Conference should indeed be seen as a deliberate attempt to weaken multilateral action. It is no coincidence that no other delegation, not even close US allies, was informed of the statement in advance. The intentions of the United States were clear: Bolton himself wrote in his memoirs that he wanted to "inter the protocol and its drafting vehicle permanently in Geneva" and that the Review Conference the United States had made sure to "put the final nail in its [the Ad Hoc Group] coffin."¹¹⁶

Rather than the multilateral framework of the Ad Hoc Group, where the United States had to work with states on an equal basis, the United States now suggested unilateral measures, which “would be determined and pursued by the United States either alone or with close allies”.¹¹⁷ Bolton’s statement signaled that the United States would fight the threat of bioterrorism on its own terms, which was in line with its generally unilateralist attitude during the larger War on Terror. “Either you are with us or you are with the terrorists,” Bush had stated ten days after 9/11, and it was clear that the United States would be the one to decide which state fell in what category.¹¹⁸ The Bush Administration created a clear link between weapons of mass destruction and terrorism. The countries Bolton accused of possessing biological weapons were depicted as rogue states determined to harm the United States and should therefore not be trusted to negotiate with. In this sense, the actions and rhetoric of the Bush Administration at the Review Conference reflected a strong belief in American exceptionalism: not only did the United States exempt itself from the Protocol, but they did so on the ground of moral superiority. Whereas the United States “clearly” could be trusted to comply with the BWC, even without a verification regime, other states were deemed so immoral that they would engage in biological warfare, even when a BWC verification regime would be in place.

From the above one could conclude that the Bush Administration’s unilateralist and exceptionalist disposition, especially after 9/11, played an important role in the collapse of the BWC protocol negotiations. However, it is important to realize that the position of the Bush Administration did not differ that much from that of previous administrations. As I have showed in the first part of the chapter, there has been great continuity in the US attitude towards BWC verification. The Bush Administration’s rationale for rejecting the Protocol — it would note enhance US capabilities to verify the existence of biological weapons programs, it would put US biodefense and pharmaceutical propriety information at risk, and it would not deter rogue states from acquiring biological weapons — was based on exactly the same objections to the Protocol held by previous administrations dealing with the BWC. In fact, the substantial US concerns presented by Donald Mahley during the 24th session of the Ad Hoc Group, were all agreed upon during an interagency review of the draft Protocol in October 2000, which was still under the Clinton Administration.¹¹⁹ In terms of the US position towards the substance of the Protocol, the Bush

Administration therefore continued the policies of its predecessors, be it with a more unilateralist rhetoric.

In addition, the cultural biases that were underlying the Bush Administration's offensive against further multilateral negotiations for a BWC protocol were shared by previous administrations. Even the rather radical viewpoints of John Bolton reflect an exceptionalist undercurrent which exists in the United States and has long influenced American foreign policy towards multilateralism and arms control.

The connection between weapons of mass destruction and terrorists and rogue states, which many associate primarily with the Bush Administration, was created long before 9/11. The term "rogue state" became part of the official security lexicon under George H. W. Bush, indicting "a special category of countries deemed sufficiently immoral to use weapons of mass destruction or to employ terrorists to do so."¹²⁰ The rogue state doctrine became popular in the United States after the end of the Cold War, when the perceived threat of WMD shifted from the Soviet Union to a fear that these weapons would proliferate to the "Third World." The Clinton Administration intensified the focus on "rogue states."¹²¹ In 1996 Defense Secretary William Perry wrote:

Rogue regimes may try to use these devastating [biological] weapons as blackmail, or as a relatively inexpensive way to sidestep the U.S. military's overwhelming conventional military superiority ... The bottom line is, unlike during the Cold War those who possess nuclear, chemical, and biological weapons may actually come to use them.¹²²

As discussed in the previous chapter, the United States was especially concerned that poor countries outside the West would acquire biological weapons as an attractive cheaper alternative to nuclear weapons, as this would seriously threaten the geopolitical "balance" of power where only a few states, headed by the United States, had access to WDM. Therefore those states that the United States suspected of acquiring weapons of mass destruction were portrayed as "rogue states" that are out to harm the United States and its allies. By characterizing some states as rogue the United States placed them beyond the reach of multilateral arms control regimes to

which only “moral” and “responsible” states would adhere.¹²³ In this sense the United States, which traditionally perceived itself as a bringer of morality in a corrupt world, could be trusted with nuclear weapons, but other, non-Western, states could not be trusted with any sort of WMD.

During the negotiations of the Protocol under the Clinton Administration the United States tried to push for rules that would make the occurrence of visits and inspections taking place in the United States as unlikely as possible.¹²⁴ However, with the largest pharmaceutical industry in the world and extensive biological weapons defense programs, a significant portion of inspections under the verification Protocol would take place on US territories, rather than focusing on the “rogue states” that, in the perception of the United States, would inevitably violate the convention. In the eyes of US Administrations, then, the Protocol would not only divert attention away from pressing security issues, posed by rogue states that intended to harm the United States, but also give any morally repugnant “nation, pseudo-nation, or thugocracy, such as Iran under the mullahs” leverage over United States policies, thereby limiting US freedom of action to intervene unilaterally when it believed a “rogue state” possessed biological weapons.¹²⁵

Conclusion

This chapter has explored the process leading up to the draft verification Protocol for the Biological Weapons Convention, and its subsequent rejection by the United States in 2001. It analyzed how the American position towards BWC reform has evolved under different US Administrations since 1972. As I have argued, by rejecting the BWC Protocol the Bush Administration did not take a significant foreign policy turn from previous US policies and attitudes. The technical, political, and cultural objections to the BWC Protocol that formed the basis of the Bush Administration’s rejection of the BWC Protocol have shaped the position of every US Administration — from Nixon to Clinton — that dealt with the BWC before. The United States never genuinely wanted to equip the BWC with a strong verification regime as it believed such a regime would not catch all violations of the convention, put American defense and propriety information at risk, and limit US freedom of action while “rogue states” would still pursue biological weapons.

The negotiations of the Biological Weapons Convention during the 1970s had left many States Parties unsatisfied. The treaty lacked any meaningful verification provisions, which meant that even when a State had ratified the BWC it could still secretly maintain a biological weapons program without much chance of being detected. As became clear in the decades following the BWC's establishment, several States Parties — most notably the Soviet Union and Iraq — had continued their large-scale bioweapons programs, which highlighted the need for stronger BWC verification measures. During the first three Review Conferences small improvements were made to the BWC, but it was not until the 1990s that substantial negotiations began to strengthen the treaty's compliance regime.

In contrast to its European allies, the United States has always been very reluctant to reform the BWC. During the Cold War years American Administrations did not support attempts by reform-minded states to establish a fact-finding committee that could initiate on-site inspections to bolster compliance. The United States believed issues of biological weapons non-compliance could not be effectively addressed through multilateral means. This idea was reinforced by the BWC's inability to deter the Soviet Union from producing biological weapons. Moreover, the United States argued that the characteristics of biological weapons made them impossible to detect. Even an extremely intrusive regime of on-site inspections would not guarantee that all violations would be exposed. Whereas most European countries accepted this level of uncertainty and stressed that some verification would significantly strengthen the deterrence value of the treaty, the United States maintained that some verification was worse than none, because it would give States Parties a false sense of security.

During the 1990s, despite Clinton's reform-minded and multilateralist rhetoric, United States policies remained largely unchanged. The Clinton Administration remained skeptical about the value of an intrusive verification regime, and actively opposed routine inspections to facilities producing biological agents. Moreover, the US government was strongly influenced by the lobby of pharmaceutical companies, who opposed the Protocol because its on-site inspections might put propriety information at risk. Similarly, the Department of Defense believed that on-site inspections to US defense facilities would put national security at risk. Finally, ideas of American exceptionalism and moral righteousness played a large role in the reluctance of the United States to accept the Protocol. For many Americans, the idea

that “immoral” states would have leverage over US policies was seen as dangerous. Especially the fact that a large portion of BWC inspections would target the United States, while at the same time “rogue states” would supposedly still be able to acquire biological weapons to harm America, was unacceptable to the United States. It would therefore have been very unlikely that the Protocol, as presented at the 24th session of the Ad Hoc Group, would have been approved by the Clinton Administration or any of its predecessors. The timing of the Fifth Review Conference ensured that the final decision to accept or reject the Protocol fell to the Bush Administration, but the rationale on which their decision was based had been in place long before 2001.

Conclusion

In 2008, Barack Obama's historic election victory unleashed a wave of optimism around the world. After eight years of frustration with the Bush Administration's unilateral policies, foreign diplomats and advocates of arms control longed for "change." Obama had promised a "new dawn of American leadership" and a stronger focus on multilateralism than was accorded by the Bush Administration.¹ Moreover, the prospects for a reinvigoration of the BWC verification Protocol looked bright, as the new president embraced arms control and even envisioned a world free of nuclear weapons. Obama would bring American foreign policy "back to normal," and "return" to the US tradition of commitment to multilateralism that existed since World War II.²

However, despite the President's multilateralist rhetoric, expectations of Obama's renewed multilateral engagement have remained largely unfulfilled. This is especially true for the US policy on biological weapons, which received little attention from the new administration. In 2009, at the annual meeting of States Parties of the BWC, Undersecretary of Arms Control Ellen Tauscher presented the new Administration's strategy for countering biological threats. In her speech she stressed that the Obama Administration would not reverse the decision to reject the BWC Protocol that had been taken under Bush:

But I want to be clear and forthcoming and I hope this will not be a surprise to anyone. The Obama Administration will not seek to revive negotiations on a verification Protocol to the Convention. We have carefully reviewed previous efforts to develop a verification Protocol and have determined that a legally binding Protocol would not achieve meaningful verification or greater security.³

This thesis set out to explain United States behavior towards the Biological Weapons Convention and to put the Bush Administration's rejection of the BWC verification Protocol in context with the American foreign policy tradition since World War II. Could one attribute the US rejection of the Protocol primarily to the "unilateral turn" of the Bush Administration, or should one rather interpret this decision as a

continuation of a longer-term tradition of American ambivalence towards multilateral instruments?

Ambiguous Multilateralism

When the Bush Administration rejected the draft Protocol in 2001 after years of negotiations, many scholars and commentators connected this decision to Bush's supposed "unilateral turn."⁴ They suggested that the Bush Administration's unilateralist foreign policies marked a radical break with the United States traditional support of multilateral institutions since World War II. This assumes that the BWC Protocol was doomed from the aberrational philosophy of the George W. Bush Administration, and that previous US administrations — especially those of Bill Clinton — would have supported the Protocol.

This study has come to a different conclusion. First, it maintains that the Bush Administration's disregard for multilateral organizations did not form a sharp break with US attitudes and policies since World War II. Ambivalence towards — and even mistrust of — multilateralism has been a continuous force in American foreign policy. When the United States committed itself to a range of multilateral organizations after World War II it did not purely do so out of an intrinsic and selfless urge to make sure that "all the men in all the lands may live out their lives in freedom from fear and want."⁵ Rather, for the post-war superpower, multilateral organizations formed an attractive means to shape the world according to American values and to pursue American political and economic interests. US commitment to multilateralism was highly conditional, and the United States always tried to obtain an exceptional position of power within these organizations. A notable example is the United Nations, where the United States is one of the five permanent members of the Security Council with veto powers.

This asymmetry in multilateral institutions benefitted the United States for decades.⁶ However, as the international community began to emphasize the equality-of-states principle, the United States found it increasingly hard control the outcomes of multilateral agreements, which resulted in growing US skepticism about the value of multilateralism for the pursuit of American interests. As the US record of treaty ratifications shows, the United States has hardly been the everlasting "champion of

multilateralism” as some might suggest. Even the “assertively multilateralist” Clinton Administration found itself drawn to unilateral actions, as reflected in the meager record with respect to US participation in international treaty initiatives during the 1990s.⁷ The rejection by the George W. Bush Administration of multilateral instruments that conflicted with American national interests should therefore be seen as continuation of a longer-term tradition of American ambivalence towards multilateral instruments.

In addition, this research has shown strong patterns of continuity in the American attitude towards the BWC. From the beginning the United States has taken an ambiguous position towards this treaty, just as it had done with virtually all post-World War II multilateral institutions. On the one hand, America took on a leadership role during the creation of the BWC. It was President Nixon who in 1969 abandoned America’s extensive biological weapons program. This unprecedented step paved the way for the negotiation of the BWC in 1972. On the other hand, however, the United States consistently obstructed initiatives to reform the BWC and equip the treaty with meaningful verification provisions — a position that put the United States at odds with a majority of States Parties, and certainly with its Western allies. When the Bush Administration rejected the BWC Protocol in 2001, it did so on the basis of substantial objections that have dominated American BWC policies since that treaty was negotiated: a BWC Protocol would not improve US abilities to verify BWC compliance and put US biodefense programs and propriety information at risk. In addition, American BWC policies have been shaped by same notions of American exceptionalism and moral superiority under Bush as under previous Presidents. The Bush Administration’s BWC policy therefore did not mark a break with the way US administrations had positioned themselves in the past.

BWC Verification: Longstanding US Opposition

Over the past decades American administrations have been highly skeptical about the possibilities of BWC verification. From the beginning of the treaty’s existence, the United States has held the view that the existence of a biological weapons program could not be effectively verified through multilateral means. This already became clear during the first BWC negotiations under Nixon. Rather than picking the draft-convention submitted by the United Kingdom, which included procedures to

investigate States Parties' adherence to the treaty, the United States supported the proposal drafted by the Soviet Union, which completely lacked meaningful verification provisions. Although this curious move was partly motivated by a fear that the Soviet Union would otherwise block the BWC and other arms control initiatives, policy documents suggest that the United States did not mourn the lack of a verification system. Inspections of pharmaceutical and biodefense facilities, that would also have targeted the US, would most likely have a high level of intrusiveness, while at the same time there would still be a chance that “real violators” would not be caught. Instead, the United States could be seriously harmed by such a regime, as inspections could reveal proprietary and national security information.

This skeptical attitude towards verification of bioweapons stems partly from the fact that certain characteristics of biological weapons make them incredibly difficult to detect. This is caused for a large part by the dual-use nature of these weapons — meaning that almost all the technology, materials, and equipment needed to produce biological weapons also have important civilian applications, such as the production of medicine. Therefore, it is very difficult to determine whether a facility is producing biological agents for illegitimate or for peaceful purposes. Moreover, it is relatively easy to produce a biological weapon — allegedly, this could take place in a kitchen or garage — and even a small quantity of agent could generate a high level of destruction. Consequently, even an extensive regime of inspections would not guarantee that in fact no biological weapons were being produced and as a result, a verification regime would give the world a false sense of security.

Despite these technical difficulties, most US allies called for the creation of a verification regime, which ultimately led to the negotiations of the BWC verification Protocol. These states argued that some verification is better than none and stressed that adding meaningful verification provisions would improve the BWC's deterrence value and strengthen the international norm against biological weapons. By contrast, subsequent US Administrations — from Ronald Reagan to George W. Bush — stuck to the position that some verification was worse than none. This difference between the US and its allies was caused by a distinct US political expectation that an arms control treaty should not only detect acts of military noncompliance that seriously threatened US security, but also the intent of a state to violate the treaty. Even under

President Clinton, who had signaled a positive intent to strengthen the BWC, the majority of his Administration — including various key-players — did oppose a verification Protocol. Lacking the political will to equip the BWC with meaningful verification provisions, the Clinton Administration brought little change to the traditional BWC policies. The position of the United States remained far apart from those of its European allies and an agreement was not easily within reach. During the negotiations in October 2000 foreign diplomats already complained about the unilateralist attitude displayed by the United States. As was reported by the United States Institute of Peace: “many around the world perceive the United States as dictatorial at times, as in ‘What’s mine, is mine. What’s yours is negotiable’. They would like to see the role of the hegemon played with more grace and humility.”⁸

Hence, when the Bush Administration announced in 2001 that it would not support the BWC Protocol it actually continued the policies of previous administrations. It was the timing of the Fifth Review Conference — States Parties had to decide in 2001 whether or not they would support the draft Protocol — and the strong unilateralist rhetoric of John Bolton that made the Bush Administration receive much of the blame for the collapse of the negotiations.⁹ However, the critiques presented by Ambassador Mahley during the announcement of the US rejection of the Protocol were all developed and agreed upon in October 2000, during an interagency review of the “Chairman’s Text,” months before Bush got into office.¹⁰ It can therefore be concluded that, as Fiona Simpson has put it, “in terms of the outcome ... the new administration may have changed only the ‘when’ and the ‘how,’ rather than the ‘what.’”¹¹

American Exceptionalism and the BWC

The reluctance of the United States to reform the BWC derived to a large extent from US cultural perceptions of itself and the world. Chapter 1 has shown that United States attitudes and practices regarding multilateral organizations were largely informed by ideas of American exceptionalism and moral righteousness. From the founding of the Republic, American foreign policy was shaped by a deep-rooted belief in *Manifest Destiny* — the idea that the United States is an exemplary nation with a divine duty to spread its morally enlightened society.¹² At the same time, these cultural perceptions installed in Americans an urge to defend their nation to a

corrupt outside world, and to restrict the influence of international bodies on the United States. Dealing with the threat of biological weapons, the Bush Administration, and all US administrations preceding it, made policy on the premise that America was more moral than other states — especially its enemies. From the George H.W. Bush presidency onwards these cultural notions were reflected in the “rogue doctrine,” which linked US enemies to weapons of mass destruction. Rogue states were countries deemed so immoral that they would try to acquire WMD and use it against the United States and its allies. These countries would also most likely opt for biological weapons, which were not only the most “immoral” but also the easiest category of WMD. By contrast, the United States was indeed moral enough to handle nuclear weapons.

This reflects a firm belief that not “all states are equal in legitimacy or threat.”¹³ As multilateral organizations strongly rely on the principle of sovereign equality, which implies that all states are morally equivalent, Americans — and especially those with more conservative views — tend to be highly skeptical about the value of such organizations.¹⁴ The fact that states considered highly immoral and undemocratic by the United States, such as Iran or North Korea, could have leverage over American policies was unacceptable to many US politicians. Moreover, Americans feared that such countries would use multilateral regimes to undermine US power by tying the United States into dubitable legal obligations. As Charles Krauthammer commented, for many Americans “a fisheries treaty with Canada is something real. An Agreed Framework on plutonium processing with the likes of North Korea is not worth the paper it is written on.”¹⁵

This skeptical US attitude towards multilateralism applies above all to arms control treaties and organizations. When the Cold War ended, the United States was faced with a changing security environment. Terrorists and rogue states replaced the Soviet Union as the main perceived threat to the United States.¹⁶ However, unlike during the Cold War — when the threat posed by the Soviet Union could be restrained and deterred by the prospect of Mutually Assured Destruction, and therefore arms control regimes were seen as reliable tools to maintain the balance of power — Washington’s foreign policy elites now believed that formal multilateral arrangements and arms control treaties could not effectively constrain terrorists and rogue states from using WMD against the United States.¹⁷ Too much reliance on

multilateralism, then, would be dangerous, because constraining multilateral commitments would divert attention away from important security challenges, and limit American freedom of action to combat WMD threats unilaterally when necessary.¹⁸

American exceptionalism had a significant influence on United States behavior towards the BWC. As the “rogue doctrine” tells us, the United States used double standards when it came to biological weapons: it judged itself and its allies by more permissive criteria than it did its enemies.¹⁹ All American presidents that have dealt with the BWC have accepted the notion that the world is divided in two camps: responsible states that can be trusted with WMD, including nuclear weapons, and irresponsible states that cannot be trusted with any sort of WMD.²⁰ This “moral division” formed one of the most important underlying reasons that the US was reluctant to create a verification regime for the BWC. Seeing that the United States has the biggest pharmaceutical industry and the most advanced biological defense program in the world, a significant portion of the inspections would focus on US national facilities. The United States believed that rogue states were inevitably going to violate the convention just as America’s Cold War enemy, the Soviet Union, had done. It was therefore unacceptable to the United States that a large part of the inspections would be devoted to America, a “good state”, rather than catching the “bad guys.” As Georg Nolte had said about the US rejection of the ICC, “it may indeed be hard for the United States to swallow the possibility ... that an Iranian judge might pass judgment over US service personnel”. One can imagine the prospects of 2/3 of the US Senate voting to ratify a document that would have US defense facilities and bio-industrial production capabilities being examined by an Iranian “OPBW-inspector” (Organization for the Prohibition of Biological Weapons). For the United States the draft Protocol for the BWC diverted attention from “real” security challenges, posed by rogue states possessing biological weapons, whilst limiting US freedom of action to intervene unilaterally when it suspected states to endanger US security interests.

Preventing the use of Biological Weapons

The rejection of the BWC Protocol was not a consequence of a unilateral turn taken under the Bush Administration, but rather the result of longstanding political,

security, and cultural concerns that the United States had maintained towards BWC verification. As such, United States exceptionalist behavior towards the BWC fits within a tradition of American ambivalence towards multilateral institutions. As Obama's unchanged policies towards the BWC show, one must be careful not to label the presidency of George W. Bush as an aberration to America's preference for multilateralism. It is important to let go of the powerful illusion that "if only President Bush would go away, the world would revert to the status quo ante, a mythical world of brotherly love and UN- mandated multilateralism," because such explanations do not do justice to the complexity of the forces that drive American foreign policy and will only lead to greater misunderstanding of, and frustration with, US behavior on the international stage.²¹ The prospects for a radical multilateralist reorientation of US foreign policy look grim, and the BWC verification Protocol will not be revived in the near future. However, the threat posed by biological weapons is real and can only be effectively countered through strong international cooperation between all states. It is now up to the United States, and the rest of the world, to make sure that the Biological Weapons Convention remains relevant, and, *together*, find alternative ways to prevent that these weapons will ever be used again.

Bibliography

- ACDA. *Documents on Disarmament*. Washington: U.S. Government Printing Office, 1973.
- Alibek, Ken and Stephen Handelman, *Biohazard: The Chilling True Story of the Largest Covert Biological Weapons Program in the World - Told from Inside by the Man Who Ran it*. New York: Delta, 2000.
- Bachevich, Andrew J. *American Empire: The Realities & Consequences of U.S. Diplomacy*. Cambridge MA: Harvard University Press, 2002.
- Baldwin, David. "The International Bank in Political Perspective." *World Politics* 18 (1965): 68-81.
- Bolton, John. "Should we take global governance seriously?" *Chicago Journal of International Law* 1, No 2 (2000): 205-22.
- Bolton, John. Remarks to the 5th Biological Weapons Convention Review Conference Meeting, Geneva, 15 November 2001. <http://2001-2009.state.gov/t/us/rm/janjuly/6231.htm>.
- Bolton, John. Remarks at Tokyo America Center, Tokyo, 26 August 2002. <http://2001-2009.state.gov/t/us/rm/13090.htm>.
- Bolton, John. *Surrender Is Not an Option: Defending America at the United Nations*. New York: Threshold Editions, 2007.
- Borgwardt, Elisabeth. *A New Deal for the World: America's Vision for Human Rights*. Cambridge MA and London: The Belknap Press of Harvard University Press, 2005.
- Brugger, Seth. "BWC Conference Suspended After Controversial End." *Arms Control Today* 32 (January/February). http://www.armscontrol.org/act/2002_01-02/bwcjanfebo2.
- Bush, George W. Address to a Joint Session of Congress and the American People, Washington, DC, 20 September 2001. <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html>.
- Bush, George W. President's Statement on Biological Weapons, Washington, DC, 1 November 2001. <http://2001-2009.state.gov/t/ac/rls/rm/2001/7907.htm>.

- Byers, Michael and Georg Nolte. *United States Hegemony and the Foundations of International Law*. Cambridge: Cambridge University Press, 2003.
- Carter, Ralph G. "Leadership at Risk: the Perils of Unilateralism." *PS: Political Science and Politics* 36, No. 1 (2003): 16-22.
- Chevrier, Marie Isabelle. "The Biological Weapons Convention: The Protocol that Almost Was," in *Verification Yearbook*, 79-97. London: VERTIC, 2001.
- Cole, Leonard A. "The Specter of Biological Weapons" *Scientific American* 275, no. 6, (1996): 60-68.
- Cole, Leonard A. "The Poison Weapons Taboo: Biology, Culture, and Policy." *Politics and the Life Sciences* 17, no. 2 (1998): 119-132.
- Croddy, Eric, Clarisa Perez-Armendariz, and John Hart. *Chemical and Biological Warfare: A Comprehensive Survey for the Concerned Citizen*. New York: Copernicus Books, 2002.
- Daalder, Ivo, and James Lindsay. *America Unbound: The Bush Revolution in Foreign Policy*. Washington D.C.: Brookings, 2003.
- Dando, Malcolm R. *Preventing Biological Warfare: The Failure of American Leadership*. New York: Palgrave, 2002.
- Dando, Malcolm R. *Bioterror and Biowarfare: A Beginners Guide*. Oxford: Oneworld Publications, 2006.
- Dando, Malcolm R., G.S. Pearson, and Tibor Tóth, eds. *Verification of the Biological and Toxin Weapons Convention*. Dordrecht: Kluwer Academic Publications, 2000.
- David, Charles-Philippe and David Grondin, eds. *Hegemony or Empire? : The Redefinition of US Power Under George W. Bush*. Aldershot, England: Ashgate Publishing Limited, 2006.
- Deller, Nicole and John Burroughs. "Arms Control Abandoned: The Case of Biological Weapons." *World Policy Journal* (Summer 2003).
- Diamond, John. "Bio-Weapons Treaty Latest To Get The Boot From Bush." *Chicago Tribune*, 24 July 2001. http://articles.chicagotribune.com/2001-07-24/news/0107240190_1_comprehensive-test-ban-treaty-kyoto-protocol-european-union.
- Dorrien, Gary. *Imperial Designs: Neoconservatism and the New Pax Americana*. New York: Routledge, 2004.

- Douzinas, Costas. *Human Rights and Empire: The Political Philosophy of Cosmopolitanism*. New York: Routledge-Cavendish, 2007.
- Dubridge, Lee. Memorandum, Presidential Science Advisor Lee A. DuBridge to National Security Advisor Henry Kissinger, 22 October 1969, NARA, Nixon Presidential Materials, NSC Files, Subject Files, Box 310, Chemical, Biological Warfare (Toxins, etc.), Vol. I. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB58/>.
- Dunne, Tim, Milja Kurki, and Steve Smith, eds. *International Relations Theories: Discipline and Diversity*. Oxford and New York: Oxford University Press, 2010.
- LaFeber, Walter. *The American Age: U.S. Foreign Policy at Home and Abroad*. Volume 2: Since 1896. New York and London: W.W. Norton & Company, 1989.
- Fehl, Caroline. "Living with a Reluctant Hegemon: The Transatlantic Conflict Over Multilateral Arms Control." *European Journal of International Relations* 14, no. 2 (June 2008): 259-287.
- Foot, Rosemary, S. Neil MacFarlane, and Michael Mastanduno, eds., *US Hegemony and International Organizations: The United States and Multilateral Institutions*. Oxford and New York: Oxford University Press, 2003.
- Forsythe, David P. *The United States and Human Rights: Looking Inward and Outward*. Lincoln and London: University of Nebraska Press, 2000.
- Fox, Leon A. "Bacterial Warfare: The Use of Biologic Agents in Warfare." *Military Surgeon* 72, No. 3 (1933): 189-207.
- Frank, Forrest Russel. "U.S. Arms Control Policy Making: The 1972 Biological Weapons Convention Case" (Ph.D. diss., Stanford University, 1975), 35, No. 12A (1975): 7993.
- Fukuyama, Francis. "The Neoconservative Moment," *The National Interest* (Summer 2004).
- Garrett, Laurie. *Betrayal of Trust: The Collapse of Global Public Health*. Oxford: Oxford University Press, 2003.
- Geissler, Erhard, and Ellis van Courtland Moon, eds. *Biological and Toxin Weapons: Research, Development and Use from the Middle Ages to 1945*. Oxford: Oxford University Press, 1999.
- Goldman, David I. "The Generals and the Germs: The Army Leadership's Response to Nixon's Review of Chemical and Biological Warfare Policies in 1969." *The Journal of Military History* 73, no. 2 (2009): 531-569.

- Gordon, Michael R. "Germ Warfare Talks Open in London; U.S. Is the Pariah." *New York Times* (24 July 2001).
- Gould, Chandré and Peter Folb, *Project Coast: Apartheid's Chemical and Biological Warfare Programme*. Geneva: United Nations Institute for Disarmament Research, 2002.
- Graham, Thomas. "Biological Weapons and International Law." *Science* (29 March 2002): 2325.
- Guillemin, Jeanne. *Biological Weapons: From the Invention of State-Sponsored Programs to Contemporary Bioterrorism*. New York, Chichester, West-Sussex: Columbia University Press, 2005.
- Gurr, Nadine. *The New Face of Terrorism: Threats From Weapons of Mass Destruction*. London: Tauris, 2002.
- Halper, Stefan and Jonathan Clarke. *America Alone: The Neoconservatives And The Global Order*. Cambridge: Cambridge University Press, 2004.
- Harris, Elisa D. "Bioweapons Treaty — Still A Good Idea." *Christian Science Monitor*, 24 August 2001. <http://www.csmonitor.com/2001/0824/p11s3-coop.html>.
- Harris, Sheldon H. *Factories of Death: Japan's Biological Warfare 1932-45 and the American Cover-up*. New York and London: Routledge, 2002.
- Hogan, Michael J. and Thomas G. Paterson, eds. *Explaining the History of American Foreign Relations*. Cambridge: Cambridge University Press, 2004.
- Holloway, Steven. "U.S. Unilateralism at the U.N.: Why Great Powers Do Not Make Great Multilateralists." *Global Governance*, July (2000): 361-381.
- Hungary. *Statement before the First Committee of the U.N. General Assembly*. U.N. Doc A/C.1/SR.1451, 11 November 1966. §§ 34-36. http://www.icrc.org/customary-ihl/eng/docs/v2_cou_hu_rule75.
- Hutchinson, Robert. *Weapons of Mass Destruction: The No-nonsense Guide to Nuclear, Chemical and Biological Weapons Today*. London: Widenfield & Nicholson, 2003.
- Ignatieff, Michael. *Empire Lite*. London: Vintage, 2003.
- Ignatieff, Michael (ed.) *American Exceptionalism and Human Rights*. Princeton: Princeton University Press, 2005.

- Ikenberry, G. John. "The End of the Neoconservative Moment." *Survival* 46, no. 1 (2004): 7-22.
- International Committee of the Red Cross. *Project of an International Declaration concerning the Laws and Customs of War. Brussels, 27 August 1874.*
<http://www.icrc.org/ihl.nsf/FULL/135?OpenDocument>.
- International Committee of the Red Cross. *Declaration (IV, 2) concerning Asphyxiating Gases. The Hague, 29 July 1899.*
<http://www.icrc.org/ihl.nsf/FULL/165?OpenDocument>.
- Jishe, Fan. "Nagging Uncertainty and Growing Concern: The Bush Administration's Arms Control Policy." *Disarmament Diplomacy* 55 (March 2001).
- Jones, Bruce D., Shepard Forman and Richard Gowan. *Cooperating for Peace and Security: Evolving Institutions and Arrangements in a Context of Changing U.S. Security Policy.* Cambridge: Cambridge University Press, 2010.
- Jones, Martin Hugh. "Wickham Steed and German Biological Warfare Research," *Intelligence and National Security* 7, no. 4 (1992): 379-402.
- Joyner, Daniel H. *International Law and the Proliferation of Weapons of Mass Destruction.* Oxford: Oxford University Press, 2009.
- Kamien, David G., ed. *The McGraw-Hill Homeland Security Handbook.* New York: McGraw-Hill, 2006.
- Karns, Margaret P., and Mingst, Karen A., eds. *The United States and Multilateral Institutions: Patterns of Changing Instrumentality and Influence.* Boston: Unwin Hyman, 1990.
- Kessler, Glenn and Colum Lynch. "Critic of U.N. Named Envoy." *Washington Post*, 8 March 2005. <http://www.washingtonpost.com/wp-dyn/articles/A13790-2005Mar7.html>.
- Kissinger, Henry. National Security Memorandum No. 59, Henry Kissinger to the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, the Special Assistant to the President for Science and Technology and the Director US Arms Control and Disarmament Agency, Subject: US Policy of Chemical and Biological Warfare and Agents, 28 May 1969. <http://www.nixonlibrary.gov/virtuallibrary/documents/nationalsecuritystudy memoranda.php>.
- Krauthammer, Charles. "The Unipolar Moment." *Foreign Affairs*, vol. 70, no.1 (Winter 1990/91): 23-33.

- Krisch, Nico. "Weak as Constraint, Strong as Tool: The Place of International Law in U.S. Foreign Policy." *Unilateralism and U.S. Foreign Policy: International Perspectives*. Ed. Malone, David M. and Ed. Khon, Yuen Foong. London and Boulder: Lynne Rienner Publishers (2003) 41-70.
- Kristol, William and Robert Kagan. "Towards a Neo-Reaganite Foreign Policy." *Foreign Affairs* (July-August 1996).
- Koblentz, Gregory D. *Living Weapons: Biological Warfare and International Security*. Ithaca: Cornell University Press, 2009.
- Koh, Harold Hongju. "On American Exceptionalism." *Faculty Scholarship Series, Paper 1778* (2003), 22 September 2012.
http://digitalcommons.law.yale.edu/fss_papers/1778
- Kwakwa, Edward. "The International Community, International Law, and the United States: Three in One, Two Against One, or One and the Same?" Byers, Michael, and Nolte, Georg, eds. *United States Hegemony and the Foundations of International Law*. Cambridge: Cambridge University Press, 2003. 25-56
- Laird, Melvin. Memorandum, Secretary of Defense Laird to National Security Advisor Henry Kissinger, 30 April 1969. Nixon Presidential Materials, NSC Files, Subject Files: Chemical Biological Warfare (Toxins, etc), vol. 1, NARA.
- Lederberg, Joshua (ed.) *Biological Weapons: Limiting the Threat*. The MIT Press: Cambridge MA and London, 2001.
- Leitenberg, Milton. "Biological Weapons Arms Control" Project on Rethinking Arms Control Paper 16, Center for International and Security Studies at Maryland. Maryland: University of Maryland, 1996.
- Leitenberg, Milton. "Biological Weapons and 'Bioterrorism' in the First Years of the 21st Century." *Politics and the Life Sciences* (2002): 3-27.
- Leitenberg, Milton, Raymond A Zilinskas, and Jens H Kuhn. *The Soviet Biological Weapons Program: A History*. Cambridge: Harvard University Press, 2012.
- Lind, Michael. "The Weird Men Behind George W. Bush's War." *New Statesman* (April 2003).
- Littlewood, Jez. *The Biological Weapons Convention: A Failed Revolution*. Hampshire: Ashgate, 2005.
- Litwak, Robert. *Rogue States and U.S. Foreign Policy: Containment After the Cold War*. Washinton D.C.: Woodrow Wilson Center Press, 2000.

- Livingstone, Neil C., and Joseph D. Douglass Jr. *CBW: The Poor Man's Atomic Bomb*. Cambridge: Institute for Foreign Policy Analysis, 1984.
- Lundestad, Geir. *The United States and Western Europe since 1945*. New York: Oxford University Press, 2003.
- Lundin, S.J. ed. *Views on possible verification measures for the biological weapons convention*. Oxford: Oxford University Press, 1991.
- Mahley, Donald A. Statement by the United States to the Ad Hoc Group of Biological Weapons Convention State Parties, Geneva, 25 July 2001. <http://2001-2009.state.gov/t/ac/rls/rm/2001/5497.htm>.
- Malone, David M., Yuen Foong Khon, eds. *Unilateralism and U.S. Foreign Policy: International Perspectives*. London and Boulder CO: Lynne Rienner Publishers, 2003.
- Martin, Lisa. "Self Binding." *Harvard Magazine* (September/October 2004): 33-36.
- Mauk, David, and John Oakland. *American Civilization: An Introduction*. Oxon and New York: Routledge, 2009.
- McCarthy, Michael. "US Rejection Sets Biological Weapons Treaty Adrift." *Science and Medicine* 358 (August 2004): 389.
- McDougal, Walter A. *Promised Land, Crusader State: The American Encounter with the World Since 1776*. New York: Houghton Mifflin, 1997.
- McNeill, William H. *Plagues and People*. New York: Anchor Books, 1998.
- Meron, Theodor. "The Court We Want." *The Washington Post*, 13 October 1998, A15.
- Merrill, Dennis, and Thomas G. Paterson, eds. *Major Problems in American Foreign Relations, Since 1914*. Boston: Wadsworth, 2010.
- Meselson, Matthew. "The Biological Weapons Convention and the Sverdlovsk Anthrax Outbreak of 1979." *Journal of the Federation of American Scientists* 41, no. 7 (1988).
- Meselson, Matthew. "The Problem of Biological Weapons." Paper presented at the 18th States Meeting of the American Academy of Arts and Sciences. Cambridge MA: 13 January 1999. <http://www.pugwash.org/reports/cbw/cbw5.htm>.
- Meselson, Matthew, Jeanne Guillemin, Martin Hugh-Jones, Alexander Langmuir, Ilona Popova, Alexis Shelokov, and Olga Yampolskaya. "The Sverdlovsk

- Anthrax Outbreak of 1979." *Science* 266 (1994): 1202-1208.
- Miller, Dorothy L. "Military Biology and Biological Warfare," Historical Office, Office of the Executive, Air Materiel Command, Wright-Patterson Air Force Base, Vol. 1, (1958), .5 (n. 9), 13.
- Moe, Terry M. "Political Institutions: The Neglected Side of the Story." *Journal of Law, Economics, and Organization* 6 (1990): 213.
- Moodie, M. "Bolstering Compliance with the Biological Weapons Convention Prospects for the Special Conference." *Chemical Weapons Convention Bulletin* 25 (September 1994).
- Morton, Henry Jr. *Atlantic Meeting: An Account of Mr. Churchill's Voyage in H.M.S. Prince of Whales in August 1941, and the Conferene with President Roosevelt which Resulted in the Atlantic Charter*. London: Methuen, 1943.
- Müller, Harald and Carmen Wunderlich, eds. *Norm Dynamics in Multilateral Arms Control: Interest, Conflicts, and Justice*. Athens, Georgia: University of Georgia Press, 2013.
- Murphy, Seán. *No fire, No Thunder: The Threat of Chemical and Biological Weapons*. London: Pluto Press, 1984.
- Muth, William. "The Role of the Pharmaceutical and Biotech Industries in Strengthening the Biological Disarmament Regime." *Politics and the Life Sciences* 18.1, (1999): 92-94.
- Myrdal, Alva. *The Game of Disarmament: How the United States and Russia Run the Arms Race*. Nottingham: Spokesman, 1980.
- National Archives. Records of the United States Senate: Franklin D. Roosevelt. Annual Message to Congress, 6 January 1941. <http://www.archives.gov/historical-docs/todays-doc/index.html?dod-date=106>.
- National Security Council. "United States Policy on Chemical Warfare Program and Bacteriological / Biological Research Program," in *National Security Decision Memorandum* 35. 25 November 1969.
- Newman, Edward. *A Crisis of Global Institutions? Multilateralism and International Security*. Oxon: Routledge, 2007.
- Newman, Edward, Ramesh Thakur and John Tirman, eds. *Multilateralism Under Challenge? Power, International Order, and Structural Change*. Tokyo and New York: United Nations University Press, 2006.
- Office of Technology Assessment, *Technologies Underlying Weapons of Mass Destruction*. Washington, DC: GPO, 1993.

- Olson, Elizabeth. "Talks Inching Ahead on Monitoring '72 Germ Warfare Pact." *The New York Times* 14 May 2001. <http://www.nytimes.com/2001/05/14/world/talks-inching-ahead-on-monitoring-72-germ-warfare-pact.html>.
- Patrick, Steward M. "Remembering the Atlantic Charter." *The Internationalist*, 16 August 2011. <http://blogs.cfr.org/patrick/2011/08/16/remembering-the-atlantic-charter/>.
- Patrick, Steward M., and Shepard Forman, eds. *Multilateralism & U.S. Foreign Policy: Ambivalent Engagement*. Boulder and London: Lynne Rienner Publishers, 2002.
- Pearson, Graham S. "The US Rejection of the Protocol at the Eleventh Hour Damages International Security against Biological Weapons." *The CBW Conventions Bulletin* 53 (September 2001): 6-9.
- Podhoretz, Norman. "Showing His Colors The Real Reagan Is Standing Up." *New York Post* (2 May 1986).
- Portny, Iris S. "U.S. To Oppose Efforts to Change Biological, Toxin Weapons Treaty." *Washington Times* (9 June 1986).
- Ralph, Jason. "Between Cosmopolitan and American Democracy: Understanding U.S. Opposition to the International Criminal Court." *International Relations* 17.2 (2003): 209.
- Reyn, Sebastian. *Allies or Aliens? George W. Bush and the Transatlantic crisis in Historical Perspective*. Den Haag: Atlantische Commissie, 2004.
- Rice, Condoleezza. "Promoting the National Interest." *Foreign Affairs*, 79, no. 1 (January/February 2000): 45-62.
- Rissanen, Jenni. "Hurdles Cleared, Obstacles Remaining: The Ad Hoc Group Prepares For the Final Challenge." *Disarmament Diplomacy*, no. 51 (April 2001)
- Robertson, Andrew G., and Laura J. Robertson. "From Asps to Allegations: Biological Warfare in History," *Military Medicine* 160, no. 8 (1995): 369-373.
- Robinson, Julian Perry. "East-West Fencing at Geneva." *Nature* 284 (3 April 1980).
- Rosenberg, Barbara Hatch. "Allergic Reaction: Washington's Response to the BWC Protocol." *Arms Control Today* 31 (July/August 2001).
- Ruggie, John Gerard, ed. *Multilateralism Matters: The Theory and Practice of an Institutional Form*. New York: Columbia University Press, 1993.
- Ryan, Maria. *Neoconservatism and the New American Century*. New York: Palgrave MacMillan, 2010.

- Scheffer, David J. "The United States and the International Criminal Court." *American Journal of International Law* 93.1 (1999): 12-22.
- Schlessinger, Stephen. *Act of Creation: The Founding of the United Nations: A Story of Superpowers, Secret Agents, Wartime Allies and Enemies, and Their Quest for a Peaceful World*. Boulder CO and Oxford: Westview Press, 2003.
- Scoblic, J. Peter. *U.S. Vs. Them: How a Half Century of Conservatism Has Undermined America's Security*. New York: Viking Penguin, 2008.
- Sherwood, Robert. E. *Roosevelt and Hopkins: An Intimate History*. New York: Harper and Bros., 1948.
- Simons, Marlise. "To Ousted Boss, Arms Watchdog Was Seen as an Obstacle in Iraq." *New York Times*, 13 October 2013, http://www.nytimes.com/2013/10/14/world/to-ousted-boss-arms-watchdog-was-seen-as-an-obstacle-in-iraq.html?_r=0
- Sims, Nicholas A. *The Diplomacy of Biological Disarmament: Vicissitudes of a Treaty in Force, 1975-1985*. New York: St. Martin's Press, 1988.
- Sims, Nicholas A. "Reinforcing Biological Disarmament: Issues in the 1991 Review." Faraday Discussion Paper No. 16. *The Council for Arms Control*. London: Brassey's, 1991.
- Sims, Nicholas A. *The Evolution of Biological Disarmament, SIPRI Chemical & Biological Warfare Studies no. 19*. Oxford: Oxford University Press, 2001.
- Sims, Nicholas A. "A Simple Treaty, A Complex Fulfillment: A Short History of the Biological Weapons Convention Review Conferences." *Bulletin of the Atomic Scientists* 67.3 (2011): 8-15.
- Skidmore, David. *The Unilateralist Temptation in American Foreign Policy*. New York and London: Routledge, 2011.
- Smart, Jeffery K. "History of Chemical and Biological Warfare: An American Perspective." *Medical Aspects of Chemical and Biological Warfare*. Fort Detrick: Department of Defense, Office of The Surgeon General, US Army, Borden Institute, 2007.
- Smith, Derek D. *Deterring America: Rogue States and the Proliferation of Weapons of Mass Destruction*. Cambridge: Cambridge University Press, 2006.
- Smithson, Amy E. "Tall Order: Crafting a Meaningful Verification Protocol for the Biological Weapons Convention." *Politics and the Life Sciences* 18.1 (1999): 79-85
- Stanley Foundation. *The Role of the United Nations in Eliminating Weapons of Mass Destruction: Report of the Twenty-seventh United Nations Issues Conference*,

- Convened at Arden House, February 23-25, 1996.* Muscatine: Stanley Foundation, 1996.
- Stanley Foundation. *Weapons of Mass Destruction: Are the Nonproliferation Regimes Falling Behind?: Report of the Thirty-seventh Strategy for Peace, US Foreign Policy Conference: Convened at Airlie Center, Warrenton, Virginia, October 24-26, 1996.* Muscatine: Stanley Foundation, 1996.
- Stephanson, Anders. *Manifest Destiny: American Expansion and the Empire of Right.* New York: Hill & Wang, 1995.
- Stockholm International Peace Research Institute. "The Rise of CB Weapons. Vol 1" in *The Problem of Chemical and Biological Warfare: A Study of the Historical, Technical, Military, Legal and Political Aspects of CBW, and the Possible Disarmament Measures.* Stockholm: Almqvist and Wiksell, 1971.
- Tago, Atsushi. "Determinants of Multilateralism in US Use of Force: State of Economy, Election Cycle, and Divided Government." *Journal of Peace Research* 42.5 (2005): 585-604.
- Ter Haar, Barend. *The Future of Biological Weapons.* Santa Barbara: Praeger, 1991.
- Thakur, Ramesh. *The United Nations, Peace and Security.* New York: Cambridge University Press, 2006.
- The Living Weapon*, DVD, Directed by John Rubin. United States: PBS, 2007.
- Tucker, Jonathan B. "A Farewell to Germs: The U.S. Renunciation of Biological and Toxin Warfare, 1969-70." *International Security* 27, No. 1 (2002): 107-148.
- Tucker, Jonathan B. *War of Nerves: Chemical Warfare from World War I to Al-Qaeda.* New York: Pantheon Books, 2006.
- Tucker, Jonathan B., and Mahan, Erin R. *President Nixon's Decision to Renounce the U.S. Offensive Biological Weapons Program.* Washington, D.C.: National Defense University Press, 2009.
- Tyler, Patrick E. "U.S. Strategy Plan Calls for Insuring No Rivals Develop: A One-Superpower World." *New York Times* (8 March 1992).
- United Nations, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 10 April 1972, <http://disarmament.un.org/treaties/t/bwc/text>.
- United Nations, *Rome Statute of the International Criminal Court*, 10 November 1998. <http://untreaty.un.org/cod/icc/statute/rome.htm>.

United Nations, *Treaty on the Non-Proliferation of Nuclear Weapons*, 12 June 1968.
<http://www.iaea.org/Publications/Documents/Treaties/npt.html>.

United States Arms Control and Disarmament Agency. *Arms Control and Disarmament Agreements: Texts and Histories of Negotiations*. Washington, D.C.: United States Arms Control and Disarmament Agency, 1982.

United Nations Secretary General, *Chemical and Bacteriological (Biological) Weapons and the Effects of Their Possible Use*. Geneva: United Nations, 1969.

United States Congress, "Background Document." *Hearings on the Biological Weapons Convention*. Sub-Committee on National Security, Veterans Affairs and International Relations, House of Representatives. Washington D.C, 10 July 2001.

United States Congress, Office of Technology Assessment. "Technologies Underlying Weapons of Mass Destruction." *OTA-BP-ISC-115*. Washington D.C.: Government Printing Office, 1993.

United States Department of the Army. *The Law of Land Warfare, Department of the Army Field Manual*, FM 27-10, 38. United States, 1956.

United States Department of the Army. *US Army Activity in the U.S. Biological Warfare Program, 1942-1977s*, Volume 1. 25 February 1977. iv.

United States Government. Minutes of NSC Meeting on Chemical Warfare and Biological Warfare, 18 November 1969. <http://2001-2009.state.gov/r/pa/ho/frus/nixon/e2/83592.htm>.

United States Government. Report to the National Security Council: US Policy on Chemical and Biological Warfare and Agents (Submitted by the Interdepartmental Political-Military Group in response to NSSM 59), 10 November 1969.

United States Institute of Peace. "How the United States Negotiates." *Peace Watch VI*, 6 (2000): 1-3.

United States White House, *National Security Decision Directive Number 18*. Washington, 4 January 1982.

Van der Bruggen, Koos and Barend ter Haar. *The Future of Biological Weapons Revisited: A Concise History of the Biological and Toxin Weapons Convention*. The Hague: Netherlands Institute of International Relations Clingendael, 2011.

Van Krieken, Peter J., and David McKay, eds. *The Hague: Legal Capital of the World*. The Hague: T.M.C. Asser Press, 2005.

- Vogelgesang, Sandy. *American Dream, Global Nightmare: The Dilemma of U.S. Human Rights Policy*. New York and London: W.W. Norton & Company, 1980.
- Washington Working Group on the International Criminal Court. "President Clinton's Remarks on Signature of the ICC Treaty." (2000) available at <http://www.wfa.org/issues/wicc/archives/signature/pretext.html>.
- Wedgewood, Ruth. "The International Criminal Court: An American View." *European Journal of International Law* 10 (1999): 93-123.
- Wheelis, Mark, Lajos Rózsa, and Malcolm Dando, eds. *Deadly Cultures: Biological Weapons Since 1945*. Cambridge, Massachusetts, and London, England: Harvard University Press, 2006.
- Whitehair, Rebecca and Seth Brugger. "BWC Protocol Talks in Geneva Collapse Following U.S. Rejection," *Arms Control Association*, September 2001. http://www.armscontrol.org/act/2001_09/bwcsept01.
- Williams, Peter, and David Wallace. *Unit 731: Japan's Secret Biological Warfare in World War II*. New York: Free Press, 1989.
- Wolfowitz, Paul. "Clinton's First Year." *Foreign Affairs* (January/February 1994).
- World Health Organization. *Health Aspects of Chemical and Biological Weapons*. Geneva: WHO, 1970.
- Wright, Susan, ed. *Preventing a Biological Arms Race*. Cambridge: MIT Press, 1990.
- Wright, Susan, ed. *Biological Warfare and Disarmament: New Problems and Perspectives*. New Delhi: Vision Books, 2003.
- Zilinskas, Raymond A., ed. *The Microbiologist and Biological Defense Research: Ethics, Politics, and International Security*. New York: New York Academy of Science, 1992.
- Zilinskas, Raymond A. "UNSCOM and the UNSCOM Experience in Iraq." *Politics and the Life Sciences* 14, no. 2 (1995).

List of Interviews

- Interview with Ivo Daalder, US Ambassador to NATO (6 June 2013)
- Interview with Daniel Feakes, Strategy and Policy Adviser at the OPCW (3 July 2013)
- Interview with Paul van den Ijssel, Netherlands Ambassador to the Conference of Disarmament (7 Maart 2013)
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- Interview with Rio Praaning Prawira Adiningrat, Secretary General at PA International (11 February 2013)
- Interview with Norbert Schmelzer, Dad (20 January 2013)

Notes

Introduction

- ¹ George W. Bush, "Strengthening the International Regime against Biological Weapons", President's Statement on Biological Weapons, Washington DC, 1 November 2001. <http://2001-2009.state.gov/t/ac/rls/rm/2001/7907.htm>.
- ² Donald A. Mahley, Statement by the United States to the Ad Hoc Group of Biological Weapons Convention State Parties, Geneva, 25 July 2001. <http://2001-2009.state.gov/t/ac/rls/rm/2001/5497.htm>.
- ³ Barbara Hatch Rosenberg, "Allergic Reaction: Washington's Response to the BWC Protocol," *Arms Control Today*, vol. 31 (July/August 2001); Susan Wright, "Introduction: In Search of a New Paradigm of Biological Disarmament," in *Biological Warfare and Disarmament: New Problems, New Perspectives* (New Delhi: Vision Books, 2003), 3-24; Nicole Deller and John Burroughs, "Arms Control Abandoned: The Case of Biological Weapons," *World Policy Journal* (Summer 2003): 37-43; Trevor Findlay, "Verification and the BWC: Last Gasp or Signs of Life?" *Arms Control Today*, vol. 36 (September 2006); Jez Littlewood, *The Biological Weapons Convention: A Failed Revolution* (Hampshire: Ashgate, 2005).
- ⁴ Barbara Rosenberg, quoted in Michael McCarthy, "US Rejection Sets Biological Weapons Treaty Adrift," *Science and Medicine* 358 (August 2004): 389.
- ⁵ Jez Littlewood. *The Biological Weapons Convention: A Failed Revolution*. Hampshire: Ashgate, 2005.
- ⁶ Elisa D. Harris, "Bioweapons Treaty - Still A Good Idea," *Christian Science Monitor*, 24 August 2001, <http://www.csmonitor.com/2001/0824/p11s3-coop.html>.
- ⁷ Elisa D. Harris quoted in John Diamond, "Bio-weapons treaty latest to get the boot from Bush," *Chicago Tribune*, 24 July 2001, http://articles.chicagotribune.com/2001-07-24/news/0107240190_1_comprehensive-test-ban-treaty-kyoto-protocol-european-union.
- ⁸ Stewart Patrick, "The Mission Determines the Coalition: The United States and Multilateral Cooperation after 9/11" in *Multilateralism and U.S. Foreign Policy: Ambivalent Engagement*, eds. Stewart Patrick and Shepard Forman (Boulder: Lynne Rienner, 2002). Lisa Martin, "Self-Binding," *Harvard Magazine* (September/October 2004)
- ⁹ Patrick, "The Mission Determines the Coalition," 21.
- ¹⁰ Thomas G. Weiss, "Using military force for human protection: What next?" in *Multilateralism under challenge? Power, international order, and structural change*, eds. Edward Newman, Ramesh Thakur, and John Tirman (Tokyo and New York: United Nations University Press, 2006), 389.

-
- ¹¹ Ivo H. Daalder and James M. Lindsay, *America Unbound: The Bush Revolution in Foreign Policy* (Washington D.C.: Brookings Institution Press, 2003), 2.
- ¹² Daalder and Lindsay, *America Unbound*, 2-3.
- ¹³ David Skidmore, *The Unilateralist Temptation in American Foreign Policy* (New York and London: Routledge, 2011), 5.
- ¹⁴ Steven Holloway, "U.S. Unilateralism at the UN: Why Great Powers Do Not Make Great Multilateralists," *Global Governance* 6, No. 3 (July–September 2000): 361-381.
- ¹⁵ David Mauk, and John Oakland, "The American Context," *American Civilization: An Introduction* (London and New York: Routledge, 2009), 19
- ¹⁶ Edward C. Luck, "American Exceptionalism and International Organization: Lessons from the 1990s," in *US Hegemony and International Organizations: The United States and Multilateral Institutions*, eds. Rosemary Foot, S. Neil MacFarlane, and, Michael Mastanduno (Oxford and New York: Oxford University Press, 2002), 7.
- ¹⁷ Thoughts of this writer during her teenage years.

Chapter 1: The United States and Multilateral Institutions Since World War II

- ¹ Felix Frankfurter, letter of August 18, 1941, congratulating President Roosevelt on his meeting with Prime Minister Winston Churchill at the Atlantic Conference quoted in Elisabeth Borgwardt. *A New Deal for the World: America's Vision for Human Rights*. (Cambridge MA and London: The Belknap Press of Harvard University Press, 2005).
- ² Henry Jr. Morton, *Atlantic Meeting: An Account of Mr. Churchill's Voyage in H.M.S. Prince of Whales in August 1941, and the Conference with President Roosevelt which Resulted in the Atlantic Charter*, 153.
- ³ Borgwardt. *A New Deal for the World*, 4.
- ⁴ Borgwardt, *A New Deal for the World*, 5.
- ⁵ John Gerard Ruggie, "Multilateralism: The Anatomy of an Institution," in *Multilateralism Matters: The Theory and Practice of an Institutional Form*, ed. John Gerard Ruggie (New York: Columbia University Press, 1993), 11.
- ⁶ Steward Patrick, "Multilateralism and Its Discontents: The Causes and Consequences of US Ambivalence," in *Multilateralism & US Foreign Policy: Ambivalent Engagement.*, ed. Steward Patrick and Shepard Forman (Boulder and London: Lynne Rienner Publishers, 2002.), 8; David Skidmore, *The Unilateralist Temptation in American Foreign Policy* (New York and London: Routledge, 2011).

-
- ⁷ Walter LaFeber, *The American Age: US Foreign Policy at Home and Abroad. Volume 2: Since 1896* (New York and London: W.W. Norton & Company, 1989).
- ⁸ Franklin D. Roosevelt, Annual Message to Congress, 6 January 1941, National Archives, Records of the United States Senate: <http://www.archives.gov/historical-docs/todays-doc/index.html?dod-date=106>.
- ⁹ Sherwood, *Roosevelt and Hopkins: An Intimate History*, 231.
- ¹⁰ Steward M. Patrick, "Remembering the Atlantic Charter", *The Internationalist*, 16 August 2011, <http://blogs.cfr.org/patrick/2011/08/16/remembering-the-atlantic-charter/>.
- ¹¹ Steward M. Patrick, "Remembering the Atlantic Charter", *The Internationalist*, 16 August 2011, <http://blogs.cfr.org/patrick/2011/08/16/remembering-the-atlantic-charter/>.
- ¹² LaFeber, *The American Age*, 419.
- ¹³ *Ibid.*, 425.
- ¹⁴ Borgwardt, *A New Deal for the World*.
- ¹⁵ *Ibid.*, 8, 197.
- ¹⁶ *Ibid.*, 281.
- ¹⁷ G. John Ikenberry, "State Power and the Institutional Bargain: US Economic and Security Multilateralism" in *US Hegemony and International Organizations: The United States and Multilateral Institutions*, eds. Rosemary Foot, S. Neil MacFarlane, and Michael Mastanduno (Oxford and New York: Oxford University Press, 2003), 50.
- ¹⁸ *Ibid.*, 49.
- ¹⁹ *Ibid.*, 51.
- ²⁰ Terry M. Moe, "Political Institutions: The Neglected Side of the Story," *Journal of Law, Economics, and Organization* 6 (1990): 213.
- ²¹ Ikenberry, "State Power and the Institutional Bargain," 50.
- ²² LaFeber, *The American Age*, 431.
- ²³ David Baldwin, "The International Bank in Political Perspective," *World Politics* 18 (1965): 68-81.
- ²⁴ Borgwardt, *A New Deal for the World*, 286.
- ²⁵ Margaret P. Karns and Karen A. Mingst, eds., *The United States and Multilateral Institutions: Patterns of Changing Instrumentality and Influence* (Boston: Unwin Hyman, 1990), 6.
- ²⁶ Sherwood, *Roosevelt and Hopkins*, 362-363.
- ²⁷ Harold Hongju Koh, "On American Exceptionalism," *Faculty Scholarship Series*, Paper 1778 (2003), 22 September 2012, http://digitalcommons.law.yale.edu/fss_papers/1778.

-
- ²⁸ Michael Ignatieff, *American Exceptionalism and Human Rights* (Princeton and Oxford: Princeton University Press, 2005), 13.
- ²⁹ Bachevich, *American Empire, The Realities & Consequences of US Diplomacy*, 3.
- ³⁰ David Skidmore, *The Unilateralist Temptation in American Foreign Policy* (New York and London: Routledge, 2011).
- ³¹ Mauk and Oakland, "The American Context," 19
- ³² Patrick, "Multilateralism and Its Discontents," 7.
- ³³ Anders Stephanson, *Manifest Destiny: American Expansion and the Empire of Right* (New York: Hill & Wang, 1995).
- ³⁴ Stephanson, *Manifest Destiny*. Patrick, "Multilateralism and Its Discontents."
- ³⁵ Ignatieff, *American Exceptionalism and Human Rights*, 2.
- ³⁶ *Ibid.*, 3.
- ³⁷ Philipp Meißner, *The International Criminal Court Controversy: An Analysis of the United States' Major Objections Against the Rome Statute*, 76.
- ³⁸ Theodor Meron, "The Court We Want," *The Washington Post* 13 October 1998, A15.
- ³⁹ Nico Krisch, "Weak as Constraint, Strong as Tool: The Place of International Law in US Foreign Policy," in *Unilateralism and US Foreign Policy: International Perspectives*, ed. David M. Malone and Yuen Foong Khong (London and Boulder: Lynne Rienner Publishers, 2003), 46.
- ⁴⁰ "Article 12: Preconditions to the exercise of jurisdiction". *Rome Statute of the International Criminal Court*. United Nations, 10 Nov. 1998, <http://untreaty.un.org/cod/icc/statute/romefra.htm>.
- ⁴¹ David J. Scheffer, "The United States and the International Criminal Court," *American Journal of International Law* 93, no. 1, 12.
- ⁴² Scheffer, "The United States and the International Criminal Court," 19.
- ⁴³ David Scheffer, quoted in Philipp Meißner, *The International Criminal Court Controversy*, 96.
- ⁴⁴ Karns and Mingst, eds., *The United States and Multilateral Institutions*, 6.
- ⁴⁵ Ignatieff, *American Exceptionalism and Human Rights*, 3.
- ⁴⁶ *Ibid.*
- ⁴⁷ David M. Malone, "A Decade of US Unilateralism?" in *Unilateralism and US Foreign Policy: International Perspectives*, eds. David M. Malone and Yuen Foong Khon (London and Boulder: Lynne Rienner Publishers, 2003), 19.

-
- ⁴⁸ Jason Ralph, "Between Cosmopolitan and American Democracy: Understanding US Opposition to the International Criminal Court," *International Relations* 17.2 (2003): 209.
- ⁴⁹ Meißner, *The International Criminal Court Controversy*, 99.
- ⁵⁰ Georg Nolte, "The United States and the International Criminal Court" in *Unilateralism and US Foreign Policy: International Perspectives*, eds. David M. Malone and Yuen Foong Khon (London and Boulder: Lynne Rienner Publishers, 2003), 99.
- ⁵¹ Nico Krisch, "Weak as Constraint, Strong as Tool, 44.
- ⁵² David M. Malone and Yuen Foong Khong, *Unilateralism and US Foreign Policy: International Perspectives* (Boulder and London: Lynne Rienner Publishers, 2003), 5.
- ⁵³ Walter A. McDougal, *Promised Land, Crusader State: The American Encounter with the World Since 1776* (New York: Houghton Mifflin, 1997), 71-72.
- ⁵⁴ Krisch, "Weak as Constraint, Strong as Tool," 44.
- ⁵⁵ Krisch, "Weak as Constraint, Strong as Tool," 46.
- ⁵⁶ Patrick, "Multilateralism and Its Discontents," 7.
- ⁵⁷ Ruth Wedgwood, "Unilateral Action in a Multilateral World," *Multilateralism & US Foreign Policy: Ambivalent Engagement.*, ed. Steward Patrick and Shepard Forman (Boulder and London: Lynne Rienner Publishers, 2002.), 176.
- ⁵⁸ Karns and Mingst, *The United States and Multilateral Institutions*, 7-10.
- ⁵⁹ Karns and Mingst, *The United States and Multilateral Institutions*, 12.
- ⁶⁰ Ralph G. Carter, "Leadership at Risk: the Perils of Unilateralism," *PS: Political Science and Politics* 36, no. 1 (2003): 16-22.
- ⁶¹ Ivo Daalder and James Lindsay, *America Unbound: The Bush Revolution in Foreign Policy* (Washington D.C.: Brookings, 2003); Lisa Martin, "Self Binding," *Harvard Magazine*, September/October (2004): 33-36; G. John Ikenberry, "The End of the Neoconservative Moment," *Survival* 46, no. 1 (2004): 7-22.
- ⁶² Stefan Halper and Jonathan Clarke, *America Alone: The Neoconservatives And The Global Order* (Cambridge: Cambridge University Press, 2004); Ikenberry, "The End of the Neoconservative Moment;" Gary Dorrien, *Imperial Designs: Neoconservatism and the New Pax Americana* (New York: Routledge, 2004).
- ⁶³ Sebastian Reyn, *Alies or Aliens? George W. Bush and the Transatlantic Crisis in Historical Perspective* (The Hague: Netherlands Atlantic Association, 2007), 154.
- ⁶⁴ William Kristol and Robert Kagan, "Towards a Neo-Reaganite Foreign Policy," *Foreign Affairs* (July-August 1996).
- ⁶⁵ Ibid.

-
- ⁶⁶ Reyn, *Alies or Aliens*, 142.
- ⁶⁷ Ibid., 149-150.
- ⁶⁸ Norman Podhoretz, "Showing His Colors The Real Reagan Is Standing Up," *New York Post* (2 May 1986).
- ⁶⁹ Charles Krauthammer, "The Unipolar Moment," *Foreign Affairs*, vol. 70, no.1 (Winter 1990/91): 23-33.
- ⁷⁰ Maria Ryan, *Neoconservatism and the New American Century* (New York: Palgrave MacMillan, 2010), 2.
- ⁷¹ Daalder and Lindsay, *America Unbound*, 12-13.
- ⁷² Quoted from an early draft of the Defense Planning Guide that was leaked to the press in 1992 and was drawn up under the responsibility of Paul Wolfowitz. Patrick E. Tyler, "US Strategy Plan Calls for Insuring No Rivals Develop: A One-Superpower World" *New York Times* (8 March 1992).
- ⁷³ Paul Wolfowitz, "Clinton's First Year," *Foreign Affairs* (January/February 1994); Maria Ryan, *Neoconservatism and the New American Century*, 27.
- ⁷⁴ Francis Fukuyama, "The Neoconservative Moment," *The National Interest* (Summer 2004); Michael Lind, "The Weird Men Behind George W. Bush's War," *New Statesman* (April 2003): 10.
- ⁷⁵ Joseph R. Biden Jr., "The National Dialogue on Iraq + One Year," Brookings Institution, Washington, D.C., July 31, 2003.
- ⁷⁶ Reyn, *Alies or Aliens*, 142.
- ⁷⁷ Condoleezza Rice, "Promoting the National Interest," *Foreign Affairs*, vol. 79, no. 1 (January/February 2000), 62.
- ⁷⁸ Transcript of Presidential Debate, Excerpts: Gov. George W. Bush vs. Vice President Al Gore, *PBS News Hour* (Aired: 12 October 2000), http://www.pbs.org/newshour/bb/politics/july-dec00/for-policy_10-12.html ; Sebastian Reyn, *Alies or Aliens*, 155.
- ⁷⁹ James Mann, *Rise of the Vulcans: The History of Bush's War Cabinet* (New York: Penguin Books, 2004), xvi-xvii and 362-363.
- ⁸⁰ Krisch, "Weak as Constraint, Strong as Tool," 46.
- ⁸¹ Rice, "Promoting the National Interest," 62.
- ⁸² Skidmore, *The Unilateralist Temptation*, 4.
- ⁸³ Ruggie, "American Exceptionalism, Exemptionalism, and Global Governance," 3.

-
- ⁸⁴ Washington Working Group on the International Criminal Court, "President Clinton's Remarks on Signature of the ICC Treaty" (2000) available at <http://www.wfa.org/issues/wicc/archives/signature/pretext.html>, 1
- ⁸⁵ Skidmore, *The Unilateralist Temptation*, 58.
- ⁸⁶ Steven Holloway, "US Unilateralism at the U.N.: Why Great Powers Do Not Make Great Multilateralists," *Global Governance*, July (2000): 361-381.
- ⁸⁷ Krisch, "Weak as Constraint, Strong as Tool."

Chapter 2: Biological Weapons and the Biological Weapons Protocol

- ¹ Richard Nixon, Remarks Announcing Decisions on Chemical and Biological Defense Policies and Programs, 25 November 1969, <http://www.presidency.ucsb.edu/ws/index.php?pid=2344>.
- ² Ibid.
- ³ United Nations, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 10 April 1972, <http://disarmament.un.org/treaties/t/bwc/text>.
- ⁴ George W. Christopher, Theodore J. Cieslak, Julie A. Pavlin, and Edward M. Eitzen, Jr., "Biological Warfare: A Historical Perspective," in *Biological Weapons: Limiting the Threat*, ed. Joshua Lederberg (Cambridge, MA. and London: The MIT Press: 1999), 18.
- ⁵ Malcolm Dando, *Bioterror and Biowarfare: A Beginners Guide* (Oxford: Oneworld Publications, 2006), 11. Christopher, Cieslak, Pavlin and Eitzen, "Biological Warfare: A Historical Perspective", 18-19. Stockholm International Peace Research Institute, *The Problem of Chemical and Biological Warfare*, Vol. I, *The Rise of CB Weapons* (New York: Humanities Press, 1971), 214-228.
- ⁶ Gregory D. Koblenz, *Living Weapons: Biological Warfare and International Security* (Cornell University Press: Ithaca and London, 2009), 14.
- ⁷ Eric Croddy, Clarisa Perez-Armendariz, and John Hart, *Chemical and Biological Warfare: A Comprehensive Survey for the Concerned Citizen* (New York: Copernicus Books, 2002), 30-31.
- ⁸ Koblenz, *Living Weapons*, 9.
- ⁹ Leonard A. Cole, "The Poison Weapons Taboo: Biology, Culture, and Policy" *Politics and the Life Sciences* 17, no. 2 (1998): 119-132.
- ¹⁰ Leonard A. Cole, "The Specter of Biological Weapons" *Scientific American* 275, no. 6, (1996): 60-68.

-
- ¹¹ Koblentz, *Living Weapons*, 10.
- ¹² William H. McNeill, *Plagues and People* (New York: Anchor Books, 1998), 288-89.
- ¹³ Mark Wheelis, "Biological Warfare before 1914," in *Biological and Toxin Weapons: Research, Development and Use from the Middle Ages to 1945*, eds. Erhard Geissler and John Ellis van Courtland Moon (Oxford: Oxford University Press, 1999), 8-34.
- ¹⁴ Christopher et al., "Biological Warfare," 19.
- ¹⁵ Koblentz, *Living Weapons*, 12.
- ¹⁶ Dando, *Bioterror and Biowarfare*, 15; Koblentz, *Living Weapons*, 12.
- ¹⁷ Article 12 and Article 13, in Project of an International Declaration concerning the Laws and Customs of War. Brussels, 27 August 1874.
<http://www.icrc.org/ihl.nsf/FULL/135?OpenDocument>.
- ¹⁸ Declaration (IV, 2) concerning Asphyxiating Gases. The Hague, 29 July 1899.
<http://www.icrc.org/ihl.nsf/FULL/165?OpenDocument>.
- ¹⁹ Martin Hugh Jones, "Wickham Steed and German Biological Warfare Research," *Intelligence and National Security* 7, no. 4 (1992): 379-402.
- ²⁰ Andrew G. Robertson and Laura J. Robertson, "From Asps to Allegations: Biological Warfare in History," *Military Medicine* 160, no. 8 (1995): 369-373.
- ²¹ Dando, *Bioterror and Biowarfare*, 17.
- ²² Christopher et al., "Biological Warfare," 20.
- ²³ Eric A. Croddy, "Geneva Protocol" in *Weapons of Mass Destruction: An Encyclopedia of Worldwide Policy, Technology, and History; Volume I: Chemical and Biological Weapons*, eds. Eric A. Croddy, James J. Wirtz, Jeffrey A. Larsen (Santa Barbara: ABC-CLIO, 2005), 142.
- ²⁴ Sheldon Harris, "Japanese Biological Warfare Research on Humans: A Case Study of Microbiology and Ethics," in *The Microbiologist and Biological Defense Research: Ethics, Politics, and International Security*, ed. Raymond A Zilinskas (New York: New York Academy of Science, 1992), 21-52.
- ²⁵ Peter Williams and David Wallace, *United 731: Japan's Secret Biological Warfare in World War II* (New York: Free Press, 1989)
- ²⁶ Harris, "Japanese Biological Warfare Research on Humans," 65.
- ²⁷ Koblentz, *Living Weapons: Biological Warfare and International Security*, 13.
- ²⁸ Dando, *Bioterror and Biowarfare*, 25.
- ²⁹ Julian Perry Robinson and Milton Leitenberg, *The Problem of Chemical and Biological Warfare: A Study of the Historical, Technical, Military, Legal and Political Aspects of CBW, and Possible*

Disarmament Measures. Volume I, The Rise of CB Weapons (Stockholm: Almqvist & Wiksell, 1971), 119.

- ³⁰ Robert Hutchinson, *Weapons of Mass Destruction: The No-nonsense Guide to Nuclear, Chemical and Biological Weapons Today* (London: Widenfield & Nicholson, 2003)
- ³¹ Laurie Garrett, *Betrayal of Trust: The Collapse of Global Public Health* (Oxford: Oxford University Press, 2003), 340-41.
- ³² Leon A. Fox, "Bacterial Warfare: The Use of Biologic Agents in Warfare," *Military Surgeon* 72, No. 3 (1933): 189-207.
- ³³ Jeffery K. Smart, "History of Chemical and Biological Warfare: An American Perspective," in *Medical Aspects of Chemical and Biological Warfare* (Fort Detrick: Department of Defense, Office of The Surgeon General, US Army, Borden Institute, 2007), 26.
- ³⁴ Dando, *Bioterror and Biowarfare*, 29.
- ³⁵ Smart, "History of Chemical and Biological Warfare," 43.
- ³⁶ Ibid.
- ³⁷ Christopher et al., "Biological Warfare," 22.
- ³⁸ Henry Stimson, Memorandum to President Roosevelt, 29 April 1942, quoted in United States Department of the Army, *US Army Activity in the U.S. Biological Warfare Program, 1942-1977s*, Volume 1, 25 February 1977, iv.
- ³⁹ United States Department of the Army, *US Army Activity in the U.S. Biological Warfare Program, 1942-1977s*, Volume 1, 25 February 1977, 9.
- ⁴⁰ Smart, "History of Chemical and Biological Warfare," 35.
- ⁴¹ Koblenz, *Living Weapons: Biological Warfare and International Security*, 4.
- ⁴² Sheldon H. Harris, *Factories of Death: Japan's Biological Warfare 1932-45 and the American Cover-up* (New York and London: Routledge, 2002), 222.
- ⁴³ Dando, *Bioterror and Biowarfare*, 24.
- ⁴⁴ Koblenz, *Living Weapons*, 14.
- ⁴⁵ Ibid., 15.
- ⁴⁶ Ibid., 17.
- ⁴⁷ John Ellis van Courtland Moon, "The U.S. Biological Weapons Program," in *Deadly Cultures: Biological Weapons Since 1945*, eds., Mark Wheelis, Lajos Rózsa, and Malcolm Dando (Cambridge, Massachusetts, and London, England: Harvard University Press, 2006), 24.
- ⁴⁸ Christopher et al, "Biological Warfare," 23.
- ⁴⁹ *The Living Weapon*, DVD, Directed by John Rubin (United States: PBS, 2007)

-
- ⁵⁰ Ibid.; Gregory D. Koblentz, *Living Weapons*, 17-18; Christopher et al., "Biological Warfare," 25.
- ⁵¹ Memorandum, Secretary of Defense Laird to National Security Advisor Henry Kissinger, 30 April 1969, Nixon Presidential Materials, NSC Files, Subject Files: Chemical Biological Warfare (Toxins, etc), vol. 1, NARA; reproduced as document 1 in "Biowar: The Nixon Administration's Decision to End the US Biological Warfare Programs," ed. R. A. Wampler, *Vol. III of National Security Archive Electronic Briefing Book* No. 58, 25 October 2001, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB58/>
- ⁵² National Security Memorandum No. 59, Henry Kissinger to the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, the Special Assistant to the President for Science and Technology and the Director US Arms Control and Disarmament Agency, Subject: US Policy of Chemical and Biological Warfare and Agents, 28 May 1969, Document published on <http://www.nixonlibrary.gov/virtuallibrary/documents/nationalsecuritystudymemoranda.php>
- ⁵³ Richard Nixon, Remarks Announcing Decisions on Chemical and Biological Defense Policies and Programs, 25 November 1969, <http://www.presidency.ucsb.edu/ws/index.php?pid=2344>
- ⁵⁴ Van Courtland Moon, "The U.S. Biological Weapons Program," 35.
- ⁵⁵ Koblentz, *Living Weapons*, 22.
- ⁵⁶ Ibid., 40.
- ⁵⁷ Ibid., 42.
- ⁵⁸ Richard Nixon, Remarks Announcing Decisions on Chemical and Biological Defense Policies and Programs.
- ⁵⁹ Memorandum, Presidential Science Advisor Lee A. DuBridge to National Security Advisor Henry Kissinger, 22 October 1969, NARA, Nixon Presidential Materials, NSC Files, Subject Files, Box 310, Chemical, Biological Warfare (Toxins, etc.), Vol. I. Document published on <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB58/>
- ⁶⁰ Interview with Michael Guhin, U.S. Department of State, Washington, D.C., August 6, 2001, quoted in Jonathan B. Tucker, "A Farewell to Germs: The U.S. Renunciation of Biological and Toxin Warfare, 1969-70," *International Security* 27, No. 1 (2002,) 107-148
- ⁶¹ Dorothy L. Miller, "Military Biology and Biological Warfare," Historical Office, Office of the Executive, Air Materiel Command, Wright-Patterson Air Force Base, Vol. 1, (1958), .5 (n. 9), 13.
- ⁶² Transcript of background briefing at the White House with National Security Adviser Henry A. Kissinger and Presidential Press Secretary Ronald Ziegler, November 25, 1969, 10:38 a.m. EST, Unclassified, 4, quoted in Jonathan B. Tucker, "A Farewell to Germs: The U.S. Renunciation of Biological and Toxin Warfare, 1969-70," *International Security* 27, No. 1 (2002,) 107-148.

-
- ⁶³ Neil C. Livingstone and Joseph D. Douglass Jr., *CBW: The Poor Man's Atomic Bomb* (Cambridge: Institute for Foreign Policy Analysis, 1984).
- ⁶⁴ World Health Organization, *Health Aspects of Chemical and Biological Weapons* (Geneva: WHO, 1970), 96-99.
- ⁶⁵ Office of Technology Assessment, *Technologies Underlying Weapons of Mass Destruction* (Washington, DC: GPO, 1993), 27, 86, 156-158.
- ⁶⁶ United Nations Secretary General, *Chemical and Bacteriological (Biological) Weapons and the Effects of Their Possible Use* (Geneva: United Nations, 1969), 40.
- ⁶⁷ Leonard A. Cole, "WDM and Lessons from the Anthrax Attacks," in *The McGraw-Hill Homeland Security Handbook*, ed. David G. Kamien (New York: McGraw-Hill, 2006), 170.
- ⁶⁸ Koblenz, *Living Weapons*, 22.
- ⁶⁹ United Nations, *Treaty on the Non-Proliferation of Nuclear Weapons*, 12 June 1968, <http://www.iaea.org/Publications/Documents/Treaties/npt.html>.
- ⁷⁰ Matthew Meselson, "The Problem of Biological Weapons," Paper presented at the 18th States Meeting of the American Academy of Arts and Sciences (Cambridge MA: 13 January 1999), <http://www.pugwash.org/reports/cbw/cbw5.htm>.
- ⁷¹ Koblenz, *Living Weapons*, 33.
- ⁷² Marie Isabelle Chevrier, "The Politics of Biological Disarmament," in *Deadly Cultures: Biological Weapons Since 1945*, eds. Mark Wheelis, Lajos Rózsa, and Malcolm Dando (Cambridge MA and London, England: Harvard University Press, 2006), 306.
- ⁷³ Quoted in Thomas Graham, "Biological Weapons and International Law," *Science* (29 March 2002): 2325.
- ⁷⁴ Jeanne Guillemin, *Biological Weapons: From the Invention of State-Sponsored Programs to Contemporary Bioterrorism* (New York, Chichester, West-Sussex: Columbia University Press, 2005), 108.
- ⁷⁵ Dwight D. Eisenhower, The President's News Conference, 13 January 1960, <http://www.presidency.ucsb.edu/ws/index.php?pid=12131>.
- ⁷⁶ Guillemin, *Biological Weapons*, 108.
- ⁷⁷ Ibid., 107.
- ⁷⁸ Ibid., 107-108.
- ⁷⁹ United States Department of the Army, *The Law of Land Warfare, Department of the Army Field Manual, FM 27-10*, 38 (1956), 18-19.
- ⁸⁰ David I. Goldman, "The Generals and the Germs: The Army Leadership's Response to Nixon's Review of Chemical and Biological Warfare Policies in 1969," *The Journal of Military History* 73, No. 2 (2009): 531-569.

-
- ⁸¹ Quoted in United States Government, Minutes of NSC Meeting on Chemical Warfare and Biological Warfare, 18 November 1969, <http://2001-2009.state.gov/r/pa/ho/frus/nixon/e2/83592.htm>.
- ⁸² Jonathan B. Tucker, "A Farewell to Germs: The U.S. Renunciation of Biological and Toxin Warfare, 1969-70," *International Security* 27, No. 1 (2002): 107-148.
- ⁸³ Dando, *Bioterror and Biowarfare*, 39.
- ⁸⁴ Tucker, "A Farewell to Germs," 114.
- ⁸⁵ Ibid.
- ⁸⁶ U.S. Department of State, Narrative, The Geneva Protocol, 25 September 2002, <http://www.state.gov/t/isn/4784.htm>.
- ⁸⁷ Hungary, Statement before the First Committee of the U.N. General Assembly, U.N. Doc A/C.1/SR.1451, 11 November 1966, §§ 34-36. http://www.icrc.org/customary-ihl/eng/docs/v2_cou_hu_rule75.
- ⁸⁸ Forrest Russel Frank, "U.S. Arms Control Policy Making: The 1972 Biological Weapons Convention Case" (Ph.D. diss., Stanford University, 1975), 35, No. 12A (1975): 7993, pp. 124-25.
- ⁸⁹ Goldman, "The Generals and the Germs," 540.
- ⁹⁰ Jonathan B. Tucker, *War of Nerves: Chemical Warfare from World War I to Al-Qaeda* (New York: Pantheon Books, 2006), 203-213.
- ⁹¹ Goldman, "The Generals and the Germs," 539-540.
- ⁹² Smart, "History of Chemical and Biological Warfare," 63.
- ⁹³ Frank, "U.S. Arms Control Policy Making," 43-53, 117-18.
- ⁹⁴ Tucker, *War of Nerves*, 212-213.
- ⁹⁵ Jonathan B. Tucker and Erin R. Mahan, *President Nixon's Decision to Renounce the U.S. Offensive Biological Weapons Program* (Washington, D.C.: National Defense University Press, 2009), 10.
- ⁹⁶ Quoted in United States Government, Minutes of NSC Meeting on Chemical Warfare and Biological Warfare, 18 November 1969. <http://2001-2009.state.gov/r/pa/ho/frus/nixon/e2/83592.htm>, 7.
- ⁹⁷ Chevrier, "The Politics of Biological Disarmament," 306.
- ⁹⁸ Koblentz, *Living Weapons*, 55.
- ⁹⁹ Quoted in United States Government, Minutes of NSC Meeting on Chemical Warfare and Biological Warfare, 18 November 1969. <http://2001-2009.state.gov/r/pa/ho/frus/nixon/e2/83592.htm>, 5.

-
- ¹⁰⁰ Ibid., 7.
- ¹⁰¹ Chevrier, "The Politics of Biological Disarmament," 316.
- ¹⁰² Koblentz, *Living Weapons*, 56.
- ¹⁰³ Chevrier, "The Politics of Biological Disarmament," 322.
- ¹⁰⁴ United Kingdom, Confidential Saving Telegram, Foreign and Commonwealth Office to Abidjan, 29 September 1969, DEFE 24/551, PRO. 64.
- ¹⁰⁵ Dando, *Preventing Biological Warfare*, 13.
- ¹⁰⁶ France, Statement by the French Representative to the First Committee of the General Assembly, 29 November 1971.
- ¹⁰⁷ Dando, *Preventing Biological Warfare*, 13.
- ¹⁰⁸ Koblentz, *Living Weapons*, 56.
- ¹⁰⁹ Operations Research Group, *Arms Control of CBR Weapons, I Military Aspects*. Operations Group Study No. 23, US Army Chemical Corps, Army Chemical Center, Maryland, 9 February 1961.
- ¹¹⁰ Alva Myrdal, *The Game of Disarmament: How the United States and Russia Run the Arms Race* (Nottingham: Spokesman, 1980).
- ¹¹¹ Memorandum for the President, from Henry A. Kissinger, Subject: Negotiation of a Convention Banning Biological Weapons, 28 April 1971. <http://2001-2009.state.gov/r/pa/ho/frus/nixon/e2/83667.htm>.
- ¹¹² Department of State Telegram, from US Mission Geneva to Secretary of State, Washington, D.C., 23 September 1969, Confidential, POL 27-10, NARA.
- ¹¹³ Memorandum for the President, from Secretary of State William P. Rogers, 23 April 1971; Confidential. Source: Vol. IV – part 1 folder: NSC Files: Subject Files, Chemical, Biological Warfare (Toxins, etc.); Box 312; Richard M. Nixon Presidential Materials Staff, U.S. National Archives and Records. Published on www.fas.org/bwc/papers/usinterpretation.pdf.
- ¹¹⁴ Memorandum for the President, from Henry A. Kissinger, Subject: Negotiation of a Convention Banning Biological Weapons, 28 April 1971.
- ¹¹⁵ Tucker and Mahan, "President Nixon's Decision," 9
- ¹¹⁶ Jez Littlewood, *The Biological Weapons Convention: A Failed Revolution* (Hampshire: Ashgate, 2005), 15.

Chapter 3: United States Rejection of the BWC Protocol

- ¹ Matthew Meselson, Jeanne Guillemin, Martin Hugh-Jones, Alexander Langmuir, Ilona Popova, Alexis Shelokov, and Olga Yampolskaya, "The Sverdlovsk Anthrax Outbreak of 1979," *Science* 266 (1994): 1202-1208.
- ² Meselson et al., "The Sverdlovsk Anthrax Outbreak of 1979," 1202.
- ³ Matthew Meselson, "The Biological Weapons Convention and the Sverdlovsk Anthrax Outbreak of 1979," *Journal of the Federation of American Scientists* 41, No. 7 (1988).
- ⁴ Ken Alibek and Stephen Handelman, *Biohazard: The Chilling True Story of the Largest Covert Biological Weapons Program in the World - Told from Inside by the Man Who Ran it* (New York: Delta, 2000); Dando, *Bioterror and Biowarfare*.
- ⁵ Chandré Gould and Peter Folb, *Project Coast: Apartheid's Chemical and Biological Warfare Programme* (Geneva: United Nations Institute for Disarmament Research, 2002).
- ⁶ United States Congress, "Background Document," *Hearings on the Biological Weapons Convention*. Sub-Committee on National Security, Veterans Affairs and International Relations, House of Representatives, Washington D.C, 10 July 2001.
- ⁷ Koblentz, *Living Weapons*, 64-67.
- ⁸ National Security Council, "United States Policy on Chemical Warfare Program and Bacteriological / Biological Research Program," *National Security Decision Memorandum* 35 (25 November 1969), 3.
- ⁹ Koblentz, *Living Weapons*, 67-70.
- ¹⁰ *Ibid.*, 70-73.
- ¹¹ *Ibid.*, 73-74.
- ¹² Nicholas A. Sims, "Reinforcing Biological Disarmament: Issues in the 1991 Review," *Faraday Discussion Paper* No. 16 The Council for Arms Control (London: Brassey's, 1991), 3.
- ¹³ Barend ter Haar, *The Future of Biological Weapons* (Santa Barbara: Praeger, 1991), 30.
- ¹⁴ United Nations, "Article VI" and "Article VII" in *Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction* (Geneva: United Nations, 1972).
- ¹⁵ Chevrier, "The Politics of Biological Disarmament," 322.
- ¹⁶ ACDA, "Statement by the French Representative (Rapin) to the First Committee of the General Assembly: Biological and Chemical Weapons, November 26, 1973," *Documents on Disarmament 1973* (Washington: US Government Printing Office, 1973), 830.
- ¹⁷ Alva Myrdal, *The Game of Disarmament: How the United States and Russia Run the Arms Race* (New York: Pantheon Books, 1976), 275.

-
- ¹⁸ Littlewood, *The Biological Weapons Convention*, 10.
- ¹⁹ Ibid.
- ²⁰ Ibid., 11.
- ²¹ Ibid., 11-12.
- ²² Ibid., 13.
- ²³ Oliver Thränert “Compliance Protocol and the Three Depository Powers,” in *Preventing a Biological Arms Race*, ed. Susan Wright (Cambridge: MIT Press, 1990), 344.
- ²⁴ United Nations, “Article XII” in *Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction* (Geneva: United Nations, 1972).
- ²⁵ Littlewood, *The Biological Weapons Convention*, 17.
- ²⁶ BWC 1RC, BWC/CONF.I/SR.7 (11 March 1980), 4; Littlewood, *The Biological Weapons Convention*, 17.
- ²⁷ Nicholas A. Sims, “A Simple Treaty, A Complex Fulfillment: A Short History of the Biological Weapons Convention Review Conferences,” *Bulletin of the Atomic Scientists* 67.3 (2011): 8-15.
- ²⁸ Sims, “A Simple Treaty, A Complex Fulfillment,” 10.
- ²⁹ Ibid.
- ³⁰ Nicholas A. Sims, *The Diplomacy of Biological Disarmament: Vicissitudes of a Treaty in Force, 1975-1985* (New York: St. Martin’s Press, 1988), 174.
- ³¹ Ibid., 184.
- ³² BWC 1RC, BWC/CONF.I/10 (21 March 1980), 7-8; Littlewood, *The Biological Weapons Convention*, 18.
- ³³ Littlewood, *The Biological Weapons Convention*, 18.
- ³⁴ Julian Perry Robinson, “East-West Fencing at Geneva,” *Nature*, 284 (3 April 1980), 393.
- ³⁵ Milton Leitenberg, Raymond A Zilinskas, and Jens H Kuhn, *The Soviet Biological Weapons Program: A History* (Cambridge: Harvard University Press, 2012), 363.
- ³⁶ Leitenberg et al, *The Soviet Biological Weapons Program*, 368.
- ³⁷ The White House, *National Security Decision Directive Number 18* (Washington, 4 January 1982), 1-2.
- ³⁸ Ter Haar, *The Future of Biological Weapons*, 41.
- ³⁹ Raymond A. Zilinskas and Carl-Göran Hedén, “The Biological Weapons Convention: A Vehicle for International Co-Operation,” in *Views on Possible Verification Measures for the Biological*

Weapons Convention, SIPRI Chemical & Biological Warfare Studies, No. 12, ed. S.J. Lundin (Oxford: Oxford University Press, 1990), 78.

- ⁴⁰ Koos van der Bruggen and Barend ter Haar, *The Future of Biological Weapons Revisited: A Concise History of the Biological and Toxin Weapons Convention* (The Hague: Netherlands Institute of International Relations Clingendael, 2011), 41.
- ⁴¹ Robert Mikulak, "Possible Improvements in the Biological Weapons Convention," Speech given at the AAAS Annual Meeting, San Francisco, 26 May 1984.
- ⁴² Charles C. Flowerree, "Possible Implications of the Anthrax Outbreak in Sverdlovsk on Future Verification of the Biological Weapons Convention: A US Perspective," in *Views on Possible Verification Measures for the Biological Weapons Convention*, SIPRI Chemical & Biological Warfare Studies, No. 12, ed. S.J. Lundin (Oxford: Oxford University Press, 1990), 109.
- ⁴³ Iris S. Portny, "US To Oppose Efforts to Change Biological, Toxin Weapons Treaty," *Washington Times* (9 June 1986).
- ⁴⁴ Nicholas A. Sims, "The Second Review Conference on the Biological Weapons Convention," in *Preventing a Biological Arms Race*, ed. Susan Wright (Cambridge: MIT Press, 1990), 267.
- ⁴⁵ Van der Bruggen and Ter Haar, *The Future of Biological Weapons Revisited*, 44.
- ⁴⁶ Marie Isabelle Chevrier, "Towards a Verification Protocol," in *Verification of the Biological and Toxin Weapons Convention*, eds. Malcolm R. Dando, G.S. Pearson, and Tibor Tot (Dordrecht: Kluwer Academic Publications, 2000), 200.
- ⁴⁷ BWC 2RC, BWC/CONF.II/SR.5 (19 September 1986), 11.
- ⁴⁸ BWC 2RC, BWC/CONF.II/SR.7 (22 September 1986), 3.
- ⁴⁹ United Nations, "Biological Weapons Convention: Background Information," [http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/699B3CA8C061D490C1257188003B9FEE/\\$file/BWC-Background_Inf.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/699B3CA8C061D490C1257188003B9FEE/$file/BWC-Background_Inf.pdf).
- ⁵⁰ Littlewood, *The Biological Weapons Convention*, 25.
- ⁵¹ Chevrier, "Towards a Verification Protocol," 201.
- ⁵² Koblentz, *Living Weapons*, 18-19.
- ⁵³ Chevrier, "Towards a Verification Protocol," 201.
- ⁵⁴ Littlewood, *The Biological Weapons Convention*, 25.
- ⁵⁵ Chevrier, "Towards a Verification Protocol," 201.
- ⁵⁶ Raymond A. Zilinskas, "UNSCOM and the UNSCOM Experience in Iraq," *Politics and the Life Sciences* 14, No. 2 (1995), 230-231.
- ⁵⁷ Richard Clarke, Assistant Secretary of State for Politico-Military Affairs, Testimony to the Foreign Affairs Subcommittee on Arms Control (US House of Representatives) reported in

-
- "News Chronology" 11 July 1990, *Chemical Weapons Convention Bulletin* 9 (September 1990), 14.
- ⁵⁸ "News Chronology" 3 June 1991, *Chemical Weapons Convention Bulletin* 13 (September 1991), 8.
- ⁵⁹ The Arms Control Reporter, 6 September 1991, 701.B.79.
- ⁶⁰ Chevrier, "Towards a Verification Protocol," 204.
- ⁶¹ Ibid.; Jez Littlewood, *The Biological Weapons Convention*; Malcolm Dando, *Preventing Biological Warfare*.
- ⁶² Chevrier, "Towards a Verification Protocol," 204.
- ⁶³ Harold Brown, quoted in US Senate, Foreign Relations Committee, Hearings on the SALT II Treaty, 96th Cong., 1st session, 1979, part 2, p. 241.
- ⁶⁴ Chevrier, "Towards a Verification Protocol," 206.
- ⁶⁵ Nicholas A. Sims, *The Evolution of Biological Disarmament*, SIPRI Chemical & Biological Warfare Studies No. 19 (Oxford: Oxford University Press, 2001), 94.
- ⁶⁶ M. Moodie, "Bolstering Compliance with the Biological Weapons Convention Prospects for the Special Conference," *Chemical Weapons Convention Bulletin* 25 (September 1994), 2.
- ⁶⁷ US Congress, Office of Technology Assessment, "Technologies Underlying Weapons of Mass Destruction," OTA-BP-ISC-115 (Washington D.C.: Government Printing Office, 1993), 75.
- ⁶⁸ Milton Leitenberg, "Biological Weapons Arms Control" Project on Rethinking Arms Control Paper 16, Center for International and Security Studies at Maryland (Maryland: University of Maryland, 1996), 62.
- ⁶⁹ The Arms Control Reporter, 6 September 1991, 701.B.79.
- ⁷⁰ Final Declaration of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of bacteriological (Biological) and Toxin Weapons and on their Destruction (Geneva, 1991), 17.
- ⁷¹ BWC/CONF.III/VEREX/8, No. 24 (Geneva, 24 September 1993).
- ⁷² BWC/CONF.III/VEREX/8, No. 32 (Geneva, 24 September 1993).
- ⁷³ BWC/SPCONF/1, Part II, Final Declaration, No. 36 (Geneva, September 1994).
- ⁷⁴ Dando, *Bioterror and Biowarfare*, 157.
- ⁷⁵ Van der Bruggen and Ter Haar, *The Future of Biological Weapons Revisited*, 89-90.
- ⁷⁶ BWC/Conf.IV/9, part II (Geneva, December 1996), 29.
- ⁷⁷ Van der Bruggen and Ter Haar, *The Future of Biological Weapons Revisited*, 91.

-
- ⁷⁸ Ibid., 93.
- ⁷⁹ Littlewood, *The Biological Weapons Convention*, 50.
- ⁸⁰ The Arms Control Reporter, 10 November 1993, 701.B.120.
- ⁸¹ Milton Leitenberg, "Biological Weapons and 'Bioterrorism' in the First Years of the 21st Century," *Politics and the Life Sciences* (2002): 3-27.
- ⁸² Leitenberg, "Biological Weapons and 'Bioterrorism,'" 5; Littlewood, *The Biological Weapons Convention*, 50.
- ⁸³ Milton Leitenberg, "Biological Weapons and 'Bioterrorism,'" 5.
- ⁸⁴ Ibid., 5-6.
- ⁸⁵ Oliver Thränert, "The Compliance Protocol and the Three Depository Powers," in *Biological Warfare and Disarmament: New Problems and Perspectives*, ed. Susan Wright (New Delhi: Vision Books, 2003), 345-345.
- ⁸⁶ Marie Isabelle Chevrier, "Preventing Biological Proliferation: Strengthening the Biological Weapons Convention: An American Perspective," in *Preventing the Proliferation of Weapons of Mass Destruction: What Role for Arms Control?* ed. Oliver Thränert (Berlin and Bonn: Friederich-Ebert-Stiftung, 1991), 85-98.
- ⁸⁷ SelectUSA, "The Pharmaceutical Industry in the United States," <http://selectusa.commerce.gov/industry-snapshots/pharmaceutical-industry-united-states>
- ⁸⁸ Susan Wright and David A. Wallace, "Secrecy in the Biotechnology Industry: Implications for the Biological Weapons Convention," in *Biological Warfare and Disarmament: New Problems and Perspectives*, ed. Susan Wright (New Delhi: Vision Books, 2003), 369-390.
- ⁸⁹ Wright and Wallace, "Secrecy in the Biotechnology Industry, 383.
- ⁹⁰ Letter from William M. Daley, Secretary of Commerce to Madeleine K. Albright, Secretary of State, 24 May 1999.
- ⁹¹ Thränert, "The Compliance Protocol and the Three Depository Powers," 347.
- ⁹² United Nations, "Article 9. Investigations," in *Protocol to the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction* (Geneva, 3 April 2001).
- ⁹³ BWC SPCONF, BWC/SPCONF/1 Part IV, 88.
- ⁹⁴ Thränert, "The Compliance Protocol and the Three Depository Powers," 345.
- ⁹⁵ Jenni Rissanen, "Hurdles Cleared, Obstacles Remaining: The Ad Hoc Group Prepares For the Final Challenge," *Disarmament Diplomacy*, no. 51 (April 2001).
- ⁹⁶ Marie Isabelle Chevrier, "The Biological Weapons Convention: The Protocol that Almost Was" in *Verification Yearbook* (London: VERTIC, 2001), 79-97; Malcolm R. Dando, *Preventing*

Biological Warfare; Van der Bruggen and Ter Haar, *The Future of Biological Weapons Revisited*; Littlewood, *The Biological Weapons Convention*.

- ⁹⁷ United Nations, *Protocol to the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction* (Geneva, 3 April 2001).
- ⁹⁸ BWC/Ad Hoc Group 56/1 (Geneva, 2001). See also: Van der Bruggen and Ter Haar, *The Future of Biological Weapons Revisited*, 96.
- ⁹⁹ Elizabeth Olson, "Talks Inching Ahead on Monitoring '72 Germ Warfare Pact," *The New York Times* 14 May 2001, <http://www.nytimes.com/2001/05/14/world/talks-inching-ahead-on-monitoring-72-germ-warfare-pact.html>
- ¹⁰⁰ Graham S. Pearson, "The US Rejection of the Protocol at the Eleventh Hour Damages International Security against Biological Weapons," *The CBW Conventions Bulletin* 53 (September 2001): 6-9.
- ¹⁰¹ Donald A. Mahley, Statement by the United States to the Ad Hoc Group of Biological Weapons Convention State Parties, Geneva, 25 July 2001. <http://2001-2009.state.gov/t/ac/rls/rm/2001/5497.htm>
- ¹⁰² *Ibid.*; Donald Mahley, correspondence with this author (1 May 2013).
- ¹⁰³ Interview with a Dutch diplomat, quoted in Van der Bruggen and Ter Haar, *The Future of Biological Weapons Revisited*, 102.
- ¹⁰⁴ Caroline Fehl, "Living with a Reluctant Hegemon: The Transatlantic Conflict Over Multilateral Arms Control," *European Journal of International Relations* 14, no. 2 (June 2008): 259-287; Barbara Hatch Rosenberg, "Allergic Reaction."
- ¹⁰⁵ Rebecca Whitehair and Seth Brugger, "BWC Protocol Talks in Geneva Collapse Following US Rejection," *Arms Control Association* (September 2001), http://www.armscontrol.org/act/2001_09/bwcsept01.
- ¹⁰⁶ Barbara Hatch Rosenberg, "Allergic Reaction: Washington's Response to the BWC Protocol," *Arms Control Today*, vol. 31 (July/August 2001); Susan Wright, "In Search of a New Paradigm of Biological Disarmament," in *Biological Warfare and Disarmament: New Problems, New Perspectives* (New Delhi: Vision Books, 2003), 3-24; Nicole Deller and John Burroughs, "Arms Control Abandoned: The Case of Biological Weapons," *World Policy Journal* (Summer 2003): 37-43; Trevor Findlay, "Verification and the BWC: Last Gasp or Signs of Life?" *Arms Control Today*, vol. 36 (September 2006); Littlewood, *The Biological Weapons Convention*; Private interviews with several parties involved.
- ¹⁰⁷ Deller and Burroughs, "Arms Control Abandoned," 38.
- ¹⁰⁸ Gary Dorriens, *Imperial Designs: Neoconservatism and the New Pax Americana* (New York and London: Routledge, 2004), 223.
- ¹⁰⁹ John Bolton, "Should we take global governance seriously?" *Chicago Journal of International Law*, 1, no 2 (2000): 205-22.

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- ¹¹⁰ Marlise Simons, "To Ousted Boss, Arms Watchdog Was Seen as an Obstacle in Iraq," *New York Times*, 13 October 2013. <http://www.nytimes.com/2013/10/14/world/to-ousted-boss-arms-watchdog-was-seen-as-an-obstacle-in-iraq.html? r=0>.
- ¹¹¹ John Bolton, quoted in Glenn Kessler and Colum Lynch, "Critic of U.N. Named Envoy," *Washington Post*, 8 March 2005, <http://www.washingtonpost.com/wp-dyn/articles/A13790-2005Mar7.html>.
- ¹¹² Deller and Burroughs, "Arms Control Abandoned."
- ¹¹³ George W. Bush, President's Statement on Biological Weapons, Washington, DC, 1 November 2001. <http://2001-2009.state.gov/t/ac/rls/rm/2001/7907.htm>.
- ¹¹⁴ John Bolton, Remarks to the 5th Biological Weapons Convention Review Conference Meeting, Geneva, 15 November 2001. <http://2001-2009.state.gov/t/us/rm/janjuly/6231.htm>.
- ¹¹⁵ A Geneva official quoted in Seth Brugger, "BWC Conference Suspended After Controversial End," *Arms Control Today* 32 (January/February), http://www.armscontrol.org/act/2002_01-02/bwcjanfeb02.
- ¹¹⁶ John Bolton, *Surrender Is Not an Option: Defending America at the United Nations* (New York: Threshold Editions, 2007), 94-95.
- ¹¹⁷ Wright, *Biological Warfare*, 4.
- ¹¹⁸ George W. Bush, Address to a Joint Session of Congress and the American People, Washington D.C., 20 September 2001, <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html>.
- ¹¹⁹ Donald Mahley, correspondence with this writer, 1 May 2013.
- ¹²⁰ Wright, *Biological Warfare*, 8.
- ¹²¹ Robert Litwak, *Rogue States and U.S. Foreign Policy: Containment After the Cold War* (Washington D.C.: Woodrow Wilson Center Press, 2000), 56.
- ¹²² US Department of Defense, Office of the Secretary of Defence, *Proliferation: Threat and Response* (Washington D.C.: Government Printing Office, April, 1996), iii.
- ¹²³ Wright, *Biological Warfare*, 17.
- ¹²⁴ Thränert "Compliance Protocol and the Three Depository Powers," 352.
- ¹²⁵ Jed Babbin, *Inside the Asylum: Why the UN and Old Europe are Worse Than You Think* (Washington DC: Regnery Publishing Inc., 2004), 4.

Conclusion

- ¹ Barack Obama quoted in Leonard Doyle, "A New Dawn of American Leadership Has Arrived, Says Obama," *The Independent*, 2 December 2008.
<http://www.independent.co.uk/news/world/americas/a-new-dawn-of-american-leadership-has-arrived-says-obama-1047099.html>
- ² Michael Mastanduno, "After Bush: A Return to Multilateralism in U. S. Foreign Policy?," *Nanzan Review of American Studies* 30 (2008): 33-46.
- ³ Ellen Tauscher, Preventing Biological Weapons Proliferation and Bioterrorism: Address to the Annual Meeting of the States Parties to the Biological Weapons Convention, Geneva, 9 December 2009. <http://www.state.gov/t/us/133335.htm>
- ⁴ Barbara Hatch Rosenberg, "Allergic Reaction: Washington's Response to the BWC Protocol," *Arms Control Today*, vol. 31 (July/August 2001); Susan Wright, "Introduction: In Search of a New Paradigm of Biological Disarmament," in *Biological Warfare and Disarmament: New Problems, New Perspectives* (New Delhi: Vision Books, 2003), 3-24; Nicole Deller and John Burroughs, "Arms Control Abandoned: The Case of Biological Weapons," *World Policy Journal* (Summer 2003): 37-43; Trevor Findlay, "Verification and the BWC: Last Gasp or Signs of Life?" *Arms Control Today*, vol. 36 (September 2006); Jez Littlewood, *The Biological Weapons Convention: A Failed Revolution* (Hampshire: Ashgate, 2005); Private interviews with several parties involved.
- ⁵ "The Atlantic Charter - Declaration of Principles issued by the President of the United States and the Prime Minister of the United Kingdom, 14 August 1941" quoted in Samuel Rosenman, ed., *The Public Papers and Addresses of Franklin D. Roosevelt*, vol. 10 (New York: Random House 1938-1950), 314.
- ⁶ Harald Müller and Carmen Wunderlich, eds., *Norm Dynamics in Multilateral Arms Control: Interest, Conflicts, and Justice* (Athens, Georgia: University of Georgia Press, 2013), 170.
- ⁷ David Skidmore, *The Unilateralist Temptation in American Foreign Policy* (New York and Oxon: Routledge, 2011), 53.
- ⁸ United States Institute of Peace, "How the United States Negotiates," *Peace Watch* VI, 6 (2000): 1-3.
- ⁹ David Skidmore, *The Unilateralist Temptation in American Foreign Policy* (New York and Oxon: Routledge, 2011), 96.
- ¹⁰ Donald Mahley, correspondence with this writer, 1 May 2013.
- ¹¹ Fiona Simpson, "Evolution and Innovation: Biological and Chemical Weapons," in *Cooperating or Peace and Security: Evolving Institutions and Arrangements in a Context of Changing U.S. Security Policy*, eds. Bruce Jones, Shepard Forman, and Richard Gowan (Cambridge: Cambridge University Press, 2010), 176.

-
- ¹² Anders Stephanson, *Manifest Destiny: American Expansion and the Empire of Right* (New York: Hill & Wang, 1995)
- ¹³ Edward Newman, Ramesh Thakur and John Tirman, eds., *Multilateralism Under Challenge? Power, International Order, and Structural Change* (Tokyo and New York: United Nations University Press, 2006), 109.
- ¹⁴ Edward Newman, Ramesh Thakur and John Tirman, eds., *Multilateralism Under Challenge? Power, International Order, and Structural Change* (Tokyo and New York: United Nations University Press, 2006), 109.
- ¹⁵ Charles Krauthammer, "Democratic Realism: An American Foreign Policy For A Unipolar World," in *Volume 2004 of Irving Kristol Lecture* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 2004),
- ¹⁶ *American Interests and UN Reform, Report of the Task Force on the United Nations* (Washington DC: United States Institute of Peace, 2005), 3.
- ¹⁷ Edward Newman, Ramesh Thakur and John Tirman, eds., *Multilateralism Under Challenge? Power, International Order, and Structural Change* (Tokyo and New York: United Nations University Press, 2006), 33.
- ¹⁸ Edward Newman, Ramesh Thakur and John Tirman, eds., *Multilateralism Under Challenge? Power, International Order, and Structural Change* (Tokyo and New York: United Nations University Press, 2006), 36.
- ¹⁹ Michael Ignatieff, *American Exceptionalism and Human Rights* (Princeton and Oxford: Princeton University Press, 2005), 13.
- ²⁰ Susan Wright, "In Search of a New Paradigm of Biological Disarmament," in *Biological Warfare and Disarmament: New Problems, New Perspectives* (New Delhi: Vision Books, 2003), 3-24
- ²¹ Gerard Baker, "Bush Should Not Be Demonised," *Financial Times* 2 October 2003, 21.