

When Will Russia Abandon Its Secret Chemical Weapons Program?

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While the Russian government has recently been somewhat more open about its nuclear programs and problems created by weapons manufacture, dumping and storage of radioactive waste, and accidents releasing radioactivity, the same cannot be said about its chemical weapons program. Information about the production and destruction of its huge arsenal of poison gas, the secret development of inert compounds that when combined make a deadly “binary” chemical weapon, is shrouded in mystery. Soviet leaders in the past reasoned that if the world did not know about something, it did not exist.

But not everything can be kept completely secret in Russia any more. With the introduction of democracy, people began to realize that their history had been fabricated and their knowledge and beliefs were constructed on false premises. A previously unimaginable void was felt by almost everyone, both as the loss of heritage, and the loss of the Soviet empire's status as a great power. It is still difficult for many people to believe in themselves, in their leaders and in their future. Many people still continue to see themselves as pawns in a game played by capricious leaders; no one is improving their options in any tangible way. For those people, the changes that took place are seen as mostly superficial—the renaming of a street, a town or an agency like the KGB.

Others saw the collapse of the old world order as an opportunity to re-create themselves from the ground up, to redeem their lives and their sense of purpose. Some became entrepreneurs, even millionaires. Others began to pursue their own spiritual or political ideals. It is only recently that people have felt free to choose their own beliefs, friends and options in life, and many people want to make sure that this trend is irreversible. They want their new Russian government to assume a new position of power and an honorable role in the international political arena. A new “green” movement is emerging in Russia. There is a lot of attention paid to human rights issues. People are calling on their government to address the abuses of the past and to respect international treaty obligations.

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The Scientist Who Had Enough

Dr. Vil Mirzayanov, a scientist who worked at a secret chemical weapons (CW) research institute in Moscow, was one of these newly re-created individuals. At some point in the late 1980s, he wrestled with his conscience and came to the conclusion that the work of his institute, which under joint administration of the KGB and the Ministry of Defense, and primarily concerned with the development of a new class of the most toxic binary chemical weapons known to man, was terribly wrong and that he must act on his principles.¹ He was also deeply concerned about the environmental danger posed by the institute's dumping and storage practices.²

In October 1991, after several unsuccessful attempts to resolve these problems through the usual and appropriate channels, Mirzayanov addressed his concerns in the press.³ He was fired from his job in January of 1992 as a result of his mildly revealing article. Unabating concerns

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and frustrations led him to the press again the following September, when he co-authored with the dioxin expert and environmentalist Dr. Lev Fedorov an article which was published in *Moscow News*.⁴ He was also interviewed by Will Englund of the *Baltimore Sun*.⁵ Both articles mentioned the development by the Russians of a new nerve gas that is supposed to be five to ten times as toxic as anything in the U.S. chemical arsenal. Mirzayanov and Fedorov once more expressed concern about the environmental danger posed by the institute and noted that the Gorbachev regime in the late 1980s made false statements claiming that the Soviets were halting their CW research and production.

In these articles and in others, they questioned the duplicitous role played by the former head of the Russian chemical troops, General Anatoly Kuntsevich. General Kuntsevich now heads the Committee on the Conventional Problems of Chemical and Biological Weapons Conversion, which is the Russian body responsible for the oversight of conversion and implementation of treaty compliance. Kuntsevich built his entire career on the development of new chemical weapons and even received a Lenin Prize for his work in 1991.⁶

As a result of these three articles, Mirzayanov was arrested by the Security Ministry (former KGB) on 22 October 1992, and charged with "divulging state secrets." Although Russia had no law on state secrets at the time that applied to the so-called secrets divulged, the mere mention of an ongoing secret CW program, as well as criticism of those mentioned above, prompted a vigorous prosecution of this case.⁷

After spending eleven days in the notorious Lefortovo Prison, Mirzayanov was released, thanks to the intervention of the Human Rights Committee of the

Supreme Soviet. However, he remains under house arrest and has not been allowed to leave the city limits of Moscow without a special dispensation.

Because of its “extraordinary nature,” the case was assigned on 25 November 1993 directly to the Supreme Court of Russia, bypassing the lower courts. A trial date had not been assigned to the case as of early December, but a preliminary hearing was to be scheduled very soon. At that time, it was still possible that the case could be dismissed either by General Prosecutor Kazannik, by the head Supreme Court Judge Lebedev, or by the judge assigned to the case. The trial judge will determine whether this will be a jury trial or a case decided by a judge in the presence of two official observers.

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Closed trials are now prohibited in Russia, but “closed sessions of open trials” are allowed, according to Mirzayanov's wife, Nuria. It is not clear that there is any difference between the two. And even though Judge Lebedev and General

Prosecutor Kazannik may permit outside observers in the courtroom, it appears that they probably will not do so, because the Security Ministry, which conducted the investigation, has been loading up the case materials with classified documents.

Vil Mirzayanov is not alone in his allegations. The Security Ministry has already started “an investigation” of Dr. Vladimir Uglev,⁸ one of the country's chief binary weapons designers, who came forth with information that corroborated Mirzayanov's assertions in two articles published in early 1993. Up until recently, he was shielded from arrest by his “deputy's immunity” as an elected town council member. At the time of this writing he was in the middle of a vigorous re-election campaign and the Security Ministry has formally requested that the village council allow prosecution to begin.⁹

Both scientists maintain that Russia researched, developed and tested a new class of binary nerve gasses called “Novichok,” or “Newcomer.” Mirzayanov noted in an interview in August 1993 that this program continued at least up to the time of his dismissal in 1992,¹⁰ even though the Russians had been claiming for years that they had no such chemical weapons.¹¹ A number of people thought Russia had developed the super-toxic nerve gas VX but, according to Uglev, different chemical agents were actually developed.¹²

Russia's International Commitments

Some arms control experts might argue that Russia has not violated any existing chemical weapons treaties or agreements, at least to the letter of the law. Mirzayanov, however, believes that the figure of 40,000 metric tons of nerve gas, which is the amount claimed by the Soviets in a bilateral agreement, may be an

artificially low estimation.¹³ The Soviet Union violated both the London Convention on Dumping of Radioactive Waste and the Biological Weapons Convention (BWC). Russia has begun to acknowledge previous violations and is now trying to come into compliance, according to the Clinton administration.

The Chemical Weapons Convention (CWC), signed in January 1993 by both the United States and Russia, will not enter into force before 1995.¹⁴ Nonetheless, according to international law Professor Richard Falk, signatories must bring their legal framework into compliance with

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the treaty. Each signatory has a good-faith legal obligation not to contravene the terms even if it has not yet been ratified by its legislature.¹⁵ Unfortunately, a decree has been issued which does contravene the term of the treaty.

After Mirzayanov's arrest, the prosecutors of the case found that they had no legal grounds on which to base their accusations. There was no Russian law on state secrets at the time, and an unpublished list of state secrets did not mention chemical weapons in any way. A secret Council of Ministers decree was issued on 30 March 1993, more than six months after the arrest, and it was signed by Prime Minister Viktor Chernomyrdin. This decree is unpublished, and therefore has no legal standing, according to Article 66 of the Russian Constitution in force at the time. Nevertheless, it was designed to apply retroactively and was attached to the Mirzayanov case materials as the basis for prosecution. The decree states that “Information revealing the contents of work in the field of chemical or biological weapons conducted before or the essence of those works, results of the work achieved, information on formulas, recipes, technology of manufacturing or equipment of these devices . . .” was to be added to the Temporary List of Pieces of Information of States Secrecy, which was adopted on 18 September 1992 by resolution of the Russian government No. 733-55. Both decrees were classified documents, but Mirzayanov can legally publish information about his own case materials. The decree also makes most technical matters related to nuclear weapons a state secret.¹⁶ The main idea of this action was to silence Mirzayanov and other scientists who are potential whistle-blowers by enforcing a stricter regime of secrecy.

According to a recent *New York Times* article,¹⁷ there is concern about the progress being made on putting together a realistic Russian plan for destruction of chemical stocks. Information published by the Preparatory Commission for the Office for the Prohibition of Chemical Weapons (OPCW),¹⁸ the U.N. agency which will oversee treaty implementation, says that the treaty allows CW production facilities to convert their plants in order to destroy stocks.

General Kuntsevich has a fundamentally flawed plan which calls for the

chemical arsenals which are dispersed across Russia to be transferred to the central production sites. This scenario presents danger to the public and the environment. The plan calls for the transportation of toxic substances from their present storage depots, across great distances along dilapidated railroad lines. A “chemical Chernobyl” could occur anywhere along the route. Another problem stems from the fact that the destruction facilities would be located in heavily populated areas such as Cheboksary with a population of 800,000 inhabitants or Volgograd, a city of a million. Dr. Lev Fedorov and others would prefer a plan like the American one, which calls to have destruction facilities located in sparsely populated areas near the storage depots. On the other hand, if the poison gas is to be destroyed at the development site, Fedorov observes, the work force that originally developed weapons could either secretly maintain some of the stocks, or could covertly reorganize to develop and manufacture new chemical agents.

It appears that Russia already anticipates having some problems meeting the deadlines established by the Chemical Weapons Convention for destruction of stocks. Large sums are needed for building the destruction facilities, and since Russia does not have the funds, the West is being asked to help out. The Russian government has budgeted \$494 million to fund the needed verification procedures.¹⁹ If there are compelling reasons why deadlines cannot be met, the Executive Council of the OPCW may consider special circumstances and grant Russia a five-year extension.

We must do everything we can to help Russia develop a successful program, taking human needs and ecological safety into consideration. The U.S. and other Western countries must ratify the convention and help Russia comply by providing technological and financial assistance. To behave in any other way would be an irresponsible action, a reversion to Cold War policies.

Russian Policy—Increasing Openness Is Needed

Russia has not yet exchanged with the U.S. a list of its CW facilities and the inventory of chemical weapons stored at each facility. The two countries agreed in the 1989 bilateral agreement to exchange this information. With this in mind, Mirzayanov published his September 1992 article because he was greatly concerned that the new binary weapons and their precursors were not listed in any of the three schedules of chemicals attached to the final draft of the Chemical Weapons Convention. Nor were they included in the list of chemicals prohibited for export from Russia, published that year. In June 1993, Fedorov said that it is at least theoretically possible for these precursors to masquerade as pesticides, and be ready to reassemble quickly at any time. Fortunately there are provisions within the treaty for making amendments and there will be strict limits three years after the treaty enters into force, on all chemicals containing phosphorous, fluorine or sulfur, even those not contained in one of the schedules.

While it is understandable for reasons of international security that Russia would not publish the chemical formulas of the new class of binary weapons, it is still important that this recent trend towards renewed secrecy be quickly reversed. A serious program for irreversible conversion of military production facilities to peacetime civilian use must be given the highest priority. Ecological damage and danger posed by the production, storage and dumping of CW needs to be assessed in a comprehensive study by an independent Russian review board. Corrective steps need to be taken, ensuring the future safety of the population.

Russian scientists who previously worked within the military sector must know that they will not be persecuted for their prior work in connection with secret programs under the Communist regime. People like Mirzayanov must be able to find a forum that will take up their concerns. They must not be penalized for calling the public's attention to dangerous military practices, and they should be given appropriate work with verification, destruction or conversion projects. Ultimately, it is the obligation of General Kuntsevich and others in his country to make certain that every possible effort is made to help Russia succeed in complying with all aspects of the Chemical Weapons Convention.

U.S. Policy and Response

Bipartisan support is building in Washington. Leading members of the Senate Committee on Foreign Relations, alarmed about the reports in the Russian press, asked Arms Control and Disarmament Agency Director-designate John Holum during his confirmation hearings about Russia's continuing secret chemical weapons programs. He told senators that if he was confirmed, "I would want the administration to continue to press the Russian government on this issue." Referring to the persecuted scientists, he added, "We should also continue to monitor this human rights case closely."²⁰

Senator Bill Bradley told Ambassador-at-Large Strobe Talbott that the Mirzayanov revelations "have important implication for Russian's adherence to its chemical weapons commitments," and called on the administration to "follow up on information Mirzayanov has provided."²¹

Congressman John Conyers, who chairs the Legislation and National Security Subcommittee of the House Committee on Government Operations, expressed the essence of his concerns in a letter to Secretary of State Warren Christopher, on 19 October 1993: "The persecution of Mirzayanov stands in direct contradiction to the Clinton administration's commitment to strengthen democratization efforts in the former Soviet Union, and halt the proliferation of weapons of mass destruction. I am confident that you share my deep concern over the treatment of this courageous scientist, and I call on you to personally appeal for his release."²²

A number of U.S. and international scientific societies, human rights

organizations and legal rights groups have been following this case closely for a year now and consider its just, prompt and proper resolution to be extremely important. All of these groups have expressed interest in sending official observers to the trial. A closed trial with a pro forma conviction would send the wrong message to the world about Russia's emerging democracy and President Yeltsin's ability to act independently from his military establishment. It is still possible for the case to be dismissed by the general prosecutor's office or by the Russian Supreme Court. A speedy dismissal would clear a potentially serious obstacle from the path of fruitful negotiations between the United States and Russia.

Notes

¹ Interview with Dr. Mirzayanov, 26 August 1993.

² V. Mirzayanov and L. Fedorov, "A Poisoned Policy," *Moscow News*, No. 39 (September 1992), p. 9.

³ Mirzayanov, "Inversion," *Kuranty*, 10 October 1991, p. 4.

⁴ Mirzayanov and Fedorov, p. 9.

⁵ See Will Englund, "Ex-Soviet Scientist Says Gorbachev's Regime Created New Nerve Gas in '91," *Baltimore Sun*, 16 September 1992, p. 3A.

⁶ Mirzayanov and Fedorov, p.9.

⁷ Gail Colby, "Fabricating Guilt," *Bulletin of Atomic Scientists*, October 1993, pp. 12-13.

⁸ A "Formal Submission," signed by N. Makarov, the procurator of the Russian Federation for the Saratov Region, written to the chairman of the Shikhany Township Soviet of People's Deputies and to the chairman of the City of Volsk Soviet of People's Deputies, dated 12 August 1993.

⁹ O. Vishnyakov, interview with V. Mirzayanov, "Interview with a Noose Around the Neck," *Novoe Vremya* (New Times), Issue No. 6 (February 1993), pp. 40-41.

¹⁰ Mirzayanov and Fedorov, p. 9.

¹¹ Vishnyakov, interview with V. Mirzayanov and L. Fedorov, "Binary Bomb Exploded. First Victim Arrested by State Security . . ." *Novoe Vremya*, No. 44 (October) 1992, p. 4-9.

¹² Vishnyakov, *Novoe Vremya*, No. 6 (1993).

¹³ Vishnyakov, *Novoe Vremya*, No. 44 (1992).

¹⁴ As of 22 October 1993, 154 countries had signed the CWC and 4 had ratified it.

¹⁵ This was confirmed verbally at the U.N. on October 27 by Anil Wadhwa, Media and Public Relations for the Provisional Technical Secretariat of the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons (the OPCW is the U.N. agency that will be responsible for the implementation of the treaty).

¹⁶ Resolution No. 256-16 by the Council of Ministers of the Russian Federation, dated 30 March 1993.

¹⁷ Michael R. Gordon, "Moscow is Making Little Progress in Disposal of Chemical Weapons," *The New York Times*, 1 December 1993, p. 16.

¹⁸ Published information sheet on the Chemical Weapons Convention (no title).

¹⁹ Fedorov and A. Emelyanenkov, "We Are All Hostages of CW," *Sobesednik*, No. 3 (January 1993), p. 7.

²⁰ John Holum, director-designate, U.S. Arms Control and Disarmament Agency, written answer to Senator Jesse Helms, n.d., October 1993.

²¹ Senator Bill Bradley, letter to Strobe Talbott, 14 October 1993.

²² Representative John Conyers, letter to Warren Christopher, 19 October 1993.