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P910074-02 Department of State



ACTION MEMORANDUM

ORIGINAL TO: NODIS FILE NOV 21 11 59

NOT CLASSIFIED

S/S JC 11/22

NOV 21 1983
Get it...
Date September 7 - 95

COPIES TO:
P TO: P - Lawrence S. Eagleburger
S/S FROM: PM - Jonathan T. Howe
NEA FROM: NEA - Richard W. Murphy
PM
S/S-S:DIR SUBJECT: Iraqi Use of Chemical Weapons
TMA
TMB
TMC
NODIS FILE ISSUE FOR DECISION
(jab)

Whether to instruct USINT Baghdad to raise issue of Iraqi CW use and urge cessation.

ESSENTIAL FACTORS

We have recently received additional information confirming Iraqi use of chemical weapons (CW). We also know that Iraq has acquired a CW production capability, primarily from Western firms, including possibly a U.S. foreign subsidiary. (A cable detailing U.S. CW policy and available information on Iraqi use of CW is at Tab 2.) In keeping with our policy of seeking a halt to CW use wherever it occurs, we have been considering the most effective means to halt further Iraqi CW use including, as a first step, a direct approach to Iraq.

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In October Iran accused Iraq of using CW and on November 8 it requested the UNSYG to investigate. Iran also stated it would soon submit a report providing information and evidence on Iraqi CW use, but has not yet done so. We do not know whether or when this issue will develop further at the UN. It is important to make our approach to the Iraqis on this issue as early as possible, in order to deter further Iraqi use of CW, as well as to avoid unpleasantly surprising Iraq through public positions we may have to take on this issue.

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If you approve the demarche to Iraq, we will submit further recommendations for your consideration on how to handle the issue in the UN if it arises there, as well as on whether we should raise with selected European governments the fact that national firms are selling to Iraq CW production related technology.

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DECL: OADR

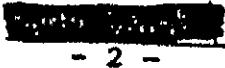
DEPARTMENT OF STATE

5/20/94

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Non-responsive information

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RECOMMENDATION

That you approve the instruction to USINT Baghdad at Tab 1 and the cable providing additional background on Iraqi CW use at Tab 2.

Approve *[Signature]* *11/22/83* Disapprove _____

Attachments:

- Tab 1 - Instruction cable to US Interests Section Baghdad.
- Tab 2 - Information cable on US CW Policy and Iraqi CW use.

Drafted: PM/TMP: *JL* Leonard: *PM* Martinez: NEA/ARN: *FR* Ficciardone
11/17/83: ph. 632-4814
WANG #2611P

- Clearances:
- PM - ARaphel *FR*
 - PM/TMP - CGrobel *FR*
 - PM/P - RReers *FR*
 - PM/RSA - PTheros *FR*
 - NEA/ARN - DLMack *FR*
 - NEA - JAPlacke *FR*
 - L - MMatheson *FR*
 - IO/UNP - CEDillery *FR*
 - P - AKanter *FR*

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UNSYG TO INVESTIGATE, PROVIDE BOTH AN OPENING AND THE NECESSITY TO RAISE THIS ISSUE IN BAGHDAD, AND PERHAPS LATER WITH FRIENDS WHO ARE IN A POSITION TO INFLUENCE THE IRAQI DECISION TO USE PROHIBITED CW.

4. IN KEEPING WITH THE GRAVITY OF OUR LONG-STANDING CONCERN OVER CW PROLIFERATION AND PAST PRACTICE IN EXPRESSING THIS CONCERN, WE ARE CONSIDERING HOW TO RESPOND TO DEVELOPMENT OF THE ISSUE IN THE UN. WE DO NOT WISH TO PLAY INTO IRAN'S HANDS BY FUELING ITS PROPAGANDA AGAINST IRAQ.

5. PLEASE PRESENT THE FOLLOWING POINTS IN APPROPRIATE MANNER TO FOREIGN MINISTER TARIQ AZIZ:

-- AS YOU ARE AWARE, THE USG IS VERY CONCERNED WITH THE PRESENT OVERALL SITUATION IN SOUTHWEST ASIA. WE STRONGLY SUPPORT A NEGOTIATED SETTLEMENT.

-- IT IS THUS IN A CONSTRUCTIVE SPIRIT THAT WE NOW RAISE WITH YOU AN ISSUE OF GREAT SENSITIVITY AND IMPORTANCE TO THE USG, NAMELY, PROHIBITED USE OF LETHAL CHEMICAL WEAPONS.

-- WE RAISE THE ISSUE NOW NEITHER TO ENTER INTO A CONFRONTATIONAL EXCHANGE WITH YOU, NOR TO LEND SUPPORT TO THE VIEWS OF OTHERS; BUT, RATHER, BECAUSE IT IS A LONG-STANDING POLICY OF THE U.S. TO OPPOSE USE OF LETHAL CW.

-- WE ALSO RAISE THE MATTER NOW BECAUSE WE BELIEVE CONTINUED IRAQI USE OF CW WILL PLAY INTO THE HANDS OF THOSE WHO WOULD WISH TO ESCALATE TENSIONS IN THE REGION, AS WELL AS CONSTRAIN THE ABILITY OF THE USG TO PLAY A HELPFUL ROLE IN THE REGION.

-- WE NOTE THAT IRAQ LONG AGO ACCEDED TO THE 1925 GENEVA PROTOCOL BANNING THE USE OF CW. WE BELIEVE IRAQ'S SCRUPULOUS ADHERENCE TO THAT PROTOCOL IS IMPORTANT TO AVOID DANGEROUS ESCALATION OF THE WAR, TO MAINTAIN THE HOPE OF BRINGING IRAN TO THE NEGOTIATING TABLE, AND TO AVOID PROVIDING IRAN WITH A POTENT PROPAGANDA WEAPON AGAINST IRAQ.

-- WE HOPE YOU WILL RECEIVE OUR REPRESENTATION IN THE SPIRIT IT IS INTENDED. 44

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NEA/ARN: FJRICCIARDONE
11/10/83 EXT. 20675
P: SEAGLEBURGER

NEA: JAPLACKE
P: AKANTER
INR/PHA: DUYESUGI
S/S: JCOVEY

PH/TMP: JLEONARD/PH: ARAPHEL
L: MMATHESON
IO/UNR: CEDILLERY
S/S-0: RPEARSON

NEA, PH ONLY

IMMEDIATE - BAGHDAD

NODIS REVIEW
Cat A - Caption removed;
transferred to O/FADRC
Cat B - Trc. referred to O/FADRC
with additional access
controlled by S/S
Cat C - Caption and custody
retained by S/S
Reviewed by: Elijah Kelly Jr.
Date: September 7 19 90

NODIS

E.O. 12356: DECL: OADR

TAGS: PARM, PREL, MOPS, FR, IZ, UK, US

SUBJECT: BACKGROUND ON IRAQI USE OF CHEMICAL WEAPONS

1. [REDACTED]
2. SUMMARY: IRAN HAS ANNOUNCED THAT IRAQ HAD USED PROHIBITED CHEMICAL WEAPONS (CW), AND HAS REQUESTED THE UNSYS TO INVESTIGATE. EARLIER IRAQI STATEMENTS CORROBORATE THIS CHARGE

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PRESENT MESSAGE PROVIDED FOR YOUR BACKGROUND ONLY. SEPTEL MAY REQUEST FOLLOW-UP ACTION. END SUMMARY.

3. REFERENCES IN IRAQI PUBLIC STATEMENTS OVER THE PAST YEAR CORROBORATE IRAN'S OCTOBER 22 CHARGE THAT IRAQ HAS USED PROHIBITED CW IN CONTRAVENTION OF ITS TREATY

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Classification [REDACTED]

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OBLIGATIONS. ON NOVEMBER 8, IRAN REQUESTED THE UNSYD TO INVESTIGATE. (IRAN HAD MADE SIMILAR CHARGES DURING THE 1982 UNGA, WHICH IRAQ HAD DENIED.)

AS LONG AGO AS JULY 1982, IRAQ USED TEAR GAS AND SKIN IRRITANTS AGAINST INVADING IRANIAN FORCES QUITE EFFECTIVELY. IN OCTOBER 1982, UNSPECIFIED FOREIGN OFFICERS FIRED LETHAL CHEMICAL WEAPONS AT THE ORDERS OF SADDAM DURING BATTLES IN THE MANDALI AREA.

IN JULY AND AUGUST 1983, THE IRAQIS REPORTEDLY USED A CHEMICAL AGENT WITH LETHAL EFFECTS AGAINST AND IRANIAN FORCES INVADING IRAQ AT HAJ UMRAN, AND MORE RECENTLY AGAINST KURDISH INSURGENTS.

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5. IRAQI MEDIA HAVE QUOTED IRAQI PRESIDENT SADDAM HUSSEIN AS SAYING, "THERE IS A WEAPON FOR EVERY BATTLE AND WE HAVE THE WEAPON THAT WILL CONFRONT GREAT NUMBERS." MILITARY COMMUNIQUEES OVER THE PAST YEAR HAVE REFERRED TO "ALL KINDS OF WEAPONS" BEING USED TO REPLUSE THE IRANIS. ON DECEMBER 18, 1982, IRAQ CLAIMED IT WOULD RETALIATE FOR AN IRANIAN-CLAIMED TERRORIST BOMBING IN BAGHDAD "WITH MORE THAN ONE MEANS...HE WHO FOREWARNS IS EXCUSED." A MILITARY COMMUNIQUE WARNED THE IRANIS AGAINST VIOLATING INTERNATIONAL NORMS AND CHARTERS, PERHAPS TRYING TO ESTABLISH A PRETEXT FOR USING CW IN VIOLATION OF INTERNATIONAL PROTOCOLS. IN AN INTERVIEW PUBLISHED FEBRUARY 11, 1983, IN ARABIC IN AL-HAWADITH, DEFENSE MINISTER KHAYRALLAH EVADED A QUESTION ON IRAQ'S POSSESSION OF A POISON GAS WEAPON. THE AL-HAWADITH INTERVIEW DID NOT CONFIRM IRAQ'S DEVELOPMENT OF CW, BUT IT PUT THE QUESTION INTO THE PUBLIC DOMAIN. ON APRIL 12, 1983, IRAQ AGAIN WARNED OF "NEW WEAPONS... (TO) BE USED FOR THE FIRST TIME IN WAR...NOT USED IN PREVIOUS ATTACKS BECAUSE OF HUMANITARIAN AND ETHICAL REASONS...THAT WILL DESTROY ANY MOVING CREATURE."

6. IRAQ HAS A LIMITED INDIGENOUS CAPABILITY TO PRODUCE AND DEPLOY CW. FOR EXAMPLE, IRAQ MAY BE ABLE TO PRODUCE MUSTARD GAS FROM CHEMICAL INTERMEDIARIES PROCURED ABROAD. THE SOVIETS HAVE EQUIPPED AND TRAINED THE IRAQI FORCES TO FIGHT IN A CHEMICAL ENVIRONMENT.

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8. OVER MANY DECADES THE U.S. HAS SOUGHT TO DETER THE USE OF LETHAL AND INCAPACITATING CW WHEN THEIR USE APPEARED TO LOOM AS A POSSIBILITY. IRAQ'S USE OF LETHAL OR INCAPACITATING CW COULD FURTHER UNDERCUT AN IMPORTANT AGREEMENT OBSERVED BY NEARLY ALL NATIONS AGAINST CHEMICAL WARFARE. INTRODUCTION OF CW TO THE GULF WAR REPRESENTS AN ESCALATION OF HOSTILITIES THAT COULD RENDER STILL MORE REMOTE THE POSSIBILITY OF A CEASEFIRE AND NEGOTIATIONS. FURTHERMORE, IRAQ'S USE OF CW GIVES THE IRANIANS A POWERFUL PROPAGANDA TOOL AGAINST THE IRAQI REGIME, SETTING WORLD OPINION AGAINST IRAQ AT A TIME WHEN IRAN ENJOYS LITTLE INTERNATIONAL SYMPATHY. BEYOND THE HUMANITARIAN AND SECURITY/PROLIFERATION CONCERNS, THESE FACTS SHOULD OFFSET THE ATTRACTIVENESS TO IRAQ OF USING PROHIBITED CW.

9. BOTH IRAN (IN 1929) AND IRAQ (IN 1931) HAVE RATIFIED THE GENEVA PROTOCOL OF 1925 PROHIBITING THE USE OF CHEMICAL WEAPONS. IRAQ ATTACHED CONDITIONS TO ITS ACCESSION, HAVING THE EFFECT OF A "NO FIRST USE" CLAUSE, BUT ITS COMMITMENT NOT TO USE UNLESS ATTACKED WITH SUCH WEAPONS IS UNEQUIVOCAL. IRAN ATTACHED NO CONDITIONS TO ITS RATIFICATION OF THE PROTOCOLS. THERE IS SOME QUESTION WHETHER IRAN MAY HAVE USED CHEMICAL AGENTS AT ONE POINT EARLY IN THE WAR.

10. THE EXISTING CONVENTION PROHIBITS ONLY THE USE RPT USE OF LETHAL AND INCAPACITATING CW. NO INTERNATIONAL TREATY YET FORBIDS DEVELOPMENT, PRODUCTION, OR DEPLOYMENT OF LETHAL AND INCAPACITATING CW. THE U.S. AND OTHERS HAVE BEEN NEGOTIATING FOR SUCH A TREATY FOR A NUMBER OF YEARS. ALSO, WE DO NOT INTERPRET THE GENEVA PROTOCOL AS APPLYING TO RIOT CONTROL AGENTS AS OPPOSED TO LETHAL AND INCAPACITATING CHEMICALS. WE LIMIT THEIR USE TO DEFENSIVE MILITARY MODES TO SAVE LIVES, E.G., CONTROLLING RIOTING P.O.W.S, DISPERSING CIVILIAN "SCREENS" OF ATTACKS, RESCUE OPERATIONS IN ISOLATED AREAS, AND PROTECTING CONVOYS OUTSIDE THE COMBAT ZONE.

12. HERETOFORE WE HAVE LIMITED OUR EFFORTS AGAINST THE IRAQI CW PROGRAM TO CLOSE MONITORING BECAUSE OF OUR STRICT NEUTRALITY IN THE GULF WAR, THE SENSITIVITY OF SOURCES, AND THE LOW PROBABILITY OF ACHIEVING DESIRED RESULTS. NOW, HOWEVER, WITH THE ESSENTIAL ASSISTANCE OF FOREIGN FIRMS, IRAQ HAS BECOME ABLE TO DEPLOY AND USE CW AND PROBABLY HAS BUILT UP LARGE RESERVES OF CW FOR FURTHER USE. GIVEN ITS DESPERATION TO END THE WAR, IRAQ MAY AGAIN USE LETHAL OR INCAPACITATING CW, PARTICULARLY IF IRAN THREATENS TO BREAK THROUGH IRAQI LINES IN A LARGE-SCALE ATTACK.

NONETHELESS, ON THE BASIS OF OPEN SOURCE REPORTING NOW AVAILABLE THERE MAY BE STEPS WE AND OTHERS COULD TAKE TO DETER FURTHER IRAQI USE OF PROHIBITED CW.

12. ADDRESSE SHOULD TAKE NO/NO ACTION ON THIS ISSUE UNTIL INSTRUCTED SEPARATELY.

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