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World Court Decision Fails to Prohibit First-Use of Nuclear Weapons

On July 8, by the tie-breaking vote of its President, the World Court concluded that the use of nuclear weapons was "generally" contrary to the rule of international law but that the Court could not conclude definitively whether the threat or use of nuclear weapons was lawful or unlawful "in an extreme circumstance of self-defense, in which the very survival of a State would be at stake."

Since half of the 25 States pleading before it had urged the Court to avoid a substantive judgement, this decision took a certain amount of Court courage. And since the other half had urged the Court to overthrow even nuclear deterrence by denying that the threat or use of nuclear weapons was ever lawful, the Court obviously had a problem.

As readers know from the January-February PIR, FAS urged the Court, in an Amicus Brief and in a variety of op-eds, two of which were printed in the International Herald Tribune that the Judges read, that the middle ground would be to ban "first-use" of nuclear weapons. It was pointed out that solemn undertakings of the nuclear powers, the negative security assurances, came so close to doing that as to make a ban on no-first-use a good candidate for customary law.

Unfortunately, the Court opinion, above, uses the word "a", not "the" when it says "very survival of a State would be at stake." As a consequence, the Court's uncertainty includes the case in which the survival of our own State is not at issue but the survival of "a State" allied to us, e.g. South Korea, is--perhaps by threat of conventional invasion from North Korea.

Thus the Court's uncertainty permits the U.S. to

threaten first-use of nuclear weapons against North Korea, in collective security with South Korea. Reading the opinions, it is clear from a single sentence in the decision of the German Judge that he interprets the decision this way--influenced no doubt by the benefits which first-use, and collective security, provided to Germany. His vote was, of course, critical to the tie that made the tie-breaking majority possible. Other NATO linked Judges, such as the one from Italy, may have felt the same way.

Sad to say, this makes the Court's decision less restrictive than the solemn undertakings of the nuclear powers in their negative security assurances. These assurances, undertaken by Russia, Britain and China, besides the U.S., would not permit first-use threats against North Korea.

As a signatory of the Non-Proliferation Treaty, and as a State that would not be attacking in "association" with some nuclear power (Russian and China would not, today, help), North Korea is fully covered by the negative security assurances in any conventional attack on the South. Libya, Iran and Iraq are in an analogous situation.

And since the negative security assurances are solemn undertakings of the last four Presidents, they have far more meaning in shaping U.S. policy than would any Advisory Opinion of the International Court of Justice.

It is true that the Court's opinion did, for the first time, confirm that nuclear weapons are governed by the rules of armed conflict and the principles and rules

(continued on page 4)



The World Court Project, led by Peter Weiss, briefs the press. The Project, which was instrumental in bringing the case before the Court, had urged that the use and threat of use be banned in all circumstances.

FAS NEWS

June 30 concluded our council elections for 1996. We are pleased to welcome Burns Weston, Morton Halperin, and Steve Fetter to our council. Gerald Holton and Thomas Neff will leave our council, with the end of their term, but hopefully will remain active in FAS activities. Robert Adams will also leave the Council to become our new Vice Chairman, replacing Carl Kaysen who will succeed Robert Solow as Chairman of FAS.



Carl Kaysen, new FAS Chairman

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Industrial Conversion in Russia: A Tale of Two "Plutonium Cities"

During the past five years, the U.S. government has launched a flurry of programs to try to help Russia improve the security of its nuclear materials and to dispose of excess materials from dismantled nuclear warheads. These programs will take years to implement, however, and will be fruitless if the organizations with which we are working collapse economically. A number of initiatives have been launched to help these facilities to convert to civilian missions but these initiatives have generally been small and not well focused.

The F.A.S. has therefore undertaken to catalyze a more effective conversion effort focused in particular on the cities that were built to produce plutonium for the Soviet nuclear arsenal. Our key collaborator has been Anatoli Diakov, Director of the Center for Arms Control, Energy and Environmental Studies of the Moscow Institute of Physics and Technology.

Plutonium Cities Now Public

Russia's "plutonium cities," each with a population of about 100,000, are best known by their post-office box numbers in nearby larger cities: Chelyabinsk-65 in the South Urals, and Tomsk-7 and Krasnoyarsk-26 in Central Siberia. Until recently, their existence was officially a secret and they and their environs are still surrounded by double fences to prevent unauthorized access or egress.

My first visit to one of these cities, Chelyabinsk-65, was in July 1989 as part of a U.S. group invited by Evgeny Velikhov, who had convinced Gorbachev that nuclear glasnost would add credibility to Russia's new nuclear arms control initiatives. Five years later, in October 1994, I visited Chelyabinsk-65 again, as co-leader of a U.S. government delegation to launch a joint effort to upgrade the technical security arrangements for the plutonium that was accumulating there.

In April 1995, Diakov organized a workshop in Moscow on the future of the plutonium cities and invited representatives of each to participate.

We found that the representatives of Krasnoyarsk-26 were most interested in developing a dialogue with us about conversion. K-26 had begun construction on two large and very different commercial ventures, but had halted both for lack

of funding.

One of these projects, a huge commercial spent-fuel reprocessing (plutonium-separation) plant, has been opposed by both environmentalists and nonproliferation experts. The second, "Silicon of Siberia," appears more benign. Its ultimate objective is to produce the silicon wafers on which integrated circuits are etched and deposited, as well as amorphous-silicon solar cells. In its first phase it would produce annually 1000 metric tonnes of electronic-grade polycrystalline silicon to be sold on foreign and domestic markets.

Last December, the FAS invited the chief engineer of the proposed K-26 silicon plant, accompanied by Diakov, to meetings with U.S. experts and officials concerned with silicon production and with conversion assistance to Russia. The most productive meetings were with the Department of Energy's (DoE's) Industrial Partnering Program (IPP). The IPP uses experts from the DoE's national labs to help catalyze joint ventures between the R&D institutes of the former Soviet Union and U.S. industry. It had not yet engaged, however, with Russia's nuclear-materials production facilities.

As a result of the December meetings, the leadership of IPP agreed to send a joint delegation with the FAS to visit K-26. John Hnatio, the DoE Manager of the IPP; and Frank Zanner, a senior materials expert from Sandia National Laboratory, joined Diakov and von



Meeting in the office of the Mayor of Krasnoyarsk. From the left: Anatoli Diakov; a city official; Yuri Revenko, chief engineer of the reprocessing plant; the mayor; John Hnatio, manager of the Industrial Partnering Program; Genadi Fomin and Stepan A. Muravitsky, chief engineer and Director of the proposed silicon-production plant; and Frank von Hippel. In the background is the city symbol, a Siberian bear inside an atom, splitting the nucleus with its claws.

(PHOTO BY FRANK ZANNER)

Hippel for the visit, which occurred on June 18-21.

K-26, sited in a hilly region on the east bank of the huge Yenesei River about 50 kilometers northeast of the large Siberian industrial city of Krasnoyarsk, is surrounded by a beautiful birch and pine forest. It is pleasant, with attractive apartment buildings, and wide, clean, tree-lined streets -- the legacy of the pampered existence of Russia's nuclear workers during the Cold War.

The IPP-FAS delegation visited the partially-built silicon plant and had extensive discussions with its leadership. As a result, we became convinced that it was important to expose the project to the U.S. silicon industry and committed to invite U.S. industry experts to a workshop with the leadership of the Russian silicon project to be held in the Sandia National Laboratory in Albuquerque this September.

Russia's primary manufacturer of communication satellites, the Scientific and Production Association for

Applied Mechanics (SPAAM) shares K-26 with the plutonium-production complex. The delegation did not receive permission to visit SPAAM but a future IPP delegation should do so. If SPAAM prospers, it could offset the economic impact of the decline of the plutonium-production complex. It should also be noted that K-26 is within commuting distance of Krasnoyarsk, which has been making the transition to a market economy much more successfully than Russia as a whole.

The ultimate impact of this FAS initiative is still far from clear. Indeed, as this newsletter goes to press, the future of the Industrial Partnering Program is uncertain. The House of Representatives zeroed the program out in the budget for fiscal year 1997, while the Senate has authorized \$50 million. The difference will soon be worked out in the conference committee.

—Frank von Hippel

(World Court Decision, continued from page 1)

of humanitarian law. And the comments of the various judges are, in almost all cases, quite opposed to nuclear use. At least two Judges supported the view that nuclear weapons could never be used lawfully.

So there is much in the opinions for the anti-nuclear forces and it is certainly true, as the Washington Post editorialist complained, that this opinion will be used by these anti-nuclear forces to give "color" to the view that nuclear weapons are unlawful in almost all circumstances.

But it would be distressing for most FAS members to see, in the opinions, how the Court views these problems.

The Court President's main statement, and the various opinions of the Court consistently talk of "threat and use of nuclear weapons" as an indivisible phrase. Thus the Judges do not distinguish between first-use and second-use (because it is immaterial to them why the State is in extreme circumstances, whether through nuclear attack or conventional invasion).

The Judges do not distinguish between threat and use (because they consider it illegal to threaten what it is illegal to use).

The Judges are bound to consider the security of small States, with small populations, as important as the survival of large states with large populations

because, in its calculus, all States are equal in their sovereignty. And it must support collective security on a par with self-defense because of Article 51 of the U.N. Charter which enshrines both (so that attacks on allied-others are as valid a trigger for nuclear use as attacks on oneself).

And in their jargon, preserving a State may mean preserving a Government; there is little discussion of "better red than dead", wherein some populations might prefer surrender to foreign use of nuclear weapons.

And because the Court is trying to uphold international law in a world without a Government to enforce that law, it finds it hard to deal with illegal acts. What, for example, if Iraq threatens to use biological weapons, a prohibited weapon, but the survival of no State is involved? Does this fall somewhere between "generally" and "extreme circumstances in which the very survival of a State would be at stake?"

In sum, the Court did its best. And its opinion will be quite helpful in weaving a web of restraints. But the legal calculus used by the Court departs so much from common sense, from strategic analysis, from important political undertakings of the nuclear states, and from real-life problems involving non-lawabiding States, that Justice must here be considered, if not blind, then astigmatic.

—Jeremy J. Stone

U.S. Gives Away \$Billions of 'Surplus' Arms Annually

Large quantities of now-surplus military equipment—much of it quite modern and lethal—are cascading from the United States to countries in the developing world. The Reagan arms build-up of the 1980s, combined with post Cold War military reductions, have left the United States with a vast surplus of military equipment. While some excess weapons are destroyed or transferred to civilian agencies, most are being given to foreign militaries through a variety of programs.

In June the Federation released a study, *Recycled Weapons*, showing that surplus weapons giveaways have emerged as a major U.S. military assistance program. In fact, while Congress and the Executive Branch have cut other, more visible forms of military aid in recent years, shipments of surplus arms have increased dramatically.

The study examines surplus arms shipments under lease arrangements, grants and sales under the Excess Defense Articles program, provisions allowing the President to "draw down" Pentagon stocks in an emergency, and transfers resulting from the Conventional Forces in Europe Treaty.

In all, the report estimates the United States has transferred military equipment worth some \$7 billion during 1990-1995. This includes nearly 4,000 tanks, 125 attack helicopters, over 500 bombers and more than 200,000 pistols and rifles. In the majority of cases, the equipment was provided for free.

Many of the arms transfers are intended to further security or foreign policy goals, like fostering participation in the NATO alliance, in peacekeeping operations, or combating drug trafficking. Some of the surplus military equipment transfers are made to combat poaching or other environmental crimes, or to aid in disaster relief.

While individual transfers might appear benign, in the aggregate these surplus transfers raise several policy concerns—issues of fiscal responsibility, Congressional oversight, weapons proliferation and human rights.

Out With the Old; In with the New

When paring down, the military naturally sheds older equipment first; however, the Army, Navy and Air Force are now retiring large numbers of newer, rather advanced surplus weapons, too. These weapons were considered good enough for U.S. forces as recently as just a few years ago. Some of the major combat equipment now being retired has only served half or less of its expected lifetime.

The individual armed services are responsible for determining, within budgetary constraints, their equipment needs. Consequently, they also determine, subject to the approval of the Secretary of Defense and Congress, which weapons will be retained and which will be retired. The services have wide discretion in deciding what to do with surplus arms.

Giving away excess weapons is often cheaper than destroying or storing them. However, these giveaway programs raise several questions of fiscal responsibility.

The services appear to be giving away still useful equipment in order to justify procurement of new weaponry. Much of the equipment now declared "excess" is quite serviceable; in fact, a lot of it was purchased or reconditioned in the Reagan arms build-up of the 1980s. For example, the Navy spent between

\$300 and \$500 million to recommission, and many hundreds of millions more to operate, each of four *Iowa* class battleships that are now being turned into floating

Some recent surplus arms shipments...

EGYPT	
1,040	main battle tanks
498	armored personnel carriers
5,000	grenade launchers
10,000	M-16A1 rifles
ISRAEL	
65,000	M-16A1 rifles
2,500	M-204 grenade launchers
24	Apache attack helicopters
65	F-15 and F-16 fighter-bombers
MOROCCO	
300	M-3A1 submarine guns
1,300	.38 caliber pistols
20	F-16A/B fighter-bombers
14	A-37 attack jets
80	Improved TOW vehicles
249	M-60 tanks
PHILIPPINES	
24	observation/light attack jets
8	C-130B cargo planes
16,500	.45 caliber pistols
3,600	M-14 rifles
22,500	M-16A1 rifles
TURKEY	
922	main battle tanks
250	armored personnel carriers
72	self-propelled howitzer
145	combat aircraft
42	military helicopters
9	Knox class frigates

museums.

In the name of "protecting the defense industrial base," Congressional "deficit hawks" added billions of dollars to military spending bills last year to buy weapons the Pentagon did not request. The services are making room for these new arms by dumping many acquired during the Reagan build-up. For instance, the Air Force, aircraft manufacturers and some members of Congress want to spend hundreds of billions of dollars for the development and production of the F-22 "stealth" fighter and the Joint Strike Fighter on the basis of advanced aircraft proliferating around the world, including F-15, F-16 and F/A-18 aircraft which the Air Force and Navy have declared surplus and are now unloading.

Moreover, immediate savings gained by giving arms away (as opposed to destroying them, for example) must be weighed against potential long-term costs. If these weapons contribute to the outbreak of warfare, or if they encourage dangerous surplus arms exports by other nations, they may end up costing American taxpayers a great deal. At a minimum, the Pentagon might be forced to spend more to defend against contingencies enabled by surplus arms shipped abroad; in the worst case, U.S. forces might actually be called on to intervene in an armed conflict fueled by such transfers.

Insufficient Congressional Oversight

While surplus weapons transfers now constitute a military aid program of major proportions, they do not entail the same level of Congressional oversight as do other forms of security assistance. The full Congress never debates and votes on surplus grants, drawdowns or leases (with the exception of ship transfers), as it does on other forms of military aid. Since they are not required to vote, busy members pay little attention to these programs. At best, only about 20 percent of the members of the House and Senate (or their staff)—those on the foreign affairs committees—may even be aware of surplus arms transfers.

Arriving at a real understanding of the value and quantity of equipment going overseas through these programs is challenging. Equipment transferred under leasing arrangements and through emergency drawdowns is not tracked with Excess Defense Articles. Moreover, grant surplus arms transfers are generally omitted from statistics on the overall value of U.S. arms exports. Confusion about pricing of excess equipment adds to

the difficulty. All of this leads to a systematic obfuscation or undervaluing of the amount of equipment being transferred. Even when surplus arms are included, the value ascribed to them is often heavily discounted, resulting in an undercounting of total levels of U.S. arms transfers.

Surplus Arms Races

In several cases surplus American arms are fanning regional arms races. This is most clear in southern Europe, where the U.S. government has given Greece and Turkey hundreds of tanks, armored personnel carriers, combat aircraft and naval vessels. The two countries were on the brink of open hostilities earlier this year over disputed territory. President Clinton had to intervene to head off the conflict.

Several of the countries receiving large quantities of U.S. arms through surplus programs are engaged in armed conflict, or have poor human rights records. Most notable in this regard are Turkey, Bahrain, Colombia, Israel and Morocco. In cases where government repression or other abuses are prevalent, transfers of small arms, light weapons, ammunition, bombs and missiles are of primary concern, as these are the implements which actually kill people. In addition, "non-lethal" equipment—like observation and transport planes and helicopters—is also of concern, as it is used to locate targets and deliver soldiers to those targets.

Recommendations

The report recommends a full accounting of all types of excess arms exports, using realistic values for the equipment transferred. The study also urges that policy makers annually set a cap on the amount of surplus arms that individual countries may receive in the coming year. Additionally, the report advocates barring the use of funds from excess arms sales for the procurement of new weapons. Such a policy creates an incentive for arms exports, which sets a dangerous precedent for other countries. Finally, the Federation urges that surplus transfers to repressive regimes be barred.

—Lora Lumpe

To order a copy of *Recycled Weapons*, send a \$5 check payable to: Federation of American Scientists Fund 307 Massachusetts Avenue, NE, Washington, DC 20002.

“First Responder” Knowledge is Crucial in Disease Surveillance

On the morning of July 10 a request for information was received by the ProMED-mail system from a physician staffing an infectious diseases clinic for athletes participating in the Olympic Summer Games in Atlanta scheduled to begin July 19. “I am interested in the thoughts of ProMED-mail subscribers about what we should look for in athletes who develop fever or other signs of an infectious disease,” he wrote. Promptly posted by ProMED-mail Director Jack Woodall, this message was received by more than 5000 individuals—doctors, disease researchers, infection control specialists, and public health officials—in over 110 countries.

At first glance, this query seems nothing more than a good example of how ProMED-mail, the communications arm of the FAS project to promote the establishment of a global program for monitoring emerging infectious diseases (ProMED), has impacted the public health community. On reflection, however, it a better example of the widespread complacency on the issue of infectious diseases and just how badly a global surveillance and response program is needed.

For many months, the question of security at the Summer Games has been addressed by governmental organizations—from the FBI, to U.S. Customs, to FEMA (Federal Emergency Management Agency), to the Pentagon, to Congress and most likely to the CIA. Links to Interpol and intelligence resources in every country represented at the Games have been established. Preparations for every contingency—from natural disaster to a terrorist gas attack—have been considered. Response to these contingencies has been mapped out and tasks assigned.

Given this preparation and given Congressional concerns about bio-terrorism, it is at the least startling that doctors serving in the medical clinics would not have been fully briefed, by July 10, on current epidemics around the world and endemic diseases in participating countries. To do so would have taken little effort; the US Centers for Disease Control and Prevention (CDC) are headquartered in Atlanta.

What this incident suggests is that there is more than just a possibility that the concept of emerging disease surveillance and response, although embraced at the highest levels of governments, has not made its way down to the important “first responder” level—the doctor/patient interface. It also reinforces the thinking of many, including principals in the ProMED project, that effective disease surveillance always begins at that interface, e.g. the missionary doctor in a remote medical outpost presented with a unfamiliar set of symptoms in a local tribes person.

ProMED activities increasingly reflect the importance of the “first responder” on the project’s two fronts—communications and policy.

ProMED-mail is gearing up to solicit more participation by NGO medical providers such as Medecins sans Frontieres, World-Vision, Rotary International, CARE, and medical missions sponsored by Protestant denominations and Catholic orders. Also on the agenda is the transfer of ProMED-



The extensive security measures in place in Atlanta for the Olympics include these automobile inspections by...

In Atlanta, Security Blanket Spreads Out



Atlanta police work arrival area of Hartsfield Atlanta International Airport, where security was tightened for Games.

Despite numerous safety precautions, infectious diseases present one potential threat for which Olympic organizers may be ill prepared.

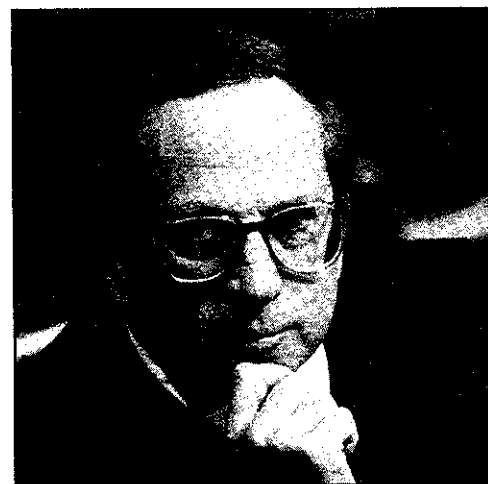
Photos and headline from *The Washington Post*

mail's administration to SatelLife/Healthnet, the communications arm of the Nobel Prize-winning International Physicians for the Prevention of Nuclear War (IPPNW). From ProMED-mail's inception in August 1994, the Healthnet arm of SatelLife has functioned as the listserver for the network. Additionally, the Healthnet staff created the mail's archives, enabling latecomers to the system and researchers to retrieve past disease reports. But, most importantly with regard to "first responders", Healthnet has forwarded to ProMED-mail a number of disease outbreak reports from remote medical missions, such as one in Zaire reporting on the 1995 Ebola fever epidemic. FAS has a high comfort level with the transfer: The SatelLife system of low-earth orbiting satellites reaches into remote areas in Africa and South and Southeastern Asia, where many of the first efforts at global disease surveillance are to be made. FAS and IPPNW share common roots in our founding mandates to prevent nuclear war. The SatelLife/Healthnet organizations have the capacities for technological support of an independent world-wide reporting system, to which ProMED-mail aspires. And, finally, and not the least of FAS concerns, financial support for the system has been directed to SatelLife that will guarantee operations for several years and provide some staff assistance to John P. (Jack) Woodall, Director of the Arbovirus Laboratory of the New York State Health Department, and his cadre of volunteer moderators (gatekeepers) for disease reports coming in from around the world. Chief among current volunteers are Martin Hugh-Jones at Louisiana State University (animal and zoonotic diseases), Charles Calisher at Colorado State University (animal diseases), and Pamela Anderson at CIAT in Cali, Colombia (plant diseases).

On the policy front, the project has taken a new turn. Last summer, ProMED asked health specialists around the world to review a draft plan for a first-tier surveillance system that would monitor two disease syndromes—meningitis/encephalitis in persons over 5 years of age and severe acute respiratory disease caused by bacteria, fungi, viruses, etc. in persons under 65 years of age. The World Health Organization was proposed as the Executing Agency; the World Bank as the fiscal agent. In late 1995, in conjunction with a conference being planned by The Rockefeller Foundation in Bellagio, Italy, ProMED began a survey of diagnostic and epidemiological capabilities in every country. By the time of the conference in early February, the survey

was largely complete and revealed substantial gaps in developing countries.

Other than principals of the ProMED project who had assisted the foundation in planning the conference, (Chair Ste-



Sen. Sam Nunn (D-GA), ranking minority member of the Permanent Subcommittee on Investigations, has taken the lead in raising the consciousness of his colleagues on preventing bioterrorism.

phen S. Morse, Coordinator Barbara Hatch Rosenberg, ProMED-mail Director Woodall), those who were invited to Bellagio represented major health entities holding significant assets that could be utilized in a global system. The conference ended with no plan to marshal those assets and move ahead, but it did emphasize the magnitude of the task, especially in developing countries.

Upon return from Bellagio, Morse and Rosenberg, working with members of the ProMED Steering Committee and incorporating suggestions from the many who reviewed the draft plan, revised it into a proposal for a focused demonstration program in developing countries only. (It is now on the FAS WWW pages at <http://www.fas.org/promed/proposal.html>) In brief, the demonstration would take a small number (perhaps no more than 10) of strategically located institutions in developing countries and "grow" them into sentinel centers. In turn, each center would develop its own network and use it to exchange information and assist other centers in monitoring certain disease syndromes as well as endemic diseases.

This shift—from a global plan to a feasibility demonstration in developing countries—may have greater appeal to both the World Bank and WHO, which in October 1995 was reorganized to set up the Division of Emerging and Other Communicable Diseases Surveillance and Control (EMC). The role of the EMC is to coordinate disease outbreak response with existing programs, mostly outside WHO, and to promote lab-based surveillance systems. The ProMED demonstration program would be an excellent fit with EMC and with

the "first responder" concept. It is also in sync with what the animal disease component of ProMED is proposing for the coming year.

Based on a finding by the ProMED Animal and Zoonotic Diseases Working Group that sub-Saharan Africa is the top geographical choice for initiating animal disease surveillance, AHEAD (Animal Health, Emerging Animal Diseases) is exploring the feasibility of setting up a pilot program in that region that would have a special focus on wildlife diseases. Such a program would link veterinarians and wildlife managers at the region's parks and preserves with research and diagnostic capabilities (Onderstepoort Veterinary Institute in South Africa, ILRAD in Kenya and the region's national veterinary institutes) in a cooperative network for developing local capabilities in diagnostics, epidemiology and disease prevention. An increasing concern is the transmission of disease from humans and domesticated animals to animals in the wild and in zoological parks.

FAS is working closely with wildlife veterinarian Michael Woodford, Chairman of the OIE's Veterinary Specialist Group, and with Francois Meslin, Veterinary

Public Health Director at WHO. The project also maintains contacts with Joshua Dein at the US Wildlife Center in Wisconsin who directs the WildlifeHealth electronic mail conference, participants in the Wildlife Rehabilitation e-mail conference and with others participating in the Wildlife Information Partnership.

Looking ahead two years, the AHEAD project would like to have in place two pilot programs, the one currently proposed in Africa and a second at the juncture of the Middle East and Eurasia. Both would utilize a "bottom-up" structure with local officials participating fully in their sentinel roles. On the human disease front, ProMED would like to see the demonstration programs in developing countries fully operational, either as a co-sponsored Special Program under WHO or as an outside project that is merging with other WHO surveillance activities. It is hoped that ProMED-mail will, by 1998, be functioning as the independently operated, non-confidential outbreak reporting network in the two-tiered (confidential and non-confidential), surveillance communications system that the World Health Organization has proposed.

—Dorothy B. Preslar

Mordechai Vanunu Writes FAS From Israeli Prison

Ten years after Israeli nuclear technician Mordechai Vanunu was imprisoned for disclosing Israeli nuclear secrets, Nobel laureate Joseph Rotblat is organizing a conference in Tel Aviv to discuss the scientific, legal and ethical implications of Vanunu's imprisonment.

Sam Day, from the U.S. Campaign to Free Mordechai Vanunu, advised FAS that the Israeli government "will not consider releasing him [Vanunu] until he promises not to reveal any further secrets." But, according to Day, "He has no secrets left to tell. Many people believe he is just being held as a lesson to other government workers."

Three years ago in April 1993, FAS President Jeremy Stone wrote then Prime Minister Yitzhak Rabin asking for Vanunu's release, or improvement in the conditions of his confinement. There was no response.

What follows are excerpts from an April 1996 letter written by Frank von Hippel on behalf of FAS to Prime Minister Peres, suggesting that Israel allow Vanunu "normal human contacts, reduce his sentence to time served and release him from prison as quickly as

possible."

Edited excerpts from a letter from Vanunu to von Hippel follow thereafter. Certain phrases were excised from this Vanunu letter, presumably by Israeli censors, before it was sent to FAS.

Dear Prime Minister Peres:



Mordechai Vanunu

Since his arrest almost 10 years ago, the case of Mordechai Vanunu has inspired very mixed feelings among our members. On the one hand, many of us have sympathy for the reason that he gave for his action: "I wanted to expand the awareness of the nuclear danger in my own country and in the Middle East...people must not blindly follow their leaders on crucial issues involving nuclear weapons...Only by

learning more about the danger can one hope to organize effective prevention.”

On the other hand, we understand the seriousness of Vanunu's violation of Israel's regulations for the protection of secret national-security information. Many of us still advise the U.S. government on nuclear-weapons policy and are committed not to reveal classified information whose disclosure could be expected to damage national security.

Our members agree with Joseph Rotblat, winner of the 1995 Nobel Peace Prize, however, that, after nearly 10 years in solitary confinement, Vanunu has suffered enough. We urge Israel to allow Vanunu normal human contacts, reduce his sentence to time served and to release him from prison as quickly as possible.

Respectfully yours,

Frank von Hippel

Vanunu received a copy of the above letter thru Sam Day, rather than thru Peres' office. As with Stone's letter three years ago, the Israeli government did not acknowledge von Hippel's appeal. Vanunu's reply to von Hippel follows.

Dear Frank von Hippel:

I received a copy of your letter sent to Peres. First I want to thank you personally and all the members of F.A.S. It is a great Honor to me to receive your support, and more important that you understand my act and even wrote some of my own views. What is lacking in your letter is what I revealed and how ISRAEL's government and Peres had cheated all the world and lied not only to their own citizens, but also to your own country, the U.S. You cannot compare Israel with U.S., it does not have the same democratic standards and values.

My action was not as you wrote, a "violation of Israel's regulations for the protection of secrets," but for violation of a very false policy of not reporting to anyone even not to the government of Israel. My action was to inform the Israeli politicians and people. I violated a very bad policy that Mr. Peres invented that he calls "ambiguity." It was from the fear that Israeli nuclear policy would not find enough support that they invented his secret policy. So my "violation" was not for breaking laws, but for properly acting to deal with unlawful action by a "democratic" government. I paid and yet am paying the price of unnecessary punishment

only because Peres and his government have not been able to admit their own wrongdoing on this very crucial subject.

I appreciate what Mr. Rotblat said about me but he also has no power and ability and courage to speak the truth despite his Freedom and his 50 years of speaking out against Nuclear weapons. When it comes to Israel, everyone is playing the same game that Mr. Peres invented. At least you in F.A.S. could speak very clearly.

Co-operating in Secrecy

As you wrote "many of us [scientists] still advise the U.S. government on nuclear weapons policy." By your cooperating with secrecy, you are all responsible for the nuclear arms race during the Cold War and the nuclear proliferation to the verge of almost a nuclear war and 100,000 nuclear weapons. I am saying all this to tell you not to be afraid to tell the truth to Mr. Peres and the Israeli government, not to be too soft and understanding. The job of scientists is to find out the facts, the truth, and to bring the result to the people, not to be politicians. The truth is above everything.

You have also not demanded from Israel to reveal the truth to all the world, and have not demanded from Peres to destroy the Dimona nuclear reactor. You of F.A.S. are free from any political pressure or blackmail. The time has come for you of F.A.S. to correct all the failures of all the scientists who were responsible for the nuclear arms race. Now, after the end of the Cold War, there are no enemies, and no justification for any [deleted] weapons. Now, is the time to change the rules and to start a new policy by F.A.S. and other organizations for Global Responsibility. This can be done by speaking more boldly and strongly about your beliefs and scientific conclusions. Your results are more reasonable than those of politicians.

I want to thank you very much for your support and for speaking on behalf of my case, but again, if you have decided to take a stand after nine years of my suffering, then you have the right to disagree with Israel's policy. The main point is to speak the truth that nuclear ambiguity results in all the world being silenced and cooperating in secrecy.

The problem and my problem is the result of this cheating and the silence of all the world. Now is the time to speak very clearly and loudly.

Mordechai Vanunu
Ashkelon prison

Government Secrecy: Where Are We Today?

Last year, the Clinton Administration declassified more pages of classified documents than have been declassified by the government in at least twenty years. At the same time, the number of new classification decisions has declined. Early indications are that these trends will continue and even accelerate in the present year.

Yet secrecy continues to figure prominently in a diverse range of controversies, distorting relations between the government and the public, and impeding the conduct of government itself. What evidence did the Pentagon possess about the causes of "Gulf War Syndrome?" How could the CIA have tolerated acts of torture and murder by its agents in Guatemala? Why wasn't evidence of Serbian atrocities in Bosnia reported earlier? How could the National Reconnaissance have lost track of nearly four billion dollars? After two years of intensive intelligence reform activity, why has no reform been accomplished?

The premise of the FAS Project on Government Secrecy is that far too much information remains classified in the name of national security, and that this excessive secrecy undermines government accountability, fosters public cynicism, wastes enormous amounts of money, and ultimately damages national security itself.

A close examination of government secrecy policy suggests that there are three basic categories of official secrecy.

The first is composed of that core of legitimate secrets whose disclosure could demonstrably threaten the nation-- e.g., design details of advanced military technologies, war plans, and certain types of diplomatic and intelligence information. Rigorous protection of such secrets positively serves the public interest.

The second and much larger category may be termed "bureaucratic secrecy." This has to do with the inherent tendency of all organizations to control the information that they release to outsiders, including other government agencies. For example, bureaucratic secrecy contributed

to the legendary non-cooperation between the CIA and the FBI, and helped delay the arrest of Soviet spy Aldrich Ames for years. The inertia created by bureaucratic secrecy also helps account for the fact that there are billions of pages of documents that are decades old which remain classified even though, in the majority of cases, their sensitivity has long since lapsed.

The third category is political secrecy, which refers to the deliberate and conscious abuse of classification authority for political advantage, irrespective of any threat to the national security. This is the smallest of the three categories but it is also the most dangerous.

Perhaps the most extreme example of political secrecy was the classification of radiation experiments on unknowing human subjects, in order to forestall lawsuits and evade public controversy. But this category also includes more petty abuses like the classification of the size of the intelligence budget, which is done to protect the turf of congressional oversight committees, not the security of Americans.

The fact that there are legitimate national security secrets is the reason that we have a classification system in the first place. But bureaucratic and political secrets have proliferated to such an extent that today about one in every three pages of classified documents should not be classified even by the

government's own criteria! Like some Third World country that prints more and more money to cover its debts, the classification system is suffering from a kind of "inflation," in which the value and credibility of classification have been significantly eroded. (Meanwhile, the cost of classification-related activities was officially estimated at a hefty \$5.7 billion in 1995, ranging from the \$2.5 billion spent by the Department of Defense down to the \$1000 spent by the Marine Mammal Commission.)

One immediate consequence of this expansion of secrecy is a sharp increase in the frequency of leaks of classified information. "There is a much greater rate of leakage from the agencies than could have been

Given the world situation, the government protects too many documents by classifying them as SECRET and TOP SECRET. Do you...

Strongly Agree	13.9%
Agree	42.0
Neither agree nor disagree	17.1
Disagree	17.5
Strongly Disagree	4.4
Don't Know	5.0

A majority of Americans believe the government keeps too many secrets, according to a 1994 survey performed for the U.S. Department of Defense.

imagined 20 years ago," former Director of Central Intelligence James Schlesinger told Congress last year.

Because unauthorized disclosures of classified information can conceivably compromise national security (though they rarely do) and tend to represent a skewed view of events, an information policy based on leaks is far from ideal. But as a practical matter, the government has found it easier to tolerate the flood of leaks than to limit the secrecy system to genuine national security secrets.

Disappointingly, the current Congress has shown little enthusiasm for reform of the secrecy system, even though a recent Defense Department survey reported that a majority of Americans believes the government keeps too many secrets [see box on previous page]. In fact, Congress has moved repeatedly to discourage declassification, limiting the availability of funds, acting to prevent automatic declassification of certain records, and perpetuating the secrecy of the intelligence budget total. In short, it appears that Congress has vested interests of its own in maintaining the status quo.

Even so, change is in the air. Several agency heads, notably Energy Secretary Hazel O'Leary, have explicitly recognized that openness serves the government itself as well as the public, and have taken steps to incorporate that notion into policy. And after decades of neglect, declassification is at an all time high. Furthermore, new and emerging public information technologies will, for better and for worse, curtail the ability of government

to maintain certain kinds of secrets.

One new strategy that is being employed to bring secrecy under some semblance of control is the establishment of quasi-official citizen advisory boards. In addition to a long-standing State Department Historical Advisory Board, a panoply of similar groups have been or soon will be established: the DOE Openness Advisory Panel, the Defense Department Historical Records Declassification Advisory Panel, the CIA Historical Records Advisory Board, the Security Policy Advisory Board, and the Information Security Policy Advisory Committee.

In the worst case, these bodies will merely serve as window dressing. But in the best case, they will help to assume some of the oversight burden that has been sorely neglected by Congress and the agencies themselves. In addition, a statutory Commission on Protecting and Reducing Government Secrecy, chaired by Senator Daniel P. Moynihan, will conclude its two year deliberations in 1997 and is expected to present recommendations for significantly shrinking the scope of government secrecy.

In any case, the struggle for openness will never be completely over, especially since the definition of legitimate secrecy involves some subjective judgment. In fact, the struggle itself may be essential in order to balance and to overcome government's natural bureaucratic resistance to public disclosure.

—Steven Aftergood

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