



National Security Law Report

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Annual Meeting Showcase

Controlling Weapons of Mass Destruction

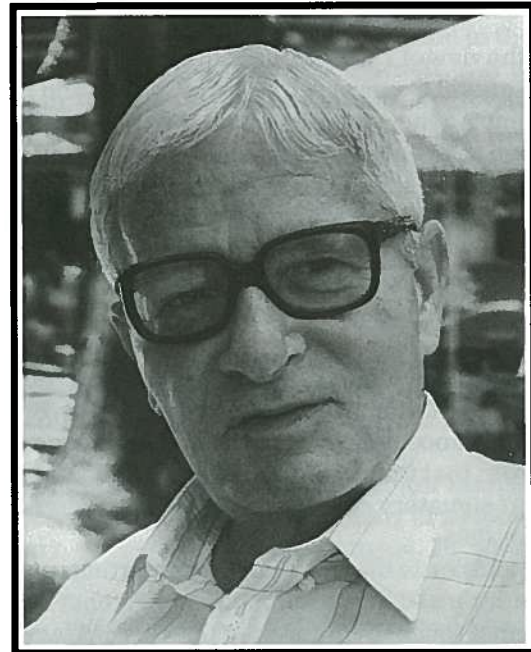
by T. J. Anthony & Robert Rudney

Western intelligence reports have revealed the probable existence of a nuclear enrichment facility in Petrostan, a Middle Eastern Moslem country, whose charismatic leader has vowed revenge against the United States for "slights" against Islam. Those reports also indicate that nuclear weapons experts from the former Soviet Union are accepting lucrative offers to work in Petrostan, front companies in Europe with Petrostani connections are attempting to buy commercially available electronic components that may be used in nuclear weapons triggering devices, Petrostani State University has placed an order with a U.S. company for advanced computer systems that may be used in nuclear or ballistic missile research, and a ship possibly carrying medium range missiles is in transit to Petrostan from North Korea.

These were among a series of hypothetical challenges posed to a distinguished panel of experts by Standing Committee Chairman John H. Shenefield at a Presidential Showcase of the ABA's Annual Meeting in New York City, on August 8. The panel's goal was to assess the role of law in the nonproliferation of weapons of mass destruction. Although the hypotheticals revealed, in candid give-and-take, differing views on how to prevent and respond to proliferation threats, the experts agreed that an effective international legal regime, including multilateral cooperation, is critical to nonproliferation efforts.

The Standing Committee recently established its Task Force on Nonproliferation of Weapons of Mass Destruction to educate the American legal profession concerning proliferation threats and to identify ways

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Frank Barnett

Frank Rockwell Barnett (1921-1993)

More than three decades ago, a dedicated group of patriots gathered to consider ways to educate the American citizenry about the realities of international communism. They believed that Americans did not fully understand the nature of Leninism, and that in the struggle between American values and communism the role of public opinion would be as important as the balance of military weapons.

Most of them were lawyers; and, among their other projects, they recognized the important role members of the legal profession could play in educating the nation about the competing values involved in the struggle. So in 1962 they established what later became known as the ABA Standing Committee on Law and National Security.

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in which the profession's skills, expertise and international contacts may be used to make an immediate and ongoing contribution to the development and implementation of effective nonproliferation policies.

Current Legal and Nonlegal Regimes

In the view of Thomas Graham, Jr., Acting Director and General Counsel of the Arms Control and Disarmament Agency, law has made a crucial difference through the Nuclear Non-Proliferation Treaty (NPT) in slowing the spread of nuclear weapons. Contrasting the first French nuclear test in 1960 with India's nuclear test in 1974, he stated that the NPT "converted an act of national pride . . . to, in effect, an act of international outlawry," and he noted that instead of the 30-40 nuclear weapon states predicted in the 1960s, the NPT regime has limited "avowed" nuclear states to the original five — the United States, Britain, Russia, France and China. Mr. Graham suggested, however, that there will be a "moment of truth" when the 157 signatory countries vote on extension of the NPT in 1995.

In addition to the NPT and the supporting activities of the International Atomic Energy Agency (IAEA), the panel touched on many of the current legal and nonlegal nonproliferation regimes:

- the Geneva Protocol of 1925 prohibiting the use of chemical and biological weapons,
- the Biological Weapons Convention of 1972 and the Chemical Weapons Convention, to enter into effect in 1995, which, together, will prohibit the possession or production of chemical and biological weapons,
- unilateral export controls—for example, the U.S. Export Administration Act of 1979, as amended,
- the Nuclear Suppliers Group consisting of 27 countries that recently agreed to a list of "dual-use" items and the application of "full-scope safeguards" as a condition to new nuclear export undertakings,
- the Australia Group consisting of 22 countries that focus on controlling trade in precursors for chemical weapons, and
- the Missile Technology Control Regime consisting of 22 countries that have adopted guidelines on the export of missile components and technology.

There was agreement that, in the post-Cold War era, new mechanisms for preventing and halting weap-

ons proliferation are necessary. Effective nonproliferation efforts must involve:

- a framework of clearly articulated and widely accepted international norms,
- export and other controls,
- verification through inspections and monitoring,
- compliance incentives, and
- unrelenting diplomatic pressure backed by credible economic and military sanctions to deter violations.

The Threat

While he noted recent successes in halting nuclear proliferation in South Africa, Brazil, Argentina, Taiwan and South Korea, William E. Colby, Director of the Lawyers Alliance for World Security and former Director of Central Intelligence, emphasized the threat of the "unavowed" nuclear weapons states and those countries aspiring for and on the threshold of nuclear weapons status. He asserted that with the end of the Warsaw Pact threat and the emergence of outlaw states and terrorist groups that might seek to employ nuclear and other weapons of mass destruction, the United States should pursue a world free of nuclear weapons. James A. Lilley, former U.S. Ambassador to China and South Korea, pointed out that a few of the newly independent states of the former Soviet Union possess nuclear and other weapons of mass destruction in an environment where command and control and the incentives to avoid proliferation have declined.

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Frank Barnett . . .

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The core group included such stalwarts as ABA President Lewis F. Powell, Jr., Chicago attorney Morris I. Leibman, Navy Judge Advocate General William Mott, U.S. Steel executive Daniel McMichael, and Frank Rockwell Barnett—an Army veteran of World War II and former Rhodes Scholar who took on the task of serving as the Standing Committee's first Director. On Sunday, August 15, Frank died of heart failure.

Born in Chillicothe, Ohio on October 29, 1921, Frank studied and was later a professor at Wabash College in Indiana. He enlisted in the Army in 1943, and served as a machine gunner in the 69th Infantry Division, earning a Bronze Star and Combat Infantryman's Badge. Having studied Russian language at Syracuse University prior to enlisting, Frank served as an interpreter when the 69th became the first American unit to make contact with Soviet military forces at the Elbe River, in Germany, in April 1945.

After the war he served on the staff of General Lucius Clay in the Military Government of Berlin, and subsequently read philosophy, politics and economics at Oxford University as a Rhodes Scholar. In 1951 he joined forces with former OSS Director William "Wild Bill" Donovan and William J. Casey in a committee to assist anti-Communist Russian escapees from Berlin and Vienna.

Insight into his future life is provided by this account from the obituary published in the *London Daily Telegraph* on August 23:

Barnett was present when the "Fighting 69th" became the first unit to meet with the Russians at Torgau, on the river Elbe.

There he witnessed the negotiations over the repatriation of Red Army PoWs captured by the Nazis, and was shocked to see weeping Russians hug the ground and beg to remain with the Americans.

Barnett's worse fears were confirmed when the repatriated men were immediately placed before a firing squad.

The experience marked him for life.

In addition to his work with the Standing Committee, for which he served for more than two decades as a consultant and more recently as a counselor, Frank helped initiate the first Defense Strategy Seminar for reserve officers at the National War College and was a member of Phi Beta Kappa, the Council on Foreign Relations, the London International Institute for Strategic Studies, and many other organizations. He served on the Advisory Board of the Center for Strategic and International Studies and as a trustee of Freedom Foundation.

He was perhaps best known for his work as a founder and for three decades President of the National Strategy Information Center, a non-profit corporation engaged in education in national defense, geopolitics and international security affairs.

Frank Barnett belonged to a very special breed of men—patriotic intellectuals who devoted their lives to doing battle with the ideas and deeds of Leninism. They stood firm to their principles even when doing so became politically incorrect because of the abuses of lesser men. If we can find any consolation in the loss of such great figures as Frank Barnett and Morry Leibman, it may be in the knowledge that they lived to witness the fruition of their efforts and saw the Iron Curtain hammered down by men and women eager to experience the joys of freedom.

For all of his great accomplishments, Frank was an unusually modest man—a man who loved life and lived it to the fullest, but who always found time to chat with the Standing Committee's law student representatives and to make even the most junior person in the room feel important. Even at the most serious of moments he always seemed to have a smile in his eyes.

Washington Times foreign desk editor Martin Sieff captured well the sense of loss many of us feel in an obituary in the *Times* on 19 August, in which he concluded:

But America did not come to international power in World War II merely through luck and absence of mind. And she did not protect the cause of freedom thereafter besotted by materialism, rotted by stupidity, or protected only by chance. It took a generation of men and women like Frank, people who blended high ideals with practical wisdom, to do it. They are passing from the scene now. In Frank's case, far, far too soon. But we would do well to remember the lessons they taught, and the qualities they embodied, as we, reluctantly take their places and step into their oversized shoes. *Requiescat in pace*, my friend.

He is survived by his wife of nearly five decades, the former Marjorie Wenzel, and a brother, Frederick, who resides in Florida.

Frank Barnett was a mainstay of the Standing Committee for three decades. He was a friend of freedom-loving people throughout the world, and a man of the highest intellect and integrity. We shall miss him greatly.

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Urging as the principal lesson of Iraq that preventing proliferation is much more difficult than Western experts supposed, David A. Kay, who directed United Nations nuclear inspections in Iraq, identified three concerns:

- many outlaw states (like Iraq) now have relatively sophisticated indigenous research and manufacturing capabilities that could be used to produce nuclear and other weapons of mass destruction,
- the means—ballistic missiles, warheads and guidance systems—adequate to deliver a nuclear weapon over several hundred miles to an urban target are well-tested and readily available, and
- multilateral action within an international compliance regime, and not vigilantism, is necessary to stop proliferation.

Chemical and biological weapons should be distinguished from nuclear weapons, Ambassador James F. Leonard, formerly of the U.S. Delegation to the Geneva Disarmament Conference, asserted. Chemical weapons have short-range effects and must be delivered in “industrial quantities” to achieve mass destruction. Technical limitations on the delivery of sufficient quantities of viable pathogens must be overcome before biological weapons will offer mass destruction capability, he added. Daniel B. Poneman, Special Assistant to the President and Senior Director for Nonproliferation and Exports Controls of the National Security Council, pointed out, however, that the threat of biological weapons is serious because of the “panic factor”; and Mr. Kay stated that terrorists may prefer biological weapons because it is difficult to identify the perpetrator—adding that “the threat of biological weapons could be more serious than the nuclear threat during the next 10 to 15 years.” Mr. Colby concurred: “You don’t need to kill many people. You only need to terrorize them.”

Ongoing Nonproliferation Efforts

Panel members discussed many of the difficulties in establishing and implementing a new international nonproliferation regime. Ambassador Lilley emphasized that while an effective regime must be inclusive and, thus, multilateral, there are bilateral relationships, for example, long-standing religious, ethnic or ideological ties and conflicts—for example, intellectual property, human rights, or religious issues or a state interest in regional hegemony—among nations

that make a multilateral regime problematic. In addition, nonproliferation efforts may be adversely affected by domestic concerns—for example, leadership succession, ethnic warfare or emigration policies. Leonard Weiss, Staff Director of the Senate Committee on Government Affairs, urged that in some cases unilateral action must be considered: “What some would call unilateral, others would call leadership.” As an example, he cited U.S. insistence on imposing full-scope nuclear safeguards on controlled exports, a policy that was finally adopted by the Nuclear Suppliers Group in 1992.

Panelists focused on two continuing problem areas: controlling the production and export of “dual-use” goods and services and mobilizing effective multilateral responses to proliferation threats.

Dual-Use Controls

Noting a certain tension between the equally important objectives of enhancing U.S. competitiveness abroad and reducing proliferation risks to national security, Mr. Poneman stated that the Clinton Administration “is fervently committed to principles of nonproliferation” and understands the nature of the competitive, export-driven U.S. economy. Howard Lewis, III, Vice President for International Economic Affairs of the National Association of Manufacturers, while making clear that most members of the business community support some form of export controls, termed the present system “the least effective means of countering proliferation.” He made four points about the restriction of dual-use exports:

- dual-use goods and technology—for example, telecommunications or advanced computer systems—are generally widely available from Western competitors of U.S. companies that, but for unilateral U.S. export controls, would be the suppliers of choice,
- while targeted at outlaw states, U.S. export controls adversely affect trade among friendly countries,
- export controls limit the ability of U.S. companies to profit from major technological breakthroughs—

Calendar of Events

October 7-8 —Third Annual Morry Leibman “Review of the Field” Conference, International Club, Washington, D.C. (see related article on page 7).

the primary source of U.S. competitive advantage, and

- exports are a major factor in the growth of the U.S. economy and most U.S. export growth comes from goods and technologies that are subject to U.S. export controls.

Mr. Weiss disagreed about the significance of export controls for U.S. business, arguing that current law restricts only that small portion of exports useful in nuclear weapons. Coming from a different direction, Mr. Kay reminded the panel that Iraq's successful development of indigenous nuclear weapons research and manufacturing capabilities demonstrates the limited efficacy of export controls; and he urged increased reliance on on-site inspections and sanctions to stop proliferation.

In addition to restrictions on the export of nuclear and dual-use goods and technology, the panelists recognized the need to limit the emigration to outlaw states of weapons experts and scientists (particularly from the former Soviet Union). Mr. Graham stressed that economic incentives—for example, the opening of internationally financed research centers in Russia—should diminish the attractiveness of emigrating to outlaw states. It was suggested that to deter such emigration the international nonproliferation regime should include sanctions such as permanent exile from the home country and criminal penalties.

Dual-use controls may also involve intellectual property, sovereignty and, in the United States and certain other countries, constitutional issues. For example, to restrict the production and stockpiling of chemical weapons, the Chemical Weapons Convention mandates intrusive inspections by an international verification agency. Mr. Colby pointed out that such provisions implicate confidential business information and "unreasonable search and seizure" issues. While noting that the U.S. Chemical Manufac-

turers Association has been strongly supportive of the treaty, Ambassador Leonard stated that drafting the U.S. implementing legislation will require intensive and complex legal analysis.

Multilateral Responses

Reacting effectively to a proliferation threat may often be a Sisyphean task under current nonproliferation regimes, the panel discussion revealed. As Mr. Poneman noted, chief among the stubborn obstacles to an effective response is the need to convince friendly countries that a dangerous threat exists and that multilateral action to eliminate the threat is warranted. It may then be necessary to obtain multilateral agreement on an overall policy approach, as well as the adoption of a specific course of action and workable procedures to promptly obtain multilateral concurrence for critical steps—such as the imposition of diplomatic, economic or military sanctions. The panel expressed the view that achieving an effective response in the face of these obstacles is made even more difficult by the increasing willingness of outlaw states (like Iraq and North Korea) to test multilateral resolve. In view of current threats and past experience, panelists doubted that the United Nations or other existing international organizations can consistently generate effective multilateral responses to proliferation threats.

The panel urged that strong U.S. leadership is necessary. As an example of successful U.S. leadership, Ambassador Lilley noted that political leverage and warnings of economic sanctions (involving the United States and Japan) have in the past induced China to stop assisting proliferator states. The panelists cautioned, however, that U.S. leadership depends upon the availability and timely dissemination of accurate intelligence to persuade other countries to

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Standing Committee on Law and National Security

Chairman: John H. Shenefield. *Members:* Richard E. Friedman, Edward Hidalgo, Harold H. Koh, Lucinda A. Low, J. Michael McWilliams, Elizabeth R. Rindskopf, L. Britt Snider, Paul Schott Stevens, Richard K. Willard, Dianne P. Wood
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Audio and Video Cassette Conference Tapes Available

The Standing Committee is pleased to offer audio cassette tapes of the June conference on "Anarchy in the Third World" and the upcoming October 7-8 Third Annual Morry Leibman Conference on a Review of the Field of National Security Law, as well as both audio and video cassettes of the August 8 Presidential Showcase program at the ABA Annual Meeting on "Law . . . or Mass Destruction? The Role of Law in Preventing Proliferation of Weapons of Mass Destruction." The cost is \$15 (audio) and \$30 (VHS video) per panel. For further information, contact Holly Stewart McMahon (address and phone at bottom of page 5).



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join in credible multilateral action to suppress proliferation threats.

According to Elizabeth R. Rindskopf, General Counsel of the Central Intelligence Agency, the U.S. intelligence community is increasingly aware of and receptive to new demands for useful intelligence about outlaw states and terrorist groups that can be shared with international agencies and even foreign governments that have not historically been close U.S. allies. She stated that "nonproliferation is a new priority for the intelligence community" and that so long as the intelligence agencies can protect their sources and methods, the agencies should be ready to assist multilateral nonproliferation efforts. The panel, however, was sensitive to the fact that often the best intelligence comes from human sources close to the proliferator who can be put at grave risk if even a hint of their disclosures reaches the wrong person. While there seemed to be a consensus that the U.S. intelligence community could have done better, for example, in generating and disseminating "technical intelligence" about the nature of the Iraqi threat, there was general agreement that "human intelligence" assets must be carefully safeguarded in any multilateral response to a proliferation threat.

In trying to put together a multilateral response to a proliferation threat, a key issue is: "When is it too late?" While Mr. Colby pointed out that with the demise of "mutual assured destruction" there is sufficient time to make a considered response to a proliferation threat, Mr. Kay countered that the time factor can be everything. There are often a variety of ways to deter or stop incipient proliferation efforts, but once there is a high likelihood that a clandestine nuclear enrichment facility has been built or that a ship carrying ballistic missiles is in transit, military action may be the only effective response—but a response for which there may be little multilateral support. Successful nonproliferation efforts must be based on the understanding that a proliferation threat can be sup-

pressed only when the proliferator becomes convinced that in making the threat it is increasing its own insecurity.

Policy Role for the Legal Profession

At the recent Tokyo G-7 summit, Secretary of State Warren Christopher stated that "nonproliferation is really the arms-control issue of the '90s." The ABA Presidential Showcase panel addressed many of the key issues in applying the rule of law to the nonproliferation of weapons of mass destruction. To clarify and respond to those issues, the new ABA Task Force on Nonproliferation of Weapons of Mass Destruction is committed to a four-point program:

- educating the American bar and lawyers' associations in other industrial democracies concerning proliferation threats and enlisting their support for effective policy responses,
- encouraging rationalization of dual use export controls,
- developing a comprehensive plan for adoption by the former Soviet republics to deter proliferation of weapons of mass destruction, and
- encouraging development of an effective international nonproliferation regime involving widely accepted norms, export controls, verification mechanisms, compliance incentives, and sanctions.

The Task Force will carry out this program through research and analysis, publications, panels, and seminars and speeches to interested groups. The Task Force intends to make policy recommendations but only after intensive consultations with appropriate government agencies, ABA committees, and other private groups.

Mr. Anthony is a partner in a Washington, D.C. law firm. Dr. Rudney is a Senior Analyst with National Security Research, Inc., and the National Institute for Public Policy in Fairfax, Virginia.

Jack Marsh to be honored

Deputy Attorney General, Eugene Rostow to Address October 7-8 Conference

Deputy U.S. Attorney General Philip B. Heymann will be one of several distinguished speakers at the Standing Committee's Third Annual Morris I. Leibman "Review of the Field" Conference, which will be held at the International Club in Washington, D.C., on Thursday and Friday, October 7-8, 1993. The program is being cosponsored by the Center for National Security Law at the University of Virginia School of Law.

This year's conference will be entitled: "National Security Law in a Changing World," and will include a special tribute to Standing Committee Counselor John O. "Jack" Marsh.

As in past years, one of the highlights of the program will be a panel on Friday morning composed of the top legal officers in the Departments of State and Defense, Central Intelligence Agency, National Security Council, and Joint Chiefs of Staff. This session provides an opportunity for some of the most important practicing national security lawyers to identify important new national security legal problems that warrant further study by the Standing Committee or its task forces and working groups.

After welcoming remarks by Standing Committee Chairman John H. Shenefield, Thursday morning's session will begin with a panel on "The Scope and Significance of National Security Law," moderated by Professor John Norton Moore. Discussants will include Professor Anthony Arend of Georgetown University, Senior Judge Robinson O. Everett of the U.S. Court of Military Appeals, former Pentagon General Counsel and Deputy Secretary of Defense (not to mention Ambassador to NATO) William H. Taft, IV, and former NSC Legal Adviser Nicholas Rostow.

John Shenefield will then chair a panel entitled "Survey of New Developments in National Security Law," which will include CIA Inspector General Frederick P. Hitz, Principal Deputy Legal Adviser to the Department of State Michael J. Matheson, Deputy Pentagon General Counsel John H. McNeill, and Standing Committee member Lucinda A. Low.

Following a luncheon with an address by Deputy Attorney General Heymann, Jack Marsh—whose distinguished career has included service in Congress, Assistant Secretary of Defense, White House Chief of Staff, and service as Secretary of the Army longer than anyone in history—will moderate a panel on "Operational Law: Systematically Incorporating Na-

tional Security Law in Operational Military Decisions." Panelists will include Colonel David E. Graham and Lt. Col. Jeffrey F. Addicott of the International and Operational Law Division of Army JAG, Col. John D. Altenburg, Jr., the Staff Judge Advocate to the XVIII Airborne Corps at Ft. Bragg, Lt. Col. David M. Crane of the Army JAG School, and Capt. Ralph Thomas of the Naval War College.

The final panel on Thursday afternoon will examine "Intelligence Law," with a special emphasis upon "the Role of the Intelligence Community in Law Enforcement." Moderated by Judge (and former CIA General Counsel) Stanley Sporkin, the panel will include National Security Council General Counsel Stewart A. Baker, Senate Intelligence Committee General Counsel L. Britt Snider, and Deputy Assistant Attorney General Mark M. Richard.

Friday's program will begin with a panel on "Women in the Military," moderated by former Defense Department and Air Force General Counsel Kathleen A. Buck, who after several years on the Standing Committee now chairs its Advisory Committee. Panelists include Air Force Assistant General Counsel Florence W. Madden, former Assistant Secretary of the Navy Barbara Pope, and Col. Harry Summers, a syndicated columnist and author.

Following the General Counsels' panel on "Advising the Government on National Security Law," there will be a luncheon with remarks by Eugene V. Rostow, Distinguished Professor at the National Defense University. The first afternoon panel will address "Strengthening Legal Constraints in the Control of Terrorism." Moderated by former CIA Deputy Director for Intelligence Ray Cline, the panel will include Professor Yonah Alexander of George Washington University, Professor (and former Principal Deputy Assistant Secretary of the Army for Special Operations and Low Intensity Conflict) Alberto R. Coll, former legal adviser to the U.S. Ambassador to the United Nations Allan Gerson, Special Counsel to the Assistant FBI Director Ronald Klein, and Professor John F. Murphy of Villanova University.

The final panel of the conference will address "National Security and the Environment," and will be chaired by Air Force Academy Professor Myron Nordquist. Speakers will include John C. Cruden (Chief of Environmental Enforcement at the Justice Department), Charles J. Sheehan (Counsel for Policy, Legislation, and Special Litigation in the Environmental and Natural Resources Division of the Justice Department), and Gary D. Vest (Principal Assistant to the Deputy Under Secretary of Defense for Environmental Security).

To register for the conference, contact Holly Stewart McMahon at the address at the bottom of page 5.

The National Security Agenda

Sudan Added to State Department Terrorism List—On August 18 the Department of State announced that Africa's largest country, Sudan, has been added to the list of states designated as sponsoring international terrorism. Although the announcement came in the wake of reports that two officials of the Sudanese mission to the United Nations, Counselor Siraj Yousif and Third Secretary Ahmed Mohamed, were in reality intelligence officers and had been involved in the plot to blow up the United Nations, FBI headquarters in New York and two tunnels—and that Sudan had given "material support" to Somali warlord General Mohamed Farah Aideed—the *Washington Post* (Aug. 18) quoted an unnamed official as saying that the decision was based upon the conclusion of an eight-month review showing that Sudan's Islamic fundamentalist government "was continuing to provide sanctuary or safe passage as well as military training to officials of at least five groups involved in terrorist acts," including Hesbollah, Hamas, the Islamic Jihad, and the Egyptian Islamic Group. The *Post* concluded that the economic consequences of the decision, which will outlaw all U.S. trade with Sudan (but will not bar humanitarian assistance), will be slight, since U.S. imports from Sudan last year amounted to only \$11 million, and exports were only about \$52 million. The *Post* noted that including a county on the terrorism list on the grounds that it provided a safe-haven for international terrorists was a departure from past U.S. practice. Some experts have cautioned that this and other measures taken against Islamic fundamentalist states like Iran risk alienating Moslems in Egypt, Algeria, Morocco, and Tunisia and could increase acts of terrorism against the United States itself.

Bosnia Asks ICJ to Declare Peace Accord "Null and Void"—On August 25, lawyers for Bosnia asked the International Court of Justice in The Hague to rule that the agreement seeking to divide Bosnia into ethnic republics would be "null and void." In explaining the move, Ambassador Muhamed Sacirbey, Bosnia's representative to the United Nations (and a participant in the Standing Committee's June conference on "Anarchy in the Third World") argued that Bosnia's signature would be "coerced under the threat of continuing genocide." (It should be noted that article 52 of the Vienna Convention on the Law of Treaties, which is widely viewed as reflecting customary international law as well on this point, provides that "A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations." In preparing the draft of this article, the International Law Commission emphasized that coerced agreements were to be void *ab initio*, and not simply "voidable" by later action of the coerced State.)

The Bosnian application asks the World Court to vitiate any settlement agreement produced by coercion and to order Yugoslavia and Serbian President Slobodan Milosevic to "immediately cease and desist from any and all efforts, plans, plots, schemes, proposals or negotiations to partition, dismember, annex or incorporate the sovereign territory of Bosnia and Herzegovina." (*N.Y. Times*, Aug. 26)

U.S. Imposes Sanctions for PRC Missile Sales to Pakistan—On August 25 the State Department announced a two-year ban on the export of certain high-technology exports to China and Pakistan. The decision was expected to prohibit about 7% of U.S. exports to China, worth about \$500 million a year, and would include a ban on the anticipated sale of U.S. satellites to China. On August 27, Chinese Vice Minister Liu Huaqiu responded by denouncing the U.S. action—which he said would put Sino-U.S. relations "in serious jeopardy." He indicated that China might well decide to stop its voluntary compliance with the Missile Technology Control Regime. Two days later, U.S. Senator Larry Pressler (R-SD), a member of the Foreign Relations Committee on a visit to Beijing, reportedly announced that if the Clinton Administration did not apply further pressure to restrain Chinese missile exports, Congress might well enact punitive legislation this fall.

Russian Reformers Seeking U.S. National Security Law Expertise—We have been asked to advise our readers that legal reformers in Russia are seeking western expertise on national security law. Specifically, they need legal advice from American specialists on legislative and regulatory theory and practice of control and oversight of security, intelligence, and law-enforcement services. There are two upcoming conferences on the subject to which western experts are invited: September 27-29 in St. Petersburg, and October 1-3 in Moscow. For information, readers are invited to contact Dr. J. Michael Waller, International Freedom Foundation, 200 G Street, N.E., Washington, D.C. 20002. Tel. (202) 546-5788. Fax. (202) 546-5488.