

Kremlin's Concept for Using Chemical & Biological Weapons

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The Kremlin's concept of using chemical and biological weapons given the current conflict in Ukraine is that these weapons are a tool that provides an asymmetric advantage and may be used covertly or overtly as required to achieve political objectives. The west's aversion to these types of weapons and attempts to control their use carries no weight in Russia. The world came together and prohibited the use of chemical and biological weapons, but Russia now largely rejects international norms, continues the development of chemical and biological weapons, and has used WMDs and supported others who do.

The world has long understood the horrors of chemical and biological weapons. After World War I, the 1925 Geneva Protocol prohibited the use of chemical and biological weapons in war.¹ The nations of the world further restricted biological weapon development, production, and stockpiles in 1972 via the Biological Weapons Convention.² The globe took until 1993 to come to a similar agreement on chemical weapons.³ Russia assumed responsibility for the treaties signed by the USSR after its collapse. Though the Kremlin feigned responsibility then, they openly shirk it today. In the current vein of Russian leaders misusing history to justify bad behavior, former Russian president, current Deputy Chairman of the Security Council, Dimitrii Medvedev said in an interview with Russia Today, "*There is a legal doctrine known as clausula rebus sic stantibus, which means that international treaties are valid as long as the circumstances that gave rise to them exist.*"⁴ While specifically talking about the START treaty he and Obama signed, he dismisses it because the two signatories, former U.S. President Obama and himself are now both sanctioned by each other's countries, changing the circumstances. While Russia Today is discredited by the west as a Russian government-sponsored propaganda machine, it is important to consider the words of Kremlin leaders which have proven prophetic, as evidenced by Putin's 2007 speech in Munich and his written article, "On the Historical Unity

of Russians and Ukrainians” in 2021.⁵ Medvedev’s claim that treaties can be broken is indeed customary international law but is further clarified in Article 62 of the United Nations Convention on the Laws of International Treaties.⁶ It clarifies that while circumstances may change, they rarely change enough to be an exception to the general rule of *pacta sunt servanda* (promises must be kept).⁷ Though perhaps this legalese is superfluous because the Kremlin does not respect any of these agreements as evidenced by their prolific use of WMDs.

Glossing over the fact that at the end of the Cold War the Soviet Union employed nearly 70,000 people in its biological warfare program, post-Cold War Russia has regularly used or condoned the use of chemical and biological weapons for both assassinations of dissidents and in conflict.⁸ Most infamously, Viktor Yushchenko, a pro-EU Ukrainian presidential candidate was poisoned in 2004 with dioxin, Putin critic Alexander Litvinenko was killed with polonium in 2006, former Russian double agent Sergei Skirpal was poisoned with Novichok in 2018, and Putin critic Alexei Navalny was also poisoned with Novichok in 2020.⁹ These nefarious activities, and countless others, are evidence that Russia continues its WMD programs despite international agreements not to.¹⁰ On a larger scale, there is evidence that chemical weapons were used in the Chechnya conflict in December 1999, though both the Russians and Chechens accuse each other.¹¹ In the Syrian conflict, the Russian-backed Assad regime used sarin gas to kill 1,400 people in a suburb outside of Damascus in 2013.¹² Russia quickly took it upon itself to ensure Syria removed its chemical weapons to keep the west out of the conflict. Instead of removal, the globe has observed Syria use chemical weapons against its people at least 17 more times with continued Russian support.¹³

The West should assume and prepare for the Kremlin’s use of chemical and biological weapons in the Ukrainian conflict given their rhetoric and history. The belief in the power of

treaties with Russia is farcical. Kremlin watchers are even concerned about the potential for nuclear weapon employment.¹⁴

Notes

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¹ “1925 Geneva Protocol – UNODA,” accessed March 31, 2022, <https://www.un.org/disarmament/wmd/bio/1925-geneva-protocol/>.

² “Biological Weapons Convention – UNODA,” accessed March 31, 2022, <https://www.un.org/disarmament/biological-weapons/>.

³ “History.”

⁴ “Post-Cold War World Order Is over, Former Russian President Says (FULL INTERVIEW),” RT International, accessed March 29, 2022, <https://www.rt.com/russia/552745-medvedev-west-relations-rt-interview/>.

⁵ Kaitlyn Tiffany, “RT America, You Were Very Weird and Bad,” The Atlantic, March 28, 2022, <https://www.theatlantic.com/technology/archive/2022/03/russia-today-propaganda-shut-down/627606/>; Vladimir Putin, “Speech and the Following Discussion at the Munich Conference on Security Policy” (Munich, February 10, 2007); “Article by Vladimir Putin ”On the Historical Unity of Russians and Ukrainians“,” President of Russia, accessed March 31, 2022, <http://en.kremlin.ru/events/president/news/66181>.

⁶ “United Nations Convention on the Law of Treaties, Signed at Vienna 23 May 1969, Entry into Force: 27 January 1980” (SiSU <http://www.jus.uio.no/sisu> (this copy), January 27, 1980), <https://www.jus.uio.no/lm/un.law.of.treaties.convention.1969/62.html>.

⁷ “Clausula Rebus Sic Stantibus Law and Legal Definition | USLegal, Inc.,” accessed March 29, 2022, <https://definitions.uslegal.com/c/clausula-rebus-sic-stantibus/>. “Rebus Sic Stantibus,” LII / Legal Information Institute, accessed March 29, 2022, https://www.law.cornell.edu/wex/rebus_sic_stantibus.

⁸ “What Biological and Chemical Weapons Does Russia Have?,” inews.co.uk, March 23, 2022, <https://inews.co.uk/news/world/what-biological-and-chemical-weapons-does-russia-have-why-biden-fears-that-putin-could-use-them-in-ukraine-1533900>.

⁹ Robert Hart, “Putin’s Poisonous Playbook — Before Abramovich, Russia Has A Dark History Of Reportedly Poisoning Opponents,” Forbes, accessed March 31, 2022, <https://www.forbes.com/sites/roberthart/2022/03/29/putins-poisonous-playbook---before-abramovich-russia-has-a-dark-history-of-reportedly-poisoning-opponents/>.

¹⁰ Analysis by Zachary B. Wolf CNN, “Analysis: Russia and Chemical Weapons: What You Need to Know,” CNN, accessed March 31, 2022, <https://www.cnn.com/2022/03/15/politics/chemical-weapons-russia-what-matters/index.html>.

¹¹ “Chechnya Special Weapons,” accessed March 31, 2022, <https://nuke.fas.org/guide/chechnya/index.html?msclkid=482b2690b15111ec932c91a5ca83512b>.

¹² “Syria, Russia, and the Global Chemical Weapons Crisis | Arms Control Association,” accessed March 31, 2022, <https://www.armscontrol.org/act/2021-09/features/syria-russia-global-chemical-weapons-crisis>.

¹³ “OPCW Confirms Chemical Weapons Use in Syria | Arms Control Association,” accessed March 31, 2022, <https://www.armscontrol.org/act/2021-07/news-briefs/opcw-confirms-chemical-weapons-use-syria>.

¹⁴ Christina Pazzanese Harvard Staff Writer, “Harvard Analyst Assesses Chemical Weapon Threat Posed by Russia,” *Harvard Gazette* (blog), March 23, 2022, <https://news.harvard.edu/gazette/story/2022/03/harvard-analyst-assesses-chemical-weapon-threat-posed-by-russia/>.