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## EDITORIAL

### **Kosovo Through the Lens of Human Rights**

The war in Kosovo has lit up more than the night skies over the Balkans. In the reaction of people and states from around the world, we can see the challenge ahead for the West, particularly the United States. In the last 10 years, the US has squandered much good will by its inconsistent, misleading, and timid foreign policy and its often antagonistic stance towards key initiatives in human rights, international law, and arms control.

As the US and British leaders in NATO tried to explain their reasoning and defend the course they were taking in Kosovo, they found public opinion in the West as well as elsewhere deeply divided and skeptical, wary of surface explanations, swift to sniff out hypocrisy. The US government blocked international response to Rwanda's genocide; earlier delayed by three years a necessary intervention in Bosnia; has given little recent heed to other serious conflicts in Africa and Asia. The self-professed champion of human rights and arms control, the one country with the global reach that makes or breaks these issues, the US has in the last 10 years foiled attempts to enforce the nuclear nonproliferation treaty, swept aside its debt obligations to the United Nations, humiliated one UN Secretary General and all but ignored his successor, obstructed progress on environmental agreements, strong-armed other nations on food and trade issues, aggressively claimed the role of world's leading arms merchant, attempted to scuttle the convention banning antipersonnel landmines, and tried to block the creation of an international criminal court. The US has yet to sign the two 1977 Protocols to the Geneva Conventions and is an outlier in its failure to sign a number of important human rights documents, such as the Convention on the Rights of the Child.

Why, suddenly at century's end, did the US find the atrocities in Kosovo to merit so much attention, up to and including a NATO military response?

There is an explanation, even a very

good one, and it is advanced, through a human rights lens, by Burkhalter in one of the two commentaries on this topic in this issue of *M&GS*. The international community could not, according to this view, ignore the escalating campaign of ethnic cleansing underway in Kosovo, which, despite several attempts to intervene diplomatically and politically, had surged into high gear by early winter of 1999. If not stopped quickly, Milosevic would have imposed on Kosovo the same fate that befell Bosnia and in the commission of gross crimes against humanity his forces would have laid waste to an entire society. Human rights and humanitarian concerns coincided with issues of regional security; prevention of a catastrophe in Kosovo was necessary to prevent further unravelling of the fragile balance of states and ethnicities in this part of southern Europe.

### **NATO and its Critics: A Mixed Response**

Critics of NATO intervention in Kosovo approach from five different, not all mutually reinforcing directions: 1) the failure to act earlier, more wisely, and more aggressively; 2) the inviolability of national sovereignty; 3) the racism implicit in our failure to act in Rwanda; 4) the risk of nuclear confrontation with Russia; and 5) the overweening belligerence and cultural imperialism of the West. The first criticism has also been dealt with well in Burkhalter's commentary. The last criticism (a subtext in many anti-interventionist analyses) cannot be dealt with rationally, since it arises (within the West as well as externally) from a miasma of mistrust of Western institutions dating back to at least the Vietnam war. Points 2-4, however, which are raised in the commentary by Loretz et al. can be acknowledged, deflected, or dealt with by some mix of argument and evidence.

1) *National sovereignty is inviolable:* Within the framework of the UN system, Chapter VII of the UN Charter allows the use of force against a nation state in order to respond to a threat to international peace and security. The UN has not yet determined

whether gross human rights violations, unattended by other issues of international security (such as oil), waged in open defiance of international norms and despite repeated diplomatic and political attempts to bring them to an end, could constitute such a threat to international peace and security. To have formally asked the Security Council to make that determination with regard to Kosovo would have been futile, since both Russia and China would have vetoed any step that would set a precedent undermining their own grip on their own reluctant internal states.

Within the larger context of international law, the 1948 Convention on Genocide permits intervention by a nation state or a group of nation states to prevent or stop what is determined to be the act of genocide, whether committed by another state or by an individual. No state invoked the Genocide Convention in the setting of Rwanda, a failure that will continue to haunt all of us, not the least those left to survive in the ruins of the Great Lakes region.

NATO exists to promote peace and security in Europe. Its mission does not include explicit mention of protection of civilians or promotion of human rights. The 1949 Treaty document does, however, affirm the commitment of its signatories to the "principles of democracy, individual liberty, and the rule of law." NATO's use of force to protect civilians residing in a non-NATO European country from gross violations of international humanitarian law and human rights law (both bodies of law having evolved considerably in depth and specificity since 1949) will force a re-examination and probable expansion of the terms that gave reason for its existence. Those who fear the motives of the West and NATO will oppose this development, those who consider it essential that there be another option beyond a deadlocked UN Security Council will applaud it.

2) *It is racist to act against potential genocide in Kosovo and not to have acted in Rwanda:* NATO intervened in Kosovo to protect human rights and to serve its interests in promoting European security. Does the fact that a combination of self interest and commitment to international norms drove this intervention make it wrong? To intervene for two right reasons does not vitiate one of them. The charge of racism can and must be brought against the world's failure to act to stop the genocide in Rwanda. It cannot be brought against the intervention in Kosovo, simply because this choice occurred five years after our experience in Rwanda, a

choice informed in large measure by what we learned from Rwanda. The real question—around which both those who question the intervention in Kosovo and those who support it can gather—is whether in the future, when there exists only a serious human rights justification for intervention, and not a narrow conception of regional security interests, the UN or NATO will act. We will all be watching.

3) *This intervention carried the high risk of a nuclear confrontation with Russia:* Very deft last-ditch diplomacy (arriving after months of diplomatic laxity) salvaged NATO's room to maneuver within its own backyard. This marginal outcome should not diminish the grave edge we reached in heightening nuclear tensions with Russia. Perhaps more than any issue evoked by the Kosovo intervention is the fact that NATO cannot do much in the world as long as Russia is armed to the teeth, very insecure within its own boundaries, and legitimately deeply suspicious of US and Western motives. We are witnessing, in this impasse with Russia, a dangerous trade off between international norms of civilian protection and profound issues of nuclear security that cannot be dismissed or ignored. We would not be at this juncture had the work been done by the US to secure a viable set of nuclear disarmament accords over the past 10 years and to promote a sense of economic and political stability, rather than fear and competition, between Russia and its former eastern bloc neighbors. The Kosovo intervention tells the West there is little we can do in the future to support a human rights regime in the world unless Russia's concerns regarding security are substantively allayed.

As this issue of *McGS* demonstrates, our discussions on nuclear policy, the environment, and the humanitarian response to war have become increasingly sophisticated and practical and they take place in a complex normative and legal context. The US and its allies ignore that context at peril to us all. We must play by the rules, or find the rules increasingly transgressed by others.

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DOE's First Steps Are Welcome: Now Comes the Hard Part—H. Jack Geiger  
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**DOE's First Steps Are Welcome: Now Comes the Hard Part**

The Department of Energy's stunning acknowledgment that thousands of workers at its nuclear weapons production plants have been sickened—and in many cases, killed—by workplace radiation and chemical exposures marks the beginning of the end of nearly six decades of poison, lies, secrecy, cover-up, and callous indifference to the public health in the specious name of national security. It is also a vindication of a decade or more of efforts by Physicians for Social Responsibility (PSR), the International Physicians for the Prevention of Nuclear War (IPPNW), and other activists to expose the truth, document the damage, and demand accountability and change.

Ten years ago, for example, a commentary by this writer published in the *New York Times* urged an immediate end to “the conflict of interest inherent in the Department of Energy's jealous insistence that it be responsible both for weapons production and health protection,” adding that “the Government should accept full responsibility for the harm it has already done to people...(and) for the harm it has done to science by withholding data, collected at public expense and crucial to the public interest, from the scrutiny of independent researchers” [1].

In 1992, a PSR Task Force on the Health Risks of Nuclear Weapons Production produced *Dead Reckoning: A Critical Review of the Department of Energy's Epidemiologic Research* [2]. Its findings of deeply flawed studies, gross inaccuracies and underestimates in the radiation dosimetry intended to protect workers, insufficient follow-up time for the detection of cancers, incomplete coverage of the nuclear weapons workforce, an exclusive focus on mortality instead of morbidity, restricting the size of study cohorts to obscure the statistical significance of findings, and reliance on the healthy worker effect to produce falsely reassuring conclusions have now been verified, point by point, by an interagency panel of experts whose work led to the current DOE acknowledgment, acceptance of responsibility, and offers of compensation.

A major contributor to *Dead Reckoning* is, in fact, a chief architect of this profound change in policy. Dr. David Michaels, now the DOE's Assistant Secretary for Environment, Safety and Health, held unprecedented public town meetings—at

Paducah, Oak Ridge, Rocky Flats, Hanford, Los Alamos, and other facilities—at which current and former workers (or their widows and children) were able to testify, for the first time, about their experiences and their illnesses. (Transcripts of those sessions, which put a moving, human face on the statistics, are available on the Web at [www.eh.doe.gov/benefits](http://www.eh.doe.gov/benefits).) In addition to the promises of lump-sum compensation or a package including lost wages, full coverage of ongoing medical expenses and job retraining, the DOE has established a Workers' Advocacy Office to help the victims and their families make the promises real. The Congress, in turn, seems likely to approve the required allocation of at least \$120 million for the first three years and \$80 million annually thereafter.

All this, however, is only a fraction of what must be done—and the easy part, at that. What are the other risks to the public health—to the communities surrounding the nuclear facilities, to populations across the United States, to populations worldwide? The DOE has announced that cleaning up environmental damage from the nation's nuclear weapons plants will cost \$168 billion to \$212 billion—up 44% from an estimate made just two years ago—and at 17 sites the task will take a decade or longer. More than 40,000 different chemicals are present throughout the DOE complex, and their risks may equal or exceed those posed by radiation.

Some of the sites—Hanford, Savannah River, Rocky Flats, and the Idaho National Engineering and Environmental Laboratory—are among the most highly radioactive areas in the country. It is not at all clear, furthermore, that at every site the DOE will meet Environmental Protection Agency standards for acceptable residual contamination—no more than one excess cancer per million people.

But that is only part of the picture. What of releases of radioactivity into the atmosphere (and, inevitably, into the rest of the environment, worldwide) from nuclear activities? The figures for just one isotope—I-131—are appalling. Approximately 8,000 to 40,000 curies of I-131 were released from Oak Ridge alone from 1944 to 1956. Hanford released about 900,000 curies during the same time period. The Nevada Test Site released 150 million curies from 1951 to 1958; during the same time period, more than eight billion curies were released from the Marshall Island tests. Approximately 50 million curies of I-131 were released from Chernobyl. Nor is the US alone. From 1958 through 1962, the former Soviet Union released an estimated 10 billion curies into the atmosphere, affecting mostly northern latitudes. With its short half-life, the damage from I-131—still not fully counted—has been done. There are no comparably precise figures for strontium, cesium, and plutonium isotopes, with half-lives up to thousands of years, but they are out there, and a price, in sickness and death, is surely being paid. Generations will pass before we learn the full costs in morbidity and mortality.

These damages to humans and their environments are the result of government policy decisions, largely made in secret here and abroad, that gave nuclear weapons production and testing, at any cost, priority over the lives of the citizens whom the bombs were supposed to protect. Those decisions violated cardinal principles of

medicine: to do no avoidable harm and to assure informed consent. They were rooted in the fallacious proposition that nuclear weapons will make us safe. Even as we welcome the first steps taken by the DOE to acknowledge what has happened (and, surely, is still happening) we must recognize how much remains to be done. This is not just history; it is the present and the future. The need for activism is as urgent as ever.

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### **References**

1. Geiger HJ. Generations of poison and lies (op-ed). The New York Times. August 5, 1990.
  2. Physicians for Social Responsibility. Dead reckoning: A critical review of the Department of Energy's epidemiologic research. Washington, DC: PSR. 1992.
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### **Responding to Bioterrorism: First Do No Harm**

For more than three decades, Physicians for Social Responsibility and International Physicians for the Prevention of Nuclear War have analyzed the health and social consequences of the use of weapons of mass destruction; have educated the public and health professionals on these consequences and on methods to prevent them; and have advocated primary prevention of the use of these weapons [1,2]. This work has also involved analysis of the health effects and social costs of efforts by nation states to “deter” attack upon themselves by building ever larger arsenals [3]. These efforts, we have argued, are misguided attempts at primary prevention and—unlike the massive reduction and abolition of weapons advocated by PSR and IPPNW—are likely to increase the risk of their use [4].

At the same time PSR and IPPNW have analyzed the health and social consequences of efforts to promote secondary prevention—attempts to reduce the consequences of the use of these weapons by preparing methods to deal with their effects. Such methods, we have argued, run the risk of misleading the public about their effectiveness; use public resources in dysfunctional ways; and actually increase the risk that the weapons will be used. Fallout shelters, crisis relocation, and the Strategic Defense Initiative (Star Wars), for example, appeared to their advocates to be purely defensive efforts, but have been viewed by potential adversaries as part of preparation for a “first strike” and led to even greater arms buildups [5].

In this issue, O’Toole and Lillibridge discuss yet another attempt at preventing the effects of weapons of mass destruction, in this case the use of biological or chemical weapons in what is termed “terrorism.” There is no doubt that all forms of terrorism

should be prevented, including state terrorism of which some countries, including the United States, have been accused [6]. Military and law enforcement activity in the US to prevent terrorism may indeed be useful, if the civil and human rights of suspects are protected and if attempts by other agencies to rectify just grievances are also supported. Specific elements of proposals for the secondary prevention of bioterrorism, such as training of medical personnel in treatment of victims and improved public health surveillance for emerging infectious diseases no matter what their source, are also useful, particularly in the face of severe underfunding of public health services in the US [7].

But coupling public health and medical efforts to military and law enforcement efforts to prevent bioterrorism carries with it a long series of problems, many of them similar to previous efforts for prevention initiated without adequate consideration of the nature of the threat and of the consequences of the response. These include the purposeful, self-interested exaggeration of the threat of use of chemical and biological weapons by individuals and small groups; diversion of resources from other, much more urgently needed, public health services; involvement of military and public health personnel in activities threatening civil and human rights; and a blurring of the line between “defensive” and “offensive” activities. Since these costs and unintended consequences have been discussed extensively in other publications [8,9] and will be discussed in future issues of *M&GS*, they will not be examined in detail here except to point out that a fundamental principle of medicine and public health is *primum non nocere* (most important, do no harm).

Past work on fallout shelters and Star Wars, and current work on national missile defense and mandatory immunization with the current anthrax vaccine [10], to take just four examples, do not inspire confidence that all measures undertaken for “prevention” are without harm.

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## **References**

1. Nathan DG, Geiger HJ, Sidel VW, Lown B. The medical consequences of thermonuclear war: Introduction. *New Engl J Med* 1962;266:1126-1127.
2. Ramana MV. Bombing Bombay? Effects of nuclear weapons and a case study of a hypothetical explosion. Cambridge, Mass: International Physicians for the Prevention of Nuclear War, 1999.
3. Forrow L, Sidel VW. Medicine and nuclear war: From Hiroshima to mutual assured destruction to abolition 2000. *JAMA* 1998;280:456-461.

4. International Association of Lawyers Against Nuclear Arms, International Network of Engineers and Scientists Against Proliferation, IPPNW. Security and survival: The case for a nuclear weapons convention. Cambridge, Mass: IPPNW. 1999.
  5. Leaning J, Keyes L (eds). The counterfeit ark: Crisis relocation for nuclear war. Cambridge, Mass: Ballinger. 1984.
  6. Vest J. The bombing of the Al Shifa pharmaceutical plant is one of Clinton's lamest lies, but who cares? Village Voice. March 16, 1999:55-59.
  7. Committee for the Study of the Future of Public Health, Institute of Medicine, National Academy of Sciences. The future of public health. Washington, DC: National Academy Press, 1988.
  8. Cohen HW, Gould RM, Sidel VW. Bioterrorism initiatives: Public health in reverse? Am J Pub Health 1999;89:1629-1631.
  9. Cohen HW, Sidel VW, Gould RM. Prescriptions on bioterrorism have it backwards. British Medical Journal 2000;320:1211.
  10. Sidel VW, Nass M, Ensign T. The anthrax dilemma. Medicine and Global Survival 1998;5:97-104.
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### **Threats and Possibilities a Decade Further Along**

Ten years may flash past in the life of an individual, but it marks a long time in the history of a society as packed and pressured as ours has become. The *M&GS* community, our readers, subscribers, authors, and reviewers, will move through a significant transition this year and the passage spurs acknowledgment of how much has changed in the larger world that preoccupies us.

In 1991, the year that we began publication as *The PSR Quarterly*, the Cold War was over but in the dust of the Berlin Wall's collapse we could not discern far into the future. Now we enter the 10th year of our work together with the benefit of hindsight, active inquiry, and no new political strictures on our capacity to see clear and whole. Many verities have unraveled, new fears have replaced old, and ideologies of all flavors have come into further disrepute.

The world's superpower has proved itself a clumsy, reluctant, and insular ally to the Europeans and a sour disappointment to the rest of the world whose suffering has deepened on our watch. Nuclear war on a global scale seems less likely, although not as distant a possibility as we could have hoped, given the gains and opportunities wrung from the disarmament struggle of the 1980s. Regional nuclear war and terrorism haunt the horizon because those in charge of these issues (test bans, non-proliferation, arms reduction) have failed to attend to them, failed to marshal the political will and imagination to keep these issues at the top of the world agenda, failed to see, as Virchow said and as we warned in our first editorial in 1991, that "disarmament is necessary for the progress of civilization" [1].

If “the progress of civilization” sounds tinny, and from a different time, there is good reason. The balance sheet for technological development, globalization, and economic growth is not overwhelmingly positive even in the first world, let alone elsewhere. In prosperous societies, the explosive power of the Internet and the sweep of multinational capital have outstripped the restraints of existing political institutions and regulatory bodies. New structures are needed in order to introduce some semblance of accountability, protection of the vulnerable, and political transparency. These issues, filled with threat and possibility, are at once very distant and very close to those large parts of our world caught up in war, poverty, and disease. Long-lasting internal wars eat away at lives and livelihoods in regions whose leaders have left them increasingly bereft of options. Here the balance sheet is far more negative, and the stakes just as high, because of one feature that this past decade has unambiguously brought home—the interdependence of everyone who lives here now and who may arrive this century.

Our growth and our technology have tied us together in many ways, not all of them predicted 10 years ago. Acquired environmental understanding—about finite resources, accelerated encroachment, contamination and its consequences, and global climate change—has provided much basis for this growing consciousness of interdependence. Cable and Internet technologies transmit vivid and contemporaneous notice to the world about the phenomena—if not the facts—of tragedies and brutalities afflicting large numbers of people on every continent every day. Diffusion of technical capacities has enabled groups with widely varying agendas to inflict harm through terror on many fronts, often against those who thought themselves comfortably removed from the violence they’ve watched on CNN. As political and economic transformations have forced strategic reassessments upon post-World War II global institutions such as the UN, the World Bank, and the IMF, a linked civil society is asserting itself in yet unfathomed dynamics through the World Wide Web.

The actuality of interdependence is sustained by two emerging world conversations: one on international human rights and international law, the other on human security [2,3]. The first, an outcome of the normative consensus built in reaction to wars and atrocities of this past century, now stands to gain from the fluidity of political boundaries that characterize the post-Cold War setting and the revolution in global communications. The second is still an elite discussion, gaining currency among those concerned with protecting civilians in war and ensuring that peace brings enduring benefits to all stakeholders.

Throughout this decade, those familiar with this journal have seen its pages reveal and debate many of the changes and portents mentioned here. The contents of the current issue demonstrate that congruence. As the authors and their subject areas indicate, physicians and others engaged in promoting the health of individuals and communities are more than ever called upon to see how their work intersects with the aspirations, concerns, and crises of the population at large. Their norms, skills,



insights, and leadership continue to constitute a potentially significant force in the mobilization of civil society around a common set of goals and policies.

This journal has long been affiliated with the International Physicians for the Prevention of Nuclear War. What that has meant in essence is that the leadership of IPPNW saw in *M&GS* a way to reach its farflung and busy constituency on questions that might not cross their desks or even their computer screens in the normal course of their days. That relationship has proved sufficiently beneficial to allow for the full migration of the journal and its name to the happy place of full incorporation into IPPNW. Many on the current editorial board will continue to stay involved. The mission and mandate of the journal will not change. Its emphasis on data-based analysis and peer-review will remain in force. The economies of scale that such an arrangement forecasts, and the infusion of new energy that comes with this transition, make it an occasion for all of us to celebrate with all of you.

There are bewildering arrays of eventualities ahead of us, virtually all laden with great risk. We spoke in our first issue of “a new venture and a new beginning” [4]. Ten years out we are in the midst of the journey, but still feeling headed in the right direction.

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## **References**

1. Virchow R. Vierzehnte Sitzung des Hauses der Abgeordneten, November 5, 1869. In: Stenographische Berichte, Haus der Abgeordneten. Berlin: Möser Verlag, 1870;1;362. (Courtesy of Hartmut Hanauske, MD.)
2. Canadian Department of Foreign Affairs and International Trade. Human security: Safety for people in a changing world. Ottawa. April, 1999.
3. Takemi K. Capacity building for human dignity: The essence of the international order in the 21st century. State Secretary for Foreign Affairs. Japan. Speech before the Asia Society, New York. September 1, 1999. Available at [www.asiasociety.org/takemi.html](http://www.asiasociety.org/takemi.html).
4. Leaning J. A new venture and a new beginning. Editorial. The PSR Quarterly 1991;1:1-2.