DISARMAMENT, 1969

never to engage in such methods of action and research aimed at the production and to destroy, or divert to peaceful uses, any type of nuclear weapon already be in their possession,

of the Convention, Parties will have set and to request that the complaints be

confidence in the Convention is to be arrangements to be made in advance for

complaints, and the particular need of complaints of the use of biological

intention of Parties to the Convention to provide assistance, in accordance with the

the Convention, if the Security Council

ail of warfare have been used against

the inherent right, recognised under the individual and collective self-defence of a Member of the United Nations, issued taken measures necessary to maintain

General

will enable him

delay any complaints lodged with him

of the Convention;

Security Council, to investigate any

with Article III.2 of the Convention;

any Council on the results of any such

may be lodged with it under Article

the Secretary-General may submit in

Paragraph 1 of this Resolution on the result

and if it concludes that the com-

ference urgently what action it should take

the Charter.

and upon Specialised Agencies of the

is appropriate with the Secretary-

purposes of this Resolution.

TWOlVE-NATION WORKING PAPER, AUGUST 26

Twelve-Nation Working Paper Submitted to the Eighteen Nation Disarmament Committee: Proposed General Assembly Declaration Regarding Prohibition of the Use of Chemical and Biological Methods of Warfare, August 26, 1969

The General Assembly,

Considering that chemical and biological methods of warfare have always been viewed with horror and been justly condemned by the international community;

Considering that these methods of warfare are inherently reprehensible, because their effects are often uncontrollable and unpredictable and may be injurious without distinction to combatants and non-combatants and because any use would entail a serious risk of escalation;

Recalling that successive international instruments have prohibited or sought to prevent the use of such methods of warfare;

Noting specifically in this regard

that the majority of States then in existence adhered to the Geneva Protocol of 17 June 1925;

that since then further States have become Parties to that Protocol;

that yet other States have declared that they will abide by its principles and objectives;

that these principles and objectives have commanded broad respect in the practice of States, and

that the General Assembly, without any dissenting vote, has called for the strict observance by all States of the principles and objectives of the Geneva Protocol;

Recognising therefore, in the light of all the above circumstances, that a customary rule of international law prohibits the use in international armed conflicts of all biological and chemical methods of warfare, regardless of any technical developments;

Mindful of the Report of the Group of Experts, appointed by the Secretary-General of the United Nations under General Assembly Resolution 2454 A (XXIII) of 20 December 1968, on chemical and bacteriological (biological) weapons and the effects of their possible use, published on 1 July 1969;

Considering that this Report and the Foreword to it by the Secretary-General adds further urgency for an affirmation of this rule and for dispelling, for the future, any uncertainty as to its scope and, by such affirmation, to assure the effectiveness of the rule and to enable all States to demonstrate their determination to comply with the rule;

Condemns and declares as contrary to international law the use in international armed conflicts of any chemical agents of warfare: chemi-

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1 ENDC/205, Aug. 26, 1969. The paper was submitted by Argentina, Brazil, Burma, Ethiopia, India, Mexico, Morocco, Nigeria, Pakistan, Sweden, UAR, and Yugoslavia.

2 Post, pp. 764-765.


4 A/64, pp. 264-268.
Statement by the British Representative (Porter) to the Conference of the Committee on Disarmament: Prohibition of Biological Warfare, August 26, 1969

38. This morning I should like to introduce some amendments to the draft convention for the prohibition of biological methods of warfare and the related draft Security Council resolution, and introduced by Mr. Mulley on 10 July. We are grateful to the delegations which have commented on these texts, and in some cases we have already been able to develop new or modified language to meet their points. We hope that other governments represented here will also comment for we regard this process of consultation and improvement as a continuous one leading to a text which will be generally acceptable to members of this Committee.

39. I have set out the proposed changes in a paper which is before the Committee. The Secretariat has also circulated the amended text as an ENDC document. We have not yet made proposals for the missing administrative articles VII, VIII and X, since this we believe would be premature until some progress has been made on the articles of substance already tabled. For the time being we should like to concentrate on these.

40. You will notice that our amendments remain within the framework of a convention for the prohibition of biological methods of warfare. A number of delegations have advocated that chemical and biological methods of warfare should be dealt with together in the same document. The Committee will recall the reasons given by Mr. Mulley on 10 July and in earlier statements for drafting, in the first instance, a convention on biological weapons. We cannot agree that it is impossible to distinguish between chemical and biological methods of warfare. The biological weapon is the only self-propagating weapon in existence; that is to say, a weapon which has the ability to multiply itself. That is why the effects of such weapons are likely to be not only horrifying but indiscriminate. What we are seeking to prohibit therefore is, in one sense, the most inhuman of all weapons; a living weapon which seeks out people to destroy them. We fully

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1 CCD/PV, 431, pp. 11-16.
2 Ante, pp. 324-326.
3 Ante, p. 327.
4 Ante, pp. 431-433.
5 Ante, pp. 319-324.