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QUESTION OF CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

Report of the First Committee

Rapporteur: Mr. L.M.H. BARNETT (Jamaica)

1. The question of chemical and bacteriological (biological) weapons was included by the Secretary-General in the provisional agenda of the twenty-fourth session (A/7600) as part of item 29 entitled: "Question of general and complete disarmament: (a) Report of the Conference of the Eighteen-Nation Committee on Disarmament; (b) Report of the Secretary-General", on the basis of General Assembly resolution 2454 A (XXIII) of 20 December 1968.
2. At its 1758th plenary meeting, on 20 September 1969, the General Assembly, on the recommendation of the General Committee (A/7700) included that item in the agenda and allocated it to the First Committee for consideration and report.
3. By a letter dated 19 September 1969 (A/7655), the representatives of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Mongolia, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics requested the inclusion in the agenda of an additional item entitled: "Conclusion of a convention on the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and on the destruction of such weapons". Attached to the letter was the text of a draft convention on the prohibition of the development, production and stockpiling of such weapons and on their destruction.

4. At its 182nd meeting, on 23 September 1969, the General Committee considered the request and recommended that the item should be included in the agenda and allocated to the First Committee. It also recommended that it should become sub-item (c) of item 29 entitled: "Question of general and complete disarmament" (A/7700/Add.1).
5. At its 1764th and 1765th plenary meetings, on 24 and 25 September 1969, the General Assembly decided to replace item 29 by the following two separate items: item 29 - Question of general and complete disarmament: report of the Conference of the Committee on Disarmament; and item 104 - Question of chemical and bacteriological (biological) weapons: (a) Report of the Conference of the Committee on Disarmament; (b) Conclusion of a convention on the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and on the destruction of such weapons; (c) Report of the Secretary-General. The General Assembly also decided to allocate item 104 to the First Committee for consideration and report (A/7702/Rev.1).
6. At its 1686th meeting, on 20 November 1969, the First Committee decided that the general debate on all four agenda items relating to disarmament allocated to it, namely, (1) item 29: Question of general and complete disarmament; (2) item 30: Urgent need for suspension of nuclear and thermonuclear tests; (3) item 31: Conference of Non-Nuclear-Weapon States; and (4) item 104: Question of chemical and bacteriological (biological) weapons, should be held simultaneously, and that, following the conclusion of the general debate, the committee would consider separately the draft resolutions relating to each item.
7. The general debate on the four agenda items took place at the 1691st to 1707th meetings, from 17 November to 1 December 1969, and at the 1710th and 1712th meetings on 3 December 1969.
8. The First Committee had before it, in connexion with agenda item 104, the following documents: (a) the report of the Conference of the Committee on Disarmament (A/7741); (b) the letter and the draft convention (A/7655) mentioned in paragraph 3 above; (c) the report of the Secretary-General (A/7575); (d) a letter dated 17 October 1969 from the Permanent Representative of the Union of Soviet Socialist Republics, addressed to the Secretary-General (A/C.1/988), transmitting a letter from the Minister for Foreign Affairs of the German

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Democratic Republic and a memorandum attached thereto; (e) a letter dated 8 October 1969 from the Permanent Representative of Poland, addressed to the President of the General Assembly (A/C.1/989), transmitting a message from the President of the People's Chamber of the German Democratic Republic; (f) a letter dated 23 October 1969 from the Permanent Representative of Hungary, addressed to the President of the General Assembly (A/C.1/991), transmitting a letter from the Minister for Foreign Affairs of the German Democratic Republic and a statement attached thereto.

9. On 24 November, Bulgaria, the Eyelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Mongolia, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics submitted a draft resolution (A/C.1/L.487), subsequently co-sponsored by Cuba (A/C.1/L.487/Add.1). The text read as follows:

"The General Assembly,

"Recalling its resolutions 2162 B (XXI) of 5 December 1966 and 2454 A (XXIII) of 20 December 1968,

"Fully conscious of the fact that the use of such weapons of mass destruction as chemical and bacteriological (biological) weapons would constitute a serious threat to mankind and that the development, production and stockpiling of such weapons are therefore contrary to the interests of the security of peoples,

"Bearing in mind that the Geneva Protocol of 17 June 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare is an effective international agreement which plays an important role in the averting of a chemical and bacteriological war,

"Considering it to be urgently necessary to take further measures leading to the complete exclusion of chemical and bacteriological weapons from the arsenals of States and to the destruction of such weapons,

"Having regard also to the conclusion on these lines in the report of the Secretary-General of the United Nations on "Chemical and bacteriological (biological) weapons and the effects of their possible use" which was prepared by a group of highly qualified international experts,

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"1. Recognizes the need to conclude as soon as possible a convention on the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and on the destruction of such weapons;

"2. Considers that such a convention should provide for the full prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and the exclusion of these means of warfare from the arsenals of States through their destruction or diversion for peaceful uses;

"3. Recommends that in reaching agreement on the text of such a convention full account should be taken of the draft Convention on the Prohibition of the Development, Production and Stockpiling of Chemical and Bacteriological (Biological) Weapons and on the Destruction of such Weapons, contained in document A/7655;

"4. Requests the Conference of the Committee on Disarmament to conduct negotiations as a matter of urgency with a view to reaching agreement on the text of a convention on the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and on the destruction of such weapons;

"5. Requests the Committee on Disarmament to report to the General Assembly at its twenty-fifth session on the results of these negotiations;

"6. Requests the Secretary-General to transmit to the Conference of the Committee on Disarmament all documents and records of the First Committee relating to questions connected with the problem of chemical and bacteriological (biological) weapons."

10. On 25 November, Hungary, Mongolia and Poland submitted a draft resolution (A/C.1/L.488), which read as follows:

"The General Assembly,

"Recalling its resolution 2454 A (XXIII) of 20 December 1968,

"Having considered the report of the Secretary-General of 1 July 1969 on chemical and bacteriological (biological) weapons and the effects of their possible use,

"Noting with approval the conclusions of the report of the Secretary-General and the recommendations contained in the foreword to this report,

"Noting also the discussion of the report of the Secretary-General at the Conference of the Committee on Disarmament and during the twenty-fourth session of the General Assembly,

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"Recognizing the importance of the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

"Noting with deep concern that the possible use of chemical and bacteriological (biological) weapons is fraught with serious escalation both in the use of more dangerous weapons belonging to the same class and of the other weapons of mass destruction,

"Believing that the elimination of chemical and bacteriological (biological) weapons from military arsenals would constitute an important step towards reaching agreement on general and complete disarmament under effective international control,

"1. Reaffirms resolution 2162 B (XXI) of 5 December 1966 and calls anew for strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925;

"2. Urges all States, which have not yet done so, to accede to, or ratify the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare in the course of 1970 in commemoration of the forty-fifth anniversary of its signing and the twenty-fifth anniversary of the United Nations;

"3. Welcomes the report of the Secretary-General of 1 July 1969 as an authoritative statement on chemical and bacteriological (biological) weapons and on the effects of their possible use, and expresses its appreciation to the Secretary-General and to the consultant-experts, who assisted him;

"4. Requests the Secretary-General to publicize the report in as many languages as is considered desirable and practicable;

"5. Recommends to all Governments the wide distribution of the report through various media of communication, so as to acquaint public opinion with its contents, and invites the specialized agencies, regional intergovernmental organizations and national and international non-governmental organizations to use their facilities to make the report widely known."

11. On the same date, Argentina, Brazil, Burma, Ethiopia, India, Mexico, Morocco, Nigeria, Pakistan, Sweden, the United Arab Republic and Yugoslavia submitted a draft resolution (A/C.1/L.489), subsequently co-sponsored by Jamaica (A/C.1/L.489/Add.1), by Algeria, Ceylon, Cyprus, Ghana, Kenya and Nepal

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(A/C.1/L.489/Add.2) and by Ireland and Mali (A/C.1/L.489/Add.3). This draft resolution appears as draft resolution A in paragraph 22 below.

12. On 26 November, Australia, Canada, Ghana, the Netherlands, Nigeria and the United Kingdom of Great Britain and Northern Ireland submitted a draft resolution (A/C.1/L.491), subsequently co-sponsored by Chad, Cyprus and Uganda (A/C.1/L.491/Add.1). The text read as follows:

"The General Assembly,

"Recalling its resolution 2454 A (XXIII) of 20 December 1968,

"Having considered the report of the Secretary-General of 1 July 1969 on chemical and bacteriological (biological) weapons and the effects of their possible use (A/7575),

"Noting the conclusions of the report of the Secretary-General and the recommendations contained in the foreword to this report,

"Noting also the discussion of the report of the Secretary-General at the Conference of the Committee on Disarmament and during the twenty-fourth session of the General Assembly,

"Mindful of the conclusion of the report that the prospects for general and complete disarmament under strict and effective international control and hence for peace throughout the world would brighten significantly if the development, production and stockpiling of chemical and biological agents intended for purposes of war were to end and if they were eliminated from all military arsenals,

"Recognizing the importance of the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

"Conscious of the need to maintain inviolate the Geneva Protocol and to ensure its universal applicability,

"Emphasizing the urgency of the need for achieving the earliest effective elimination of chemical and bacteriological (biological) weapons,

A

"1. Reaffirms resolution 2162 B (XXI) of 5 December 1966 and calls anew for strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925;

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"2. Invites all States, which have not yet done so, to accede to, or ratify the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare in the course of 1970 in commemoration of the forty-fifth anniversary of its signing and the twenty-fifth anniversary of the United Nations;

B

"1. Welcomes the report of the Secretary-General of 1 July 1969 as an authoritative statement on chemical and bacteriological (biological) weapons and on the effects of their possible use, and expresses its appreciation to the Secretary-General and to the consultant-experts, who assisted him;

"2. Requests the Secretary-General to publicize the report in as many languages as is considered desirable and practicable, making use of the facilities of the United Nations Office of Public Information;

"3. Recommends to all Governments the wide distribution of the report so as to acquaint public opinion with its contents, and invites the specialized agencies, intergovernmental organizations, and national and international non-governmental organizations to use their facilities to make the report widely known;

"4. Recommends the report of the Secretary-General to the Conference of the Committee on Disarmament as a basis for its further consideration of the effective elimination of chemical and bacteriological (biological) weapons;

C

"1. Takes note of the draft Convention on the Prohibition of Biological Methods of Warfare submitted by the United Kingdom to the Conference of the Committee on Disarmament (CCD/255/Rev.1) and the draft Convention on the Prohibition of the Development, Production and Stockpiling of Chemical and Bacteriological (Biological) Weapons and on the Destruction of such Weapons submitted to the General Assembly by the delegations of Bulgaria, the Byelorussian SSR, Czechoslovakia, Hungary, Mongolia, Poland, Romania, the Ukrainian SSR and the USSR (A/7685);

"2. Requests the Conference of the Committee on Disarmament to give urgent consideration to reaching agreement on the prohibition of chemical and bacteriological (biological) methods of warfare, taking full account of the draft conventions mentioned in paragraph 1 and other relevant proposals;

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"3. Requests the Conference of the Committee on Disarmament to present a report on progress on all aspects of the problem of the effective elimination of chemical and bacteriological (biological) weapons to the twenty-fifth United Nations General Assembly;

"4. Requests the Secretary-General to transmit to the Conference of the Committee on Disarmament all documents and records of the First Committee relating to questions connected with the problem of chemical and bacteriological (biological) weapons."

13. On 8 December, Italy submitted a draft resolution (A/C.1/L.498), which read as follows:

"The General Assembly,

"Recognizing the importance of the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

"Recalling its resolutions 2162 (XXI) of 15 December 1966 and 2454 A (XXIII) of 20 December 1968, whereby it called anew for strict observance by all States of the principles and objectives of the Geneva Protocol and it invited all States to accede to the same Protocol,

"Congratulating the Secretary-General on the report dated 1 July 1969 on chemical and bacteriological (biological) weapons and the effects of their possible use (A/7575),

"Having considered the report of the Conference of the Committee on Disarmament on the preliminary consideration of the action to be taken in the light of the report of the Secretary-General,

"Welcoming the initiatives taken by several Governments in the field of the prohibition of chemical and bacteriological (biological) weapons,

"Fully conscious of the need to preserve the inviolability of the Geneva Protocol and to ensure its universal application,

"1. Urges again all States to accede to the Geneva Protocol;

"2. Invites all parties to the Geneva Protocol to consider that, in the meantime, the prohibition contained therein applies vis-à-vis all countries which refrain from infringing the provisions of the Protocol."

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14. On the same date, Australia, Austria, Bulgaria, the Byelorussian Soviet Socialist Republic, Canada, Chad, Cyprus, Czechoslovakia, Ghana, Hungary, India, Jamaica, Liberia, Mexico, Mongolia, the Netherlands, Nigeria, Pakistan, Poland, Romania, Uganda, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted a draft resolution (A/C.1/L.500), subsequently co-sponsored by Belgium, Brazil, Mali, New Zealand, Sweden (A/C.1/L.500/Add.1) and Finland and Mauritius (A/C.1/L.500/Add.2). This draft resolution appears as draft resolution B in paragraph 22 below.

15. At its 1716th and 1717th meetings, on 9 and 10 December, the First Committee took up for consideration the above draft resolutions submitted under agenda item 104.

16. At the 1716th meeting, on 9 December, it was announced that draft resolutions A/C.1/L.487 and Add.1, A/C.1/L.488 and A/C.1/L.491 and Add.1 had been withdrawn by the respective co-sponsors in favour of the thirty-two-Power draft resolution (A/C.1/L.500 and Add.1 and 2).

17. At the 1717th meeting, on 10 December, the representative of Italy stated that his delegation would not press to a vote its draft resolution (A/C.1/L.498).

18. At the same meeting, before the Committee voted on the two draft resolutions before it, the Secretary of the Committee made a statement on the financial implications of draft resolution A/C.1/L.500.

19. At the request of Malta, a separate vote was taken on the fifth preambular paragraph of the twenty-one-Power draft resolution (A/C.1/L.489 and Add.1-3). The paragraph was adopted by 57 votes to 10, with 24 abstentions. The Committee then adopted the draft resolution as a whole by a roll-call vote of 58 to 3, with 35 abstentions (see paragraph 22, draft resolution A, below). The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Ceylon, Costa Rica, Cuba, Cyprus, Czechoslovakia, Ethiopia, Finland, Ghana, Guatemala, Hungary, India, Indonesia, Iran, Ireland, Ivory Coast, Jamaica, Kenya, Kuwait, Lesotho, Libya, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Poland, Romania, Saudi Arabia, Senegal, Somalia, Spain, Sudan, Swaziland, Sweden, Syria,

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Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia, Zambia.

Against: Australia, Portugal, United States of America.

Abstaining: Austria, Belgium, Cameroon, Canada, Chad, Chile, China, Denmark, El Salvador, France, Gabon, Greece, Guyana, Iceland, Israel, Italy, Japan, Laos, Liberia, Luxembourg, Madagascar, Malaysia, Malta, Netherlands, New Zealand, Norway, Philippines, Rwanda, Singapore, South Africa, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay.

20. The thirty-two-Power draft resolution (A/C.1/L.500 and Add.1 and 2) was adopted by 97 votes to none (see paragraph 22, draft resolution B, below).

21. The representative of Venezuela stated that, had his delegation been present at the vote, it would have abstained on the twenty-one-Power draft resolution (A/C.1/L.489 and Add.1-3).

RECOMMENDATION OF THE FIRST COMMITTEE

22. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

Question of chemical and bacteriological (biological) weapons

A

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:

(a) That the majority of States then in existence adhered to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,^{1/}

^{1/} League of Nations, Treaty Series, Vol. XCIV (1929), No. 2138.

(b) That since then further States have become Parties to that Protocol,

(c) That yet other States have declared that they will abide by its principles and objectives,

(d) That these principles and objectives have commanded broad respect in the practice of States,

(e) 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,

Recognizing therefore, in the light of all the above circumstances, that the Geneva Protocol embodies the generally recognized rules of international law prohibiting 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,^{2/}

Considering that this report and the foreword to it by the Secretary-General adds further urgency for an affirmation of these rules and for dispelling, for the future, any uncertainty as to their scope and, by such affirmation, to assure the effectiveness of the rules and to enable all States to demonstrate their determination to comply with them,

Declares as contrary to the generally recognized rules of international law, as embodied in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, the use in international armed conflicts of:

(a) Any chemical agents of warfare - chemical substances, whether gaseous, liquid or solid - which might be employed because of their direct toxic effects on man, animals or plants;

(b) Any biological agents of warfare - living organisms, whatever their nature, or infective material derived from them - which are intended to cause disease or death in man, animals or plants, and which depend for their effects on their ability to multiply in the person, animal or plant attacked.

B

The General Assembly,

Recalling its resolution 2454 A (XXIII) of 20 December 1968,

Having considered the report of the Secretary-General of 1 July 1969 on chemical and bacteriological (biological) weapons and the effects of their possible use,^{3/}

Noting the conclusions of the report of the Secretary-General and the recommendations contained in the foreword to the report,

Noting also the discussion of the report of the Secretary-General at the Conference of the Committee on Disarmament and during the twenty-fourth session of the General Assembly,

Mindful of the conclusion of the report that the prospects for general and complete disarmament under strict and effective international control and hence for peace throughout the world would brighten significantly if the development, production and stockpiling of chemical and biological agents intended for purposes of war were to end and if they were eliminated from all military arsenals,

Recognizing the importance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva, on 17 June 1925,^{4/}

Conscious of the need to maintain inviolate the Geneva Protocol and to ensure its universal applicability,

Emphasizing the urgency of the need for achieving the earliest elimination of chemical and bacteriological (biological) weapons,

I

1. Reaffirms its resolution 2162 B (XXI) of 5 December 1966 and calls anew for strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925;

^{3/} Ibid.

^{4/} League of Nations, Treaty Series, Vol. XCIV (1929), No. 2138.

2. Invites all States which have not yet done so to accede to or ratify the Geneva Protocol in the course of 1970 in commemoration of the forty-fifth anniversary of its signing and the twenty-fifth anniversary of the United Nations;

II

1. Welcomes the report of the Secretary-General of 1 July 1969 as an authoritative statement on chemical and bacteriological (biological) weapons and the effects of their possible use, and expresses its appreciation to the Secretary-General and to the consultant-experts who assisted him;

2. Requests the Secretary-General to publicize the report in as many languages as is considered desirable and practicable, making use of the facilities of the United Nations Office of Public Information;

3. Recommends to all Governments the wide distribution of the report so as to acquaint public opinion with its contents, and invites the specialized agencies, intergovernmental organizations, and national and international non-governmental organizations to use their facilities to make the report widely known;

4. Recommends the report of the Secretary-General to the Conference of the Committee on Disarmament as a basis for its further consideration of the elimination of chemical and bacteriological (biological) weapons;

III

1. Takes note of the draft Convention on the Prohibition of the Development, Production and Stockpiling of Chemical and Bacteriological (Biological) Weapons and on the Destruction of such Weapons submitted to the General Assembly by the delegations of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Mongolia, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics^{5/} and of the draft Convention on the Prohibition of Biological Methods of Warfare submitted by the United Kingdom to the Conference of the Committee on Disarmament^{6/} as well as other proposals;

^{5/} A/7655.

^{6/} CCD/255/Rev.1.

2. Requests the Conference of the Committee on Disarmament to give urgent consideration to reaching agreement on the prohibitions and other measures referred to in the draft conventions mentioned in paragraph 1 above and other relevant proposals;

3. Requests the Conference of the Committee on Disarmament to present a report on progress on all aspects of the problem of the elimination of chemical and bacteriological (biological) weapons to the General Assembly at its twenty-fifth session;

4. Requests the Secretary-General to transmit to the Conference of the Committee on Disarmament all documents and records of the First Committee relating to questions connected with the problem of chemical and bacteriological (biological) weapons.
