

The Position of Various Nations During the Interwar Period  
Regarding the Prohibition of the Use in War of Tear Gas  
Under the Geneva Protocol of 1925

On November 18, 1930 the United Kingdom submitted a Memorandum to the Preparatory Commission for the League of Nations Disarmament Conference asking the other states on the Commission whether they would regard the use of tear gas in war as contrary to the Geneva Protocol of 1925.

Concerning the British position, the Memorandum declared that "His Majesty's Government have taken the view that the use in war of 'other' gases, including lachrymatory gases, was prohibited." The British government also held that the same prohibition should be incorporated in the Draft Disarmament Convention then under consideration. (Miscellaneous No,17, Command 3747 HMSO London)

When the question was subsequently discussed on December 1, 1930 at a meeting of the Preparatory Commission in Geneva, delegates of the following governments stated their agreement with the British position: France, Roumania, Yugoslavia, Czechoslovakia, Japan, Spain, The Soviet Union, China, Italy, Canada and Turkey. The only other government to express its view at the time was that of the United States of America. The U.S. representative agreed that the question was an important one but held that it should be given further study and consideration. (Documents of the Preparatory Commission C.4.N.4.1931.IX.pp.311-314)

When the Disarmament Conference itself got underway in 1932, its General Commission set up a special committee to consider CBW. The United States was represented by Brigadier-

General George S. Simonds and Major B. Ord. In its unanimous report, the Committee recommended that "there should be included in qualitative disarmament the use, for the purpose of injuring an adversary, of all natural or synthetic noxious substances, whatever their state, whether solid, liquid, or gaseous, whether toxic, asphyxiating, lachrymatory, irritant, vesicant, or capable in any way of producing harmful effects on the human or animal organism, whatever the method of their use." (Conference Document 120, May 31, 1932 p.5. See also pp.1-6.)

Reviewing the report of the Special Committee, the General Commission in a resolution adopted on July 23, 1932, decided that "chemical, bacterial and incendiary warfare should be prohibited under the conditions unanimously recommended by the Special Committee."

Having reached apparent agreement on the prohibition of the use of all gases in war, the Conference next turned to the problem of controlling preparations for chemical and biological warfare. The Bureau of the Disarmament Conference forwarded to the Special Committee a detailed questionnaire including an appendix containing a number of questions specifically directed to the problem of production controls on lachrymatory substances. In Chapter 3 of its response to the questionnaire, the Special Committee reaffirmed its view that "the question of lachrymatory substances cannot be treated separately as far as the prohibition of the use of poisonous substances in wartime is concerned." Regarding production, however, the Special Committee recommended

that arrangements be made to allow the production of lachrymatory substances for police purposes. At that time the United States was represented on the Special Committee by Lieutenant Colonel A.V. Strong. There was a special rapporteur for lachrymatory gases, Mr. Davidson Pratt of the United Kingdom (Conference Document 152 December 13, 1932 p.8. See also pp.1-25.)

The Bureau of the Conference discussed the reply of the Special Committee on January 25 and 30, 1933. In the course of the discussion, the representative of the United States of America, Mr. Wilson, was quoted as saying, regarding tear gas, "There was no question of its use in time of war, but the United States Delegation would have difficulty in undertaking to give up the preparation and employment of this gas for local police purposes." (Minutes of the Bureau, Series C, Vol.1, p.57.)

At the conclusion of its discussions of July 30, the Bureau instructed a Drafting Committee to frame articles concerning chemical and biological warfare for embodiment in the draft Disarmament Convention. Article 2, prepared by the Drafting Committee, prohibits the use ". . . by any method whatsoever, for the purpose of injuring an adversary, of any natural or synthetic substance harmful to the human or animal organism, whether solid, liquid, or gaseous, such as toxic, asphyxiating, lachrymatory, irritant, or vesicant substances" (Conference Document/Bureau 45, March 7, 1933.)

The wording of Article 2 prepared by the Drafting Committee

was embodied without change in the draft Disarmament Convention submitted to the General Commission by the Delegation of the United Kingdom on March 16, 1933. (Conference Document 157 (1). To be found in Conference Documents Vol.2, p.488.)

The British Draft Convention was read before the General Commission of the Disarmament Conference on May 30, 1933. The General Commission accepted this part of the Draft Convention. No further action in the matter appears to have been taken by the Disarmament Conference although it seems likely that the substance of Article 48 of the British Draft Convention would have been accepted had the Disarmament Conference itself been successful.