

HARVARD UNIVERSITY
THE BIOLOGICAL LABORATORIES
16 DIVINITY AVENUE
CAMBRIDGE, MASSACHUSETTS 02138

22 March 1972

Dear Ambassador Myrdal,

I am writing to seek your private and unofficial opinion regarding a particular approach to the problem of U.S. ratification of the Geneva Protocol.

You will find the enclosed memorandum to be largely self explanatory. The idea would be to include it, after Senate approval, as part of the instrument of ratification sent to the depository government for circulation to all the parties. The French government might be prevailed upon as depository to address a separate diplomatic note to each of the parties requesting an expression of views regarding the substance of the memorandum. If the French government were to find itself not in a position to issue such a note, the United States might do so instead.

I realize that the procedure I have outlined could encounter certain criticisms. Nevertheless, I wonder if it might not succeed if the United States were to make genuinely clear that it has no desire to press its legal opinions on others and that its objective is to find a firm basis for agreement.

If you feel yourself in a position to advise me, I would greatly appreciate your counsel on the workability of this approach and your suggestions for possible improvements in the wording of the memorandum.

I am writing to you solely on my own behalf before attempting as a private citizen to gain official support for this approach. I would share your reply with absolutely no one. Correspondingly, I would ask that the memorandum be kept exclusively for your personal consideration.

I appreciate your keeping me informed of your statements at the CCD and hope that it will not be too long before there is an opportunity to see you again in Cambridge.

With kind regards,

Sincerely yours,

Matthew Meselson

Matthew Meselson

Memorandum to Accompany Instrument of Ratification

It is the understanding of the United States that the Protocol carries no obligation to refrain from the use in war of chemical riot control agents and herbicides. However, the United States recognizes that many parties have expressed a differing view while still others have not addressed the question of obligations imposed by the Protocol in this regard.

It is the view of the United States that it would be in the interest of all the parties to have a common understanding of the obligations entailed by this important treaty. Therefore, in the interest of obtaining such an understanding, the United States would be willing to accept an obligation under the Protocol to refrain from the first use in war of chemical riot control agents and herbicides if three-fourths of the parties declare that they presently consider or would be similarly willing to accept that such obligations are entailed by the Protocol.