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21 January 1975

letter to
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Wyzman

Charlotte Saikowsky
The Christian Science Monitor
1 Norway Street
Boston, MA

Dear Ms. Saikowsky,

Here are some items dealing with the 1925 Geneva Protocol and the Biological Warfare Convention both of which received the advice and consent of the Senate last month. Both treaties will be signed by President Ford tomorrow afternoon completing the formal ratification process of the United States.

The Geneva Protocol of 1925 prohibits the use in war of "asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices" and of "bacteriological methods of warfare...". The Protocol is generally interpreted as prohibiting the first use of chemical and biological weapons since many parties have reserved the right to retaliate in kind if they should be attacked.

The Biological Warfare Convention goes beyond the Geneva Protocol with respect to bacteriological and other biological weapons by prohibiting development, production, stockpiling or acquisition of the agents themselves and of weapons and other equipment designed for their military use.

The Geneva Protocol is already in force with respect to the approximately one hundred nations that are parties to it. It will come into force with respect to the United States upon deposition of our instrument of ratification with the depository state, France. The Biological Warfare Convention is expected to come into force in the very near future when the United States, the United Kingdom and the Soviet Union exchange instruments of ratification.

The ratification of the Biological Warfare Convention by the United States has been achieved entirely without controversy, so far as I am aware. In contrast, there remains a point of considerable controversy in the manner of our ratification of the Geneva Protocol. The Executive Branch have repeated their understanding that the Geneva Protocol would allow the use in war of

irritant gases (riot control agents) and chemical herbicides. In its Report, the Senate Foreign Relations Committee (page 4) reiterated its concern over this "restrictive interpretation" and noted that "...the burden of independent legal opinion and the record of international practice favors the broader interpretation". The Foreign Relations Committee and the Senate itself have refrained from giving any formal advice one way or the other regarding this point of interpretation. As a compromise the Administration has agreed to impose, as a matter of national policy, rather narrow restrictions on the future use of riot control agents and herbicides in war (see page 5 of the Committee Report).

Looking to the future, it is clear that the very rapid developments in biology and biochemistry will continue to turn up new possibilities for the military exploitation of our knowledge of living processes. My own view is that tomorrows ratification of the two treaties is a great step forward in building a worldwide consensus against the use of chemical and biological weapons. However I am troubled at the loophole left by the restrictive United States understanding of the Geneva Protocol. On this point I am in agreement with the views expressed by Mr. Elliot Richardson on pages 61-2 of the Foreign Relations Committee Hearing. I would hope that before too long the United States can bring itself into agreement with the majority of other parties to the Protocol that it prohibits the use in war of all toxic chemicals.

The remaining objective for the future should be the conclusion of a treaty dealing with chemical weapons that goes beyond the prohibition of first use and prohibits production, stockpiling etc. A very good approximation to such a treaty has been proposed by Japan at the Conference of the Committee on Disarmament at Geneva. As a first step it would deal with the most dangerous lethal means of chemical warfare, the nerve gases. With the ratification of the Geneva Protocol and the Biological Warfare Convention I hope that President Ford can be encouraged to place the United States in a more active position in negotiating a chemical treaty that has been the case during the past few years at the CCD talks.

Sincerely yours,

Matthew Meselson

Matthew Meselson
Professor of Biochemistry