



PRINTING HOUSE SQUARE, LONDON, E.C.4. TELEPHONE: 01-236 2000

Letters to the Editor

THE TIMES THURSDAY FEBRUARY 12 1970

USE OF TEAR GASES IN WAR: AN AMERICAN VIEW

From Professor M. S. Meselson and Professor R. R. Baxter

Sir,—We hope that it will not be taken amiss if two American academics comment on the recent statement by the Foreign Secretary on the applicability of the Geneva Protocol of 1925 to tear gas. The United States Senate is about to consider whether to give its consent to the ratification of the Protocol, and one of the central questions that will have to be considered by the Senate is whether the use of irritant chemicals, such as tear gas, is excluded by this treaty. The correct interpretation of the Protocol is thus of shared concern to our two countries.

Recalling that the British Government held in 1930 that tear gases are prohibited by the Protocol, Mr. Stewart said that modern technology has produced tear gases such as CS which he considered to be less toxic than those known then. CS and such gases, he said, accordingly fall outside the scope of the Geneva Protocol.

Neither the language of the Geneva Protocol nor previous statements by the British Government afford any basis for a distinction between more toxic tear gases prohibited by the Protocol and less toxic gases not so prohibited. The operative words of the Protocol are comprehensive in scope: The parties agree to refrain from "the use in war of asphyxiating, poisonous or other gases". Both Mr. Dalton and Mr. A. Henderson in reply to Parliamentary questions in 1930 stated categorically that tear gases are prohibited under the Protocol (Hansard for February 18 and November 24, 1930).

In a memorandum on chemical warfare presented by the Delegation of the United Kingdom to the Preparatory Conference for the Disarmament Conference on November 18, 1930, the British Government took the view that "The use in war of 'other' gases, including lacrymatory gases, was prohibited". At the Preparatory Conference itself, the British view was endorsed by all the delegations which spoke to the question, with the exception of that of the United States—then and now not a party to the Protocol. No delegation based its opposition to tear gas on a belief that it might be harmful to health. The United States delegate stated that tear gas caused "no real suffering or permanent disability". Toxicity was not at that time considered to be the issue, whatever may be our views on that question today.

The chief hazard in using irritant gas in war is that it abandons the unique and simple standard of "no gas". It spoils chances for a uniform understanding on where we hold the line. It stimulates military interest in gas warfare in many countries, creating pressure for the acquisition of chemical weapons where there had been little or none before. And it favours the application of existing and future knowledge in biochemistry and medicine to military purposes, opening up a new dimension of warfare that otherwise might be kept closed.

We can understand that a great deal of the current concern about tear gas arises out of its use in domestic disorders in the United States and in Northern Ireland. However, the Geneva Protocol has nothing to do with the use of gas in domestic disturbances, as it applies by its terms only to "war" and "warfare".

Yours faithfully,

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Harvard University, Cambridge,
Massachusetts, Feb. 7.