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CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

Letter dated 27 April 1983 from the Permanent Representative of
the United States of America to the United Nations addressed to
the Secretary-General

On behalf of the United States Government, I hereby request that the attached views relating to General Assembly resolution 37/98 D, which concerns provisional procedures to uphold the 1925 Geneva Protocol, be circulated as an official document of the General Assembly under item 61 of the preliminary list.

(Signed) Jeane J. KIRKPATRICK

* A/38/50.

ANNEX

United States' views on provisional arrangements to deal with alleged violations of international law regarding chemical and bacteriological (biological) weapons, issued on 27 April 1983

The United States has noted with interest the views of the Soviet Union on General Assembly resolution 37/98D, setting forth provisional arrangements to deal with alleged violations of international law regarding chemical and bacteriological (biological) weapons.

The United States shares the view of the Soviet Union that actions should not be taken which are contrary to the goal of concluding a complete chemical weapons ban. Specifically, we believe that states must not engage in actions which violate international law and agreements, but abide strictly by the obligations they have accepted. To do otherwise, in our view, does more than complicate the process of concluding an effective, comprehensive ban on chemical weapons. It undermines and makes a mockery of the very goal we are trying to achieve. This is why the United States voted in favor of General Assembly resolution 37/98D.

In its letter to the United Nations Secretary-General, the Soviet Union stated that while it welcomed certain aspects of General Assembly resolution 37/98D, it objected to "...the establishment of procedures for verifying observance of...the 1925 Geneva Protocol." The Soviet Union also expressed

the view that it is "quite illegal" for the United Nations to take such a decision via a resolution adopted with the participation of states which have not adhered to the Protocol.

The prohibition contained in the 1925 Geneva Protocol has become part of customary international law and is thus binding on all states. As such, questions concerning compliance with the prohibition and methods for investigating activities that may constitute violations of the prohibition are, in fact, quite properly addressed by the states members of the United Nations, "pending eventual formal arrangements," as provided for in resolution 37/98D. As such, General Assembly resolution 37/98D does not create, as the Soviet Union asserts, any "dangerous precedent." Indeed, it establishes the quite constructive practice of having states work together and with the Secretary-General of the United Nations to make possible "prompt and impartial investigation of possible violations" of the 1925 Geneva Protocol in order to further strict adherence to international law pending the completion of negotiations on a convention on the prohibition of chemical weapons in the Committee on Disarmament.

The United States also disagrees with the Soviet Union that General Assembly resolution 37/98D "increases the scope of obligations" states have incurred under international law and the Geneva Protocol. The obligation remains unchanged -- states may not use chemical, biological or toxin weapons against others, unless these weapons have first been used against them in an armed conflict.

The United States believes that General Assembly resolution 37/98D constitutes an important, though interim, step forward -- a step which we hope will succeed in bringing about an end to the illegal use of chemical and toxin weapons in Afghanistan and Southeast Asia.

Further, it is the hope of the United States that the work of the United Nations group of consultant experts established pursuant to resolution 37/98D will contribute to the important work underway today in the Geneva Committee on Disarmament. We share the view of the majority of United Nations member states that it is with the conclusion of a complete, effective and verifiable ban on chemical weapons that we should be able to eliminate the use of such weapons once and for all time.
