

**General Assembly**Distr.
GENERALA/38/162
21 April 1983

ORIGINAL: ENGLISH

Thirty-eighth session
Item 61 of the preliminary list*

CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

Letter dated 18 April 1983 from the Permanent Representative of Viet Nam
to the United Nations addressed to the Secretary-General

Being desirous to join the United Nations in its efforts for international peace and security and disarmament, I should like to bring to your knowledge the views of the Socialist Republic of Viet Nam on General Assembly resolution 37/98 D concerning the 1925 Geneva Protocol.

Viet Nam has always made efforts and consistently supported all the initiatives aimed at removing from our life the danger of various types of weapons, including bacteriological and chemical weapons.

Viet Nam was the victim of a chemical war, of which the far-reaching effects are still not completely determined at present. The conclusions arrived at by the International Symposium on Herbicides and Defoliants in War, held at Ho Chi Minh City from 14 to 19 January 1983, have proved, to some extent, the consequences that Viet Nam is subjected to. Therefore, more than any other country, Viet Nam is aware of the consequences of the use of chemical and bacteriological weapons as well as the need to eliminate these types of weapons.

Viet Nam has acceded to all the existing international agreements related to bacteriological and chemical disarmament: the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods in Warfare; the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on Their Destruction; the 1977 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. Viet Nam has actively worked for the implementation of the 1925 Geneva Protocol and strongly supported the efforts to draft a new convention on the prohibition of the development, production and stockpiling of chemical weapons and on their destruction.

* A/38/50.

However, General Assembly resolution 37/98 D providing for the establishment of procedures of investigating the implementation of the 1925 Geneva Protocol is detrimental to the process of eliminating these types of weapons. The reasons for this are as follows:

1. General Assembly resolution 37/98 D has widened the commitments to the 1925 Geneva Protocol of the States parties without their approval. It constitutes an imposition and a violation of one of the basic principles of international law, namely that no one has the right to revise an international treaty without agreement of the States parties. Resolution 37/98 D is at variance with Article 39 of the 1969 Vienna Convention on the law of treaties which stipulates that a treaty can only be revised with the agreement of the States parties. Resolution 37/98 D created a very dangerous precedent by revising through the United Nations any international treaty and ignoring the will of the States parties to it. It is necessary to underline that a number of countries which voted for resolution 37/98 D are not parties to the 1925 Geneva Protocol. Those countries have abused the right to vote and their votes are therefore invalid.

2. In case there is a country desiring to have the 1925 Geneva Protocol amended and revised, it would be lawful and righteous to raise this question at the current talks in Geneva concerning a new convention on the prohibition of chemical weapons.

3. The new mechanism mentioned in resolution 37/98 D can easily be misused for slanderous political aims. It is well known that some countries are still pursuing such malicious aims although their so-called "evidences" were exposed as fabrications and fakes.

Viet Nam voted against resolution 37/98 D at the thirty-seventh session of the General Assembly. Viet Nam holds that, in this field, all efforts should be convergent to the implementation of the 1925 Geneva Protocol and the early conclusion of a new convention on the prohibition of chemical weapons. The question of verification relating to the prohibition of chemical weapons could be included in the framework of a convention on the prohibition of chemical weapons which is under discussion by the Committee on Disarmament.

I hope that you will take into consideration these views of the Socialist Republic of Viet Nam concerning resolution 37/98 D.

I should be grateful if Your Excellency could arrange for this letter to be circulated as an official document of the General Assembly under item 61 of the preliminary list.

(Signed) HOANG BICH SON
Permanent Representative of
the Socialist Republic of Viet Nam to
the United Nations
