

## **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction**

Biological and chemical weapons have generally been associated in the public mind, and the extensive use of poison gas in World War I (resulting in over a million casualties and over 100,000 deaths) led to the Geneva Protocol of 1925 prohibiting the use of both poison gas and bacteriological methods in warfare. At the 1932-1937 Disarmament Conference, unsuccessful attempts were made to work out an agreement that would prohibit the production and stockpiling of biological and chemical weapons. During World War II, new and more toxic nerve gases were developed, and research and development was begun on biological weapons. Neither side used such weapons. President Roosevelt, in a statement warning the Axis powers against the use of chemical weapons, declared:

Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them, and I hope we never will be compelled to use them. I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies.

In the postwar negotiations on general disarmament, biological and chemical weapons were usually considered together with nuclear and conventional weapons. Both the United States and Soviet Union, in the 1962 sessions of the Eighteen-Nation Disarmament Committee (ENDC), offered plans for general and complete disarmament that included provisions for eliminating chemical and biological weapons.

An issue that long hindered progress was whether chemical and biological weapons should continue to be linked. A British draft convention submitted to the ENDC on July 10, 1969, concentrated on the elimination of biological weapons only. A draft convention proposed in the General Assembly by the Soviet Union and its allies on September 19 dealt with both chemical and biological weapons. The Soviet representative argued that they had been treated together in the Geneva Protocol and in the General Assembly resolutions and report, and should continue to be dealt with in the same instrument. A separate biological weapons convention, he warned, might serve to intensify the chemical arms race.

The United States supported the British position and stressed the difference between the two kinds of weapons. Unlike biological weapons, chemical weapons had actually been used in modern warfare. Many states maintained chemical weapons in their arsenals to deter the use of this type of weapons against them, and to provide a retaliatory capability if deterrence failed. Many of these nations, the United States pointed out, would be reluctant to give up this capability without reliable assurance that other nations were not developing, producing, and stockpiling chemical weapons.

While the United States did not consider prohibition of one of these classes of weapons less urgent or important than the other, it held that biological weapons presented less intractable problems, and an agreement on banning them should not be delayed until agreement on reliable prohibition of chemical weapons could be reached.

Shortly after President Nixon took office, he ordered a review of U.S. policy and programs regarding biological and chemical warfare. On November 25, 1969, the President declared that the United States unilaterally renounced first use of lethal or incapacitating chemical agents and weapons and unconditionally renounced all methods of biological warfare. Henceforth the U.S. biological program would be confined to research on strictly defined measures of defense, such as immunization. The Department of Defense was ordered to draw up a plan for the disposal of existing stocks of biological agents and weapons. On February 14, 1970, the White House announced extension of the ban to cover toxins (substances falling between biologicals and chemicals in that they act like chemicals but are ordinarily produced by biological or microbic processes).

The American action was widely welcomed internationally, and the example was followed by others. Canada, Sweden, and the United Kingdom stated that they had no biological weapons and did not intend to produce any. It was generally recognized, however, that unilateral actions could not take the place of a binding international commitment. A number of nations, including the Soviet Union and its allies, continued to favor a comprehensive agreement covering both chemical and biological weapons.

Discussion throughout 1970 in the General Assembly and the Conference of the Committee on Disarmament (CCD)—as the ENDC was named after its enlargement to 26 members in August 1969—produced no agreement. A breakthrough came on March 30, 1971, however, when the Soviet Union and its allies changed their position and introduced a revised draft convention limited to biological weapons and toxins. It then became possible for the co-chairmen of the CCD—the U.S. and Soviet representatives—to work out an agreed draft, as they had done with the non-proliferation and the seabed treaties. On

August 5, the United States and the Soviet Union submitted separate but identical texts.

On December 16, the General Assembly approved a resolution, adopted by a vote of 110 to 0, commending the convention and expressing hope for the widest possible adherence.

The French representative abstained, explaining that the convention, though a step forward, might weaken the Geneva Protocol ban on the use of chemical weapons, and he did not consider that adequate international controls were provided. He announced, however, that France would enact domestic legislation prohibiting biological weapons, and this was done in June of the next year.

The People's Republic of China did not participate in the negotiations on the convention and did not sign it. At the 1972 General Assembly its representative attacked the convention as a "sham," and criticized it for not prohibiting chemical weapons.

The convention was opened for signature at Washington, London, and Moscow on April 10, 1972. President Nixon submitted it to the Senate on August 10, calling it "the first international agreement since World War II to provide for the actual elimination of an entire class of weapons from the arsenals of nations." The Senate Foreign Relations Committee delayed action on the convention, however, holding it for consideration after resolution of the herbicide and riot-control issues involved in the Geneva Protocol (see section on the Geneva Protocol).

In the latter part of 1974 the Ford Administration undertook a new initiative to obtain Senate consent to ratification of both the Geneva Protocol and the Biological Weapons Convention, and ACDA Director Fred Ikle testified with respect to both instruments before the Senate Foreign Relations Committee on December 10. Soon thereafter the Committee voted unanimously to send the two measures to the Senate floor, and on December 16 the Senate voted its approval, also unanimously.

President Ford signed instruments of ratification for the two measures on January 22, 1975.

Under the terms of the convention, the parties undertake not to develop, produce, stockpile, or acquire biological agents or toxins "of types and in quantities that have no justification for prophylactic, protective, and other peaceful purposes," as well as weapons and means of delivery. All such materiel is to be destroyed within 9 months of the convention's entry into force. In January 1976, all heads of Federal departments and agencies certified to the President that as of December 26, 1975, their respective departments and agencies were in full compliance with the convention.

The parties are to consult and cooperate in solving any problems that arise. Complaints of a breach of obligations may be lodged with

the Security Council, and parties undertake to cooperate with any investigation the Council initiates. If the Security Council finds that a state has been endangered by a violation, the parties are to provide any assistance requested.

Nothing in the convention is to be interpreted as lessening the obligations imposed by the Geneva Protocol, and the parties undertake to pursue negotiations for a ban on chemical weapons.

In addition, articles provide for exchange of information on peaceful uses, amendment and review, and accession and withdrawal. The convention is of unlimited duration.

# **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction**

*Signed at Washington, London, and Moscow April 10, 1972*

*Ratification advised by U.S. Senate December 16, 1974*

*Ratified by U.S. President January 22, 1975*

*U.S. ratification deposited at Washington, London, and Moscow March 26, 1975*

*Proclaimed by U.S. President March 26, 1975*

*Entered into force March 26, 1975*

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control,

Recognizing the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of June 17, 1925,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Desiring also to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

Recognizing that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

Determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk,

Have agreed as follows:

## Article I

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

- (1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- (2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

## Article II

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.

## Article III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in article I of the Convention.

## Article IV

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

## Article V

The States Parties to this Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and cooperation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

## Article VI

- (1) Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.
- (2) Each State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received

by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

#### Article VII

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

#### Article VIII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925.

#### Article IX

Each State Party to this Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

#### Article X

(1) The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

#### Article XI

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

#### Article XII

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the

Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.

#### Article XIII

- (1) This Convention shall be of unlimited duration.
- (2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

#### Article XIV

- (1) This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph (3) of this Article may accede to it at any time.
- (2) This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.
- (3) This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention.
- (4) For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- (5) The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.
- (6) This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

#### Article XV

This Convention, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding states.

**IN WITNESS WHEREOF** the undersigned, duly authorized, have signed this Convention.

**DONE** in triplicate, at the cities of Washington, London and Moscow, this tenth day of April, one thousand nine hundred and seventy-two.

**Biological Weapons Convention**

Country	Date of Signature	Date of Deposit <sup>1</sup> of Ratification	Date of Deposit <sup>1</sup> of Accession
Afghanistan	4/10/72	3/26/75	
Argentina	8/1/72	11/27/79	
Australia	4/10/72	10/5/77	
Austria	4/10/72	8/10/73	
Barbados	2/16/73	2/16/73	
Belgium	4/10/72	3/15/79	
Benin	4/10/72	4/25/75	
Bhutan			6/8/78
Bolivia	4/10/72	10/30/75	
Botswana	4/10/72		
Brazil	4/10/72	2/27/73	
Bulgaria	4/10/72	8/2/72	
Burma	4/10/72		
Burundi	4/10/72		
Byelorussian S.S.R. <sup>2</sup>	4/10/72	3/26/75	
Canada	4/10/72	9/18/72	
Cape Verde			10/20/77
Central African Republic	4/10/72		
Chile	4/10/72		
China (Taiwan)	4/10/72	2/9/73	
Colombia	4/10/72		
Congo, People's Republic of (Brazzaville)			10/23/78
Costa Rica	4/10/72	12/17/73	
Cuba	4/12/72	4/21/76	
Cyprus	4/10/72	11/6/73	
Czechoslovakia	4/10/72	4/30/73	
Denmark	4/10/72	3/1/73	
Dominican Republic	4/10/72	2/23/73	
Ecuador	6/14/72	3/12/75	
Egypt	4/10/72		
El Salvador	4/10/72		
Ethiopia	4/10/72	6/26/75	
Fiji	2/22/73	9/4/73	
Finland	4/10/72	2/4/74	
Gabon	4/10/72		
Gambia, The	6/2/72		
German Democratic Republic	4/10/72	11/28/72	

See footnotes on page 290.

Country	Date of Signature	Date of Deposit <sup>1</sup> of Ratification	Date of Deposit <sup>1</sup> of Accession
Germany, Federal Republic of	4/10/72		
Ghana	4/10/72	6/6/75	
Greece	4/10/72	12/10/75	
Guatemala	5/9/72	9/19/73	
Guinea-Bissau			8/20/76
Guyana	1/3/73		
Haiti	4/10/72		
Honduras	4/10/72	3/14/79	
Hungary	4/10/72	12/27/72	
Iceland	4/10/72	2/15/73	
India	1/15/73	7/15/74	
Indonesia	6/20/72		
Iran	4/10/72	8/22/73	
Iraq	5/11/72		
Ireland	4/10/72	10/27/72	
Italy	4/10/72	5/30/75	
Ivory Coast	5/23/72		
Jamaica			
Japan			8/13/75
Jordan	4/10/72	6/2/75	
Kampuchea	4/10/72		
Kenya			9/30/81
Korea, Republic of	4/10/72		
Kuwait	4/14/72	7/18/72	
Laos	4/10/72	3/20/73	
Lebanon	4/10/72	6/13/75	
Lesotho	4/10/72		
Liberia	4/10/72		
Libya			1/19/82
Luxembourg	4/10/72	3/23/76	
Madagascar	10/13/72		
Malawi	4/10/72		
Malaysia	4/10/72		
Mali	4/10/72		
Malta	9/11/72	4/7/75	
Mauritius	4/10/72	8/7/72	
Mexico	4/10/72	4/8/74	
Mongolia	4/10/72	9/5/72	
Morocco	5/2/72		
Nepal	4/10/72		
Netherlands	4/10/72	6/22/81	

See footnotes on page 290.

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New Zealand	4/10/72	12/13/72	
Nicaragua	4/10/72	8/7/75	
Niger	4/21/72	6/23/72	
Nigeria	7/3/72	7/3/73	
Norway	4/10/72	8/1/73	
Pakistan	4/10/72	9/25/74	
Panama	5/2/72	3/20/74	10/27/80
Papua New Guinea			6/9/76
Paraguay	4/10/72		
Peru	4/10/72	5/21/73	
Philippines	4/10/72	1/25/73	
Poland	6/29/72	5/15/75	
Portugal	11/14/72	4/17/75	
Qatar	4/10/72	7/25/79	
Romania	4/10/72	5/20/75	
Rwanda	9/12/72	3/11/75	
San Marino			8/24/79
São Tome and Principe	4/12/72	5/24/72	
Saudi Arabia	4/10/72	3/26/75	
Senegal	11/7/72	6/29/76	
Sierra Leone			10/24/79
Seychelles	6/19/72	12/2/75	
Singapore	7/3/72		
Somalia	4/10/72	11/3/75	
South Africa	4/10/72	6/20/79	
Spain	4/10/72		
Sri Lanka	2/27/75	2/5/76	
Sweden	4/10/72	5/4/76	
Switzerland	4/14/72		
Syrian Arab Republic	8/16/72		
Tanzania	1/17/73	5/28/75	
Thailand	4/10/72	11/10/76	
Togo			9/30/81
Tonga	4/10/72	5/18/73	
Tunisia	4/10/72	11/5/74	
Turkey	4/10/72	3/26/75	
Ukrainian S.S.R. <sup>2</sup>			
Union of Soviet Socialist Republics	4/10/72	3/26/75	
United Arab Emirates	9/28/72		
United Kingdom	4/10/72	3/26/75	
United States	4/10/72	3/26/75	
Uruguay			4/16/81

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Venezuela	4/10/72	10/18/78	
Vietnam			6/20/80
Yemen Arab Republic (Sana)	4/10/72		
Yemen, People's Democratic Republic of (Aden)	4/26/72	6/1/79	
Yugoslavia	4/10/72	10/25/73	
Zaire	4/10/72	9/16/75	
Total <sup>3</sup>	111	76	14

See footnotes on page 290.