

Official No.: **Conf. D. 120.**

[Conf.D./A.C.B.16(1).]

Geneva, May 31st, 1932.

**LEAGUE OF NATIONS****CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS****CHEMICAL AND BACTERIOLOGICAL WEAPONS  
Special Committee****REPORT TO THE GENERAL COMMISSION**

provided for under that Commission's Resolution of April 22nd and its Decision of May 10th, 1932

(Documents Conf.D./C.G.28(2) and Conf.D./C.G./P.V.18).

*Rapporteur*: M. RUTGERS (Netherlands).

1. The General Commission of the Conference for the Reduction and Limitation of Armaments adopted the two following resolutions at its meeting on April 22nd, 1932 :

" Without prejudice to other proposals which fall to be discussed under later heads of the agenda, the Conference declares its approval of the principle of qualitative disarmament—*i.e.*, the selection of certain classes or descriptions of weapons the possession or use of which should be absolutely prohibited to all States or internationalised by means of a general Convention." (Document Conf.D./C.G.26(1).)

" In seeking to apply the principle of qualitative disarmament, as defined in the previous resolution, the Conference is of opinion that the range of land, sea and air armaments should be examined by the competent Special Commissions with a view to selecting those weapons whose character is the most specifically offensive or those most efficacious against national defence or most threatening to civilians." (Document Conf.D./C.G.28(2).)

As the question of chemical and bacteriological weapons and methods of warfare is one which is common to land, sea and air armaments, and does not belong specifically to any one of them, the General Commission, on May 10th, set up a Special Committee for the purpose of enquiring into the question of chemical and bacteriological weapons in the light of the second resolution regarding qualitative disarmament quoted above. The General Commission decided that this Committee should be composed of representatives of the following fourteen States : Australia, Brazil, Denmark, France, Germany, Italy, Japan, the United Kingdom, Netherlands, Poland, Spain, Switzerland, Union of Soviet Socialist Republics, United States.<sup>1</sup>

The Committee held seven meetings from May 18th to May 31st, 1932. It appointed M. Pilotti Chairman and M. Rutgers Rapporteur. Separate study was given to the questions of chemical weapons and methods of warfare, bacteriological weapons, and in addition incendiary projectiles and flame-projectors.

The Committee finally adopted the resolutions which are to be found at the end of the present report.

<sup>1</sup> These States were represented by : Mr. SHEDDEN (Australia) ; M. J. C. DE MACEDO SOARES, Col. E. LEITAO DE CARVALHO, Commander A. DE VASCONCELLOS (Brazil) ; Captain C. M. BLACKMAN, Brigadier-General A. C. TEMPERLEY, Colonel A. G. C. DAWNAY, Grouard Captain T. L. LEIGH-MALLORY, Mr. DAVIDSON PRATT (United Kingdom) ; M. PURSCHEL, M. Jesper SIMONSEN (Denmark) ; Professor André MAYER, Captain VAUTRIN (France) ; Dr. GÖPPERT, Dr. UNGEWITTER, Major REINECKE (Germany) ; General DE MARINIS, M. PILOTTI, Professor G. A. DI NOLA, Major RIGHI, Captain RAPICAVOLI (Italy) ; Rear-Admiral W. KOMAKI, M. J. ENOMOTO, M. Jiro SOGAWA, Surgeon-Commander K. KOBAYASHI, M. T. SAKAMOTO, Major Y. HARADA (Japan) ; Professor V. H. RUTGERS, General C. VAN TUINEN, Colonel Baron J. J. G. VAN VOORST TOT VOORST, Captain V. E. WILMAR (Netherlands) ; M. Titus KOMARNICKI, Captain A. PONCET DE SANDON (Poland) ; General J. G. BENITEZ (Spain) ; M. HAEBERLIN, M. C. GORGÉ (Switzerland) ; M. Simon VENTZOFF, M. Vladimir EGORIEFF (Union of Soviet Socialist Republics) ; Brigadier-General George S. SIMONDS, Major B. ORD (United States).

Series of League of Nations Publications

IX. DISARMAMENT

1932. IX. 46.



## I. CHEMICAL WEAPONS AND METHODS OF WAR.

2. The Committee gave consideration to the question of the special character of substances embraced by what may be described as the general idea of chemical warfare. These substances only become means of warfare through the use which is made of them in war. This marks a distinction between chemical means of warfare and ordinary weapons.

The same remark applies to a certain extent at least to the appliances and devices utilised for the employment of chemical substances in war. There are some appliances and devices that may be used equally well for chemical warfare and for peaceful purposes. Other appliances and devices may be used both for chemical warfare and for other war processes. A small number of appliances and devices are employed specifically for carrying on chemical warfare.

3. In order to carry out its instructions, the Committee had to consider whether chemical weapons and methods of warfare came under the three criteria laid down in the resolution of the General Commission on April 22nd, 1932, namely :

- (1) Whether they are the most specifically offensive in character ;
- (2) Whether they are the most efficacious against national defence ;
- (3) Whether they are the most threatening to civilians.

The Committee agreed unanimously that chemical weapons and methods of warfare undoubtedly answered to the third of these criteria. The characteristic of gas employed in chemical warfare is that when once it has been released it is no longer under the control of those employing it. It may reach civilians a considerable distance away from the spot where it was released. This character was brought out particularly clearly in a proposal made by the Spanish delegation.

As regards the two other criteria, there was some difference of opinion in the Committee. The majority of the members agreed that they applied to chemical weapons and methods of warfare. Other members, however, considered that these weapons and methods might be equally effective offensively and defensively, and both for and against national defence. The Committee did not feel that there was any point in discussing this question, since the general agreement that the third criterion was applicable was sufficient to justify an affirmative reply to the question asked by the General Commission.

4. The Committee endeavoured to specify what should be included in the general definition of chemical weapons and methods of warfare :

(a) As regards substances, it included all harmful substances, whether natural or synthetic, whatever their state, whether solid, liquid or gaseous ; poisons such as curare or snake-poison are thus included in the definition.

(b) The Committee was unwilling to undertake an enumeration of the various categories of substances according to their chemical composition. It was essential to draw up a definition which should apply to all substances, both those at present known and those which might be discovered subsequently. The Committee therefore adopted as its criterion the physiological effects of the substances on living creatures. All substances having a harmful effect were included in the definition.

No account was taken of the degree of harmfulness of these substances. It was thought that if certain gases less pronouncedly harmful in their effects were excluded from the field of qualitative disarmament, the practical value of the system would be considerably weakened. There would be practical difficulties in ascertaining the nature of the substances employed, and the use of these substances might lead in good faith to an unfounded allegation that a prohibition had not been observed.

Furthermore, a distinction between the various gases on the basis of their relative harmful effects would be a very long and difficult task, and would need to be kept constantly up to date.

While admitting the validity of these reasons against permitting the use of certain gases in international warfare to the exclusion of others, one delegation desired to point out that lachrymatory gases, considered separately, did not in fact answer to the third criterion of the resolution of April 22nd, 1932 ; that the use of these gases for police purposes could not be open to any objection ; and that in some circumstances such a use of these gases would even be preferable to other methods which involved bloodshed. This point of view was accepted by the Committee, although it was still of opinion that lachrymatory gases should not be considered separately from the point of view of their use in warfare, since there were serious practical objections to any discrimination between gases.

The Soviet delegation was of opinion that mention of lachrymatory gases for police purposes lay outside the terms of reference of the Conference for the Reduction and Limitation of Armaments.

5. The Committee was of opinion that the prohibition should extend, not merely to substances harmful to human beings, but should include those harmful to animals, being of the opinion that the use of such chemical substances in general should be prohibited. No special reference was made to vegetables, because it was felt that in practice it would not be possible to employ, for the purpose of damaging vegetables, substances which were not also harmful to human beings or animals, or which were not likely to make the vegetables harmful to them.

The Committee considered that chemical substances in whatever way employed should be included in qualitative disarmament, and therefore adopted a general formula intended to cover all possible methods of use.

6. It is clear that qualitative disarmament only applies to the use of chemical substances if such use is designed to injure an enemy. They are not necessarily used during a military action properly so called; for example, the poisoning of wells or springs from which an enemy might possibly draw water would be prohibited. On the other hand, the use of chemical substances for the maintenance of armies—for example, the use of disinfectants and medicaments and the means of destroying harmful animals and parasites—is not in question.

7. The Committee considered it necessary to state very clearly what ought to be excluded from its definition.

(a) It had in mind, in the first place, explosives: the combustion of explosives may cause a discharge of noxious substances (such as carbon monoxide) which may, according to the circumstances, have more or less serious destructive effects. That is a consequence that cannot be prevented by any means short of prohibiting explosives. At the same time, any practice designed to increase the discharge of noxious substances must be condemned. Such a practice might consist either in introducing certain products into the explosives or in altering the constitution of the explosives, or in adopting a special method of manufacturing the projectiles.

(b) In the second place, the Committee had in mind smoke and clouds. Smoke can be used for various purposes: as a screen, or for signalling, etc. It is to be clearly understood that the smoke and clouds which are used must not be capable, in normal conditions of use, of producing harmful effects upon the organism.

8. The Committee desired to include among the objects of qualitative disarmament a class of weapons to which the Soviet and Italian delegations had drawn the attention of the Conference—namely, “all appliances, devices or projectiles specially constructed for the utilisation of the said noxious bodies, with a view to injuring an adversary”; it thus condemned material which can only be used for chemical warfare.

9. The Committee was anxious to keep strictly within its terms of reference, and therefore deliberately ignored the question of the methods whereby qualitative disarmament could be effected.

Obviously, the decision that will be adopted regarding these methods will be able to give practical effect to the resolutions submitted by the Special Committee. Consequently, the study of these methods and the decision to be taken in this matter are of paramount importance from the practical point of view.

The Committee was of opinion that the study of the above-mentioned question, which it considers desirable, could only be undertaken in virtue of a further decision of the General Commission.

10. The Soviet delegation asked that the following observation be inserted:

“The Committee on Chemical and Bacteriological Weapons’ reply to the General Commission’s questions regarding qualitative disarmament is given mainly from the point of view of the prohibition of the use of chemical weapons in war time. This is tantamount to re-stating with a few supplementary details the essential ideas contained in the Geneva Protocol of June 17th, 1925, which up to the present is unfortunately still awaiting the ratification of several States.

“Such legal prohibitions are, however, inadequate and of merely secondary importance. The Soviet delegation has always attached and continues to attach paramount importance, not to the prohibition of the use of chemical weapons in war time, but to the prohibition of preparations for chemical warfare in peace time. Consequently efforts should be directed not so much to the framing of laws and usages of war as to the prohibition of as many lethal substances and appliances as possible. This is the point of view which the Union of Soviet Socialist Republics will continue to represent in the General Commission.”

For the reasons referred to in paragraph 9, sub-paragraph 1, the other delegations did not enter into a discussion of this declaration.

## II. BACTERIOLOGICAL WEAPONS AND MEANS OF WARFARE.

II. The Committee felt that, on the question of bacteriological warfare, it need not confine itself strictly to the consideration of the three criteria mentioned in the resolution of April 22nd, 1932.

Bacteriological warfare unquestionably constitutes one of the methods of war most threatening to civilians, since epidemics, as they spread, attack all human beings indiscriminately, and there is no sure method of arresting their effects.

Moreover, bacteriological warfare ought to be included in qualitative disarmament quite irrespective of whether it answers to any of the criteria laid down in the General Commission’s resolution. It is so particularly odious that it revolts the conscience of humanity more than any other method of warfare.

12. The Committee desired to give the fullest possible definition of bacteriological warfare and the methods of such warfare. As will be seen from the resolution below, reference is made to all methods of disseminating pathogenic microbes, filter-passing viruses or infected substances, wherever such dissemination takes place. It is immaterial whether the microbes in question are momentarily innocuous, if they are capable of again becoming virulent.

It is stated in the resolution that methods of bacteriological warfare may not be employed either against human beings, or against animals, or against plants.

13. Proceeding with respect to bacteriological weapons as it had done with respect to chemical weapons (paragraph 9), the Committee left on one side the question of the methods by which qualitative disarmament in regard to bacteriological warfare could be effected (see also paragraph 10 on this subject).

### III. INCENDIARY PROJECTILES AND FLAME-PROJECTORS.

14. There are certain important differences between incendiary weapons and ordinary weapons. The former, like chemical weapons, do not act by shock or trauma. They possess a specific means of action which assimilates them to chemical rather than to ordinary weapons.

For that reason, the Committee felt that it ought to deal with incendiary weapons, particularly since their prohibition had already been proposed to the Conference by the French, Danish and Swiss delegations.

15. The Committee considered whether incendiary projectiles answered to the three criteria established by the resolution of the General Commission of April 22nd, 1932.

It was felt that bombs, shells, grenades, bullets, arrows, pastilles and other incendiary projectiles were particularly threatening to civilians. In the first place, they are very effective in destroying urban centres and buildings in general. Secondly, whereas ordinary shells only cause damage at the point where they fall, the fires caused by incendiary projectiles are liable to spread considerably. Incendiary projectiles may be used to increase the horror of the effects produced by explosive projectiles. This threatening character is more pronounced as the range of the materials employed increases. This is particularly the case when inhabited places are bombarded by aircraft, since in such bombardments incendiary bombs are usually employed for the above-mentioned purposes.

Most of the delegations held that incendiary weapons are, moreover, particularly offensive.

16. The definition of incendiary projectiles given by the Committee excludes "projectiles of all kinds capable of producing incendiary effects accidentally", to use the wording of the resolution below. This provision corresponds to a similar provision concerning the noxious substances given off by ordinary shells as a result of combustion. Just as it is impossible to prevent ordinary shells from giving off noxious substances, it is impossible to prevent them from accidentally causing incendiary effects.

The Committee also excluded from the definition of incendiary arms "appliances specially constructed to give light or to be luminous, and, more generally, pyrotechnics not intended to cause fires". These appliances, which are used mainly for signalling purposes, are not intended to produce incendiary effects, and can only do so accidentally.

17. One exception has been specially provided for by the Committee. This relates to appliances specially designed for anti-aircraft defence. Incendiary projectiles are particularly effective in anti-aircraft defence, and to forbid the use of such projectiles against aircraft would be to give them a considerable advantage.

It is understood that the projectiles in question must be used exclusively for that purpose.

The exception would, of course, lose its point and might be allowed to lapse if the Conference took steps to prevent the use of aircraft for military purposes.

18. In dealing with incendiary weapons, the Committee was faced with the question of appliances such as flame-projectors designed to attack not objects but persons.

The Committee unanimously recognised that such appliances should be included in qualitative disarmament. Similarly, the Committee was unanimous in giving as the reason for this decision the cruelty inherent in the use of these appliances, which cause suffering that cannot be regarded as necessary from a military standpoint.

Moreover, the majority of the members of the Committee were of opinion that these appliances answer to the first of the three criteria mentioned in the resolution of April 22nd, 1932—that is to say, they possess a specifically offensive character.

19. Proceeding in regard to incendiary weapons as it had done in regard to chemical (paragraph 9) and bacteriological weapons (paragraph 13), the Committee left on one side the question of the methods by which qualitative disarmament in the matter of incendiary projectiles and flame-projectors could be effected (see also paragraph 10 on this subject).

RESOLUTIONS.

The Special Committee set up by the General Commission on May 10th, 1932, to examine the question of chemical and bacteriological weapons in the light of the General Commission's resolution of April 22nd last regarding qualitative disarmament, submits the following resolutions to the General Commission :

I. *Chemical Weapons and Means of Warfare.*

The Committee considers,

That chemical substances, whether elements or natural or synthetic compounds, as well as appliances or devices for releasing them, can be described as weapons or means of warfare only in virtue of the use that is made of them, for they may be employed or made with a view to entirely different and essentially peaceful uses ;

That, when used for the purpose of injuring an adversary, they answer to one or other of the criteria laid down in the General Commission's resolution of April 22nd, 1932, and, in any case, more particularly to the third of those criteria.

It declares,

That, there should be included in qualitative disarmament the use, for the purpose of injuring an adversary, of all natural or synthetic noxious substances, whatever their state, whether solid, liquid or gaseous, whether toxic, asphyxiating, lachrymatory, irritant, vesicant, or capable in any way of producing harmful effects on the human or animal organism, whatever the method of their use.

It also declares,

That appliances, devices or projectiles specially constructed for the utilisation of the said noxious bodies with a view to injuring an adversary should be included in qualitative disarmament.

It observes,

That unless the use of explosives as such is included in qualitative disarmament, the above definition cannot be extended to the noxious substances arising from the combustion or detonation of explosives, provided that the latter have not been designed or used with the object of producing noxious substances.

It further observes that the above definition should not apply to smoke or fog used to screen objectives or for other military purposes, provided that such smoke or fog is not liable to produce harmful effects under normal conditions of use.

II. *Bacteriological Weapons and Means of Warfare.*

The Committee considers,

That the use of pathogenic microbes for the purpose of injuring an adversary is condemned by the conscience of humanity, quite apart from the fact that it answers to the criteria laid down by the General Commission in its resolution of April 22nd, 1932, and more particularly to the third of those criteria.

It declares,

That all methods for the projection, discharge or dissemination in any manner, in places inhabited or not, of pathogenic microbes in whatever phase they may be (virulent or capable of becoming so), or of filter-passing viruses, or of infected substances, whether for the purpose of bringing them into immediate contact with human beings, animals or plants, or for the purpose of affecting any of the latter in any indirect manner—for example, by polluting the atmosphere, water, foodstuffs, or any other objects—should be included in qualitative disarmament.

III. (a) *Incendiary Projectiles.*

The Committee considers,

That the use of incendiary projectiles involves a particularly grave menace to civilians.

It declares,

That projectiles specifically intended to cause fires should be included in qualitative disarmament.

It observes,

That this definition does not apply either to projectiles specially constructed to give light or to be luminous and, generally, to pyrotechnics not intended to cause fires, or to projectiles of all kinds capable of producing incendiary effects accidentally.

It considers,

That qualitative disarmament should not extend to projectiles designed specifically for defence against aircraft, provided that they are used exclusively for that purpose.

III. (b) *Flame-projectors.*

The Committee considers,

That the use of flame-projectors is calculated to cause needless suffering, quite apart from the question whether it answers to any of the criteria laid down by the General Commission's resolution of April 22nd, 1932.

It declares,

That appliances designed to attack persons by fire, such as flame-projectors, should be included in qualitative disarmament.

---



