

Corrigendum to Document Conf. D.157.

Geneva, April 28th, 1933.

LEAGUE OF NATIONS

CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS

DRAFT CONVENTION SUBMITTED BY THE UNITED KINGDOM DELEGATION (Conf. D.157.)

Part II. — Section II : Material.

CHAPTER 2. — NAVAL ARMAMENTS.

The United Kingdom delegation suggest the following minor corrections in Section II, Chapter 2, of the draft Convention and in the Annexes thereto :

Article 26, paragraph (a). — *After* " not to be exceeded ", *insert* " by France and Italy ".

Article 29, paragraph (c). — *After* " Ships ", *insert* " in the categories subject to limitation ".

Annex I (d). — *For* " and with a gun not ", *substitute* " and which do not carry a gun " .¹

Annex I (cd). — *For* " and with guns not exceeding ", *substitute* " and which do not carry a gun above " .¹

Part IV. — Chemical Warfare.

Note by the United Kingdom Delegation.

Owing to an oversight, this part of the draft Convention presented by the United Kingdom delegation was based, not on the text prepared by the Drafting Committee (document Conf. D./Bureau 45), but on the earlier text adopted at the first reading on February 7th, 8th and 9th, 1933. As it will no doubt be desirable that the text to be discussed should be based on the later version, the United Kingdom delegation proposes that Part IV of the draft Convention as printed should be replaced by the following text :

SECTION I. — PROHIBITION OF CHEMICAL, INCENDIARY OR BACTERIAL WARFARE.

Article 47.

The following provision is accepted as an established rule of International Law :

The use of chemical, incendiary or bacterial weapons as against any State, whether or not a Party to the present Convention, and in any war, whatever its character, is prohibited.

This provision does not, however, deprive any Party which has been the victim of the illegal use of chemical or incendiary weapons of the right to retaliate, subject to such conditions as may hereafter be agreed.

With a view to the application of this rule to each of these categories of weapons, the High Contracting Parties agree upon the following provisions :

¹ These two amendments do not involve any alteration in the French text.



Article 48.

The prohibition of the use of chemical weapons shall apply to the use, by any method whatsoever, for the purpose of injuring an adversary, of any natural or synthetic substance harmful to the human or animal organism, whether solid, liquid or gaseous, such as toxic, asphyxiating, lachrymatory, irritant or vesicant substances.

This prohibition shall not apply :

- (a) To explosives ;
- (b) To the noxious substances arising from the combustion or detonation of explosives provided that such explosives have not been designed or used with the object of producing noxious substances ;
- (c) To smoke or fog used to screen objectives or for other military purpose, provided that such smoke or fog is not liable to produce harmful effects under normal conditions of use.

Article 49.

The prohibition of the use of incendiary weapons shall apply to :

- (1) The use of projectiles specifically intended to cause fires.

The prohibition shall not apply to :

- (a) 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 ;
 - (b) Incendiary projectiles designed specifically for defence against aircraft, provided that they are used exclusively for that purpose.
- (2) The use of appliances designed to attack persons by fire, such as flame-projectors.

Article 50.

The prohibition of the use of bacterial arms shall apply to the use for the purpose of injuring an adversary of all methods for the dissemination of pathogenic microbes, 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 manner—for example, by polluting the atmosphere, water, foodstuffs or any other objects.

SECTION II. — PROHIBITION OF PREPARATIONS FOR CHEMICAL, INCENDIARY AND BACTERIAL WARFARE.

Article 51.

All preparations for chemical, incendiary or bacterial warfare shall be prohibited in time of peace as in time of war.

Article 52.

In order to enforce the aforesaid general prohibition it shall in particular be prohibited :

- (1) To manufacture, import, export or be in possession of appliances or substances exclusively suited to chemical or incendiary warfare.

The quantities of chemical substances necessary for protective experiments, therapeutic research and laboratory work shall be excepted. The High Contracting Parties shall inform the Permanent Disarmament Commission of the quantities of the said substances necessary for their protective experiments.

The manufacture of and trade in these substances may not be undertaken without Government authorisation.

- (2) To manufacture, import, export or be in possession of appliances or substances suitable for both peaceful and military purposes with intent to use them in violation of the prohibition contained in Article 48.

- (3) To instruct or train armed forces in the use of chemical, incendiary or bacterial weapons and means of warfare, or to permit any instruction or training for such purposes within their jurisdiction.

Article 53.

The provisions of Articles 51 and 52 shall not restrict the freedom of the High Contracting Parties in regard to material and installations intended exclusively to ensure individual or collective protection against the effects of chemical, incendiary or bacterial weapons, or to training with a view to individual or collective protection against the effects of the said weapons.

Article 54.

The High Contracting Parties shall inform the Permanent Disarmament Commission of the lachrymatory substances intended to be used by their authorities for police operations as well as of the number of the various appliances by means of which they are to be utilised.

SECTION III. — SUPERVISION OF THE OBSERVANCE OF THE PROHIBITION OF PREPARATIONS FOR CHEMICAL, INCENDIARY OR BACTERIAL WARFARE.

Article 55.

The Permanent Disarmament Commission shall examine the complaints put forward by any Party which may allege that the prohibition to prepare for chemical, incendiary or bacterial warfare has been violated.

SECTION IV. — ESTABLISHMENT OF THE FACT OF THE USE OF CHEMICAL, INCENDIARY OR BACTERIAL WEAPONS.

Article 56.

Any Party claiming that chemical, incendiary or bacterial weapons have been used against it shall notify the Permanent Disarmament Commission.

It shall, at the same time, notify the authority designated for the purpose by the Permanent Disarmament Commission or, failing such authority, the Doyen of the Diplomatic Corps accredited to it, with a view to the immediate constitution of a commission of investigation.

If the above-mentioned authority has received the necessary powers, it shall itself act as a Commission of Investigation.

Article 57.

The Commission of Investigation shall proceed with all possible speed to the enquiries necessary to determine whether chemical, incendiary or bacterial weapons have been used.

It shall report to the Permanent Disarmament Commission.

Article 58.

The Permanent Disarmament Commission shall invite the Party against which the complaint has been made to furnish explanations.

It may send commissioners to the territory under the control of that Party for the purpose of proceeding to an enquiry, to determine whether chemical, incendiary or bacterial arms have been used.

Article 59.

The Permanent Commission may also carry out any other enquiry with the same object.

Article 60.

The Parties involved in the above-mentioned operations, and, in general, all the Parties to the present Convention, shall take the necessary measures to facilitate these operations, particularly as regards the rapid transport of persons and correspondence.

Article 61.

According to the result of the above-mentioned operations, the Permanent Commission, acting with all possible speed, shall establish whether chemical, incendiary or bacterial weapons have been used.

Article 62.

The details of the application of the provisions of this chapter shall be fixed by regulations to be issued by the Permanent Disarmament Commission.
