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THE JOINT CHIEFS OF STAFF
WASHINGTON, D. C. 20301

JCSM-420-71
17 September 1971

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MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: Negotiation of Bacteriological Warfare
Convention (U)

1. (U) Reference is made to a memorandum by the Assistant Secretary of Defense (International Security Affairs), I-11893/71, dated 13 September 1971, subject: "Negotiation of BW Convention."

2. (S) The Joint Chiefs of Staff have reviewed both the changes proposed by the US Delegation to the Conference of the Committee on Disarmament to the 5 August 1971 US draft Biological Warfare (BW) convention and the proposed US Arms Control and Disarmament Agency (ACDA) response contained in the reference.

3. (S) The Joint Chiefs of Staff do not concur with all the proposed changes to the draft BW convention as authorized in the proposed ACDA response. The following comments respond to the reference:

a. First Preambular Paragraph. The added words "chemical and" should be dropped from the first preambular paragraph and the phrase "and toxins" reinserted. This convention is concerned primarily with a prohibition of biological and toxin weapons. The addition of the words "chemical and" in front of "biological weapons" in this opening paragraph is inappropriate and tends to change the entire thrust of the BW convention. There is adequate reference both in other preambular paragraphs and one operative article to a commitment by the parties to this convention to further negotiations of chemical weapons. Further, National Security Decision Memorandum 35 states that BW and chemical warfare (CW) are to be treated differently and separately.

b. Eighth Preambular Paragraph. The US delegation should not be authorized to insert the word "comprehensive" before "prohibition" in the eighth preambular paragraph. The commitment in this paragraph to US future negotiations on effective measures for the prohibition of chemical weapons should satisfy those nonaligned nations desiring a linkage of the two subjects. Adding the word "comprehensive," as authorized in subparagraph 4c of ACDA's response, would prejudice the outcome of those future negotiations as they relate to chemical weapons.

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E.O. 12958, as amended
August 6, 2007

c. Article VIII. The US delegation should not be authorized to substitute the words "as soon as possible" in operative Article VIII. This article commits the United States to further negotiations for effective prohibition of chemical weapons. "As soon as possible" would seem to be more compulsive for quick follow-on CW negotiations than the "reaching early agreement" phrase.

d. The ACDA draft response should be redrafted to reflect the foregoing comments.

4. (S) The Joint Chiefs of Staff are concerned that support was not obtained for an operative article that would ban the use of biological weapons as had been provided for in the UK BW convention.

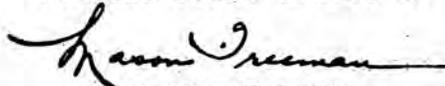
5. (S) In summary, the Joint Chiefs of Staff have no objections to the revised text of the US draft BW convention provided ACDA's response is redrafted to incorporate the views of the Joint Chiefs of Staff. Further, the foregoing views of the Joint Chiefs of Staff are based on the understanding that the revised text of the US draft BW convention does not:

a. Affect the US position on the Geneva Protocol, specifically concerning the use of riot control agents and herbicides.

b. Prejudge the outcome of the commitment to further negotiations on the prohibition of chemical weapons.

c. Commit the United States to any specific date or time period for CW negotiations.

For the Joint Chiefs of Staff:



MASON FREEMAN
Rear Admiral, USN
Vice Director, Joint Staff

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