

MEMORANDUM

NATIONAL SECURITY COUNCIL

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ACTION/32728

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September 17, 1971

MEMORANDUM FOR: DR. KISSINGER
FROM: MICHAEL A. GUHIN *MS*
SUBJECT: Convention Banning Biological Weapons
and Toxins *Approved*
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We are on the verge of completing an agreement at Geneva on a convention banning the development, production and stockpiling of biological weapons (BW) and toxins. You will recall that the convention relies on complaint procedures rather than verification per se.

After negotiations with allies and non-aligned, our delegation and the Soviets are seeking clearance on a package of amendments (Tab B). Our delegation believes that if we and the Soviets approve the package, the prospects are good for broad acceptance at the impending UN General Assembly and signature in 1972.

The amendments are consistent with the instructions you approved on April 28 (Tab C). However, there is one political "hooker" worthy of attention: i. e., there are more references and a closer tie into chemical weapons (CW) generally. (The added references to CW are marked at Tab B.) For example, where the draft preamble (non-operative) before referred to the importance of eliminating BW and toxin weapons it now refers to the importance of eliminating chemical and bacteriological (biological) weapons. Where this has occurred, our delegation has added "through effective measures" to protect our position that any CW agreement would require more effective verification.

Also, earlier drafts of operative Article VIII contained only an obligation to conduct negotiations in good faith on effective measures for prohibiting CW. This article has been expanded to include (1) affirming "the recognized objective of effective prohibition of chemical weapons" and (2) aiming at "reaching early agreement". I agree with State, ACDA and DOD that this does not, in real terms, alter or enlarge our obligations.

The non-aligned have generally favored a single ban for CW and BW. The references to CW have been the price for general support of a BW ban and do not bother the Soviets who, you will recall, previously supported a single CW/BW ban. Though we would, of course, prefer to do without the added references to CW, the options are either (1) to go along with the amendments now with the aim of getting UNGA approval this fall and signature in 1972, or (2) to carry negotiations over into next year after having pushed a BW ban this year and with no assurance that we will be in a better position next year.

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By *lp* NARA Date 8-18-06
Authority 2012958
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