

The 1925 Geneva Protocol at 90

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Some notes from history

GENEVA, September 1925.

LEAGUE OF NATIONS

PROCEEDINGS
OF THE
CONFERENCE
FOR THE

Supervision of the International Trade in Arms
and Ammunition and in Implements of War.

Held at Geneva, May 4th to June 17th, 1925.

INTRODUCTION.

CONVENTION FOR THE SUPERVISION OF THE INTERNATIONAL TRADE IN ARMS AND AMMUNITION AND IN IMPLEMENTS OF WAR.

STATEMENT REGARDING THE TERRITORY OF IFNI.

PROTOCOL FOR THE PROHIBITION OF THE USE IN WAR OF ASPHYXIATING, POISONOUS OR OTHER CASES, AND OF BACTERIOLOGICAL METHODS OF WARFARE.

PROTOCOL OF SIGNATURE.

FINAL ACT.

**VERBATIM REPORTS OF THE CONFERENCE (Plenary Meetings)
AND THE GENERAL COMMITTEE AND MINUTES OF
THE TECHNICAL COMMITTEES.**

OTHER DOCUMENTS.

“The use in war of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices has been justly condemned by the general opinion of the civilized world, and a prohibition of such use has been declared in treaties to which a majority of civilized Powers are parties. The High Contracting Parties therefore agree absolutely to prohibit the export from their territories of any such asphyxiating, poisonous or other gases, and all analogous liquids, intended or designed for use in connection with operations in war...”

Senator Theodore Burton, A.13.1925.IX, 5th May 1929

(emphasis added)



General Kazimierz Sosnkowski, circa 1925
Courtesy of Polish National Archive

**Protocol for the Prohibition of the Use in War of
Asphyxiating, Poisonous or other Gases, and of
Bacteriological Methods of Warfare.**

Geneva, June 17, 1925.

PROTOCOL.

THE undersigned Plenipotentiaries, in the name of their respective Governments :

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world ; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties ; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations ;

DECLARE :

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear to-day's date.

The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratifications to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications.

**Protocole concernant la Prohibition d'Emploi à la
Guerre de Gaz asphyxiants, toxiques ou similaires
et de Moyens bactériologiques.**

Genève, le 17 juin 1925.

PROTOCOLE.

LES Plénipotentiaires soussignés, au nom de leurs Gouvernements respectifs :

Considérant que l'emploi à la guerre de gaz asphyxiants, toxiques ou similaires, ainsi que de tous liquides, matières ou procédés analogues, a été à juste titre condamné par l'opinion générale du monde civilisé,

Considérant que l'interdiction de cet emploi a été formulée dans les traités auxquels sont Parties la plupart des Puissances du monde,

Dans le dessein de faire universellement reconnaître comme incorporée au droit international cette interdiction, qui s'impose également à la conscience et à la pratique des nations,

DÉCLARENT :

Que les Hautes Parties Contractantes, en tant qu'elles ne sont pas déjà Parties à des traités prohibant cet emploi, reconnaissent cette interdiction, acceptent d'étendre cette interdiction d'emploi aux moyens de guerre bactériologiques et conviennent de se considérer comme liées entre elles aux termes de cette déclaration.

Les Hautes Parties contractantes feront tous leurs efforts pour amener les autres États à adhérer au présent Protocole. Cette adhésion sera notifiée au Gouvernement de la République française et, par celui-ci, à toutes les Puissances signataires et adhérentes. Elle prendra effet à dater du jour de la notification faite par le Gouvernement de la République française.

Le présent Protocole, dont les textes français et anglais feront foi, sera ratifié le plus tôt possible. Il portera la date de ce jour.

Les ratifications du présent Protocole seront adressées au Gouvernement de la République française, qui en notifiera le dépôt à chacune des Puissances signataires ou adhérentes.

Les instruments de ratification ou d'adhésion resteront déposés dans les archives du Gouvernement de la République française.

Le présent Protocole entrera en vigueur pour chaque Puissance signataire à dater du dépôt de sa ratification et, dès ce moment, cette Puissance sera liée vis-à-vis des autres Puissances ayant déjà procédé au dépôt de leurs ratifications.

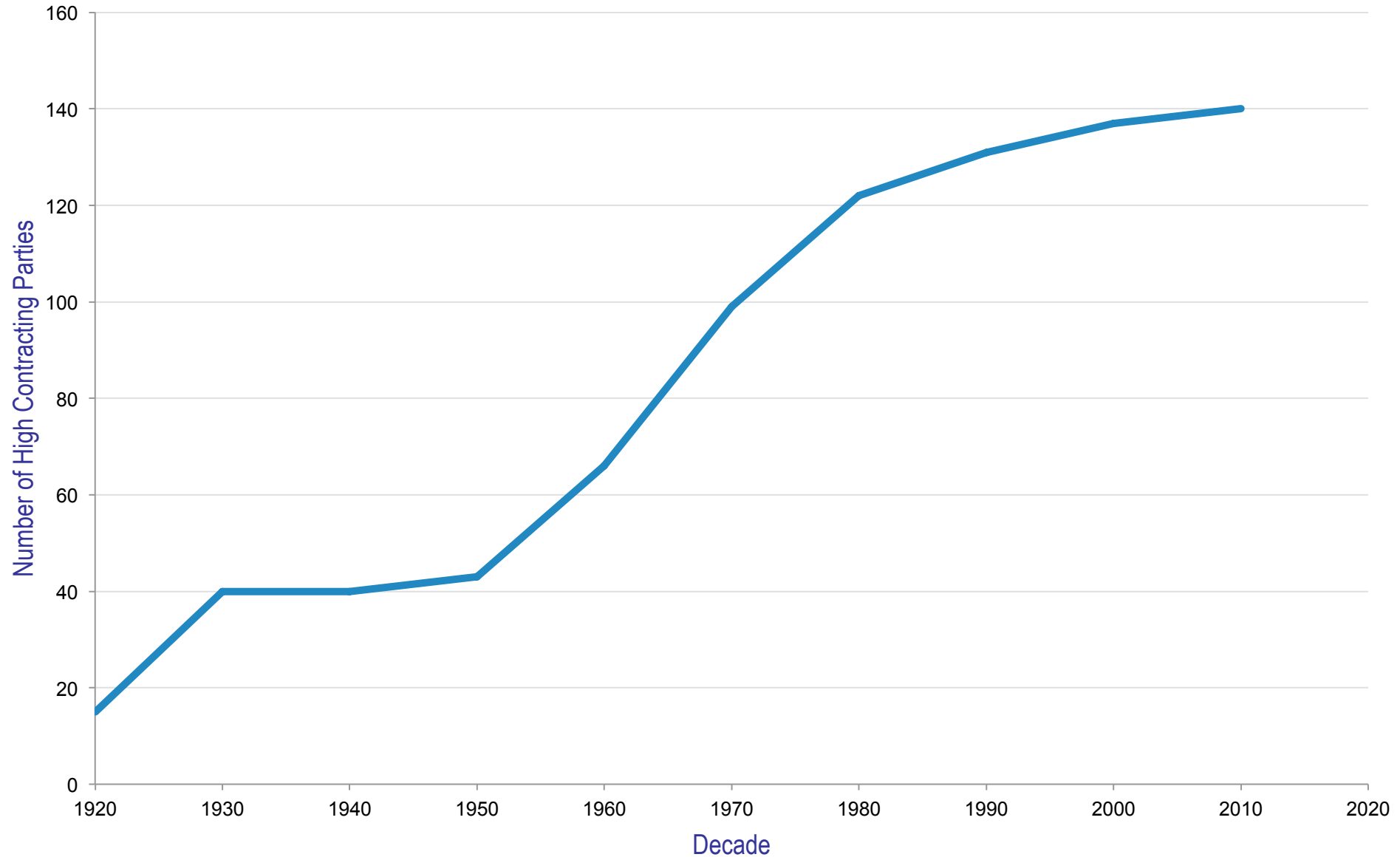
RATIFICATIONS DEPOSITED.

<i>Country.</i>					<i>Date.</i>
*British Empire	...	...	...	...	Apr. 9, 1930
*Canada ...	...	...	...	...	May 6, 1930
*India ...	...	...	...	...	Apr. 9, 1930
Austria	...	...	...	...	May 9, 1928
*Belgium	...	...	...	...	Dec. 4, 1928
Denmark	...	...	...	...	May 5, 1930
Egypt ...	...	...	...	...	Dec. 6, 1928
Finland	...	...	...	...	June 26, 1929
*France ...	...	...	...	...	May 9, 1926
Germany	...	...	...	...	Apr. 25, 1929
Italy ...	...	...	...	...	Apr. 3, 1928
Poland ...	...	...	...	...	Feb. 4, 1929
*Roumania	...	...	...	...	Aug. 23, 1929
*Spain ...	...	...	...	...	Aug. 22, 1929
Sweden...	...	...	...	...	Apr. 25, 1930
Turkey...	...	...	...	...	Oct. 5, 1929
Venezuela	...	...	...	...	Feb. 8, 1928
Yugoslavia	...	...	...	...	Apr. 12, 1929

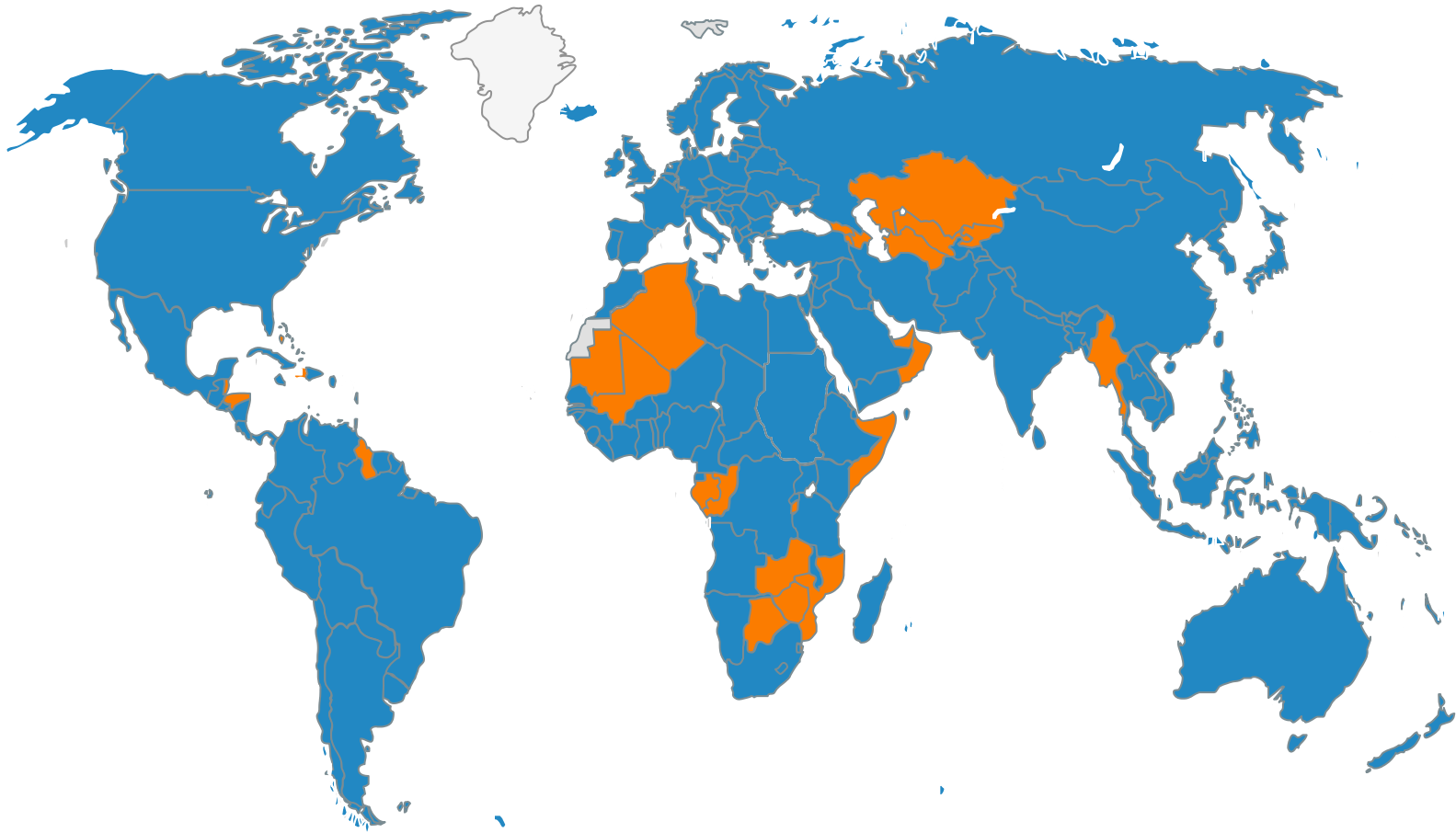
ACCESSIONS.

*Australia	...	...	...	...	} Jan. 23, 1930
*New Zealand	...	...	...	...
*South Africa	...	...	...	...
China ...	...	...	...	...	Aug. 7, 1929
Liberia...	...	...	...	...	Apr. 2, 1927
Persia ...	...	...	...	...	July 4, 1929
*Soviet Union	...	...	...	...	Apr. 5, 1928

Total number of High Contracting Parties to the Geneva Protocol each decade



High Contracting Parties to the Geneva Protocol



Key

High Contracting Party

Not a High Contracting Party

Limitations to the Geneva Protocol

RATIFICATIONS DEPOSITED.

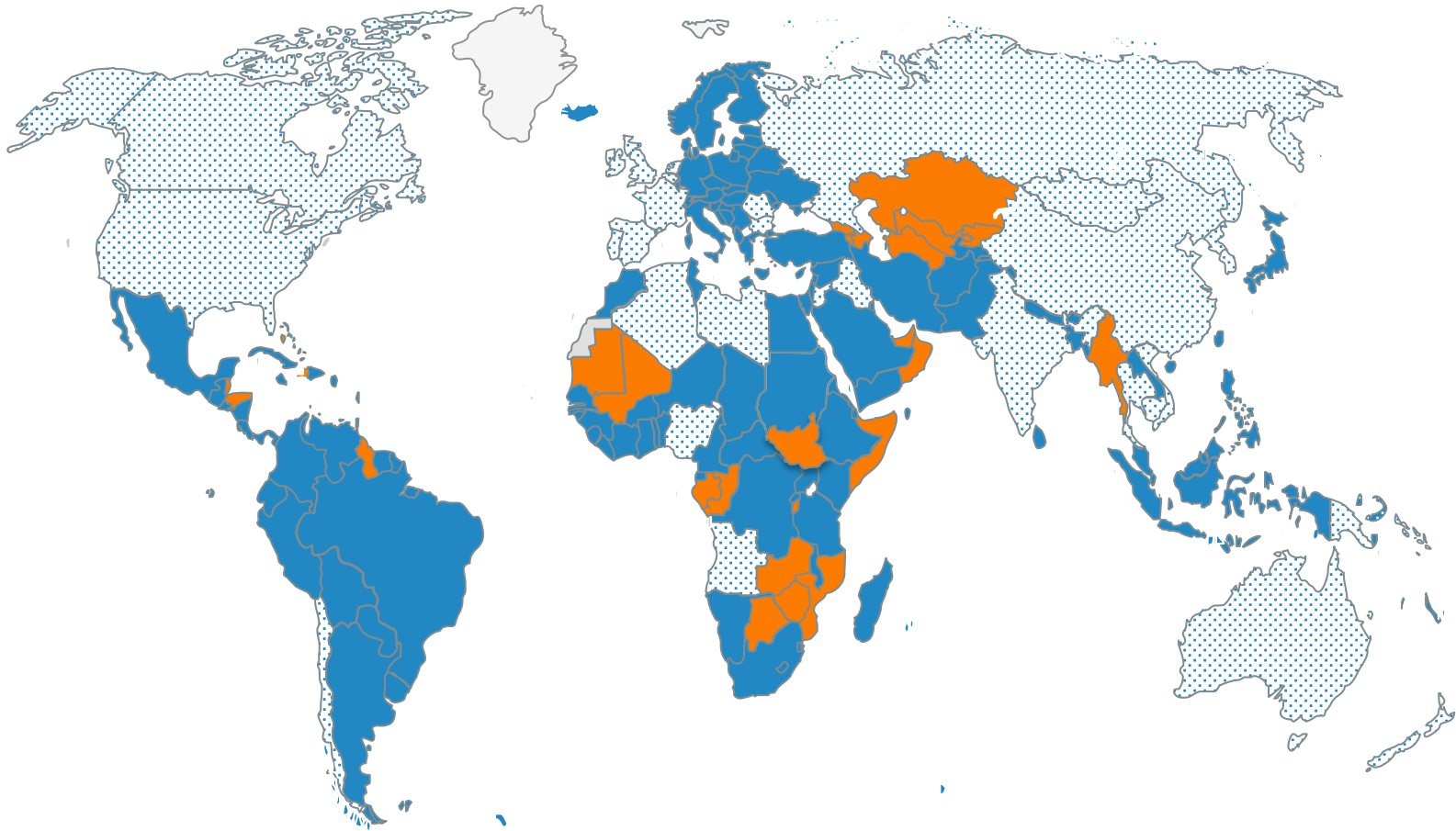
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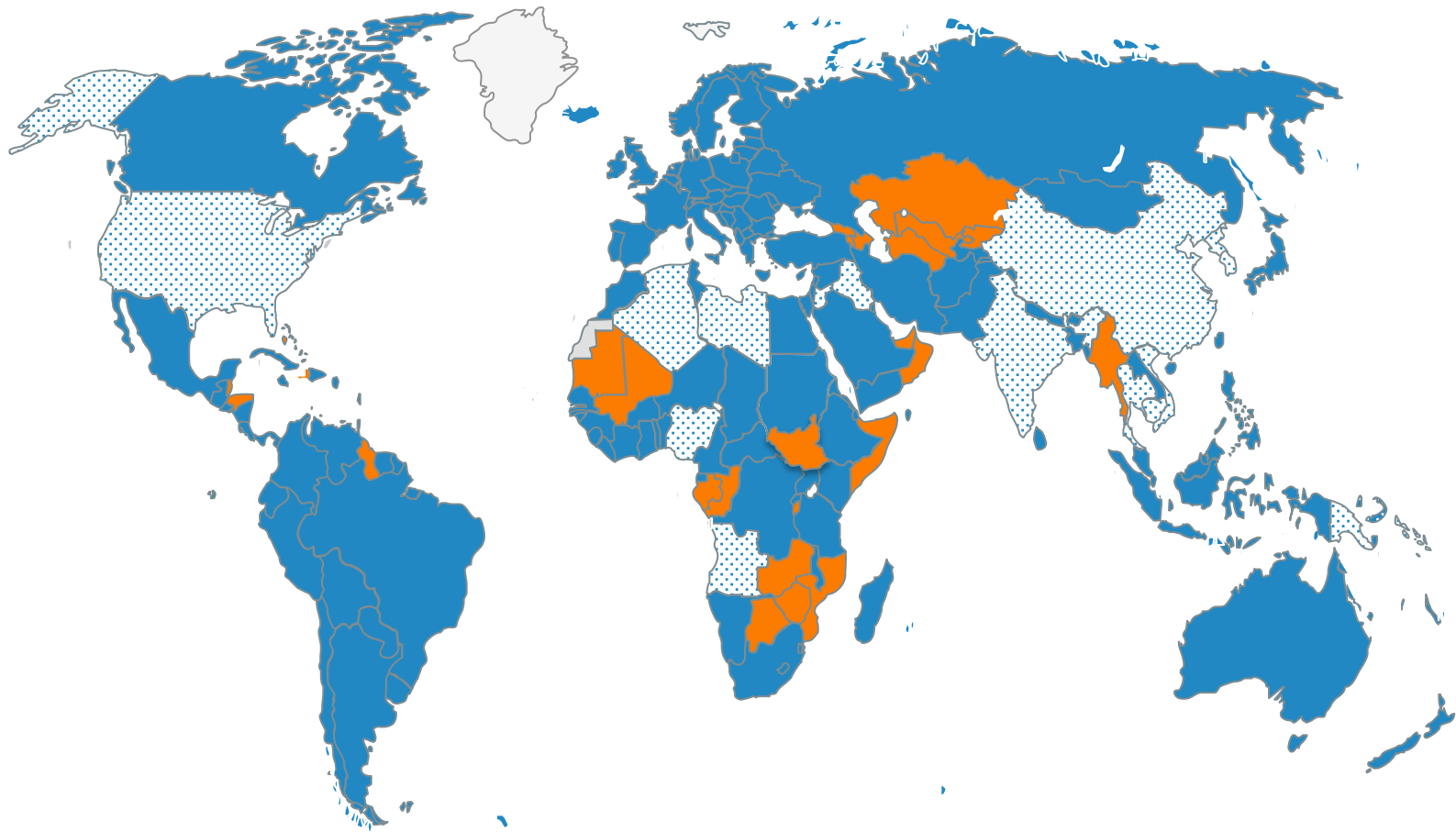
* With reservations as regards States who have not ratified or acceded to the protocol or who do not respect its provisions.

All known reservations since 1925



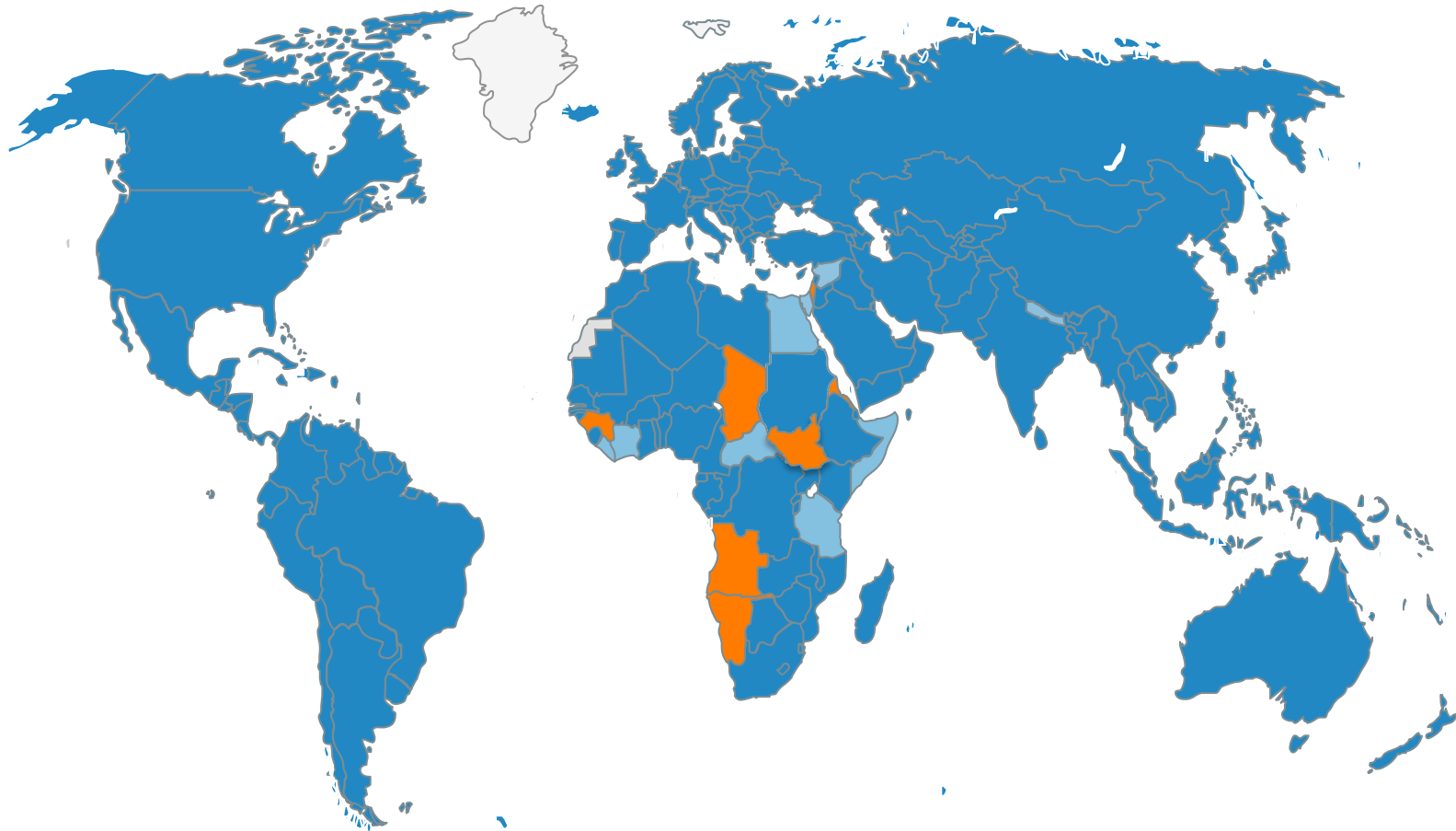
Key
High Contracting Party
High Contracting Party with known reservations
Not a High Contracting Party

Known reservations up to 2006



Key
High Contracting Party
High Contracting Party with known reservations
Not a High Contracting Party

Current BWC States Parties



Key
State Party
Signatory States
Non States Party

Relationship with the Biological Weapons Convention

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/231*
6 August 1968
Original: ENGLISH

UNITED KINGDOM

Working Paper on Microbiological Warfare

The United Kingdom Delegation consider that the 1925 Geneva Protocol is not an entirely satisfactory instrument for dealing with the question of chemical and microbiological warfare. The following points may be noted:

- (i) Many states are not parties to the Protocol and of those that are parties many, including the United Kingdom, have reserved the right to use chemical and bacteriological weapons against non-parties, violators of the Protocol and their allies.
- (ii) Jurists are not agreed whether the Protocol represents customary international law or whether it is of a purely contractual nature.
- (iii) Even if all states were to accede to the Protocol there would still be a risk of large-scale use of the proscribed weapons as long as states have the right to manufacture such weapons and to use them against violators and their allies.
- (iv) There is no consensus on the meaning of the term "gases" in the phrase "asphyxiating, poisonous or other gases and all analogous liquids, materials or devices". The French version of the Protocol renders "or other" as "ou similaires" and the discrepancy between "other" and "similaires" has led to disagreement on whether non-lethal gases are covered by the Protocol.
- (v) The term "bacteriological" as used in the Protocol is not sufficiently comprehensive to include the whole range of microbiological agents that might be used in hostilities.
- (vi) The prohibition in the Protocol applies to use "in war". There may be doubt as to its applicability in the case of hostilities which do not amount to war in its technical sense.

“...Poison gas and toxic substances...were not used in the Second World War when the Geneva Protocol of 1925...was already in place...” (USSR ENDC/PV.386)

“...nothing should be done that would damage or undermine the ban already expressed...” (Sweden ENDC /PV.391)

“... the whole subject needs to be carried a step beyond the position as it is today, but without detriment to the validity and importance of the Protocol...” (India ENDC/PV.389)

“...We consider as useful the suggestion that the Secretariat should prepare a report on the effects of the use of bacteriological and chemical weapons...” (Poland ENDC/PV.385)

“...Today I would once again repeat that nothing that I have in mind would in any way limit or derogate from obligations assumed by States Parties to the Geneva Protocol... Indeed I suggest that any convention that may be submitted should make this abundantly clear, both in the preambular form and also by an operative article which might be along the following lines”

“Nothing contained in the present Convention shall be construed as in any way limiting or derogating from obligations assumed by any State under the Geneva Protocol of 17 June 1925”

**CONVENTION
ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION
AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL)
AND TOXIN WEAPONS AND ON THEIR DESTRUCTION**

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,

Recognising 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 17 June 1925,⁽¹⁾ 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 17 June 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 realisation of the purposes and principles of the Charter of the United Nations,⁽²⁾

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,

Recognising 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 minimise this risk,

Have agreed as follows:

(2) Each State Party to this Convention undertakes to co-operate 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 17 June 1925.

ARTICLE IX

Each State Party to this Convention affirms the recognised 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 co-operate in contributing individually or together with other States or international organisations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the 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 co-operation 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.

⁽¹⁾ Treaty Series No. 21 (1925), Cmd. 1752.

⁽²⁾ Treaty Series No. 67 (1946), Cmd. 7015.

“The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol”

(Final Document 3rd Review Conference)

“The conference reaffirms that the use by the States Parties in any way or under any circumstances of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes is effectively a violation of Article 1 of the Convention...”

(Final Document 4th Review Conference)

“The Conference notes that the Islamic Republic of Iran has formally presented a proposal to amend Article I and the title of the Convention to include explicitly the prohibition of the use...”

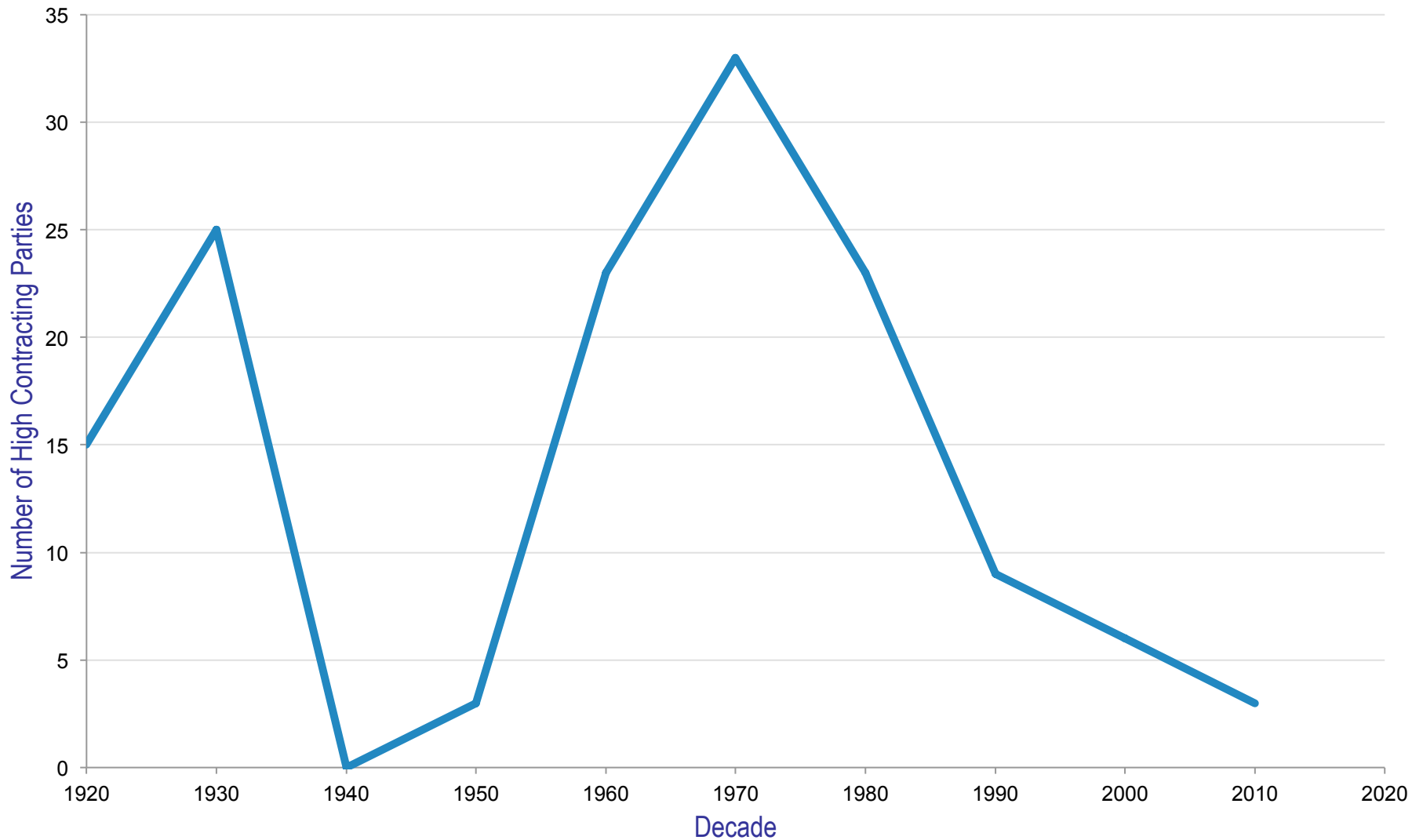
(Final Document 4th and 6th Review Conferences)

A biological cornerstone of the rules of war

“The Conference appeals to all States Parties to the 1925 Geneva Protocol to fulfill their obligations assumed under that Protocol and urges all states not yet party to the Protocol to ratify or accede to it without further delay”

(Final Document 7th Review Conference)

Number of new High Contracting Parties to the Geneva Protocol each decade



Raw data: <http://disarmament.un.org/treaties/>

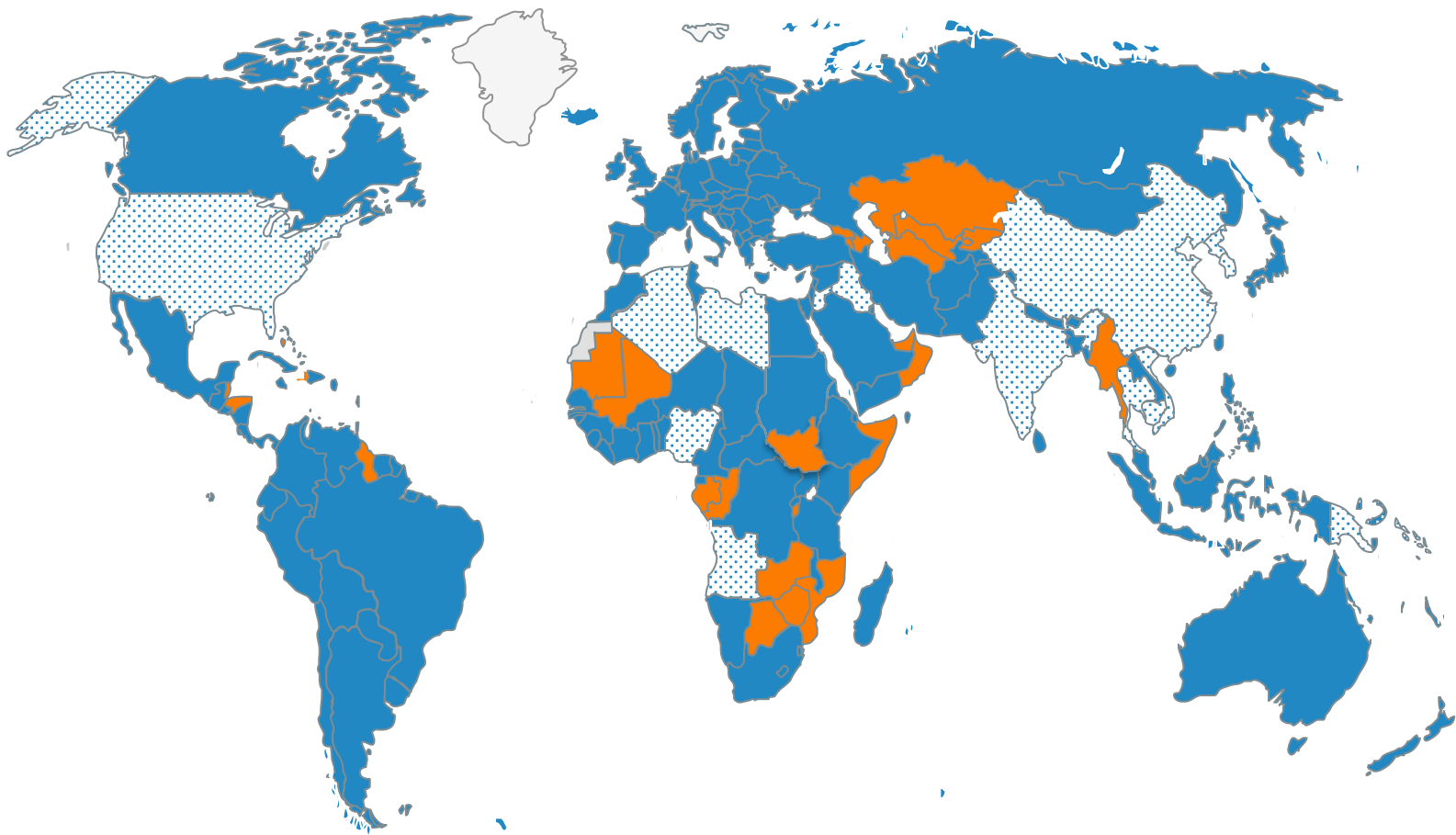
“The Conference acknowledges that the 1925 Geneva Protocol...and the Convention complement each other. The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any state under the 1925 Geneva Protocol”

(Final Document 7th Review Conference)

“The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Convention”

(Final Document 7th Review Conference)

Geneva Protocol High Contracting Parties with explicit reservations



Key

- High Contracting Party
- High Contracting Party with known reservations
- Not a High Contracting Party

“The Conference recalls the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention, and calls upon those States Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depositary of the 1925 Geneva Protocol accordingly, without delay”

(Final Document 7th Review Conference)

“The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the Convention, even conditional, are totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.”

(Final Document 7th Review Conference)

“The Conference notes that the Secretary-General’s investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. The Conference notes national initiatives to provide relevant training to experts that could support the Secretary-General’s investigative mechanism.”

(Final Document 7th Review Conference)

Contact details and funder acknowledgements

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Research Council

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