REPORT OF THE STANDING COMMITTEE ON
LAW AND NATIONAL SECURITY
AND THE SECTION OF
INTERNATIONAL LAW AND PRACTICE

RECOMMENDATION*

Be It Resolved, That the American Bar Association:

1. urges that all possible steps be taken to strengthen and secure respect for the present international law norms prohibiting the use in war of chemical, biological and toxin weapons and the treaty provisions prohibiting the development, acquisition, retention, transfer, production or stockpiling of biological and toxin weapons;

2. commends the Government of the United States for its proposal of a Draft Convention on the Prohibition of Chemical Weapons dated April 18, 1984, and urges that all possible efforts be devoted to achieving agreement on the basic terms of an effective and verifiable Draft Convention and its ultimate adoption as a widely ratified multilateral treaty;

3. notes with concern the substantial evidence of the illegal use of lethal and incapacitating chemical weapons by the Soviet Union in Afghanistan, by Iraq in its armed conflict with Iran, and of the illegal use of lethal and incapacitating chemical weapons and toxins by Vietnam and Laos in Southeast Asia; and

4. urges the Government of the United States to present to the United Nations proposals to improve existing mechanisms or create effective new ones for the prompt and comprehensive investigation of all serious reports of use of chemical or biological weapons in violation of the 1925 Geneva Protocol and of the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

REPORT

Background
Arms control has become a central issue before the nation. Among the many aspects of arms control, the legal profession should be especially sensitive to the regulation and restriction of chemical and biological weapons because these have been subject to international legal constraints longer than any other modern form of warfare. Violations of the present treaties cast a shadow across all efforts to temper the arms race and to regulate the conduct of hostilities with the rule of law.

There are three sources for the legal regime regulating chemical and biological weapons. First, the 1925 Geneva Protocol (the "Protocol") prohibits the use in war of asphyxiating, poisonous or other gases, analogous liquids, materials or devices and bacteriological meth-

*The recommendation was approved. See page 703.
ods of warfare. The Protocol does not forbid the development, manufacture, transfer or stockpiling of chemical and biological weapons. Since 1969 the United States, however, imposed a unilateral freeze on the development and manufacture of chemical weapons, renounced all uses of biological weapons, their further development and production, and ordered the destruction of all stockpiles of biological weapons. Many nations, including the United States, the Soviet Union, France and the United Kingdom, reserve the right to use chemical weapons against an enemy state that does not, or whose allies do not, observe the prohibitions of the Protocol. Consequently, the Protocol is limited to a prohibition of first use of chemical weapons in war, and in the final analysis, the maintenance of an effective retaliatory capability may be the only means for ensuring compliance with its norms.

The second source of law is the 1972 Biological Weapons Convention (the “Convention”) which covers biological and toxin weapons and is more extensive in its prohibitions than its chemical counterpart. Except for “prophylactic, protective or other peaceful purposes” the Convention forbids, in all circumstances, the development, acquisition, retention, transfer, production or stockpiling of biological and toxin weapons. It is, therefore, a total ban on those categories of weapons.

The third source of law is customary international law. Members of the Soviet, American, and other governments have argued

2Id. at 121. In addition, Congress has imposed domestic laws that restrict development and deployment of chemical weapons. 50 U.S.C. §§ 1511-1520.
3Id. at 15-18. (The U.S. and the Netherlands have limited their reservation to retaliation with chemical weapons; 34 other signatories reserve the right to retaliate with any weapon forbidden under the Protocol, including bacteriological weapons.)
5Article I, id. at 125.
6Id.
8Statement of President Franklin D. Roosevelt, 8 Dept. of State Bulletin 507 (June 8, 1943); Opinion of Judge Advocate General SP/IGW, 145/164, Jan. 11, 1945.
1250 U.S.C. 1519; Amoreta M. Hober, The Chemistry of Defeat: Asymmetries in U.S. and Soviet Chemical Warfare Postures, 12-
Consequently, to avoid being forced into developing an effective retaliatory chemical capacity, which would clearly be legal under present treaty law, it is in the national interest of the United States to seek a comprehensive and effectively verifiable ban on chemical weapons.

Second, neither the Protocol nor the Convention contains effective provisions for monitoring compliance or verifying violations. Although U.S. arms control and disarmament policy has generally stressed the need for effective verification, the U.S. accepted the Convention partially in the belief that the inability to control the reproduction, growth and spread of living organisms would inhibit their effective use in war. Because of developments in biological engineering, this may no longer be true. Moreover, the development of toxin weapons (lethal chemical substances usually produced by living organisms) is not subject to effective verification procedures under the Convention although their relevant characteristics are identical to those of other chemical weapons. To assure compliance with the present treaty structure and to obtain an effective comprehensive ban on chemical weapons, appropriate verification mechanisms must be developed to include toxin weapons.

Recent Violation

Evidence has steadily mounted that Soviet military forces have used chemical weapons against opposition forces and civilians in Afghanistan and that their allies have been using chemical and toxin agents in Kampuchea and Laos. Some of the substances used have come to be called "yellow rain" and appear to contain toxins that are clearly in violation of the Protocol and the Convention. The United States has gathered and presented much of the evidence, but independent confirmation has come from foreign scientists, other governments and international organizations, journalists and independent researchers including a group of prominent lawyers.

A review of the available evidence indicates that a variety of chemical and toxin agents have been used against the H'Mong people in Laos, the Khmer groups fighting the Vietnamese in Kampuchea since 1979, and the Mujaheddin in Afghanistan. Compounds containing trichothecene mycotoxins have been identified in all three countries including deposits on two Soviet gas masks in Afghanistan. Medical evidence indicates that incapacitants and nerve gases have also been used.

Because Afghanistan, Kampuchea (until March 1983) and Laos, although parties to the 1972 Convention, were not parties to the 1925 Protocol, the use of chemical weapons in those countries must be considered under customary international law. The direct use of chemical weapons by invading and occupying Soviet forces in Afghanistan and by Vietnamese forces in Kampuchea are clear violations of the customary prohibition against first use. Soviet transfer of chemical weapons to its client states is not illegal as such, but encouraging and inciting their use in armed conflict amounts to illegal complicity. In this connection it should be noted that the Soviet and Vietnamese reservations to the 1925 Protocol (as well as those of 32 other states), strongly imply responsibility of a state for the illegal use of chemical and biological weapons by an ally of that state.

Southeast Asia

The most detailed and voluminous evidence is that based on the reports corroborated by medical evidence of H'Mong refugees in Thailand, as further corroborated by analysis of physical objects contaminated with traces of these agents. Because only evidence showing the use of toxins establishes

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14. "Id.

of the Protocol and the nited States has gathered violations of the 1972 Convention on that it of the evidence,14 but in- tends to establish the possession of toxins must have been transferred to its cli- nations have come from for- ences.13 available evidence indi- cient for the Soviets after the prohibitions of ments fighting Cambodia since 1979, and trichothecene myco- in Afghanistan. Com- al chemical and toxin used against the H'Mong and Cambodian Khymer groups fighting in Kampuchea. Many related attacks upon their villages by aircraft and helicopters showered them with substances of different hues—mostly yellow—released by rockets or aerosol spray.13

The refugees described a wide variety of acute and chronic symptoms said to have resulted from these exposures, ranging in severity from sudden onset of bloody diarrhea and hematemesis that progressed rapidly to generalized hemorrhaging and death, to milder symptoms involving the central nervous system, gastrointestinal tract and skin, as well as other localized irritations.

These symptoms did not appear to match those known to result from exposure to well-known chemical warfare agents. In 1979, however, a toxicologist recognized a striking similarity between some of the symptoms reported by survivors among the H'Mong refugees and those described for Alimentary Toxic Aleukia (ATA), a naturally occurring mycotoxicosis caused by trichothecene toxins produced by certain Fusarium fungi frequently found on spoiled wheat and millet. An outbreak of ATA caused thousands of deaths in Russia during the winter of 1943-44. Those afflicted had been scavenging in wheat and millet fields for unharvested residues.14 Outbreaks of trichothecene mycotoxicosis have been reported previously only in temperate climates.

In the summer of 1981, analysis of environmental samples by a highly qualified plant pathologist were found to contain the trichothecene mycotoxins T-2, Nivalenol and Deoxynivalenol. Blood and urine samples of H'Mong refugees who had reported exposure to yellow rain and experienced the symptoms were found to contain traces of these toxins15 as did samples form Khmer victims.

The conclusions reached by a wide range of medical personnel, including physicians, nurses and others involved with medical problems constitute significant corroboration of H'Mong accounts of chemical and toxin attacks. Although not all symptoms reported and signs observed among the H'Mong by medical personnel else other causes, most medical personnel who have investigated the problem, including two Canadian teams and a Belgian toxicologist, have considered the analysis correct, if not complete, in explaining the pathologies reported and exhibited by the H'Mong.16

The press has given considerable coverage to the views of Dr. Matthew Meselson, an eminent Harvard biochemist who has proposed a theory that toxin contaminated bee feces explain the presence of certain substances contained in physical samples collected from Southeast and Southwest Asia.17 This hypothesis was presented at a meeting of toxicologists, medical experts and journalists at the "First World Congress of New Compounds in Biological and Chemical Warfare" convened by Dr. Aubin Heydrickx, head of the Toxicology Department of the University of Ghent.

Dr. Meselson's theory is that yellow rain is nothing more than pollen excreted by bees in their cleansing flights and trichothecenes are probably a natural phenomenon infecting food in Southeast Asia. While in Thailand in March of 1984, Dr. Meselson and another scientist found bees excreting showers

14A Phath, Laotn pilot who defected to Thailand in 1979 related that he flew chemical warfare missions against H'Mong villages referred to as "Extinction Destruction Operations." He described the chemical munition he fired as a U.S. 2.75 inch rocket with a modified warhead with Soviet markings. Other Laotian defectors reported seeing Soviet advisors present when aircraft were loaded with chemical agents rockets. (Dept. of State Report, Mar. 1982, supra note 13 at 10, 13, 18-19; Dr. Amos Townsend of the International Rescue Committee had related a statement made to him and Italian journalist Lucio Lami, by Captain Nguyen Quan, a North Vietnamese artillery officer who defected to Thailand. He stated that chemical munitions were received from the Soviet Union as early as 1970. He described in detail Soviet chemical and toxin munitions received by Vietnamese and Laotian forces, their markings, training literature and employment and effects on the target area. (Dr. Townsend's account was published by DeWitt S. Copp in Human Events, June 2, 1984, at 13.)

15Dept. of State Report, Mar. 1982, supra note 13, at 8-10.

of yellow feces. He collected samples and showed them to H’Mong refugees, several of whom called the samples yellow rain.

Other scientists at the conference rejected the bee feces hypothesis, pointing out that the hypothesis does not explain many important elements including the lack of any such report of illness due to bee feces at any time in the past, nor by any of the refugees other than those who had been exposed to the substance from munitions directed, fired or sprayed from aircraft or disseminated from rockets or artillery.12

Dr. Meselson himself has noted that there are a number of elements that are not explained by a hypothesis of natural origin of yellow rain as bee excrements, including:

— Trichothecene mycotoxins in samples of yellow rain;
— Trichothecene mycotoxins in samples of blood, urine, and tissues of alleged victims;
— Trichothecene mycotoxin on Soviet gas mask from Afghanistan and possibly on an additional gas mask and vegetation;
— Refugee reports of illness and death associated with occurrence of yellow rain;
— Refugee reports of yellow rain following overflights or attacks by aircraft and attacks by artillery and rockets.

Furthermore, bee feces have never been known to be toxic, or cause health problems and it is highly unlikely that trichothecene toxins could exist within the body of a bee or could be so quickly produced by fusaria colonizing bee excrement that they would be found in environmental and biomedical samples. Indeed, though Dr. Meselson and a colleague reported that on a recent trip to Thailand they were caught in a shower of bee feces, as they themselves noted, they suffered no ill effects. Nor have trichothecenes been found in the samples which they brought back to the United States for testing—or, for that matter, any other samples of bee feces.

It would seem that if there were a natural phenomenon like bee feces responsible for illness and injury among those exposed, that most likely there would be a keen awareness of that phenomenon, particularly among rural people in the region. It should be emphasized that there has never been a single report of bee feces causing deleterious effects to humans or animals in Southeast Asia, or any other region of the world. Finally, the debate about scientific evidence only underscores the need for access to areas of alleged violations.

The well-publicized debate over the scientific evidence made publicly available has, unfortunately, tended to obscure the real nature of a problem of chemical weapons detection. While such detection entails a good deal of scientific material and scientific investigation, it should not be forgotten that the analytical framework and the means by which evidence is gathered, checked and utilized are necessarily much different. To a considerable extent, a problem of detection is similar to a forensic investigation, but given both the use of intelligence capabilities as well as reluctance on the part of governments to disclose fully what is known of another power’s capabilities, it should not be surprising that the kind of debate over scientific evidence that some might wish to see is not likely to occur.

Afghanistan

The charges of Soviet use of chemical weapons in Afghanistan have been made on the basis of a wide range of publicly available evidence, including the verbal accounts of eyewitnesses to attacks13 (including Afghan resistance fighters, journalists, and non-combatant refugees), the reports of those who have seen and treated—or attempted to treat—victims of attacks (including physicians14 and refugee workers) and the testimony of Soviet and Kabul regime defectors.15 Perhaps the most impressive has been the photographic evidence of an attack and of physical effects of exposure to chemical (or toxin) weapons.16 Analysis of physical samples, including the finding of trichothecene toxins in powder collected from the surface of a Soviet gas mask and from the hose of a second gas

14Id. at 16.
15Id. at 16. The footage taken by Dutch journalist Bernard de Bruin was shown on ABC Television News Documentary “Rain of Terror,” December 1981.
The debate over the scientific publicly available has, to obscure the real nature of chemical weapons detection entails a good deal of scientific information, but not be forgotten that work and the means by which it is achieved are fundamentally different. To a large extent, the problem of detection and intelligence capability on the part of the Soviet Union is known to lack the capabilities it should not have.

Vietnam use of chemical weapons has been made on the basis of publicly available information, the verbal accounts (including Air Force, journalists, and others), the reports of attacks, and the accounts of attacks (including refugee workers), to begin with—perhaps the most important is the report that the Vietnamese used gas to attack on the front. 

Iran-Iraq

In March 1984, reports of use of chemical weapons by Iraqi forces fighting Iran were confirmed by a special team sent to the area by the U.N. Secretary-General Perez de Cuellar. The reports of use of chemical weapons, including mustard gas, nerve agents and very possibly toxins were also confirmed by other observers, including the U.S. Government and a number of independent researchers. The case of Iraqi use of CW is usually in its bluntness. Both countries are parties to the Protocol and such use therefore has been a clear violation of the Protocol.

The Sverdlovsk Disaster

Among other factors leading to grave doubts of Soviet compliance with the prohibitions on chemical and biological weapons is the still-unresolved question of what actually happened in Sverdlovsk in 1979. In April of that year, over three years after the Incident at Sverdlovsk, the Soviet Union announced that it had been a mistake, and that the Soviet authorities were taking steps to prevent a recurrence. The Soviet authorities have also stated that they have been taking steps to prevent a recurrence of the Incident at Sverdlovsk, and that the Soviet authorities are taking steps to prevent a recurrence of the Incident at Sverdlovsk.

Current Efforts at Enforcement

The Protocol contains no mechanism for verification and enforcement. The Convention provides for recourse to the U.N. Security Council or for a consultation among parties to the Convention. In view of substantial evidence of violation and without explicit guidance from international agreements, nations have sought ad hoc measures to provide for verification and enforcement. The results of these measures have been mixed.

The U.S. Draft Treaty

On April 18, 1984, Vice President Bush submitted to the Conference on Disarmament a Draft Convention (enclosure) containing a comprehensive ban on chemical weapons. The Draft Treaty would prohibit:

- The development, production, other acquisition, stockpiling, retention of transfers of chemical weapons (Art. I(a));
- The conduct of other activities in preparation for use of chemical weapons (Art. I(b));
- The use of chemical weapons in any armed conflict (Art. I(c)); or
- Assisting, encouraging or inducing, directly or indirectly, anyone to engage in activities prohibited to parties under the Convention (Art. I(d)).

The Draft Treaty classifies toxic chemicals according to the degree of toxicity into super lethal, other lethal, and other harmful chemicals. Toxic chemicals are defined so as to include toxins (regardless of their method of production), thus ensuring that such substances would not remain exclusively under the unverifiable regime of the 1972 Biological Weapons Convention (Art. II).

The Draft Treaty would permit, subject to limitations depending on the degree of toxicity, the continued production of toxic chemicals for industrial, agricultural, research, medical or other peaceful purposes (Art. II § 8, Art. III). It would also permit limited possession of toxic weapons for purposes directly related to the development of passive protection against chemical weapons, but not for retaliatory deterrent use of chemical weapons (Art. II § 9; Art. III 2).

Other permitted purposes are "military purposes that do not make use of the chemical action of toxic chemicals to interfere directly with normal functioning of man and animals so as to cause death, temporary incapacitation or permanent damage" (Art. II 8). This may prove controversial in that it would permit the use in armed conflict of riot control agents and herbicides. This U.S. interpretation of the 1925 Protocol is not shared by most other parties to the Protocol.39

34Ibid.
36State Department, Chemical Weapons Use in Southeast Asia and Afghanistan, (Feb. 21, 1984); but see a contrary conclusion expressed by Dr. Amos Townsend reported supra note 16, at 14.
38SIPRI 1983 at 397.
The principal criterion for distinguishing between permitted and prohibited activities would be the purpose for which the activity is being conducted. The general "purpose" criterion would be supplemented by toxicity criteria and lists (Arts. II 8, III 2, 3, IV 2(f), Annex II, Sec. A(c); Annex III, Schedules A, B, C, and D).

Implementation and Verification

Recognizing that national technical means of verification are not capable of distinguishing between ordinary weapons, that facilities for the production of toxic substances for chemical weapons are difficult to distinguish from facilities producing chemicals for industry, and that some chemicals with peaceful utility may also be used in warfare, the DRAFT Treaty proposes a comprehensive series of verification measures, to be implemented by a Consultative Committee consisting of a representative of each party to the Convention. The day-to-day functions of the Committee are to be delegated to an Executive Council consisting of 15 members including representatives of those permanent members of the U.N. Security Council who are parties to the Convention (Art. VII; Annex I, A, B).

Fact-finding inquiries and the conduct of special onsite and ad hoc inspections are to be the responsibility of a five-member fact-finding panel consisting of the diplomats representatives of the U.S., U.S.S.R. and elected representatives of the Western group, the Eastern group, and the neutral/ non-aligned group.

The proposed system of implementation and verification includes:

Chemical Weapons Stockpiles
- Declared in detail within 30 days (Art. IV).
- Inspected promptly to confirm the declaration. Monitored until destruction by onsite inspectors and periodic inspection (Art. V 2, VII, Annex II).
- Destroyed within 10 years (Art. V).
- Destruction process verified by continuous monitoring with onsite instruments and continuous presence of international inspectors (Art. V 1).

Chemical Weapons Production Facilities
- Declared in detail within 30 days (Art. V(9)).
- Inspected promptly to confirm the declarations (Art. VI).
- Monitored until destruction by onsite inspectors and periodic international onsite inspection (Art. V 2).
- Destroyed within 10 years (Art. VI(g)).

- Destruction verified by monitoring with onsite instruments and periodic international onsite inspection (Art. VI 2, Annex 2).

Permitted Activities
Activities to protect against chemical attack would be permitted to continue:
- Production of superlethal chemical and key precursors for protective purposes restricted to a single small-scale facility (Art. III, 2).
- Quantities of such chemicals strictly limited to one metric ton (Art. III, 2).
- Single permitted facility subject to monitoring with onsite instruments and periodic international onsite inspection (Art. III, 2(b)).
- Annual declaration as to all key precursors (Art. III, 2(c); Annex II).

Specific provisions dealing with non-chemical weapons which pose a particular risk:
- Production and use of specified superlethal chemical and key precursors restricted to laboratory quantities for research, medical or protective purposes of establishments approved by the party (Art. III 3(a); Annex III 1, Schedule A).
- Production of specified key precursors and superlethal chemicals subject to systematic international onsite inspection (Art. III 3(b); Annex III 3, Schedule C).
- Other lethal chemicals and their precursors produced in large quantities for commercial use (i.e. chlorine, phosgene) are subject to annual declaration as to production and end uses (Art. III 3, Annex II, Schedule B).

Special Onsite Inspection
- A special anywhere-anytime onsite inspection conducted by inspectors designated by the Secretariat of the Consultative Committee, composed of inspectors from each member state of the fact-finding panel (except a state which is subject to inspection) will have unimpeded access to suspected sites and facilities subject to systematic onsite inspection pursuant to Articles III, V and VI, or any military or other facility owned or controlled by the government of a party (Art. X, Annex II).

Ad hoc Onsite Inspection
- For locations not subject to systematic or special onsite inspection (i.e., private commercial facilities or government facilities not producing superlethal chemical or key precursors), any
party may request the Consultative Committee to conduct an inspection to clarify and resolve matters which cause doubts about compliance or give rise to concerns about a related matter which may be considered ambiguous (Art. XI, 1).

The fact-finding panel determines whether the information furnished warrants the inspection and whether the proposed arrangements will limit intrusion to the level necessary to determine the facts.

The party involved is required to grant access except for the most exceptional reasons.

If access is refused, a full explanation is required and alternate means proposed for resolving the concern.

After taking into account the explanation and counterproposal, the fact-finding panel may issue a second request.

If the request is again rejected, the matter shall be submitted to the U.N. Security Council.

Comment

The terms of the Draft Treaty, if accepted by the major military powers, would provide the effective verification necessary to instill confidence in states that they would not be exposed to chemical or toxin attack by disarming their retaliatory capability which has deterred the use of chemical weapons against those possessing it since 1919. Verification by close inspection is essential as national technical means of verification cannot be expected to distinguish between chemical munitions and other munitions, nor between plants producing lethal chemicals for weapons use and those producing chemicals for peaceful purposes.

There should be little difficulty in achieving agreement with the Soviets on provisions for systematic onsite inspection of declared stockpiles and production facilities. They have already stated that this intrusion is acceptable to them. Negotiations for special mandatory onsite inspection of suspected undeclared stocks and facilities will be much more difficult.

The initial Soviet negative reaction made the plausible point that only government-owned and controlled stocks and facilities would be subject to this mandatory onsite inspection—which obviously exposes a communist state's entire chemical industry to intrusive inspection, while the private chemical industry of capitalist states would be spared this intrusion. This argument is not entirely true. The ad hoc inspection of Article XI procedure provides a reasonable alternative for resolving concerns regarding violations in private industry.

As a practical matter, special onsite inspection can be conducted only at the request of a member of the fact-finding panel, while the ad hoc inspections require either the consensus or a majority vote of the panel. It may be necessary to modify the ad hoc procedure so that the initiation of such inspection is equivalent and based on a showing of probable cause for concern in either case.

It has been suggested that the intrusion on the operations of the U.S. chemical industry may be intolerable, and perhaps unconstitutional. The burden of the maximum intrusion would fall on only those facilities of the private chemical industry which produce super lethal chemicals or their precursors (Art. III, Annex III, I, 3). This deals primarily with nerve gases but may be expanded to include other chemicals meeting the criteria of such substances.

The degree of intrusion with respect to chemicals of lesser lethality would be limited to written declaration and annual reports on relevant statistics unless ad hoc inspection is conducted, based on probable cause. The guidelines for inspections require implementation in a manner to avoid hampering the economic and technological activities of the parties and must be consistent with management practices required for the safe conduct of the activities subject to verification (Annex II, A(6)).

The constitutional problem is whether an inspection conducted under the procedures of Article XI of the Convention, but without a warrant issued by an American court, may be resisted as not conforming to Fourth Amendment standards. Although a treaty made under the authority of the U.S. is, on par with federal statutes, the supreme law of the land, it cannot authorize the United States in its action to contravene the constitutional rights of citizens (Reid v. Covert, 354 U.S. 1, 16-17 (1957)).

In earlier cases the Supreme Court employed only a reasonableness test as to non-criminal administrative inspections (Frank v. Maryland, 338 U.S. 360 (1959); Oklaho-
controlled stocks and facilities to this mandatory onsite inspection obviously exposes an entire chemical industry to constant government intrusion, while the private sector of capitalist states would be more regulated. This argument is strengthened by the fact that the ad hoc inspection of facilities is more intrusive than regulatory inspections. The ad hoc inspection only at the request of the fact-finding panel requires either a majority vote of the panel or the consent of the operator. The initiation of such inspections must be based on a reasonable suspicion of violation or a cause for concern in either case.

The maximum intrusion is possible when facilities of the prior art are involved, and the inspection is not sought as a result of the necessities of a regulatory scheme. In this context, the rationale for ad hoc inspections is to avoid hampering the activities of the consents. The consents have been managed and are included in the safe conduct of the businesses. The principles of onsite verification represent an urgent federal interest justifying U.S. cooperation with the ad hoc inspection provision. Moreover, the procedures based on a determination of reasonableness in the international organ established to supervise such inspections would conform to the standards set by Biswell.

**Conclusion**

The Draft Treaty affords a sound basis for the negotiation of a treaty banning chemical weapons.

**John Norton Moore**  
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*Editor's note: It is possible that the page is missing some content or is incomplete, as the text does not flow smoothly. The content might be intended for further discussion or has been edited out.*

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*Editor's note: The page contains a reference to *Camara v. Municipal Court* (387 U.S. 523 (1967)) and *U.S. v. Biswell* (406 U.S. 311 (1972)). It also references the principle of onsite verification, which is a concept that is used in various legal contexts, such as the protection of privacy and the regulation of chemical industries.*