

OCT 1 1971

Draft Treaty to Ban Biological Arms Sent to U.N.

By THOMAS J. HAMILTON

Special to The New York Times

GENEVA, Sept. 30.—The 25-member Geneva disarmament conference ended its work on a draft convention for the prohibition of biological warfare today and sent it to the United Nations General Assembly.

The revised proposal, the latest version of which was submitted jointly by the United States and the Soviet Union on Tuesday with 10 of their allies as co-sponsors, is expected to win the endorsement of the Assembly this fall, probably after some changes.

It was not approved formally by the disarmament conference because of dissatisfaction with its provisions on the part of several delegates from non-aligned nations. The indications had been that a majority of the nonaligned countries and Japan would formally go along with the draft because of their great desire for an accord.

U.S.-Soviet Report Sent

Today, however, a report to the Assembly by the two co-chairmen of the Geneva conference, James F. Leonard of the United States and Aleksei A. Roschin of the Soviet Union, limited itself to the statement that there was "a general consensus" in favor of the proposed agreement as the 1971 session of the conference ended.

The statement added that there had been a widely expressed hope that the Assembly would approve the text and request United Nations members to sign it.

The draft provides that the convention will not go into effect until it has been signed and ratified by 22 governments.



Associated Press
James F. Leonard of U.S., left, and Aleksei A. Roschin of the Soviet Union, co-chairmen of Geneva conference.

would be required to destroy stocks of bacteriological weapons and toxins, or to divert them to peaceful uses within nine months.

U. S. Destroying Stocks

The United States, the only government that has acknowledged the possession of such weapons, is already destroying when it is done. The Soviet Union promised this week to make a similar declaration, implying that it also had a stockpile.

Jorge Castaneda of Mexico, who had campaigned unsuccessfully

Article I of the convention would commit the parties to it "never in any circumstances to develop, produce, stockpile or otherwise acquire or retain microbial or other biological agents, or toxins, whatever their origin or method of production," if not justified for peaceful purposes.

It would impose a similar ban on weapons, equipment or means of delivery for such agents or toxins, and each state would assume an obligation not to transfer such weapons to other states.

But the draft does not include a call for a specific ban on the use of bacteriological weapons. This was rejected by the Soviet Union, which said it was unnecessary in view of the strictures against the use of bacteriological weapons expressed in the Geneva Protocol of 1925.

Appeal to U.N. Authorized

Like the treaty to halt the proliferation of nuclear weapons, the convention would authorize an appeal to the United Nations Security Council but imposes no penalties for violation. Any party to the agreement can invoke "extraordinary events" that have jeopardized its "supreme interests" and on three months' notice, refuse to be bound by the agreement.

When Britain, with United States support, submitted the first draft here in 1969, the cause appeared hopeless.

But London and Washington were unwilling to include a ban on chemical weapons since some deadly chemicals have civilian uses and there was no dependable way to check up on compliance. On the other hand, the Soviet Union insisted that it would not agree to anything less than the simultaneous prohibition of both chemical and bacteriological weapons.

cal and bacteriological weapons.

The nonaligned participants, moreover, did not exert any pressure on Moscow to give way because they were concentrating on a ban on underground nuclear tests.

Although Britain introduced various refinements in her proposal at the 1969 and 1970 sessions, the Soviet attitude appeared to rule out any possibility of agreement. In March, 1971, however, Mr. Roschin unexpectedly announced that Moscow would agree to separate the two issues and presented his own proposal for the prohibition of bacteriological weapons.

According to his subsequent statements, his Government adopted this course because it realized that otherwise the United States would block any agreement.

In August, the United States and the Soviet Union submitted identical drafts, which rejected two principal provisions of the British draft, one prohibiting the use as well as the possession of bacteriological weapons, the other authorizing the Secretary General of the United Nations to make an independent investigation of suspected violations.

The second draft, introduced Tuesday, had been amended to emphasize the prospect of negotiations on chemical warfare, but it again rejected both British proposals.

As a result, the only recourse in case of a violation is to the Security Council, whose decisions would be subject to the veto. However, the latest draft provides that the Council will inform parties to the agreement of the results of the investigation before a veto becomes operative.