

## BOOKS AND REVIEWS

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HENRI MEYROWITZ: "LES ARMES BIOLOGIQUES  
ET LE DROIT INTERNATIONAL" <sup>1</sup>

The author begins his work, which is sub-titled: "Droit de la guerre et désarmement", with a brief introduction, then successively examines the two legal problems forming the entire subject of the book. These are the employment of biological weapons (B) and their production and possession. In view of the close link existing between these weapons and chemical arms (C), many questions relating to the latter are also dealt with.

The pages concerning the employment of B weapons are grouped in two chapters. One of these examines the Geneva Protocol of 1925 which, in addition to chemical weapons, also prohibits the use of "bacteriological" methods of warfare. The other studies the rules of general international law applicable to the use of biological weapons.

A brief historical synopsis of the question, before the Geneva Protocol, is followed by several pages devoted to the problems raised by the interpretation of the said Protocol. The author first of all maintains that the expression "use in war" employed in this instrument is out of date and equivocal. The word "war" should be understood in its widest and most material sense, comprising armed conflicts in which the state of war is contested, as well as wars which have been declared. Furthermore, the fact that prohibition only aims at hostilities between contracting States cannot legitimize usage in other circumstances, notably in cases of conflict not of an international character. Finally, by virtue of a general principle of the law of war, interdiction is imposed as much on the victim as on the aggressor and that whether the weapon is used offensively or for defence.

A few pages deal with animal and vegetable objectives, then there is definition of weapons connected with their prohibition. In spite of the letter of the Protocol it is not a question only of "bacteriological" weapons but of "biological" arms in general. All use of such arms and not their massive employment is prohibited. According to the writer this covers not only B weapons with merely

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<sup>1</sup> Editions A. Pedone, Paris, 1968, 157 p.

incapacitating effect, but also those likely to do damage to health or lead to death. The opposite interpretation would be false and also have dangerous results.

Mr. Meyrowitz describes international practice in connection with the Geneva Protocol, together with an examination of the reservations to that Protocol, reservations which, moreover, are out of date to the extent in which they are contrary to present customary law. He then studies the problem of sanctions. The Protocol being silent on this subject, reference must be made to the rules of general international law. The use of B and C methods of warfare is not, in principle, permitted in the form of reprisals unless in reply to a violation of the Protocol. However, the author also accepts it for a State not in possession of atomic weapons, following on an attack made by such methods.

The chapter devoted to general international law as regards the employment of B weapons, law characterised by the prohibition of these weapons, starts with an examination of the three principles applicable to these arms: the immunity of the civilian population, the interdiction of the use of poisonous substances and the prohibition of methods likely to cause unnecessary damage. The principle of the immunity of the civilian population remains in force in spite of numerous violations. It does not matter, in this sphere, that the record of such grave breaches given by the author is incomplete or not. In fact, as he rightly remarks, no legal declaration rendering them lawful has been formulated. He then examines customary law prohibiting, in particular, the use of B weapons. Such custom exists and several pages are devoted to proving this.

The subject of the second part of the work, that of production and the possession of B weapons is characterised by complete freedom, if one leaves out of account unilateral prohibitions imposed by treaty on certain States. After scrupulously weighing the pros and the cons, the author recommends the prohibition of such production and possession.

It gives us pleasure to draw to Mr. Meyrowitz's most interesting work the attention of our readers who will recall that the *International Review* recently published a significant article of his on the St. Petersburg Declaration.

B. de C.