

Appendix I

GENEVA PROTOCOL OF 1925

The 1925 Geneva Protocol banned the use in war of all "asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices" and of "bacteriological methods of warfare."¹⁰ To date, 84 states, including almost all of the major industrial powers, have ratified or acceded to the Protocol.³

The United States, however, has not ratified it.

There was general agreement at the time the Protocol was drawn that the document prohibited any and all forms of chemical or biological warfare.²⁴ This interpretation was reaffirmed by the Political Committee of the General Assembly of the United Nations on December 10, 1969; the vote, in specific opposition to United States use of herbicides and tear gases in Vietnam, was 58 yes, 3 no (United States, Australia and Portugal).²⁵

The World Health Organization has also condemned the use of herbicides and tear gases in warfare.³

Appendix II

NUREMBERG PRINCIPLES

The Charter of the International Military Tribunal at Nuremberg (1945) affirmed that war crimes and crimes against humanity are crimes under international law.²⁶ The Charter defined "murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population" as "crimes against humanity," and "wanton destruction of cities, towns or villages, or devastation not justified by military necessity" as war crimes.²⁶ These principles and definitions were stated in an executive agreement concluded by the United States, the USSR, France and Great Britain on August 8, 1945. These same principles and definitions were reaffirmed by the United Nations General Assembly;²⁷ they are considered binding international law.

The United States and allied forces carry out the destruction of villages and crops, extensive bombing and defoliation, and relocation of people from the countryside to "strategic hamlets" in an attempt to deprive the NLF of potential support.²⁸ These actions—"wanton destruction," "devastation," and "deportation"—seem clearly to fall within the definition of crimes against humanity and war crimes.

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