UNITED NATIONS CONFERENCE ON PROHIBITIONS OR RESTRICTIONS OF USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCERNATE EFFECTS

Report of the First Committee

Rapporteur: Mr. Ronald Listeri KENSMIL (Suriname)

I. INTRODUCTION

1. The item entitled "United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects: report of the Conference" was included in the provisional agenda of the thirty-fifth session in accordance with General Assembly resolution 34/82 of 11 December 1979.

2. At its 3rd plenary meeting, on 19 September 1980, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 3rd meeting, on 9 October, the First Committee decided to hold a combined general debate on the items allocated to it relating to disarmament, namely, items 31 to 49 and item 121. The general debate on these items took place at the 4th to 28th meetings, from 15 October to 4 November (see A/C.1/35/PV.4-28).

4. In connexion with item 43, the First Committee had before it the final report of the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (A/CONF.95/15).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.1/35/L.15 and Rev.1

5. On 12 November, Finland, France, Germany, Federal Republic of, India, Ireland, Italy, Jamaica, Mexico, the Netherlands, Nigeria, Pakistan, Romania, Spain, Sweden.
the United Republic of Tanzania and Yugoslavia submitted a draft resolution (A/C.1/35/L.15), which was subsequently also sponsored by Belgium, Greece and Suriname. The draft resolution was introduced by the representative of Nigeria at the 31st meeting, on 13 November.

6. On 18 November, Belgium, Bulgaria, Finland, France, the German Democratic Republic, Germany, Federal Republic of, Greece, Ireland, Italy, Jamaica, Mexico, the Netherlands, Nigeria, Pakistan, Romania, Spain, Suriname, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Yugoslavia submitted a revised draft resolution (A/C.1/35/L.15/Rev.1) whereby operative paragraph 5, which read as follows:

"5. Takes note that, under article 8 of the Convention, conferences may be convened to consider amendments to the Convention or any of the annexed Protocols; to consider additional Protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols; and/or to review the scope and operation of the Convention and the Protocols annexed thereto"

was revised to read:

"5. Takes note that, under article 8 of the Convention, conferences may be convened to consider amendments to the Convention or any of the annexed Protocols; to consider additional Protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols; or to review the scope and operation of the Convention and the Protocols annexed thereto and to consider any proposal for amendments to this Convention or to the existing Protocols and any proposals for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols."

The revised draft resolution was later also sponsored by Barbados, Egypt, Sierra Leone, the Union of Soviet Socialist Republics, Viet Nam and Zaire.

7. At its 37th meeting, on 20 November, the Committee adopted draft resolution A/C.1/35/L.15/Rev.1 without a vote (see para. 6).

III. RECOMMENDATION OF THE FIRST COMMITTEE

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:
United Nations Conference on Prohibitions or Restrictions of Use of
Certain Conventional Weapons Which May Be Deemed to Be Excessively
Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolutions 32/152 of 19 December 1977, 33/70 of
14 December 1978 and 34/82 of 11 December 1979,

Reiterating its conviction that the suffering of civilian populations and of
combatants could be significantly reduced if general agreement could be attained
on the prohibition or restriction for humanitarian reasons of the use of specific
conventional weapons, including any which may be deemed to be excessively injurious
or to have indiscriminate effects,

Reaffirming its belief that positive results as regards the non-use or
restriction of use for humanitarian reasons of specific conventional weapons would
serve, in addition, as encouragement in the broader field of disarmament,

Recalling that, by its resolutions 32/152 and 33/70, it decided to convene
in 1979 the United Nations Conference on Prohibitions or Restrictions of Use of
Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or
to Have Indiscriminate Effects and established the mandate of the Conference,

Further recalling that, by its resolution 34/82, it endorsed the
recommendation of the Conference to hold another session in September/October 1980,
with a view to completing negotiations in conformity with General Assembly
resolutions 32/152 and 33/70,

Conference on Prohibitions and Restrictions of Use of Certain Conventional Weapons
Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,
held at Geneva from 10 to 28 September 1979 and from 15 September to
10 October 1980; 1/

2. Welcomes the successful conclusion of the Conference, which has
resulted in a Convention and three Protocols, adopted by the Conference on
10 October 1980, namely: the Convention on Prohibitions or Restrictions on the Use
of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or
to Have Indiscriminate Effects, the Protocol on Non-Detectable Fragments (Protocol I),
the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and
Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the
Use of Incendiary Weapons (Protocol III);

1/ A/CONF.95/15.
3. Takes note of article 3 of the Convention, which stipulates that the Convention shall be open for signature on 10 April 1981;

4. Commends the Convention and the three annexed Protocols to all States, with a view to achieving the widest possible adherence to these instruments;

5. Takes note that, under article 8 of the Convention, conferences may be convened to consider amendments to the Convention or any of the annexed Protocols, to consider additional Protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols, or to review the scope and operation of the Convention and the Protocols annexed thereto and to consider any proposal for amendments to the Convention or to the existing Protocols and any proposals for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols;

6. Requests the Secretary-General, as the Depositary of the Convention and its annexed Protocols, to inform the General Assembly from time to time of the state of adherence to the Convention and its three annexed Protocols;

7. Decides to include in the provisional agenda of its thirty-sixth session an item entitled "United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".