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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

Second session

COMMITTEE OF THE WHOLE

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva, on
Friday, 26 September 1980, at 10.30 a.m.

Chairman: Mr. VOUTOV (Bulgaria)

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The meeting was called to order at 10.50 a.m.

ORGANIZATION OF WORK

1. The CHAIRMAN said that he had called the meeting so that the Working Group on Incendiary Weapons and the Working Group on Landmines and Booby-Traps could report to the Committee on their work. The Working Groups had been scheduled to submit their final reports at the current meeting, but, from the consultations he had held with the Chairmen of the Working Groups, it appeared that they were not in a position to do so. They would therefore make oral interim reports on the progress which their Groups had made in resolving outstanding issues, as well as specific proposals for future work.

2. He invited the Chairman of the Working Group on Incendiary Weapons to submit his interim report.

3. Mr. FELBER (German Democratic Republic), Chairman of the Working Group on Incendiary Weapons, said that although the Working Group had been scheduled to submit its final report at the current meeting, in accordance with a decision taken by the Committee, the Working Group had authorized him to present a second interim report to the Committee.

4. Since 19 September, the Working Group had held one formal meeting, four informal meetings and one meeting of a small contact group. The discussions of the question of the protection of combatants had been based on the text contained in document A/CONF.95/8, oral proposals and suggestions and an informal working paper which he had submitted on 23 September. Despite the efforts made to find a solution that would be acceptable to all delegations, he had to note with regret that no agreement had been reached on the question of the protection of combatants. Some delegations had been of the opinion that no restrictions or prohibitions on the use of incendiary weapons against combatants would be accepted. The Working Group had therefore agreed to postpone discussion of that question until it had completed its consideration of the rules on the protection of civilians and civilian objects. For various reasons, however, the time had not been ripe for further discussion of those rules.

5. At his suggestion, the Working Group had therefore held two informal meetings and a meeting of a small contact group at which it had discussed a proposal on the question of the protection of elements of the natural environment. The contact group had reached agreement on a text (A/CONF.95/CW/IG.2/CRP.4) which he had then submitted on 25 September to an informal meeting of the Working Group. Although there had been no objection to the discussion of that question, some delegations had, for reasons of principle, made reservations concerning the drafting of the text which he had submitted. The Working Group had therefore agreed to postpone its work on that question as well.

6. Although the Working Group had been unable to reach agreement on the remaining outstanding issues to be covered in the draft protocol on incendiary weapons, it was of the opinion that it should pursue its efforts. It had therefore authorized him to request the Committee to allow it further time for its discussions. It intended to complete its work on 1 October and to discuss its final report on 2 October, submitting it for consideration by the Committee on 3 October. He hoped that the Committee would approve that request.

7. The CHAIRMAN invited the Chairman of the Working Group on Landmines and Booby-Traps to submit his interim report.

8. Mr. AKKERMAN (Netherlands), Chairman of the Working Group on Landmines and Booby-Traps, said that, as a result of the Committee's decision to extend the deadline for the submission of the Working Group's final report, the Working Group had held five further meetings, during which it had endeavoured to resolve the outstanding issues to which he had referred in his previous report to the Committee. The Working Group had also decided to establish a technical sub-group to consider issues raised in the context of the proposals by Morocco concerning a technical annex to the proposed protocol contained in document A/CONF.95/8.

9. A number of proposals relating to article 3 (3) of the draft protocol had been made by delegations and by himself, thereby providing a basis for further discussion in the Working Group. In that connexion, he wished to report that broad agreement had been reached on a proposal which he had submitted and which was contained in document A/CONF.95/CW/WG.1/L.12, which read:

"Article 3 (3)

Proposal submitted by the Chairman

(3) All such records shall be retained by the Parties who shall:

(a) Immediately after the cessation of active hostilities:

(i) Take all necessary and appropriate measures, including the use of such records, to protect civilians from the effects of minefields, mines and booby-traps; and either

(ii) In cases where the forces of neither party are in the territory of the adverse party, make available to each other and to the Secretary-General of the United Nations all information in their possession concerning the location of minefields, mines and booby-traps in the territory of the adverse party; or

(iii) Once complete withdrawal of the forces of the parties from the territory of the adverse party has taken place, make available to the adverse party and to the Secretary-General of the United Nations all information in their possession concerning the location of minefields, mines and booby-traps in the territory of the adverse party;

(b) When United Nations forces or missions perform functions in any area or areas, make available to the authority mentioned in Article 3 bis such information as is required by that Article;

(c) Whenever possible, by mutual agreement, provide for the release of information concerning the location of minefields, mines and booby-traps, particularly in agreements governing the cessation of hostilities."

Several delegations had, however, expressed reservations because, in their view, humanitarian concerns had not been adequately reflected in that proposal.

10. With regard to article 4, he recalled that, in his previous report to the Committee, he had noted that the delegation of Yugoslavia had reaffirmed its position, as reflected in the foot-note relating to that article, and that, while it had offered several other alternatives, none of them had met with the general approval of the Working Group. Time had not permitted any further discussion of that matter in the Working Group.

11. The sub-group had met three times to consider the technical annex to which he had referred earlier and had succeeded in formulating a text which reflected the common ground that could, thus far, be reached on the matter. The sub-group had been of the opinion that further consideration of the issues involved was necessary. The Working Group had endorsed the recommendation of the sub-group, which was contained in document A/CONF.95/CW/WG.1/L.13 and which read:

"Agreed Elements of the Proposed Technical
Annex to the Protocol

Guidelines on Recording

Where an obligation for the recording of the location of minefields, mines and booby-traps arises under the Protocol, the following guidelines shall be taken into account.

1. With regard to preplanned minefields and large-scale and preplanned use of booby-traps:
 - (a) Maps, diagrams or other records should be made in such a way as to indicate the extent of the minefield or booby-trapped area;
 - (b) The location of the minefield or booby-trapped area should be specified by relation to the co-ordinates of a single reference point and by the estimated dimensions of the area containing mines and booby-traps in relation to that single reference point.
2. With regard to other minefields, mines and booby-traps laid or placed in position:

In so far as possible, the relevant information specified in paragraph 1 above should be recorded so as to enable the areas containing minefields, mines and booby-traps to be identified."

12. On the basis of those developments and in view of the possibility of resolving the outstanding issues, the Working Group had authorized him to request the Committee to extend the deadline for the submission of the Working Group's final report to Thursday, 2 October 1980. In order to meet that deadline, the Working Group would have to complete its substantive work by Tuesday, 30 September, at the latest. In consultation with the secretariat, he would then use part of 30 September and 1 October for the preparation of the final report, which could then be adopted by the Working Group and submitted to the Committee on 2 October.

13. The CHAIRMAN said that the Chairmen of the two Working Groups thus considered that it would be useful if the mandates of the Working Groups could be extended because, if they had additional time, they might be more successful in resolving the remaining outstanding issues. He fully understood that the issues which were

preventing agreement were of great importance to the participating States, but it was also obvious that differences in approach could be overcome only by joint efforts, good will, the necessary flexibility and, above all, readiness to be accommodating. In that spirit, he suggested that the Working Groups should be given until 30 September to complete their work, on the understanding that they would adopt the final reports on 1 October and submit them to the Committee on 2 October. The agreed texts of the draft protocols would then be immediately referred to the Drafting Committee for its consideration.

14. Many heads of delegations had made it clear to him that, in their view, the Conference would be doomed to failure if the final draft texts could not be considered by 3 October. Delegations had been discussing the problems under consideration for two years and their positions were quite clear. Extensions of deadlines would therefore not help. It should also be borne in mind that the process of obtaining clearance from Governments was a lengthy one. In the interests of the Conference, delegations should therefore make every effort to complete their work as rapidly as possible.

15. Mr. de ICAZA (Mexico) said that his delegation fully agreed with the Chairman's suggestions and shared his concern about the time available to the Conference for the completion of its work. He therefore proposed that the plenary meeting scheduled for 29 September should be postponed so that the Working Groups would have more time in which to complete their discussions and the preparation of their final reports.

16. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) said that his delegation supported the proposal by the representative of Mexico.

17. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed that he should suggest to the President of the Conference that the plenary meeting scheduled for 29 September should be postponed until a later date.

18. It was so agreed.

19. Mr. CIVIĆ (Yugoslavia), referring to the report by the Chairman of the Working Group on Landmines and Booby-Traps, said that it should be made quite clear that all delegations had reaffirmed their positions with regard to article 4 and that, since the Working Group had devoted most of its time to article 3, it had not been able to give adequate consideration to article 4.

20. Mr. AKKERMAN (Netherlands), Chairman of the Working Group on Landmines and Booby-Traps, said that he had made it quite clear in his report that time had not permitted a full discussion of article 4.

21. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to extend the deadline for the completion of the final reports of the Working Groups until 30 September 1980.

22. It was so decided.

23. Mr. AKRAM (Pakistan), Chairman of the Drafting Committee, said that the Drafting Committee's task would be greatly facilitated if parts of the draft protocols on which agreement had already been reached could be transmitted to it as soon as possible.

24. Following a brief discussion, in which the CHAIRMAN, Mr. AKKERMAN (Netherlands), Chairman of the Working Group on Landmines and Booby-Traps, Mr. FELBER (German Democratic Republic), Chairman of the Working Group on Incendiary Weapons, and Mr. de ICAZA (Mexico), Chairman of the Conference Working Group on a General Treaty, took part, the CHAIRMAN suggested that the Chairmen of the Working Groups should submit the texts of the draft protocols on which agreement had been reached to the Drafting Committee as soon as possible.

25. It was so decided.

CONSIDERATION OF PROHIBITIONS OR RESTRICTIONS OF USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS (agenda item 3) (continued) (A/CONF.95/CW/5)

26. Mr. JANZON (Sweden) noted that during the first session of the Conference, discussion of the question of small calibre weapon systems had been limited to the adoption of a resolution which had contained, inter alia, an appeal to Governments to exercise the utmost care in the development of such systems, so as to avoid an unnecessary escalation of their injurious effects. According to information available to his delegation, that appeal had been taken into account by States during the intervening period.

27. The resolution had also encouraged research with a view to developing standardized assessment methodology relative to ballistic parameters and medical effects of such systems. In addition, it had invited Governments to communicate their findings and conclusions. His delegation therefore had the honour to present to the Conference results of investigations which had been conducted in Sweden and which were aimed especially at extending the basis for an agreement on a standardized testing method that was universally acceptable.

28. In document A/CONF.95/PREP.CONF./L.14 Mexico and Sweden had submitted a draft proposal which sought to set an upper limit to the energy transferred to a human being by the penetrating bullet in typical cases. The proposal had been based on the established fact that the injurious effect of a bullet was proportional to the energy it transferred to the target. As defined in the proposal, energy transfer characteristics involved a general description of how and where the energy of a projectile was released in the target. The appendix to the proposal outlined a test method to determine those characteristics. The tests were to be carried out against targets of tissue simulant and the energy transfer of the bullet was to be measured as a function of the bullet's penetration depth. On the basis of the results contained in document A/CONF.95/CW/5, it was possible to devise such a test that could easily be applied by all parties concerned.

29. The first report combined firings against live muscle tissue with the study of one type of soft soap as a simulant material to replace the tissue. The investigation had been performed by comparative firings of two types of standard bullets against both live, anaesthetized pigs and soap blocks. The passage of bullets through the target had been recorded by means of highly sophisticated flash X-ray techniques. The results showed that no significant difference could be discerned between the soft soap and animal tissue, with regard to their influence on the behaviour of the bullet.

30. In the second investigation, a mathematical model was constructed for determining energy transfer as a function of penetration depth from simple measurements of the remaining cavity caused by the passage of the bullet through a block of soft soap.

The model was shown to be fairly adequate, at least for the first, most important, part of the bullet's penetration, before it tumbled completely. Page 3 of document A/CONF.95/CW/5 contained a curve for the energy transfer as a function of penetration depth, in units of length, measured to the centre of mass of the projectile for a typical 7.62 mm small calibre weapon system. The curve, which was the average of 16 shots, was an example of what was meant by "energy transfer characteristics".

31. To make possible a proper discussion of new facts and developments regarding testing methods, his delegation wished to propose the establishment of a working group as a sub-group of the Committee. The mandate of such a group should be to note new facts, discuss their implications and establish possible common ground for test methods and standardization of assessment methodology. Although the discussion was not expected to lead to complete agreement on all aspects of the testing of small calibre projectiles, his delegation thought that considerable progress towards increased international understanding in respect of small calibre weapon systems might be achieved by the deliberations of such a group. It did not think that the work of the proposed group would affect activities in other fields of interest.

32. Mr. RUIZ PÉREZ (Mexico) said that at the Preparatory Conference his delegation and that of Sweden had submitted a draft proposal on the regulation of small calibre weapon systems because of the difficulty encountered in that regard at the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. The study carried out by Sweden made it possible to state that the effects of the use of small calibre weapon systems was proportional to the energy transferred to the human target by the projectile. His delegation commended the Swedish delegation on the informative working paper it had submitted and supported its proposal for the establishment of a working group on small calibre weapon systems.

33. Mr. KEISALO (Finland) expressed appreciation of the efforts made by the delegations of Sweden and Mexico to determine the injurious effects of small calibre weapon systems. He agreed that further discussion was needed and supported the proposal by Sweden for the establishment of a working group. He commended the Swedish authorities on the interesting work they had undertaken.

34. Mr. GAYNOR (Ireland) said that he, too, wished to thank the Swedish delegation for the information it had provided. He fully supported the proposal for the establishment of a working group on small calibre weapon systems. In his opinion, such a group would make an important contribution to the work of the Conference.

35. Mr. EZZ (Egypt) commended the Swedish delegation on the constructive work it had done. It was clear that the question of small calibre weapon systems was worthy of attention, since such systems were the most widely used in the world. His delegation fully supported the Swedish proposal.

36. Mr. MARTÍN-HERRERO (Spain) associated his delegation with previous speakers in supporting the Swedish proposal to establish a working group on small calibre weapon systems, since the question had already been before the Conference and deserved further study. He also commended the Swedish delegation on the excellent work done.

37. Mr. BENAJILIA (Tunisia) also supported the Swedish proposal for the establishment of a working group. However, he expressed the hope that the relevant document would be translated into either Arabic or French, his delegation's working languages. Unless that was done, his delegation would find it impossible to participate in the work of the proposed working group.

38. Mr. THUN (German Democratic Republic) said that, in view of the little time available, it would be preferable if the Committee concentrated its efforts on finalizing the work of the existing Working Groups before deciding to establish a new body.

39. Mr. de la GORCE (France) agreed that the relevant document should be translated into the working languages of the Conference. The question dealt with in the document, which existed only in English, was of the greatest importance and his delegation and authorities would find it difficult to give it the careful study it deserved unless it was also made available in the French language.

40. Mr. CIVIC (Yugoslavia) commended the Swedish delegation on the important work it had done. His delegation considered the question to be of the utmost importance and therefore supported the Swedish suggestion for the establishment of a working group.

41. Mr. FERRER-ANGUIZOLA (Panama) associated himself with the representatives who had congratulated the Swedish delegation on the important work done by it. The document in question should be translated into Spanish so that his delegation would be able to participate in the proposed working group.

42. However, since there was little time available and a great deal of work remained to be done in the existing Working Groups, his delegation did not think that it would be possible for the proposed working group to make much progress.

43. Mr. MARSHALL (United Kingdom) expressed his appreciation to the Swedish delegation for the diligent work it had done in connexion with the important question of small calibre weapon systems. He agreed that more work should be done and noted that an international scientific symposium was to be held in Sweden in 1981 at which more light would be shed on that important question.

44. With regard to the proposal to establish a working group, his delegation wondered whether the activities of such a group could be fitted into the Committee's programme. The prime task of the Conference was to complete legislation on certain conventional weapons. The Conference was close to completing that work and should give it priority. He thought that it might be preferable for the Committee to defer taking a decision on the establishment of the proposed working group until it had a better idea about the progress of its work in other fields.

45. Mr. PAZOS (Cuba) agreed with the representative of the German Democratic Republic that, in view of the little time available, priority should be given to completing the work of the two existing Working Groups.

46. Mr. MATHESON (United States of America) said that his delegation agreed with the views expressed by the United Kingdom representative. The Committee should take no action that would divert it from its primary task. His delegation therefore thought it premature to establish the proposed working group at the present time. Members might consider the possibility of holding informal consultations on the question of small calibre weapon systems the following week. His delegation would be prepared to participate in such discussions.

47. Mr. TANASA (Romania) commended the Swedish delegation on the working paper it had submitted. In view of the importance of the problem, his delegation supported the proposal to establish a working group. However, the establishment of such a group would of course depend on the amount of time available to the Committee.

48. Mr. SKALA (Sweden) said that his delegation had no desire to disturb the smooth functioning of the Conference. Its proposal was not aimed at reaching an agreement on the question of small calibre weapon systems at the current session. The results of the investigations carried out in his country had provided information which his Government had thought would provide a sound basis for discussion at the Conference. His delegation was prepared to accept the suggestion that interested delegations should enter into informal consultations on the question the following week. A decision on the establishment of the working group should be postponed until the results of the deliberations of the existing Working Groups were known.

49. The CHAIRMAN said it appeared from the discussion that the relevant document should be issued in all working languages of the Conference and that the question of establishing the proposed working group deserved further study. He therefore suggested that the Committee should defer consideration of the question for the time being.

50. It was so agreed.

The meeting rose at 12.15 p.m.