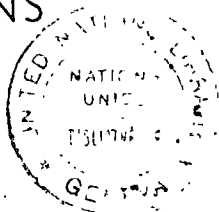


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UNITED NATIONS CONFERENCE ON PROHIBITIONS
OR RESTRICTIONS OF USE OF CERTAIN CONVENTIONAL
WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY
INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Geneva, 10-28 September 1979

CONSIDERATION OF 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 Committee of the Whole

1. At its first plenary meeting, on 10 September 1979, the Conference, in accordance with Rule 33 of its Rules of Procedure, referred the reports containing texts concerning certain conventional weapons that had been submitted to the Conference by the Preparatory Conference, to the Committee of the Whole, which, in turn, could establish working groups as appropriate.
2. The Committee held 9 meetings, the summary records of which are set out in document A/CONF.95/CW/SR.1 to 9. The Committee was chaired by Mr. Petar Voutov (Bulgaria), who had been appointed by the Conference pursuant to Rule 6 of the Rules of Procedure.
3. At its first meeting, on 12 September, the Committee decided, in view of the fact that a solid basis for an agreement on certain categories of weapons had been laid during the Preparatory Conference, to establish a Working Group on Landmines and Booby-Traps and a Working Group on Incendiary Weapons. At its third meeting, on 13 September, the Committee appointed Mr. Robert J. Akkerman (Netherlands) as Chairman of the Working Group on Landmines and Booby-Traps and Lt.-Col. R. Felber (German Democratic Republic) as Chairman of the Working Group on Incendiary Weapons.
4. At its 9th meeting, on 27-28 September, the Committee adopted the present report on its work, on the basis of a draft submitted by its Chairman (A/CONF.95/CW/CRP.2).

A. Landmines and Booby-Traps

5. At its first meeting the Committee referred to its Working Group on Landmines and Booby-Traps the "Proposal on the regulation of the use of landmines and other devices: draft articles for a treaty" submitted to the Conference by the Preparatory Conference (A/CONF.95/3, Annex II, Appendix B). At its fourth meeting, on 18 September, the

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Committee received a proposal from the representative of Morocco concerning increased protection for children against effects of certain conventional weapons, which the Committee also referred to the Working Group (A/CONF.95/CW/WG.1/L.2).

6. At the sixth meeting of the Committee, on 25 September, the Chairman of the Working Group on Landmines and Booby-Traps submitted a report on the results of the Group's work in the form of a "Draft Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and other Devices" (A/CONF.95/CW/1), which was discussed at that meeting of the Committee.

7. At the same meeting the question of sub-paragraph (3)(iii) of Article 3 of the Draft Protocol, as to which no agreement had been achieved in the Working Group, was referred to informal consultations convened by Mr. N.H. Marshall (United Kingdom). The latter reported, at the seventh meeting, on 26 September, certain suggestions concerning sub-paragraphs (3)(i) and (iii) of Article 3, which were approved by the Committee and are recorded in document A/CONF.95/CW/1/Rev.1. The text of the Draft Protocol, as approved by the Committee, subject to a reservation by the delegation of Yugoslavia as to Article 4, appears in Annex I to this report.

8. At its ninth meeting, on 27 September, the Committee received the formal report of the Working Group on Landmines and Booby-Traps (A/CONF.95/CW/1/Rev.1/Add.1), which constitutes, together with the Draft Protocol prepared by the Group, Annex II to this report.

B. Incendiary Weapons

9. At its first meeting the Committee referred to its Working Group on Incendiary Weapons the "Working paper of the Drafting Group on Incendiary Weapons on elements of an agreement on incendiary weapons" submitted to the Conference by the Preparatory Conference (A/CONF.95/3, Annex III).

10. At the seventh meeting of the Committee, the Chairman of the Working Group on Incendiary Weapons submitted a report on the results of the Group's work in the form of a "Draft Protocol on Prohibitions or Restrictions of the Use of Incendiary Weapons" (A/CONF.95/CW/2), which was discussed at that meeting. The Committee decided to refer the Draft Protocol to the Conference.

11. At the same meeting, a proposal sponsored by Austria, Egypt, Ghana, Jamaica, Mexico, Romania, Sweden, Switzerland, Venezuela, Yugoslavia and Zaïre, for a "Draft Protocol on Incendiary Weapons" (A/CONF.95/CW/L.1) was introduced. At the ninth meeting a proposal sponsored by Australia and the Netherlands, for a "Draft Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons" (A/CONF.95/CW/L.3) was introduced. These two proposals appear in Annex IV to this report.

12. At its ninth meeting the Committee received the formal report of the Working Group on Incendiary Weapons (A/CONF.95/CW/2/Add.1), which constitutes, together with the Draft Protocol prepared by the Group, Annex III to this report.

C. Non-Detectable Fragments

13. At its third meeting the Committee decided to refer to the Drafting Committee the "Draft proposal concerning non-detectable fragments" on which unanimous agreement had been reached at the Preparatory Conference (A/CONF.95/3, Annex II, Appendix A). As the Drafting Committee did not meet during the present Conference, it submitted no report to the Committee of the Whole on this item.

D. Other Categories of Weapons

14. At its first meeting the Committee decided that other categories of weapons that delegations might wish to discuss could be taken up at subsequent meetings of the Committee. Consequent on that decision, a general discussion concerning several categories of weapons (small calibre projectiles, fuel-air explosives and certain fragmentation weapons) took place at the fifth meeting, on 21 September.

15. At the eighth meeting, the representative of Sweden introduced, also on behalf of Egypt, Ireland, Jamaica, Mexico, Switzerland and Uruguay, a "Draft Resolution on Small Calibre Weapon Systems" (A/CONF.95/CW/L.2), which was discussed at that meeting and to which a number of oral amendments were proposed (recorded in the summary records). Discussion was resumed at the ninth meeting on the basis of a revised proposal (A/CONF.95/CW/L.2/Rev.1). After further discussion and revision, the text recorded in Annex V hereto was approved.

SCHEDULE OF ANNEXES

- Annex I. Draft Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as approved by the Committee of the Whole (A/CONF.95/CW/1/Rev.1, with a note reflecting the reservation of Yugoslavia as to Article 4*)
- Annex II Report of the Working Group on Landmines and Booby-Traps (A/CONF.95/CW/1/Rev.1/Add.1, to which there will be attached the text of the Draft Protocol in A/CONF.95/CW/1)
- Annex III Report of the Working Group on Incendiary Weapons (A/CONF.95/CW/2/Add.1, to which there will be attached the text of the draft Protocol in A/CONF.95/CW/2)
- Annex IV Additional Proposals Concerning Incendiary Weapons
- A. Draft Protocol on Incendiary Weapons (sponsored by Austria, Egypt, Ghana, Jamaica, Romania, Sweden, Switzerland, Venezuela, Yugoslavia, and Zaire--A/CONF.95/CW/L.1 and Add.1 (recording the cosponsorship of Switzerland))
- B. Draft Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (sponsored by Australia and the Netherlands--A/CONF.95/CW/L.3)
- Annex V Draft resolution on Small Calibre Weapons, recommended by the Committee of the Whole for adoption by the Conference (A/CONF.95/CW/L.2/Rev.1, with an addition**)

* The text of that note reads as follows:

"The delegation of Yugoslavia suggested that paragraph (1) of Article 4 should read as follows: '(1) The indiscriminate use of remotely delivered mines is prohibited.', and it therefore reserved its position on that paragraph.

** The following words are to be added at the end of operative paragraph 5 of the draft resolution:

"and hopes that the results of the symposium will be made available to the United Nations Disarmament Commission, the Committee on Disarmament and other interested fora;"