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Thirty-sixth session  
Item 52 of the provisional agenda\*

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 Secretary-General

1. In resolution 35/153 of 12 December 1980, the General Assembly, inter alia, welcomed the successful conclusion of the Conference, which resulted in the adoption, on 10 October 1980, of the following instruments:

- (a) 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;
- (b) Protocol on Non-Detectable Fragments (Protocol I);
- (c) Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II);
- (d) Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III);

took note of article 3 of the Convention, which stipulated that the Convention shall be open for signature on 10 April 1981; commended the Convention and the three annexed Protocols to all States, with a view to achieving the widest possible adherence to those instruments; and requested the Secretary-General, as the Depository 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.

2. The Secretary-General, as Depository of the Convention and of its three annexed Protocols, opened the Convention for signature in New York on 10 April 1981, in accordance with article 3.

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\* A/36/150.

3. Thirty-five States signed the Convention on that date and 6 States did so subsequently.

4. Article 5, paragraph 1, of the Convention provides that it shall enter into force six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession. Pursuant to Article 5, paragraph 3, each of the Protocols annexed to the Convention shall enter into force six months after the date by which 20 States have notified their consent to be bound by it. Expressions of consent to be bound by any of the Protocols is optional for each State, provided that at the time of the deposit of its instrument of ratification, acceptance or approval of the Convention or of accession thereto, that State shall notify the Depositary of its consent to be bound by any two or more of the Protocols.

5. The list of signatories to the Convention as at 31 August 1981 and the declarations and reservations expressed are given in the annex to the present report.

ANNEX

A. List of signatories to the Convention as  
at 31 August 1981

	<u>Date</u>
Afghanistan . . . . .	10 April 1981
Austria . . . . .	10 April 1981
Belgium . . . . .	10 April 1981
Bulgaria . . . . .	10 April 1981
Byelorussian Soviet Socialist Republic . . . . .	10 April 1981
Canada . . . . .	10 April 1981
Cuba . . . . .	10 April 1981
Czechoslovakia . . . . .	10 April 1981
Denmark . . . . .	10 April 1981
Egypt . . . . .	10 April 1981
Finland . . . . .	10 April 1981
France . . . . .	10 April 1981
German Democratic Republic . . . . .	10 April 1981
Germany, Federal Republic of . . . . .	10 April 1981
Greece . . . . .	10 April 1981
Hungary . . . . .	10 April 1981
Iceland . . . . .	10 April 1981
India . . . . .	15 May 1981
Ireland . . . . .	10 April 1981
Italy . . . . .	10 April 1981
Luxembourg . . . . .	10 April 1981
Mexico . . . . .	10 April 1981
Mongolia . . . . .	10 April 1981
Morocco . . . . .	10 April 1981
Netherlands . . . . .	10 April 1981
New Zealand . . . . .	10 April 1981
Nicaragua . . . . .	20 May 1981

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	<u>Date</u>
Norway . . . . .	10 April 1981
Philippines . . . . .	15 May 1981
Poland . . . . .	10 April 1981
Portugal . . . . .	10 April 1981
Sierra Leone . . . . .	1 May 1981
Spain . . . . .	10 April 1981
Sudan . . . . .	10 April 1981
Sweden . . . . .	10 April 1981
Switzerland . . . . .	18 June 1981
Ukrainian Soviet Socialist Republic . . . . .	10 April 1981
Union of Soviet Socialist Republics . . . . .	10 April 1981
United Kingdom of Great Britain and Northern Ireland . . . . .	10 April 1981
Viet Nam . . . . .	10 April 1981
Yugoslavia . . . . .	5 May 1981

B. Declarations and reservations

FRANCE

/Original: French/

After signing 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 French Government, as it has already had occasion to state

- through its representative to the United Nations Conference on Prohibitions or Restrictions on the Use of Certain Conventional Weapons in Geneva, during the discussion of the proposal concerning verification arrangements submitted by the delegation of the Federal Republic of Germany and of which the French Government became a sponsor, and at the final meeting on 10 October 1980;

- on 20 November 1980 through the representative of the Netherlands, speaking on behalf of the nine States members of the European Community in the First Committee at the thirty-fifth session of the United Nations General Assembly;

Regrets that thus far it has not been possible for the States which participated in the negotiation of the Convention to reach agreement on the provisions concerning the verification of facts which might be alleged and which might constitute violations of the undertakings subscribed to.

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It therefore reserves the right to submit, possibly in association with other States, proposals aimed at filling that gap at the first conference to be held pursuant to article 8 of the Convention and to utilize, as appropriate, procedures that would make it possible to bring before the international community facts and information which, if verified, could constitute violations of the provisions of the Convention and the Protocols annexed thereto.

#### Interpretative statement

The application of this Convention will have no effect on the legal status of the parties to a conflict.

#### Reservation

France, which is not bound by Additional Protocol I of 10 June 1977 to the Geneva Conventions of 12 August 1949:

Considers that the fourth paragraph of the preamble to 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, which reproduces the provisions of article 35, paragraph 3, of Additional Protocol I, applies only to States parties to that Protocol;

States, with reference to the scope of application defined in article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, that it will apply the provisions of that Convention and its three Protocols to all the armed conflicts referred to in articles 2 and 3 common to the Geneva Conventions of 12 August 1949;

States that as regards the Geneva Conventions of 12 August 1949, the declaration of acceptance and application provided for in article 7, paragraph 4 (b), of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons will have no effects other than those provided for in article 3 common to the Geneva Conventions, in so far as that article is applicable.

ITALY

/Original: French/

On 10 October 1980 in Geneva, the representative of Italy at the United Nations Conference which adopted the texts of the Convention and Protocols on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, speaking at the closing meeting of the Conference, emphasized that the latter, in an effort to reach a compromise between what was desirable and what was possible, had probably achieved the maximum results feasible in the circumstances prevailing at that time.

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However, he observed in his statement that one of the objectives which had not been achieved at the conference, to his Government's great regret, was the inclusion in the text of the Convention, in accordance with a proposal originated by the Federal Republic of Germany, of an article on the establishment of a consultative committee of experts competent to verify facts which might be alleged and which might constitute violations of the undertakings subscribed to.

On the same occasion, the representative of Italy expressed the wish that that proposal, which was aimed at strengthening the credibility and effectiveness of the Convention, should be reconsidered at the earliest opportunity within the framework of the mechanisms for the amendment of the Convention expressly provided for in that instrument.

Subsequently, through the representative of the Netherlands, speaking on behalf of nine States members of the European Community in the First Committee of the United Nations General Assembly on 20 November 1980, when it adopted draft resolution A/C.1/31/L.15 (subsequently adopted as General Assembly resolution 35/153), Italy once again expressed regret that the States which had participated in the preparation of the texts of the Convention and its Protocols had been unable to reach agreement on provisions that would ensure respect for the obligations deriving from those texts.

In the same spirit, Italy - which has just signed the Convention in accordance with the wishes expressed by the General Assembly in its resolution 35/153 - wishes to confirm solemnly that it intends to undertake active efforts to ensure that the problem of the establishment of a mechanism that would make it possible to fill a gap in the Convention and thus ensure that it achieves maximum effectiveness and maximum credibility vis-à-vis the international community is taken up again at the earliest opportunity in every competent forum.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

/Original: English/

The Government of the United Kingdom of Great Britain and Northern Ireland will give further consideration to certain provisions of the Convention, particularly in relation to the provisions of Protocol I additional to the Geneva Conventions of 12 August 1949, and may wish to make formal declarations in relation to these provisions at the time of ratification.

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