



## General Assembly

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Thirty-eighth session  
Agenda item 51

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 First Committee

Rapporteur: Mr. Humberto Y. GOYEN-ALVEZ (Uruguay)

### 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 Secretary-General" was included in the provisional agenda of the thirty-eighth session in accordance with General Assembly resolution 37/79 of 9 December 1982.
2. At its 3rd plenary meeting, on 23 September 1983, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda. At its 4th plenary meeting, on the same day, the Assembly decided to allocate the item to the First Committee.
3. At its 2nd meeting, on 11 October, the First Committee decided to hold a general debate followed by an exchange of views on the disarmament items allocated to it, namely, items 43 to 63, 139 and 141. The deliberations on these items, and on items 143 and 144 which were allocated to the First Committee by the General Assembly at its 28th plenary meeting, on 11 October, took place between the 3rd and the 31st meetings, from 17 October to 11 November (see A/C.1/38/PV.3-31).
4. In connection with item 51, the First Committee had before it the report of the Secretary-General (A/38/405).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.1/38/L.21 AND REV.1

5. On 11 November, Austria, Belgium, Cuba, Denmark, Finland, France, the German Democratic Republic, Greece, Ireland, Italy, the Netherlands, Nigeria, Norway, Sweden, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia submitted a draft resolution 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" (A/C.1/38/L.21), which was subsequently sponsored also by New Zealand. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolutions 32/152 of 19 December 1977, 35/153 of 12 December 1980, 36/93 of 9 December 1981 and 37/79 of 9 December 1982,

"Recalling with satisfaction the adoption on 10 October 1980 of the Convention on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects together with three Protocols: on non-detectable fragments; on mines, booby traps and other devices; and on incendiary weapons, 1/

"Reaffirming its conviction that the prohibition or restriction of use of specific conventional weapons would significantly reduce the suffering of civilian populations and of combatants,

"Noting with satisfaction the report of the Secretary-General, 2/

"1. Notes with satisfaction that an increasing number of States have either signed, ratified, accepted or acceded to the Convention which was opened for signature in New York on 10 April 1981;

"2. Further notes with satisfaction, that consequent upon the fulfilment of the conditions set out in article 5 of the Convention, the Convention and the three Protocols entered into force on 2 December 1983;

"3. Urges all States which have not yet done so to exert the best of their endeavours to become parties to the Convention and its annexed Protocols as early as possible, so as to obtain ultimately universality of adherence;

"4. 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

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1/ See A/CONF.95/15 and Corr.2, annex I.

2/ A/38/405.

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 Protocols;

"5. Requests the Secretary-General as Depositary of the Convention and its annexed Protocols to inform the General Assembly from time to time of the state of adherence to the said Convention and its Protocols;

"6. Decides to include in the provisional agenda of its thirty-ninth session an item entitled 'Convention on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects'."

6. On 15 November, the sponsors submitted a revised draft resolution (A/C.1/38/L.21/Rev.1), in which the third preambular paragraph was revised to read as follows:

"Reaffirming its conviction that general agreement on the prohibition or restriction of use of specific conventional weapons would significantly reduce the suffering of civilian populations and of combatants,".

The revised draft resolution, which was subsequently sponsored also by Costa Rica, Ecuador and Viet Nam, was introduced by the representative of Nigeria at the 33rd meeting, on 17 November.

7. At its 34th meeting, on 21 November, the Committee adopted draft resolution A/C.1/38/L.21/Rev.1 without a vote (see para. 8).

### 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, 35/153 of 12 December 1980, 36/93 of 9 December 1981 and 37/79 of 9 December 1982,

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with 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), 3/

Reaffirming its conviction that general agreement on the prohibition or restriction of use of specific conventional weapons would significantly reduce the suffering of civilian populations and of combatants,

Taking note with satisfaction of the report of the Secretary-General, 4/

1. Notes with satisfaction that an increasing number of States have either signed, ratified, accepted or acceded 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 was opened for signature in New York on 10 April 1981;

2. Further notes with satisfaction that, upon the fulfilment of the conditions set out in article 5 of the Convention, the Convention and the three Protocols annexed thereto entered into force on 2 December 1983;

3. Urges all States that have not yet done so to exert their best endeavours to become parties to the Convention and the Protocols annexed thereto, as early as possible, so as to obtain ultimately universal adherence;

4. Notes 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 annexed Protocols and any proposals for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols;

5. Requests the Secretary-General, as the depositary of the Convention and its three annexed Protocols, to inform the General Assembly from time to time of the state of adherence to the said Convention and its protocols;

6. Decides to include in the provisional agenda of its thirty-ninth session the item entitled "Convention on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

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3/ See A/CONF.95/15 and Corr.2, annex I.

4/ A/38/405.