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INCENDIARY AND OTHER SPECIFIC CONVENTIONAL WEAPONS WHICH
MAY BE THE SUBJECT OF PROHIBITIONS OR RESTRICTIONS OF
USE FOR HUMANITARIAN REASONS

Report of the First Committee

Rapporteur: Mr. Francisco CORREA (Mexico)

1. The item entitled "Incendiary and other specific conventional weapons which may be the subject of prohibitions or restrictions of use for humanitarian reasons: report of the Secretary-General" was included in the provisional agenda of the thirty-second session in accordance with General Assembly resolution 31/64 of 10 December 1976.
2. At its 5th plenary meeting, on 23 September 1977, 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 7th meeting, on 18 October, the First Committee decided to hold a combined general debate on the items allocated to it relating to disarmament, namely items 33, 34, 38 to 49 and 51 to 53. The general debate on these items took place at the 7th to 27th meetings, from 18 October to 7 November. 1/
4. In connexion with item 38, the First Committee had before it a report of the Secretary-General (A/32/124 and Corr.1).
5. On 14 November, Austria, Finland, Jordan, the Netherlands, Norway, Sweden, and Tunisia submitted a draft resolution (A/C.1/32/L.29) which was introduced by the representative of Sweden at the 32nd meeting, on 15 November. On 17 November, Austria, Egypt, Finland, Mexico, Nigeria, Peru, Sweden, Tunisia, Venezuela and Yugoslavia submitted a revised draft resolution (A/C.1/32/L.29/Rev.1),

1/ For an index to statements by delegations on disarmament items, see A/32/383.

which was subsequently also sponsored by Bangladesh, Jordan, New Zealand and Senegal, and was introduced by the representative of Sweden at the 38th meeting, on 18 November.

6. On 23 November, the Secretary-General submitted a statement (A/C.1/32/L.44) on the administrative and financial implications of the revised draft resolution.

7. At the 44th meeting, on 25 November, the First Committee adopted the revised draft resolution (A/C.1/32/L.29/Rev.1) by a recorded vote of 84 to none, with 21 abstentions 2/ (see para. 8 below). The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Burma, Burundi, Chad, Chile, Colombia, Costa Rica, Cyprus, Democratic Yemen, Denmark, Ecuador, Egypt, Ethiopia, Finland, Ghana, Greece, Guyana, Honduras, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sudan, Surinam, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zambia.

Against: None.

Abstaining: Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, France, German Democratic Republic, Germany, Federal Republic of, Hungary, Israel, Italy, Japan, Luxembourg, Mongolia, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

RECOMMENDATION OF THE FIRST COMMITTEE

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

2/ The representative of Sri Lanka subsequently informed the Secretariat that, had he been present during the voting, he would have voted in favour of the draft resolution.

/...

Incendiary and other specific conventional weapons which
may be the subject of prohibitions or restrictions of
use for humanitarian reasons

The General Assembly,

Convinced that the suffering of civilian populations and combatants could be significantly reduced if general agreement can 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,

Mindful 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 and might facilitate subsequent agreement on the elimination of such weapons which were completely banned for use,

Recalling that the issue of prohibitions or restrictions for humanitarian reasons of the use of specific conventional weapons has been the subject of substantive discussion for a number of years, notably at the sessions of the Conference of Government Experts on the Use of Certain Conventional Weapons held, under the auspices of the International Committee of the Red Cross, at Lucerne, from 24 September to 18 October 1974 ^{3/} and at Lugano from 28 January to 26 February 1976, ^{4/} and at four sessions of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and in the General Assembly since 1971,

Taking note of the reports of the Secretary-General on the work of the Diplomatic Conference as regards the work of the Conference relevant to the present resolution, ^{5/}

Having concluded from these reports that discussions have taken place primarily on the questions of prohibiting the use of conventional weapons, the primary effect of which is to injure by fragments not detectable by X-ray; of restrictions in the use of land-mines and booby traps; and of prohibitions or restrictions of use of incendiary weapons, including napalm, and that consideration was also given to other conventional weapons, such as small-calibre projectiles and certain blast and fragmentation weapons, and to the possibility of prohibiting or restricting the use of such weapons;

^{3/} For the report of the first session, see Conference of Government Experts on the Use of Certain Conventional Weapons (International Committee of the Red Cross, Geneva, 1975).

^{4/} For the report of the second session, see Conference of Government Experts on the Use of Certain Conventional Weapons (International Committee of the Red Cross, Geneva, 1976).

^{5/} A/9726, A/10222, A/31/146, A/32/124 and Corr.1.

Noting resolution 22 (IV) on follow-up regarding prohibitions or restrictions of use of certain conventional weapons adopted by the Diplomatic Conference on 7 June 1977, 6/ in which the Conference recommends, inter alia, that a conference of Governments on such weapons should be convened not later than 1979,

1. Believes that the work on such weapons should both build upon the areas of common ground thus far identified and include the search for further areas of common ground and should in each case seek the broadest possible agreement;

2. Decides to convene in 1979 a United Nations conference with a view to reaching agreements on prohibitions or restrictions on the use of specific conventional weapons, including those which may be deemed to be excessively injurious or have indiscriminate effects, taking into account humanitarian and military considerations, and on the question of a system of periodic review of this matter and for consideration of further proposals;

3. Decides to convene a United Nations preparatory conference for the conference referred to in paragraph 2 above and requests the Secretary-General to transmit invitations to all States and parties invited to attend the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts;

4. Recommends that the preparatory conference should meet once in 1978 for organizational purposes and, subsequently, with the task of establishing the best possible substantive basis for the achievement at the United Nations conference of agreements as envisaged in the present resolution and of considering organizational matters relating to the holding of the United Nations Conference;

5. Requests the Secretary-General to assist the Preparatory Conference in its work;

6. Decides to include in the provisional agenda of its thirty-third 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: report of the United Nations preparatory conference".

6/ See A/32/124, annex II.