

**REPORT OF THE PREPARATORY CONFERENCE  
FOR THE 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**

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: THIRTY - THIRD SESSION**

**SUPPLEMENT No. 44 (A/33/44)**



**UNITED NATIONS**



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New York, 1978

#### NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document

/Original: English/

/3 November 1978/

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## I. INTRODUCTION

1. At its thirty-second session the General Assembly adopted, under the item entitled "Incendiary and other specific conventional weapons which may be the subject of prohibitions or restrictions of use for humanitarian reasons", resolution 32/152, the operative part of which reads as follows:

"The General Assembly,

"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 of the use of specific conventional weapons, including those which may be deemed to be excessively injurious or to 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 for the 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 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 Preparatory Conference'."

2. In the course of informal consultations among Member States held in New York during and after the thirty-second session of the General Assembly, an agreement was reached to convene the Preparatory Conference at Geneva from 28 August to 15 September 1978.

3. Pursuant to paragraph 3 of the resolution, the Secretary-General addressed a note verbale, dated 12 May 1978, to all Member States and observer States inviting them to participate in the Preparatory Conference. 1/ On the instructions of the Secretary-General, the Assistant Secretary-General for Disarmament, in notes verbales dated 24 May and 21 July 1978, extended an invitation to attend the Preparatory Conference to all other parties referred to in the above-mentioned paragraph.

## II. ORGANIZATION OF THE PREPARATORY CONFERENCE

4. The Preparatory Conference was convened on 28 August 1978 at the Palais des Nations in Geneva for a three-week session. The representative of the Secretary-General, Mr. Rolf Björnerstedt, Assistant Secretary-General for Disarmament, opened the session and read out a message from the Secretary-General to the Preparatory Conference.

5. The Secretary-General appointed Ms. Amada Segarra as the Executive Secretary of the Preparatory Conference. 2/

6. At its 2nd plenary meeting, the Preparatory Conference, elected by acclamation as its President Mr. Oluyemi Adeniji, Permanent Representative of Nigeria to the Office of the United Nations and Other International Organizations at Geneva.

7. At its 7th plenary meeting, the Preparatory Conference elected by acclamation 13 Vice-Presidents from the following Member States: Bulgaria, Egypt, German Democratic Republic, Germany, Federal Republic of, India, Indonesia, Jamaica, Jordan, Panama, Peru, Sweden, Yugoslavia and Zaire. At the same meeting, Mr. Robert Akkerman of the Netherlands was elected by acclamation as Rapporteur of the Preparatory Conference.

8. At its 15th plenary meeting, the Preparatory Conference, on the recommendation of the President, appointed the following five members of the Credentials Committee Ecuador, Morocco, Poland, Syrian Arab Republic and United States of America.

9. At its 3rd plenary meeting, the Preparatory Conference adopted the provisional agenda, including the oral amendment, proposed from the Chair at the 2nd plenary meeting, to add a new item 3 entitled "General debate" and to renumber the subsequent items accordingly (A/CONF.95/PREP.CONF./3).

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1/ Participation in the Diplomatic Conference was open to all Member States of the United Nations and parties to the Geneva Convention of 12 August 1949: Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (United Nations, Treaty Series, vol. 75, No. 971, p. 85), Convention Relative to the Treatment of Prisoners of War (ibid., No. 972, p. 135), and Convention Relative to the Protection of Civilian Persons in Time of War (ibid., No. 973, p. 287).

2/ As from 4 September 1978 the Acting Executive Secretary of the Preparatory Conference was Mr. Alessandro Corradini.



10. At its 16th plenary meeting, the Preparatory Conference adopted the draft rules of procedure as amended and revised in the course of their consideration, with the exception of the rules pertaining to decision-making and interrelated rules (A/CONF.95/CONF.4). In its deliberation on that remaining issue, two viewpoints were expressed. One that the rules of procedure of the General Assembly should apply and, the other, that decisions on substantive matters should be adopted by consensus. Various ways of reconciling those approaches were discussed, but it was recognized that this question will require further examination at the next session of the Preparatory Conference.

A. Participation at the Preparatory Conference

11. Representatives of the following 74 States participated in the Preparatory Conference:

Algeria	Madagascar
Argentina	Malaysia
Australia	Malta
Austria	Mexico
Bangladesh	Mongolia
Belgium	Morocco
Bolivia	Netherlands
Brazil	New Zealand
Bulgaria	Nicaragua
Canada	Nigeria
Chile	Norway
Cuba	Pakistan
Czechoslovakia	Panama
Denmark	Peru
Ecuador	Philippines
Egypt	Poland
Finland	Portugal
France	Republic of Korea
German Democratic Republic	Romania
Germany, Federal Republic of	Spain
Ghana	Sri Lanka
Greece	Sudan
Hungary	Sweden
India	Switzerland
Indonesia	Syrian Arab Republic
Iran	Thailand
Iraq	Togo
Ireland	Tunisia
Israel	Turkey
Italy	Union of Soviet Socialist Republics
Jamaica	United Kingdom of Great Britain and Northern Ireland
Japan	United States of America
Jordan	Uruguay
Kuwait	Venezuela
Liberia	Viet Nam
Libyan Arab Jamahiriya	Yugoslavia
Luxembourg	Zaire

12. Representatives of the following four national liberation movements participated in the Preparatory Conference:

African National Congress (South Africa)  
Palestine Liberation Organization  
Pan Africanist Congress of Azania (South Africa)  
Patriotic Front (Zimbabwe)

13. In addition, representatives of the following five organizations attended the Preparatory Conference as observers:

Comité International de la Croix-Rouge  
International Civil Defence Organization  
Ordre Souverain de Malte  
Organization of American States  
United Nations Environment Programme

14. The following non-governmental organizations attended the Preparatory Conference:

Friends World Committee for Consultation  
Institut Henry-Dunant  
Institut International de Droit Humanitaire  
International Commission of Jurists  
Ligue des Sociétés de la Croix-Rouge  
World Muslim Congress  
World Peace Council  
World Veterans Federation  
World Young Women's Christian Association

15. The Credentials Committee met on 14 September 1978 and reported on the credentials of States to the 16th plenary meeting, on 14 September 1978. The Preparatory Conference took note of the report at the same meeting.

#### B. Work of the Preparatory Conference

16. The Preparatory Conference held 17 plenary meetings, and a number of informal meetings. In the general debate, 30 States and six observers made statements, referring both to procedural and substantive issues.

#### C. Documentation of the Preparatory Conference

17. At its 4th plenary meeting, the Preparatory Conference requested the Secretariat to make available to it certain relevant documents of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts. Pursuant to this request the following documents were distributed:

- A/CONF.95/PREP.CONF./CRP.1 Report of the Ad Hoc Committee on Conventional Weapons of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, first session, Geneva, 20 February to 29 March 1974 (CDDH/47/Rev.1) - first session
- A/CONF.95/PREP.CONF./CRP.2 - ditto - (CDDH/220/Rev.1) - second session
- A/CONF.95/PREP.CONF./CRP.3 - ditto - (CDDH/IV/237/Rev.1) - third session
- A/CONF.95/PREP.CONF./CRP.4 - ditto - (CDDH/IV/225 as amended by CDDH/408) - fourth session
- A/CONF.95/PREP.CONF./CRP.5 - ditto - (CDDH/IV/218) - Comparative table of proposals

18. The Secretariat, also at the request of the Preparatory Conference, prepared a paper listing comparable rules relating to the making of decisions from recent conferences convened by both the United Nations and other authorities (A/CONF.95/PREP.CONF./CRP.6).

19. In the course of the work of the Preparatory Conference the following documents dealing with substantive issues pertaining to item 4 of the agenda were submitted:

- (a) Draft proposal on incendiary weapons, submitted by Austria, Egypt, Ghana, Jamaica, Mexico, Romania, the Sudan, Sweden, Switzerland, Togo, Venezuela, Yugoslavia and Zaire (A/CONF.95/PREP.CONF./L.1/Rev.1, and Rev.1/Add.1 and Add.2).
- (b) Draft proposal on fuel-air explosives, submitted by Mexico, Sweden and Switzerland (A/CONF.95/PREP.CONF./L.2/Rev.1).
- (c) Working paper on certain small calibre weapons and projectiles, submitted by Mexico, Sweden and Zaire (A/CONF.95/PREP.CONF./L.3).
- (d) Draft clauses relating to the prohibition of the use of incendiary weapons, submitted by Mexico (A/CONF.95/PREP.CONF./L.4).
- (e) Draft clauses relating to the prohibition of the use of especially injurious small-calibre projectiles, submitted by Mexico (A/CONF.95/PREP.CONF./L.5).
- (f) Draft clause relating to the prohibition of the use of anti-personnel fragmentation weapons, submitted by Mexico (A/CONF.95/PREP.CONF./L.6).
- (g) Draft clause relating to the prohibition of the use of flechettes, submitted by Mexico (A/CONF.95/PREP.CONF./L.7).
- (h) Preliminary outline of a general and universally applicable treaty on conventional weapons, submitted by Mexico (A/CONF.95/PREP.CONF./L.8 and Corr.1).

- (i) Proposal on the regulation of the use of landmines and other devices: draft articles for a treaty. Submitted by Australia, Austria, Denmark, France, Germany, Federal Republic of, Mexico, the Netherlands, New Zealand, Norway, Spain and the United Kingdom of Great Britain and Northern Ireland (A/CONF.95/PREP.CONF./L.9 and Add.1).
- (j) Draft proposal concerning non-detectable fragments, submitted by Australia, Austria, Belgium, Canada, Denmark, Finland, France, Greece, Germany, Federal Republic of, Ireland, Italy, Jamaica, Mexico, Morocco, the Netherlands, New Zealand, Norway, Panama, the Philippines, Portugal, Romania, Spain, the Sudan, Sweden, Switzerland, the Syrian Arab Republic, Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela, Yugoslavia and Zaire (A/CONF.95/PREP.CONF./L.10, Add.1 and Add.2).
- (k) Draft proposal on incendiary weapons, submitted by Australia and the Netherlands (A/CONF.95/PREP.CONF./L.11).
- (l) Draft proposal on incendiary weapons, submitted by Denmark and Norway (A/CONF.95/PREP.CONF./L.12).

The above-mentioned documents are contained in the annex to the present report.

### III. DECISIONS OF THE PREPARATORY CONFERENCE

20. Subject to confirmation by the General Assembly, the Preparatory Conference decides to hold another session from 19 March to 12 April 1979 at Geneva, during which the work would be completed with regard to the remaining organizational matters, and, simultaneously, on the establishment of the best possible substantive basis for the achievement at the United Nations Conference of agreements as envisaged in General Assembly resolution 32/152.

21. The Preparatory Conference decides that Arabic, Chinese, English, French, Russian and Spanish should be the working languages used throughout its work and that provision be made for summary records of the plenary meetings and of the meetings of one subsidiary organ, if established. It accordingly recommends that appropriate decisions should be taken by the General Assembly.

### IV. RECOMMENDATIONS OF THE PREPARATORY CONFERENCE

22. At its 15th and 16th plenary meetings, the Preparatory Conference decided to submit the recommendations set forth below to the General Assembly at its thirty-third session with regard to its future work and the holding of the 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.

23. The Preparatory Conference recommends that States should make a maximum effort to be represented at its second session and that such representation should include expertise on the substantive issues to be dealt with.

24. The Preparatory Conference recommends that the 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 should be convened at Geneva from 10 to 28 September 1979.

ANNEX

Draft proposals submitted to the Preparatory Conference

A. Draft proposal on incendiary weapons submitted by Austria, Egypt, Ghana, Jamaica, Mexico, Romania, the Sudan, Sweden, Switzerland, Togo, Venezuela, Yugoslavia and Zaire\*

/Original: English/Spanish/

1. The use of incendiary weapons shall be prohibited.
2. This provision shall apply to:

The use of any munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame and/or heat produced by a chemical reaction of a substance delivered on the target. Such munitions include flame-throwers and incendiary shells, rockets, grenades, mines and bombs.

3. This prohibition shall not apply to:

(a) Munitions which may have secondary or incidental incendiary effects, such as illuminants, tracers, smoke or signalling systems;

(b) Munitions which combine incendiary effects with penetration or fragmentation effects and which are specifically designed for use against aircraft, armoured vehicles and similar targets.

The Governments of Jamaica and Mexico continue to be in favour of eliminating the exception contained in subparagraph 3 (b) in order that the prohibition of incendiary munitions is total.

B. Draft proposal on fuel-air explosives submitted by Mexico, Sweden and Switzerland\*\*

/Original: English/

The States Party to this Protocol,

Aware of the continuous development of new types of blast weapons, in particular of the fuel-air explosives,

.\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.1/Rev.1 and Rev.1/Add.1 and 2.

\*\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.2/Rev.2.

Anxious to prevent the use of weapons in a manner which may cause unnecessary suffering to combatants or render their death inevitable,

Have agreed to abstain from the use of munitions which rely for their effects on shock waves caused by the detonation of a cloud created by a substance spread in the air, except when the aim is exclusively to destroy material objects, such as the clearance of mine fields.

C. Working paper on certain small calibre weapons and projectiles submitted by Mexico, Sweden and Zaire\*

/Original: English/

During the diplomatic conference on international humanitarian law 1973-1977, the conferences of government experts at Luzern in 1974 and Lugano in 1976 considerable discussion has taken place on the question of certain modern small calibre projectiles and the arms by which they are launched. Proposals and working papers have been submitted suggesting restrictions as regards the design of these weapons. These proposals, papers and reports of debates are part of the documentation of the present conference and remain relevant for the discussion.

The task of the preparatory conference is, inter alia, to establish the best possible substantive basis for agreements. The present working paper is submitted in order to facilitate the discussion of the question of certain small calibre weapons and projectiles.

During the last few years a rapid development has taken place as regards a new generation of assault rifles and projectiles with a calibre of less than the traditional 7.62 mm. The aim of these efforts has been to introduce lighter weapons and ammunition, enabling soldiers to carry more rounds of ammunition. A flatter trajectory has been another feature following an increase in the velocity of the projectiles. The evident military advantages of such lighter weapons and ammunition have prompted several countries and weapons manufacturers to design and produce weapons of this new type.

Soon after the first deployment of one type of this new generation of assault rifles serious concern was voiced in medical circles that it produced extensive wounds and massive tissue destruction outside the wound channel. Indeed, it seemed to some that these weapons inflicted wounds similar to the dum-dum type wounds. Accordingly, the design and development of weapons and ammunition of this kind evoked much discussion - and research. It was felt that unless some restraints were agreed internationally as regards undesirable characteristics of such modern small calibre weapons systems an escalation in the wounding power of one of the world's most common weapons would be inevitable - with the additional suffering and injury inherent in such development. The question arose: would this not be "unnecessary suffering and superfluous injury"? Could it not be avoided? That is still the question.

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\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.3.

Today's situation is somewhat reminiscent of what happened at the end of the 19th century, when the dum dum bullet was introduced in some military forces. Public opinion in many States was alarmed by the severe wounding effect of these bullets and at the 1899 Hague Conference a new rule was worked out prohibiting the use of bullets which expand or flatten easily in the human body such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions. Weapons and bullets of this kind caused grave injuries and the effects were considered contrary to the 1868 St. Petersburg declaration, which states that the general aim in fighting is to put enemy soldiers out of action/hors de combat. Furthermore, it is stated in that declaration that the injuries should not needlessly aggravate the sufferings of disabled soldiers and make their death inevitable.

Bearing these old rules in mind we now have to assess the effects of the introduction of a new generation of small calibre weapons. It is necessary to study in detail the injuries caused by these new small calibre bullets. This is a complicated matter as difficult ballistic and medical problems are involved.

For many years there has been a general agreement on the fact that the extent of wounds are directly related to the transfer of energy from the projectile to the tissues surrounding the missile track. The more energy released in the wound, the more tissue destruction will result. This concept is confirmed by recent research work.

In the earliest phases of this research interest centred on the increased velocity of the new bullets and velocity was sometimes considered the main factor in the wounding mechanism. However, it was soon found that although velocity plays an important role it was not the predominant factor in this connexion.

The transfer of energy depends upon various parameters. The most important one is the tumbling of the bullet during penetration of the target. When a bullet tumbles in a human target the displayed cross-section area of the bullet increases and its front shape becomes more disadvantageous, so that energy is transferred from the bullet at a very high rate. This process is analogous to that of the dum dum bullet that deformed in a mushroom shape and thereby caused transfer of much of its energy with grave tissue destruction as a result. Some of the new bullets seem to tumble very soon after impact. This enables the bullets to cause grave destruction of tissue in most human wounds since the tumbling can take place in the tissue even if rather thin parts of the body are hit. The similarity to the action of the dum dum bullet is obvious. The sooner the tumbling occurs the more similar the bullet becomes to the dum dum bullet. The early tumbling thus constitutes a decisive factor in wound ballistics. The processes just described are schematically demonstrated in figure 1.

That the energy transfer can be further increased when a bullet breaks up or deforms during penetration of the body was observed already at the time of the dum dum bullet. A break-up may occur when the bullet tumbles rapidly - which is likely to put a particularly severe strain on the bullet. As a rule the deformation of a bullet will increase the energy transfer in the wound.

Tumbling and break-up can occur also when bullets of calibre 7.62 mm and larger calibres are used. These phenomena usually start at a later point after impact, however, and will, therefore, have a more limited influence on the wounding effect, since most human wounds have a short missile trajectory.

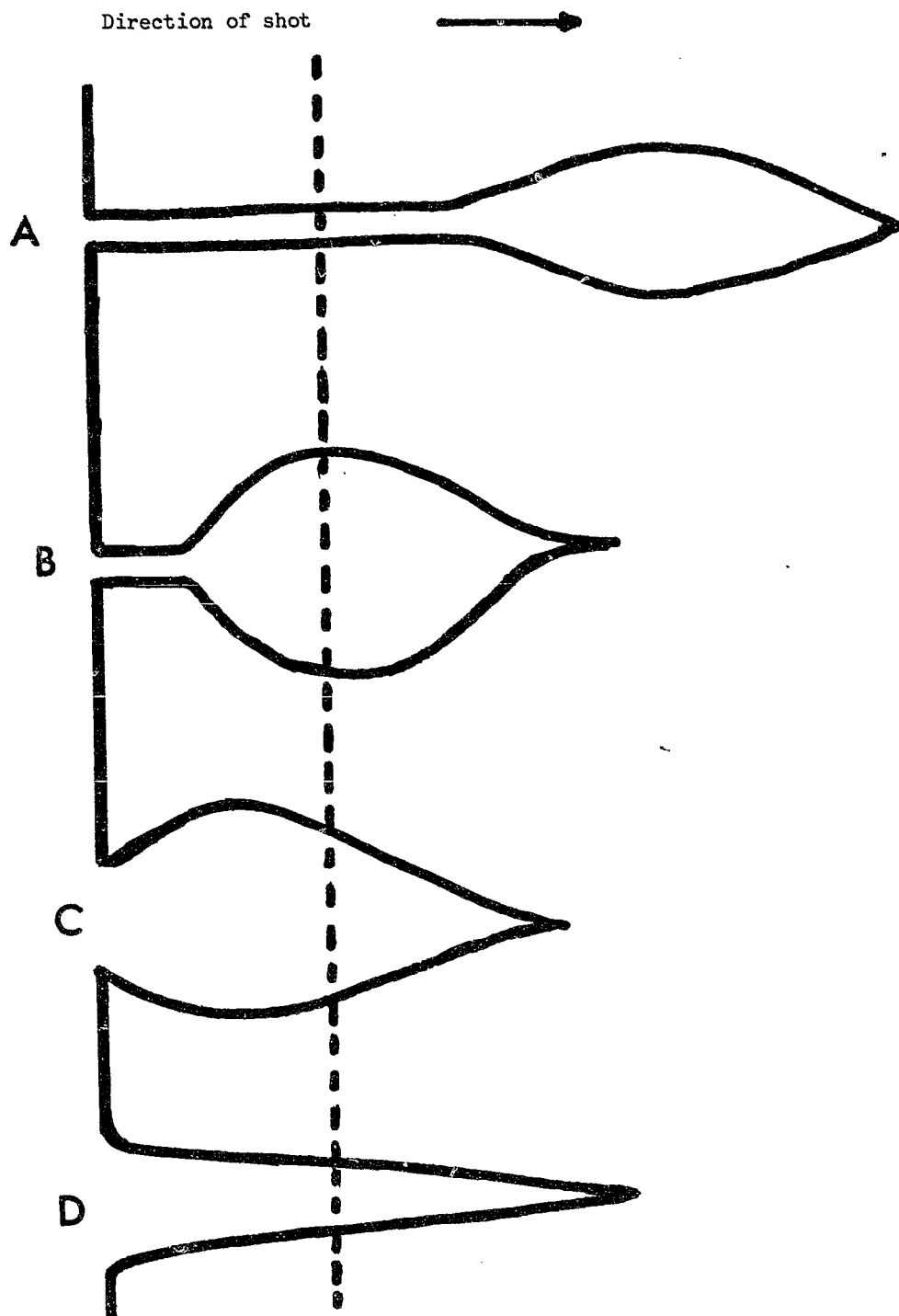


Figure 1. Schematic pictures of cavities in an infinite plastic medium caused by projectiles with various stabilities and shapes, but of the same kinetic impact energy.

- A. Very stable, shaped projectile
- B. Unstable, shaped projectile
- C. Dumdum type of projectile
- D. Spherical projectile

The dotted line illustrates a target of limited thickness.



In the early phases of the discussion on the most modern generation of projectiles it was thought that all of these bullets had a tendency for early tumbling. Research has shown, however, that some small calibre bullets remain quite stable after impact. The conclusion is that, even if many 5.56 mm and smaller bullets are apt to tumble early, this propensity can be decreased by proper design and a balanced spin rate.

The wounding capacity of a bullet can hardly be decided only by theoretical calculations alone - there is also a need for continued testing. Intensive research work in this field has now given us a very good background for establishing testing methods which are simple and easy to apply in all countries. Difficulties in this regard are no longer a valid counter-argument against legal restraints in this field.

### Conclusions

1. It has been demonstrated that some small calibre weapons systems more frequently cause extensive wounds than the traditional weapons using bullets of the calibre 7.62 mm.
2. It has further been established that the amount of energy that is transferred to the tissues is decisive for the extent of the resulting injury.
3. The 1899 declaration prohibited the use of projectiles which caused extensive wounds by expanding or flattening easily in the human body. The rationale of this rule would seem to apply to any weapon which achieved the same effects through early tumbling.
4. The additional injurious effect which seems to be connected with some modern small calibre weapons and projectiles is not a feature that is inevitable in designing smaller and lighter weapons and projectiles.
5. The discussion and research on the international and national levels should focus on a new rule or understanding ensuring that the weapons developments in this field do not bring more severe injuries than those connected with the traditional standard weapons in this category.

#### D. Draft clauses relating to the prohibition of the use of incendiary weapons submitted by Mexico\*

/Original: Spanish/

1. It is prohibited to use incendiary weapons.
2. The prohibition referred to in the foregoing article shall apply to the use of any munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame and/or heat produced by a chemical reaction of the substance delivered on the target. Such munitions include flame-throwers, incendiary shells, rockets, grenades, mines and bombs.

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\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.4.

3. The prohibition referred to in article 1 above shall not apply to munitions which may have secondary or incidental incendiary effects, such as illuminants, tracers, smoke or signalling systems.

E. Draft clauses relating to the prohibition of the use of especially injurious small-calibre projectiles submitted by Mexico\*

/Original: Spanish/

It is prohibited to use small-calibre projectiles which are so designed or have such velocity that they:

- (a) Break or deform on or following entry into a human body; or
- (b) Tumble significantly within the human body; or
- (c) Create shock waves which cause extensive tissue damage outside the trajectory; or
- (d) Produce secondary projectiles within a human body.

F. Draft clause relating to the prohibition of the use of anti-personnel fragmentation weapons submitted by Mexico \*\*

/Original: Spanish/

Anti-personnel cluster warheads or other devices with many bomblets which act through the ejection of a great number of small-calibre fragments or pellets are prohibited for use.

G. Draft clause relating to the prohibition of the use of flechettes submitted by Mexico\*\*\*

/Original: Spanish/

Munitions which act through the release of a number of projectiles in the form of flechettes, needles and similar, are prohibited for use.

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\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.5.

\*\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.6.

\*\*\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.7.

## H. Preliminary outline of a treaty submitted by Mexico\*

### Introductory note

/Original: Spanish/

In its resolution 32/152 of 19 December 1977, the General Assembly decided, inter alia, "to convene in 1979 a United Nations conference with a view to reaching agreements on prohibitions or restrictions of the use of specific conventional weapons, including those which may be deemed to be excessively injurious or to 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".

The General Assembly also decided to convene a preparatory conference "with the task of establishing the best possible substantive basis" for the above-mentioned Conference.

In the same resolution, the General Assembly expressed its belief 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".

At the 3rd plenary meeting of the Preparatory Conference, the delegation of Mexico stated, at the commencement of the general debate, that the President of Mexico, José López Portillo, had, without implying any alteration of the priorities established by the United Nations for disarmament negotiations, laid down as one of the goals of Mexico's foreign policy the important task of reaching universal and regional agreements on the prohibition or restriction of the use and transfer of certain conventional weapons as a means of transferring the resources currently devoted to the acquisition of arms to more noble causes, such as that of solving the grave problem of hunger afflicting the world.

On the same occasion, the Mexican delegation said, inter alia, that such world-wide prohibitions and limitations as might be negotiated should preferably be embodied "in a convention establishing general guidelines and in optional protocols on specific types of conventional weapons deemed to be excessively injurious or indiscriminate in effect".

The delegation of Mexico hereby respectfully submits hereunder for consideration by the Preparatory Conference, and possibly by the Conference itself, as a step towards the achievement of this important objective, the text of a universal agreement on this subject, with the aim of initiating the process of negotiation concerning concrete ideas, independently of the other proposals which the Mexican delegation may consider it appropriate to submit in the near future concerning prohibitions or limitations on the use of specific conventional weapons.

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\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.8 and Corr.1.

PRELIMINARY OUTLINE OF A GENERAL AND UNIVERSALLY APPLICABLE TREATY  
ON CONVENTIONAL WEAPONS

The States Parties,

Inspired by their firm desire to eliminate violence as a means of resolving international conflicts, on the basis of the principles and purposes of the Charter of the United Nations and of other relevant international instruments consistent with that Charter,

Further inspired by the way in which the organized international community has been able to develop the aforementioned principles and purposes so as to adapt them to the requirements of the world in which we live, thus reaffirming their universal validity,

Reaffirming the necessary political will to continue the codification and progressive development of the rules of international law applicable to cases of armed conflict, without thereby abandoning the necessary continuous search for effective arrangements to assure a just peace in the maintenance of which all peoples of the world will participate and from which they will benefit,

Declaring that, until the important task of regulating all aspects of warlike activity permitted by the Charter of the United Nations is completed, bearing in mind the humanitarian character of that instrument, the States Parties consider it desirable to confirm their determination that, in the event of an armed conflict, the civilian population and the combatants should at all times remain under the protection of the applicable international law, as developed by the conventions on the subject and by the relevant resolutions of the United Nations and other intergovernmental organizations,

Basing themselves on the principle that the right of the parties to an armed conflict to choose the methods and means of combat is not unlimited,

Recalling the principle placing a prohibition on the use of warlike weapons, projectiles, materials and methods which cause unnecessary damage or suffering,

Decide:

(1) To establish the prohibitions and limitations defined in the following optional protocols (clauses), which shall be applied in the light of this Treaty

(2) To respect such regional or subregional decisions as may be taken by the countries directly involved concerning self-imposed limits on the transfer and use of particular conventional weapons, taking this factor into account in considering any case which may or does endanger international peace and security, in accordance with the Charter of the United Nations;

(3) To establish a Committee, formed by all the States Parties, which shall meet at least once a year and which shall have the task of conducting a periodic review, on the basis of developments in technology and applicable humanitarian and military factors, of the prohibitions and/or limitations

embodied in the different protocols (clauses), on the understanding that, in any particular case, only those countries which are bound by a specific protocol (clause) shall have the right to vote.

#### OPTIONAL PROTOCOLS (CLAUSES)

- I. Incendiary weapons.
- II. Delayed action weapons and treacherous weapons (including mines and booby-traps).
- III. Small-calibre projectiles which produce especially injurious effects.
- IV. Blast and fragmentation weapons.

Note: In this section, the titles of the document or comparative table circulated by the Secretariat are taken as a basis; they do not necessarily reflect all the weapons in respect of which Mexico will be submitting proposals.

#### FINAL CLAUSES

- 1. This Treaty shall be open to signature by all States.
- 2. This Treaty shall be open to ratification by all signatories, such ratification to be effective only when the State concerned indicates the optional protocol or protocols (clauses) the obligations of which it accepts.
- 3. The depositaries shall be the following States ... and, after ..., the Secretary-General of the United Nations.
- 4. This Treaty shall enter into force when the fifth State has deposited its instrument of ratification, subject to the qualification referred to in paragraph 2 above.

Note: The final clauses are not exhaustive and only those which are directly related to the special character of this Treaty have been included.

- I. Proposal on the regulation of the use of landmines and other devices: Draft articles for a treaty, submitted by Australia, Austria, Denmark, France, Germany, Federal Republic of, Mexico, the Netherlands, New Zealand, Norway, Spain and the United Kingdom of Great Britain and Northern Ireland\*

/Original: English/

#### Article 1. Scope of application

This Treaty relates to the use in armed conflict on land of the mines and other devices defined therein. It does not apply to the use of anti-ship mines at sea or in inland waterways, but does apply to mines laid in interdict beaches, waterway crossings or river crossings.

\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.9 and Add.1.

## Article 2. Definitions

For the purpose of this Treaty:

- (1) "Mine" means any munition placed under, on or near the ground or other surface area and designed to be detonated or exploded by the direct action, presence or proximity of a person or vehicle;
- (2) "Booby-trap" means a manually-emplaced device which is specifically designed and constructed to kill or injure when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;
- (3) "Remotely delivered mine" means any mine delivered by artillery, rocket, mortar or similar means at a range of over 1,000 metres or dropped from an aircraft;
- (4) "Military objective" means, so far as objects are concerned, any object which by its own nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization in the circumstances ruling at the time, offers a definite military advantage.

## Article 3. Recording of the location of minefields and other devices

- (1) The parties to a conflict shall record the location of:
  - (a) All preplanned minefields laid by them;
  - (b) All areas in which they have made large-scale and pre-planned use of booby-traps.
- (2) The parties shall endeavour to ensure the recording of the location of all other minefields, mines and booby-traps which they have laid or placed in position.
- (3) All such records shall be retained by the parties and the location of all recorded minefields, mines and booby-traps remaining in territory controlled by an adverse party shall be made public after the cessation of active hostilities.

## Article 4. Restrictions on the use of remotely delivered mines

The use of remotely delivered mines is prohibited unless:

- (a) Each such mine is fitted with an effective neutralizing mechanism, that is to say a self-actuating or remotely controlled mechanism which is designed to render a mine harmless or cause it to destroy itself when it is anticipated that the mine will no longer serve the military purpose for which it was placed in position; or
- (b) The area in which they are delivered is marked in some definite manner in order to warn the civilian population,

and, in either case, they are only used within an area which is itself a military objective or which contains military objectives.

Article 5. Restrictions on the use of mines and other devices in populated areas

(1) This Article applies to mines (other than remotely delivered mines), booby-traps, and other manually-emplaced munitions and devices designed to kill, injure or damage and which are actuated by remote control or automatically after a lapse of time.

(2) It is prohibited to use any object to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:

- (a) They are placed on or in the close vicinity of a military objective belonging to or under the control of an adverse party; or
- (b) Effective precautions are taken to protect civilians from their effects.

Article 6. Prohibitions on the use of certain booby-traps and other devices

(1) It is prohibited in any circumstances to use:

- (a) Any apparently harmless portable object which is specifically designed and constructed to contain explosive material and to detonate when it is disturbed or approached; or
- (b) Any non-explosive device or any material which is designed to kill or cause serious injury in circumstances involving superfluous injury or unnecessary suffering, for example by stabbing, impaling, crushing, strangling, infecting or poisoning the victim and which functions when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(2) It is prohibited in any circumstances to use booby-traps which are in any way attached to or associated with:

- (a) Internationally recognized protective emblems, signs or signals;
- (b) Sick, wounded or dead persons;
- (c) Burial or cremation sites or graves;
- (d) Medical facilities, medical equipment, medical supplies or medical transport;
- (e) Children's toys;
- (f) Food and drink (except in military establishments, military locations and military supply depots);
- (g) Objects clearly of a religious nature.

- J. Draft proposal concerning non-detectable fragments submitted by Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Ireland, Italy, Jamaica, Mexico, Morocco, the Netherlands, New Zealand, Norway, Panama, the Philippines, Portugal, Romania, Spain, the Sudan, Sweden, Switzerland, the Syrian Arab Republic, Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela, Yugoslavia and Zaire\*

/Original: French/

It is prohibited to use any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays.

- K. Draft proposal on incendiary weapons submitted by Australia and the Netherlands\*\*

/Original: English/

## 1. Definitions

(a) An incendiary munition is any munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame and/or heat produced by a chemical reaction of a substance delivered on the target;

(b) A flame munition is any incendiary munition in which the incendiary agent to be delivered on the target is based on a gelled hydrocarbon. Napalm is a flame munition.

## 2. Rules

(a) As a consequence of the rules of international law applicable with respect to the protection of the civilian population against the effects of hostilities, it is prohibited to make any concentration of civilians the object of attack by means of any incendiary munition. Concentrations of civilians can either be of a permanent character, such as cities, towns and villages, or of a temporary character, such as camps and columns of refugees or evacuees;

(b) Specific military objectives that are situated within a concentration of civilians may be made the object of attack by means of incendiary munitions, provided that the attack is otherwise lawful and that all feasible precautions are taken to limit the incendiary effects to all specific military objectives and to avoid incidental loss of civilian life or injury to civilians;

(c) In order to reduce to a minimum the risks posed to civilians by the use of flame weapons, it is prohibited to make any specific military objective that is situated within a concentration of civilians the object of aerial attack by means of napalm or other flame munition unless that objective is located within an area in which combat between ground forces is taking place or appears to be imminent.

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\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.10 and Add.1 and 2.

\*\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.11.



L. Draft proposal on incendiary weapons submitted by  
Denmark and Norway\*

/Original: English/

USE OF TERMS

1. For the purpose of this proposal:

(a) "Incendiary weapon" means any munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame and/or heat produced by a chemical reaction of a substance delivered on the target but does not include:

- (i) Any munition which may have secondary or incidental incendiary effects, such as illuminants, tracers, smoke or signalling systems; or
- (ii) Any munition which relies for its principal effect upon fragmentation, penetration or blast and which has, in addition, an incendiary effect;

(b) "Concentration of civilians" means either a permanent concentration of civilians such as is found in cities, towns and villages or a temporary concentration of civilians such as in camps and columns of refugees or evacuees;

(c) "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization in the circumstances ruling at the time, offers a definite military advantage;

(d) "Feasible precautions" means those precautions which are practicable or practically possible taking into account all circumstances ruling at the time including those relevant to the success of military operations.

RULES

2. It is prohibited to make the civilian population or individual civilians the object of attack by incendiary weapons.

3. It is prohibited to make any military objective located within a concentration of civilians the object of attack by incendiary weapons delivered by aircraft, except when that military objective is clearly separated and distinct from the civilian population.

4. It is prohibited to make military personnel as such the object of attack by incendiary weapons, except when

- (i) the personnel is engaged or about to engage in combat or being deployed for combat engagement, or
- (ii) the personnel is under armoured protection, in field fortification or under similar protection.

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\* Previously issued under the symbol A/CONF.95/PREP.CONF./L.12.

5. Whenever an attack is made by incendiary weapons in accordance with the above provisions and other applicable rules of international law, all feasible precautions shall be taken to limit the effects of such attack to the military objective itself with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.



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