



General Assembly

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Agenda item 51UNITED NATIONS CONFERENCE ON PROHIBITIONS OR RESTRICTIONS OF USE OF
CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY
INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTSReport of the Secretary-General

1. By resolution 36/93 adopted on 9 December 1981, the General Assembly, after having recalled the successful conclusion of the Conference, which resulted in the adoption of 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; a Protocol on Non-Detectable Fragments (Protocol I); a Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II); a Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) and after taking note with satisfaction of the report of the Secretary-General, in which indication had been given that many States had already signed the Convention which was opened for signature in New York on 10 April 1981, *inter alia*, requested the Secretary-General as Depositary of the Convention of the three Protocols annexed thereto to inform the General Assembly from time to time of the state of adherence to the Convention and its Protocols; and decided to include the item in the provisional agenda of its thirty-seventh session.

2. 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.

3. As at 31 August 1982, 53 countries had signed the Convention; 15 had ratified it; and 14 had notified the acceptance of the three Protocols of the Convention.

4. Pursuant to the above request of the General Assembly, the state of adherence to the Convention and its Protocols is given in the annex to the present report.

ANNEX

A. List of signatories and parties to the Convention and its three Protocols as at 31 August 1982

State	Signature	Notification of acceptance pursuant to article 3, paragraphs 3 and 4		
		P r o t o c o l s		
		I	II	III
Afghanistan	10 April 1982			
Argentina	2 December 1981			
Australia	8 April 1982			
Austria	10 April 1981			
Belgium	10 April 1981			
Bulgaria	10 April 1981			
Byelorussian Soviet Socialist Republic ..	10 April 1981	23 June 1982	23 June 1982	23 June 1982
Canada	10 April 1981			
China	7 April 1982	7 April 1982	7 April 1982	7 April 1982
Cuba	10 April 1981			
Czechoslovakia	10 April 1981	31 August 1982		
Denmark	10 April 1981	7 July 1982	7 July 1982	7 July 1982
Ecuador	9 September 1981	4 May 1982	4 May 1982	4 May 1982
Egypt	10 April 1981			
Finland	10 April 1981	8 April 1982	8 April 1982	8 April 1982
France	10 April 1981			
German Democratic Republic	10 April 1981	20 July 1982	20 July 1982	20 July 1982
Germany, Federal Republic of	10 April 1981			

Notification of acceptance pursuant
to article 3, paragraphs 3 and 4

State	Signature	<u>P r o t o c o l s</u>		
		<u>Ratification acceptance (A), approval (AA), accession (a)</u>	<u>I</u>	<u>II</u> <u>III</u>
Greece	10 April 1981		14 June 1982	14 June 1982
Hungary	10 April 1981		14 June 1982	
Iceland	10 April 1981			
India	15 May 1981			
Ireland	10 April 1981			
Italy	10 April 1981			
Japan	22 September 1981	9 June 1982 A	9 June 1982	9 June 1982
Liechtenstein	11 February 1982			
Luxembourg	10 April 1981			
Mexico	10 April 1981	11 February 1982	11 February 1982	11 February 1982
Mongolia	10 April 1981	8 June 1982	8 June 1982	8 June 1982
Morocco	10 April 1981			
Netherlands	10 April 1982			
New Zealand	10 April 1981			
Nicaragua	20 May 1981			
Nigeria	26 January 1982			
Norway	10 April 1981			
Pakistan	26 January 1982			
Philippines	15 May 1981			
Poland	10 April 1981			
Portugal	10 April 1981			
Romania	8 April 1982			
Sierra Leone	1 May 1981			

Notification of acceptance pursuant
to article 3, paragraphs 3 and 4

State	Signature	P r o t o c o l s		
		I	II	III
Spain	10 April 1981			
Sudan	10 April 1981			
Sweden	10 April 1981	7 July 1982	7 July 1982	7 July 1982
Switzerland	18 June 1981	20 August 1982	20 August 1982	20 August 1982
Togo	15 September 1981			
Turkey	26 March 1982			
Ukrainian Soviet Socialist Republic ..	10 April 1981	23 June 1982	23 June 1982	23 June 1982
Union of Soviet Socialist Republics .	10 April 1981	10 June 1982	10 June 1982	10 June 1982
United Kingdom of Great Britain and Northern Ireland	10 April 1981			
United States of America	8 April 1982			
Viet Nam	10 April 1981			
Yugoslavia	5 May 1981			

Ratification
acceptance (A),
approval (AA),
accession (a)

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.

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;

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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.

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

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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.

ROMANIA

[Original: English]

The Government of the Socialist Republic of Romania has signed the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, adopted on 10 October 1980 at the United Nations Conference at Geneva.

Romania considers that the Convention and the three Protocols annexed thereto constitute a positive step within the framework of the efforts which have been made for the gradual development of international humanitarian law applicable during armed conflicts and which aim at providing very broad and reliable protection for the civilian population and the combatants.

At the same time, Romania would like to emphasize that the provisions of the Convention and its Protocols have a restricted character and do not ensure adequate protection either to the civilian population or to the combatants as the fundamental principles of international humanitarian law require.

The Romanian Government wishes to state on this occasion also that real and effective protection for each individual and for peoples and assurance of their right to a free and independent life necessarily presuppose the elimination of all acts of aggression and the renunciation once and for all of the use of force and the threat of the use of force, of intervention in the domestic affairs of other States and of the policy of domination and diktat and strict observation of the sovereignty and independence of peoples and their legitimate right to self-determination.

In the present circumstances, when a vast quantity of nuclear weapons has been accumulated in the world, the protection of each individual and of all peoples is closely linked with the struggle for peace and disarmament and with the adoption of authentic measures to halt the arms race and ensure the gradual reduction of nuclear weapons until they are totally eliminated.

The Romanian Government states once again its decision to act, together with other States, to ensure the prohibition or restriction of all conventional weapons which are excessively injurious or have indiscriminate effects, and the adoption of urgent and effective measures for nuclear disarmament which would protect peoples from the nuclear war which seriously threatens their right to life - a fundamental condition for the protection which international humanitarian law must ensure for the individual, the civilian population and the combatants.

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.

UNITED STATES OF AMERICA

[Original: English]

The United States Government welcomes the adoption of this Convention, and hopes that all States will give the most serious consideration to ratification or accession. We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of this Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.

At the same time, we want to emphasize that formal adherence by States to agreements restricting the use of weapons in armed conflict would be of little purpose if the parties were not firmly committed to taking every appropriate step to ensure compliance with those restrictions after their entry into force. It would be the firm intention of the United States and, we trust, all other parties to utilize the procedures and remedies provided by this Convention, and by the general laws of war, to see to it that all parties to the Convention meet their obligations under it. The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.

In addition, the United States of course reserves the right, at the time of ratification, to exercise the option provided by article 4(3) of the Convention, and to make statements of understanding and/or reservations, to the extent that it may deem that to be necessary to ensure that the Convention and its Protocols conform to humanitarian and military requirements. As indicated in the negotiating record of the 1980 Conference, the prohibitions and restrictions contained in the Convention and its Protocols are of course new contractual rules (with the exception of certain provisions which restate existing international law) which will only bind States upon their ratification of, or accession to, the Convention and their consent to be bound by the Protocols in question.
