

INTERNATIONAL COMMITTEE OF THE RED CROSS

CONFERENCE OF GOVERNMENT EXPERTS ON WEAPONS WHICH MAY CAUSE UNNECESSARY SUFFERING OR HAVE INDISCRIMINATE EFFECTS

We publish below the text of a circular which the ICRC sent on 17 May 1974 to all governments and national liberation movements which were invited to the recent Diplomatic Conference in Geneva.¹

The XXIIInd International Conference of the Red Cross (Teheran, November 1973), in resolution XIV, invited the International Committee of the Red Cross to call in 1974 a conference of government experts to study in depth the question of prohibition or restriction of the use of conventional weapons which may cause unnecessary suffering or have indiscriminate effects, and to transmit a report on the work of the conference to all governments participating in the Diplomatic Conference on Humanitarian Law held in Geneva, with a view to assisting them in their further deliberations. The General Assembly of the United Nations has noted this resolution [A/RES/3076 (XXVIII)].

On accepting this mandate on weapons, the ICRC stated that it counted on the assistance of States to solve the problems to which the organization of such a conference gave rise and, in particular, to ensure that the costs of organizing the conference, which could in no case be borne by the ICRC's budget, would be met.

The recent Diplomatic Conference on International Humanitarian Law (Geneva, 20 February to 29 March 1974) set up an "ad hoc Committee" to study the question of prohibition or restriction of the use of certain conventional weapons. In the

¹ See *International Review* of March and May 1974.

INTERNATIONAL COMMITTEE

course of the proceedings of this "ad hoc Committee", the ICRC has submitted a plan on the organization of the Conference on weapons. After noting the comments and suggestions of the plenipotentiaries participating in the Diplomatic Conference, the ICRC confirmed on 25 March 1974 that it was prepared to convene the Conference on weapons at Lucerne. The ICRC drew attention, however, to the fact that the execution of this project depended on financial support from Governments.

While the total contributions pledged so far do not entirely cover the cost of the Conference, estimated at 500,000 Swiss francs, the ICRC has decided to call it and has selected the period *from 24 September to 18 October* rather than the month of June originally contemplated. The ICRC hopes that those Governments which have not yet announced the amount they propose to contribute will do so in the meantime. The ICRC for its part intends to use the extra three months for completing preparations for the Conference.

Attached hereto are the programme of the work of the Conference as approved by the "ad hoc Committee" of the Diplomatic Conference, the rules of procedure of the Conference, a note containing technical and practical information about the Conference, and forms for the booking of rooms. The ICRC requests that these forms be sent as early as possible, and in any case by 31 July at the latest, to the address indicated¹.

With regard to the question of participation in the Conference, the ICRC, as may be seen from the rules of procedure attached hereto, has acted in conformity with the decisions taken by the Diplomatic Conference.

However, the ICRC has been approached on several occasions, with a view that it should accept the participation of experts nominated by Governments or other bodies which were not represented at the Diplomatic Conference, in particular the Provisional Revolutionary Government of South Vietnam.

The ICRC is extremely anxious to obtain the universal recognition and application of the Geneva Conventions and of the rules of humanitarian law. Consequently, it is natural that it should

¹ These documents are not reproduced here.

support the idea to include the largest possible number of Governments and authorities on whom this application may depend, in order that they may participate in the elaboration of new rules of humanitarian law, and it is prepared to send invitations to attend the Conference, in accordance with the requests addressed to it.

But it was apparent from the discussions that took place at the Diplomatic Conference that the question of invitations is of a highly political character, and it is the ICRC's conviction that it would be contrary to its mission to be involved in the political controversies in which Governments are opposed and which can only be settled by the Governments concerned.

In this particular case, as the Conference of experts on weapons is linked, by resolution XIV adopted by the International Conference of the Red Cross at Teheran in November 1973, to the Diplomatic Conference and is itself a continuation of the latter, the ICRC considers that it cannot just simply go against decisions taken by the Diplomatic Conference, where the question of invitations is concerned. Accordingly, the ICRC requests Governments to let it know in writing, before 31 July 1974, if they are in favour or not of the participation of experts nominated by the Provisional Revolutionary Government of South Vietnam or by other bodies which had not taken part in the Diplomatic Conference. The ICRC will stand by the wishes expressed by a majority of the replies sent to it.

Any observations relative to the composition or to the rules of procedure of the Conference on weapons should be submitted before 31 July 1974 direct to the ICRC, as the Conference, by its very nature, is not competent to discuss such questions.

The ICRC would also be glad to know as soon as possible the names of the experts appointed by the Governments concerned in order that it may be able to make all necessary arrangements for the organization of the Conference.

In our last November issue we reviewed a report¹ on the same subject summarizing the work of a meeting in Geneva in 1973 of

¹ " Weapons that may Cause Unnecessary Suffering or Have Indiscriminate Effects "; 72 pp, price Sw. fr.12.—, available from Documentary Service of the ICRC.

INTERNATIONAL COMMITTEE

a group of experts on modern conventional weapons. Now a conference under Red Cross auspices has been convened by the ICRC, to take place in Lucerne, the purpose being, according to Rule 8 of the Rules of Procedure: "the study in depth, from the humanitarian standpoint, of the question of the prohibition or limitation of the use of conventional weapons that may cause needless suffering or have indiscriminate effects; the Conference shall therefore abstain from any discussion of a controversial or political nature".

The Conference programme, as drawn up by the ICRC, covers the following seven items:

1. Discussion and analysis of *proposed legal criteria* for the prohibition or restriction of use of certain weapons ("unnecessary suffering", "indiscriminate effects", "treacherousness", any other criteria?).
2. *Incendiary weapons*
 - (a) brief description of the various weapons within the category;
 - (b) military value and effects of the various weapons, including their functional interrelationship with other weapons and weapon systems; possible alternatives to the weapons discussed and effects of such alternatives;
 - (c) how accurate are the various weapons and how great are the dangers of their affecting civilians and combatants alike?
 - (d) medical effects of the various weapons including the degree of suffering or injury inflicted by them;
 - (e) assessment of the various weapons in the light of applicable criteria;
 - (f) technical, operational and legal practicability of prohibitions or restrictions of the use of the weapons, and the form any such prohibitions or restrictions might take.
3. *Small-calibre projectiles*
(the same sub-division as in paragraph 2, and study of the threshold of high velocity of a projectile, its form and its composition).

INTERNATIONAL COMMITTEE

4. *Blast and fragmentation weapons*
(including fléchettes)
(same sub-division as in paragraphs 2 and 3).
 5. *Delayed-action weapons and treacherous weapons*
(same sub-divisions as in paragraphs 2).
 6. *Other categories of weapons and new weapons*
 7. *Any other business*
(e.g. periodical updating of list of prohibited or restricted weapons, problem of reciprocity and reprisals; verifying and establishing violations).
-