

**REVIEW CONFERENCE OF THE
1980 UNITED NATIONS CONVENTION
ON PROHIBITIONS OR RESTRICTIONS
ON THE USE OF CERTAIN
CONVENTIONAL WEAPONS**

(Vienna, 25 September-13 October 1995)

THE ISSUES

THE ICRC'S POSITION

The Review Conference of the 1980 United Nations 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 will be held in Vienna from 25 September to 13 October 1995.

This Conference offers a unique opportunity for a thorough analysis of the problems caused by the use of certain weapons, with landmines heading the list. It should also specify measures to be taken to prevent the manufacture and use of new weapons from creating serious problems in future.

Finally, the Conference will examine the means necessary to prevent the excessive damage resulting from present-day armed conflicts, most of which are internal.

1. The issues

To lay the groundwork for this Conference, a Group of Governmental Experts set up by the United Nations Secretary-General has met four times in Geneva between February 1994 and January 1995. The participants gave special attention to the Convention's Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, and

a large majority stressed the need to amend Protocol II by incorporating mechanisms for its implementation and especially by extending it to cover internal conflicts.

Other subjects considered by the Group of Experts were self-destructing and self-neutralizing mines, mine detection and the production and export of prohibited weapons.

At its last meeting the Group of Experts agreed to submit the following proposals to the Review Conference:

1. all anti-personnel mines must be detectable;
2. remotely delivered mines must contain a self-destruct mechanism; and
3. all hand or vehicle-emplaced anti-personnel mines used outside of marked, guarded and fenced minefields should have a self-destruct mechanism.

There is still considerable disagreement, however, over the export of landmines and measures for implementation of the Protocol.

The experts also examined the issue of new weapons. They agreed to submit for consideration by the Review Conference the text of a new Protocol which would prohibit the use of laser weapons to blind persons as a method of warfare. The text is based on previous proposals by Sweden and the ICRC and reflects the opinions expressed during consultations of a wide range of States favourable to a ban on laser blinding. Growing support for the prohibition of blinding laser weapons has now come from 26 major European, Asian, Latin American and Pacific countries.

The United Nations held an International Meeting on Mine Clearance in Geneva from 5 to 7 July 1995, during which the United Nations Secretary-General, addressing representatives of 97 countries, called for a ban on the production, stockpiling and use of landmines, and ICRC President Cornelio Sommaruga reiterated his appeal to the forthcoming Conference in Vienna, to outlaw anti-personnel mines.

2. The ICRC's role

The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons is indisputably part of international humanitarian law and the specific prohibitions and restrictions it contains are in fact an implementation of principles and rules laid down by 1977 Protocol I additional to the 1949 Geneva Conventions. When the 1980 Convention was introduced, the ICRC, for which the question of weapons

of mass destruction had always been of considerable concern, "realized it could best render service to the international community in this domain by bringing together experts from all specialized fields to examine every feature of weapons whose use could be prohibited or restricted".¹

Indeed, the ICRC has been required to act as a catalyst in this area with growing frequency. In 1993, for instance, it hosted a Symposium on anti-personnel mines (Montreux, Switzerland, April 1993) whose objectives were to gain as accurate a picture as possible of the current use and consequences of mines, and to analyse the mechanisms and means available to limit this use and to alleviate the suffering of victims.²

The Montreux Symposium was followed by a Symposium of Military Experts (Geneva, January 1994) which examined in depth the military use of, and possible alternatives to, anti-personnel mines.³

On the subject of blinding weapons, the ICRC has also hosted four meetings of experts on laser weapons that cause permanent and irreversible blindness.

A report based on the results of these meetings was drafted by the ICRC for the Review Conference of the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and was officially submitted in February 1994 to the first meeting of the Group of Governmental Experts.⁴

The United Nations Secretary-General invited the ICRC to attend preparations by the Group of Experts for the Review Conference, and allowed it to speak, to submit proposals and to distribute documentation. In addition, the ICRC was asked to prepare two working papers, one presenting ways and means of amending Protocol II on mines and the humanitarian and military considerations involved in such amendments, and one containing observations on other proposals concerning the 1980 Convention itself and its present and future protocols.

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¹ Yves Sandoz, "Prohibitions and restrictions on the use of certain weapons: three key questions", *International Review of the Red Cross (IRRC)*, No. 299, March-April 1994, p. 96.

² The results of the Symposium were published in the *IRRC* (No. 299, March-April 1994, pp. 159-169).

³ See the *IRRC*, No. 299, March-April 1994, pp. 170-182.

⁴ The Report was published in full in the *IRRC* (No. 299, March-April 1994, pp. 123-182).

As an open forum for reflection on the matters to be discussed by the forthcoming Review Conference, and to supplement its special March-April 1994 issue on the subject of prohibitions or restrictions of the use of certain weapons, the *Review* gives particular coverage below, in two correlated articles, to the legal, political and technical aspects of the problem of landmines and moves by the international community to ban these weapons.

3. The ICRC's position

The following is a summary of the position adopted by the ICRC on the issues to be discussed by the Review Conference:

The ICRC is convinced that the only clear and effective means of ending the suffering inflicted on civilians by anti-personnel landmines is their total prohibition. While only a year ago this proposition was considered unachievable it has now attracted a growing list of advocates, including Afghanistan, Belgium, Cambodia, Colombia, Estonia, Iceland, Ireland, Lao People's Democratic Republic, Malaysia, Mexico, Norway, Peru, Slovenia, Sweden, the UN Secretary-General, the European Parliament, the Organization of African Unity and many humanitarian organizations which see it as the only real solution to the global scourge of land-mines.

The type of complex measures which have been considered by the Group of Governmental Experts might have a modest effect on the level of civilian mine casualties. However, if the exceptions and exclusions currently being suggested by some States are adopted, the new control regime risks having no substantial effect on the overall problem of landmines and could even lead to an increase in the use of and trade in anti-personnel mines.

In addition, certain essential minimum steps must be taken as follows:

- extend the 1980 Convention on Certain Conventional Weapons to cover all internal armed conflicts;
- incorporate into the Convention effective implementation mechanisms which make use of independent international supervision;
- find ways to encourage implementation of the Convention by States and compliance with it by all parties to armed conflicts;
- find ways, including positive incentives, to encourage universal adherence to the Convention which, at this date, has only 50 States Parties.

The ICRC appeals to governments and to the concerned public to give the highest priority to ensuring that the September-October Review Conference takes bold and effective steps to end the worldwide scourge of landmines. Excessive caution and unnecessary exceptions will be reflected in lost lives, limbs and livelihoods for many years to come.

The ICRC also believes that intentional blinding with laser weapons should be stigmatized in 1995 as an unacceptable form of warfare. Given the current state of laser technology and developments in laser weapons, the 1995 Review Conference of the CCW represents the last and only opportunity for the international community to address this issue. Laser weapons suitable for blinding could be produced on a large scale in the next few years and their proliferation among the world's armies as well as terrorist and criminal groups could be expected soon thereafter. Efforts to deal with the problem at that stage would be immensely more complicated and costly, and unlikely to succeed.

The Review
