

At the XXIIInd International Red Cross Conference held in Tehran in November 1973 a resolution was passed urging the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts to begin considering the question of the prohibition or restriction of use of conventional weapons which may cause unnecessary suffering or have indiscriminate effects (CUSHIE weapons), without prejudice to its work on the two draft Additional Protocols. In addition, the resolution invited the ICRC to call, in 1974, a conference of government experts to study this whole question in depth. This resolution represented a compromise between the view that provisions banning specific weapons should be included in the draft Additional Protocols and the view that this question should not be discussed at all. The Canadian Delegation at the Conference was pleased with the resolution since discussing prohibitions or restrictions of specific weapons in the Protocols would have jeopardized the success of any Diplomatic Conference called to consider the Protocols, and might prejudice the universality of acceptance of any Protocols adopted by such Diplomatic Conference.

At the opening session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts held in Geneva in 1974, a mandate and work programme, based largely upon a Canadian draft, for an ICRC meeting of government experts was approved. The meeting took place in Lucerne, Switzerland from September 24 to October 18, 1974, with a mandate to discuss the possible limitation or prohibition of the use of CUSHIE weapons.

The agenda for the conference included the discussion and analysis of proposed legal criteria such as unnecessary suffering, indiscriminateness, perfidy and the dictates of public conscience; it also listed for the purposes of discussion CUSHIE weapons in the following categories; incendiary weapons, small-calibre projectiles, blast and fragmentation weapons, delayed-action and treacherous weapons, and potential new weapons.

The conference held in Lucerne contributed in no small measure to the knowledge and understanding of the subject. It was decided that