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RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

Report of the Sixth Committee

Rapporteur: Mr. Awn S. AL-KHASAWNEH (Jordan)

I. INTRODUCTION

1. The item entitled "Respect for human rights in armed conflicts: report of the Secretary-General" was included in the provisional agenda of the thirty-second session of the General Assembly pursuant to paragraph 6 of Assembly resolution 31/19 of 24 November 1976.
2. At its 5th plenary meeting, on 23 September 1977, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 14th to 19th meetings, between 11 and 17 October, and at its 50th meeting, on 18 November. The summary records of those meetings (A/C.6/32/SR.14-19 and 50) contain the views of representatives who spoke during the consideration of the item.
4. In connexion with the item, the Committee had before it a report of the Secretary-General on the results of the fourth session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held at Geneva from 17 March to 10 June 1977 (A/32/14⁴ and Add.1), submitted pursuant to paragraph 5 of General Assembly resolution 31/19.
5. At its 14th meeting, on 11 October, the Sixth Committee decided to invite the representative of Switzerland, the country which had convened and acted as a host for the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to participate in the debate of the Committee on the item.

II. PROPOSALS

6. On 28 October, Austria, Bangladesh, Canada, Cyprus, Denmark, Egypt, Finland, Jamaica, Kenya, Liberia, Mali, Mexico, the Netherlands, Norway, Pakistan, Sweden and Yugoslavia submitted a draft resolution (A/C.6/32/L.6) which read as follows:

"The General Assembly,

"Mindful of the necessity to eliminate the scourge of war which has brought untold sorrow to mankind,

"Recalling the fundamental principle of international law set out in Article 2 (4) of the Charter of the United Nations that all Members shall refrain from the threat or use of force in their international relations,

"Reaffirming the need to secure the full observance of human rights in armed conflicts pending the earliest possible termination of such conflicts,

"Convinced of the continuing value of established humanitarian rules relating to armed conflicts, in particular the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949,

"Noting the report of the Secretary-General on the fourth session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held at Geneva from 17 March to 10 June 1976,

"1. Welcomes the successful conclusion of the Diplomatic Conference which has resulted in two Protocols Additional to the Geneva Conventions of 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I) and Non-international Armed Conflicts (Protocol II), adopted by the Diplomatic Conference on 8 June 1977;

"2. Welcomes also the recommendation, approved by the Diplomatic Conference, that a special conference be called on the issue of prohibition or restriction of use for humanitarian reasons of specific conventional weapons;

"3. Expresses appreciation to the Swiss Federal Council for hosting the four sessions of the Diplomatic Conference, and to the International Committee of the Red Cross for preparing the basis for discussion and for its constant assistance to the Conference;

"4. Urges States to consider without delay the matter of signing and ratifying or acceding to the two Protocols Additional to the Geneva Conventions of 1949, which will be opened for signature on 12 December 1977 in Berne;

"5. Appeals to States, which have not done so, to become parties to the Geneva Conventions of 1949;

/...

"6. Calls upon all parties to armed conflicts to acknowledge and to comply with their obligations under the existing instruments of international humanitarian law and to observe the international humanitarian rules which are applicable, in particular the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

"7. Calls upon all States to take effective steps for the dissemination of humanitarian rules applicable in armed conflicts;

"8. Requests the Secretary-General to submit to the General Assembly at its thirty-fourth session a report concerning the state of signatures and ratification of the Protocols Additional to the Geneva Conventions of 1949, and decides to include in the provisional agenda of its thirty-fourth session the item entitled 'Human Rights in Armed Conflicts'."

7. At the 50th meeting, on 18 November, the representative of Sweden introduced a revised draft resolution (A/C.6/32/L.6/Rev.1) sponsored by Austria, Bangladesh, Canada, Cyprus, Denmark, Egypt, Finland, Ghana, Honduras, Jamaica, Kenya, Liberia, the Libyan Arab Jamahiriya, Mali, Mexico, Morocco, the Netherlands, Nigeria, Norway, Pakistan, Senegal, the Sudan, Sweden and Yugoslavia, later joined by El Salvador, Sierra Leone and Swaziland in which:

(a) Operative paragraph 2 read as follows:

"Notes the recommendation, approved by the Diplomatic Conference, that a special conference be called on the issue of prohibition or restriction of use for humanitarian reasons of specific conventional weapons;"

(b) Operative paragraph 8 read as follows:

"Requests the Secretary-General to submit to the General Assembly at its thirty-fourth session a report concerning the state of signatures and ratification of the Protocols Additional to the Geneva Conventions of 1949, and decides to include in the provisional agenda of its thirty-fourth session the item entitled 'Report of the Secretary-General on the state of Signatures and Ratifications of the Protocols Additional to the Geneva Conventions of 1949 concerning the Respect for Human Rights in Armed Conflicts'."

8. At the same meeting, the Sixth Committee adopted draft resolution A/C.6/32/L.6/Rev.1 by consensus (see para. 9 below). At the same meeting, the representatives of Somalia, the Ivory Coast, Togo, Tunisia and Israel made statements.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

/...

Respect for human rights in armed conflicts

The General Assembly,

Mindful of the necessity to eliminate the scourge of war which has brought untold sorrow to mankind,

Recalling the fundamental principle of international law set out in Article 2, paragraph 4, of the Charter of the United Nations that all Members shall refrain from the threat or use of force in their international relations,

Reaffirming the need to secure the full observance of human rights in armed conflicts pending the earliest possible termination of such conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts, in particular the Hague Conventions of 1899 and 1907, 1/ the Geneva Protocol of 1925 2/ and the Geneva Conventions of 1949, 3/

Noting the report of the Secretary-General on the fourth session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held at Geneva from 17 March to 10 June 1977, 4/

1. Welcomes the successful conclusion of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts which has resulted in two Protocols Additional to the Geneva Conventions of 12 August 1949, adopted by the Diplomatic Conference on 8 June 1977, namely, Protocol I relating to the Protection of Victims of International Armed Conflicts 5/ and Protocol II relating to the Protection of Victims of Non-International Armed Conflicts; 6/

2. Notes the recommendation, approved by the Diplomatic Conference, that a special conference be called on the issue of prohibition or restriction of use for humanitarian reasons of specific conventional weapons;

3. Expresses its appreciation to the Swiss Federal Council for acting as host to the four sessions of the Diplomatic Conference and to the International Committee of the Red Cross for preparing the basis for discussion and for its constant assistance to the Conference;

1/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

2/ League of Nations, Treaty Series, vol. XCIV, No. 2138, p. 65.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ A/32/144 and Add.1.

5/ A/32/144, annex I.

6/ A/32/144, annex II.

4. Urges States to consider without delay the matter of signing and ratifying or acceding to the two Protocols Additional to the Geneva Conventions of 1949, which will be opened for signature on 12 December 1977 in Berne;

5. Appeals to States which have not done so to become parties to the Geneva Conventions of 1949;

6. Calls upon all parties to armed conflicts to acknowledge and to comply with their obligations under the existing instruments of international humanitarian law and to observe the international humanitarian rules which are applicable, in particular the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

7. Calls upon all States to take effective steps for the dissemination of humanitarian rules applicable in armed conflicts;

8. Requests the Secretary-General to submit to the General Assembly at its thirty-fourth session a report concerning the state of signatures and ratification of the Protocols Additional to the Geneva Conventions of 1949 and decides to include in the provisional agenda of its thirty-fourth session an item entitled "Report of the Secretary-General on the state of signatures and ratifications of the Protocols Additional to the Geneva Conventions of 1949 concerning the respect for human rights in armed conflicts".
