

# M I S C E L L A N E O U S

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## **RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS**

The General Assembly of the United Nations, which held its twenty-seventh session in New York from 19 September to 19 December 1972, again had on its agenda the question of " Respect for human rights in armed conflicts ". It had before it a report of the Secretary-General on the work of the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. On the recommendation of the Sixth Committee, which was able to give only limited time to the consideration of that agenda item, the General Assembly adopted a resolution the full text of which appears below.

Under the same title, the Third Committee of the General Assembly again considered the question of the protection of journalists engaged in dangerous missions in areas of armed conflicts, which the General Assembly decided to hold over until its twenty-eighth session.

### *RESOLUTION 3032 (XXVII)*

#### **Respect for human rights in armed conflicts**

The General Assembly,

*Conscious that only complete respect for the Charter of the United Nations and general and complete disarmament under effective international control can bring about full guarantees against armed conflicts and the suffering caused by such conflicts, and determined to continue all efforts to these ends,*

*Conscious that the development of many weapons and methods of warfare has made modern armed conflicts increasingly cruel and destructive of civilian lives and property,*

Reaffirming the urgent need to ensure full and effective application of existing legal rules relating to armed conflicts and to supplement these rules by new ones in order to take into account the modern developments in methods and means of warfare,

Noting with concern that the existing legal rules and obligations relating to human rights in armed conflicts are being frequently disregarded,

Recalling the successive resolutions adopted by the United Nations relating to human rights in armed conflicts, in particular General Assembly resolutions 2852 (XXVI) and 2853 (XXVI) of 20 December 1971, and resolution XIII adopted by the twenty-first International Conference of the Red Cross, held at Istanbul in 1969,<sup>1</sup> concerning the reaffirmation and development of the laws and customs applicable in armed conflicts,

Noting with appreciation the report of the Secretary-General<sup>2</sup> on the results of the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which was held at Geneva from 3 May to 3 June 1972 at the invitation of the International Committee of the Red Cross,

Having taken cognizance of the report prepared by the International Committee of the Red Cross on the work of the Conference of Government Experts,<sup>3</sup>

Expressing appreciation to the International Committee of the Red Cross for its dedicated efforts to promote the reaffirmation and development of international humanitarian law applicable in armed conflicts,

Emphasizing the importance of continued close collaboration between the United Nations and the International Committee of the Red Cross,

Welcoming the progress achieved at the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts,

<sup>1</sup> See A/7720, annex I, sect. D.

<sup>2</sup> A/8781 and Corr. 1.

<sup>3</sup> Report on the Work of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (Geneva, July 1972).

## MISCELLANEOUS

Noting with concern, *nevertheless, that agreement has not emerged among government experts on drafts concerning a number of fundamental issues, such as:*

*(a) Methods to ensure a better application of existing rules relating to armed conflicts,*

*(b) Definitions of military objectives and protected objects, in order to counter the tendency in armed conflicts to regard ever growing categories of objects as permissible targets for attack,*

*(c) Definitions of protected persons and combatants, responsive to the need for improved protection of civilians and of combatants in modern armed conflicts,*

*(d) The question of guerrilla warfare,*

*(e) Prohibition of use of weapons and methods of warfare which indiscriminately affect civilians and combatants,*

*(f) Prohibition or restriction of the use of specific weapons which are deemed to cause unnecessary suffering,*

*(g) Rules facilitating humanitarian relief in armed conflicts,*

*(h) Definition of those armed conflicts of a non-international character which should be subject to rules additional to those contained in the Geneva Conventions of 1949,<sup>1</sup>*

*Considering that substantial progress on fundamental issues such as those enumerated above is indispensable if the efforts to supplement international humanitarian law by new rules are to become significant for the alleviation of the suffering brought by modern armed conflicts,*

*Welcoming the readiness of the Swiss Federal Council, as communicated to the Secretary-General, to convoke a diplomatic conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts,*

*Believing that the further preparations for such conference as well as the organization of the conference itself must be such that substantial progress is achieved on fundamental issues which are now unresolved,*

*Expressing its appreciation to the International Committee of the Red Cross for undertaking a series of consultations to ensure the complete preparation for the diplomatic conference,*

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<sup>1</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

1. Urges all Governments and invites the International Committee of the Red Cross to continue to seek through consultations to achieve a rapprochement in the positions of Governments to ensure that the diplomatic conference envisaged will adopt rules which mark substantial progress on fundamental legal issues connected with modern armed conflicts and which will contribute significantly in the alleviation of the suffering brought by such conflicts ;

2. Calls upon all parties to armed conflicts to observe the international humanitarian rules which are applicable, in particular the Hague Conventions of 1899 and 1907,<sup>1</sup> the Geneva Protocol of 1925<sup>2</sup> and the Geneva Conventions of 1949, and, to this end, to provide instruction concerning these rules to their armed forces and information concerning the same rules to the civilian population ;

3. Requests the Secretary-General to encourage the study and teaching of principles of respect for international humanitarian rules applicable in armed conflicts ;

4. Requests the Secretary-General to report to the General Assembly at its twenty-eighth session on relevant developments concerning human rights in armed conflicts, and to prepare, as soon as possible, a survey of existing rules of international law concerning the prohibition or restriction of use of specific weapons ;

5. Decides to include in the provisional agenda of its twenty-eighth session an item entitled " Human rights in armed conflicts : respect for human rights in armed conflicts " .

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

<sup>2</sup> League of Nations, *Treaty Series*, vol. XCIV, No. 2138.