

**FOUR UNITED NATIONS RESOLUTIONS OF
DIRECT INTEREST TO THE ICRC**

The General Assembly of the United Nations, at its twenty-ninth session (17 September to 18 December 1974), adopted several resolutions relating to the activities of the International Committee of the Red Cross. Some of these resolutions dealt more particularly with questions studied by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. Here are the more important ones:

RESOLUTION 3255 A (XXIX)

**Napalm and other incendiary weapons and all aspects of
their possible use**

The General Assembly,

Recalling that, in resolution 2932 A (XXVII) of 29 November 1972, it welcomed the report of the Secretary-General entitled Napalm and Other Incendiary Weapons and All Aspects of Their Possible Use and expressed its conviction that the widespread use of many weapons and the emergence of new methods of warfare that cause unnecessary suffering or are indiscriminate call urgently for renewed efforts by Governments to seek, through legal means, the prohibition of the use of such weapons and of indiscriminate and cruel methods of warfare and, if possible, through measures of disarmament, the elimination of specific, especially cruel or indiscriminate weapons,

Recalling that, in resolution 3076 (XXVIII) of 6 December 1973, it took note of the comments submitted by Governments¹ on the above-mentioned report of the Secretary-General and of the widespread wish that intergovernmental action should be taken with a view to reaching agreement on the prohibition or restriction of use of these weapons,

Recalling further that by the same resolution the General Assembly pointed to the extensive factual report prepared under the auspices of the International Committee of the Red Cross entitled Weapons That May Cause Unnecessary Suffering or Have Indiscriminate Effects,² covering, inter alia, high-velocity projectiles, blast and fragmentation weapons, time-delay weapons and incendiary weapons, and endorsed the conclusion of the report that intergovernmental review and action regarding weapons of these kinds was called for,

Recalling lastly that by resolution 3076 (XXVIII) the General Assembly considered that prohibitions or restrictions of the use of such weapons should be examined without delay and that positive results in this regard were likely to facilitate substantive disarmament negotiations with a view to the elimination of production, stockpiling and proliferation of the weapons in question, which should be the ultimate objective, and invited the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts to consider the question of the use of napalm and other incendiary weapons, as well as other specific conventional weapons which may be deemed to cause unnecessary suffering or to have indiscriminate effects, and to seek agreement on rules prohibiting or restricting the use of such weapons,

Taking note of the report of the Secretary-General on the work of the first session of the Diplomatic Conference relevant to napalm and other incendiary weapons and all aspects of their possible use³ and the report of the Conference of Government Experts, held under the auspices of the International Committee of the Red Cross, to study in depth the question of the prohibition or limitation of the use of conventional weapons that may cause unnecessary suffering or have indiscriminate effects,

Mindful of the fact that much suffering to civilian population and combatants may be avoided if general agreement can be attained on the prohibition or restriction of use of specific conventional weapons which may be deemed to cause unnecessary suffering or to have indiscriminate effects,

¹ A/9207 and Corr. 1 and Add. 1.

² Geneva, 1973.

³ A/9726.

Welcoming the active work of the Diplomatic Conference and the Conference of Government Experts on the question of prohibition or restriction of use of specific conventional weapons,

Noting that this work, which has comprised an examination of important categories of conventional weapons, has resulted not only in a better understanding of the significance of earlier studies of this subject but in the emergence of new valuable data and suggestions and proposals for possible restrictions on the use of certain conventional weapons,

Aware of the complexity of the issues raised by such suggestions and proposals and the recognized need to examine thoroughly all data now available and to undertake some further investigations, which may permit Governments to reach well-founded conclusions,

Conscious of the need for broad agreement on any prohibitions or restrictions which may be contemplated and of the need for a further expert discussion to this end,

Taking note with appreciation of the expressed readiness of the International Committee of the Red Cross to convoke another Conference of Government Experts, which would receive and consider new information and focus on such conventional weapons as have been, or may become, the subject of proposed bans or restrictions of use and study the possibility, contents and form of such proposed bans or restrictions,

1. Urges all Governments to examine the considerable body of facts which is now available on the matter and to compile without delay such supplementary data as may be required by them to focus upon specific proposals for prohibitions or restrictions;

2. Appeals to all Governments to co-operate in the clarification of the issues and to consider in a constructive spirit and with a sense of urgency all proposals and suggestions which have been or may be advanced on the matter;

3. Invites the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts to continue its consideration of the question of the use of napalm and other incendiary weapons as well as other specific conventional weapons which may be deemed to cause unnecessary suffering or to have indiscriminate effects, and its search for agreement on possible rules prohibiting or restricting the use of such weapons and, in this context, also to consider the results of the first Conference of Government Experts and the programme of work which a second Conference of Government Experts might follow;

4. Requests the Secretary-General, who has been invited to attend the Diplomatic Conference as an observer, to report to the General Assembly at its thirtieth session on aspects of the work of the Conference relevant to the present resolution;

5. Decides to include in the provisional agenda of its thirtieth session the item entitled « Napalm and other incendiary weapons and all aspects of their possible use ».

RESOLUTION 3255 B (XXIX)

The General Assembly,

Having considered the question of napalm and other incendiary weapons and all aspects of their possible use,

Taking note of the report of the Secretary-General on napalm and other incendiary weapons and all aspects of their possible use and the report of the Conference of Government Experts, held under the auspices of the International Committee of the Red Cross, which contains a study in depth of the question of the prohibition or limitation of the use of conventional weapons that may cause unnecessary suffering or have indiscriminate effects,

Recalling its resolutions 2932 (XXVII) of 29 November 1972 and 3076 (XXVIII) of 6 December 1973 on this question,

Recalling the conclusion of the International Conference on Human Rights, held at Teheran in 1968,¹ that napalm bombing is among the methods and means of warfare that erode human rights,

Emphasizing the consensus of the Conference of Government Experts that severe burn wounds are probably the most painful type of wound and frequently remain so for long periods of time and that they may result in permanent disability, including physical, functional, cosmetic, social and psychological disability,

Deeply disturbed at the continuing use of napalm and other incendiary weapons,

¹ See *Final Act of the International Conference on Human Rights* (United Nations publication).

1. *Condemns the use of napalm and other incendiary weapons in armed conflicts in circumstances where it may affect human beings or may cause damage to the environment and/or natural resources;*

2. *Urges all States to refrain from the production, stockpiling, proliferation and use of such weapons, pending the conclusion of agreements on the prohibition of these weapons;*

3. *Invites all Governments, the International Committee of the Red Cross, the specialized agencies and the other international organizations concerned to transmit to the Secretary-General all information about the use of napalm and other incendiary weapons in armed conflicts;*

4. *Requests the Secretary-General to prepare a report on this subject, based on information received under paragraph 3 of the present resolution, to be submitted to the General Assembly at its thirtieth session.*

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RESOLUTION 3220 (XXIX)

Assistance and co-operation in accounting for persons who are missing or dead in armed conflicts

The General Assembly,

Recalling that one of the purposes of the United Nations is the promotion of international co-operation in solving international problems of humanitarian character,

Regretting that, in violation of the principles of the Charter of the United Nations, the resort to force has continued to occur, causing loss of human lives, widespread devastation and other forms of human suffering,

Reaffirming that it is one of the fundamental obligations of Member States to ensure and promote international peace and security by preventing or ending armed conflicts,

Recognizing that one of the tragic results of armed conflicts is the lack of information on persons, civilians as well as combatants, who are missing or dead in armed conflicts,

Noting with satisfaction resolution V, adopted by the twenty-second International Conference of the Red Cross held at Teheran from 28 Octo-

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ber to 15 November 1973, calling on parties to armed conflicts to accomplish the humanitarian task of accounting for the missing and dead in armed conflicts,¹

Bearing in mind the inadmissibility of a refusal to apply the Geneva Conventions of 1949,²

Reaffirming the urgent need to ensure full adherence to, and effective implementation of, the Geneva Conventions of 1949 on the protection of war victims by all States, and in particular those signatories to the Geneva Conventions of 1949,

Considering that the desire to know the fate of loved ones lost in armed conflicts is a basic human need which should be satisfied to the greatest extent possible, and that provision of information on those who are missing or who have died in armed conflicts should not be delayed merely because other issues remain pending,

1. Reaffirms the applicability of the Geneva Conventions of 1949 to all armed conflicts as stipulated by those Conventions;

2. Calls on parties to armed conflicts, regardless of their character or location, during and after the end of hostilities and in accordance with the Geneva Conventions of 1949, to take such action as may be within their power to help locate and mark the graves of the dead, to facilitate the disinterment and the return of remains, if requested by their families, and to provide information about those who are missing in action;

3. Appreciates the continuing efforts of the International Committee of the Red Cross to assist in the task of accounting for the missing and dead in armed conflicts;

4. Calls on all parties to armed conflicts to co-operate in accordance with the Geneva Conventions of 1949 with protecting Powers or their substitutes, and with the International Committee of the Red Cross, in providing information on the missing and dead in armed conflicts, including persons belonging to other countries not parties to the armed conflict;

5. Requests the Secretary-General to bring the present resolution to the attention of the second session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

¹ *International Review of the Red Cross*, No. 154 (January 1974), pp. 22-23.

² United Nations, *Treaty Series*, vol. 75. Nos. 970-973.

RESOLUTION 3319 (XXIX)**Respect for human rights in armed conflicts**

The General Assembly,

Conscious that a better application of existing humanitarian rules relating to armed conflicts and development of further rules remains an urgent task in order to reduce the suffering brought about by all such conflicts,

Recalling the successive resolutions adopted in the preceding years by the United Nations relating to human rights in armed conflicts and the debates on this subject,

Noting the report of the Secretary-General¹ on the first session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held at Geneva from 20 February to 29 March 1974, and on the Conference of Government Experts on the Use of Certain Conventional Weapons, convoked by the International Committee of the Red Cross at Lucerne from 24 September to 18 October 1974,

Welcoming the decision by the Diplomatic Conference to invite national liberation movements recognized by the regional intergovernmental organizations concerned to participate in its work,

Welcoming the work of the first session of the Diplomatic Conference and the work of the Conference of Government Experts,

1. Expresses its appreciation to the Swiss Federal Council for convoking the second session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts in 1975 and to the International Committee of the Red Cross for its readiness to convoke in 1975 another Conference of Government Experts on the use of certain conventional weapons;

¹ A/9669 and Add. 1.

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2. Urges all participants in the Diplomatic Conference to do their utmost to reach agreement on additional rules which may help to alleviate the suffering brought about by armed conflicts and to respect and to protect non-combatants and civilian objects in such conflicts;

3. Calls upon all parties to armed conflicts to acknowledge and to comply with their obligations under the humanitarian instruments and to observe the international humanitarian rules which are applicable, in particular the Hague Conventions of 1899 and 1907,¹ the Geneva Protocol of 1925² and the Geneva Conventions of 1949;³

4. Requests the Secretary-General to report to the General Assembly at its thirtieth session on relevant developments concerning human rights in armed conflicts, in particular on the proceedings and results of the 1975 session of the Diplomatic Conference;

5. Decides to include in the provisional agenda of its thirtieth session the item entitled "Respect for human rights in armed conflicts" and emphasizes the need to allocate adequate time during the session to consider the results of both sessions of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

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.