

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

TWO UNITED NATIONS RESOLUTIONS ON THE DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

At its thirty-first session, the United Nations General Assembly adopted two resolutions, one on 24 November and the other on 10 December 1976, on matters to be considered by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, whose third session took place at Geneva from 21 April to 11 June 1976, and by the second Conference of Government Experts on the Use of Certain Conventional Weapons, held at Lugano, under ICRC auspices, from 28 January to 26 February 1976. The text of the resolutions is given below:

RESOLUTION A 31/19

Respect for human rights in armed conflicts

The General Assembly,

Conscious that a better application of existing humanitarian rules relating to armed conflicts and the 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-General on the third session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held at Geneva from 21 April to 11 June 1976, and on the second session of the Conference of Government Experts on the Use of Certain Conventional

*Weapons convoked by the International Committee of the Red Cross at Lugano from 28 January to 26 February 1976,*¹

Welcoming the substantial progress made at the third session of the Diplomatic Conference and the work of the Conference of Government Experts,

Noting that the Diplomatic Conference will continue its consideration of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects, and its search for agreement, for humanitarian reasons, on possible rules prohibiting or restricting the use of such weapons,

1. 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 1907,² the Geneva Protocol of 1925³ and the Geneva Conventions of 1949;⁴

2. Calls the attention of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, and of the Governments and organizations participating in it, to the need for measures to promote on a universal basis the dissemination of and instruction in the rules of international humanitarian law applicable in armed conflicts;

3. 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 protect non-combatants and civilian objects in such conflicts, and to bring the Conference during its final session in 1977 to a successful conclusion;

4. Expresses its appreciation to the Swiss Federal Council for convoking the fourth session of the Diplomatic Conference from 17 March to 10 June 1977;

5. Requests the Secretary-General to report to the General Assembly at its thirty-second session on relevant developments concerning human

¹ A/31/163 and Add.1; see also A/31/146.

² Carnegie Endowment for International Peace; *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

³ League of Nations, *Treaty Series*, vol. XCIV, No. 2138, p. 65.

⁴ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

rights in armed conflicts, in particular on the proceedings and results of the 1977 session of the Diplomatic Conference;

6. Decides to include in the provisional agenda of its thirty-second session the item entitled “Respect for human rights in armed conflicts”.

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RESOLUTION A 31/64

**Incendiary and other specific conventional weapons which
may be the subject of prohibitions or restrictions of use
for humanitarian reasons**

The General Assembly,

Convinced that the suffering of civilian populations and combatants could be significantly reduced if general agreement can be attained on the prohibition or restriction for humanitarian reasons of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects,

Mindful that positive results as regards non-use or restriction of use for humanitarian reasons of specific conventional weapons would serve, in addition, as encouragement in the broader field of disarmament and might facilitate subsequent agreement on the elimination of such weapons which were completely banned for use,

Recalling that the issue of prohibitions or restrictions for humanitarian reasons of the use of specific conventional weapons has been the subject of serious and substantive discussion for a number of years, notably at the conferences of government experts held under the auspices of the International Committee of the Red Cross from 24 September to 18 October 1974 at Lucerne and from 28 January to 26 February 1976 at Lugano and at three sessions of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and in the General Assembly since 1971,

Noting that the discussions and proposals regarding prohibition or restriction of use for humanitarian reasons of certain weapons have focused on napalm and other incendiary weapons, indiscriminate methods of using land mines, on perfidious weapons and weapons which rely for their effect upon fragments invisible on X-ray, on certain types of small calibre projectile which may be especially injurious and on certain blast and fragmentation weapons,

Noting that the issue will come before the fourth session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to be held at Geneva from 17 March to 10 June, 1977,

Convinced that the work of the fourth session of the Diplomatic Conference should be inspired by the sense of urgency and the wish to attain concrete results which was stressed in the appeal by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held in Colombo from 16 to 19 August 1976, concerning particularly the prohibition of the use of napalm and other incendiary weapons,

1. Takes note of the reports of the Secretary-General on the work of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts as regards the work of the Conference relevant to the present resolution;

2. Invites the Diplomatic Conference to accelerate its consideration of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects, and to do its utmost to agree for humanitarian reasons on possible rules prohibiting or restricting the use of such weapons;

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

4. Decides to include in the provisional agenda of its thirty-second session an item entitled "Incendiary and other specific conventional weapons which may be the subject of prohibition or restrictions of use for humanitarian reasons".