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Agenda item 122

STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949  
AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Report of the Sixth Committee

Rapporteur: Mr. Mehmet GÜNEY (Turkey)

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts: report of the Secretary-General" was included in the provisional agenda of the thirty-ninth session of the General Assembly pursuant to paragraph 4 of Assembly resolution 37/116 of 16 December 1982.
2. At its 3rd plenary meeting, on 21 September 1984, 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 had before it the report submitted by the Secretary-General (A/39/465) pursuant to paragraph 3 of General Assembly resolution 37/116.
4. The Committee considered the item at its 7th, 8th and 63rd meetings, on 1 and 2 October and 5 December 1984. The summary records of these meetings (A/C.6/39/SR.7, 8 and 63) contain the views of representatives who spoke during the consideration of this item.
5. On 13 November 1984, a draft resolution (A/C.6/39/L.6) sponsored by Austria, Bangladesh, Costa Rica, Denmark, Egypt, Finland, Ghana, the Libyan Arab Jamahiriya, the Netherlands, Norway, Sweden, Tunisia and Yugoslavia was circulated. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979 and 37/116 of 16 December 1982,

"Having considered the report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 1/ and relating to the protection of victims of armed conflicts,

"Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances pending the earliest possible termination of such conflicts,

"Mindful of the need for continued improvement of the implementation, and for further expansion, of the body of humanitarian rules relating to armed conflicts,

"Particularly mindful of the importance of the protection of the civilian population, especially women and children, against the effects of hostilities,

"Noting the virtually universal acceptance of the four Geneva Conventions of 1949 2/ concerning the protection of victims of armed conflicts, and their binding character for all parties,

"Concerned, however, at the fact that so far only a limited number of States have signed, ratified or acceded to the two Protocols Additional to the Geneva Conventions,

"Noting at the same time with appreciation the continuing efforts of the International Committee of the Red Cross to promote and to disseminate knowledge of the two additional Protocols,

"1. Reiterates its call, contained in resolutions 34/51 and 37/116, that all States should consider without delay the matter of ratifying or acceding to the two Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts;

"2. Calls upon all States becoming parties to Protocol I to consider the matter of making the declaration provided for under article 90 of that Protocol;

"3. Requests the Secretary-General to submit to the General Assembly at its forty-first session a report on the status of the Protocols based on information received from Member States;

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1/ A/39/465.

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

"4. Decides to include in the provisional agenda of its forty-first session an item entitled 'Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts: report of the Secretary-General'."

6. At the 63rd meeting, on 5 December, the representative of Sweden introduced a revised draft resolution (A/C.6/39/L.6/Rev.1) sponsored by Austria, Bangladesh, Costa Rica, Denmark, Egypt, Finland, Ghana, the Libyan Arab Jamahiriya, the Netherlands, Norway, Suriname, Sweden, Tunisia and Yugoslavia, which differed from the original text in the following respect: operative paragraph 1 was reworded to read:

"1. Reiterates its call, contained in resolutions 34/51 and 37/116, that all States should consider at the earliest possible date the matter of ratifying or acceding to the two Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts;"

7. At the same meeting, the Committee adopted the revised draft resolution (A/C.6/39/L.6/Rev.1) without a vote (see para. 8). Statements in explanation of their position were made by the representatives of Israel and the United States.

#### RECOMMENDATION OF THE SIXTH COMMITTEE

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

Status of the Protocols Additional to the Geneva Conventions of 1949  
and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979 and 37/116 of 16 December 1982,

Having considered the report of the Secretary-General 3/ on the status of the Protocols Additional 4/ to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments pending the earliest possible termination of such conflicts,

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3/ A/39/465.

4/ A/32/144, annexes I and II.

Mindful of the need for continued improvement of the implementation, and for further expansion, of the body of humanitarian rules relating to armed conflicts,

Particularly mindful of the importance of the protection of the civilian population, especially women and children, against the effects of hostilities,

Noting the virtually universal acceptance of the four Geneva Conventions of 1949 <sup>5/</sup> concerning the protection of victims of armed conflicts, and their binding character for all parties,

Aware, however, of the fact that so far only a limited number of States have signed, ratified or acceded to the two Protocols Additional to the Geneva Conventions,

Noting at the same time with appreciation the continuing efforts of the International Committee of the Red Cross to promote and to disseminate knowledge of the two additional Protocols,

1. Reiterates its call, contained in resolutions 34/51 and 37/116, to all States to consider at the earliest possible date the matter of ratifying or acceding to the two Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts;
2. Calls upon all States becoming parties to Protocol I to consider the matter of making the declaration provided for under article 90 of that Protocol;
3. Requests the Secretary-General to submit to the General Assembly at its forty-first session a report on the status of the Protocols based on information received from Member States;
4. Decides to include in the provisional agenda of its forty-first session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts: report of the Secretary-General".

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<sup>5/</sup> United Nations, Treaty Series, vol. 75, Nos. 970-973.