



Chairman: Miss Maria GROZA (Romania).

**AGENDA ITEM 47**

**Respect for human rights in armed conflicts: report of the Secretary-General (continued) (A/7720, A/8003, chap. IX, sect. E; A/8052, A/C.3/L.1797/Rev.2, A/C.3/L.1798/Rev.5, A/C.3/L.1806/Rev.2, A/C.3/L.1808/Rev.2 and Corr.1, A/C.3/L.1809/Rev.2, A/C.3/L.1814/Rev.1, A/C.3/L.1815, A/C.3/L.1816)**

**CONSIDERATION OF DRAFT RESOLUTIONS**  
(continued)

1. Mr. DAHMOUCHE (Algeria) said that draft resolution A/C.3/L.1808/Rev.2 and Corr.1 was yet another attempt on the part of the United States delegation to conceal a political manoeuvre behind humanitarian principles. He could not treat as a serious draft resolution a document that was aimed, on the one hand, at imposing general obligations on all categories of combatants and, on the other, at restricting protection to certain persons, who were already covered by various international conventions. In both form and substance, the draft reflected the views advanced by the United States in connexion with certain armed conflicts which were now taking place, particularly in South-East Asia. It was based on an idea that was unacceptable to his delegation, namely, that there were, on the one hand soldiers who were officially recognized and protected by numerous instruments drawn up in the light of a concept of war which actually had its origins in remote antiquity and which gratuitously scorned the legitimate rights of peoples, while, on the other hand, there were anonymous combatants who had no rights whatever but who should be subject to obligations imposed as a result of the one-sided sentimentality that was being fostered in a certain sector of manipulated public opinion. He therefore urged the Committee to reject the draft resolution unequivocally.
2. The fourth preambular paragraph of draft resolution A/C.3/L.1797/Rev.2 implicitly condemned the struggle being waged by Cambodians against the present puppet régime. For that reason his delegation would be unable to support the draft in question.
3. Mr. RYBAKOV (Union of Soviet Socialist Republics) speaking in explanation of his vote, said he was pleased to note that a number of delegations shared the views expressed by his delegation with regard to draft resolution A/C.3/L.1808/Rev.2 and Corr.1. His delegation would vote against that text because it had nothing to do with the humanitarian motives invoked by its sponsors, who were

clearly pursuing base political ends. The draft concerned only one narrow aspect of the complex problem of the protection of human rights in armed conflicts, namely the question of prisoners of war, and it placed the aggressor State on the same footing as the victim of aggression. It had been clear from the outset that the introduction of that question was a typical political manoeuvre designed to mislead public opinion in the United States and throughout the world. At the beginning of the session the United States representative had spoken about humanitarianism and had said that the question concerned several hundred United States prisoners of war in Viet-Nam. He had forgotten to mention, however, that the attempts by United States imperialism to force the Viet-Nameese people to their knees through the use of more than half a million United States soldiers had resulted in the death of hundreds of thousands of Viet-Nameese, including old men, women and children. While the United States delegation had been making demagogic statements about humanitarianism in relation to United States military personnel in the territory of the Democratic Republic of Viet-Nam and about the need to respect human rights in armed conflicts, the United States Air Force, under the pretext of rescuing prisoners of war, had been carrying out new raids over populated areas of the Democratic Republic of Viet-Nam, causing casualties among the peaceful inhabitants.

4. The Government of the Democratic Republic of Viet-Nam had repeatedly affirmed that it was treating United States soldiers in its territory humanely despite the crimes committed by the United States military forces in that country. Furthermore, the entire world knew about the large-scale acts of violence committed not only against Viet-Nameese freedom fighters but also against the peaceful population. In that connexion, it sufficed to recall Songmy, where even infants had not been spared.

5. Attempts to relate the recent bombing raid by the United States Air Force over populated areas of the Democratic Republic of Viet-Nam to the question of prisoners of war revealed the true character of the so-called "peaceful" and "humanitarian" proposals made by the United States and showed that that country was using those proposals as a cloak to continue to carry out and to expand its aggressive war against the Viet-Nameese people. The objective of the draft resolution submitted by the United States was to associate the name and prestige of the United Nations with that aggressive war against the Viet-Nameese people. It was clear that the solution to the problems relating to Indo-China lay in terminating the United States military intervention, withdrawing the forces of the aggressor and allowing the Viet-Nameese people to manage their own affairs. That was the very essence of the proposals made by the Provisional Revolutionary Government of South Viet-Nam and the Democratic Republic of Viet-Nam,

proposals which the Soviet Union and many other countries fully supported. The unprecedented attempts to use gangster-like methods in international relations and to secure for the United States the right to invade the air space of another sovereign State under the pretext of carrying out a rescue operation were doomed to failure. Such attempts would merely serve to encourage the Viet-Nameese people to redouble their efforts to defend themselves against the aggressors.

6. The General Assembly should not embark on a course aimed at justifying such actions, which flagrantly violated the elementary principles of international law and the provisions of the Charter of the United Nations.

7. For those reasons, his delegation would vote against draft resolution A/C.3/L.1808/Rev.2 and Corr.1. For the reasons it had stated earlier, it requested a separate vote on the sixth preambular paragraph, which placed the aggressor on an equal footing with the victims of aggression; it would vote against that paragraph. It would also vote against operative paragraph 1, which provided for the regular inspection of all places of detention of prisoners of war, since the Geneva Conventions of 1949 contained no such provision. It supported the Hungarian amendments in document A/C.3/L.1814/Rev.1. His delegation would also vote in favour of draft resolution A/C.3/L.1809/Rev.1, on the understanding that the draft would not entail additional financial expenditure for the United Nations. In that connexion he requested a separate vote on the tenth preambular paragraph. In his delegation's opinion, it was premature to raise the question of plenipotentiary diplomatic conferences and he was therefore unable to support that paragraph. He also requested that the seventh preambular paragraph of draft resolution A/C.3/L.1797/Rev.2 should be voted on separately, since it contained provisions which seemed to be aimed at undermining the Geneva Conventions of 1949, as it was, Conventions which actually ensured the necessary protection for war correspondents.

8. Mr. STILLMAN (United States of America) said that, in his view, the time had come to vote on the draft resolutions before the Committee. It had been decided that the list of speakers for the general debate on the present item should be closed and he was dismayed by the reiteration of arguments which had already been advanced. Perhaps the Chairman would indicate her intentions with regard to the debate.

9. The CHAIRMAN observed that the Committee had not decided to close the list of speakers wishing to comment on draft resolutions.

10. Mr. PAOLINI (France) said that, in order to meet the views of the Algerian representative, the sponsors of draft resolution A/C.3/L.1797/Rev.2 had decided that the fourth preambular paragraph, which had not been intended to cover a specific situation, should be revised to read: "Noting with regret that journalists engaged on missions in areas where an armed conflict is taking place sometimes suffer as a result of their professional duty, which is to inform world public opinion objectively." Similarly, to meet the concern expressed by the USSR representative, the word "all" in the seventh preambular paragraph, should be replaced by "some"; the phrase "and do not correspond

to the present needs of journalists" should be deleted and the phrase "and do not correspond to their present needs" should be inserted after the word "missions".

11. Mr. MANI (India) observed that the word "population" occurred frequently in the text of draft resolution A/C.3/L.1806/Rev.2 and he proposed, as a more apt phrasing, that the words "by civilian populations" in operative sub-paragraph 5 should be replaced by "for civilian purposes". In addition, his delegation would like a separate vote to be taken on that sub-paragraph.

12. His Government felt that the Geneva Conventions of 1949 were silent as to the actual role played by war correspondents. Consequently, the phrase "and are not actually engaged in combat" should be inserted at the end of operative paragraph 3 of draft resolution A/C.3/L.1797/Rev.2.

13. Mr. BUDAI (Hungary) said that the campaign launched by the United States delegation in connexion with the question of prisoners of war, which had been described by the *Washington Post* as a "calculated campaign", was beneath the dignity of the Committee and of the United Nations. It was an attempt to camouflage continued acts of aggression and to divert public opinion from real humanitarian problems to an alleged problem experienced by one State which itself happened to be the aggressor. As the representative of Yugoslavia had observed at the preceding meeting, the United States was trying to bring about the adoption of a draft resolution which served nothing but that country's own interests. The United States representative had stated clearly during the general debate that he was addressing himself to the particular question of the protection of prisoners of war not because it was any more important than the protection of the rights of others engulfed in conflict but because it was one of great concern to his country. While each delegation had the right to express its views, even if those views were contrary to the facts, none must be allowed to use the United Nations as a cover for its own aggressive designs. To serve its ends, the United States delegation had sought to draw all possible advantage from the rules of procedure of the General Assembly, even going so far as to misrepresent them. For the sake of the real victims of aggression in general, and in order to preserve the true humanitarian character and dignity of the Committee in particular, it was imperative to take up that challenge. For that reason his own delegation had, at an earlier meeting, submitted certain amendments (A/C.3/L.1814/Rev.1) to draft resolution A/C.3/L.1808/Rev.2 and Corr.1. The United Kingdom and the United States had then submitted amendments (A/C.3/L.1816) to those amendments. In doing so they seemed to be making yet another attempt to confuse the Committee and he therefore felt that their proposals should, in turn, be sub-amended. He accordingly wished to submit a number of amendments to the amendments in document A/C.3/L.1816.

14. In paragraph 1 (b) the words "its firm belief" should be inserted between the inverted commas and the word "that" and the words "in the" should be replaced by "the obligation of States Members for the urgent". In paragraph 2 (b) the words "all other" should be replaced by "especially for" and the words "involved in" by "who are

victims of". In paragraph 2 (c) the words "resulting from aggression and colonial suppression" should be added after the word "conflict". The amendment, if so sub-amended, would read "and particularly for persons who are victims of war and armed conflict resulting from aggression and colonial suppression". In paragraph 3 (a) the words "Delete operative paragraph 4 and" should be inserted before the words "Insert after". In paragraph 3 a further sub-paragraph should be added, which would read: "Renumber the paragraphs in document A/C.3/L.1808/Rev.2 and Corr.1 accordingly."<sup>1</sup>

15. In conclusion, his delegation would give favourable consideration to a proposal to the effect that no vote should be taken on draft resolution A/C.3/L.1808/Rev.2 and Corr.1 at the current session. Such a course would greatly facilitate the work of the Committee, which could vote on the drafts that were really of concern to it.

16. Mr. HJELDE (Norway), referring to draft resolution A/C.3/L.1806/Rev.2, said that his delegation had tried to meet all the views expressed in the Committee and that the revised text contained only those changes which he had announced at the 1799th meeting. His delegation had agreed to delete the word "innocent" in the seventh preambular paragraph and in the principles set forth in the operative paragraph only after consultation with the Secretary-General and the International Committee of the Red Cross. It should be stressed that the draft resolution concerned only *bona fide* civilians. Referring to operative sub-paragraph 5, he said that the word "exclusively" had been replaced by the word "only" merely for linguistic reasons. In sub-paragraph 7 his delegation had added the words "forcible transfers or other assaults on their integrity" because it felt that the inclusion of those concepts improved the draft resolution. He hoped that the revisions would meet with the approval of the Committee. He thanked the Indian representative for his suggestion; however, his delegation would be unable to accept it at the present stage without holding further consultations.

17. Mr. ZEILEISSEN (Austria) said that it would be useful if the Secretariat could prepare a synoptical table of all the amendments and sub-amendments that had been proposed to the various draft resolutions.

18. Mr. PAPADEMAS (Cyprus) said the general debate had shown clearly that all delegations were interested in every aspect of the various draft resolutions before the Committee. There was, however, the problem of the procedures to be followed in the promulgation of the new humanitarian laws. His delegation would have liked draft resolution A/C.3/L.1809/Rev.2, which dealt with the procedural aspects of the question, to give a clearer indication of the procedures to be followed, but it was satisfied with the consensus that had been expressed on the matter. The draft resolution submitted by the Norwegian delegation in document A/C.3/L.1806/Rev.2 reflected the principles contained in the body of humanitarian law and he hoped that the text would receive broad support.

<sup>1</sup> The amendments were subsequently circulated as document A/C.3/L.1817.

19. In addition to the problem of respect for human rights in armed conflicts, there was the question of war correspondents. In that connexion, France and a number of other delegations had submitted draft resolution A/C.3/L.1797/Rev.2, which he hoped the Committee would adopt. In his delegation's view, the sponsors should have defined the term "dangerous missions", in order to avoid any ambiguity. His delegation would have liked operative paragraph 4 to be more vague, since the Committee had not reached agreement on the procedures to be followed or on the question of which body would codify the new law. His delegation had therefore felt that the paragraph in question should be worded differently and should not refer the matter to the Commission on Human Rights.

20. With regard to the provision concerning war prisoners he hoped that the Committee would not go into the political aspects of armed conflicts but would confine itself to finding ways and means to protect the human rights of civilians non-combatants. His delegation was not opposed to the consideration of the question of prisoners of war or to the adoption of a draft resolution on that subject so long as it had no political aspects. It hoped that the different views on the problem of prisoners of war could be reconciled. He urged delegations with conflicting views to reach agreement on the treatment of prisoners so that the Committee could adopt a generally acceptable text.

21. His delegation was in favour of most of the provisions of draft resolution 1798/Rev.5 submitted by Ceylon and would state its position when the draft was put to the vote.

22. Mr. STILLMAN (United States of America), referring to rule 118 of the rules of procedure of the General Assembly, moved the closure of the debate.

23. Mr. ALLAGANY (Saudi Arabia) and Mr. RATTANSEY (United Republic of Tanzania) opposed the motion for closure.

24. The CHAIRMAN put the motion to the vote.

*The motion was adopted by 52 votes to 24, with 26 abstentions.*

25. After a brief procedural discussion in which Mr. MAHMASSANI (Lebanon), Mr. NETTEL (Austria), Mr. BAROODY (Saudi Arabia), Mr. GANDA (Sierra Leone), Mr. MOUSSA (United Arab Republic), Mr. BLIX (Sweden), Mr. PAOLINI (France) and Mr. ALARCON (Cuba) took part, Mr. STILLMAN (United States of America) proposed that the Committee should proceed to vote on the draft resolutions before it.

26. Mrs. WARZAZI (Morocco), referring to rule 119 of the rules of procedure, moved that the meeting should be adjourned.

*The motion for adjournment was adopted by 68 votes to 13, with 21 abstentions.*

*The meeting rose at 6.15 p.m.*