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RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

HUMAN RIGHTS IN ARMED CONFLICTS: PROTECTION OF JOURNALISTS  
 ENGAGED IN DANGEROUS MISSIONS IN AREAS OF ARMED CONFLICT

Report of the Sixth Committee

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## I. INTRODUCTION

1. At its 2353rd plenary meeting, on 19 September 1975, the General Assembly included in the agenda of its thirtieth session the items entitled "Respect for human rights in armed conflicts: report of the Secretary-General" (item 114) and "Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed conflict" (item 70). At the same meeting, the General Assembly, on the recommendation of the General Committee, allocated both items to the Sixth Committee and decided that they should be considered together.

2. The Sixth Committee considered both items at its 1575th, 1576 and 1577th meetings, on 26 and 28 November and 1 December. The summary records of these meetings (A/C.6/SR.1575-1577) contain the views of representatives who spoke during the consideration of both items.

3. In connexion with item 114, the Sixth Committee had before it a report of the Secretary-General on relevant developments concerning human rights in armed conflicts (A/10195 and Corr.1 and Add.1) submitted pursuant to the request in paragraph 4 of General Assembly resolution 3319 (XXIX) of 14 December 1975. 1/ In accordance with the terms of the request, the main body of the report on human rights in armed conflicts gave a detailed account of the proceedings and results of the second session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, convened by the Swiss Federal Council at Geneva from 3 February to 18 April 1975. In doing so, the Swiss Federal Council, depository of the Geneva Humanitarian Conventions, continued the traditional role of Switzerland in the field of international humanitarian law.

4. In connexion with item 70, the Sixth Committee had before it a note by the Secretary-General (A/10147) containing information on previous consideration of the item by the General Assembly as well as information concerning consideration of the subject by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts following the adoption by the General Assembly of resolutions 3058 (XXVII) of 2 November 1973 and 3245 (XXIX) of 29 November 1974. 2/

5. The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts was entrusted with the task of examining two draft Additional Protocols to the Geneva Conventions for the Protection of War Victims, of 12 August 1949, 3/ namely, the draft Additional Protocol relating to the protection of victims of international armed conflicts (Protocol I) and the draft Additional Protocol relating to the

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1/ Adopted on the recommendation of the Sixth Committee.

2/ Adopted on the recommendation of the Third Committee.

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

protection of victims of non-international armed conflicts (Protocol II) <sup>4/</sup> prepared by the International Committee of the Red Cross after thorough consultations with government experts as well as bearing in mind other developments, particularly in the United Nations General Assembly. The Diplomatic Conference considered likewise the question of the prohibition or restriction of the use of specific conventional weapons which may cause unnecessary suffering or have indiscriminate effects, in accordance with General Assembly resolutions 3076 (XXVIII) of 6 December 1973 and 3255 (XXIX) <sup>4/</sup> of 9 December 1974 and with resolution XIV adopted by the twenty-second International Conference of the Red Cross, as well as the question of the protection of journalists engaged in dangerous missions in areas of armed conflict, in accordance with the General Assembly resolutions referred to in paragraph 4 above.

6. The proceedings and results of the second session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts were described in the report submitted by the Secretary-General, referred to in paragraph 3 above, as follows: Introduction (chap. I); Organization of the Diplomatic Conference (chap. II); Work of Committee I: provisions of general character, as well as the question of the protection of journalists engaged in dangerous missions (chap. III); Work of Committee II: wounded, sick and shipwrecked persons, civil defence, relief (chap. IV); Work of Committee III: civilian population, methods and means of combat, new category of prisoners of war (chap. V); Work of the Ad Hoc Committee on conventional weapons (chap. VI); Decisions taken by the Diplomatic Conference at the closing of its second session, including decisions regarding the place and date of the third session of the Diplomatic Conference (chap. VII). The text of the resolution on journalists engaged in dangerous missions adopted by the Diplomatic Conference at its second session is also reproduced in that chapter of the report. In preparing the report special attention was given to matters having or presenting a particular interest for the United Nations. Annex I to the report reproduced texts of articles of draft Protocols I and II adopted at the Committee's level during the first and second sessions of the Diplomatic Conference. Annex II reproduced the texts of the provisions in draft Protocols I and II not yet adopted by the Committees of the Diplomatic Conference and a list of proposals and amendments relating to those provisions submitted during the second session of the Diplomatic Conference.

7. An addendum to the report (A/10195/Add.1) summarized information concerning activities of non-governmental bodies which have manifested their specific interest in various problems relating to respect for human rights in armed conflicts, received by the Secretary-General subsequent to the adoption of resolution 3319 (XXIX), namely, information communicated by the League of Red Cross Societies and the International Institute of Humanitarian Law (San Remo).

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<sup>4/</sup> For the text of the draft Protocols and related commentaries, see documents of the Diplomatic Conference, CDDH/1 and CDDH/3.

<sup>5/</sup> Adopted on the recommendation of the First Committee.

8. At its 1572nd meeting, on 24 November, the Sixth Committee decided to invite the representative of Switzerland, the country which is convening and hosting the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to take part in the debate of the Sixth Committee on the item entitled "Respect for human rights in armed conflicts: report of the Secretary-General".

## II. PROPOSALS

9. Austria, Costa Rica, Cyprus, Denmark, Egypt, Finland, Ireland, Kenya, Mali, Mexico, New Zealand, Nigeria, Pakistan, Sweden and Yugoslavia submitted a draft resolution (A/C.6/L.1025). Subsequently, Norway, Zambia, Canada, Bangladesh and Argentina joined in sponsoring the draft resolution. The draft resolution was introduced by the representative of Mali at the 1575th meeting, on 26 November. The sponsors of the draft resolution revised subsequently the sixth preambular paragraph of the draft resolution (A/C.6/L.1025) by replacing the original text of that paragraph which read as follows:

"Noting the resolution ... (XXX) 1/ of ... inviting the Diplomatic Conference to 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,"

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1/ Draft submitted in the First Committee in document A/C.1/L.728."

by the following text:

"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,".

The revised draft resolution was circulated later as document A/C.6/L.1025/Rev.1.

## III. DECISION OF THE COMMITTEE

10. At its 1577th meeting, on 1 December, the Sixth Committee adopted the revised draft resolution without a vote (see para. 11 below). At the same meeting, the representatives of the Union of Soviet Socialist Republics, the German Democratic Republic, France, Mongolia, the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic made statements on the adopted draft resolution.

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IV. RECOMMENDATION OF THE SIXTH COMMITTEE

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

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 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 second session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held at Geneva from 3 February to 18 April 1975, 6/

Noting also the note by the Secretary-General entitled "Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed conflicts," 7/

Welcoming the substantial progress made at the second session of the Diplomatic Conference,

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, 8/ the Geneva Protocol of 1925 9/ and the Geneva Conventions of 1949; 10/

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6/ A/10195 and Corr.1.

7/ A/10147.

8/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations 1899 and 1907 (New York, Oxford University Press, 1915).

9/ League of Nations, Treaty Series, vol. XCIV, No. 2138, p. 65.

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

2. Calls the attention of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, and 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;
4. Takes note with appreciation of the decision at the Diplomatic Conference on the protection of journalists engaged in dangerous professional missions in areas of armed conflicts, and of the intention of the Conference to complete its work on the subject during its next session;
5. Expresses its appreciation to the Swiss Federal Council for convoking the third session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts from 21 April to 11 June 1976 and to the International Committee of the Red Cross for convoking a second Conference of Government Experts on Weapons That May Cause Unnecessary Suffering or Have Indiscriminate Effects, to be held at Lugano from 28 January to 26 February 1976;
6. Requests the Secretary-General to report to the General Assembly at its thirty-first session on relevant developments concerning human rights in armed conflicts, in particular on the proceedings and results of the 1976 session of the Diplomatic Conference;
7. Decides to include in the provisional agenda of its thirty-first session the item entitled "Respect for human rights in armed conflicts".

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