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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Report of the Third Committee

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1. At its 1843rd plenary meeting on 18 September 1970, the General Assembly allocated to the Third Committee agenda item 57 entitled "Report of the United Nations High Commissioner for Refugees". The Committee considered the item at its 1789th, 1790th and 1791st meetings on 16 and 17 November 1970.
2. At the 1789th meeting, the High Commissioner made a statement^{1/} supplementing the written report he had submitted to the General Assembly through the Economic and Social Council.^{2/} He noted the increasingly wide support which the Office of the High Commissioner was receiving in carrying out its task of protection and assistance, as was shown by the ever-increasing number of Governments which were acceding to the Convention of 1951 and the Protocol of 1967 relating to the Status of Refugees and were contributing to the financing of its programme. That Government support had, among other things, enabled the Office of the High Commissioner to consolidate the rural settlement of refugees in Africa, with increased support from other competent United Nations bodies and non-governmental organizations.

^{1/} A summary of the statement made by the High Commissioner can be found in the summary record of the meeting (A/C.3/SR.1789).

^{2/} Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 13 (A/8013) and Supplement No. 13A (A/8013/Add.1).

I. GENERAL DEBATE

3. Delegations expressed their confidence in the High Commissioner and their keen appreciation of the efforts he had made and the success he had achieved in carrying out his humanitarian task. They showed their satisfaction with the progress achieved in the search for lasting solutions to the problems of refugees despite the constant increase in their number, particularly in Africa. In that connexion, the importance of maintaining the closest co-operation between the Office of the High Commissioner and other United Nations bodies was emphasized.
4. Delegations welcomed the new accessions to the Convention of 1951 and the Protocol of 1967 which define the minimum status to be granted to refugees. Attention was drawn to the importance attaching to the application of the provisions of those instruments from the standpoint of human rights and the rapid and complete integration of refugees. At the same time, some concern was voiced regarding the refoulement measures referred to by the High Commissioner, and the hope was expressed that Governments would comply strictly with the provisions of the Convention in that regard and with the humanitarian rules concerning asylum.
5. With reference to the problem of individual cases in urban centres in Africa, which had been mentioned by the High Commissioner, the hope was expressed that a suitable solution would be found with the active co-operation of Governments and of the Bureau of Placement and Education of Refugees of the Organization of African Unity.
6. The increase in governmental contributions and in the number of countries contributing to the financing of the programme was welcomed by many delegations, which expressed the hope that this trend would continue. Mention was made of the generous support provided by the Scandinavian countries, particularly with regard to the Education Account of the Office of the High Commissioner, the importance of which for the integration and social advancement of refugees was emphasized by delegations.

II. DRAFT RESOLUTION

7. During the debate, a draft resolution was introduced by the delegation of Sweden on behalf of Austria, Belgium, Cyprus, Denmark, Finland, Greece, Iceland,

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Iran, Libya, the Netherlands, Nigeria, Norway, Pakistan, the Sudan, Sweden, Tunisia, Turkey, Yugoslavia and Zambia (A/C.3/L.1810). Algeria, Argentina, Liberia, Madagascar and Senegal subsequently joined the sponsors of the draft resolution, which was adopted by acclamation.

III. RECOMMENDATION OF THE THIRD COMMITTEE

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

Report of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees^{3/} and having heard his statement,^{4/}

Noting with appreciation the results obtained by the High Commissioner in the accomplishment of his humanitarian task of providing international protection to refugees within his mandate and promoting permanent solutions to their problems,

Noting the constant efforts being made to this end by the High Commissioner, in co-operation with other United Nations bodies and voluntary agencies, to promote the voluntary repatriation, the integration in countries of asylum or the resettlement in other countries of refugees who are his concern, whether these be groups of refugees or individual refugees whose problems are causing increasing concern especially in Africa,

Commending the encouraging progress obtained in the field of inter-agency co-operation which, particularly as far as the rural settlement of refugees in developing countries is concerned, is essential in order to achieve durable solutions which are closely linked with the economic and social development of these countries,

Noting with satisfaction the increasing number of Governments contributing to the High Commissioner's assistance programme and the substantial increase in some of these contributions,

^{3/} Ibid.

^{4/} See A/C.3/SR.1789.

I. INTRODUCTION

1. The General Assembly at its 1843rd meeting on 18 September 1970 allocated to the Third Committee agenda item 47 entitled "Respect for human rights in armed conflicts: Report of the Secretary-General".

2. Item 47 had been placed on the agenda of the twenty-fifth session in pursuance of General Assembly resolution 2597 (XXIV) of 16 December 1969 on respect for human rights in armed conflicts.

3. The Committee considered this item at its 1780th to 1788th meetings held from 5 to 13 November 1970 and at its 1792nd to 1804th meetings held from 18 November to 1 December 1970. The comments and observations made, and the positions taken, by the Member States on this agenda item are contained in the summary records of those meetings (A/C.3/SR.1780-1788 and A/C.3/SR.1792-1804).

4. The Committee had before it the following documents:

(a) A report of the Secretary-General (A/7720) of 20 November 1969 on respect for human rights in armed conflicts, which had been prepared in compliance with General Assembly resolution 2444 (XXIII) of 19 December 1968. This report had been before the General Assembly at its twenty-fourth session. Owing to lack of time at that session, further examination of the report had been deferred to the twenty-fifth session;

(b) A further report of the Secretary-General (A/8052) of 18 September 1970 on respect for human rights in armed conflicts, prepared in compliance with General Assembly resolution 2597 (XXIV).

5. At the 1781st meeting of the Committee on 6 November 1970, certain representatives requested, on the one hand, that the report of the Special Committee to investigate Israeli practices affecting the human rights of the population of the occupied territories (A/8089) and a note verbale of 21 October 1970, numbered PO 240/VINA(2), should be made available to the members of the Committee as working documents. The Secretariat acceded to these requests.

6. At its 1780th meeting on 5 November 1970 the Committee heard an introductory statement by the representative of the Secretary-General.

II. DEBATE

7. The members of the Committee fully subscribed to the statement contained in the preamble to resolution XXIII of the International Conference on Human Rights that peace was the underlying condition for the full observance of human rights and war was their negation. They expressed the conviction that the principal concern of the United Nations and of the States members of the international community should continue to be to prevent armed conflicts from breaking out, which was an essential prerequisite for the effective protection of human rights. However, inasmuch as resort to armed violence had regrettably not been eliminated, and wars and armed conflicts of various types continued to erupt and to plague the world, it was agreed in the Committee that it was imperative that, in every armed conflict, unrelenting efforts to put an end to it as soon as possible should be pursued in conjunction with national and international measures to limit as far as possible unnecessary sufferings of human beings while the conflict lasted. The Committee recognized that, given the horrors and the cruelty inherent in armed confrontations, the endeavour to minimize their destructive effect on human rights through the application in all armed conflicts of international humanitarian rules assumed paramount importance.

8. There was general agreement in the Committee that the two reports prepared by the Secretary-General (A/7720 and A/8052) were of great significance and value in that they contained a clear analysis of the issues involved and a wealth of relevant data and information, as well as interesting and sound ideas and suggestions which, as a whole, represented an important contribution to the study of the subject to which they were devoted and which would greatly assist in the task of strengthening respect for human rights in all armed conflicts.

9. All members of the Committee expressed satisfaction at the close consultation and the fruitful co-operation between the Secretary-General of the United Nations and the International Committee of the Red Cross in carrying out the activities which each side was mandated to pursue within the framework of the common international effort to enhance the protection of human rights in all armed conflicts through the more effective application of existing humanitarian rules or, where appropriate, the formulation of new ones. It was

stressed that such harmonious contacts and relations should be maintained in the future. In this connexion, the members of the Committee paid tribute to the International Committee of the Red Cross for its important and pioneering role through the decades in the development and codification of the existing body of humanitarian law.

10. During the discussion in the Committee speakers reaffirmed the premises and objectives of resolution XXIII of the International Conference on Human Rights and General Assembly resolutions 2444 (XXIII) and 2597 (XXIV), including, in particular, recognition of the necessity of applying basic humanitarian principles in all armed conflicts, and acknowledgement of the need to continue, in an appropriate manner, the studies and activities initiated by those resolutions. In this connexion, the general opinion was that the tasks laid down in the aforementioned resolutions should be pursued with caution and deliberate speed, in full awareness of what the reports of the Secretary-General had vividly illustrated to be the importance, difficulty and complexity of the subject matter, of the desirability of preserving the exclusively humanitarian character of the endeavour, and of the avoidance of duplication of work. Accordingly, in terms of the order and procedures to which future activities should conform, a generally acceptable view in the Committee was that full advantage should be taken of the work expected to be accomplished by the committee of governmental experts which the International Committee of the Red Cross planned to convene in May/June 1971. This committee of governmental experts would examine the various aspects of the question of reaffirming and developing humanitarian law and the problems involved. Members of the Committee favoured making available to the committee of governmental experts the two reports of the Secretary-General and the records of the relevant discussions and decisions of United Nations organs, for appropriate consideration. By subsequently transmitting to the General Assembly, if possible, at its twenty-sixth session, the results of the deliberations of that committee and other pertinent activities of the Red Cross, it was thought that a pattern of efficient and mutually beneficial consultation would be established. According to certain representatives this pattern would eventually enable the United Nations to decide as to what action to take on the question so as to

render the best service to the objective of respect for human rights in armed conflicts, which was shared by the United Nations and the International Committee of the Red Cross. Meanwhile, Governments should be invited to comment on the two reports of the Secretary-General, and to communicate their observations to the General Assembly. Furthermore, the Secretary-General should be requested to follow relevant developments in the light of his continuing study and examination of the question.

11. There was concurrence in the Committee with the conclusion, stated in paragraph 14 of the second report of the Secretary-General (A/8052), that the text of the four Geneva Conventions of 1949 should, as far as possible, remain untouched and that nothing should be done to cast doubt on their validity and binding character. It was agreed that these Conventions contained valuable provisions and procedures which had been ratified by a very large number of States. They should, however, be both better applied and be adapted to developments in the methods used in armed conflicts since 1949. One of the basic objectives of United Nations efforts would therefore appear to be strengthening the impact of the Geneva Conventions, encouraging their full application and assisting in making their provisions better known and more efficacious in order that they might afford more effective protection to those whom they were designed to benefit.

12. At the same time it was recognized that, because of the new forms sometimes taken by modern armed conflict, the existing instruments showed certain inadequacies and gaps which the international community should endeavour to remedy, preferably through the elaboration of instruments which would be legally binding and which, in the opinion of some delegations, should be open for ratification on the basis of the principle of universality.

13. As regards the application of existing humanitarian instruments, views were expressed in the Committee relating to practices which were held to constitute violations of the provisions of such instruments and breaches by the perpetrating States of the obligations they had assumed thereunder.

14. In this connexion reference was made by some delegations to the treatment accorded to combatants and persons assimilated to combatants who were captured in the course of hostile engagements in Indo-China by the forces of

the Viet-Cong and the Democratic Republic of Viet-Nam. In the opinion of the delegations concerned, the combatants and persons in question were entitled to prisoner-of-war status. Their captors, however, not only denied them such status and the rights attendant thereon, but also subjected them to various forms of inhuman treatment, thus acting in flagrant violation of the Geneva Convention relative to the treatment of prisoners of war of 12 August 1949. The delegations concerned argued that the General Assembly should call for the strict application of the said Convention by those participants in the conflict in **Indo-China who were Parties to it.**

15. Many other delegations, however, claimed that, far from qualifying as prisoners of war under the relevant Convention, members of the United States armed forces captured in Viet-Nam were aggressors who should be punished for their acts. These delegations asserted that the policies and practices of the United States Government and its allies in the war in Indo-China brazenly contravened existing humanitarian norms. Their actions constituted grave violations of existing humanitarian instruments, including the 1907 Hague Regulations, the Geneva Protocol of 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, the Geneva Convention Relative to the Treatment of Prisoner of War, and the Geneva Convention Relative to the Treatment of Civilian Persons in Time of War, both of 1949. The delegations concerned stressed that the international community should castigate what they deemed to be the aggressive war waged by the United States against the peoples of Indo-China. They contended that the most effective way to put an end to the violations of human rights occurring in the armed conflict taking place in Viet-Nam would be for the United States to withdraw, totally and unconditionally, all its forces from the area, allowing its people to solve their problems without foreign intervention.

16. Two other instances which, in the opinion of many delegations, involved serious violations of existing humanitarian instruments and of relevant decisions of United Nations organs, related to the situation in the Arab territories in the Middle East occupied by Israel and to the situation in the parts of southern Africa ruled by colonialist or racist régimes.

17. As regards the situation in the Arab territories in the Middle East occupied by Israel as a result of armed conflicts, a number of delegations contended that the conduct of the Israeli military authorities towards the Arab populations under their control, and in particular the civilians, totally disregarded the obligations assumed by Israel under existing humanitarian conventions, especially the Geneva Convention Relative to the Treatment of Civilian Persons in Time of War, and of the provisions of several resolutions adopted by the various organs of the United Nations and the specialized agencies. Several delegations endorsed the view that the only way in which respect for the human rights of the populations of the occupied territories could be restored was to compel Israel to withdraw its forces from them.

18. One representative asserted that within the inevitable limitations imposed by the existence of an armed conflict, the Israeli military administration of the occupied territories was humane and fully consistent with the protection of the rights and the legitimate interests of the Arab populations. He stated that the Israeli authorities pursued a policy of justice and non-discrimination which was succeeding to a considerable extent in alleviating the rigours of military occupation. The Government of Israel was ready to participate in the effort to solve the problem of the occupied territories within the context of an over-all peaceful and permanent settlement with its Arab neighbours.

19. As regards the categories of persons in respect of which the existing humanitarian provisions should be adapted or supplemented in order to afford greater and more effective protection, reference was made by many delegations to civilians populations, freedom-fighters and journalists.

20. It was generally agreed that the existing humanitarian norms for the protection of civilians in armed conflicts could usefully be amplified and supplemented by, inter alia, the enunciation and adoption of appropriate minimum rules or the consideration of the merits of establishing refuges or sanctuaries for civilians. Some delegations felt that particular attention should be directed to the question of the better protection of civilians involved in armed struggles waged against colonialist or racist régimes or against foreign occupation. In general, it was thought that the matter of measures for more effective and

comprehensive protection of civilians should be given a prominent place in any programme of work in which the United Nations and the International Committee of the Red Cross were involved.

21. Some delegations concurred in stating that one or more conferences of plenipotentiaries of States Parties to the Geneva Conventions and other interested States should be convened, at an appropriate time, to adopt international legal instruments aimed at reaffirming and developing rules of humanitarian law applicable to armed conflicts. Others strongly emphasized the fact that the possibility of such action should not impede any other form of action which might be considered advisable by the General Assembly at the following session, after it had considered the results of the conference of governmental experts which the International Committee of the Red Cross was to convene in 1971.

22. Many delegations drew attention to the need to supplement existing humanitarian norms by explicit rules, which confirmed that, as had been stated in the relevant provisions of many General Assembly resolutions, persons who were fighting for freedom, liberation and self-determination, against colonialist or racist régimes, or foreign domination or occupation, should be entitled to the full benefit of the treatment accorded to combatants and prisoners of war under the Geneva Convention Relative to the Treatment of Prisoners of War, including immunity from punishment for having taken up arms against their oppressors. Some delegations suggested that the forthcoming conference of governmental experts which was to be convened by the International Committee of the Red Cross should duly take into account the views of liberation movements.

23. There was support in the Committee for the principle of devising measures to ensure the better protection of journalists engaged in the legitimate exercise of their profession in perilous conditions of armed conflict. There was a divergence of views, however, as to the procedures that might be followed to achieve that end and the degree of priority to be accorded to that question. Moreover, several members of the Committee emphasized that such protection should apply only to "bona fide" journalists and not to persons who, under cover of the journalistic profession, were in fact engaged in questionable activities.

24. The urgency of clarifying and developing the humanitarian rules which should be applied to conflicts deemed to be not of an international character was recognized by a number of delegations. It was felt that the frequency of internal conflicts, justified giving priority to that question within the framework of the continuing study by the international community of the item on respect for human rights in armed conflicts.

25. Some representatives regretted the fact that the agenda item had occasioned the preparation of an unduly large number of draft resolutions which, in the opinion of some of them, did not in all cases faithfully reflect the discussion.

III. PROCEEDINGS IN THE THIRD COMMITTEE

1. Draft resolutions and amendments

26. At the 1783rd meeting, on 10 November 1970 the representative of France, on behalf of Argentina, Austria, Finland, France, Iran, Japan, Madagascar and Senegal, introduced a draft resolution (A/C.3/L.1797/Rev.1) entitled "Protection of journalists engaged on dangerous missions", which was subsequently sponsored also by Colombia and Belgium and was revised in the light of the discussion. The revised draft resolution (A/C.3/L.1797/Rev.3), entitled "Protection of journalists engaged on dangerous missions in areas of armed conflict", read as follows:

"The General Assembly,

"Recalling its resolution 2444 (XXIII), which invited the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study

(a) Steps which could be taken to secure the better application of existing humanitarian international conventions in all armed conflicts, and

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

"Recalling also the fundamental principle that a distinction must be made at all times between combatants and persons not taking part in the hostilities,

"Considering that it is essential for the United Nations to obtain complete information concerning armed conflicts and that journalists, whatever their nationality, have an important role to play in that regard,

"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 objectively to inform world public opinion,

"Bearing in mind the appeal made by the Secretary-General on 30 September 1970 on behalf of missing journalists,

"Recognizing that certain types of protection can be granted to journalists under

- Article 4 of the Geneva Convention of 12 August 1949 relative to the treatment of prisoners of war,

- Article 13 of the Geneva Convention of 12 August 1949 for the amelioration of the condition of the wounded and sick in armed forces in the field,

- Article 13 of the Geneva Convention of 12 August 1949 for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea,

- Article 4 of the Geneva Convention of 12 August 1949 relative to the protection of civilian persons in time of war,

"Being aware, however, that these provisions do not cover some categories of journalists engaged on dangerous missions and do not correspond to their present needs,

"Convinced of the need for an additional humanitarian international instrument to ensure the better protection of journalists engaged on dangerous missions, particularly in areas where an armed conflict is taking place,

"1. Expresses its grave concern over the fate of press correspondents carrying out dangerous missions;

"2. Expresses its deepest regret that some of them have paid for their conscientious approach to their missions with their lives;

"3. Invites all States and all authorities parties to an armed conflict to respect and apply in all circumstances the provisions of the Geneva Conventions of 12 August 1949 in so far as they are applicable in particular to war correspondents who accompany armed forces but are not actually a part of them;

"4. Invites the Economic and Social Council to request the Commission on Human Rights, at its next session, to consider the possibility of preparing a draft international agreement ensuring the protection of journalists engaged on dangerous missions and providing, inter alia, for the creation of a universally recognized and guaranteed identification document;

"5. Invites the Commission on Human Rights to consider this question as a matter of priority at its twenty-seventh session in order that a draft international agreement might be adopted as soon as possible by the General Assembly or by some other appropriate international body;

"6. Requests the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to submit a report on this question to the General Assembly at its twenty-sixth session;

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"7. Decides to give the highest priority to consideration of this question at its twenty-sixth session."

27. At the 1796th meeting, on 23 November 1970, the representative of Sudan, on behalf of Ceylon, India, the Sudan and the Union of Soviet Socialist Republics, introduced a draft resolution (A/C.3/L.1798/Rev.3). At its 1798th meeting held on 25 November 1970, the representative of Afghanistan made a proposal in order to replace the word "rule" in operative paragraph 4 of the draft resolution by the words "and alien domination". This proposal was subsequently accepted by the sponsors. The text, later revised by the sponsors and incorporating other suggestions, read as follows (A/C.3/L.1798/Rev.5):

"The General Assembly,

"Taking note of its resolutions 2444 (XXIII) and 2597 (XXIV) and also resolution XXIII of the International Conference on Human Rights held at Teheran in 1968,

"Referring to resolution XIII and the other pertinent resolutions on human rights in armed conflicts adopted at the twenty-first International Conference of the Red Cross held at Istanbul in 1969,

"Expressing deep concern in connexion with the fact that wars unleashed in violation of the United Nations Charter in several parts of the world lead to incalculable disasters and suffering of civilians,

"Having considered with appreciation the Secretary-General's report on respect for human rights in armed conflicts (A/8052),

"1. Solemnly reaffirms that in order to effectively guarantee human rights, all States should devote their efforts to avert unleashing aggressive wars and armed conflicts which violate the Charter of the United Nations and the provisions of the Declaration on Friendly Relations among States;

"2. Condemns the actions of countries which in flagrant violation of the United Nations Charter continue to conduct aggressive wars and defy the generally accepted principles of the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

"3. Considers that the principles of the Geneva Conventions of 1949 and the Geneva Protocol of 1925 should be strictly observed by all States and that the States violating these international instruments should be condemned and held responsible to the world community;

"4. Affirms that the participants in resistance movements and freedom-fighters in southern Africa and territories under colonial and alien domination and foreign occupation, in case of their arrest, should be treated as prisoners of war in accordance with the principles of the Hague Convention of 1907 and the Geneva Conventions of 1949;

"5. Considers that air bombardments of civil population and the use of asphyxiating, poisonous or other gases and of all analogous liquids, materials and devices as well as bacteriological (biological) weapons constitute a flagrant violation of the Hague Convention of 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

"6. Recognizes the necessity of developing additional international instruments providing for the protection of civilian populations and freedom-fighters against colonial and foreign domination as well as against racist régimes."

28. The representative of Pakistan submitted an amendment (A/C.3/L.1815) adding the words "struggling for their liberation and self-determination" after the word "occupation" in operative paragraph 4 of the four-Power draft resolution (A/C.3/L.1798/Rev.5).

29. At the 1785th meeting held on 11 November 1970, the representative of Norway introduced a draft resolution (A/C.3/L.1806) entitled "Basic principles for the protection of civilian populations in armed conflicts", which, as subsequently revised by the sponsor in the light of the exchange of views with other delegations, read as follows (A/C.3/L.1806/Rev.2):

"The General Assembly,

"Noting that in the present century the international community has accepted an increased role and new responsibilities for the alleviation of human suffering in any form and in particular during armed conflicts,

"Recalling that to this end a series of international instruments have been adopted, including the four Geneva Conventions of 1949,

"Recalling further its resolution 2444 (XXIII) on respect for human rights in armed conflicts,

"Bearing in mind the need for measures to ensure the better protection of human rights in armed conflicts of all types,

"Noting with appreciation the work which is being undertaken in this respect by the International Committee of the Red Cross,

"Noting with appreciation the reports of the Secretary-General (A/7720 and A/8052),

"Convinced that civilian populations are in special need of increased protection in time of armed conflicts,

"Recognizing the importance of the strict application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

"Affirms the following basic principles for the protection of civilian populations in armed conflicts, without prejudice to their future elaboration within the framework of progressive development of the international law of armed conflict,

"1. Fundamental human rights, as accepted in international law and laid down in international instruments, continue to apply fully in situations of armed conflict;

"2. In the conduct of military operations during armed conflicts, a distinction must be made at all times between persons actively taking part in the hostilities and civilian populations;

"3. In the conduct of military operations, every effort should be made to spare civilian populations from the ravages of war, and all necessary precautions should be taken to avoid injury, loss or damage to the civilian populations;

"4. Civilian populations as such should not be the object of military operations;

"5. Dwellings and other installations which are used only by civilian populations should not be the object of military operations;

"6. Places or areas designated for the sole protection of civilians, such as hospital zones or similar refuges, should not be the object of military operations;

"7. Civilian populations, or individual members thereof, should not be the object of reprisals, forcible transfers or other assaults on their integrity;

"8. The provision of international relief to civilian populations is in conformity with the humanitarian principles of the United Nations Charter, the Universal Declaration of Human Rights and other international instruments in the field of human rights. The Declaration of principles for international humanitarian relief, as laid down in resolution XXVI, adopted by the twenty-first International Conference of the Red Cross, shall apply in situations of armed conflict, and all parties to a conflict should make every effort to facilitate this application."

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30. The representative of Greece submitted a draft resolution (A/C.3/L.1807) entitled "Protection of civilians", which read as follows:

"The General Assembly,

"Mindful of the principles of the Charter of the United Nations and in particular of those referring to the establishment of conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained,

"Reaffirming that the disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind,

"Recalling its resolutions 2444 (XXIII) and 2597 (XXIV) on the question of respect for human rights in armed conflicts,

"Bearing in mind the Fourth Geneva Convention of 1949 relative to the Protection of civilian persons in time of war as well as the resolutions on human rights in armed conflicts adopted by the twenty-first International Conference of the Red Cross held at Istanbul in 1969,

"Believing that the objective of the full application of humanitarian rules in all armed conflicts would be greatly served by the further elaboration, clarification and development of the substantive content of such rules as well as by the improvement of procedures for their implementation,

"Noting with appreciation the report of the Secretary-General (A/8052) submitted in compliance with General Assembly resolution 2597 (XXIV),

"Recognizing that the question of ensuring respect of human rights in all armed conflicts and in particular the question of the protection of civilians are important and complex ones, which require the continuing attention and concern of the United Nations, the International Committee of the Red Cross and the international community as a whole,

"1. Calls on all competent authorities which may be exercising responsibility and control in areas involved in armed conflict of any type whatever to do their utmost to ensure that civilians are removed from, or kept out of, sites where conditions would be likely to place them in jeopardy or to expose them to the hazards of warfare;

"2. Notes with favour, inter alia, the idea of establishing refuges or sanctuaries for civilians detailed in paragraphs 45-87 of the Secretary-General's report (A/8052);

"3. Affirms the desirability and importance of formulating standard minimum rules for the protection of civilians in armed conflicts, which would not be a substitute for, but would be complementary to those obligations which States already have assumed, in particular, under the Hague Regulations of 1907, the 1925 Geneva Protocol and the 1949 Geneva Conventions;

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"4. Decides to establish a Committee of twenty-seven Governmental experts designated by Member States to be appointed for that purpose by the President of the General Assembly, following customary consultations;

"5. Requests the Committee of Governmental experts in consultation with the International Committee of the Red Cross:

(a) to draft minimum rules for the protection of civilians in all armed conflicts for consideration by the General Assembly at its twenty-sixth session;

(b) to undertake a comprehensive study and analysis in depth of all aspects of the question concerning the suggestion referring to the establishment of refuges or sanctuaries for the protection of civilians;

(c) to study thoroughly and comprehensively the question of international assistance in, and supervision of, the application of humanitarian rules relating to armed conflicts, bearing in mind, in particular the suggestions contained in paragraphs 238-250 of the report of the Secretary-General (A/8052) and the relevant discussions in the General Assembly and to report with proposals and recommendations to the General Assembly at its twenty-sixth session;

"6. Requests the Secretary-General to render all necessary assistance to the Committee in the discharge of its mandate;

"7. Requests further the Secretary-General to make full use of the possibilities which might be offered by the United Nations programme of advisory services in the field of human rights for the purpose of contributing to the strengthening of respect for human rights in armed conflicts."

31. After informal consultations with the co-sponsors of draft resolution A/C.3/L.1809/Rev.2 (see paragraph 34 below) some ideas contained in the draft resolution submitted by Greece (A/C.3/L.1807) were taken into account by the co-sponsors of that draft resolution. As a result, the draft resolution submitted by Greece was withdrawn at the 1797th meeting, on 25 November 1970, and Greece became a co-sponsor of the draft resolution which was introduced by the representative of the United Kingdom (A/C.3/L.1809/Rev.2).

32. Belgium, Dahomey, the Dominican Republic, Greece, Haiti, Italy, Madagascar, New Zealand, the Philippines, Thailand, Togo and the United States of America submitted a draft resolution (A/C.3/L.1808/Rev.1), which, as subsequently revised by the sponsors (A/C.3/L.1808/Rev.2 and Corr.1), read as follows:

"The General Assembly,

"Recalling that the Preamble of the United Nations Charter affirms faith in the dignity and worth of the human person,

"Recalling that the United Nations has as one of its purposes achievement of international co-operation in solving international problems of humanitarian character and promotion of respect for human rights,

"Noting the obligation of States Members under the Charter of the United Nations to promote universal respect for, and observance of, human rights,

"Recalling resolutions 2444 (XXIII) and 2597 (XXIV) requesting the Secretary-General, in consultation with the International Committee of the Red Cross, to continue to study, inter alia, (I) steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts; and (II) the need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

"Believing therefore that the treatment accorded to persons involved in war or armed conflict is a concern of the United Nations,

"Noting resolution XI adopted by the XXIst International Conference of the Red Cross at Istanbul calling upon all parties to the 1949 Geneva Convention Relative to the Treatment of Prisoners of War to ensure that all persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Conventions, and that all parties involved in an armed conflict, no matter how characterized, provide free access to prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross,

"Considering that direct repatriation of seriously wounded and seriously sick prisoners of war and repatriation or internment in a neutral country of prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention and the United Nations Charter,

"1. Calls upon all parties to any armed conflict to comply with the terms and provisions of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War so as to ensure humane treatment of all persons entitled to the protection of the Convention and, inter alia, to permit regular inspection in accordance with the Convention of all places of detention of prisoners of war by a protecting Power or humanitarian organization, such as the International Committee of the Red Cross;

"2. Endorses the continuing efforts of the International Committee of the Red Cross to secure effective application of the Convention;

"3. Requests the Secretary-General to exert all efforts to obtain humane treatment for all prisoners of war;

"4. Urges compliance with article 109 of the Convention, which requires repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity;

"5. Urges that combatants in all armed conflicts not covered by article 4 of the Geneva Convention of 12 August 1949, Relative to the Treatment of Prisoners of War, be accorded the same humane treatment defined by the principles of international law applied to prisoners of war."

33. The representative of Hungary submitted amendments (A/C.3/L.1814/Rev.1) to the twelve-Power draft resolution (A/C.3/L.1808/Rev.2 and Corr.1). The representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted sub-amendments (A/C.3/L.1816) to the amendment submitted by Hungary. At its 1802nd meeting the representative of Hungary submitted a sub-amendment (A/C.3/L.1817) to the two-Power sub-amendment (A/C.3/L.1816). For the sake of convenience and clarity, these amendments to the twelve-Power draft resolution (A/C.3/L.1808/Rev.2) are grouped as follows:

A. To the second preambular paragraph

(a) The amendment of Hungary (A/C.3/L.1814/Rev.1, para. 1) would replace the paragraph with the following:

"Reiterating its firm belief that the best protection of human rights in armed conflicts is the prohibition of war and the termination of all armed aggression as envisaged in Articles 1 and 2 of the Charter and in other relevant documents of the United Nations".

(b) The sub-amendment of the United Kingdom and the United States (A/C.3/L.1816, para. 1) to the amendment of Hungary would:

- (i) Insert the paragraph quoted in (a) above after the second preambular paragraph;
- (ii) Replace the words "that the best protection of human rights in armed conflicts is the prohibition of war and the" in the paragraph quoted in (a) above with the words "in the".

(c) The sub-amendment of Hungary (A/C.3/L.1817, para. 1) to the amendment of the United Kingdom and the United States would:

- (i) Insert the words "its firm belief" between the inverted commas and the word "that" in (b) (ii) above;
- (ii) Replace the words "in the" in (b) (ii) above with the words "the obligation of States Members for the urgent".

B. To the fifth preambular paragraph:

The amendment of Hungary (A/C.3/L.1814/Rev.1, para. 2) would replace the words "persons involved in war or armed conflict" with the words "innocent victims of war and armed aggression".

C. To the sixth preambular paragraph:

The amendment of Hungary (A/C.3/L.1814/Rev.1, para. 3) would delete the second part of the paragraph, from "and that all parties" to "Red Cross".

D. To the seventh preambular paragraph:

The amendment of Hungary (A/C.3/L.1814/Rev.1, para. 4) would delete the whole paragraph.

E. To operative paragraph 1:

The amendment of Hungary (A/C.3/L.1814/Rev.1, para. 5) would delete the second part of the paragraph, from "and, inter alia" to "Red Cross".

F. To operative paragraph 3:

- (a) The amendment of Hungary (A/C.3/L.1814/Rev.1, para. 6) would:
 - (i) Delete the word "all" before the words "prisoners of war";
 - (ii) Add the words "especially for the victims of armed aggression and colonial suppression" to the end of that paragraph;
- (b) The amendment of the United Kingdom and the United States (A/C.3/L.1816, para.2) to the amendment of Hungary would:
 - (i) Retain the word "all" before the words "prisoners of war";
 - (ii) Replace the words "especially for the victims of", quoted in (a) (ii) above, by the words "and all other persons involved in war and";
 - (iii) Replace the words "aggression and colonial suppression", quoted in (a) (ii) above, by the word "conflict".

(c) The amendment of Hungary (A/C.3/L.1817, paras. 2 and 3) to the amendment of the United Kingdom and the United States would:

- (i) Replace the words "all other" and "involved in" in (b) (ii) quoted above with, respectively, the words "particularly for" and "who are victims of".
- (ii) Add the words "resulting from aggression and colonial suppression" after the word "conflict" in (b) (iii) quoted above.

G. To operative paragraph 4:

(a) The amendment of Hungary (A/C.3/L.1814/Rev.1, para. 7) would replace the following:

"Urges strict compliance with the provisions of the existing international instruments concerning human rights in armed conflicts and urges those who have not yet done so, to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts."

(b) The sub-amendment of the United Kingdom and the United States (A/C.3/L.1816, para. 3) to the amendment of Hungary, as orally revised, would retain operative paragraph 4 and insert the paragraph quoted in (a) above as new operative paragraph 6.

(c) The sub-amendment of Hungary (A/C.3/L.1817, para. 4) to the amendment of the United Kingdom and the United States would delete operative paragraph 4 and insert the paragraph quoted in (a) above as a new paragraph 6.

34. At the 1797th meeting, on 25 November 1970, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Belgium, Ceylon, Ireland, Japan, Luxembourg, the Netherlands, New Zealand, the Philippines, Singapore, Spain and the United Kingdom introduced a draft resolution A/C.3/L.1809/Rev.1, which was subsequently sponsored by Australia and Greece. The text of the draft resolution, as subsequently revised (A/C.3/L.1809/Rev.2) in the light of the discussion, read as follows:

"The General Assembly,

"Determined to continue all efforts to eliminate the threat or the use of force in international relations, in conformity with the Charter of the United Nations, and to bring about general and complete disarmament under effective international control,

"Reaffirming its desire to secure full observance of human rights applicable in all armed conflicts pending the earliest possible termination of such conflicts,

"Convinced of the continuing value of existing humanitarian rules relating to armed conflicts, and in particular the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949,

"Realizing, however, that because existing humanitarian rules do not adequately meet all contemporary situations of armed conflict it is necessary to develop the substance of these rules and procedures for their implementation,

"Reaffirming the principles contained in resolution XXIII of the International Conference on Human Rights, held at Teheran in 1968, and in General Assembly resolutions 2444 (XXIII) and 2597 (XXIV),

"Aware of the importance and complexity of the tasks undertaken in pursuance of these resolutions which require the continuing attention and concern of the United Nations, the International Committee of the Red Cross and the international community as a whole,

"Noting with appreciation the two reports of the Secretary-General on respect for human rights in armed conflicts (A/7720 and A/8052),

"Recalling the resolution adopted unanimously at the twenty-first international Conference of the Red Cross concerning the reaffirmation and development of the laws and customs applicable in armed conflicts,

"Welcoming the decision of the International Committee of the Red Cross to convene at Geneva, from 24 May to 12 June 1971, a conference on the reaffirmation and development of international humanitarian law applicable to armed conflicts to be attended by government experts,

"Believing that one or more plenipotentiary diplomatic conferences of States parties to the Geneva Conventions, and other interested States, might be convened at an appropriate time, after due preparation, in order to adopt international legal instruments for the reaffirmation and development of humanitarian law applicable to armed conflict,

"Considering that the effective implementation of humanitarian rules relating to armed conflicts can best be attained if these rules are laid down in widely accepted agreements,

"Emphasizing the importance of continued close collaboration between the United Nations and the International Committee of the Red Cross,

"1. Calls upon all parties to any armed conflict to observe the rules laid down in the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, the Geneva Conventions of 1949 and other humanitarian rules applicable in armed conflicts and invites those States which have not yet done so to adhere to these Conventions;

"2. Expresses the hope that the conference of government experts to be convened in 1971 by the International Committee of the Red Cross will consider further what development is required in existing humanitarian laws applicable to armed conflicts and that it will make specific recommendations in this respect for consideration by Governments;

"3. Requests the Secretary-General:

(a) To invite early comments by Governments upon the reports contained in documents A/7720 and A/8052;

(b) To transmit his reports, and the comments of Governments thereon, together with the records of relevant discussions and resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights to the International Committee of the Red Cross for consideration, as appropriate, by the conference of government experts;

(c) To present to the General Assembly at its twenty-sixth session the comments received and to report at that session on the results of the International Committee of the Red Cross conference of government experts and on any other relevant developments;

"4. Decides to consider this question again in all its aspects at its twenty-sixth session."

2. Voting

35. At the 1803rd meeting, on 1 December 1970, the Committee voted on the draft resolutions and amendments thereto in the order of their submission.

A. The ten-Power draft resolution (A/C.3/L.1797/Rev.3) (see paragraph 26 above):

(a) At the request of the representative of the Union of Soviet Socialist Republics, a separate vote was taken on the seventh preambular paragraph. The paragraph was adopted by 75 votes to 9, with 27 abstentions.

(b) At the request of the representative of the Ukrainian Soviet Socialist Republic, a separate vote was taken on the eighth preambular paragraph. The paragraph was adopted by 69 votes to 11, with 30 abstentions.

(c) At the request of the representative of the Ukrainian Soviet Socialist Republic, a separate vote was taken on operative paragraph 4. The paragraph was adopted by 62 votes to 15, with 34 abstentions.

(d) At the request of the representative of the Ukrainian Soviet Socialist Republic, a separate vote was taken on the words "in order that a draft international agreement might be adopted as soon as possible by the General Assembly or by some other appropriate international body" in operative paragraph 5. The words were adopted by 61 votes to 21, with 27 abstentions.

(e) At the request of the representative of the Ukrainian Soviet Socialist Republic, a separate vote was taken on operative paragraph 7. The paragraph was adopted by 49 votes to 23, with 37 abstentions.

(f) The draft resolution as a whole was adopted by 81 votes to none, with 31 abstentions (see paragraph 36 below, draft resolution I). At the request of the representative of France, the vote was taken by roll-call. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Burma, Cambodia, Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Peru, Philippines, Portugal, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Swaziland, Sweden, Thailand, Togo, Tunisia, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia.

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Against: None.

Abstaining: Algeria, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Ghana, Guinea, Guyana, Hungary, Iceland, Iraq, Kuwait, Malawi, Mongolia, Nigeria, People's Republic of the Congo, Poland, Romania, Saudi Arabia, Somalia, Southern Yemen, Sudan, Syria, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yemen, Zambia.

B. The four-Power draft resolution (A/C.3/L.1798/Rev.5) (see paragraph 27 above) and the amendment thereto (A/C.3/L.1815) (see paragraph 28 above)

(a) The amendment of Pakistan (A/C.3/L.1815) to operative paragraph 4 of the draft resolution was adopted by 61 votes to 1, with 48 abstentions.

(b) At the request of the representative of Hungary, a recorded vote was taken on operative paragraph 4, as amended. The paragraph was adopted by 69 votes to 11, with 30 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Barbados, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Chad, Chile, China, Cuba, Cyprus, Czechoslovakia, Ethiopia, Gabon, Ghana, Greece, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, People's Republic of the Congo, Peru, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia.

Against: Argentina, Australia, Belgium, Brazil, Luxembourg, Netherlands, New Zealand, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Burundi, Cambodia, Cameroon, Canada, Colombia, Costa Rica, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Lesotho, Malawi, Nicaragua, Philippines, Sweden, Uruguay, Venezuela.

(c) At the request of the representative of New Zealand, a separate vote was taken on the words "and the Geneva Conventions of 1949" in operative paragraph 5. These words were retained by 51 votes to 18, with 40 abstentions.

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(d) The draft resolution as a whole, as amended, was adopted by 68 votes to 1, with 42 abstentions (see paragraph 36 below, draft resolution II). At the request of the representative of Byelorussian Soviet Socialist Republic, the vote was taken by roll-call. The voting was as follows:

In favour: Afghanistan, Algeria, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Ceylon, Chad, Chile, Cuba, Cyprus, Czechoslovakia, Dahomey, Ecuador, Ethiopia, Ghana, Greece, Guinea, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, People's Republic of the Congo, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Swaziland, Syria, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia.

Against: Portugal.

Abstaining: Argentina, Australia, Austria, Barbados, Belgium, Brazil, Cambodia, Canada, China, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Finland, France, Gabon, Guatemala, Guyana, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Lesotho, Liberia, Luxembourg, Malawi, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

C. The draft resolution submitted by Norway (A/C.3/L.1806/Rev.2) (see paragraph 29 above)

(a) At the request of the representative of India, a separate roll-call vote was taken on operative paragraph 5 of the draft resolution. The paragraph was adopted by 93 votes to none, with 17 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Botswana, Brazil, Burma, Burundi, Cambodia, Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Gabon, Ghana, Greece, Guatemala, Honduras, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali,

Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, People's Republic of the Congo, Peru, Philippines, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Sudan, Swaziland, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: None.

Abstaining: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Ethiopia, Guinea, Guyana, Haiti, Hungary, Iceland, Iraq, Mongolia, Nigeria, Poland, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

(c) The draft resolution as a whole was adopted by 98 votes to none, with 9 abstentions (see paragraph 36, draft resolution III).

D. The twelve-Power draft resolution (A/C.3/L.1808/Rev.2 and Corr.1) and the amendments thereto

(a) The first amendment of Hungary (A/C.3/L.1817, para. 1) (see paragraph 33 above) was adopted by 67 votes to 1, with 38 abstentions.

(b) At the request of the representative of Austria, a separate vote was taken on the word "innocent" in the second amendment of Hungary (A/C.3/L.1814/Rev.1, para. 2). The word was rejected by 36 votes to 35, with 37 abstentions.

(c) The second amendment of Hungary (A/C.3/L.1814/Rev.1, para. 2), as amended, was adopted by 43 votes to 27, with 35 abstentions.

(d) The third amendment of Hungary (A/C.3/L.1814/Rev.1, para. 3) was rejected by 39 votes to 33, with 37 abstentions.

(e) The fourth amendment of Hungary (A/C.3/L.1814/Rev.1, para. 4) was rejected by 41 votes to 33, with 36 abstentions.

(f) The fifth amendment of Hungary (A/C.3/L.1814/Rev.1, para. 5) was rejected by 41 votes to 31, with 37 abstentions.

(g) At its 1803rd meeting on 1 December 1970, the Chairman decided that in accordance with rule 131 of the rules of procedure of the General Assembly, the second sub-amendment of the United Kingdom and the United States (A/C.3/L.1816) did not constitute an amendment in the meaning of that rule and that no vote on that was necessary. Consequently, there was no vote on the second sub-amendment of Hungary to that amendment.

(h) The sixth amendment of Hungary (A/C.3/L.1814/Rev.1) was adopted by 47 votes to 39, with 24 abstentions.

(i) The fourth sub-amendment of Hungary was rejected by 37 votes to 37, with 32 abstentions.

(j) The third sub-amendment of the United Kingdom and the United States was adopted by 51 votes to 23, with 33 abstentions.

(k) The seventh amendment of Hungary, as amended, was adopted by 54 votes to 15, with 39 abstentions.

(l) At the request of the representative of the Union of Soviet Socialist Republics, a separate vote was taken on operative paragraph 1 of the draft resolution. The paragraph was adopted by 57 votes to 16, with 31 abstentions.

(m) The draft resolution, as a whole, as amended, was adopted by 60 votes to 16, with 34 abstentions (see paragraph 36, draft resolution IV). At the request of the representative of Hungary, the vote was taken by roll-call. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Haiti, Honduras, India, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Philippines, Rwanda, Singapore, Spain, Sweden, Thailand, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Albania, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Mongolia, Poland, Romania, Saudi Arabia, Southern Yemen, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania.

Abstaining: Botswana, Burma, Burundi, Ceylon, Chad, France, Guinea, Guyana, Indonesia, Iraq, Jordan, Kenya, Kuwait, Lebanon, Libya, Mali, Mauritania, Morocco, Nigeria, Pakistan, People's Republic of the Congo, Peru, Portugal, Senegal, Sierra Leone, Somalia, Sudan, Tunisia, Uganda, United Arab Republic, Upper Volta, Yemen, Yugoslavia, Zambia.

E. The eleven-Power draft resolution A/C.3/L.1809/Rev.2 (see paragraph 34 above)

(a) At the request of the representative of the Union of Soviet Socialist Republics, a separate vote was taken on the tenth preambular paragraph. The paragraph was adopted by 55 votes to none, with 44 abstentions.

(b) The draft resolution as a whole was adopted by 104 votes to none, with 2 abstentions (see paragraph 36 below, draft resolution V).

IV. RECOMMENDATIONS OF THE THIRD COMMITTEE

36. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

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DRAFT RESOLUTION I

Protection of journalists engaged on dangerous
mission in areas of armed conflict

The General Assembly,

Recalling its resolution 2444 (XXIII) of 19 December 1968, which invited the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study:

(a) Steps which could be taken to secure the better application of existing humanitarian international conventions in all armed conflicts,

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

Recalling also the fundamental principle that a distinction must be made at all times between combatants and persons not taking part in the hostilities,

Considering that it is essential for the United Nations to obtain complete information concerning armed conflicts and that journalists, whatever their nationality, have an important role to play in that regard,

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,

Bearing in mind the appeal made by the Secretary-General on 30 September 1970 on behalf of missing journalists,

Recognizing that certain types of protection can be granted to journalists under:

(a) Article 4 of the Geneva Convention, relative to the treatment of prisoners of war, of 12 August 1949,

(b) Article 13 of the Geneva Convention, relative to the amelioration of the condition of wounded and sick in armed forces in the field, of 12 August 1949,

(c) Article 13 of the Geneva Convention, relative to the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, of 12 August 1949,

(d) Article 4 of the Geneva Convention, relative to the protection of civilians in time of war, of 12 August 1949,

Being aware, however, that these provisions do not cover some categories of journalists engaged on dangerous missions and do not correspond to their present needs,

Convinced of the need for an additional humanitarian international instrument to ensure the better protection of journalists engaged on dangerous missions, particularly in areas where an armed conflict is taking place,

1. Expresses its grave concern over the fate of press correspondents carrying out dangerous missions;
2. Expresses its deepest regret that some of those correspondents have paid with their lives for their conscientious approach to their missions;
3. Invites all States and all authorities parties to an armed conflict to respect and apply in all circumstances the provisions of the Geneva Conventions of 12 August 1949 in so far as they are applicable, in particular, to war correspondents who accompany armed forces but are not acutally a part of them;
4. Invites the Economic and Social Council to request the Commission on Human Rights, at its next session, to consider the possibility of preparing a draft international agreement ensuring the protection of journalists engaged on dangerous missions and providing, inter alia, for the creation of a universally recognized and guaranteed identification document;
5. Invites the Commission on Human Rights to consider this question as a matter of priority at its twenty-seventh session in order that a draft international agreement might be adopted as soon as possible by the General Assembly or by some other appropriate international body;
6. Requests the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to submit a report on this question to the General Assembly at its twenty-sixth session;
7. Decides to give the highest priority to the consideration of this question at its twenty-sixth session.

DRAFT RESOLUTION II

Respect for human rights in armed conflicts

The General Assembly,

Taking note of its resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969 and also resolution XXIII of the International Conference on Human Rights, held at Teheran in 1968,

Referring to resolution XIII and the other pertinent resolutions on human rights in armed conflicts adopted at the twenty-first International Conference of the Red Cross, held at Istanbul in 1969,

Expressing its deep concern in connexion with the fact that wars unleashed in violation of the Charter of the United Nations in several parts of the world lead to incalculable disasters and suffering among civilians,

Having considered with appreciation the Secretary-General's report on respect for human rights in armed conflicts,^{1/}

1. Solemnly reaffirms that in order effectively to guarantee human rights all States should devote their efforts to avert unleashing aggressive wars and armed conflicts that violate the Charter of the United Nations and the provisions of the Declaration on Friendly Relations among States;

2. Condemns the actions of countries which, in flagrant violation of the Charter, continue to conduct aggressive wars and defy the generally accepted principles of the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

3. Considers that the principles of the Geneva Conventions of 1949 and the Geneva Protocol of 1925 should be strictly observed by all States and that States violating these international instruments should be condemned and held responsible to the world community;

4. Affirms that the participants in resistance movements and freedom-fighters in southern Africa and territories under colonial and alien domination and foreign occupation, struggling for their liberation and self-determination, should be treated, in case of their arrest, as prisoners of war in accordance with the principles of the Hague Convention of 1907 and the Geneva Conventions of 1949;

^{1/} A/8052.

5. Considers that air bombardments of civil population and the use of asphyxiating, poisonous or other gases and of all analogous liquids, materials and devices, as well as bacteriological (biological) weapons, constitute a flagrant violation of the Hague Convention of 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

6. Recognizes the necessity of developing additional international instruments providing for the protection of civilian populations and freedom-fighters against colonial and foreign domination as well as against racist régimes.

DRAFT RESOLUTION III

Basic principles for the protection of civilian
populations in armed conflicts

The General Assembly,

Noting that in the present century the international community has accepted an increased role and new responsibilities for the alleviation of human suffering in any form and in particular during armed conflicts,

Recalling that to this end a series of international instruments have been adopted, including the four Geneva Conventions of 1949,

Recalling further its resolution 2444 (XXIII) of 19 December 1968 on respect for human rights in armed conflicts,

Bearing in mind the need for measures to ensure the better protection of human rights in armed conflicts of all types,

Noting with appreciation the work that is being undertaken in this respect by the International Committee of the Red Cross,

Noting with appreciation the reports of the Secretary-General on respect for human rights in armed conflicts,^{2/}

Convinced that civilian populations are in special need of increased protection in time of armed conflicts,

Recognizing the importance of the strict application of the Geneva Convention relative to the protection of civilians in time of war, of 12 August 1949,

Affirms the following basic principles for the protection of civilian populations in armed conflicts, without prejudice to their future elaboration within the framework of progressive development of the international law of armed conflict:

1. Fundamental human rights, as accepted in international law and laid down in international instruments, continue to apply fully in situations of armed conflict.

2. In the conduct of military operations during armed conflicts, a distinction must be made at all times between persons actively taking part in the hostilities and civilian populations.

3. In the conduct of military operations, every effort should be made to spare civilian populations from the ravages of war, and all necessary precautions should be taken to avoid injury, loss or damage to the civilian populations.

4. Civilian populations as such should not be the object of military operations.

5. Dwellings and other installations that are used only by civilian populations should not be the object of military operations.

6. Places or areas designated for the sole protection of civilians, such as hospital zones or similar refuges, should not be the object of military operations.

7. Civilian populations, or individual members thereof, should not be the object of reprisals, forcible transfers or other assaults on their integrity.

8. The provision of international relief to civilian populations is in conformity with the humanitarian principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments in the field of human rights. The Declaration of principles for international humanitarian relief, as laid down in resolution XXVI, adopted by the twenty-first International Conference of the Red Cross, shall apply in situations of armed conflict, and all parties to a conflict should make every effort to facilitate this application.

DRAFT RESOLUTION IV

Respect for human rights in armed conflicts

The General Assembly,

Recalling that the Preamble of the Charter of the United Nations affirms faith in the dignity and worth of the human person,

Recalling that the United Nations has as one of its purposes the achievement of international co-operation in solving international problems of a humanitarian character and the promotion of respect for human rights,

Reiterating the obligation of Member States for the urgent termination of all armed aggression as envisaged in Articles 1 and 2 of the Charter and in other relevant documents of the United Nations,

Noting the obligation of Member States under the Charter to promote universal respect for, and observance of, human rights,

Recalling resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969 requesting the Secretary-General, in consultation with the International Committee of the Red Cross, to continue to study, inter alia:

(a) Steps that could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts,

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

Believing therefore that the treatment accorded to victims of war and armed aggression is a concern of the United Nations,

Noting resolution XI, adopted by the twenty-first International Conference of the Red Cross at Istanbul, calling upon all parties to the 1949 Geneva Convention relative to the treatment of prisoners of war to ensure that all persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the conventions, and that all parties involved in an armed conflict, no matter how characterized, provide free access to prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross,

Considering that the direct repatriation of seriously wounded and seriously sick prisoners of war and the repatriation or internment in a neutral country of

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prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention and the Charter of the United Nations,

1. Calls upon all parties to any armed conflict to comply with the terms and provisions of the Geneva Convention relative to the treatment of prisoners of war of 12 August 1949 so as to ensure humane treatment of all persons entitled to the protection of the Convention and, inter alia, to permit regular inspection, in accordance with the Convention, of all places of detention of prisoners of war by a protecting Power or humanitarian organization, such as the International Committee of the Red Cross;

2. Endorses the continuing efforts of the International Committee of the Red Cross to secure the effective application of the Convention;

3. Requests the Secretary-General to exert all efforts to obtain humane treatment for prisoners of war especially for the victims of armed aggression and colonial suppression;

4. Urges compliance with article 109 of the Convention, which requires repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity;

5. Urges that combatants in all armed conflicts not covered by article 4 of the Geneva Convention relative to the treatment of prisoners of war be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;

6. Urges strict compliance with the provisions of the existing international instruments concerning human rights in armed conflicts, and urges those who have not yet done so to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts.

DRAFT RESOLUTION V

Respect for human rights in armed conflicts

The General Assembly,

Determined to continue all efforts to eliminate the threat or the use of force in international relations, in conformity with the Charter of the United Nations, and to bring about general and complete disarmament under effective international control,

Reaffirming its desire to secure full observance of human rights applicable in all armed conflicts pending the earliest possible termination of such conflicts,

Convinced of the continuing value of existing humanitarian rules relating to armed conflicts, and in particular the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949,

Realizing, however, that because existing humanitarian rules do not adequately meet all contemporary situations of armed conflict it is necessary to develop the substance of these rules and procedures for their implementation,

Reaffirming the principles contained in resolution XXIII of the International Conference on Human Rights, held at Teheran in 1968, and in General Assembly resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969,

Aware of the importance and complexity of the tasks undertaken in pursuance of these resolutions which require the continuing attention and concern of the United Nations, the International Committee of the Red Cross and the international community as a whole,

Noting with appreciation the two reports of the Secretary-General on respect for human rights in armed conflicts,^{3/}

Recalling the resolution adopted unanimously at the twenty-first International Conference of the Red Cross concerning the reaffirmation and development of the laws and customs applicable in armed conflicts,

Welcoming the decision of the International Committee of the Red Cross to convene at Geneva, from 24 May to 12 June 1971, a conference on the reaffirmation and development of international humanitarian law applicable to armed conflicts, to be attended by government experts,

^{3/} A/7720, A/8052.

Believing that one or more plenipotentiary diplomatic conferences of States parties to the Geneva Conventions and other interested States might be convened at an appropriate time, after due preparation, in order to adopt international legal instruments for the reaffirmation and development of humanitarian law applicable to armed conflict,

Considering that the effective implementation of humanitarian rules relating to armed conflicts can best be attained if those rules are laid down in widely accepted agreements,

Emphasizing the importance of continued close collaboration between the United Nations and the International Committee of the Red Cross,

1. Calls upon all parties to any armed conflict to observe the rules laid down in the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, the Geneva Conventions of 1949 and other humanitarian rules applicable in armed conflicts, and invites those States which have not yet done so to adhere to those Conventions;

2. Expresses the hope that the conference of government experts to be convened in 1971 by the International Committee of the Red Cross will consider further what development is required in existing humanitarian laws applicable to armed conflicts and that it will make specific recommendations in this respect for consideration by Governments;

3. Requests the Secretary-General:

(a) To invite early comments by Governments on his reports;^{4/}

(b) To transmit his reports and the comments of Governments thereon, together with the records of relevant discussions and resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, to the International Committee of the Red Cross for consideration, as appropriate, by the conference of government experts;

(c) To present to the General Assembly at its twenty-sixth session the comments received and to report at that session on the results of the conference of government experts to be convened by the International Committee of the Red Cross and on any other relevant developments;

4. Decides to consider this question again, in all its aspects, at the twenty-sixth session.
