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Agenda item 34

NAPALM AND OTHER INCENDIARY WEAPONS AND ALL ASPECTS OF THEIR POSSIBLE USE

Report of the First Committee

Rapporteur: Mr. Alvaro de SOTO (Peru)

1. The following item was included by the Secretary-General in the provisional agenda of the twenty-eighth session on the basis of General Assembly resolutions 2932 A and B (XXVII) of 29 November 1972:

"General and complete disarmament:

- (a) Report of the Conference of the Committee on Disarmament;
- (b) Report of the Secretary-General."

2. Subsequently, in a memorandum by the Secretary-General dated 14 September 1973 (A/BUR/180 and Corr.1 and 2), the item was proposed for inclusion in the agenda under the modified title:

"General and complete disarmament:

- (a) Report of the Conference of the Committee on Disarmament;
- (b) Napalm and other incendiary weapons and all aspects of their possible use: report of the Secretary-General."

3. At its 207th meeting, on 20 September 1973, the General Committee, on the proposal of Mexico, decided to recommend to the General Assembly that subitem (b) should be included in the agenda as a separate item.

4. At its 2123rd plenary meeting, on 21 September, the General Assembly decided to include the item "Napalm and other incendiary weapons and all aspects of their possible use: report of the Secretary-General" in the agenda as item 34, and to allocate it to the First Committee for consideration and report.

5. At its 1923rd meeting, on 5 October, the First Committee decided to have a combined general debate on the items allocated to it relating to disarmament and the Indian Ocean, namely:

Item 29: Economic and social consequences of the armaments race and its extremely harmful effects on world peace and security.

Item 32: World Disarmament Conference.

Item 33: General and complete disarmament.

Item 34: Napalm and other incendiary weapons and all aspects of their possible use.

Item 35: Chemical and bacteriological (biological) weapons.

Item 36: Urgent need for suspension of nuclear and thermonuclear tests.

Item 37: Implementation of General Assembly resolution 2935 (XXVII) concerning the signature and ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco).

Item 38: Declaration of the Indian Ocean as a zone of peace.

6. The general debate on these items took place at the 1934th, 1935th, 1938th and 1940th to 1953rd meetings, from 23 October to 8 November.

7. The First Committee had before it, in connexion with agenda item 34, the report of the Secretary-General on napalm and other incendiary weapons and all aspects of their possible use (A/9207 and Corr.1).

8. On 26 October, Cyprus, Egypt, Kenya, Mexico, Norway, Sweden and Yugoslavia submitted a draft resolution (A/C.1/L.650) under item 34 (as well as under item 33). The draft resolution, introduced by the representative of Sweden at the 1941st meeting on 30 October, read as follows:

"The General Assembly,

"Recalling that the General Assembly commended the report of the Secretary-General on napalm and other incendiary weapons and all aspects of their possible use to the attention of all Governments and peoples and requested the Secretary-General to circulate the report to the Governments of Member States for their comments (General Assembly resolution 2932 A (XXVII)),

"Taking note of the comments submitted by Governments (A/9207) and the widespread wish that intergovernmental action should be taken with a view to reaching agreement on the prohibition or restriction of use of these weapons,

/...

"Confirming the stand taken by the General Assembly to the effect that the widespread use of many weapons and the emergence of new methods of warfare that cause unnecessary suffering or are indiscriminate call urgently for renewed efforts by Governments to seek, through legal means, the prohibition of use of such weapons and of indiscriminate and cruel methods of warfare and, if possible through measures of disarmament, the elimination of specific, especially cruel or indiscriminate weapons (General Assembly resolution 2932 A (XXVII)),

"Conscious of the difficulties involved in these tasks and the need for factual bases for discussion,

"Welcoming, as such basis, in addition to the report by the Secretary-General on napalm and other incendiary weapons, the extensive factual report elaborated by an international group of experts under the auspices of the International Committee of the Red Cross on weapons that may cause unnecessary suffering or have indiscriminate effects covering inter alia high velocity projectiles, blast and fragmentation weapons, time-delay weapons and incendiary weapons, and endorses the conclusion of the report that intergovernmental review and action regarding weapons of these kinds is called for,

"Considering that prohibitions or restrictions of use of such weapons should be examined without delay and that positive results in this regard are likely to facilitate work on the elimination of production, stockpiling and proliferation of the weapons in question, which should be the ultimate objective,

"Aware that a diplomatic conference will be held on the invitation of the Swiss Federal Council in Geneva from 20 February to 29 March 1974 for the purpose of reaffirming and developing the international humanitarian law applicable in armed conflicts,

"Welcoming as a basis for discussion at that conference proposals elaborated by the International Committee of the Red Cross and aiming inter alia at a reaffirmation of the fundamental general principles of international law prohibiting the use of weapons which are apt to cause unnecessary suffering and means and methods of warfare which have indiscriminate effects,

"Considering that the efficacy of these general principles would be greatly enhanced if they were supplemented by rules prohibiting or restricting the use of napalm and other incendiary weapons as well as other specific conventional weapons, which are apt to cause unnecessary suffering or to have indiscriminate effects,

"1. Invites the Conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts to consider the question of the use of napalm and other incendiary weapons as well as other specific conventional weapons which may be deemed to cause unnecessary suffering or to have indiscriminate effects and to adopt rules prohibiting or restricting the use of such weapons;

"2. Requests the Secretary-General to report on the results of the Conference to the twenty-ninth session of the General Assembly."

9. On 2 November, the same sponsors, as well as Bahrain, Ecuador, Ethiopia, New Zealand, Sri Lanka, Uganda and the United Republic of Tanzania, submitted a revision of this draft resolution (A/C.1/L.650/Rev.1), which, subsequently, was also sponsored by Ghana, Guinea, Mauritius and Tunisia. In the revised draft resolution, introduced by the representative of Sweden at the 1947th meeting on 5 November, the sponsors:

(a) Added a new third preambular paragraph, "Emphasizing the need for new rules designed to afford better protection of civilians and civilian objects during armed conflicts";

(b) Made certain minor changes in the remainder of the preamble;

(c) Changed the operative part of the resolution to read as follows:

"The General Assembly:

...

"1. Invites the Conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts to consider - without prejudice to its examination of the draft rules submitted to it by the International Committee of the Red Cross - the question of the use of napalm and other incendiary weapons, as well as other specific conventional weapons which may be deemed to cause unnecessary suffering or to have indiscriminate effects, and to seek agreement on rules prohibiting or restricting the use of such weapons;

"2. Further invites the Conference to enable the Secretary-General of the United Nations to follow its proceedings, with a view to informing the General Assembly of the work of the Conference;

"3. Requests the Secretary-General to inform the twenty-ninth session of the General Assembly about the work of the Conference as regards the question of rules relating to the prohibition or restriction of the use of napalm and other incendiary weapons, as well as other specific conventional weapons."

10. On 20 November, the same sponsors submitted a further revision of the draft resolution (A/C.1/L.650/Rev.2), which, subsequently, was also sponsored by Austria, Ireland and Nepal. This revision included a new final preambular paragraph, made a minor change in the fifth preambular paragraph of the original draft resolution (A/C.1/L.650) and again changed the operative part of the resolution (for the full text, see paragraph 12 below).

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11. At its 1968th meeting, on 22 November, the Committee adopted the revised draft resolution (A/C.1/L.650/Rev.2) by a roll-call vote of 89 to none, with 18 abstentions (see paragraph 12 below). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bhutan, Brazil, Burma, Burundi, Cameroon, Canada, Chad, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Dahomey, Democratic Yemen, Denmark, Egypt, Ethiopia, Fiji, Finland, Gabon, Germany (Federal Republic of), Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Romania, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: None.

Abstaining: Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, France, German Democratic Republic, Greece, Hungary, Israel, Italy, Luxembourg, Mongolia, Poland, South Africa, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

RECOMMENDATION OF THE FIRST COMMITTEE

12. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Napalm and other incendiary weapons and all aspects of their possible use

The General Assembly,

Recalling that, in resolution 2932 A (XXVII) of 29 November 1972, it commended the report of the Secretary-General entitled Napalm and Other Incendiary Weapons and All Aspects of Their Possible Use 1/ to the attention of all Governments and peoples and requested the Secretary-General to circulate the report to the Governments of Member States for their comments,

1/ United Nations publication, Sales No.: E.73.I.3.

Taking note of the comments submitted by Governments 2/ and of the widespread wish that intergovernmental action should be taken with a view to reaching agreement on the prohibition or restriction of use of these weapons,

Emphasizing the need to consider new rules designed to afford better protection of civilians and civilian objects during armed conflicts,

Convinced that the widespread use of many weapons and the emergence of new methods of warfare that may cause unnecessary suffering or are indiscriminate call urgently for efforts by Governments to seek, through possible legal means, the prohibition or restriction of the use of such weapons and of indiscriminate and cruel methods of warfare and, if possible, through measures of disarmament, the elimination of specific weapons that are especially cruel or indiscriminate,

Conscious of the difficulties involved in these tasks and the need for factual bases for discussion,

Considering, as one such basis, in addition to the report of the Secretary-General entitled Napalm and Other Incendiary Weapons and All Aspects of Their Possible Use, the extensive factual report elaborated by an international group of experts under the auspices of the International Committee of the Red Cross entitled Weapons That May Cause Unnecessary Suffering or Have Indiscriminate Effects, 3/ covering, inter alia, high-velocity projectiles, blast and fragmentation weapons, time-delay weapons and incendiary weapons, and endorsing the conclusions of the report that intergovernmental review and action regarding weapons of these kinds is called for,

Considering that prohibitions or restrictions of the use of such weapons should be examined without delay and that positive results in this regard are likely to facilitate substantive disarmament negotiations with a view to the elimination of production, stockpiling and proliferation of the weapons in question, which should be the ultimate objective,

Aware that a diplomatic conference will be convened at Geneva on the invitation of the Swiss Federal Council, with a first session envisaged to be held from 20 February to 29 March 1974, for the purpose of reaffirming and developing the international humanitarian law applicable in armed conflicts,

Welcoming as a basis for discussion at that conference proposals elaborated by the International Committee of the Red Cross and aiming, inter alia, at a reaffirmation of the fundamental general principles of international law prohibiting the use of weapons which are likely to cause unnecessary suffering and means and methods of warfare which have indiscriminate effects,

Considering that the efficacy of these general principles could be further enhanced if rules were elaborated and generally accepted prohibiting or restricting

2/ A/9207 and Corr.1.

3/ Geneva, 1973.

the use of napalm and other incendiary weapons, as well as other specific conventional weapons which may cause unnecessary suffering or have indiscriminate effects,

Taking note of the invitation issued by the XXIIInd International Conference of the Red Cross to the International Committee of the Red Cross to call in 1974 a conference of government experts to study in depth the question of prohibition or restriction of the use of conventional weapons which may cause unnecessary suffering or have indiscriminate effects and to transmit a report on the work of the conference to all Governments participating in the Diplomatic Conference with a view to assisting them in their further deliberations,

1. Invites the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts to consider -- without prejudice to its examination of the draft protocols submitted to it by the International Committee of the Red Cross -- the question of the use of napalm and other incendiary weapons, as well as other specific conventional weapons which may be deemed to cause unnecessary suffering or to have indiscriminate effects, and to seek agreement on rules prohibiting or restricting the use of such weapons;

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