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Agenda item 27

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

Report of the First Committee

Rapporteur: Mr. António da COSTA LOBO (Portugal)

1. The item entitled "Napalm and other incendiary weapons and all aspects of their possible use: report of the Secretary-General" was included by the Secretary-General in the provisional agenda of the twenty-ninth session on the basis of General Assembly resolution 3076 (XXVIII) of 16 November 1973.
2. At its 2236th plenary meeting, on 21 September 1974, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda and to allocate it to the First Committee for consideration and report.
3. At its 1987th meeting, on 25 September, the First Committee decided to have a combined general debate on the items allocated to it relating to disarmament and the Indian Ocean as a zone of peace, namely:
 - Item 24: Reduction of the military budgets of States permanent members of the Security Council by 10 per cent and utilization of part of the funds thus saved to provide assistance to developing countries.
 - Item 27: Napalm and other incendiary weapons and all aspects of their possible use.
 - Item 28: Chemical and bacteriological (biological) weapons.
 - Item 29: Urgent need for cessation of nuclear and thermonuclear tests and conclusion of a treaty designed to achieve a comprehensive test ban.
 - Item 30: Implementation of General Assembly resolution 3079 (XXVIII) 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 31: Implementation of the Declaration of the Indian Ocean as a Zone of Peace.
- Item 34: World Disarmament Conference.
- Item 35: General and complete disarmament.
- Item 100: Implementation of General Assembly resolution 2286 (XXII) concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco).
- Item 101: Establishment of a nuclear-weapon-free zone in the region of the Middle East.
- Item 103: Prohibition of action to influence the environment and climate for military and other purposes incompatible with the maintenance of international security, human well-being and health.
- Item 107: Declaration and establishment of a nuclear-free zone in South Asia.

4. The general debate on these items took place at the 1998th to 2016th meetings, from 21 October to 11 November.

5. The First Committee had before it, in connexion with agenda item 27, the report of the Secretary-General (A/9726).

6. On 18 November, Egypt, Mexico, New Zealand, Nigeria, Sweden, Tunisia and Yugoslavia submitted a draft resolution (A/C.1/L.691), which subsequently was also sponsored by Austria, Cyprus, Kenya, Portugal and the Sudan. The draft resolution was introduced by the representative of Sweden at the 2024th meeting. A statement on the administrative and financial implications of the draft resolution was submitted by the Secretary-General on 19 November (A/C.1/L.696).

7. On 21 November, the Syrian Arab Republic submitted a draft resolution (A/C.1/L.698), which was introduced at the 2027th meeting. A revision of the draft resolution (A/C.1/L.698/Rev.1) was submitted on 22 November. A second revision (A/C.1/L.698/Rev.2) was submitted on 26 November, and introduced by the representative of the Syrian Arab Republic at the 2030th meeting.

8. At its 2026th meeting, on 21 November, the First Committee adopted draft resolution A/C.1/L.691 by a recorded vote of 100 to none, with 14 abstentions 1/ (see para. 10 below, draft resolution A). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Brazil,

1/ Subsequently the delegation of the Philippines stated that, had it been present at the voting, it would have voted in favour of the draft resolution.

Burma, Burundi, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Dahomey, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Gambia, Germany (Federal Republic of), Ghana, Greece, Guatemala, Iceland, India, Indonesia, Iran, Ireland, Italy, Ivory Coast, Japan, Kenya, Khmer Republic, Kuwait, Laos, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Portugal, Romania, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

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

9. At its 2030th meeting, on 27 November, the First Committee adopted draft resolution A/C.1/L.698/Rev.2 by a roll-call vote of 81 to none, with 25 abstentions 2/ (see para. 10 below, draft resolution B). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Brazil, Burma, Burundi, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Dominican Republic, Egypt, El Salvador, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Iceland, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia.

2/ Subsequently the delegations of Mauritius and Zaire stated that, had they been present at the voting, they would have voted in favour of the draft resolution.

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Against: None.

Abstaining: Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Japan, Mongolia, Netherlands, Norway, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

RECOMMENDATIONS OF THE FIRST COMMITTEE

10. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

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

A

The General Assembly,

Recalling that, in resolution 2932 A (XXVII) of 29 November 1972, it welcomed the report of the Secretary-General entitled Mapalm and Other Incendiary Weapons and All Aspects of Their Possible Use 3/ and expressed its conviction 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 the 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,

Recalling that, in resolution 3076 (XXVIII) of 6 December 1973, it took note of the comments submitted by Governments 4/ on the above-mentioned report of the Secretary-General 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,

Recalling further that by the same resolution the General Assembly pointed to the extensive factual report prepared under the auspices of the International Committee of the Red Cross entitled Weapons That May Cause Unnecessary Suffering or Have Indiscriminate Effects, 5/ covering, inter alia, high-velocity projectiles,

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

4/ A/9207 and Corr.1 and Add.1.

5/ Geneva, 1973.

blast and fragmentation weapons, time-delay weapons and incendiary weapons, and endorsed the conclusion of the report that intergovernmental review and action regarding weapons of these kinds was called for,

Recalling lastly that by resolution 3076 (XXVIII) the General Assembly considered that prohibitions or restrictions of the use of such weapons should be examined without delay and that positive results in this regard were 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, and invited the Diplomatic 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 seek agreement on rules prohibiting or restricting the use of such weapons,

Taking note of the report of the Secretary-General on the work of the first session of the Diplomatic Conference relevant to napalm and other incendiary weapons and all aspects of their possible use 6/ and the report of the Conference of Government Experts, held under the auspices of the International Committee of the Red Cross, to study in depth the question of the prohibition or limitation of the use of conventional weapons that may cause unnecessary suffering or have indiscriminate effects,

Mindful of the fact that much suffering to civilian population and combatants may be avoided if general agreement can be attained on the prohibition or restriction of use of specific conventional weapons which may be deemed to cause unnecessary suffering or to have indiscriminate effects,

Welcoming the active work of the Diplomatic Conference and the Conference of Government Experts on the question of prohibition or restriction of use of specific conventional weapons,

Noting that this work, which has comprised an examination of important categories of conventional weapons, has resulted not only in a better understanding of the significance of earlier studies of this subject but in the emergence of new valuable data and suggestions and proposals for possible restrictions on the use of certain conventional weapons,

Aware of the complexity of the issues raised by such suggestions and proposals and the recognized need to examine thoroughly all data now available and to undertake some further investigations, which may permit Governments to reach well-founded conclusions.

6/ A/9726.

Conscious of the need for broad agreement on any prohibitions or restrictions which may be contemplated and of the need for a further expert discussion to this end,

Taking note with appreciation of the expressed readiness of the International Committee of the Red Cross to convoke another Conference of Government Experts, which would receive and consider new information and focus on such conventional weapons as have been, or may become, the subject of proposed bans or restrictions of use and study the possibility, contents and form of such proposed bans or restrictions,

1. Urges all Governments to examine the considerable body of facts which is now available on the matter and to compile without delay such supplementary data as may be required by them to focus upon specific proposals for prohibitions or restrictions;

2. Appeals to all Governments to co-operate in the clarification of the issues and to consider in a constructive spirit and with a sense of urgency all proposals and suggestions which have been or may be advanced on the matter;

3. Invites the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts to continue its consideration of 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 its search for agreement on possible rules prohibiting or restricting the use of such weapons and, in this context, also to consider the results of the first Conference of Government Experts and the programme of work which a second Conference of Government Experts might follow;

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

5. Decides to include in the provisional agenda of its thirtieth session the item entitled "Napalm and other incendiary weapons and all aspects of their possible use".

B

The General Assembly,

Having considered the question of napalm and other incendiary weapons and all aspects of their possible use,

Taking note of the report of the Secretary-General on napalm and other incendiary weapons and all aspects of their possible use 7/ and the report of

the Conference of Government Experts, held under the auspices of the International Committee of the Red Cross, which contains a study in depth of the question of the prohibition or limitation of the use of conventional weapons that may cause unnecessary suffering or have indiscriminate effects,

Recalling its resolutions 2932 (XXVII) of 29 November 1972 and 3076 (XXVIII) of 6 December 1973 on this question,

Recalling the conclusion of the International Conference on Human Rights, held at Teheran in 1968 8/, that napalm bombing is among the methods and means of warfare that erode human rights,

Emphasizing the consensus of the Conference of Government Experts that severe burn wounds are probably the most painful type of wound and frequently remain so for long periods of time and that they may result in permanent disability, including physical, functional, cosmetic, social and psychological disability,

Deeply disturbed at the continuing use of napalm and other incendiary weapons,

1. Condemns the use of napalm and other incendiary weapons in armed conflicts in circumstances where it may affect human beings or may cause damage to the environment and/or natural resources;

2. Urges all States to refrain from the production, stockpiling, proliferation and use of such weapons, pending the conclusion of agreements on the prohibition of these weapons;

3. Invites all Governments, the International Committee of the Red Cross, the specialized agencies and the other international organizations concerned to transmit to the Secretary-General all information about the use of napalm and other incendiary weapons in armed conflicts;

4. Requests the Secretary-General to prepare a report on this subject, based on information received under paragraph 3 of the present resolution, to be submitted to the General Assembly at its thirtieth session.

8/ See Final Act of the International Conference on Human Rights (United Nations publication, Sales No.: E.68.XIV.2), p. 18.