

2844 (XXVI). Freedom of information; human rights and scientific and technological developments; elimination of all forms of religious intolerance

The General Assembly,

Considering that there is not enough time for the consideration of all the items on the agenda of the Third Committee,

Bearing in mind the need for a full discussion of all the items,

Decides to consider at its twenty-seventh session the items entitled "Freedom of information", "Human rights and scientific and technological developments" and "Elimination of all forms of religious intolerance".

*2025th plenary meeting,
18 December 1971.*

2852 (XXVI). Respect for human rights in armed conflicts

The General Assembly,

Reaffirming its determination to continue all efforts to eliminate the threat or 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, and reaffirming its desire to secure full observance of human rights applicable in all armed conflicts pending the earliest possible termination of such conflicts,

Reaffirming that, in order effectively to guarantee human rights, all States should devote their efforts to averting the unleashing of aggressive wars and armed conflicts that violate the Charter and the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Recalling the successive resolutions that have been adopted by the United Nations relating to human rights in armed conflicts, in particular General Assembly resolutions 2652 (XXV) of 3 December 1970, 2674 (XXV) and 2678 (XXV) of 9 December 1970 and 2707 (XXV) of 14 December 1970, and taking into account relevant resolutions of international conferences of the Red Cross,

Deeply concerned over the terrible suffering that armed conflicts continue to inflict upon combatants and civilians, particularly through the use of cruel means and methods of warfare and through inadequate restraints in defining military objectives,

Desiring to ensure the effective application of all existing rules relating to human rights in armed conflicts, as well as the development of these rules, and aware that progress in this regard will depend upon the political readiness and willingness of Member States,

Conscious that, although negotiations are going on in the field of disarmament concerning general and complete disarmament and the limitation and elimination of nuclear, biological and chemical weapons, those deliberations do not deal with the question of prohibiting or restricting the use of other methods of warfare that are cruel, such as napalm, or that indiscriminately affect civilians and combatants,

Noting the comments by Governments²⁸ on the reports of the Secretary-General on respect for human rights in armed conflicts,²⁹

Noting with appreciation the report of the Secretary-General³⁰ on the comprehensive discussions undertaken at the first session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which was held at Geneva from 24 May to 12 June 1971 at the invitation of the International Committee of the Red Cross,

Having taken cognizance of the report prepared by the International Committee of the Red Cross on the work of the Conference of Government Experts,³¹

Welcoming the decision of the International Committee of the Red Cross to convene in 1972 a second session of the Conference of Government Experts with broader participation to include all the States parties to the Geneva Conventions of 1949³² and to circulate in advance of that session a series of draft protocols,

Stressing the importance of further close co-operation between the United Nations and the International Committee of the Red Cross,

Determined to continue its efforts to achieve better application of existing rules relating to armed conflicts, as well as the reaffirmation and development of these rules,

1. *Calls again upon* all parties to any armed conflict to observe the rules laid down in the Hague Conventions of 1899 and 1907,³³ the Geneva Protocol of 1925,³⁴ 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 instruments;

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

3. *Invites* the International Committee of the Red Cross to continue the work that was begun with the assistance of government experts in 1971 and, taking into account all relevant United Nations resolutions on human rights in armed conflicts, to devote special attention, among the questions to be taken up, to the following:

(a) The need to ensure better application of existing rules relating to armed conflicts, particularly the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949, including the need for strengthening the system of protecting Powers contained in such instruments;

²⁸ A/8313 and Add.1-3.

²⁹ A/7720 and A/8052.

³⁰ A/8370 and Add.1.

³¹ *Report on the Work of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts* (Geneva, August 1971).

³² United Nations, *Treaty Series*, vol. 75 (1950), Nos. 970-973.

³³ Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

³⁴ League of Nations, *Treaty Series*, vol. XCIV, 1929, No. 2138.

(b) The need for a reaffirmation and development of relevant rules, as well as other measures to improve the protection of the civilian population during armed conflicts, including legal restraints and restrictions on certain methods of warfare and weapons that have proved particularly perilous to civilians, and also arrangements for humanitarian relief;

(c) The need to evolve norms designed to increase the protection of persons struggling against colonial and alien domination, foreign occupation and racist régimes;

(d) The need for development of the rules concerning the status, protection and humane treatment of combatants in international and non-international armed conflicts and the question of guerrilla warfare;

(e) The need for additional rules regarding the protection of the wounded and the sick;

4. *Expresses the hope* that the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts will result in specific conclusions and recommendations for action at the government level;

5. *Requests* the Secretary-General, in line with paragraph 126 of his report on respect for human rights in armed conflicts submitted to the General Assembly at its twenty-fifth session,³⁵ to prepare as soon as possible, with the help of qualified governmental consultant experts, a report on napalm and other incendiary weapons and all aspects of their possible use;

6. *Further calls upon* all States to disseminate widely information and to provide instruction concerning human rights in armed conflicts and to take all the necessary measures to ensure full observance by their own armed forces of humanitarian rules applicable in armed conflicts;

7. *Requests* the Secretary-General to encourage the study and teaching of principles of respect for human rights applicable in armed conflicts by the means at his disposal;

8. *Requests* the Secretary-General to report to the General Assembly at its twenty-seventh session on the results of the second session of the Conference of Government Experts and any other relevant developments;

9. *Decides* to include in the provisional agenda of its twenty-seventh session an item entitled "Human rights in armed conflicts" and to consider it in all its aspects.

2027th plenary meeting,
20 December 1971.

2853 (XXVI). Respect for human rights in armed conflicts

The General Assembly,

Recalling its resolutions 2674 (XXV), 2675 (XXV), 2676 (XXV) and 2677 (XXV) of 9 December 1970,

Noting also that the twenty-first International Conference of the Red Cross, held at Istanbul in 1969, adopted resolution XIII concerning the reaffirmation and development of the laws and customs applicable in armed conflicts,³⁶

Noting with appreciation the report of the Secretary-General on respect for human rights in armed conflicts,³⁷ concerning in particular the results of the first session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which was held at Geneva from 24 May to 12 June 1971 at the invitation of the International Committee of the Red Cross, as well as the report of the International Committee on the work of the Conference,³⁸

Emphasizing that effective protection for human rights in situations of armed conflict depends primarily on universal respect for humanitarian rules,

Recognizing that existing humanitarian rules relating to armed conflicts do not in all respects meet the need of contemporary situations and that it is therefore necessary to strengthen the procedure for implementing these rules and to develop their substance,

Welcoming the decision of the International Committee of the Red Cross to convene a second session of the Conference of Government Experts with the task of reaching agreement on the wording of various texts to facilitate discussion at a future diplomatic conference, and noting that all States parties to the Geneva Conventions of 1949³⁹ have been invited to participate,

Affirming that the successful development of humanitarian rules applicable in armed conflicts requires the negotiation of instruments which can be effectively implemented and which command the widest possible support,

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

1. *Reiterates* its call upon all parties to any armed conflict to observe the rules laid down in the Hague Conventions of 1899 and 1907,⁴⁰ the Geneva Protocol of 1925,⁴¹ 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 instruments;

2. *Welcomes* the progress made by the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, as shown in its report, with regard to the following questions:

(a) Protection of the wounded and the sick;

(b) Protection of victims of non-international armed conflicts;

(c) Rules applicable in guerrilla warfare;

(d) Protection of civilian population against dangers of hostilities;

(e) Strengthening of the guarantees afforded by international humanitarian law for non-military civil defence organizations;

³⁷ A/8370 and Add.1.

³⁸ *Report on the Work of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts* (Geneva, August 1971).

³⁹ United Nations, *Treaty Series*, vol. 75 (1950), Nos. 970-973.

⁴⁰ Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

⁴¹ League of Nations, *Treaty Series*, vol. XCIV, 1929, No. 2138.

³⁵ A/8052.

³⁶ See A/7720, annex I, sect. D.