RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

Report of the Secretary-General

Addendum

1. The General Assembly, in paragraph 7 of resolution 3102 (XXVIII) of 12 December 1973, requested the Secretary-General to report to it at its twenty-ninth session on relevant developments concerning human rights in armed conflicts, in particular on the proceedings and results of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. The report of the Secretary-General on the proceedings and results of the 1974 session of the Diplomatic Conference, held at Geneva from 20 February to 29 March 1974, was issued in September (A/9669). The present addendum contains summaries of information concerning activities of non-governmental bodies, which have manifested their specific interest in various problems relating to respect for human rights in armed conflicts, received by the Secretary-General subsequent to the adoption of resolution 3102 (XXVIII).

2. The International Committee of the Red Cross, in accordance with resolution XIV adopted by the twenty-second International Conference of the Red Cross (Teheran, November 1973), of which the General Assembly took note in resolution 3076 (XXVIII), convened, under its auspices, at Lucerne (Switzerland), from 24 September to 18 October 1974, a Conference of Government Experts on Weapons That May Cause Unnecessary Suffering or Have Indiscriminate Effects. About 150 experts from 51 States and several national liberation movements and representatives of the Secretary-General of the United Nations, the World Health Organization, National Red Cross Societies, the Stockholm International Peace Research Institute, the International Confederation of Former Prisoners of War and the Special Committee of Non-Governmental Organizations on Disarmament took part in the Conference.

3. In accordance with the programme adopted by the Ad Hoc Committee of the first session of the Diplomatic Conference on Humanitarian Law, the experts reviewed, from the military, medical and legal points of view, incendiary weapons, small-calibre high-velocity projectiles, blast and fragmentation weapons, time-delay weapons,
treacherous weapons and other currently used and new conventional weapons which might cause unnecessary suffering or have indiscriminate effects. The report of the Conference of Experts was submitted in November 1974 by the International Committee of the Red Cross to Governments which had taken part in the Diplomatic Conference on Humanitarian Law and to the Secretary-General of the United Nations. 1/ The report was transmitted to the Secretary-General in order that it might be made available to the First Committee of the General Assembly during the consideration of agenda item 27. The consideration of this report will be an important item in the agenda of the Ad Hoc Committee of the second session of the Diplomatic Conference on Humanitarian Law (Geneva, February-April 1975), which might consider the programme of work of another Conference of Government Experts on Weapons, which the majority of the experts who met at Lucerne wished to convene in September 1975 under the auspices of the International Committee of the Red Cross. The mandate of that Conference would be to collect and consider new information provided by the experts and to concentrate on weapons on which proposals have been, or may be, made to prohibit or restrict their use. It would consider the possibility of establishing such prohibitions or restrictions and would determine their content and form.

4. The League of Red Cross Societies and National Red Cross, Red Crescent and Red Lion and Sun Societies, in co-operation with, and in support of, the International Committee of the Red Cross and National Societies, individually and through their Federation have, during the last years, shown a growing interest in the promotion of international humanitarian law and human rights. During the years of preparation of the Draft Protocols now under discussion by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, National Societies took part in meetings of experts, where their Federation was also present, convened by the International Committee of the Red Cross, thereby contributing to the preparatory work. 2/ The League of Red Cross Societies, through regional conferences, seminars and institutes, during which the problems of international humanitarian law were regularly discussed, contributed to promoting both the dissemination of the Geneva Conventions 3/ and the development of international humanitarian law. The League also encouraged its members to organize seminars and courses on international humanitarian law.

---


2/ For the resolution adopted by the twenty-second International Conference of the Red Cross requesting the Diplomatic Conference to strengthen the role and facilitate activities of National Societies and their Federation, see the report of the Secretary-General (A/9123/Add.2), annex, p. 2.

5. During the first session of the Diplomatic Conference at Geneva, not only was the League of Red Cross Societies represented by a delegation of experts, but, among Government delegations, 30 to 40 high officers of National Red Cross, Red Crescent and Red Lion and Sun Societies were present. They formed an informal working group, which met regularly and helped Government delegations to submit a number of amendments aimed at strengthening the position of the Red Cross during times of conflict. Thus, for instance, 14 participating Government delegations submitted an amendment, which would add a new article after article 70 of Draft Protocol I, stating, inter alia, that the High Contracting Parties shall extend to National Red Cross (Red Crescent, Red Lion and Sun) Societies and to International Red Cross organizations the facilities and assistance necessary for the discharge of their humanitarian missions and activities on behalf of the victims of armed conflicts in conformity with the principles laid down by the International Red Cross. Other suggestions with the same aim have been proposed and will be submitted during the second session of the Diplomatic Conference. During the meeting of the Executive Committee of the League in October 1974, these matters were again discussed and the League Secretariat has been instructed to present to all Governments, before January 1975, a paper containing all proposed amendments and other suggestions. The group of participating Red Cross delegates (who are at the same time Government delegates), working in close contact with both the International Committee of the Red Cross and the League, will continue to work as a unit. It is anticipated that more proposals will be submitted in this field during the second session of the Conference.

6. The International Confederation of Former Prisoners of War adopted two relevant resolutions at its Congress, held at Fontainebleau, France, on 17 November 1973. The first one requested that all signatory Powers of the 1949 Geneva Conventions, the United Nations, the Council of Europe and the International Committee of the Red Cross take the necessary measures to ensure that the proposals of the Confederation, which have already been submitted, are discussed at the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and also to determine the extent of the support that can be expected for the proposals of the Confederation at the Diplomatic Conference. The second resolution requested that all signatory Powers of the 1949 Geneva Conventions, the United Nations and the Council of Europe strengthen the status of the International Committee of the Red Cross, under the 1949 Geneva Conventions.

7. The World Veterans Federation, at its fourteenth General Assembly, held in Paris from 26 to 30 November 1973, adopted a resolution (No. 3) entitled "Protection of war veterans and war victims in international law". In the resolution, the Assembly, inter alia, emphasized that the improvement of the Geneva Conventions would lead to a better protection of human rights during armed conflicts, thus facilitating the struggle of peoples for their self-determination and independence, and declared that a more complete definition in international law of the status of all participants in armed conflicts would act to a certain extent as a deterrent to all potential aggressors. Furthermore, the fourteenth General Assembly approved the recommendation made by the Study Group of the Federation, at its meeting in Belgrade, stipulating that members of resistance movements should enjoy the same...
protection as members of regular armed forces and that similar protection should be ensured for those who fight for independence and self-determination. Under the resolution, the Executive Board of the Federation was requested to pursue this action within the Federation itself and within the framework of the International Red Cross and the United Nations, in order to ensure the greatest possible protection for human rights, in particular of combatants and war victims in armed conflicts.

8. The International Institute of Humanitarian Law organized, from 6 to 9 September 1974, at Villa Nobel, San Remo (Italy), a meeting on current problems of humanitarian law. With the participation of about 50 persons who had represented approximately 30 countries at the first session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (Geneva, February-March 1974) and representatives of the United Nations (the Office of the United Nations High Commissioner for Refugees and of the Division of Human Rights), the Council of Europe, the League of Arab States, the Organization of African Unity, the Red Cross (the International Committee of the Red Cross, the League of Red Cross Societies, National Societies, the Henri Dunant Institute) and other non-governmental organizations (the Working Group of Non-Governmental Organizations on Humanitarian Law, the International Commission of Jurists, the International Union for Child Welfare), the meeting sought, on an informal basis and by dealing with a limited number of problems, to reduce existing differences with a view to the advancement of the work on the reaffirmation and development of humanitarian law. In particular, the work of the second session of the Diplomatic Conference on Humanitarian Law, which is to meet at Geneva starting on 3 February 1975. Thus, the meeting discussed new categories of persons protected by international humanitarian law, the strengthening of measures for implementation (Protecting Powers and substitutes and the role of international organizations and the International Committee of the Red Cross), non-international armed conflicts and the question of the accession of belligerent entities other than States to international humanitarian instruments.

9. The International Institute of Humanitarian Law also organized, from 13 to 16 June 1974, at Florence, in co-operation with the Italian Red Cross, a Conference of Experts on the reuniting of families dispersed as a result of armed conflicts or migrations. The Conference, a continuation of the Round Table on the same subject held in 1973 at San Remo, was held with the participation of experts from 15 countries appointed by their Governments or by their National Red Cross Societies, representatives of the Holy See and the Sovereign Order of Malta and representatives of 16 international organizations, including the Council of Europe, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross. The Conference adopted four resolutions, the first of a general nature, the second on the dispersion of families as a result of armed conflicts, the third relating to the status of migrant workers and the fourth on the reuniting of families in Korea.